

December 15, 2021  
Tracy, California

Pursuant to adjournment, November 17, 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- BOARD TO CONSIDER THE CIRCUMSTANCES OF THE STATE OF EMERGENCY AND DETERMINE THAT (I) THE STATE OF EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF THE MEMBERS TO MEET SAFELY IN PERSON AND/OR (II) STATE OR LOCAL OFFICIALS CONTINUE TO IMPOSE OR RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING. ACTION AS NECESSARY.

Director Mark Cardoza made a motion that the state of emergency continues to directly impact the ability of the members to meet safely in person and authorize teleconferencing as needed. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director Keith Robertson

ITEM 2 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the November 17, 2021, Board Meeting as presented. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Mark Cardoza, Glenn Robertson, James M. Thoming 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 3 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported there was no miscellaneous correspondence.

ITEM 4 - MANAGER'S REPORT & DISCUSSION ITEMS.

**MANAGER'S REPORT**  
**December 15, 2021**  
**Vernalis flow +/- 750 cfs**

Temporarily Made Water Deliveries from December 7 through 15th, 2021; Wheeling 0 cfs

**COVID 19** – No new cases of COVID among BCID employees.

**Maintenance - Maintenance** activities have been focused on all facilities related to the lift canal, fishscreen and pumphouses. All pumps and the fishscreen have been inspected, cleaned, and are ready for operation. All pump stations and Fishscreen facility electrical gear has been inspected and maintained by Bockmon and Woody, Inc., of Stockton. The number #5-40 cfs pump in Pumping Plant #2 has been replaced by a rebuilt pump that was in storage and is in service. All pre-emergent herbicide has been applied in District. Maintenance activities continue to be prioritized for lift canal facilities that are normally not accessible during operations. In addition, repairing pipeline leaks have been a priority. Employees are inspecting, repairing or replacing gates and trash racks as needed on the lift canal. The Lift Canal facilities are operational and ready for the new irrigation season. We are currently changing motor oils as required. There is one employee on Family Medical Leave.

**Pumping Plant 3 Replacement Project** – Design work is nearly complete for the wet well structure for a new Pumping Plant 3.

**Pumping Plant #5 Cavitation Investigation** – Susan Fox and Wayne Dahl of DCI and Dave have been researching a new pumping lineup for Pumping Plant #5 that

60 will provide us a range of pumping from 10 cfs to 90 plus cfs. It appears that one of the  
61 existing pumps will need to be replaced with a smaller capacity pump capable of  
62 pumping 10-27 cfs. One of the existing pumps would require anew impeller that could  
63 pump 27 to 44 cfs, and the last existing pump would remain with a capacity of 36 to 50  
64 cfs. **We are currently putting together an order for the required pumps and motor.**

65 **FRIANT SJRRP Restoration Flows and Wheeling** – We are currently wheeling  
66 no water. We received a heads up this week that there may be water available to wheel  
67 beginning in the middle of January 2022, as much as 65 cfs.

68 **Reclamation CVP 9(e) contract to a 9(d) contract.** We have received our  
69 signed WIIN Act Contract. The contract has been validated by the court. The contract is  
70 official and binding.

71 **San Joaquin County Community Development Application # PA 1600049**  
72 **(AP) – Fuel Plaza and Quick Mart** – West side of I5. **No new Information.**

73 **San Joaquin County Community Development Application # PA 2100077**  
74 **(AP) – Fuel Plaza and Restaurants** – East side of I5. **No new Information.**

75 **San Joaquin County Community Development PRE- Applications # PA**  
76 **2100188 (TA), PA-2100189 (GP), PA-2100190 (SP), PA-2100191 (ZR) – SEE**  
77 **ATTACHED PAGES.**

78 **Nonnative Predator Research Project, FISHBIO** – Predator populations are  
79 not known, and predation is not a significant input into ESA listed fish species life  
80 models. Populations are needed to be known in order to improve model accuracies.  
81 Otherwise, no change in recovery will occur based on the existing models.

82 **Lift Canal Final Grading Project** - Arnaudo Construction Inc. will begin final  
83 grading the new lining section of the Lift Canal in front of PP #4 as the ground dries out.  
84 Work has not commenced on this project.

85 **Peterman Lateral Pump Station Pipe Crossing Project** – The construction of  
86 the pipe crossing at Peterman Lateral Pump Station to serve the Yamasaki annexed  
87 property will begin around November 1, 2021, by Arnaudo Construction Inc. Estimated  
88 cost to cross is about \$150,000. Work has not commenced.

89 Respectfully submitted by:  
90 David Weisenberger  
91 General Manager

## 92 ITEM 5 - DIRECTOR AND STAFF ITEMS

93 Secretary Howe reported she received a notification from the Bureau of Reclamation  
94 that the District would be receiving a refund of \$624,611.50. This is the result of an  
95 overpayment of the District's construction costs in the conversion to a WIIN contract.

## 96 ITEM 6 – REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE 97 DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER 98 SUPPLIES AND POTENTIAL RATIONING. ACTION AS NECESSARY

99 General Manager Weisenberger reported the District has approximately 1,681 af of 2021  
100 rescheduled CVP water available. He inquired if, since the District will not be able to  
101 reschedule the water into 2022, if the Board would be interested in transferring the water  
102 to San Luis Water District under the agreement approved in November 2021. He would  
103 like to transfer all of the rescheduled CVP water plus enough stored Warren Act Water to  
104 make a total transfer of 2,000 af. In order to transfer the Warren Act Water, he needs to  
105 have turnouts added to the Warren Act Contract. After some discussion the Board  
106 directed General Manager Weisenberger to make a transfer of up to 2,000 af.  
107

## 108 ITEM 7 - CONSIDER FOR APPROVAL AN EXTENSION OF TEMPORARY 109 CONSTRUCTION EASEMENT AGREEMENT DOCUMENT #16950-1 110 IN THE CORNERS OF SECTIONS 7 AND 18, T3S, R6E, WITH THE 111 STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION. 112 ACTION AS NECESSARY

113 The District's Temporary Construction Easement Agreement 16950-1 will expire on  
114 December 31, 2021. The State of California is requesting an extension of an additional  
115 22 months to October 31, 2023, and are offering compensation of \$3,200. After  
116 discussing the additional inconvenience this will cause the District, Director Glenn  
117 Robertson made a motion to authorize General Manager Weisenberger to request  
118 additional compensation pending legal counsels' advice. Director Annette Elissagaray  
119 seconded the motion and it carried by the following vote: Ayes: Mark Cardoza, Glenn  
120 Robertson, James M. Thoming and Annette Elissagaray; Noes: None; Abstain: None;  
121 Absent: Keith Robertson

122 ITEM 8 – REPORT ON PROGRESS OF PROP 1 GRANT CONTRACT  
123 DEVELOPMENT TO STUDY, DESIGN, AND PERMIT A HABITAT  
124 RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK  
125 STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE  
126 HABITAT RESTORATION AND PROTECTION OF DISTRICT'S  
127 DIVERSION POINT. ACTION AS NECESSARY.

128 General Manager Weisenberger reported the State of California Department of Fish &  
129 Wildlife has expressed a tentative interest in participating in the district's habitat  
130 restoration project on the San Joaquin River, adjacent to the BCID diversions point. After  
131 some discussion, it was determined by the Board to work conjunctively with the CF&WS  
132 in the restoration project.

133  
134 ITEM 9 – PUBLIC HEARING ON GROUNDWATER SUSTAINABILITY PLAN  
135 (GSP) FOR THE TRACY SUBBASIN

136 10 AM Open public hearing at 10 a.m. The purpose of this public hearing will  
137 be to consider public testimony on whether the District should adopt the  
138 Groundwater Sustainability Plan (GSP) for the Tracy Subbasin of the San  
139 Joaquin Valley Groundwater Basin. Close public hearing. GSP can be found  
140 here: [tracysubbasin.org/gsp-chapters](http://tracysubbasin.org/gsp-chapters)

141 Board President James M Thoming opened the public hearing on the Groundwater  
142 Sustainability Plan (GSP) for the Tracy Subbasin at 10 AM. There were no public  
143 Comments. Director Glenn Robertson made a motion to close the Public Hearing.  
144 Director Annette Elissagaray seconded the motion and it carried by the following vote:  
145 Ayes: Mark Cardoza, Glenn Robertson, James M. Thoming and Annette Elissagaray;  
146 Noes: None; Abstain: None; Absent: Keith Robertson

147 ITEM 10 – CONSIDER FOR APPROVAL A RESOLUTION TO ADOPT THE  
148 GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY  
149 SUBBASIN. ACTION AS NECESSARY

150 Director Glenn Robertson made a motion to adopt the following resolution to adopt the  
151 Tracy Subbasin Sustainability Plan. Director Annette Elissagaray seconded the motion  
152 and it carried by the following vote: Ayes: Mark Cardoza, Glenn Robertson, James M.  
153 Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

154 **RESOLUTION NO. 2021-03**

155  
156 **RESOLUTION ADOPTING THE TRACY SUBBASIN SUSTAINABILITY PLAN**

157  
158 **A. WHEREAS**, in August 2014, the California Legislature passed, and in  
159 September 2014 the Governor signed, legislation creating the Sustainable Groundwater  
160 Management Act ("SGMA") "to provide local groundwater sustainability agencies with  
161 the authority and technical and financial assistance necessary to sustainably manage  
162 groundwater" (Wat. Code, § 10720, (d)); and

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

167 **C. WHEREAS**, SGMA requires a GSA manage groundwater in all basins  
168 designated by the Department of Water Resources ("DWR") as a medium or high  
169 priority, including the Tracy Subbasin (designated basin number 5-22.15); and

170 **D. WHEREAS**, Banta-Carbona Irrigation District Groundwater  
171 Sustainability Agency was formed as a GSA on December 15, 2015 for the purposes of  
172 sustainably managing groundwater in the Tracy Subbasin, within its jurisdictional  
173 boundaries, pursuant to the requirements of SGMA; and

174 **E. WHEREAS**, Banta-Carbona Irrigation District Groundwater  
175 Sustainability Agency has the authority to draft, adopt, and implement a GSP (Wat.  
176 Code, § 10725 *et seq.*); and

177 **F. WHEREAS**, on September 24, 2019, the GSAs in the Tracy Subbasin  
178 executed a memorandum of agreement for the purpose of developing a GSP and

179 coordinating sustainable groundwater management in the Tracy Subbasin (Wat. Code, §  
180 10723.6(i)); and

181 **G. WHEREAS**, the GSAs submitted an Initial Notification to DWR to  
182 jointly develop a GSP for the Tracy Subbasin on February 12, 2018; and

183 **H. WHEREAS**, the Banta-Carbona Irrigation District Groundwater  
184 Sustainability Agency has coordinated with the other GSAs in the Tracy Subbasin to  
185 develop a single, coordinated GSP for the Tracy Subbasin; and

186 **I. WHEREAS**, on August 6, 2021 the GSAs released the Notice of Intent to  
187 Adopt the GSP to cities and counties in the plan area pursuant to Water Code section  
188 10728.4; and

189 **J. WHEREAS**, on GSAs developed the draft Tracy Subbasin GSP and  
190 released the draft Tracy Subbasin GSP for a 30-day public comment period on August 9,  
191 2021;

192 **K. WHEREAS**, the GSAs reviewed and responded to comments on the  
193 Tracy Subbasin GSP; and

194 **L. WHEREAS**, the GSAs released the final Tracy Subbasin GSP in  
195 November 2021, which is available at [tracysubbasin.org/gsp-chapters](http://tracysubbasin.org/gsp-chapters); and

196 **NOW, THEREFORE**, BE IT RESOLVED that the Board of Directors of the  
197 Banta-Carbona Irrigation District Groundwater Sustainability Agency finds as follows:

- 198 1. Banta-Carbona Irrigation District Groundwater Sustainability Agency hereby  
199 approves and adopts the final Tracy Subbasin GSP as attached in Exhibit A.
- 200 2. Banta-Carbona Irrigation District Groundwater Sustainability Agency  
201 authorizes the Tracy Subbasin Plan Manager and consultants to take such  
202 other actions as may be reasonably necessary to submit the Tracy Subbasin  
203 GSP to DWR by January 31, 2022, and implement the purpose of this  
204 Resolution.

205 **PASSED, APPROVED, AND ADOPTED** this 15th day of December, 2021 by  
206 the following vote:

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

209 **NAYS:** NONE

210 **ABSTAIN:** NONE

211 **ABSENT:** Keith Robertson

212 **ITEM 11 – UPDATE ON STATE WATER RESOURCES CONTROL BOARD**  
213 **(SWRB) PROCEEDINGS REGARDING CURTAILMENT DIRECTIVES,**  
214 **EMERGENCY REGULATIONS, WATER UNAVAILABILITY**  
215 **METHODOLOGY AND POTENTIAL IMPACTS TO PRE-1914 WATER**  
216 **RIGHTS HOLDERS ON THE SAN JOAQUIN RIVER. ACTION AS**  
217 **NECESSARY**

218 The State Water Board is doing a presentation on Water Right Term 91 approach to  
219 Curtailments at their staff workshop December 15, 2021. The SWRB is looking to  
220 develop a Term 91 type of curtailment method for future water shortages.

221 **ITEM 12 - CLOSED SESSION:**

222 1) **CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION**  
223 **PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code**

224 **A. Banta-Carbona Irrigation District v. California State Water**  
225 **Resources Control Board, et al, Case No. 2015-1-CV-285182 in**  
226 **Santa Clara County Superior Court, Dept 1. This case originated in**  
227 **San Joaquin County as Case No. 39-2015- 00326421-CU-WM-STK,**  
228 **currently on appeal in the 6<sup>th</sup> District.**

- 229 B. Banta-Carbona Irrigation District v. California State Water  
230 Resources Control Board, et al, Case No. 34-2021-80003718 in  
231 Sacramento County Superior Court, Department 17
- 232 C. Natural Resources Defense Council v. Sally Jewell, U.S.,  
233 Department of the Interior Case No. 1:05-cv-01207 LJO-GSA
- 234 D. Center for Biological Diversity et al. v. United States Bureau of  
235 Reclamation, et al., Case No. 1:20-cv-00706;DAD-EPG, Eastern  
236 District of California

237 2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

- 238 A. Property: Consider financing distribution facilities and long-term  
239 water service to ground inside and outside of District boundaries.  
240 Agency negotiator: David Weisenberger and District Counsel Jeanne  
241 Zolezzi  
242 Negotiating parties: Various landowners in T.3.S R.6.E, SECTIONS  
243 9, 10, 14, 15, AND 16

244 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
245 Significant exposure to litigation pursuant to subdivision(b) of Section 54956.9 (1  
246 potential case)

247 The Board returned to open session and made no announcement.

248 **ITEM 13– UPDATE ON PIPELINE CONSTRUCTION FOR YAMASAKI FARMS  
249 AND TO PROVIDE FINANCIAL ASSISTANCE FOR PIPELINE AND  
250 PUMP STATION TO SERVE IN-DISTRICT PARCELS #255-120-10  
251 AND 255-270-16 AS WELL AS OTHER PARCELS OUTSIDE OF THE  
252 DISTRICT’S BOUNDARIES. ACTION AS NECESSARY**

253 Kent Norman and Keith Yamamoto of Central Irrigation and Myron Yamasaki of  
254 Yamasaki farms were present. Kent Norman and Keith Yamamoto presented a proposal  
255 for the construction of a 36” pipeline to provide district water to parcels 255-120-10 and  
256 255-270-16. The cost of the proposal is \$1,792,017.25. The pipeline is large enough to  
257 not only provide water to the Yamasaki property but also allow the District to possibly  
258 provide service to other grounds outside the District in the future. The Board determined  
259 fair cost share with Yamasaki Farms would be \$830 per acre. The two parcels owned by  
260 Yamasaki Farms total 345.64 acres making their share \$286.881.00. Director Mark  
261 Cardoza made a motion to approve the proposal from Central Irrigation, approve the  
262 cost share of \$830 per acre, and Yamasaki Farms to pay their cost share on the same  
263 payment schedule as the Central Irrigation proposal. Director Glenn Robertson  
264 seconded the motion and it carried by the following vote: Ayes: Directors Glenn  
265 Robertson, Mark Cardoza, Annette Elissagaray and James M. Thoming; Noes: None;  
266 Abstain: None; Absent: Keith Robertson

267 **ITEM 14 – REVIEW EMPLOYEE COMPENSATION AND BENEFITS PACKAGE  
268 FOR 2022. ACTION AS NECESSARY.**

269 Board discussed employee compensation and determined a raise of 3% would be  
270 appropriate for the employees at this time. Director Mark Cardoza made a motion to  
271 approve an across-the-board increase of 3% for all employees for wages paid in 2022,  
272 Director Annette Elissagaray seconded the motion and it carried by the following vote:  
273 Ayes: Directors Glenn Robertson, Mark Cardoza, Annette Elissagaray and James M.  
274 Thoming; Noes: None; Abstain: None; Absent: Keith Robertson

275 **ITEM 15 – CONSIDER CLOSING THE DISTRICT THE WEEK BETWEEN  
276 CHRISTMAS DAY AND NEW YEARS DAY. ACTION AS NECESSARY.**

277 Director Glenn Robertson made a motion to approve as days off with pay for all  
278 employees December 27, 2021, to December 30, 2021. Employees are to be called in if  
279 an emergency occurs. Director Annette Elissagaray seconded the motion and it carried  
280 by the following vote: Ayes: Directors: Glenn Robertson, Mark Cardoza, Annette  
281 Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: Keith  
282 Robertson

283 **ITEM 16 – REVIEW FOR APPROVAL THE ATTENDANCE OF DISTRICT  
284 OFFICIALS OR STAFF TO THE FOLLOWING 2022 CONFERENCES.  
285 ACTION AS NECESSARY**

- 286 A. Mid-Pacific Region Water Users Convention January 2022  
287 B. ACWA Spring Conference, May 2022  
288 C. Delta Water Users Association Annual Meeting, March 2022  
289 D. ACWA Fall Conference, December 2022

290 Director Glenn Robertson made a motion to approve sending District Officials and staff  
291 to the above listed conferences. Director Annette Elissagaray seconded the motion and  
292 it carried by the following vote: Ayes: Directors Annette Elissagaray, Glenn Robertson,  
293 Mark Cardoza and James M. Thoming; Noes: None; Abstain: None; Absent: Keith  
294 Robertson

295 ITEM 17 – REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY.  
296 ACTION AS NECESSARY. FISHBIO PRESENTATION

297 Andrea Fuller of FISHBIO was present to do a presentation on what was accomplished  
298 in 2021, what they expect to be doing in 2022 and answer any questions the Directors  
299 might have.

300 ITEM 18 – APPROVAL OF WARRANTS

301 Director Annette Elissagaray moved that the November 2021 warrants in the amount of  
302 \$105,904.99 be approved for payment. Director Mark Cardoza seconded the motion and  
303 it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson,  
304 Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: Director  
305 Keith Robertson

306 The meeting was then adjourned to Wednesday, January 12, 2022, at 9:00 a.m.

307

308

Respectfully,

309

310

Margaret G. Howe

311