

March 16, 2022
Tracy, California

Pursuant to adjournment, February 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.

CONFERENCE LINE: None

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 Glenn Robertson 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 February 16, 2022, 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.

ITEM 3 - Miscellaneous Correspondence

ITEM 4 - MANAGER'S REPORT & DISCUSSION ITEMS.

MANAGER'S REPORT

March 16, 2022

Vernalis flow +/- 1000 cfs Wheeling 0 cfs

Water Delivery Commenced February 8, 2022

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

Maintenance - Maintenance continued in February with an emphasis on repairing pipeline leaks and turnout gate inspections. Terrestrial weed control through spraying and disking was also conducted. Office Assistant, Shelby Woodward, who is out on Family Medical Leave submitted her resignation.

Pumping Plant #5 Cavitation Investigation – We have ordered a smaller capacity pump and motor capable of pumping 10-27 cfs. We have ordered the parts to convert an existing pump (Unit 4) to pump 27 to 44 cfs, and the last existing pump will remain with a capacity of 36 to 50 cfs. The new small pump anticipated delivery is January 2023. The parts for the conversion of Unit 4 are due to arrive in June 2022.

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

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.

Lift Canal Final Grading Project - Arnaudo Construction Inc. will work on final grading the new lining section of the Lift Canal in front of PP #4 in Spring 2022. Arnaudo Construction has started grading the canal as of March 14.

Peterman Lateral Pump Station Pipe Crossing Project – The construction of the pipe crossing at Peterman Lateral Pump Station to serve the Yamasaki annexed property should begin anytime by Arnaudo Construction Inc. Work has not commenced.

Respectfully submitted by:
David Weisenberger
General Manager

ITEM 5 - DIRECTOR AND STAFF ITEMS

General Manager Weisenberger report the San Luis & Delta Mendota Water Authority is reviewing how it calculates cost sharing, so there may be changes in the future.

General Manager Weisenberger reported he is considering hiring Jorge Flores back as a temporary part-time employee to do aquatic weed control until the District can train another employee.

General Manager Weisenberger has promoted current Water Master Michael McDonald to the position of Assistant Manager effective April 1, 2022. He is also promoting current ditchtender Michael McManus to the position of Water Master.

Harold Wineinger, a District landowner, was present to discuss with the board a possible claim due to his problems getting water delivered in 2021. As the issue was not on the agenda, the Board listened to Mr. Wineinger but took no action.

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

Local farmers Zach Reece and Logan Robertson were present to discuss with the Board the possibility of rationing this summer.

Staff reported that as of March 15, the State Water Resources Control Board has not issued a curtailment notice that would affect Banta-Carbona Irrigation District. The District expects to have all of its Warren Act Water pumped into storage by the end of March. The San Luis and Delta-Mendota Water Authority is working on a pump back project for stored water in case it is needed.

ITEM 7 – REQUEST TO PURCHASE A SEGMENT OF 5 WEST CANAL LATERAL NORTH OF LINNE ROAD WITH A PIPELINE IN IT. IN RETURN AN EASEMENT WOULD BE GRANTED TO THE DISTRICT FOR THE PIPELINE. ACTION AS NECESSARY.

Mr. Guillermo Lopez, a landowner in the District, had inquired if the District would be willing to sell him a portion of its fee that is adjacent to his property. The Board discussed the request and determined they would be willing to sell him a portion of the District's 50 foot wide fee strip for just compensation and for 25-foot-wide easement for the existing pipeline subject to the buyer paying for the following expenses: 1) Legal descriptions, District engineering consultant; 2) Easement agreement and any other legal expenses incurred by the District as a result of the sale, District legal counsel; 3) Purchase price of \$50,000 per acre or any portion of an acre; 4) Any miscellaneous direct expenses incurred by the District.

The District would also require a non-refundable fee of \$1,000 and a refundable deposit for engineering and legal expenses of \$5,000. If the deposit for engineering and legal expenses runs out another refundable deposit of \$5,000 will be required. It is anticipated the costs for engineering and legal will not exceed \$10,000.

The Board directed staff to send Mr. Lopez a letter of agreement detailing the above Conditions for him to sign and return to the District.

ITEM 8 – REVIEW B.F SISK DAM RAISE AND RESERVOIR EXPANSION PROJECT ACTIVITY AGREEMENT. ACTION AS NECESSARY.

The B.F. Sisk Dam needs seismic stability work. The San Luis & Delta-Mendota Water Authority (SL&DMWA) and the U.S. Bureau Reclamation (USBR) are also looking at raising the dam higher to expand storage in the San Luis Reservoir by 130,000 af.

The SL&DMWA is working on an activity agreement so that members of the SL&DMWA could sign the agreement and become an “investor group” to fund 70% of the cost to raise the dam. The Board discussed the project but took no action.

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

Staff presented a draft BCID GSA groundwater policy for review by the Board. The Board reviewed the policy but took no action.

ITEM 10 – UPDATE ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.

Staff provided the Board with the March 4, 2022, prepared by FISHBIO. They started electrofishing and fyke trapping in February. They will continue to monitor the water temperatures and river flow through the season.

ITEM 11 - 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.

District Counsel Jeanne Zolezzi reported she feels the location of the CBEC proposal for a diversion change will not change the District’s diversion point.

ITEM 12 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN. ACTION AS NECESSARY

The GSP is preparing to submit its annual up to the State of California Department of Water Resources.

ITEM 13 - 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
- 2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision(b) of Section 54956.9 (1 potential case)

The Board returned to open session with no announcement.

ITEM 14 - UPDATE ON PIPELINE CONSTRUCTION TO YAMASAKI FARMS TO SERVE IN-DISTRICT PARCELS #255-120-10 AND 255-270-16. ACTION AS NECESSARY

A down payment was made to Central Irrigation Company in December 2021 to order the 36-inch diameter PVC pipe for the project. All of the pipe has been delivered and construction is expected to start the first week of April. Quartaroli and Associates is working on legal descriptions for the needed easements.

ITEM 15 – UPDATE ON FILLING FUTURE OPEN POSITIONS OF SECRETARY/TREASURER, ADMINISTRATIVE ASSISTANT, DITCHTENDER, AND MAINTENANCE. ACTION AS NECESSARY.

Staff is currently working filling the ditchtender and maintenance positions. Two candidates have been chose subject to passing their physicals and drug testing.

Staff presented a job description/help wanted ad for review by the Board for the position of

Secretary/Treasurer, Assessor/Collector. The District has received a few applications for the position.

ITEM 16 - APPROVAL OF WARRANTS

Director Annette Elissagaray moved that the March 2022 warrants in the amount of \$853,081.90 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: Keith Robertson

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

Respectfully,

Margaret G. Howe