

June 14, 2023
Tracy, California

Pursuant to adjournment, May 17, 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 (President), Glenn Robertson (Vice-President), Annette Elissagaray, Mark Cardoza and Kyle Robertson.

OTHERS PRESENT: General Manager/Secretary David Weisenberger, Treasurer/Assessor-Collector Danisha McDonald, 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 May 17, 2023 Regular Board Meeting. 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.

The minutes for the special board meeting of May 23, 2023 were not presented for approval.

ITEM 3 - MISCELLANEOUS CORRESPONDENCE

A SWRCB "Notice of Breach" letter dated June 8, 2023 was summarized. The online water rights reporting system was breached with the attackers obtaining user names and passwords for water rights reporters. The letter stated that new usernames and passwords would be distributed to all water use reporters.

A California Special Districts Association (CSDA) conference brochure was distributed for the CSDA conference in Monterrey Ca. in August.

ITEM 4 – TREASURER’S REPORT

The Treasurers report was presented by Danisha McDonald. The Treasurers report was filed as presented.

ITEM 5 – AUTHORIZE TRANSFER AMOUNT FROM LIQUIDITY BANK ACCOUNT TO CHECKING ACCOUNT.

Director Kyle Robertson made a motion to transfer \$1,126,464.12 from the Liquidity Bank Account to the District checking account at Oak Valley Community Bank. 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.

ITEM 6 - DIRECTOR AND STAFF ITEMS

Director Glenn Robertson asked staff to confirm that the tenant on the Winegar property on Chrisman Road is receiving water.

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

Ms. Danisha McDonald distributed a draft procedure document for making the required monthly online filings from the District’s NOAA weather station onto the NOAA website. No action was taken.

ITEM 8 – RECOGNIZE TIMOTHY BRISTOW FOR HIS MANY YEARS OF SERVICE UPON HIS RETIREMENT.

Director Glenn Robertson made a motion directing staff to take all steps necessary to hold a retirement party on August 25, 2023 for Mr. Timothy Bristow at the Elks Club in Tracy, Ca. Director Mark Cardoza 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 – CONSIDER FOR APPROVAL THE PURCHASE OF TWO FORD F-150 PICKUPS.

Director Mark Cardoza made a motion to purchase two FORD F-150 pickups from Haidlen Ford in Oakdale for \$35,038.95 each. 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 10 - DISCUSS PROCESS FOR LEASING THE HOMESTEAD RANCH PROPERTY FOR 2024.

Board directed staff to put this item in closed session for the July regular board meeting so that negotiations could commence with any interested parties. Board also directed the General Manager to reach out to the current tenant, Mr. Mike Mattos, to inquire as to his interest in continuing to lease the property.

ITEM 11 – REVIEW CURRENT WATER SUPPLIES

U.S. Bureau of Reclamation announced a 100% contract allocation of water for south of delta water contractors for the water year 2023 which ends February 28, 2024. San Joaquin River is running at around 25,000 cubic feet per second (cfs) and the projected low flow at Vernalis later in the summer is about 4500 cfs. Current river stage at Vernalis is 25.5 NGVD, about 24,500 cfs.

ITEM 12 – MANAGER’S REPORT & DISCUSSION ITEMS.

MANAGER’S REPORT
June 14, 2023
Water Season (deliveries) Started April 4, 2023
Vernalis flow +/- 24,500 cfs, Stage 25.5 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 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. Aquatic weed control has commenced in district canals. Terrestrial weed control is on-going as well. Weed spraying on right of ways is nearly complete.

Three new employees have been hired. Saul Ruiz was hired and started work on June 5, 2023 as Maintenance/Pesticide Specialist. Christian Rodriguez has been hired as Maintenance/Pesticide Specialist and will start on June 19, 2023. Francesca Gonzer has been hired as an Office Assistant and will start on June 19, 2023.

Paradise Cut Expansion Proposed Project – Nothing new to report.

FRIANT SJRRP Restoration Flows and Wheeling – SJRRP wheeling was ceased in April due to SLR filling and Friant contractors have no place to use the water in real time or store elsewhere. USBR contacted the District and asked about available wheeling capacity during this summer. The District’s response was that no capacity would be available to wheel Friant water until about the end of September and continuing on through February 2024.

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.

JCOMM Video Production – JCOMM has completed a 12-15 minute presentation on the topic of the non-native fish population study, titled **“The Missing Piece: the Struggle to Save Native Fish”**. JCOMM has provided online links to view the video and to download the video.

ITEM 12A - 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. This video has been completed and is titled “The Missing Piece”. A plan will be developed to formally release it to the public and water agencies.

ITEM 12B - 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. Mr. Shatz did present a proposal for the work and that is being reviewed by staff. On June 29 there will be a public workshop updating the public on the status of the Tracy Subbasin and on-going groundwater level protection activities. The workshop will be held at the City of Tracy City Hall at 6 pm.

ITEM 12C - 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 12D - UPDATE ON WHITEPINE RENEWABLES, INC. SOLAR PROJECT ON DISTRICT HOMESTEAD RANCH PROPERTY ON KASSON ROAD. ACTION AS NECESSARY.

In May Whitepine Renewables, Inc provided the District with a land lease agreement and a power purchase agreement (PPA) for the District's review. BCID legal counsel Jeanne Zolezzi is reviewing the lease agreement. PWRPA legal counsel, Bruce McLaughlin, is reviewing the PPA document.

ITEM 12E - UPDATE ON POTENTIAL FUTURE WATER STORAGE OPPORTUNITIES. ACTION AS NECESSARY.

Manager Weisenberger reported that the Los Vaqueros expansion project is in planning stages as well as a dam raise for the San Luis Reservoir. Calls for funding are being made on potential participants that could benefit from the added storage. Manager Weisenberger estimated that if BCID were to participate that its fair share of new storage would be diminished, possibly only 300-600 acre feet in each project. The future storage in San Luis Reservoir creates a challenge for BCID to get its water delivered to the District as the district is located 40 miles upstream from the reservoir.

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

Agency Negotiator: David Weisenberger and Jeanne Zolezzi
Negotiating Party: Meyers Farm Family Trust
Under Negotiation: Price, Quantity and Terms of Payment

The Board returned to open session with no announcement.

ITEM 14 - APPROVAL OF WARRANTS

Director Kyle Robertson made a motion that June 2023 warrants in the amount of \$861,237.06 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: None

The meeting was then adjourned.

Signed,

David Weisenberger
Secretary