

June 15, 2022  
Tracy, California

Pursuant to adjournment, May 11, 2022, 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, Mark Cardoza and Kyle Robertson

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

ABSENT: None

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

Director Annette Elissagaray made a motion to approve the minutes of the May 11, 2022, Board Meeting as presented. Director Kyle Robertson seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; 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 she contacted Delta Charter School to see if they have a FFA program. They do have a program, but do not send out requests for donations. The Board requested that Secretary Howe contact them again and see if they would send the District a letter regarding donations. They would discuss the donation again in July.

ITEM 3 - Manager's Report & Discussion Items.

#### MANAGER'S REPORT

June 15, 2022

### Vernalis flow +/- 645 cfs Wheeling 0 cfs

Water Delivery Commenced February 8, 2022

**COVID 19** – Two new cases of COVID among BCID employees.

**DMC Pumpback Project** – After meeting with the Bureau of Reclamation Central Valley Operations (CVO) on May 17, 2022, the four districts, BCID, Patterson ID, West Stanislaus ID, and Del Puerto Water District, decided to suspend work on a pumpback project in the DMC. CVO stated that they project at least one to two pumps at Jones Pumping Plant running in July through September full time. With available water in the DMC the pumpback Project will not be required in order to use previously stored water residing in San Luis Reservoir.

**Maintenance - Terrestrial** weed control through spraying and disking is on-going. Aquatic weed control is being conducted as well. All canals have been treated once for algae and pondweed since the last board meeting. IDC replaced approximately 100 feet of 24 inch concrete pipeline with 24 inch PVC pipe on Lateral 5 West 05. The district spent many man days last fall repairing leaks in this section last fall. But the pipeline continued to leak excessively creating a threat of over watering to neighboring orchards.

**Pump L4A** – The outside pump motor at Pumping Plant 2 failed on May 4, 2022. This was a pump and motor installed back in 1999 for the Paulsen Ranch on Koster Road. This facility serves over 700 acres of tree crops. The motor was rewound and within two weeks of failing was back in service. Seven days later the same motor failed with the same failure on the same phase. An investigation ensued as to what contributed to this premature failure. We are able to provide some water through the pipeline using a gravity feed.

**FRIANT SJRRP Restoration Flows and Wheeling** – We are currently wheeling no water. They anticipate the possibility of having water in our reach of the river in August available for wheeling.

**Nonnative Predator Research Project, FISHBIO** – Predator 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. Fish trapping has ceased. River temperatures have exceeded the Permit thresholds requiring trapping to stop. This occurred in about the third week of May.

**Lift Canal Final Grading Project** - Arnaudo Construction Inc. conducted work on final grading the new lining section of the Lift Canal in front of PP #4 in Spring 2022. Yet to be completed are drainage culverts.

Respectfully submitted by:  
David Weisenberger  
General Manager

#### ITEM 4- DIRECTOR AND STAFF ITEMS

President of the Board, James M Thoming, inquired if it would be possible to change the date of the October 12, 2022, as he will be unavailable on that date. After some discussion, it was decided to change the date to October 11, 2022.

#### ITEM 5 – REVIEW CLAIM FROM HAROLD WINEINGER. ACTION AS NECESSARY

Mr. Wineinger was present to deliver a second claim for damages to his crop in 2021 because the District did not repair a leaking pipeline in a timely manner. After discussing the claim with him, the Board requested that he provide documentation of his claimed loss of \$10,000. The Board also requested staff to do more research into water orders for Mr. Wineinger's property, phone calls the District might have received regarding the repair and the repair.

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

General Manager Weisenberger reported that as of June 7, 2022, the District has not been curtailed from pumping at the San Joaquin River. District Counsel Jeanne Zolezzi reported that discussions with the Delta Watermaster indicate he does not think there be a curtailment this year.

#### ITEM 7 – REVIEW KASSON AREA WHEELING RATES FOR THE 2022 IRRIGATION SEASON. ACTION AS NECESSARY.

After some discussion Director Kyle Robertson made a motion to amend the District current Kasson area wheeling rate to the current years Cost of Service rate as determined by the District's annual audit. Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent: None

#### ITEM 8 – FRED A. DOUMA FAMILY TRUST (DOUMA) REQUEST FOR BCID TO WHEEL SAN JOAQUIN RIVER WATER FOR DOUMA. ACTION AS NECESSARY.

Staff reported they had no update to this item.

#### ITEM 9 –CONSIDER STATEMENT OF CONSISTENCY PURSUANT TO EXECUTIVE ORDER N-7-22 AND FINDINGS OF FACE BANTA-CARBONA IRRIGATION DISTRICT GROUNDWATER SUSTAINABILITY AGENCY. ACTION AS NECESSARY.

The Board reviewed the below Statement of Consistency, Director Glenn Robertson made a motion to approve it and Director Mark Cardoza seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent: None

STATEMENT OF CONSISTENCY  
PURSUANT TO EXECUTIVE ORDER N-7-22  
AND FINDINGS OF FACT  
BANTA-CARBONA IRRIGATION DISTRICT  
GROUNDWATER SUSTAINABILITY AGENCY

WHEREAS, on December 16, 2015, Banta-Carbona Irrigation District elected to become the Groundwater Sustainability Agency for that portion of the Tracy Subbasin (**Basin**); and

WHEREAS, on December 15, 2021, Banta-Carbona Irrigation District Groundwater Sustainability Agency (GSA) adopted the Tracy Subbasin Groundwater Sustainability Plan (GSP); and

WHEREAS, on March 29, 2022, Governor Newsome adopted Executive Order N-7-22, which prohibits any county or other public agency from approving a permit for a “new groundwater well or for alteration of an existing well”

without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan.

WHEREAS, the GSP provides in Chapter 3:

Surface water is available to most areas of the basin and is supplemented with groundwater. Groundwater levels within the Subbasin have been relatively stable and recover after periods of pumping with only a few areas indicating declining groundwater levels.

WHEREAS the GSP provides in Chapter 6:

The Non-Delta areas of the Subbasin is where most agricultural, domestic and municipal wells are present and where groundwater is used. The area may have had potential impacts from groundwater use. Each of the sustainability indicators in the Non-Delta Management area are summarized below and described in detail in **Chapter 9 – Sustainable Management Criteria**:

- There has been some lowering of groundwater levels and some areas are experiencing a downward trend.
- There has been a slight reduction in storage, but this has been refilling and is being used for aquifer storage and recovery program.
- There may be surface water depletion. The Upper aquifer is interconnected with groundwater along the Old River and Tom Payne Slough and the Lower aquifer is interconnected potentially north of the Corcoran Clay extent. Groundwater pumping in these aquifers could deplete surface water.
- Land subsidence has occurred due to groundwater extraction.
- Groundwater quality is of naturally poor quality (TDS exceeding the secondary recommended MCL, along with other elements) due to natural conditions.
- No seawater intrusion has occurred.

As such, excessive groundwater use in the Non-Delta area could have undesirable results on beneficial groundwater uses such as domestic, agricultural and municipal well owners, along with surface water, and GDEs. A groundwater monitoring network with representative wells with minimum thresholds and measurable objectives will be established for this management area. . . .

WHEREAS, the GSP provides in Chapter 7:

Water budgets for just the Non-Delta Management area shows the historic water budget to be in slight surplus but the projected water budget with climate change shows a slight deficit. The deficit, about 800 acre-feet per year (AFY), is occurring in the Upper aquifer, while the lower aquifer is showing a slight surplus of about 100 AFY. This is without implementing any projects or management actions. The water budgets for the Non-Delta Management area with projected water demands and climate change show that in comparison to historic conditions depletion of surface water is projected to increase but is likely to change with updates to the model.

WHEREAS Chapter 7 of the GSP confirms that in the historic, current and projected water budgets all show a surplus of inflows v. outflows to the basin. The projected water budget with climate change shows a

The composition of inflows and outflows is very similar to the projected period. However, the key difference is the average annual pumping increased to over 50 percent of the total outflows (up from 45%), and the deep percolation decreased to 40 percent (from 45%). The reasons for this shift in the water budget are attributed to increases in ET (due to warmer and drier temperatures) and shifting patterns in precipitation. *The resulting average surplus for the projected with climate change water budget is 1,000 AFY.*

WHEREAS, Chapter 7 of the GSP also reviews the water budget for the non-Delta management area, showing Projected with Climate Change for the unconfined Upper aquifer an annual deficit of 800 AFY, while layer two, the confined Lower aquifer, has a surplus of 100 AFY.

WHEREAS the GSP provides in Chapter 7 regarding the sustainable yield:

The average quantity of groundwater extracted during the base period was 178,000 AFY for the entire Subbasin. The average quantity of groundwater extracted during the base period for just the Non-Delta Management Area was 62,100 AFY. During this period undesirable results, as currently defined, were not observed by the GSAs. Groundwater levels . . . show stable or upward trends in groundwater levels during this period of time. The sustainable yield can be increased if conjunctive use projects are implemented to increase recharge to the Subbasin. The annual reports and 5-year update will document any conjunctive use changes or revisions to this GSP.

WHEREAS the GSP concludes in Section 7.8: There is a general acknowledgement by stakeholders in the subbasin that there are minimal concerns for groundwater overdraft, and that this initial round of the GSP process can serve to improve understanding and knowledge and to potentially vet and improve existing tools.

WHEREAS the GSP provides in Chapter 10:

The water budget (**Chapter 7**) showed that the Non-Delta Management Area may be about 800 AFY in deficit in the Upper aquifer while being a positive 100 AFY in the Lower aquifer. The GSAs have one project that can resolve the deficit, reducing groundwater pumping by 1,000 AFY. They also have two supplemental projects, one project that benefits the Upper aquifer by reducing pumping by up to 3,000 AFY and a second project that can increase recharge to the Lower aquifer by up to 3,000 AFY. However, the water budget also shows there may be two sustainability indicators, increased surface water depletion and a reduction of subsurface inflow and outflow, which may indicate the Subbasin is not sustainable in the long term, but due to uncertainties in the groundwater modeling and resulting water budgets does not currently allow for accurate confirmation of these results. Improvements to the groundwater model have been identified to resolve these uncertainties before the 5-year update to the GSP and additional projects may be required but until the water budgets reach a higher level of certainty, the GSAs are only committing to these two projects.

WHEREAS, the GSP states in Chapter 10:

Projects and management actions were selected by the GSAs for implementation to meet measurable objectives by 2042 and to maintain groundwater levels above minimum thresholds. The Subbasin Non-Delta Management Area is projected to have a deficit of about 700 AFY based on projected changes in the Subbasin including climate change forecasted for 2065. Assessing the deficit by principal aquifer has shown the Upper aquifer has a deficit of about 800 AFY while the Lower aquifer is in surplus by 100 AFY. Because the aquifers are so close to being in balance and within the uncertainty of the model, projects are proposed for both aquifers. The project selected is to augment water supplies to resolve chronic lowering of groundwater levels and change in storage in the Upper aquifer. Management actions have been selected to limit the potential to increase surface water depletion with additional benefits towards GDEs.

WHEREAS, Section 10726.4(b) of the Water Code provides that GSAs are not authorized to issue permits for the construction, modification, or abandonment of groundwater wells, except as authorized by a county with authority to issue those permits; and

WHEREAS, Section 10726.8(b) of the Water Code provides that GSAs do not have the authority make a binding determination of the water rights of any person or entity; and

WHEREAS, the Banta-Carbona GSA anticipates that it will receive well applications from San Joaquin County requesting consistency determinations;

WHEREAS, the Banta-Carbona GSA desires to delegate to staff the authority to make sure consistency determinations based upon the findings in this Resolution pursuant to Executive Order N-7-22;

WHEREAS, nothing in this Statement shall be read as interfering with the authority of San Joaquin County to approve, disapprove, or condition any groundwater well permit project pursuant to its permitting authority.

NOW, THEREFORE,

1. Be it resolved that based on the projects and management actions set forth in the GSP, the continual monitoring and 5 years updates to the GSP, and the GSA's commitment to implementing all projects, management actions or pumping restrictions required to achieve sustainability, the Board of Directors of the Banta-Carbona Irrigation District Groundwater Sustainability Agency makes the following findings:
  - A. Groundwater extraction by the proposed new well within the Banta-Carbona GSA would not be inconsistent with any sustainable groundwater management program established in the GSP; and
  - B. Groundwater extraction by replacement, back-up, or new wells within the Basin would not decrease the likelihood of achieving a sustainability goal for the Basin.
2. Be it further resolved that all well owners within the GSA shall be aware that if projects and management actions do not achieve the desired sustainability goals outlined in the GSP, the GSA may be forced to implement demand-side management actions in the future if need is determined, including, but not limited to, pumping restrictions.
3. Be it further resolved that the Board of Directors of Banta-Carbona Irrigation District delegates to its General Manager the authority to make consistency determinations on well applications referred to the GSA by San Joaquin County in accordance with this Resolution.

**PASSED AND ADOPTED** at regular meeting of the Board of Directors of Banta-Carbona Irrigation District on June 15, 2022 by the following vote:

Ayes: Directors: James M Thoming, Kyle Robertson, Glenn Robertson, Mark Cardoza and Annette Elissagaray  
Noes: None  
Absent: None

**ITEM 10 – REVIEW FOR APPROVAL LETTER OF AGREEMENT – 2022 DELTA-MENDOTA CANAL EMERGENCY PUMP BACK PROJECT. ACTION AS NECESSARY.**

The four districts involved in the pump back project: Banta-Carbona Irrigation, Patterson Irrigation District, West Stanislaus Irrigation District and Del Puerto Water District; had a meeting with the Bureau of Reclamation Central Valley Operations (CVO) on May 17, 2022. CVO projects at least one of the pumps at Jones Pumping Plant will be running from July through September full time. Since water will be available in the DMC it was decided to suspend work on the pump back project. Since there has been some work done, the districts still need to approve the Letter of Agreement – 2022 Delta-Mendota Canal Emergency Pump Back Project. Director Glenn Robertson made a motion to approve the Letter of Agreement and authorize District Manager Weisenberger to sign it.

Director Annette Elissagaray seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent: None

**ITEM 11 - UPDATE ON SAN JOAQUIN RIVER FISH POPULATION STUDY.  
ACTION AS NECESSARY.**

General Manager Weisenberger reported river temperatures have exceeded the permit thresholds in early May, so fish trapping has been stopped. The Directors suggested that staff check with FishBio to see if they have collected sufficient data to present to other possible participants and the public.

**ITEM 12 - 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 continues to develop alternatives for a habitat project adjacent to the BCID fish screen on the San Joaquin River. CBEC is currently trying to schedule a meeting with the Flood Control Board in July to present the project concept.

**ITEM 13 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP)  
FOR THE TRACY SUBBASIN. ACTION AS NECESSARY**

Staff had nothing new to report the required long-term and annual reports have been file.

**ITEM 14 - 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, currently on appeal in the 6<sup>th</sup> District.
  - B. Banta-Carbona Irrigation District v. California State Water Resources Control Board, et al, Case No. 34-2021-80003718 in Sacramento County Superior Court, Department 17
  - C. Center for Biological Diversity et al. v. United States Bureau of Reclamation, et al., Case No. 1:20-cv-00706;DAD-EPG, Eastern District of California

The Board returned to open session and made no announcement.

**ITEM 15 - UPDATE ON PIPELINE CONSTRUCTION TO YAMASAKI FARMS TO SERVE IN-DISTRICT PARCELS #255-120-10 AND 255-270-16. ACTION AS NECESSARY**

Arnaudo Construction is working on the pipe crossing at the Peterman Lateral Pump Station To provide service to the Yamasaki Farms property. The distribution box is constructed. They are waiting on getting pipe crossing back from the coating company. Central Irrigation has installed the pipe and are working on the vents and vacuum relief valve. Turnouts have not been completed. The anticipated completion date is June 24, 2021.

**ITEM 16 - UPDATE ON FILLING FUTURE OPEN POSITIONS OF SECRETARY/TREASURER AND ADMINISTRATIVE ASSISTANT.  
ACTION AS NECESSARY.**

General Manager Weisenberger reported he would like to hire the current temporary employee, Danisha McDonald, to fill the open position of Administrative Assistant. He recommended a starting wage of \$30 per hour. After some discussion, the Board authorized General Manager Weisenberger to hire Ms. McDonald at a starting wage of \$30 per hour.

ITEM 17 - APPROVAL OF WARRANTS

Director Kyle Robertson moved that the June 2022 warrants in the amount of \$751,795.30 be approved for payment. Director Mark Cardoza seconded the motion and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent:

The meeting was then adjourned to Wednesday, July 13, 2022, at 9:00 a.m.

Respectfully,

Margaret G. Howe