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**REGULAR MEETING OF THE BOARD OF DIRECTORS  
FEBRUARY 15, 2023  
MINUTES**

1. CALL TO ORDER

President Koster called the meeting to order at 8:37 a.m. Board Members present were Daniel Bays, Zach Maring, Kyle Perez, Jim Jasper, Pete Lucich and Jarod Lara.

2. OPPORTUNITY FOR PUBLIC COMMENT

There was no public comment.

3. ADDITIONS/REVISIONS TO THE AGENDA

Anthea shared that she would adding action item H.- Board to Review and Consider Temporary and Permanent Construction Easements for the Orestimba Creek Recharge and Recovery Project. There were no further changes or revisions to the agenda, which was accepted as follows:

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

4. CONSENT CALENDAR

The Minutes from the Board Meeting of 1/18/2023, Monthly Accounting Reports, and Field Operations Report for January 2023 were provided in advance for the Board's review. The Board approved the Consent Calendar as follows:

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

5. MANAGER'S REPORT

Anthea reported that this is the time of year when newly elected officials submit proposed legislation and she provided a Legislative Matrix of draft bills that could affect the water contractors for the Board to review. She added that now would be the time for the District to respond or comment and give feedback on certain pieces of legislation if need be. Anthea shared that because the large storms in January set the basis for the outflow in February under D1641, the requirements for the outflow to the ocean are at the highest ever been. Reclamation and DWR are seeking Temporary Change Petitions to minimize the amount of water lost, which were filed on February 13, 2023. Anthea also reported that the Delta Conveyance Environmental Documents are currently available for review and the comment period had been extended until 2/15/23 and the Army Corp of Engineers was having scoping sessions for people to make comments.

6. ACTION ITEMS

A. Board to Review and Consider Approval of a License for the Installation, Operation and Maintenance of a Pump Station, Pipeline and Pipeline Facilities on Reclamation Acquired Land for the Orestimba Creek Recharge & Recovery Project

Anthea provided and reviewed the License for the Installation, Operation and Maintenance of a Pump Station, Pipeline and Pipeline Facilities on Reclamation Acquired Land for the Orestimba Creek Recharge & Recovery Project. After review and discussion, President Koster asked if there were any members of the public that wished to make a comment. Being none, the Board approved the License for the Installation, Operation and Maintenance of a Pump Station, Pipeline and Pipeline Facilities on Reclamation Acquired Land for the Orestimba Creek Recharge & Recovery Project as follows:

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

B. Board to Consider Approval of a Resolution Decertifying Final Environmental Impact Report Under CEQA and Rescinding Approval of the Del Puerto Canyon Reservoir Project

Anthea provided and reviewed a Resolution Decertifying Final Environmental Impact Report (EIR) Under CEQA and Rescinding Approval of the Del Puerto Canyon Reservoir Project and asked Special Counsel Jim Moose to give a brief background of the action and what the next steps will be. Jim explained that he would report back to the judge with the Resolution Decertifying Final Environmental Impact Report Under CEQA and Rescinding Approval of the Del Puerto Canyon Reservoir Project (once approved) and the District would then address the issues that the court found with the EIR. Once completed and approved by the Board, we would then bring that back to the Court for an approval of the revised EIR. After review and discussion, President Koster asked if there were any members of the public that wished to make a comment. Being none, the Board approved the Resolution Decertifying Final Environmental Impact Report Under CEQA and Rescinding Approval of the Del Puerto Canyon Reservoir Project as follows:

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

C. Board to Consider Fourth Amendment to Groundwater Conveyance Agreement with West Stanislaus Irrigation District

Anthea provided and reviewed a Fourth Amendment to Groundwater Conveyance Agreement with Stanislaus Irrigation District. After review and discussion, President Koster asked if there were any members of the public that wished to make a comment. Being none, the Board approved the Fourth Amendment to Groundwater Conveyance Agreement with Stanislaus Irrigation District as follows:

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

D. Board to Consider Approval of a Resolution Authorizing the Execution of a Temporary Contract with the USBR to Provide for Conveyance and Storage of Non-Project Water - Mapes

Anthea provided and reviewed a Resolution Authorizing the Execution of a Temporary Contract with USBR to Provide for Conveyance and Storage of Non-Project Water – Mapes. She explained that this action was required as an additional step to support the USBR extension of the transfer from August 2022 through February 2023. After review and discussion, President Koster asked if there were any members of the public that wished to make a comment. Being none, the Board approved a Resolution Authorizing the Execution of a Temporary Contract with USBR to Provide for Conveyance and Storage of Non-Project Water – Mapes as follows:

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

E. Board to Consider Approval of a Resolution Authorizing the Execution of a Temporary Contract with the USBR to Provide for Conveyance and Storage of Non-Project Water – DMC Pump-In Program

Anthea provided and reviewed a Resolution Authorizing the Execution of a Temporary Contract with USBR to provide for Conveyance and Storage Non-Project Water – DMC Pump-In Program. Anthea explained that the draft from the contract included in the meeting materials would provide storage for supplies introduced in 2022-213, and conveyance and storage for supplies introduced in 2023. She noted that during 2023, Reclamation would be working on environmental documentation to support a 5-year contract for the Program, with an anticipated start date of March 1, 2024. After review and discussion, President Koster asked if there were any members of the public that wished to make a comment. Being none, the Board approved a Resolution



Authorizing the Execution of a Temporary Contract with USBR to Provide for Conveyance and Storage of Non-Project Water – DMC Pump-In Program as follows:

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

F. Board to Review and Approve 2023-24 Agricultural Water Rate

Anthea and Minnie provided the 2023-24 Agricultural Water Rate. It was noted that the rate of \$68/AF was reflective of the fact that the District no longer pays a large construction cost component in its rate. After review and discussion, President Koster asked if there were any members of the public that wished to make a comment. Being none, the Board approved the 2023-24 Agricultural Water Rate as follows:

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

G. Board to Review and Approve 2023-24 Administrative Budget, Westside San Joaquin Watershed Coalition Fee, and SGMA Participation Charge

Anthea provided and reviewed the 2023-24 Administrative Budget, Westside San Joaquin Watershed Coalition Fee, and SGMA Participation Charge. After review and discussion, President Koster asked if there were any members of the public that wished to make a comment. Being none, the Board approved the 2023-24 Administrative Budget, which includes an 8.4% cost of living adjustment for all employees, the 2023-24 Westside San Joaquin Watershed Coalition Fee, and the 2023-24 SGMA Participation Charge

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

H. Board to Review and Consider Temporary and Permanent Construction Easements for the Orestimba Creek Recharge and Recovery Project

Anthea provided and reviewed a Temporary and Permanent Construction Easements for the Orestimba Creek Recharge and Recovery Project. The four separate easements totaled approximately \$22,850 and would give the District access needed to construct and operate the project during posts-construction. After review and discussion, President Koster asked if there were any members of the public that wished to make a comment. Being none, the Board approved the Temporary and Permanent Construction Easements for the Orestimba Creek Recharge and Recovery Project as follows:

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

7. WATER OPERATIONS & SUPPLY

A. CVP/SWP Operations

Anthea provided an article from Maven's Notebook pertaining to the second snow survey showing snowpack at 205 percent of average, a graph showing California Snow Water Content as of February 13<sup>th</sup>, and a SLDMWA February Operations Update and a 2022-23 San Luis Storage Projection at 50% and 90% Hydrology graph. She shared that the February Operations Update should not be relied upon for information as it was already dated. A few days after its release, there was reports showing a possibility that San Luis Reservoir might fill and Friant's allocation could potentially be 100%. She also provided and reviewed a Business Practice Guideline for Rescheduled CVP Water and 2022 Guidelines, which will be used for 2023 as well. Anthea also reported that the District had requested 17,240 AF of carryover, but she believed it would be higher than that due to the recent hydrology.

- B. Monthly Supply/Use/Completed Transactions Summary Report as of 1/31/23  
Paul provided the Supply/Use/Completed Transactions Summary Report as of 1/31/23 and reported in-District use for the Month of January at 10 AF. Total current use for the year was 33,008 AF. Total estimated for rescheduling into 2023-24 was 17,240 AF.
- C. 2021-22 Additional Supplies Update – FINAL Reconciliation  
Anthea provided and reviewed the 2021-2022 Additional Supplies Pool “Draft” Final Report. She shared that the reason this pool was still open was due to the Mapes transfer not yet completed. Anthea also included an email from Karen Morgan from the City of Ceres responding to the District’s request to cease flows starting January 31<sup>st</sup>. The District could decide to re-start any time, as the contract is valid until May 2023.
- D. 2022-23 Additional Supplies Update  
Anthea provided and reviewed the 2022-23 Additional Supplies Pool Report. She indicated that the lower spectrum of the projections shown is where she believed it would end up and at a potential rate of over \$1000.00/AF average. Not all water in this pool has been sold and she reviewed potential pool losses as well. Once the final information is known, Staff will calculate a final rate.
- E. 2023-24 Additional Supplies Development Options Report  
Anthea provided and reviewed the 2023-24 Additional Supplies Pool Report. She shared that she took several transactions that could be perfected and showed several scenarios based on a 20% allocation. She reviewed four potential scenarios.
- F. Landholding / Licensing Updates  
Paul provided and reviewed the Active Permits and License Report for January, which showed five active permits and one active license.
8. RESOURCE MANAGEMENT ACTIVITIES
- A. Westside Integrated Regional Water Management (IRWM) Activities  
Anthea reported that the IRWM Steering Committee had approved the yearly budget and that Staff continued to work on getting the Grant Agreement in place for the \$955,000 grant.
- B. SJVDA/Westside San Joaquin River Watershed Coalition Report(s)  
Adam provided and reviewed the WSJRW Water Quality Value Exceedance Report of 9/12/22 to 9/13/22. He reported that the same places where exceedances had been noticed on prior sampling occurred again, and indicated further outreach to those areas was currently happening. He also provided the Annual Budget for 2023-2024 and reported that there was a slight increase from last year. Although the budget was provisionally approved, Adam shared that at the next meeting, the Coalition Steering Committee might reduce the membership dues portion if the Drainage Authority has a larger fund balance than predicted. He also reported that the Nitrogen Control Program will be the main focus in the coming months. President Koster asked if any members of the public had any comments. Being none, the meeting continued.
- C. Sustainable Groundwater Management Activities
1. Policy Discussion Regarding Management Action Enforcement - Continued  
Adam reported that work on the 5 year GSP update would begin soon. A proposal from Luhdorff & Scalamanini to do additional work on identifying interconnected surface water monitoring networks was provided and reviewed. Adam provided and reviewed Budgets for SGMA Services Agreement Northern Delta-Mendota Region (Fund 64) and SGMA Activities-Coordinated Cost-Share Agreement Coordinated (Fund 63). Adam reported that the DWR’s review of the revised GSP would be received by the Subbasin soon.
  2. SGM Implementation Grant-Round 1 Monthly Grant Administrator Update  
Anthea shared that there was no update. President Koster asked if there were any questions from the public. Being none, the meeting continued.
  3. Well Registration Package – Response Update  
Adam reported that of the 126 requests, only 22 (17%) had turned in their Well Registrations. Individual Outreach was the next step for those landowners who had yet to return their registrations.



9. FINANCIAL MATTERS

A. USBR Reconciliation Issues Report

Anthea provided a printout with notes showing account balances from USBR. She reported that she had been tracing the District's balances with the Bureau and had been working with them to ensure that everything gets reconciled. She requests this report each month to ensure credits are being used and balanced to what the District's information shows.

B. Cash on Hand/Designated Funds Report

There was no report.

C. CVP Financial Matters

Anthea provided and reviewed the CVPWA Financial Affairs Committee February Meeting Agenda which showed the subject matter for the 2023 FAC Schedule of Presentations, Priority Issues and Tracking Issues. She reported that there is a new Warren Act Ratesetting Policy, but she did not believe it would result in a major increase to the Warren Act Rates to this coming year.

10. SUPPLY DEVELOPMENT PROGRAMS

A. Orestimba Creek Recharge & Recovery Project – Update

Anthea provided an agenda for the weekly OCRRP meeting and shared that most permits are in place and that Staff had been working on landowner agreements and grants. January 25<sup>th</sup> was the comment deadline for the Water Rights Application that the Districts put in to State Board for the 90/20 flow diversions off of Orestimba Creek. On the eve of January 25<sup>th</sup>, three formal protests were presented. Since then, the protests had been resolved. Also, she noted that the Project Partners had met with representatives from Eastin Water District, but that she did not believe their inquiries would lead to a protest of the application.

B. Del Puerto Canyon Reservoir Project – Update

Anthea provided a Notification of a Complete Notice of Intent letter from the Central Valley Regional Water Quality Control Board pertaining to Geotechnical Investigations as well as a response letter from Stanislaus County pertaining to the DPCR Road Realignment and the County's commitment to work with the District on the project. An upcoming technical review board will be reviewing all the items that will be going into the 30% design report that will be presented in May 2023. She continues to work with the Bureau to access the WIIN Act funding owed to the District.

C. Los Vaqueros Reservoir Expansion Project – Presentation by Taryn Ravazzini, LVR JPA Executive Director

Anthea provided an article from the Pleasanton Weekly and reported that a re-election of officers of the LVR JPA for the coming year took place that she was happy to report that all the parties holding positions remained the same. She indicated the JPA was working on numbers and estimates, and that she would return to the Board with a decision point in August 2023 to determine if the District would remain a partner in the Project.

D. BF Sisk Dam Raise Project – Update

Anthea did not have anything to update on this item. A meeting will be taking place on Friday to discuss the Operations Criteria.

E. Ceres-DPWD-Turlock Discussions on Advancing Recycled Water into NVRRWP Facilities-Update

Anthea reported that she had met with Karen Morgan, City of Ceres and will be meeting again in the next week as they are putting together a proposal for the long-term Ceres Project and hoped to have a term sheet to present to the Board at the March meeting.

11. ADMINISTRATIVE ACTIVITIES

A. Report on DPWD Boundary Overlap Issues – SNCWD/CCID

Anthea reported that she had started an effort to work on a boundary overlap issue with SNCWD/CCID and would be engaging with O'Dell Engineering to draft the legal descriptions. A LAFCO application would be required as well.

B. Employee Handbook Update Project Report

Anthea will be working on the Employee Handbook Update in the coming months.

12. SLDMWA Report

A. SLDMWA Minutes, Reports and Issues Updates

1. General Manager's Update on SLDMWA Board/Committee Assignments

Anthea provided the Open Minutes and discussed a letter from Friant to SLDMWA regarding a notice to commence negotiations to modify the FWA/SLDMWA Memorandum of Understanding. Also provided and discussed was the SLMDWA January O&M Report and a SLDMWA Update on Science Program.

13. CLOSED SESSION

A. Conference with Legal Counsel – Existing Litigation

Upon return from Closed Session, Anthea reported that the Board discussed two items on the Closed Session Agenda and gave Staff guidance. No reportable action was taken.

B. Conference with Legal Counsel – Existing Litigation

There was nothing to report on this item.

C. Conference with Special Legal Counsel – Existing Litigation

There was nothing to report on this item.

14. ARTICLES/CORRESPONDENCE/PUBLIC OUTREACH

Anthea provided a Family Farm Alliance Update Report, an article from the Modesto Bee on MID rehiring their previous attorney, an article from the NRDC on how California's Water Rights System, a Maven's Notebook article on Governor Newsom's Executive Order to Build Water Resilience Amid Climate-Driven Extreme Weather (also included), a response to the Executive Order by the Golden State Salmon Association, an article from Bakersfield.com on a Policy Group Warns of Steep Ag Losses without coordinated action on water, and a Fish Report from Fishbio.com.

15. ITEMS TO DISCUSS PURSUANT TO GOVERNMENT CODE 54954.2

There was nothing to report on this item.

16. ADJOURNMENT

Being no further business, the meeting was adjourned at 11:52 a.m.

Respectfully submitted,



Anthea G. Hansen  
Secretary