

## **MINUTES**

Oakdale, California  
March 3, 2015

The Board of Directors of the Oakdale Irrigation District invited all to recite the Pledge of Allegiance and then met in Regular Session at the hour of 9:00 a.m. Upon roll call, there were present:

Directors: Steve Webb, President  
Herman Doornenbal, Vice President  
Frank Clark  
Al Bairos, Jr.

Staff Present: Steve Knell, P.E., General Manager  
Jason Jones, Support Services Manager  
Eric Thorburn, P.E., Water Operations Manager  
Kathy Cook, Chief Financial Officer

### **ADDITION OR DELETION OF AGENDA ITEMS**

There were no additions or deletions of agenda items.

### **ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE**

There were no items taken out of sequence.

At the hour of 9:01 a.m. the Board welcomed public comment.

### **PUBLIC COMMENT ITEM NO. 1**

There being no public comment, public comment closed at 9:01 a.m.

### **CONSENT ITEMS ITEM NOS. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13**

### **ITEM NO. 2 APPROVE THE BOARD OF DIRECTORS' MINUTES OF THE REGULAR MEETING OF FEBRUARY 17, 2015 AND RESOLUTIONS NOS. 2015-09, 2015-10, and 2015-11**

Director Clark requested that Action Item No. 14 of the Minutes of the Regular Meeting of February 17, 2015 be corrected to read as follows:

A motion was made by Director Clark, seconded by Director Doornenbal, and unanimously supported to accept the resignation of Director Alpers.

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Board of Directors' Minutes of the Regular Meeting of February 17, 2015 and Resolution Nos. 2015-09, 2015-10, and 2015-11 once the above correction has been made.

**ITEM NO. 3**  
**APPROVE OAKDALE IRRIGATION**  
**DISTRICT'S STATEMENT OF OBLIGATIONS**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Oakdale Irrigation District's Statement of Obligations.

**ITEM NO. 4**  
**APPROVE WAIVER OF THE SURFACE WATER IRRIGATION**  
**SERVICE ABANDONMENT AND THE 2015 WATER DELIVERY**  
**CHARGES AND PENALTIES (APN: 002-010-036 – HIBDON)**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the waiver of the surface water irrigation service abandonment and the 2015 water delivery charges and penalties in the total sum of \$497.00.

**ITEM NO. 5**  
**APPROVE DENIAL OF CUSTOMER'S REQUEST TO WAIVE**  
**RURAL WATER SECURITY DEPOSIT AND**  
**LATE PAYMENT FEES (APN: 010-052-026 – CHRISTENSEN)**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve denial of customer's request to waive rural water security deposit and late payment fees (APN: 010-052-026 – Christensen).

**ITEM NO. 6**  
**APPROVE AMENDMENT NO. 03 TO PROFESSIONAL**  
**SERVICES AGREEMENT 2011- PSA-008 WITH DAVIDS**  
**ENGINEERING, INC. FOR REVISED HOURLY RATE SCHEDULE**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve Amendment No. 03 to Professional Services Agreement 2011- PSA-008 with Davids Engineering, Inc. for revised hourly rate schedule.

**ITEM NO. 7**  
**APPROVE DEFERRED CONDITIONS OF APPROVAL**  
**AGREEMENT (APNS: 062-003-016/017/018 – HARPER & KRUSE)**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Deferred Conditions of Approval Agreement (APNS: 062-003-016/017/018 – Harper & Kruse).

**ITEM NO. 8**  
**APPROVE DEFERRED CONDITIONS OF APPROVAL**  
**AGREEMENT (APNS: 207-020-034/035/036 – VANDER MEULEN)**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Deferred Conditions of Approval Agreement (APNS: 207-020-034/035/036 – Vander Meulen).

**ITEM NO. 9**  
**APPROVE ENCROACHMENT PERMIT ON THE KEARNEY LATERAL**  
**(APN: 010-073-007 – G & B VAN de POL 2011 TRUST**  
**AND H & J VAN de POL 2011 TRUST)**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Encroachment Permit on the Kearney Lateral (APN: 010-073-007 – G & M Van de Pol 2011 Trust and H & J Van de Pol 2011 Trust).

**ITEM NO. 10**  
**APPROVE ENCROACHMENT PERMIT ON THE**  
**SOUTH MAIN CANAL (APN: 011-001-035 – PACIFIC GAS & ELECTRIC)**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Encroachment Permit on the South Main Canal (APN: 011-001-035 – Pacific Gas & Electric).

**ITEM NO. 11**  
**APPROVE ENCROACHMENT PERMIT ON THE**  
**COMETA LATERAL (APN: 002-020-004 – PACIFIC GAS & ELECTRIC)**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Encroachment Permit on the Cometa Lateral (APN: 002-020-004 – Pacific Gas & Electric).

**ITEM NO. 12**  
**APPROVE DEVELOPER AGREEMENT FOR THE**  
**BLACK OAK CT. DEVELOPMENT, AKA SCHWARTZ SUBDIVISION**  
**(APNS: 010-025-104/105/106 – ARCOS FAMILY REVOCABLE TRUST AND LeCOUVE)**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Developer Agreement for the Black Oak Ct. Development, aka Schwartz Subdivision (APN: 010-025-104/105/106 – Arcos Family Revocable Trust and LeCouve).

**DISCUSSION ITEM**  
**ITEM NO. 13**

**ITEM NO. 13**  
**DISCUSSION ON STATUS OF 2015 WATER SEASON**

The following information is an update and summary of where we are today.

- Inflow into New Melones since October 1st to February 27th has been 183,000 af
- Bureau's 90% exceedance number for all of 2015 season is 240,000 af of runoff
- Under that estimate, an additional 57,000 acre feet of runoff can be expected.
  
- New Melones storage is at 605,000 af as of Friday, February 27<sup>th</sup>
- Dead pool in New Melones is about 80,000 af
- Net available water TODAY for use in the basin totals 525,000 af (605-80)
- Add the expected 57,000 acre feet of additional inflow and NM usable storage for the 2015 irrigation will be about 582,000 acre feet.
  
- If 240K is the inflow number the two districts, under the 1988 Agreement, have 450,000 af available or 225,000 af for each district.
  - $240 + (600-240)/3 = 360K$  af or 180K af to OID
  - OID's water availability = 180K + 45K (consv account) = 225K af max
  - Remaining available in Conserv. Account for 2016 = 40K af
  
- Subtracting district's entitlement water use from the total available leaves 132,000 af (582-450) for the Bureau to meet fish flows (Dec. – Mar.) and evaporation demand.
  
- Fish flows and evaporation demand March-December is 125K + 17K = 142,000 af
- **Basin shortfall = 12,000 af as we see it today!**

Staff will be discussing with the Board the numerous variables and options that could be put into place to get SSJID and OID through the 4th year of this drought and to meet water for fish such that we can avoid an environmental confrontation.

Several members of the public, including several homeowners from Lake Tulloch commented on this discussion item.

General Manager Steve Knell and Water Counsel Tim O’Laughlin discussed the status of the 2015 water season.

**ACTION ITEMS**  
**ITEM NOS. 14, 15, 16, 17, 18**

**ITEM NO. 14**  
**REVIEW AND TAKE POSSIBLE**  
**ACTION TO DECLARE A DROUGHT IN 2015**

The U.S. Drought Monitor is jointly produced by the National Drought Mitigation Center at the University of Nebraska-Lincoln (NDMC-UNL), the United States Department of Agriculture, and the National Oceanic and Atmospheric Administration. As shown in the attached map (courtesy of NDMC-UNL), Stanislaus County is in the midst of a level D4 – Exceptional Drought.

Based on all information provided today in previous agenda reports Staff recommends the OID Board of Directors take action to officially declare a drought during the 2015 water season.

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to declare a drought during the 2015 water season.

**ITEM NO. 15**  
**REVIEW AND TAKE POSSIBLE ACTION TO IMPLEMENT**  
**A DROUGHT SURCHARGE DURING THE 2015 WATER SEASON**

If approval of the drought declaration occurs the Board will need to decide if they wish to enact the \$6.10 per acre drought surcharge at this time. This surcharge is part of the revised water rate structure adopted last year for implementation in the 2015 water season. The surcharge is to offset pumping costs and other ancillary expenses the district incurs as a result of the drought.

A motion was made by Director Bairos, seconded by Director Clark, and unanimously supported to table this item until the second meeting in April (April 21, 2015).

**ITEM NO. 16**  
**REVIEW AND TAKE POSSIBLE ACTION ON THE**  
**AVAILABILITY OF SURPLUS WATER FOR OUT-OF-DISTRICT LANDS**

As provided by policy, Oakdale Irrigation District (OID) typically makes a determination on the availability of “surplus” surface irrigation water for annual Out-of-District Service Agreements at the first board meeting in March. Given the anticipated water condition in the basin, Staff recommends suspension of all Out-of-District Service Agreements during the 2015 water season.

Current exceptions being the annual Out-of-District Service Agreements for the Army Corp of Engineers for the Orange Blossom Park recreation area, Jose Vigil for consideration of the 2011 access agreement and the fringe and additional annexation applicants who are in the annexation process.

Should the Board move to deny Out-of-District Service requests during the 2015 water season, staff also recommends providing a refund of the \$100 application fee to all applicants whose requests were denied.

A motion was made by Director Doornenbal, seconded by Director Bairos, and unanimously supported to deny any Out-of-District Service Agreements during the 2015 water season, with the exception of the Army Corps of Engineers Orange Blossom Park Recreation Area and Jose Vigil for consideration of the 2011 access agreement, and the fringe and annexation applicants who are in the annexation process.

**ITEM NO. 17**  
**REVIEW AND TAKE POSSIBLE ACTION**  
**ON THE START OF THE 2015 IRRIGATION SEASON**

Inflow to New Melones from October 1<sup>st</sup> to February 25<sup>th</sup> has been 182,000 acre feet. As of February 17<sup>th</sup>, the Bureau of Reclamation (BOR) estimates the 2015 water year inflow at this time into New Melones to be 240 TAF. Formula and conservation account water is looking to bring the total available allotment to the two Districts up to 450 TAF or 225 TAF to OID.

Level II Drought Measures were implemented at the start of the 2014 water season by the Board. Operating under that scenario and scheduling rotation intervals according to ET, eliminating 10 day rotations, suspending out-of-district irrigation service, reducing Tier II water users and running deep wells at capacity OID's total 2014 water year diversions were just over 201 TAF.

Given the inherent unknowns of water availability until the final April snow report and recognizing ET variability can be 15-20 TAF, and assuming the goal is to live within the target of 225 TAF, staff recommends the following recommendations TO START the 2015 irrigation season;

- Begin water season on March 16<sup>th</sup>. If determined by the Board and constituent comments, staff could ready the system and deliver water on the 9<sup>th</sup>.
- Irrigate everyone as quickly as possible and pull the water. Try and capture any precipitation events that may occur. Restart water when ET dictates.
- Advise water users that they will be placed on a water allocation upon April water data and any water they use in the first or second irrigation will count against the eventual allocation.

Brian Lemons asked about inter-district transfers between farmers during the drought.

General Manager Steve Knell clarified the fact that deep wells would be available to rent up until the irrigation season starts.

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to start the 2015 water season on March 16, 2015.

**ITEM NO. 18**  
**REVIEW AND TAKE POSSIBLE ACTION TO AUTHORIZE**  
**THE PREPARATION OF AN APPROPRIATE CEQA FOR A REVISED**  
**ON-FARM CONSERVATION FUNDING PROGRAM – PILOT PROJECT**

At the present time, there is too much uncertainty to move forward with the On-Farm Conservation Funding Program in its present form. The risk would be to have a water shortfall necessitating an inch limit requirement that could be less than the 4-foot of allocation water provided by the original program. That would present an unfair apportionment to those in the program as opposed to those not in the program.

Staff recommends no action at this time until April water reports are in and OID and SSJID receive an allocation letter from the Bureau of Reclamation on what water will be available for the remainder of 2015 water season. Upon review of that information and the water available the OID can determine at that time if it wishes to craft a revised On-Farm Program or not. While an unfortunate circumstance and a condition of a deteriorating hydrology and the unknowns it brings. Staff can talk about options of the revised program at the Board meeting.

An additional purpose of taking this action now is that it settles the CEQA comment letter sent to OID on February 16, 2015 by Louis Brichetto from the law firm Remy, Moose, Manley, LLP. That letter requests OID retract and not move forward with implementation of the On Farm Conservation Funding Program adopted by the Board on January 6<sup>th</sup>. By the Board taking this action today, the Board affirms and complies with the remedy requested by the law firm. This in no way removes the potential challenge Mr. Brichetto may take later against the revised On-Farm Conservation Funding` Program and its fully vetted CEQA documents, but that is always an uncertainty. The response to Mr. Brichetto's letter is attached in full with this agenda report.

General Manager Steve Knell and Water Counsel Tim O'Laughlin stated that at this juncture the District should not move forward on the CEQA for this program due to the fact that the District is not certain as to what their water allotment is going to be and how much additional rain will be received. This information will not be known until April and therefore the Board should not move forward on this item.

Michael Wagner stated that he has moved forward with starting his conservation project and asked if the District would consider a landowner doing an inter-district transfer to offset some of the expenses. Director Webb requested that this be added to the agenda for the March 17, 2015 Board Meeting.

California Rural Farm Association was present and asked if the program does go through if the water would be going to the San Luis Delta Mendota Water Authority. Water Counsel Tim O’Laughlin stated yes to them and the Department of Water Resources, but that at this point the possibility of moving this water is unknown.

A motion was made by Director Clark and seconded by Director Doornenbal to bring this item back to the Board at its second Board Meeting in April (April 21, 2015) for further action and was voted as follows:

Ayes: Directors Clark, Doornenbal, Webb  
Noes: Director Bairos

## **COMMUNICATIONS** **ITEM NO. 19**

### **A. GENERAL MANAGERS REPORT**

#### **Safety Activities**

1. OID has gone 35 days without a lost time injury accident.

#### **Administration Activities**

1. GM spoke to the Stanislaus County Farm Bureau – Northeast Regional Meeting on the 19<sup>th</sup>.
2. GM to speak at the San Joaquin County Farm Bureau – Escalon Regional Meeting on the 26<sup>th</sup>.
3. GM is part of a panel talking about Getting Creative on Water Markets at the California Water Policy Conference being held at the Claremont McKenna Colleges in Pomona, March 20<sup>th</sup>.
4. Working on meeting SWRCB’s informational request and new reporting requirements for the upcoming water season. Due by March 6<sup>th</sup>. OID will be complying under protest, filing a petition of re-consideration on the SWRCB overstepping their authority on this issue.
5. Sending letter to all Tulloch Lake residents who may be impacted by the lowering of the lake. This matter made KCRA 3 and is driving quite a bit of foothill news traffic in the local papers. OID may have to dust off its Save-the-Stan media campaign. What OID said in 2009/2010 is coming true.
6. Sent letters to eight individuals asking them about their Statement of Use filings with the Department of Water Resources and asking them to clarify some matters on their filings.
7. Letter being sent to CCWD regarding another reminder on the operation of New Spicer reservoir and their obligations of holding and releasing water in recognition of the senior rights of the two districts. They were very compliant last year in all areas of operations and we appreciated that very much.

#### **Construction Activities**

1. Assisting Water Ops./Engineering Dept. with various assigned tasks including field and plan review of capital projects.

2. OID forces are working on maintenance tasks and capital projects including turnout replacements, gate replacements and other misc. projects.
3. Interviews for the vacant C&M Worker and DSO/C&M positions concluded on the 18<sup>th</sup>. Job offers are being completed and sent to the selected candidates.
4. Conducting Contract Administration activities on contracts to be renewed and/or issued and work releases.
5. Assisting Water Ops. Manager regarding the On-Farm Conservation Program and providing additional assistance as directed.
6. Received the final five year RMP update binder from Condor Earth Technologies and sent a copy to Stanislaus County for review.
7. Conducted new employee safety orientation for the new Finance Dept. employee on 2/26. Also conducting Safety Coordinator tasks pertaining to all hands training and safety inspections.
8. JPIA conducted a meet and greet on 2/19 with the new area consultant and completed an inspection of OID facilities.
9. Met with CalFire on 2/17 along with Ron Berry and Director Webb to discuss the option of utilizing CalFire hand crews for misc. tasks including clearing and grubbing of Tri-Dam and OID facilities.
10. Support Services Manager along with the Pest Dept. will be attending the annual Magnacide H mandatory training class held at MID on 3/04.
11. Water Ops. Manager and I will be hosting two OHS students as part of the Business & Youth Day Scholarship Job Shadow Program on 3/05.

## **Water Operations Activities**

### **Engineering**

1. Land use Conversion – Continued to work with landowners, tenants, irrigation design companies and Support Services/Water Operations concerning ongoing and future land use conversion projects.
2. Processed several Encroachment, Ag Discharge and Deferred Conditions of Approval Agreements.
3. Conducted multiple landowner meetings, completed field assessments and collected survey data before water is brought back into the system to allow for preparation of plans for potential 2015/16 winter construction projects.
4. Responded to several requests for information and development proposal impact reviews.

### **Ag Water**

1. Continued to research and respond to miscellaneous irrigation and maintenance issues and inquiries.
2. Integration of new SCADA sites is nearly wrapped up.
3. SCADA/IT staff finalized the initial development of the new STORM volumetric tracking and billing application for deployment during the 2015 water season.
4. Preparation for 2015 irrigation season (DSO orientation, division assignments, schedules, etc.) continued.
5. Numerous calls and landowner meetings were conducted along with the assistance of the Support Services Manager to answer questions regarding their potential participation in the proposed OID On-Farm Conservation Program.

6. The final DSO/C&M interviews were conducted on February 18<sup>th</sup>. Offers were provided to three applicants.
7. Standard winter water operations continued.
8. Knights Ferry irrigation water was brought into the system on March 1<sup>st</sup>. Surface water is scheduled to be brought into the domestic water system, and the river pump deactivated, on March 4<sup>th</sup> after the initial debris is flushed through the open ditch.

### **Water Utilities**

1. Improvement District No. 41:
  - Pumping Station No. 3 remains out of service due to high turbidity issues.
2. Domestic Water Pumping Stations:
  - WUD continues to conduct weekly inspection, servicing and security checks of the pumping stations. There is nothing unusual or out of the ordinary to report.
3. Domestic Water Systems:
  - Prepared and submitted annual EAR Water Reports to the State.
4. Rural Water System No. 1:
  - Working with Developer Will Serve Letters.
5. Knights Ferry Community Services District:
  - WUD continues to conduct multiple weekly inspections, servicing and security checks on the pumping station.
6. On-Call Activities:
  - Thursday, February 19<sup>th</sup>, WUD responded to a late night call of a broken water line call on Black Oak Ct. in ID 46. The landowner's water service was shut off to allow him to affect repairs.
7. Irrigation Pumping Stations:
  - WUD continued to conduct routine inspection, servicing and security checks of the pumping stations in use as winter storm water pumps. There is nothing unusual or out of the ordinary to report.
  - Tennant Deep Well Pump was activated for rental use on Monday, February 2<sup>nd</sup>.
  - Valley Home Deep Well Pump was activated for rental use on Friday, February 13<sup>th</sup>.
  - Oakdale Deep Well Pump was activated for rental use from Thursday, February 19<sup>th</sup> to Tuesday, February 24<sup>th</sup>.
  - Howard Deep Well Pump was activated for rental use on Thursday, February 19<sup>th</sup>.
  - Hirschfeld Deep Well Pump was activated for rental use from Thursday, February 19<sup>th</sup> to Tuesday, February 24<sup>th</sup>.
  - WUD has started performing routine inspection, servicing and security checks on all the irrigation pumping stations in preparation for the start of the 2015 Water Season. There is nothing unusual or out of the ordinary to report other than the items listed below:
    - Thompson Reclamation Pump – Repaired vandalism damage to pump house door.

### **Financing Activities**

1. The Finance Department welcomes Denise Freiwald, our new account clerk, to OID. She will be performing accounts payable and customer service at the counter.



**OTHER ACTION**  
**ITEM NO. 21**

At the hour of 12:25 p.m. the meeting was adjourned. The next Regular Board Meeting of the **Oakdale Irrigation District Board of Directors** is scheduled for **Tuesday, March 17, 2015 at 9:00 a.m.** in the board room at 1205 East F Street, Oakdale, CA.

The next Joint Board Meeting for the **Tri-Dam Project** is scheduled for **Thursday, March 19, 2015 at 9:00 a.m.** in the board room of the Oakdale Irrigation District, 1205 East F Street, Oakdale, CA.

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Steve Webb, President

Attest:

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Steve Knell, P.E., Secretary