

June 14, 2017  
Tracy, CA 95304

Pursuant to adjournment, May 17, 2017, the Board of Directors of the Banta-Carbona Irrigation District met at 9:00 a.m. at 3514 W. Lehman Road, Tracy California on the above named date.

PRESENT: Directors: James M. McLeod, Keith Robertson, Glenn Robertson, James M. Thoming and Annette Elissagaray

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe and District Counsel Jeanne Zolezzi

ABSENT: None

#### ITEM 1 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the May 17, 2017 as presented. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

Secretary Howe presented the Treasurer's report and after review by the Board it was filed.

#### ITEM 2 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported the District received notice from the San Joaquin County Registrar of Voters that the terms of office for directors in Division 2 and Division 3 will expire this year and they must run for election on November 7, 2017.

#### ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

##### MANAGER'S REPORT

June 14, 2017

Vernalis flow 12,800 cfs. Diverting 122 cfs plus Wheeling 0 cfs

**Irrigation Season** – Irrigation deliveries began on March 15, 2017. Deliveries ceased at about March 24 due to heavy rains. Deliveries resumed on Monday April 3, 2017. The San Joaquin River is at about, 20.50 feet mean sea level (msl) at Vernalis.

**Maintenance** – Weed control continues using herbicides and by discing. Aquatic weeds have also been treated. Algae is being treated with copper products. Pondweed is being treated with Teton. We experimented with the Teton by treating at a low lift system flow rate between 10-20 cfs. It totally wiped out everything in the lift canal but we didn't get much treatment in the canal laterals and almost no distance traveled in the laterals at these low flow rates. We are seeing good results treating for pondweed at low flow rates in the canal laterals resulting in less product in gross being used.

**FRIANT SJRRP Restoration Flows and Wheeling** – Nothing to report in regards to wheeling. There is a NEPA document that was circulated for long term wheeling of restoration flows. BCID commented on the fact that exchanges will not work with BCID. We also cleaned up some descriptions regarding existing facilities and potential future facilities. There hasn't been any proposals to wheel water in the short term, 2017. There is a related item on today's meeting agenda related to the restoration flows, a Temporary Entry Permit document.

**Sustainable Groundwater Management Act (SGMA)** – The mapping is complete for our GSA. The county completed the mapping deleting overlapping boundaries between the BCID GSA and our neighbors. The next step is to submit the mapping to DWR. BCID will be submitting to DWR a concurrence letter in support of San Joaquin County's update map submittal that includes all GSA's in the county that eliminates over-lapping boundaries between the County and BCID. The action item required this year is to eliminate over lapping boundaries of the various proposed GSA's so that the GSA's can be recognized as established by DWR. The County of San Joaquin County Public Works department has done the map cleanup for us. These boundary revisions need to be settled with DWR by June 30, 2017.

**State Water Resources Control Board (SWRCB) Phase 1 Proceedings** – The SWRCB released the Substitute Environmental Document (SED) September 15, 2016. The Phase 1 proceedings are to develop new flow requirements on the San Joaquin River and salinity standards in the south delta. The SED is recommending a 40% of natural flow requirement for the spring months on the San Joaquin River and everyone on the San Joaquin River and its tributaries will be expected to donate water. The public comment period has closed now.

**SWRCB** - We continue to monitor State Water Resources Control Board (SWRCB) activities and meetings related to water rights and the drought.

**Replacement Pumping Plant 6** - We continue to have issues with faults in the Variable Frequency Drives that operate the new motors and pumps. The issues are related to the main

contactor opening and closing. Dick Hearth continues to work with Rockwell Engineers to resolve the timing conflicts between the VFD recognizing the contactor operations.

**Delta Fisheries Forum, May 24, 2017** – I attended this forum, sponsored by the California Fish and Game Commission, in Sacramento on May 24<sup>th</sup>. Doug Demko of FISHBIO, Inc, was one of the presenters. The audience was allowed to ask questions of speakers or in some cases make comments. There is still strong sentiment among some groups that the “Project Pumps” are still the main culprit to endangered fish species numbers being low in the delta or for fish passing through the delta. One PhD believes that predation studies on the Stanislaus or in the delta aren’t any good because hatchery fish were used and he claims if they aren’t dumb and stupid then they have been trained by feeding rituals used in the hatcheries to be susceptible to predation in the river system. The point being there is still thirty year old rhetoric about the Project Pumps being the sole cause of fish decline in the delta.

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

At the request of Director Keith Robertson, staff provided information defining what events would cause an office to become vacant before the expiration of a term. Government Code Section 1770(g) provides: “An office becomes vacant on the happening of any of the following events before the expiration of the term: (g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law”.

Staff reported the District sold both of the pickups.

#### ITEM 5 - REVIEW CURRENT WATER SUPPLIES AND 2017 WATER SUPPLIES AVAILABLE TO THE DISTRICT, TRANSFER AND SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

The U.S. Bureau of Reclamation announced on April 11 a 2017 CVP allocation of 100% (20,000 acre feet) for the South-of-Delta Contractors. Due to spillage at the San Luis Reservoir the District carryover water supplies are being depleted. It is expected there will be sufficient water in the San Joaquin River this season to supply the Districts’ needs.

#### ITEM 6 – REVIEW AND ESTABLISH COST OF SERVICE RATE FOR 2017. ACTION AS NECESSARY.

Staff reported the District’s Cost of Service as reported in the District’s Annual Audited Financial Report for the year 2015 was \$4,933,867.00 and for the year 2016 was \$4,731,327.00. The total acre feet of water delivered in the year 2015 was 38,717 and for the year 2016 was 40,365. The average Cost of Service for the years 2015 and 2016 is \$4,832,597.00 and the average acre feet of water delivered is 39,541. The average Cost of Service (\$4,832,597.00) divided by the average acre feet of water delivered (39,541) equals a Cost of Service rate of \$122.22. Director Keith Robertson made a motion to establish the District’s 2017 Cost of Service Rate at \$122.22. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James M Thoming; Noes: None; Abstain: None; Absent: None

#### ITEM 7 – CONSIDER ADDING A DITCHTENDER POSITION TO STAFF. ACTION AS NECESSARY.

Since the District is short one field employee, General Manager Weisenberger and Assistant Manager Jorge Flores conducted interviews to fill the vacant position. They identified two qualified candidates for the position. General Manager Weisenberger reported he feels that since the District ~~\_\_\_\_\_~~ will have two employees eligible to retire in the next 18 to 24 months, he would like to hire both candidates. After discussing the costs and advantages of hiring a second employee now, Director James M. Thoming made a motion to authorize hiring two new employees. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James M Thoming; Noes: None; Abstain: None; Absent: None

#### ITEM 8 – REVIEW AND CONSIDER FOR APPROVAL A REQUEST FOR ACCESS TO DISTRICT PROPERTIES IN THE FORM OF TEMPORARY ENTRY PERMIT BY THE SAN JOAQUIN RIVER RESTORATION PROGRAM – LONG TERM RECAPTURE AND RECIRCULATION OF RESTORATION FLOWS ENVIRONMENTAL STATEMENT STUDIES. ACTION AS NECESSARY.

General Manager Weisenberger presented a draft revised “Temporary Entry Permit by the San Joaquin River Restoration Program – Long Term Recapture and Recirculation of Restoration Flows Environmental Statement Studies”. District Counsel Zolezzi reported the U.S. Bureau of Reclamation has incorporated all the District’s proposed revisions into the document. After reviewing the document Director Keith Robertson made a motion to approve the “Temporary Entry Permit” as revised and authorize General Manager Weisenberger to execute it. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James

McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James M Thoming; Noes: None; Abstain: None; Absent: None

**ITEM 9 – DISCUSS DOCUMENT “CONCEPTUAL APPROACH FOR PARTICIPATION BY CVP CONTRACTORS IN THE CALIFORNIA WATER FIX, MAY 24, DRAFT (VERSION8)”. ACTION AS NECESSARY.**

General Manager Weisenberger presented the “Conceptual Approach for Participation by CVP Contractors in the California Water Fix, May 24, Draft (Version 8)” for review and discussion by the Board. He reported the San Luis and Delta-Mendota Water Authority will be holding workshops on the California Water Fix in July and August. The Board discussed the agreement, but took no action.

**ITEM 10 - UPDATE ON FISHBIO ACTIVITIES IN PREPARATION OF THE PREDATION STUDY IN THE DELTA. ACTION AS NECESSARY.**

FISHBIO is working on identifying the materials needed to construct the fyke traps and the status of needed permits. A meeting with the District Managers to discuss the project will be scheduled in the next few weeks.

**ITEM 11 -UPDATE ON DEVELOPMENT OF A SPUR DIKE PROJECT ON SAN JOAQUIN RIVER. ACTION AS NECESSARY.**

General Manager Weisenberger will be meeting with Wayne Dahl this afternoon to work on the Flood Control Application for a needed permit.

**ITEM 12 - CLOSED SESSION:**

- 1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code
  - A. Banta-Carbona Irrigation District v. California State Water Resources Control Board, et al, Case No. 2015-1-CV-285182 in Santa Clara County Superior Court, Dept 1. This case originated in San Joaquin County as Case No. 39-2015- 00326421-CU-WM-STK
  - B. Natural Resources Defense Council v. Sally Jewell, U.S., Department of the Interior Case No. 1:05-cv-01207 LJO-GSA

Returned to open session with no announcement.

**ITEM 13 - APPROVAL OF WARRANTS**

Director Keith Robertson moved that the June 2017 Warrants in the amount of \$283,489.41 be approved for payment. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, July 12, 2017 at 9:00 a.m.

Respectfully,

Margaret G. Howe