

1 November 16, 2022  
2 Tracy, California

3  
4 Pursuant to adjournment, October 11, 2022, the Board of Directors of the Banta-  
5 Carbona Irrigation District met at 9:00 a.m. at 3514 W. Lehman Road, Tracy California  
6 on the above-named date.

7 PRESENT: Directors: James M Thoming, Glenn Robertson, Annette Elissagaray, Mark  
8 Cardoza and Kyle Robertson

9 OTHERS PRESENT: General Manager David Weisenberger and Secretary Margaret  
10 Howe

11 ABSENT: None

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

13 Director Mark Cardoza made a motion to approve the minutes of the October 11, 2022,  
14 Board Meeting as presented. Director Annette Elissagaray seconded the motion, and it  
15 carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson,  
16 Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None;  
17 Absent: None

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

## 20 ITEM 2 - MISCELLANEOUS CORRESPONDENCE

21 General Manager Weisenberger reported the District received a letter from the Bureau of  
22 Reclamation regarding the "FY 2023 Central Valley Project Reserved Works Application  
23 for Funding from the Aging Infrastructure Account (AIA)". The California-Great Basin  
24 Region intends to process FY 2023 applications to fund extraordinary maintenance of  
25 CVP reserved works from the AIA and to extend the associated repayment. In order to  
26 do this, they need a letter from each CVP contractor affirming that it is responsible for  
27 reimbursing costs incurred by Reclamation to operate and maintain reserved works and  
28 is willing to apply for extended repayment of funds from the AIA. Director Glenn  
29 Robertson made a motion to authorize General Manager Weisenberger to provide a  
30 letter to Reclamation. Director Kyle Robertson seconded the motion, and it carried by the  
31 following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson, Mark Cardoza,  
32 James M. Thoming and Kyle Robertson; Noes: None; Abstain: None; Absent: None

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

### 34 **MANAGER'S REPORT**

35 **November 16, 2022**

36 **Vernalis flow +/- 650 cfs** Wheeling 0 cfs  
37 Water Delivery Commenced February 8, 2022  
38

39 **COVID 19** – There have been no new cases of COVID among BCID employees  
40 and their families since last board meeting.

41 **DMC Pumpback Project** – Awaiting final invoice for expenses on the design,  
42 planning, and inspection of equipment.

43 **Maintenance - Terrestrial** weed control through spraying and disking is on-  
44 going. Aquatic weed control has ceased until needed. We are preparing to apply pre-  
45 emergent herbicide to right of ways in November.

46 Staff has installed the new trash racks at Pumping Plant #1. We had new ones  
47 constructed to replace the lower half of the trash racks and moved any fair condition  
48 racks to the upper half. We started removal of the #2 40 cfs pump at PP #1. It will go to  
49 Geiger Manufacturing, Inc, in Stockton, in December for repair and rehabilitation.

50 Staff has also commenced working on repairing pipeline leaks.

51 Signage for the office at 3514 W. Lehman Road is installed.

52 **Homestead Property Lease** – WhitePine Renewables has inquired about the  
53 possibility of leasing some of the Homestead Ranch ground for installing a solar facility.  
54 Their initial inquiry suggested a \$1,000 per acre lease.

55 **Pump L4A** – The new (used) dry transformer for the outside pump, L4A has  
56 been placed on the concrete pad. We are waiting on Bockmon and Woody Electric to  
57 come out and connect it to the motor control center.

58 **FRIANT SJRRP Restoration Flows and Wheeling** – We are currently wheeling  
59 no water. They have informed us today that water is available to wheel. We are limited to

60 a 65 cfs flow rate and have additional reporting requirements to meet. We have not been  
61 informed as to what these reporting requirements are. The information provided states  
62 that there will be water available to wheel through December. We plan to begin wheeling  
63 water December 5<sup>th</sup> or 12<sup>th</sup>, depending on if we have completed any lift canal pump  
64 station repairs and inspections. Currently we are making plans to run through Christmas  
65 day and New Year's day.

66 **Nonnative Predator Research Project, FISHBIO** – Predator populations are  
67 not known, and predation is not a significant input into ESA listed fish species life  
68 models. Populations are needed to be known in order to improve model accuracies,  
69 otherwise no change in recovery will occur based on the existing models. Fish trapping  
70 as ceased for 2022. FISHBIO hosted an annual meeting on August 24, 2022, with the  
71 sponsors of the study, BCID, West Stanislaus ID, and Patterson ID. Trapping and  
72 electrofishing results were shared for the study period of 2017 through 2022. FISHBIO  
73 staff provided information about how this information is being received by others in fish  
74 recovery efforts in California. Interest in predation and the interaction between non-  
75 native species and predation of native species is increasing. The meeting was well  
76 attended by district managers and board members. It was consensus among the group  
77 that day that the general findings of this study needs to be shared with a much broader  
78 audience such as at an Association of California Water Association (ACWA) conference  
79 to inform members that there is a huge stressor on endangered species that isn't getting  
80 the requisite attention it deserves. Currently the participating districts are evaluating  
81 whether they have any available budget to fund this program in 2023. We have reached  
82 out to San Luis Water District, and they have expressed interest in contributing funding  
83 dollars.

84 **PROP 1 Grant Habitat study** – CBEC continues to develop and perfect  
85 alternatives for a habitat project adjacent to the BCID fish screen facility on the San  
86 Joaquin River. CBEC and FISHBIO are organizing a presentation to show regulating  
87 agencies in January our current alternatives in order to get their feedback on our current  
88 plans. Our PROP 1 grant requires that we engage the regulators at the 65% design level  
89 to get their feedback.

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

93 **Peterman Lateral Pump Station Pipe Crossing Project** – The project is not  
94 fully complete as automation and electrical work still needs to be completed in order to  
95 operate the pump station in auto. We are currently operating the pump station in "Hand"  
96 mode.

#### 97 **ITEM 4 - DIRECTOR AND STAFF ITEMS**

98 The Board inquired if staff has made any plans about replacing the District Maintenance  
99 Supervisor if he retires in the next year. General Manager Weisenberger reported he  
100 feels he currently has staff qualified to cover the position.

#### 101 **ITEM 5- REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE** 102 **DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER** 103 **SUPPLIES AND POTENTIAL RATIONING. ACTION AS NECESSARY.**

104 General Manager Weisenberger reported he still plans on ending the 2022 water season  
105 on November 18<sup>th</sup> until at least December 4<sup>th</sup>. The District currently has approximately  
106 17,400-acre feet of water in storage and can start pumping water into storage in January  
107 2023.

108 The District was notified today that Friant SJRRP restoration flows will be available for  
109 wheeling during the month of December, subject to some reporting requirements. He is  
110 making plans to wheel water through Christmas day and New Years day.

#### 111 **ITEM 6 - UPDATE ON SAN JOAQUIN RIVER FISH POPULATION STUDY.** 112 **ACTION AS NECESSARY.**

113 The budget for the 2023 San Joaquin River fish population study is \$510,000. District  
114 participation was approved at the October 11, 2022, board meeting subject to at  
115 least two other agencies participate in the study. The District is waiting for confirmation  
116 that two other agencies have approved participation.

#### 117 118 **ITEM 7 - REPORT ON PROGRESS OF PROP 1 GRANT CONTRACT** 119 **DEVELOPMENT TO STUDY, DESIGN, AND PERMIT A HABITAT** 120 **RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK** 121 **STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE**

122 HABITAT RESTORATION AND PROTECTION OF DISTRICT'S  
123 DIVERSION POINT. ACTION AS NECESSARY.

124 CBEC continues to work on developing alternatives for a habit project adjacent to the  
125 BCID fish screen facility on the San Joaquin River. CEBC and Fishbio are putting  
126 together a presentation to show the regulating agencies in January our current  
127 alternatives to get their input on our current plans. Our grant required we engage with  
128 the regulating agencies at the 65% design level to get their input.  
129

130 ITEM 8 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP)  
131 FOR THE TRACY SUBBASIN. ACTION AS NECESSARY

132 When staff did the 2023 Assessment billing, they inserted a flyer regarding the District's  
133 Sustainable Groundwater Management program. The assessment billing goes to all  
134 property owners within the District's boundaries and staff felt that was the most  
135 convenient way to inform property owners about the program.  
136

137 ITEM 9 - CLOSED SESSION:

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

140 A. Banta-Carbona Irrigation District v. California State Water  
141 Resources Control Board, et al, Case No. 34-2021-80003718 in  
142 Sacramento County Superior Court, Department 17

143 C. Center for Biological Diversity et al. v. United States Bureau of  
144 Reclamation, et al., Case No. 1:20-cv-00706;DAD-EPG, Eastern  
145 District of California

146 2) CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS

147 a. Property: Negotiate purchase of water from Oakdale Irrigation District WY 2023.  
148 Agency Negotiator: David Weisenberger and Jeanne Zolezzi  
149 Negotiating Party: Oakdale Irrigation District  
150 Under Negotiation: Water

151 b. Property: Up to 10,000-acre feet of San Joaquin River Water under the  
152 District's Pre-1914 Water

153 rights

154 Agency Negotiator: David Weisenberger and Jeanne Zolezzi

155 Negotiating Party: Meyers Farm Family Trust

156 Under Negotiation: Price, Quantity and Terms of Payment

157 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

160 The Board returned to open session with no announcement.  
161

162 ITEM 10 - UPDATE ON FILLING FUTURE OPEN POSITION OF  
163 SECRETARY/TREASURER. ACTION AS NECESSARY.

164 The Board reviewed the resume of an applicant for the position of Secretary/Treasurer.  
165 After some discussion the Board decided to retain Secretary Howe as Secretary of the  
166 Board for 3 – 6 months.

167 Director Kyle Robertson made a motion to hire Donna Braxton to the position of  
168 Treasurer, Assessor/Collector at an annual salary of \$75,000 with benefits. A  
169 Performance review to be done after six months employment. Ms. Braxton is to start  
170 work on January 3, 2023. Director Annette Elissagaray seconded the motion, and it  
171 carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn Robertson,  
172 Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None; Abstain: None;  
173 Absent: None

174 ITEM 11 – A. POMONA FARMS PRESENT TO INTRODUCE THEMSELVES  
175 AND MAKE A PRESENTATION ON THE POTENTIAL TO ENTER  
176 INTO FUTURE WATER TRANSFERS WITH BCID AS A BUYER. TIM  
177 O'LAUGHLIN AND RYON PATON REPRESENTING POMONA FARMS  
178 TO PRESENT. ACTION AS NECESSARY.

179 The representatives from Pomona Farms did a presentation on their current farming  
180 activities in both California and Maui. They are currently negotiating with Meyers Farm to  
181 possibly purchase farming ground and the ground water bank. They presented several  
182 options to extend BCID's water transfer agreement with Meyers if the purchase

183 happens. The Board discussed several issues with them, thanked them for attending the  
184 meeting, but took no action.

185                   B. REVIEW AGREEMENT WITH MEYERS FAMILY FARMS FOR  
186                   POSSIBLE EARLY EXTENSION. ACTION AS NECESSARY

187 The Board reviewed the current water transfer agreement with Meyers Family Farms  
188 and authorized General Manager Weisenberger and Counsel Jeanne Zolezzi to provide  
189 a draft of a new agreement to Meyers Family Farms.

190 ITEM 12 - Approval of Warrants

191 Director Annette Elissagaray made a motion to approve November 2022 warrants in the  
192 amount of \$285,242.08 be approved for payment. Director Mark Cardoza seconded the  
193 motion, and it carried by the following vote: Ayes: Directors: Annette Elissagaray, Glenn  
194 Robertson, Mark Cardoza, James M. Thoming and Kyle Robertson; Noes: None;  
195 Abstain: None; Absent:

196 The meeting was then adjourned to Wednesday, December 14, 2022, at 9:00 a.m.

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198

Respectfully,

199

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Margaret G. Howe  
Secretary – Treasurer

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