

April 12, 2023  
Tracy, California

Pursuant to adjournment, March 15, 2023, 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, Treasurer Donna Braxton, and District Counsel Jeanne Zolezzi

ABSENT: NONE

#### ITEM 1 – OPPORTUNITY FOR PUBLIC COMMENT

No public comment

#### ITEM 2 - MINUTES

Director Glenn Robertson made a motion to approve the minutes of the March 15, 2023 Regular Board Meeting and the minutes for the Special Board meeting of March 21, 2023. 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 3 - MISCELLANEOUS CORRESPONDENCE

A couple of informational items were included in the board packet that addressed a district protest of a change petition filed by The River Partners and a newsletter that talked about the recent court ruling that districts would be entitled to their legal fees as a result of the 2015 river rights case in the Santa Clara Superior court.

#### ITEM 4 – TREASURER’S REPORT

Treasurer Braxton presented the Treasurer’s report and after review by the Board it was filed.

Treasurer Braxton reported that the district’s existing chart of accounts does not include any that address website expenses, IT expenses, or any groundwater management expenses. The board of directors directed her to address those items and report back at the next regular board meeting the new accounts created.

Treasurer Braxton noted that the receivables activity for March had several credit balances and also noted that there was a receivables balance for the 1<sup>st</sup> installment of the standby charges. She said she would provide information about those balances at the next regular board meeting.

#### ITEM 5 – RESOLUTION AUTHORIZING ACCESS TO MANULIFE ACCOUNT INFORMATION AND TRADING AUTHORITY

##### **BANTA-CARBONA IRRIGATION DISTRICT RESOLUTION NO. 2023-04-12-1**

##### **THE BANTA-CARBONA IRRIGATION DISTRICT DESIGNATION OF AUTHORITY**

**WHEREAS**, the Banta-Carbona Irrigation District (“District”) has funds invested with Manulife Financial Corporation (“Funds”); and

**WHEREAS**, the District wishes to designate a representative(s) with authority to deal with the Funds.

**NOW, THEREFORE, BE IT RESOLVED**, that the Banta-Carbona Irrigation District Board of Directors hereby finds, determines and/or declares, as follows:

1. The Board of Directors here by authorizes James M. Thoming, President, and David Weisenberger, General Manager, as those individuals authorized on behalf of the District to accept and convey, assign, transfer, or otherwise dispose of all of any shares, stocks, bonds, debentures, debenture stock, and other securities of every description now or hereafter registered in the name of the District or held or owned by the District and to sign and execute on behalf of

the District all and any instruments of acceptance and transfer and other documents whenever necessary or proper to effectuate the same with full power to appoint any attorneys with full power of substitution therein, and that any and all instruments of acceptance and transfer and other documents in connection therewith heretofore signed and execute on behalf of the District in accordance with the authority set out above are hereby ratified and confirmed.

2. The following is a specimen of the signatures of the two authorized individuals:

Name	Title	Signature
James. M. Thoming	President	
David Weisenberger	Secretary	

On motion by Director Glenn Robertson and seconded by Director Mark Cardoza, the forgoing resolution was passed and adopted on April 12, 2023 by the following vote.

AYES – Directors James Thoming, Glenn Robertson, Kyle Robertson, Annette Elissagaray and Mark Cardoza

NOES – None

ABSTAINS – None

ABSENT – None

**PASSED AND ADOPTED**, this 12<sup>th</sup> day of April, 2023 by unanimous vote of the Board of Directors of the Banta-Carbona Irrigation District.

#### ITEM 6 - DIRECTOR AND STAFF ITEMS

No directors items were raised.

#### ITEM 7 - REVIEW DISTRICT POLICIES, PROCEDURES, AND EMPLOYEE HANDBOOK UPDATES.

No deliverables were provided by staff in this meeting. A special board meeting was scheduled for April 18, 2023 to discuss and act on this item.

#### ITEM 8 - REVIEW FOR APPROVAL AGREEMENT FOR A NEW TURNOUT ON 3 EAST LATERAL AND FOR OUTSIDE THE DISTRICT WATER SERVICE FOR REGAL NUT COMPANY.

Director Glenn Robertson made a motion to approve a water service agreement for a new turnout on 3 East Lateral with Regal Nut Company. 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.

#### ITEM 9 - REVIEW DISTRICT'S CAPITAL IMPROVEMENTS PROJECT LIST.

General Manager Weisenberger presented a list of capital projects that were identified back in 2018. The list included an update on the status of those projects. Some projects have been completed while others are in process, and some are still to be started. The list includes complete replacement of all of the original pumping plants that were constructed in the 1920's. To date Pumping Plants 4, 5, and 6 have been replaced. Pumping Plant 3 replacement is currently being designed by Dahl Consultants Inc.

#### ITEM 10 - SALE OF DISTRICT PROPERTY NO LONGER REQUIRED, ONE PICKUP, A 2015 FORD F-150 ID#1FTMF1C81FKD18018.

Manager Weisenberger reported that after the posting of the agenda he learned that this vehicle may be repairable at a reasonable cost. He requested that no action be taken to sell this vehicle.

ITEM 11 – MANAGER’S REPORT & DISCUSSION ITEMS.

**MANAGER’S REPORT**

**April 12, 2023**

**Water Season (deliveries) Started April 4, 2023**

Vernalis flow +/- 31,500 cfs, Stage 28.2 NGVD

Vernalis Monitor Stage 24.5, 34,000 cfs

Vernalis Flood Stage 29.0,

Vernalis Danger Stage 29.5

Peak Stage of Record 34.9. Jan 5, 1997

**Maintenance** - The #2 40 cfs pump at PP #1 has been re-installed. The motor was aligned with the pump column and it is ready for operation.

Staff continued to cleanup work in the yard at 3514 W. Lehman Road and at Kasson Road yard. They continued to take junk steel to recycle at Modesto Junk Co., Inc. in Modesto.

Eight employees have been working irrigation schedule and doing levee patrols for Reclamation Districts’ 2085 (RD 2085) and 2095 (RD 2095). They were also operating the lift canal and after April 4<sup>th</sup> delivering water. Our participation in levee patrols ceased on April 11, 2023.

Assistant Manager Michael McDonald had maintenance crews cleaning and painting pump station interiors during the wet weather in March.

Leaks in the pipeline on Peterman Lateral to 3 West -13 along the freeway 15, were repaired. It had a severe crack on top of the pipeline that was several feet long. This is the leak that resulted in a claim for damaged walnuts in 2022.

Repaired leaking water pipe in 3514 Lehman Road yard.

Installed water valves for landscaping area on driveway entrance. Groomed outside entrance area in anticipation of putting in some green landscaping in that area.

Two leaks cropped up on L4 pipeline. A pinhole on the above ground steel pipe and a leak in the area where a “T” was installed last year. The leak in the steel pipe has been stopped. The leak at the T is more of a seep right now and will be evaluated for repairs as the season progresses.

ITS Currie, our technology and support services vendor, continues to clean up our old servers, replace with cloud services, and setup an existing server for emergency work if internet goes down. They are also looking at an alternative to our Questys data storage and retrieval system as to put Questys on the cloud is relatively expensive, in thousands of dollars. It remains on a server locally in our office until a suitable alternative is found.

The softstart starter for the sediment pump at the fishscreen facility has failed. It will require a new starter. Bockmon and Woody Electric Inc. is in the process of obtaining a new starter.

**Paradise Cut Expansion Proposed Project** - General Manager Weisenberger attended a workshop at Robert’s Union Farm Center in regards to the proposed Paradise Cut Expansion Project on March 23, 2023. The presentations were focused on the dredging of the interior delta channels as a major part of the project. The BCID concerns are that the new weir proposed for this expansion is located adjacent to its diversion point on the San Joaquin River. Also, when the weir is operating the water will flood district owned farmland adjacent to the weir and water will bank up against the back side of the local levees.

**FRIANT SJRRP Restoration Flows and Wheeling** – We commenced wheeling water for the SJRRP on February 28, 2023 and continued to wheel through April 6, 2023. We wheeled 108 acre feet in February, 4,803 acre feet in March, and 816 acre feet in April. SJRRP wheeling has ceased due to SLR filling and Friant contractors have no place to use the water in real time or store elsewhere.

**Pumping Plant 5 impeller replacement project** – The new impellers for one of the high head pumps, Unit 4, need to be scheduled for installation. The district is in possession of the new impellers. The new pump, a smaller capacity unit, and motor for replacing Unit 6 will not be delivered until about June.

**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 2023. Yet to be completed are drainage culverts.

**Peterman Lateral Pump Station Pipe Crossing Project** – The project is not fully complete as 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.

**Local Creeks are running** – Corral Hollow Creek and Lone Tree Creek began flowing out of the hills down to the valley floor the morning of January 1, 2023. They have been running continuously since that morning at varying flow rates crossing Chrisman Road and Blewett Road respectively. Rainfall total for November 2022 .59 inch, December 2022 was 2.86 inches, January 2023 5.94 inches, February 1.65 with snow on the hills, ridgeline, for the last two weeks of month, and March 3.58 inches, and in April to date .11 inch, for a total of 14.88 inches. Corral Hollow continues to run into canal lateral 4 WEST above Borba Stop Gate at a rate of about 5-7 cubic feet per second (cfs).

**ITEM 12 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES AND POTENTIAL RATIONING. ACTION AS NECESSARY**

The District currently has zero Warren Act water in San Luis reservoir as the reservoir has reached a spill status which spills all non-project water. The District's water that was in storage was non-project water. Reclamation (USBR) announced a 35% CVP water allocation for south of delta water contractors for the 2023 irrigation season. Rumor has it that Reclamation will announce a full 100% allocation to south of delta contractors later in April.

**ITEM 13 - UPDATE PROGRESS ON PUMPING PLANT #3 REPLACEMENT PROJECT ON THE MAIN LIFT CANAL. ACTION AS NECESSARY.**

Dahl Consultants continue to work on final design of the new pumping plant. Purchase orders for the electrical equipment purchases have not been prepared yet. Quotes for pumps and motors have not been obtained as of yet as reported by Susan Fox of Dahl Consultants Inc. Electrical and SCADA design continues by Richard Hearth and Scott Penner of WAVE Engineers Inc out of Sacramento. Dahl Consultants and the district hold bi-weekly phone and ZOOM calls to keep the design and equipment quotes moving. Final design is planned to be completed by the July BCID board meeting.

**ITEM 14 - REPORT ON SAN JOAQUIN RIVER FISH POPULATION STUDY. ACTION AS NECESSARY.**

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. We have engaged JCOMM, Inc, to produce a video in 2023 of about 12-15 minutes to share with outside groups and the public about the studies and preliminary findings.

**ITEM 15 - UPDATE ON THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN. ACTION AS NECESSARY**

General Manager Weisenberger asked Richard Shatz of GEI, an engineering firm out of Sacramento, Ca, to prepare a proposal for investigating potential areas for surface water recharge to the underground aquifers of the Tracy Sub-basin. There was a tremendous amount of local creek flow into the Tracy Subbasin this past winter. The intent is to research the best places to use that local creek water for groundwater recharge in the subbasin. In addition, the BCID may want to store water through surface water recharge to the basin and is interested in the best land areas to do that type of recharge.

**ITEM 16 - 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.**

CBEC continues to develop and perfect alternatives for a habitat project adjacent to the BCID fish screen facility on the San Joaquin River. CBEC and FISHBIO met with regulating agencies in January to get feedback on our current alternatives. The response by the agencies was positive in regards to the alternatives shown. CBEC is now working on 65% design for the habitat berm alternative. Design is to a point now where the district can and should engage local landowners to obtain agreements for crossing or using portions of their property. It is also time to seek contractors who are capable of doing the grading work and disposing of the excess material on the project site.

ITEM 17 - UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD. ACTION AS NECESSARY.

Wave Engineering has provided WhitePine Renewables with drawings of the district's electric distribution system for reviewing any upgrades required for interconnecting the solar project into the districts electric system. On Friday, April 14 at 10 am WhitePine, Wave, PWRPA and the district staff will be doing a site visit together to look at the facilities in the field.

ITEM 18 - UPDATE ON POTENTIAL FUTURE WATER STORAGE OPPORTUNITIES. ACTION AS NECESSARY.

No opportunities were presented for discussion.

ITEM 19 - CLOSED SESSION:

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

- A. 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
- B. Natural Resources Defense Council et al. v. Kempthorne, et al. U.S. District Court Eastern District, Case No. 1:05-CV-01207 OWW GSA (Consolidated).
- C. Banta-Carbona Irrigation District v. State Water Resources Control Board Santa Clara County Superior Court Judicial Council Coordination Proceeding No. 4828.
- D. STATE WATER RESOURCES CONTROL BOARD CURTAILMENT CASES JCCP 5229

2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

- A. Property: Explore potential purchase of real property  
Agency negotiators: David Weisenberger, District Counsel Jeanne Zolezzi, and President James Thoming.  
Negotiating party: Landowner  
Under Negotiation: Parcels in Fresno County

The Board returned to open session with no announcement.

ITEM 20 - APPROVAL OF WARRANTS

Director Annette Elissagaray made a motion to approve April 2023 warrants in the amount of \$409,491.57 be approved for payment. 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

The meeting was then adjourned.

Signed,

David Weisenberger  
Secretary