



**VIDEO CONFERENCE MEETING OF THE BOARD OF DIRECTORS
DECEMBER 16, 2020
MINUTES**

1. CALL TO ORDER

President Gene Bays, who was present, called the meeting to order at 8:32 a.m. in accordance with Governor Newsom’s Executive Order N-29-20, allowing the meeting to be held via video conference. Board Members connected via Zoom video conference were Bill Koster, Kyle Perez, Zach Maring and Jarod Lara.

2. OPPORTUNITY FOR PUBLIC COMMENT

There was no public comment.

3. ADDITIONS/REVISIONS TO THE AGENDA

Anthea shared that after the Consent Calendar, closed session with the District’s General Counsel to discuss one item of potential litigation per Government Code 54956.9(d) (1) case would be held. No other additions or revisions were noted.

4. CONSENT CALENDAR

The Minutes from the Board Meetings of 10/21/20, 11/09/20, 11/18/20 and 11/20/20, Monthly Accounting Reports as of 11/30/20, and Field Operations Report for November were provided in advance for the Board’s review. The Board approved the Consent Calendar per roll call vote as follows:

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

Closed session: Upon return from the first closed session, Anthea reported that the Board met in closed session to discuss one item of potential litigation with Staff and no reportable actions were taken.

5. ACTION ITEMS

A. Board to Review and Consider Delta-Mendota Subbasin GSP Grant Application Special Project Agreement

Anthea provided a copy of the SLDMWA Delta-Mendota Subbasin GSP Implementation Grant Application Special Project Agreement and reported that certain agencies in the Delta-Mendota Subbasin GSP wanted to bring forward a groundwater storage project group grant application. She listed San Luis Water District, Del Puerto Water District, Central California Irrigation District, Aliso Water District and Grassland Water District as the participants in the Agreement. A fee of \$75,400 to prepare the Grant Application and an additional \$5,000 for legal fees was the estimated cost to move forward with the application. After review and discussion, the Board approved the Del Puerto Water District to enter the Delta-Mendota Subbasin GSP Grant Application Special Project Agreement with the District’s share of the fees at approximately \$16,000 as follows:

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

Note: Board Member Jim Jasper joined the meeting at 8:49 a.m. and Board Member Lucich joined the meeting at 8:57 a.m., prior to this action item.

B. Board to Approve Formal Change to per-irrigable-acre allocation of District CVP Supplies from 3.1 AF/acre to 3.2 AF/acre effective for the 2021-2022 Water Year

Anthea provided the Board with a Staff Report/Action Request that gave background information as presented at the November BOD Meeting as well as a list of issues for consideration. She shared that due to land within the

District boundaries being retired over the years, an opportunity existed to increase the equal share per acre allocation of the District's water supply from 3.1 AF/acre to 3.2 AF/acre for all the remaining irrigable acreage in the District. This increase would not apply to the 1,334 acres of land retired in 2003 for the Supplemental Water Purchase Program. After review and discussion, the Board approved the formal change to per-irrigable-acre allocation of District CVP Supplies from 3.1 AF/acre to 3.2 AF/acre effective for the 2021-2022 Water Year as follows:

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

- C. Board to Review and Approve Administrative Process for 1-Year and 5-Year NVRRWP Turnback Program(s)
Anthea provided drafts that Staff had prepared to administer a proposed 1 year and 5-year turnback for those few customers who do not desire to receive or utilize their fair share of allocated NVRRWP water. Under the 1-Year Option, the 1st installment will be due by January 1st of each year and there is no guarantee that the program will commence for the upcoming year, potentially obligating the landholder to pay the second installment as well. Under the 5-Year Option, the District will seek subscribers to commit to purchase the available NVRRWP Supply for a multiple year commitment, thus guaranteeing that those requesting to turnback will not be responsible for any payments during the 5-Year term, or longer if extensions are offered, if all supplies are placed with other water users. After review and discussion, the Board approved the 1-Year and 5-Year NVRRWP Turnback Programs as follows:

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

- D. Board to Review and Consider Proposed 2021-2022 NVRRWP Assessment
Anthea reported that on January 1, 2021, the first 2021-2022 NVRRWP Assessment will be issued to the District's Landowners/Water Users. She shared that in the 2021-2022 Water Year, the Program will be able to adequately supply 6 inches per irrigable acre with a draft rate of \$185/af. This would equate to two assessments of \$46.25/ac this year. After review and discussion, the Board approved the proposed 2021-2022 NVRRWP Assessment as follows:

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

- E. Board to Consider Change Order(s) for Building Expansion Project – 2 items
Anthea did not formally have any change orders to present but shared that during the course of installing the carpet, water damage coming in on the north part of the building was discovered when the original carpet was removed. The contractor indicated that an error in the original construction allowed water to enter the foundation and would need to be repaired. A change order will be provided at the January Board Meeting for the Board to review.
- F. Board to Review and Consider Cooperative Agreement Regarding Diversion of Water from Del Puerto Creek
A Cooperative Agreement regarding Diversion of Water from Del Puerto Creek was provided for the Board and Anthea reported that after many months of working and communicating with the staff at the City of Patterson and their legal counsel, the agreement was drafted. This activity was taken in anticipation of the Del Puerto Water District and SJRECWA's moving forward with the Del Puerto Canyon Reservoir Project, and applying for a water right on Del Puerto Creek. The City of Patterson also had some potential interest in flows from the creek as part of their future water supply planning. In an effort to not interfere with the City's planning, the DPCR Partners met with City Staff to negotiate the Agreement. District Counsel, Alan Doud concurred with Anthea's explanation. Anthea added that the Agreement would only become effective if the Districts moved forward with the Del Puerto

Canyon Reservoir Project. After review and discussion, the Board approved the Cooperative Agreement Regarding Diversion of Water from Del Puerto Creek as follows:

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

6. MANAGER'S REPORT

Anthea reported that a Stop-Gap Funding Bill was signed to keep the Government from a shut-down, which has delayed funding the WIIN Act. Reclamation released its list of projects that they are recommending to fund, with Del Puerto Canyon Reservoir on that list as of last June for \$1.5 million in Feasibility Study dollars. Anthea also shared that the State Water Resources Control Board recently issued recommendations on the re-certification of Don Pedro Dam that will be non-beneficial to water users. Assembly Member Adam Gray protested and in doing so, was removed from his position as Chair of the Assembly Governmental Organization Committee. Although the State Board indicates they are supportive of the Voluntary Agreement, yet actions like those do not reflect their sentiment.

7. WATER OPERATIONS & SUPPLY

A. CVP/SWP Operations

A December Water Operations Update from the SLDMWA was provided for review and Anthea reported that despite a recent storm, no changes had been made to pumping, remaining at 1 to 2 units running. Christmas day would be the start of increased restrictions in pumping which would continue through spring. Since the November numbers were posted, the 50% and 90% exceedance show San Luis Reservoir not filling, which is not good news for a good allocation. Anthea also shared that the criteria for the inflow into Shasta that determines whether or not there is a reduction in the Exchange Contractor Supply from 100% to 75% will add uncertainty for the District's neighbors that might not receive their full allocation. If that occurs, the conservation programs that the District participates in with the Exchange Contractors would be unavailable.

B. Monthly Supply/Use/Completed Transactions Summary Report as of 11.30.20

Adam reported in-district use for the month of November at 2,183 AF and transfers out of 136 AF, for a total of 2,319 AF of use in November for a total current use for the year at 62,899 AF. In-District use forecasted for the year is 80,975 AF and a total of 14,776 AF is estimated for rescheduling into 2021-22. Anthea added that at the end of October Staff reported that due to unusually dry conditions, the District was falling short of the 10% maximum quantity of CVP water that may be able to be carried over in the spring and due to this, Staff reached out to the District's partners at the Refuge Water Supply Program under the NVRWP and also Grasslands. Grasslands agreed to continue pumping under the current exchange project, which would produce a few hundred acre feet. The Refuge Water Supply Program was also able to share and relinquish back about 1,000 AF if needed. Anthea reported that due to these actions, the District was just above the target of 14,021 AF due to the generosity of the District's partners. She also reached out to Patterson Irrigation District and West Stanislaus Irrigation District to inquire about available water the District could purchase. She was awaiting for answers from both agencies.

C. Landholding/Licensing Updates

Anthea reported that Staff continued to follow activity on the West Side pertaining to proposed developments of cannabis operations. It is currently not legal to provide federal water to cannabis operations and Staff continued to disclose that information to the County. It is presumed cannabis operations would be operated with well water, which could bring up issues with SGMA if that was the case, but there was nothing actively going on to report. She also reported that on December 2, 2020, a formal demand was mailed on an escrow that was to be closing in the coming weeks that the District had been showing on the delinquency list for several months. If it closed as planned, the debt would be paid in full at that time. Anthea also reported that in the next few weeks, the database would be getting updated to prepare for the new year's assessments.

D. Discussion on Surface Water Transfer Policy

Anthea shared that Staff was working on updating the current Surface Water Transfer Policy and incorporated some of the language she received from several Board Members from the last meeting. She indicated that the Surface Water Transfer Policy would likely have to be updated as circumstances change, and that Staff was trying to incorporate changes in a way that would not disrupt any current plans of customers. She provided a draft that formally notes that the District is required as a Groundwater Sustainability Agency to sustainably manage

groundwater and as such made it clear was that the District was not substituting groundwater pumping for surface water transfers to neighboring Districts. Profiteering was also noted as well as language that will address the issue of interfering or supplementing other District's programs or additional supplies. Other language made it clear that there are environmental approvals in place noting that CVPIA allows transfers between districts served with CVP supplies and also language that acknowledges the State Water Resources Control Board change Place of Use Permit, so that common landowners within the Oak Flat Water District and Del Puerto Water District may also do environmental documentation should they choose to transfer locally between the Districts. The other concern that Staff is trying to address is that the Transfer Policy has a nexus with the Additional Supplies Program that allows transfers of allocated surface water from the CVP contract to common landholdings, potentially generating more of a demand for the District to develop Additional Supplies. In the past, Staff has requested that any customer that wants to sign up for Additional Supplies and also make a current year self-to-self transfer of CVP supplies, declare the quantity of their allocation for that year that they wish to transfer. Staff would then distribute the available Additional Supplies and reduce that customer's acreage so their eligibility to access Additional Supplies gets reduced and other in-district needs would be met first. Unfortunately this year, several late transfer requests were received by customers that had not declared any transfers early on. Due to these incidents, Staff saw the need to formalize this requirement to declare a maximum transfer amount concurrent with the sign-up of Additional Supplies. Anthea added draft language to the policy that will reflect that. Staff has also been working on language that will propose that water purchased for use in the District, absent the transfers, would be at the best rate attainable. If Staff had to fill supplemental supply orders to offset for users that are transferring surface water, then the highest rated block of water would be used, making it more equitable for the in-District users to receive the benefits from the program that is designed to meet in-District user's needs and not supplement transfers. After several comments and suggestions from the Board Members, Staff also highly recommended maximizing carryover by reducing carryover availability under certain circumstances for a customer that may want a transfer. Board President Bays suggested she draw up another draft and present it to the Board at the January meeting. Anthea then noticed there were two members of the public were logged into the meeting and apologized for not asking prior to the agenda item if there were any comments or questions. Being none, the meeting continued.

8. RESOURCE MANAGEMENT ACTIVITIES

A. Westside Integrated Regional Water Management (IWRM) Activities

Anthea shared that she and Adam continued to participate in the IRWM Activities and added that the major activity for the year was the update of the IRWM and incorporation of some of the new requirements and through this activity agreement with the other IRWM Members at the Water Authority had been pursuing and received grant funding and continued to work on projects that integrate the regions activities. Money was available from the last grant for a Disadvantaged Communities Involvement Project. The IRWM Steering Committee recommended and approved sharing \$270,000 of that funding with a project being advanced by the City of Newman called the Newman Environmental Wetlands System Project.

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

Adam provided the Agenda and Minutes for the Drainage Authority Meeting for the Board to review. The main discussion item was the upcoming budget for the next fiscal year and a small increase that was mostly related to the development of the basin wide equation for nitrogen discharge. He shared that the State Board is requiring the entire valley to develop an equation where information can be input how much nitrates go into the soil and will calculate how much is being discharged from the surface and into the aquifer. If one cannot be developed, the State Board can come in and mandate it for everyone. Also included was the Water Quality Reports and reported that some of the northern drains and some southern drains show pesticide toxicity hits and due to these hits, new actions from the State Board will require the Coalition to do more outreach and try to pin point where these discharges are coming from. Adam then asked if there were any questions. Hearing none, he continued to Sustainable Groundwater Management Activities.

C. Sustainable Groundwater Management Activities

Adam provided the DM-II GSA 3rd Quarter Implementation Tracking Tool which relays what the District has been doing to help facilitate implementation of the GSP. He also provided the proposed approach for the Delta-Mendota Subbasin 2020 Annual Report Coordinated Elements. He also reported that a Master Plan Development was in the works to check where the hot spots were for subsidence and put together a greater plan of more focused tracking of subsidence in the identified areas for implementation of new projects to try and eliminate that subsidence. A map was provided that highlights some of the hot spots where subsidence is taking place and described a southern region by Tranquility Irrigation District and a northern region along the

areas of DPWD, CCID, West Stanislaus and Patterson, which are driven by concerns about subsidence along the Delta Mendota Canal. Further testing will determine if this is elastic subsidence in the shallow aquifer and not something indicative of an ongoing problem that will need a quick fix. Adam asked if there were any questions or comments. Being none, he continued with the Remote Telemetry Project Update.

D. Remote Telemetry Project – Update

Adam reported that although he did not have reports for this item, he indicated that most of the updates happening have been behind the scenes such as data collecting, and data storage. A customer side update should be complete by the next week.

9. FINANCIAL MATTERS

A. Repayment Contract Construction Obligation Payment Issue - Update

Anthea reported that the District had successfully paid the amount that was in its Repayment Contract Exhibit “B”. She also participated in a workshop with two other Financial Affairs Committee Executive Team Members and the Finance department in Reclamation and they had been drafting their outline of how the process will work for Districts to recapture any overpayment. It was anticipated this would be in the form of credit against any obligations the Districts have with Reclamation for water service under their contracts. Unfortunately, this will take some time if water allocations are low and could possibly take a few years.

B. CVP Financial Matters

Anthea reported that the true-up of the CVPIA Fund has identified issues with the tracking of the restoration dollars and how they have been expended over time. Currently the fund exists in a positive state but a concern exists that the expenditure on dollars of the CVPIA activities will exceed the amount of funding available and become a new component added to water rates. Staff continues to work with Reclamation and insist that they live within their means and not implement programs and fund activities without the funds to back them. Anthea asked if there were any questions or comments. Being none, she continued to the NVRWP update.

10. SUPPLY DEVELOPMENT PROGRAMS

A. North Valley Regional Recycled Water Program – Update

Anthea reported that Staff was not successful on the 3rd application for Title XVI funding under the WIIN Act, however very appreciative of being awarded under the first 2 applications which resulted in over \$8 million from the WIIN Act Title XVI funding. Anthea believes the NVRWP would still be eligible for a future opportunity but was going to conclude the grant activities for now and go into regular administrative mode.

B. Orestimba Creek Recharge & Recovery Project – Update

Anthea reported that the topographic surveys had begun as well as getting the project description drafted for the NEPA Documentation that will be required. Funding for these activities was the \$800,000 grant that CCID and Del Puerto received for the project under the IRWM Grant Funding. Landowner outreach along the pipeline to get water to the basin as well as meetings with surrounding landowners on whose properties the District may want to locate the extraction wells was ongoing. Confirmation of the water being able to easily be extracted was still pending. Anthea believed that the 80 acre project could provide about 15,000 acre feet of storage and possibly a usable quantity of maybe 10,000 AF (split between the partners) year in and year out.

C. Del Puerto Canyon Reservoir Project – Update

Anthea reported that the efforts had been focused on getting the Federal feasibility report to the Commissioner of Reclamation and the Office of Management and Budget to ultimately get a decision from the Secretary of the Interior as to whether the Project is feasible in the eyes of the Federal Government. This would then position the District to accept WIIN Act Storage Funding, if desired and if available, up to 25% of the Project cost as long as it could produce 25% of equivalent Federal Benefits. A graph was provided of the steps taken to take a locally sponsored state led project through the WIIN Act approval process and Anthea reported DPCR as being in the final step. A deadline decision of December 31st was coming up and Staff was awaiting for hopefully good news indicating an approval. Anthea also reviewed the scope of work still necessary that will be required to proceed with the Project.

D. Los Vaqueros Reservoir Expansion Project - Update

Anthea provided the Monthly Report from Contra Costa Water District that outlined some of the different activities they had been working on. The Water Authority and Staff had been participating in developing JPA documents which will be presented in January. Staff was also continuing to refine the cost and the usage fees. Anthea

scheduled Marguerite Patil and her team from Contra Costa Water District as well as the Water Authority team, to present an update on the District's participation in the Los Vaqueros which will hopefully give the Board information that will help determine whether or not the District moves forward with participation in this Project.

E. BF Sisk Dam Raise Project - Update

Anthea shared that the Water Authority was forwarding the BF Sisk Dam Raise Project, in conjunction with the Safety of Dams Project also occurring at BF Sisk, and have released the environmental documents and were currently working on responding to comments. More information will be presented once it is available.

11. ADMINISTRATIVE ACTIVITIES

A. Office Building Expansion Project – Update

Anthea reported that the end of the Office Building Expansion Project was close, but several issues arose pertaining to the heater, painting and carpet installation. The building project was still within budget but was delayed by a few weeks.

B. Contract Conversion Update

Anthea shared that payment to reclamation was made and that the Contract was effective as of October 1st. She was awaiting a letter from the Bureau of Reclamation on the Contract Conversion that will relieve the District of its final obligations under the Reclamation Reform Act for RRA Reporting and added that the Audit was successfully cleared. Confirmation of the new rates that do not include the construction cost were provided and Staff was working on implementing the new rates. Staff was researching adjusting the 2020 water rate to reflect the lower charge and crediting those customers who had taken deliveries post-October 1st. She suggested that a special meeting might be needed if the changes were done quickly enough for the Board to approve them, if not, the decision could be considered in the January Board Meeting.

12. SLDMWA Report

A. SLDMWA Minutes, Reports and Issues Updates

Anthea provided the Board with the Water Authority's Minutes for November 5, 2020 as well as the O&M Report for November for the Board to review. A half-day Budget Workshop would be taking place the next day to discuss the 2021 Water Authority Budget and she would be joining the Zoom call and invited Kyle Perez to join as well.

13. ARTICLES/CORRESPONDENCE/PUBLIC OUTREACH

Articles pertaining to the DPCR, the Shasta Dam Raise, and a Family Farm Alliance Memo pertaining to the Biden-Harris election team were provided for the Board to review.

14. CLOSED SESSION

Upon return from the second closed session, Anthea reported that the Board conferred with special counsel on existing litigation per Government Code 54956.9(d)(1) on the cases listed on the Agenda and no reportable actions were taken.

15. ITEMS TO DISCUSS PURSUANT TO GOVERNMENT CODE 54954.2

There was nothing to report on this item.

16. ADJOURNMENT

Being no further business, President Bays and Staff wished everyone a good holiday season. The meeting was adjourned at 11:50 a.m.

Respectfully submitted,



Anthea G. Hansen
Secretary