

July 14, 2021  
Tracy, California

Pursuant to adjournment, June 16, 2021 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 Thoming, Glenn Robertson, Annette Elissagaray, and Mark Cardoza

OTHERS PRESENT: General Manager David Weisenberger and Secretary Margaret Howe

CONFERENCE LINE: District Counsel Jeanne Zolezzi

ABSENT: Director Keith Robertson

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

Director Annette Elissagaray made a motion to approve the minutes of the June 16, 2021 Board Meeting as presented. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors Glenn Robertson, James M Thoming, Mark Cardoza and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

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

#### ITEM 2 - MISCELLANEOUS CORRESPONDENCE

Staff presented copies of letters written by several other districts to the State Water Resources Control Board and the Delta Watermaster regarding enforcing the California water rights system.

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

**MANAGER'S REPORT**  
**July 14, 2021**  
**Vernalis flow +/- 1200 cfs**  
**Wheeling 0 cfs**

**Notice of Water Unavailability from SWRCB of Ca.** – The State Water Resources Control Board of California (SWRCB) on June 15, 2021, sent out a notice of water unavailability to post-1914 water right holders with a warning to pre-1914 and riparian water users that a notice may be sent to them later.

**COVID 19** – No new cases of COVID among BCID employee since the June 2021 board meeting.

**Maintenance** - Currently on-going emphasis is on terrestrial weed control by disking right of ways (ROW) and applying aquatic herbicides for pondweed and algae. The treatment of canals for aquatic weeds has required a higher of volume of product as canal flows have been generally higher than last year. Also, the main lift canal has required two treatments already this year. There is one employee on Family Leave for the next twelve weeks which returns our maintenance employee back to running water on the night shift. The custom sound blankets have arrived and will be installed at PP 5 this summer.

**Pumping Plant 3 Replacement Project** – Design work has commenced for the wetwell structure for a new Pumping Plant 3. Geotechnical work has been completed by Wallace Kuhl, which included four shallow groundwater monitoring wells. The wells indicate that the shallow groundwater level is about two feet above the water surface area in the lift canal in front of the existing pumping plant #3. A topo survey is being scheduled to confirm lift canal elevations, box culvert elevations at the freeway, and water surface elevations. Reference elevations will be placed at various points along the lift canal from Kasson Road to Pumping Plant #3.

**Pumping Plant #5 Cavitation Investigation – No new activity.** Susan Fox and Wayne Dahl of DCI and I have been researching a new pumping lineup for Pumping Plant #5 that will provide us a range of pumping from 10 cfs to 90 plus cfs. It appears that one of the existing pumps will need to be replaced with a smaller capacity pump capable of pumping 10-27 cfs. One of the existing pumps would require anew impeller that could pump 27 to 44 cfs, and the last existing pump would remain with a capacity of 36 to 50 cfs.

In conjunction with this investigation we are looking at PP #4 pumps to determine if cavitation damage could be a future problem. And we are beginning to look at a potential pump lineup for a new PP #3.

**FRIANT SJRRP Restoration Flows and Wheeling** – We are currently wheeling no water.

**Reclamation CVP 9(e) contract to a 9(d) contract.** We have received our signed WIIN Act Contract. The contract is being challenged in court, see agenda item under closed session.

**Sustainable Groundwater Management Act (SGMA)** –The next major milestone due is a Groundwater Sustainability Plan (GSP) for our GSA as well as for the Tracy Sub-basin which is due by January 31, 2022. There is a regularly scheduled staff meeting on the third Thursday of the month by teleconference at 1 pm. **We will be discussing the draft list of projects, management actions, and water balances for the sub-basin.**

**San Joaquin County Community Development Application # PA 1600049 (AP)** – The application was approved by the Planning Commission with “conditions of approval”. Our comments were included in the approval packet but we do not have any regulatory authority granted in the conditions of approval. The county stated at this stage of the development process that design is not required and design will be submitted during the building permit process at a later date.

**San Joaquin County Community Development Application # PA 2100077** – **This is a new application for a gas/diesel station and convenience store and a referral has been circulated. We submitted comments for the record as to concerns with subsurface drainage and people traffic concerns about trespassing onto our lift canal and the dangers that presents. There was a meeting with the applicant and landowner that I was invited to attend on July 8, 2021 at the County Community Development Department offices. They had copies of our comments. Also in attendance were the County Department of Public Works and the Environmental Health Department. This project does not touch District property but I encouraged them to fence their facility to prevent customers from trespassing on neighboring lands, including the DSistrict’s land. In addition, to address the risk of subsurface contaminants entering the BCID Lift Canal I asked the county to treat this development as if it neighbored a live creek or river. The applicant is required to to a nitrate permeability study which should provide information as to whether or not there is a potential risk of leachate or stormwater runoff to enter the shallow groundwater table.**

**FISHBIO** – A field trip is being considered for July to witness the electro-fishing project first hand to learn about the project. We are looking to expand our circle of knowledge to larger groups such as SLDMWA, Friant, etc. Predation populations are not known and predation is not a significant input into ESA listed fish species life models. Populations are needed to be known in order to improve model accuracies. Otherwise no change in recovery will occur based on the existing models.

**100 YEAR ANNIVERSARY VIDEO** – J COMM Inc., out of Rocklin, California, continues to shoot video around the district of farming activities and shots of district facilities. Next steps are to get people speaking on the video, farmers, directors, staff, landowners, etc. A search is underway to find individuals willing to speak on the video.

Respectfully submitted by: David Weisenberger, General Manager

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

There were no director or staff items discussed.

#### ITEM 5 – REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES, AND POTENTIAL RATIONING. ACTION AS NECESSARY

As of today the District has approximately 8,780 acre feet of Warren Act Water in storage and about 1,800 acre feet of rescheduled 2020 CVP Water available for use as supplemental water if needed. General Manager Weisenberger attended a workshop sponsored by the Lodi Grape Growers on the current water situation and feels it may be necessary for the District to consider rationing in the next couple of months. He has done a survey of private wells in the District that could possibly be used to supplement District water.

ITEM 6 – UPDATE ON THE PREPARATION OF THE TRACY SUB-BASIN  
GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS NECESSARY

A. REVIEW FOR APPROVAL RESOLUTION AUTHORIZING THE NOTICE  
OF INTENT TO ADOPT A GROUNDWATER SUSTAINABILITY PLAN  
(GSP). ACTION AS NECESSARY

Director Glenn Robertson made a motion to approve the following resolution, Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors Glenn Robertson, James M Thoming, Mark Cardoza and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

**RESOLUTION NO.2021-02**

**RESOLUTION OF THE BANTA CARBONA IRRIGATION DISTRICT  
AUTHORIZING ISSUANCE OF  
NOTICE OF INTENT TO ADOPT A GROUNDWATER SUSTAINABILITY PLAN**

A. WHEREAS, in August 2014, the California Legislature passed, and in September 2014 the Governor signed, legislation creating the Sustainable Groundwater Management Act (“**SGMA**”) “to provide local groundwater sustainability agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater” (Wat. Code, § 10720, (d)); and

B. WHEREAS, SGMA requires sustainable management through the development of groundwater sustainability plans (“**GSPs**”), which can be a single plan developed by one or more groundwater sustainability agency (“**GSA**”) or multiple coordinate plans within a basin or subbasin (Wat. Code, § 10727); and

C. WHEREAS, SGMA requires a GSA to manage groundwater in all basins designated by the Department of Water Resources (“**DWR**”) as a medium or high priority, including the Tracy Subbasin; and

D. WHEREAS, the Banta-Carbona Irrigation District (“**BCID**”) formed a GSA for the purposes of sustainably managing groundwater in the Tracy Subbasin, within its jurisdictional boundaries, pursuant to the requirements of SGMA; and

E. WHEREAS, BCID has the authority to draft, adopt, and implement a GSP (Wat. Code, § 10725 *et seq.*); and

F. WHEREAS, BCID has joined with other GSAs to develop a single GSP and coordinating sustainable groundwater management in the Tracy Subbasin (Wat. Code, § 10723.6i.); and

G. WHEREAS, the GSAs preparing the GSP for the Tracy Subbasin are finalizing the GSP for the Tracy Subbasin; and

H. WHEREAS, the GSAs must release a Notice of Intent to Adopt the GSP pursuant to Water Code section 10728.4.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of Banta-Carbona Irrigation District as follows:

1. BCID hereby approves and authorizes issuance of a Notice of Intent to Adopt a Groundwater Sustainability Plan for the Tracy Subbasin as required by Water Code Section 10728.4.
2. BCID authorizes its consultant, Stantec, to issue the Notice of Intent on its behalf.

PASSED, APPROVED, AND ADOPTED this 14<sup>th</sup> day of July, 2021 by the following vote:

AYES: Directors James M Thoming, Glenn Robertson, Mark Cardoza and Annette Elissagaray

NAYS: None

ABSTAIN: None

ABSENT: Director Keith Robertson

**ITEM 7 – REPORT ON PROGRESS OF PROP 1 GRANT CONTRACT DEVELOPMENT TO STUDY, DESIGN, AND PERMIT A HABITAT RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE HABITAT RESTORATION AND PROTECTION OF DISTRICT'S DIVERSION POINT. ACTION AS NECESSARY.**

General Manager Weisenberger reported Cbec is working on the 2<sup>nd</sup> Quarterly Progress Report due August 1 – 5. They will be submitting a request for reimbursement of monies paid by the District. They are trying to arrange a meeting with John Herrick regarding the Paradise Cut Project to discuss how it will affect our project.

**ITEM 8 – REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.**

Staff presented a monthly report from FISHBIO to update the Board on the June monitoring. Fyke trapping has ended for the 2021 season because the permitted limit was on June 30. They are continuing the electro-fishing in the delta and will continue with that through August.

**ITEM 9 - 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
- 2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS
  - A. Property: Consider financing distribution facilities and long term water service to ground inside and outside of District boundaries.  
Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi  
Negotiating parties: Various landowners in T.3.S R.6.E, SECTIONS 9, 10, 14, 15, AND 16

The Board returned to open session with no announcement.

**ITEM 10– UPDATE ON PIPELINE CONSTRUCTION FOR YAMASAKI FARMS AND TO PROVIDE FINANCIAL ASSISTANCE FOR PIPELINE AND PUMP STATION TO SERVE IN-DISTRICT PARCELS #255-120-10 AND 255-270-16 AS WELL AS OTHER PARCELS OUTSIDE OF THE DISTRICT'S BOUNDARIES. ACTION AS NECESSARY**

John Glick of Quartaroli & Associates is working providing legal descriptions of easements needed for the agreements. Staff wants to review the drought condition information in the documents.

**ITEM 11 – VISIT BY FEDERICO BARAJAS, EXECUTIVE DIRECTOR OF SAN LUIS & DELTA-MENDOTA WATER AUTHORITY, TO DISCUSS CURRENT WATER SITUATION. ACTION AS NECESSARY**

Mr. Barajas was unable to attend the meeting.

**ITEM 12 – APPROVAL OF WARRANTS**

Director Glenn Robertson moved that the July 2021 Warrants in the amount of \$357,125.49 be approved for payment. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors: Mark Cardoza, Annette Elissagaray, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: Keith Robertson

The meeting was then adjourned to Wednesday, August 11, 2021 at 9:00 a.m.

Respectfully,

Margaret G. Howe