

September 14, 2022  
Tracy, California

Pursuant to adjournment, August 17, 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 August 17, 2022, Board Meeting as amended. Director Glenn 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 read a Thank You card received from the Keith Robertson family for the District's donation to the National Scleroderma Foundation.

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

##### MANAGER'S REPORT

September 14, 2022

Vernalis flow +/- 450 cfs Wheeling 0 cfs  
Water Delivery Commenced February 8, 2022

**COVID 19 – No** new cases of COVID among BCID employees since last board meeting.

**DMC Pump back Project** – Awaiting final invoice for expenses on the design, planning, and inspection of equipment. No pumps and motors were purchased.

**Maintenance - Terrestrial** weed control through spraying and disking is on-going. Aquatic weed control is being conducted as well. All canals have been treated multiple times for algae and pondweed since the last board meeting. **Algae has been an enormous problem in most canals.** Treatments for algae generally only suppress the algae for 7-10 days, hence requiring another treatment. Pondweed is under control but not eliminated.

**Pump L4A** – The 480 volt transformer at PP #2 is not big enough to operate the VFD motor on unit #4-40 and the new motor on L4-A. We disconnected the #4-40 and connected the new L4A motor to that Motor Control Center. We have purchased a new transformer to serve the outside pump. It will sit downstream of the existing 2400 volt motor control center (MCC), between the MCC and the new L4A pump. This allows us to continue to use the old MCC for the outside pump, L4A. The existing VFD motor, Unit #4-40, will be re-connected to the existing transformer. The new/used transformer has arrived. The concrete pad for it has been poured at PP #2. Next steps are to set transformer and have Bockmon and Woody Electric connect the transformer to the L4A motor control center and to the pump motor. Then the inside VFD pump can be re-connected to its motor control center (mcc) and resume auto operations. The goal is to have this work completed before the end of September.

**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. No updated news. The USBR has filed a petition on September 2, 2022, with the SWRCB for transferring this Friant water through BCID and PID facilities.

**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 as ceased for 2022. River temperatures exceeded the Permit thresholds requiring trapping to stop.

This occurred in about the third week of May. Electro-fishing continues to sample. FISHBIO conducted a tour of the electro-fishing on August 16, 2022, with the staff from U.S. Senator Padilla's office. Tour included observation of the electro-fishing sampling in the river, tour of federal fish facility, and a tour of the federal pumping plant, Jones Pumping Plant. FISHBIO hosted an annual meeting on August 24, 2022, with the sponsors of the study, BCID, West Stanislaus ID, and Patterson ID. Trapping and electrofishing results were shared for the study period of 2017 through 2022. FISHBIO staff provided information about how this information is being received by others in fish recovery efforts in California. Interest in predation and the interaction between non-native species and predation of native species is increasing. The meeting was well attended by district managers and board members. It was consensus among the group that day that the general findings of this study need to be shared with a much broader audience such as at an Association of California Water Association (ACWA) conference to inform members that there is a huge stressor on endangered species that isn't getting the requisite attention it deserves.

**PROP 1 Grant Habitat study** – CBEC continues to develop and perfect alternatives for a habitat project adjacent to the BCID fish screen facility on the San Joaquin River.

**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.

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

Mr. Harold Wineinger was present but as he was not on the agenda, President of Board James M. Thoming explained to him the Board could take no action on his issues.

General Manager Weisenberger presented several possible concepts for signage for the District's building. The Board reviewed the concepts and directed to staff to order a free standing sign for the driveway and one to go on the office building entrance.

#### ITEM 5 – EVALUATE THE STATUS OF CURRENT SECRETARY – TREASURER. ACTION AS NECESSARY

Secretary Howe reported the District is having problems finding a qualified replacement for her position. She is scheduled to retire on October 15, 2022 but inquired if the Board would like for her to work until the end of January 2023. The Board expressed their appreciation of her offer and accepted it. Depending on whether or not the District is able to find a replacement, the Board discuss re-evaluate her status in December 2022.

#### 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 at as today the District has 17,426-acre feet of supplemental water available for it's use if needed.

He also reported the District may be able to wheel some water for Friant Water Authority in November/December 2022 and even into January/February 2023.

#### ITEM 7 - UPDATE ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.

Directors James M Thoming, Mark Cardoza, Kyle Robertson and General Manager Weisenberger attended the luncheon held by Fishbio on August 24<sup>th</sup>.

Fishbio has contacted the California Department of Fish & Wildlife (CDFW) striped bass program lead regarding the availability of Sacramento River fyke trap data. He indicated he has access to all the program's fyke trap data and would be interested in working with Fishbio to analyze the data. The next step will be to propose a modeling concept he can present to his supervisor.

#### ITEM 8 - 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 had no new information to report.

**ITEM 9 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP)  
FOR THE TRACY SUBBASIN. ACTION AS NECESSARY**

General Manager Weisenberger reported GEI would be submitting applications for two monitoring wells using the District as the applicant. With the District as the applicant grant funds will be available from the Department of Water Resources for the costs.

**ITEM 10 - 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
- 2) CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS

Property:	Negotiate purchase of water from Oakdale Irrigation District WY 2023.
Agency Negotiator:	David Weisenberger and Jeanne Zolezzi
Negotiating Party:	Oakdale Irrigation District
Under Negotiation:	Water
- 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential cases)

The Board returned to open session with no announcement.

**ITEM 11 - UPDATE ON PIPELINE CONSTRUCTION TO YAMASAKI FARMS  
TO SERVE IN-DISTRICT PARCELS #255-120-10 AND 255-270-16.  
ACTION AS NECESSARY**

General Manager Weisenberger reported the construction of the pipe crossing at Peterman Lateral Pump Station to serve the Yamasaki annexed property is completed. Water deliveries to the Yamasaki property on Koster Road commenced on Monday morning, July 18, 2022. The project is not fully complete some automation and electrical work still needs to be completed in order to operate the pump station in auto. We are currently operating the pump station in “Hand” mode.

**ITEM 12 - UPDATE ON FILLING FUTURE OPEN POSITION OF  
SECRETARY/TREASURER. ACTION AS NECESSARY.**

Secretary Howe reported she had scheduled four interviews for the position, but only two of the applicants showed up. Neither of the two that were interviewed had the needed qualifications for the open position. She is going to contact some executive recruiters regarding filling the position.

**ITEM 13 - APPROVAL OF WARRANTS**

Director Mark Cardoza moved that the September 2022 warrants in the amount of \$381,455.43 be approved for payment. 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:

The meeting was then adjourned to Wednesday, October 11, 2022, at 9:00 a.m.

Respectfully,

Margaret G. Howe  
Secretary – Treasurer

