

April 13, 2022
Tracy, California

Pursuant to adjournment, March 16, 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, and Mark Cardoza

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

ABSENT: None

ITEM 1 - RECOGNIZE THE PASSING OF VICE PRESIDENT, KEITH ROBERTSON. ACTION AS NECESSARY.

Long-time Board member and Vice President of the Board Keith Robertson passed away on March 24, 2022. He will be remembered for his many contributions to not only Banta-Carbona Irrigation District, but the agricultural water industry as a whole. His tremendous knowledge and willingness to share that knowledge will be missed. In recognizing his passing the Board authorized a contribution to the National Scleroderma Foundation of \$500 in memory of Keith Robertson.

ITEM 2 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the March 16, 2022, Board Meeting as presented. 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: None

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

ITEM 3 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported the District received notice from Reclamation District 2095 regarding a public hearing being held at the San Joaquin River Club on May 17, 2022 at 10:00 am. The public hearing is regarding the adoption of a special benefit assessment to pay for the operations and maintenance of RD 2095 and establish a reserve fund.

The District received notice from the San Joaquin County Registrar of Voters regarding the November 8, 2022 Gubernatorial General Election. Candidate filing period will open on July 18, and close on August 12, 2022.

ITEM 4 - REVIEW CLAIM FROM HAROLD WINEINGER. ACTION AS NECESSARY

The Board of Directors reviewed the claim filed by Mr. Wineinger in March 2022 and on a motion by Director Glenn Robertson and seconded by Director Mark Cardoza denied the claim and directed staff to notify Mr. Wineinger. The motion carried by the following vote: Ayes: Mark Cardoza, Glenn Robertson, James M. Thoming and Annette Elissagaray; Noes: None; Abstain: None; Absent: Keith Robertson

ITEM 5 - MANAGER'S REPORT & DISCUSSION ITEMS.

General Manager Weisenberger and the General Manager of several other local Districts are working with the San Luis & Delta Mendota Water Authority on a pump back system in case it is needed to be able to access their stored Warren Act Water later this summer.

The District has hired 3 new employees. One will be working maintenance and on testing for his qualified applicators license. The other two will working water.

John Herrick, from the South Delta Water Agency, meet with General Manager Weisenberger to discuss possible issues with salt content at the Districts intake.

Cal Trans is starting work on retro fitting the overpass.

The maintenance crew will be raising the stems on the gates at Bird Rd. and Hwy 33.

ITEM 6- DIRECTOR AND STAFF ITEMS

Director Mark Cardoza asked if the problem with flooding along Bird Rd. has been fixed. General Manager Weisenberger reported that it has.

ITEM 7 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES AND POTENTIAL RATIONING. ACTION AS NECESSARY

The District has pumped in all of its Warren Act Water into storage and is currently working on completing its agreement with Meyers Family Farms Trust.

The District has not received a curtailment notice from the State Water Resources Control Board.

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

The District received a request from Fred A. Douma Family Trust for BCID to wheel San Joaquin River water under Douma's water rights. Staff presented a conveyance agreement that was used to wheel water for Douma in 2015 when the District was under curtailment. The Board and District Counsel reviewed the agreement and directed staff to bring the agreement back for review at the May board meeting.

ITEM 9 – REVIEW BCID GSA POLICY FOR GROUNDWATER PUMPING DURING CURTAILMENT PERIODS. ACTION AS NECESSARY.

General Manager Weisenberger presented a draft GSA policy for groundwater pumping during curtailment periods. The Board reviewed the draft and made several suggestions and directed to staff bring the policy back for review at the May board meeting.

ITEM 10 – CONSIDER FOR APPROVAL ENCROACHMENT PERMITS FOR CROSSING DISTRICT FACILITIES.

- a. PG&E bore under 5 West canal siphon in Linne Road right of way.
- b. Jeff Brown pipeline crossing on 6 East Canal west of Bird Road
- c. Jeff Brown Well Water Discharge into 6 East Canal east of Bird Road

General Manager Weisenberger reported the District has received requests for encroachment permits for the above three projects. After some discussion, Director Annette Elissagaray made a motion to approve the encroachment permits for the three projects. Director Glenn Robertson seconded the motion and carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None

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

Fishbio has been able to do fyke sampling for the entire month of March. They captured 116 target species fish as compared to last years capture of 52. Depending on water temperature, they hope to continue fyke sampling into May. They are also continuing to do electrofishing and hope to be able to continue into May.

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.

Staff reported there was no new information to discuss.

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

The annual update has been submitted to the State of California Department of Water resources.

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 6th 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 with 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 has started on the pipeline to Yamasaki Farms ground, and he should be finished by June 1, 2022. Staff continues to work on obtaining the needed easements.

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

Staff had nothing to report. They plan on advertising the position in the local newspapers.

ITEM 17 - CONSIDER RESOLUTION RECOGNIZING ROBERT BALLANTYNE, PUMPER/DITCHTENDER, FOR HIS YEARS OF SERVICE TO THE BANTA-CARBONA IRRIGATION DISTRICT. ACTION AS NECESSARY.

General Manager Weisenberger reported District employee Robert Ballantyne has decided to retire April 29, 2022. Director Glenn Robertson made a motion to approve the following resolution. Director Mark Cardoza seconded the motion and carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza, and James M. Thoming; Noes: None; Abstain: None; Absent: None

RESOLUTION 2022-02

**Honoring Robert Ballantyne
For his many years of service to the
Banta-Carbona Irrigation District**

WHEREAS, Robert Ballantyne was hired to the position of Ditchtender on April 1995, and thereafter served in that capacity until February 2003; and

WHEREAS, Mr. Ballantyne returned to work on March 5, 2007, to the position of pumper; and

WHEREAS, Robert Ballantyne has decided to retire from the Banta-Carbona Irrigation District on April 29, 2022, thus serving the District a total of 23 years; and

WHEREAS, Mr. Ballantyne has earned the respect of his colleagues and supervisors at Banta-Carbona Irrigation District for his dedication, enthusiasm, professionalism, and hard work; and

WHEREAS, Mr. Ballantyne has exhibited integrity in all matters to come before him in the course of his service to the Banta-Carbona Irrigation District, he therefore is held in high esteem; and

WHEREAS, the many years of Mr. Ballantyne's dedicated service to Banta-Carbona Irrigation District is appreciated. Banta-Carbona Irrigation District, including the Board and all employees wish Mr. Ballantyne good luck on his retirement; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors and staff of Banta-Carbona Irrigation District regret that he has severed his connection with said District and that the Board, acting on behalf of the people he has represented, hereby offers acknowledgment and appreciation for the service he has rendered; and

BE IT FURTHER RESOLVED that the Board of Directors wish him many years of health, happiness, and prosperity.

PASSED AND ADOPTED THIS 13th day of April 2022 by the following roll call vote:

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

NOES: None

BANTA-CARBONA IRRIGATION

ABSENT: None

By: _____
James M. Thoming, President

Attest: _____
Margaret G. Howe, Secretary

ITEM 18 - APPROVAL OF WARRANTS

Director Annette Elissagaray moved that the April 2022 warrants in the amount of \$529,113.58 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, and James M. Thoming; Noes: None; Abstain: None; Absent:

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

Respectfully,

Margaret G. Howe