



**REGULAR MEETING OF THE BOARD OF DIRECTORS
DECEMBER 15, 2021
MINUTES**

1. CALL TO ORDER

President Gene Bays called the meeting to order at 8:34 a.m. Board Members present were Zach Maring, Jim Jasper, Jarod Lara, Kyle Perez, and Bill Koster.

2. OPPORTUNITY FOR PUBLIC COMMENT

Anthea asked if any member of the public wanted to make a comment. Being none, the meeting continued.

3. ADDITIONS/REVISIONS TO THE AGENDA

Anthea noted that in Item 5., the Agenda indicates the Staff Presentation will be given by Anthea, which should be changed to read by Adam Scheuber. Also, Vice President Koster will preside for the public hearing instead of President Bays. There were no other changes.

4. CONSENT CALENDAR

The Minutes from the Board Meeting of 11/17/21, Monthly Accounting Reports as of 11/30/21, and Field Operations Report for November 2021 were provided in advance for the Board's review. The Board approved the Consent Calendar as follows:

Ayes: Bays, Koster, Maring, Lara, Perez and Jasper
Nays: None
Abstentions: None
Absent: Lucich

5. PUBLIC HEARING TO CONSIDER COMMENTS ON THE ADOPTION OF THE DEL PUERTO WATER DISTRICT 2020 AGRICULTURAL WATER MANAGEMENT PLAN

Vice President Koster opened the hearing. Adam gave Staff's presentation on the Agricultural Water Management Plan. Upon conclusion of the presentation, Vice President Koster opened the floor for any questions or comments from the Board or the public. Being none, Anthea asked Adam to recap several editorial additions for the record that will go into the final plan. Adam shared that the plan had been reviewed by Reclamation and was awaiting final approval. Although no comments were made on the Plan, a few additions on page 3 on the description of the District, the NVRWP including Modesto portion, some language on the Turlock portion was added. Additionally, in the Budget section on page 14, there was discussion on the water availability charge added as well as some notes on operating costs in 2020 relating to continuing funding of the Del Puerto Canyon Reservoir, as well as changes to pages 17 and 19 pertaining to the correction of some grammatical errors. Adam added that upon the 2020 Agricultural Water Management Plan Resolution being approved, the Plan will be submitted and a Letter of Acceptance will be sent by the Bureau to the District and posted to the District's website. Being no further questions, Vice President Koster declared the portion of public participation closed and concluded the proceedings and the proposed adoption of the Del Puerto Water District 2020 Agricultural Water Management Plan for the Bureau of Reclamation.

6. ACTION ITEMS

A. Board to Consider Resolution Approving and Adopting Del Puerto Water District 2020 Agricultural Water Management Plan

Anthea provided the Board with a copy. After review and discussion, the Board authorized a resolution approving and adopting the Del Puerto Water District 2020 Agricultural Water Management Plan as follows:

Ayes: Bays, Perez, Maring, Lara, Koster and Jasper
Nays: None
Abstentions: None
Absent: Lucich

7. MANAGER'S REPORT

Anthea reported that the current focus was on operations of the Projects and added that the Bureau and the State Water Project went to the State Board on December 1st to ask for temporary urgency change petition to operate the Projects under relaxed conditions from February 2022 through April 2022. An open comment period was given and she reported that a week prior, a workshop to take public comment went on for almost a full day. She shared that at least 20 speakers came forward and urged the State Water Resources Control Board to not honor these requests and to move quickly to implement Phase I and Phase II flow requirements of the Water Quality Control Plan. Although it was not a positive hearing, no order had been approved or issued yet. She also shared that the proposed Interim Operations Plan for 2022 is playing out in the courts, which will give all parties an opportunity to provide briefings. She believed an injunction was going to be requested by NGO's to try and force the projects to operate under the prior Biological Opinion. The Judge encouraged the State Water Project and CVP to agree on some kind of plan to operate because he wants to avoid being forced to operating the project. At this time, the Contractors will not oppose the IOP although some risks are still involved, including a 3 to 1 on the import-export ratio in April and May, which could be problematic. Refill criteria for Shasta will also be problematic. She also shared that the SWRCB had lifted curtailments, but then reinstated them a few weeks later. Also provided in the packet was a SWRCB Resolution No 2021-0050 pertaining to condemning racism, xenophobia, bigotry, and racial injustice for the Board to review. Anthea also shared that the re-initiation of consultation on the 2019 Bi-Ops has been requested, but that it will take two years for the Fish and Wildlife Service and National Marine Fisheries Service to issue any revisions. The IOP will be in effect until September 2022. She hoped that some of the Board Members will participate in providing a declaration as she did, to articulate the impacts of the current situation to their farm operations directly and indirectly. Discussions about venues where Landowners can participate in solution oriented organizations was also discussed. Board Member Koster asked if the unimpaired flows would affect the Yuba water supply, to which Anthea confirmed that it could.

8. WATER OPERATIONS & SUPPLY

A. CVP/SWP Operations

Anthea provided and reviewed the SLDMWA December Operations Update. She reported that the smelt restrictions will take place through Christmas and that Reclamation's estimate of the accounting balance under COA was currently about 200 TAF. She reported that 50,000 AF borrowed the CVP had been fully repaid to the State Water Project. She also reported there was 120,000+ AF of water stored in San Luis that belonged to contractors that recent pumping increases were very helpful to ensuring that the water owned by the District is physically in the reservoir. Discussions have been held regarding avoiding the 2016 situation where water was "borrowed" by the Bureau.

B. Monthly Supply/Use/Completed Transactions Summary Report as of 11/30/21

Paul provided the Supply/Use/Completed Transactions Summary Report for November and pointed out a typo on the Report which stated it as "October" when it should have been "November". In-District use for the month of November was at 188 AF. Total current use for the year was 36,431 AF. Total estimated for rescheduling into 2022-23 was 18,757 AF.

C. 2021-22 Additional Supplies Update

Anthea shared that the previous worksheet that she had presented in the prior month's meeting included water that had been turned back from the NVRWWP Program for the current year. Because NVRWWP deliveries for the year were trending to be short of the initial allocation, she pulled the amount that was short out of the pool. She reviewed the changes with the Board.

D. 2022-23 Supply Pre-Purchase Program Update

Anthea provided the Pre-Purchase customer list which showed a total of 6,958 AF of timely pre-purchase requests and a total of 1,655 af of late requests. She reported that if the Mapes Ranch transfer is fully completed, timely requests will be able to be fulfilled, and if not, only a portion will be available to distribute.

E. Landholding / Licensing Updates

Anthea provided an Application Referral to develop a 1,573 acre logistics center in San Joaquin County, noting that 954 acres of the proposed project are within the Del Puerto Water District boundaries. She reported that she would be replying with a letter notifying San Joaquin County of the District's M&I Land Conversion policies. Also included was a development notice from the City of Patterson for a project on Baldwin Road.

9. RESOURCE MANAGEMENT ACTIVITIES

A. Westside Integrated Regional Water Management (IRWM) Activities

Anthea reported that IRWM working group was working on finalizing the last grant. Another round of grants is coming up and Staff is working to place a project on that list.

B. SJVDA Westside San Joaquin River Watershed Coalition Report(s)

Adam reported that there had not been a meeting held in the last month and included a list of outstanding customers that had not submitted their 2020 FES or NMP. He indicated he would be reaching out to acquire the reports as soon as possible. Anthea also reminded Adam that customers in the delinquent FES or NMP list should not receive water until they are compliant.

C. Sustainable Groundwater Management Activities

Adam shared that the District received a notice in December from the Department of Water Resources pertaining to the status of the SGM Plan. They explained that they had completed the review of the six GSPs covering the Subbasin and had identified several deficiencies that will preclude the Department's approval of the Plan but provided no details. A final determination would be available by January 23, 2022. Adam provided a memo from EKI pertaining to the Department of Water Resources' comments of the Northern & Central Delta-Mendota Groundwater Sustainability Plan. Once the final notice is received, there will be a period of 180 days to comply with any concerns they point out. Board Member Koster asked if there were any grants for surface water to which Adam indicated that most grants are targeting continued conservation of existing supplies. There are some for recycled water projects, but mainly conservation projects.

10. FINANCIAL MATTERS

A. 2022-23 Budget Update

Anthea shared that Staff will start working on the District budget in the next month. A draft budget will be available for review in February. Anthea also and reported that Staff was currently working on verifying ownership of land and balancing the acreage to the customer base in order to send the billings for the new year accurately as SGMA and CVP billings differ. She suggested outreach to customers to obtain any changes that need to be noted.

B. CVP Financial Matters

Anthea provided an Agenda from the CVPWA for the Board to review.

11. SUPPLY DEVELOPMENT PROGRAMS

A. Orestimba Creek Recharge & Recovery Project – Update

Adam provided an Agenda for the most recent Orestimba Creek Project Meeting. He reported that Staff was currently navigating through the various permits and their processes as well as securing the current grant funding awarded to this project, which is predicated on the completion of CEQA and NEPA documentation. After review of the progress report, Anthea asked if test holes were on pause for the moment, to which Adam confirmed. Discussions regarding a culvert that was planned on being used for this project were being held, as the Bureau of Reclamation had concerns.

B. Del Puerto Canyon Reservoir Project – Update

Anthea reported that a California Water Commission Hearing was holding a meeting later in the afternoon to decide whether they will give the DPCR a feasibility finding. She shared that Staff had submitted a screening application to prepare in case any additional prop 1 storage moneys become available from opted out projects. She gave an overview of recent activity from the public opposing as well as supporting the project. Meetings with the Department of Fish and Wildlife to obtain an eagle permit to cover geotechnical exploration activities that are expected to start in the first half of 2022. Proposals solicited for the design engineer services should be back by the end of the week. She also reported that issues with the Bureau of Reclamation with delay of the Draft EIS (which was supposed to be released at the beginning of 2021) were being addressed and it had been brought to the Regional Director's attention. Several more surveys were underway to allow PG&E to advance their designs for the power line placement.

C. Los Vaqueros Reservoir Expansion Project - Update

Anthea provided copies of two Los Vaqueros Reservoir Expansion Project meetings held in November and December and reported that the first meeting pertained to the next steps for cost allocation which is key to the

decision making process to determine the District's decision on permanent participation in this project, which will likely occur in early 2023. Monthly General Manager Meetings continue and help give a programmatic overview of the project and outline the next steps.

- D. BF Sisk Dam Raise Project – Update
There was nothing to report on this item.
 - E. Pacheco Reservoir Expansion – Update
There was nothing to report on this item.
 - F. Ceres-DPWD-Turlock Discussions on Advancing Recycled Water into NVRRWP Facilities
Anthea shared that Staff was having bi-weekly meetings with Ceres to further develop to a draft proposal for advancing more of the Ceres wastewater into the NVRRWP for the coming year. She reported that \$1 million in advance funding was received from the Bureau to finance the infrastructure needed. Discussions had been opened with the City of Turlock to refine the costs to the City of Ceres for putting more wastewater into Turlock's treatment system and getting them to their permitted capacity.
12. ADMINISTRATIVE ACTIVITIES
- A. Solar Development Policy Letter
Anthea provided and reviewed a Solar Development Policy Letter with the Board.
13. SLDMWA Report
- A. SLDMWA Minutes, Reports and Issues Updates
Anthea provided the SLDMWA Open Minutes for the Board's review and shared that there was information regarding the San Luis Transmission Project and how it will impact rates.
14. CLOSED SESSION
- A. Conference with Legal Counsel – Existing Litigation
Upon return from Closed Session, Anthea reported that no reportable actions had been taken.
 - B. Conference with Special Legal Counsel – Existing Litigation
There was nothing to report on this item.
15. ARTICLES/CORRESPONDENCE/PUBLIC OUTREACH
Articles from Family Farm Alliance, information on the Water Infrastructure Funding Act of 2022, Groundwater Study Resources, and information on the 54th Annual Water Users Conference were provided for the Board's review.
16. ITEMS TO DISCUSS PURSUANT TO GOVERNMENT CODE 54954.2
There was nothing to report on this item.
17. ADJOURNMENT
Being no further business, the meeting was adjourned at 11:52 a.m.

Respectfully submitted,



Anthea G. Hansen
Secretary