

**STAFF**

Steve Schwabauer, General Manager  
Jennifer Spaletta - General Counsel  
Roger Masuda - Special Counsel  
Shasta Burns - Deputy Secretary  
Daniel de Graaf - District Engineer  
Robert Granberg – Grants and Project Manager

**BOARD OF DIRECTORS**

President - Joe Valente  
Vice President – Jason Colombini  
Secretary - David Simpson  
Treasurer - Charles Starr II  
Director - Marden Wilber

**NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
NOTICE OF MEETING AND PUBLIC HEARING AND AGENDA FOR  
REGULAR MEETING OF THE BOARD OF DIRECTORS**

**Monday, March 25, 2024  
2:00 p.m.  
Lodi Grape Festival Grounds- Barrel Room  
413 E. Lockeford St, Lodi CA 95240**

The agenda and all noted documentation may be viewed and downloaded at [www.nsjgroundwater.org](http://www.nsjgroundwater.org) . Requests to receive the agenda and documentation by e-mail may be submitted in writing to the Secretary of the Board. The NSJWCD printed agendas are posted at the District’s location of business at: 498 E. Kettleman Lane, Lodi. The District’s mailing address is: PO Box 334, Victor CA 95253.

**NOTICE:** Members of the public may address the Board of Directors concerning any agenda item during the Board’s consideration of that item. The public may address non-agenda items at the end of the regular meeting. No action will be taken on those items; however, the Board may agendaize items for future consideration.

- 1. Call to Order - Roll Call - Acceptance of Agenda**
- 2. Correspondence/Announcements**
- 3. Action Items**

Any and all of **the following agenda items are subject to action** being taken by the Board of Directors by motion, resolution or ordinance.

**Action items may be added to the agenda** upon determination by a majority vote of the Board that an emergency exists, as defined by state law, or by a 2/3 vote of the Board that (1) there is a need to take immediate action; and (2) that the need for action came to the District’s attention after the agenda was posted.

**A. CONSENT CALENDAR**

- 1. Approval of the Minutes for the Regular Scheduled Board Meeting on February 26, 2024 (*attachment 1*). **pages 5-9**

**B. FINANCIAL**

- 1. Receive and Approve March 2024 NSJWCD Monthly Treasurer’s Report and Summary of Accounts and Transfers (*attachment 2*) **page 10**
- 2. Approve Consero Solutions Amendment (*attachment 2b*) **page 13**
- 3. Approve Payment of Bills (*attachment 3*) **Pages 14-15**
- 4. Discuss F&M warrant versus County “Dry Period Financing” Warrant
- 5. Provide Further Direction to Staff on Proposed Charge Amount for Purposes of the Notice and Hearing on the Imposition of the 2024-25

Groundwater Charge. (attachment 4) **pages 14-18**

6. Provide Direction to Staff on outreach to landowners for 2024/25 groundwater charge process. (attachment 5) **pages 19-21**
7. Approve addition of Brady Colburn to F&M Bank Signature Cards
8. Approve 2024/25 irrigation water rates (attachment 6) **pages**

**22-24**

#### C. CONTRACTS

1. Authorize General Manager to enter into Amendment to Consero Solutions Contract to extend contract one additional year (attachment 7) **pages 25-29**
2. Give Direction to staff on whether to enter negotiations with Garney and Dewberry for North Pump Station Construction (attachment 8 and handout at meeting) **pages 22-24**
3. Provide Direction to staff regarding CalFed pump station changes (oral report)

#### CI. SYSTEM AND PROJECTS

1. Hydrofocus Report on Ground Water Monitoring – scheduled for April Meeting
2. Engineer’s Report and Operations Plan – handout at meeting
3. North System
  - i. Reynolds Recharge Update
4. South System
  - i. South System Phase II Update
    1. Improvement District 3b Petition for Formation (Attachment 9) **page 31-34**
    2. Arnaudo Change Order authorization (attachment 10) **pages 35-42**
  - ii. South System Phase III Design Plan – Authorization to Release RFP for construction
5. Cal-Fed/Woodbridge
6. Tracy Lake ID
  - i. Adopt Resolution setting 2024 Tracy Lake Improvement District O&M assessment (attachment 11) **pages 43-47**

#### CII. Grant Activity

1. Consero report (attachment 12) **pages 48-49**

#### CIII. Strategic Plan Activity

1. Give Staff Direction on whether to participate in SWEEP Grant Advocacy (attachment 13) **page 50-52**

#### CIV. Groundwater Charge

#### CV. Sustainable Groundwater Management Act/ GWA Activity

1. Provide Input to Staff on Draft Dry Well Mitigation Program (attachment 14) **pages 53-58**

- I. SJC Mokelumne River Application Update
- J. Bay Delta Flow Program Update/Voluntary Agreements
- K. Landowner communications
- L. Board Planning Calendar

**4. Director and Staff Reports**

- A. Directors Reports
- B. Committee Reports
- C. Other

**5. Public Comment on Items Not on the Agenda**

Interested persons in the audience are welcome to introduce any topic within the jurisdiction of the NSJWCD Board. The time allowed for each speaker for comments made by the public is limited to 3 minutes. Matters presented under this agenda item may be discussed, but no action can be taken by the Board at this meeting except as follows:

- Briefly respond to statements made or questions raised.
- Ask a question for clarification.
- Provide a reference to staff or other resources for factual information.
- Request staff to report back at a subsequent meeting.
- An individual Board member or the Board itself may have the matter placed on a future agenda.

**6. Closed Session – 4 items**

Closed Session pursuant to Section 54956.9(a) Existing Litigation  
CONFERENCE WITH LEGAL COUNSEL – *California Sportfishing Protection Alliance v. Eastern San Joaquin Groundwater Authority, et al., Stanislaus County Superior Court, Case No. CV-20-001720*

Closed Session pursuant to Government Code Section 54956.8 Real Property Negotiations– North System Easements and Leases – Negotiators are General Counsel Jennifer Spaletta and General Manager Steve Schwabauer

**Return to Open Session**

All reportable actions taken in closed session will be announced in open session following the closed session and will be duly noted in the official minutes of the meeting.

**7. Motion to Adjourn**

Next Regular Meeting April 29, 2024 from 2:00 PM- 4:00 PM

Lodi Grape Festival Grounds- Barrel Room  
413 E. Lockeford St, Lodi CA 95240

**Action may be taken on any item**

*Agendas and Minutes may also be found at [http:// www.NSJGroundwater.org](http://www.NSJGroundwater.org)*

*Note: If you need disability-related modification or accommodation in order to participate in this meeting, please contact North San Joaquin Water Conservation District Staff at (209) 712-1693 at least 48 hours prior to the start of the meeting*

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS

Lodi Grape Festival Grounds – Barrel Room  
413 E. Lockeford Street, Lodi, CA

**Monday, February 26, 2024**

**REGULAR MEETING MINUTES**

**MEETING WAS NOT AVAILABLE BY ZOOM TELECONFERENCE**

- 1. Call to Order - Roll Call - Acceptance of Agenda** - The meeting was called to order by President Valente at 2:00 p.m. A motion for the acceptance of the Agenda, made by Secretary Simpson, second by Treasurer Starr. Motion passed unanimously 4/0/0.

President Joe Valente - Area 3  
Vice President Jason Colombini - Area 2  
Secretary David Simpson – Area 1  
Treasurer Charles Starr – Area 4  
Director Brady Colburn – Area 5

General Counsel Jennifer Spaletta  
Special Counsel Roger Masuda - Absent  
Daniel deGraaf – District Engineer  
Acting Deputy Secretary – Pam Farris  
General Manager – Steve Schwabauer

**NOTE:**

General Counsel Spaletta attended via teleconference.

Director Colburn assumed the dais following his appointment and oath at 2:10 p.m.

- 2. Correspondence/Announcements** - None

- 3. Action Items** Note: Votes recorded as: For/Against/Abstention (name)

**A. CONSENT CALENDAR**

1. Approval of the Minutes of the Regular Scheduled Board meeting on January 29, 2024. A motion to approve the Minutes of the Regular Scheduled Board Meeting on January 29, 2024, made by Vice President Colombini, second by Secretary Simpson. Motion passed 4/0/0.

- 4. Director and Staff Reports** (This item was heard out of order.)

**C. Other**

- a. Appoint Director to fill Fifth District Board vacancy. President Valente introduced Brady Colburn for consideration for the Fifth District Board vacancy. Mr. Colburn provided a brief summary of his background and interest in the agricultural community. A motion to appoint Brady Colburn to fill the unexpired term of the Fifth District Board vacancy resulting from the passing of Director Marden Wilbur, made by Vice President Colombini, second by Secretary Simpson. Motion passed 4/0/0. General Manager Schwabauer administered the oath of

office.

## B. Financial Matters

1. Receive and file February 2024 NSJWCD Monthly Treasurer's Report and Summary of Accounts and Transfers presented to the board. Wally from Butterfield + Company prepared financial statements for Board action. A motion to approve February 2024 NSJWCD Monthly Treasurer's Report, made by Secretary Simpson, second by Treasurer Starr. Motion passed 5/0/0.
2. Approve Payment of Bills. Secretary Simpson requested that future reports contain information regarding Accounts Receivable. A motion to approve payment of bills recommendation listed on page 9 and 10 in the Board meeting packet, made by Secretary Simpson, second by Treasurer Starr. Motion passed 5/0/0.

NOTE: The above two items were voted on as a single item.

3. Possible draw from the Farmers & Merchants Line of Credit. General Manager Schwabauer provided information regarding the possible need for a draw from the Farmers & Merchants line of credit. Wally explained the differences between a line of credit and a warrant. This item was for information only and no action was required by the Board.
4. Adopt **Resolution 2024-01** Groundwater Charge Appeal Rules. General Manager Schwabauer and General Counsel Spaletta provided information on this item. A motion to adopt Resolution 2024-01 Groundwater Sustainability Agency - Adopting Rule for Groundwater Charge Appeals, made by Vice President Colombini, second by Treasurer Starr. Roll call vote: Starr, Aye; Simpson, Aye; Colombini, Aye; Colburn, Aye; Valente; Aye. Motion passed 5/0/0.

## C. Contracts

1. Authorize Staff to establish program for Riparian Pumpers to take delivery of Permit 10477 water for non-riparian adjacent land and file Minor Change Request to add Point of Diversion Notice of Exemption/Mitigated Negative Declaration for Borra Project. General Manager Schwabauer provided information on the item. Discussion ensued regarding historical usage and out-of-district water usage, SWEEP grants, time line for changes, MICUP availability during irrigation season, ability to reduce usage, and time limitations. A motion to authorize staff to establish a program for Riparian Pumpers to take delivery of Permit 10477 water for non-riparian adjacent land and to file Minor Change Request to add Point of Diversion Notice of Exemption/Mitigated Negative Declaration for the Borra Project with a 25-year limit, made by Secretary Simpson, second by Vice President Colombini. General Counsel Spaletta recommended amending the motion to include the appropriate CEQA documentation. Secretary Simpson and Vice President Colombini approved the amended motion. Motion passed 5/0/0.
2. Execute Grant Administration Agreement for State Water Efficiency and Enhancement Program (SWEEP) Block Grant between Stockton East Water

District, South San Joaquin Irrigation District, and North San Joaquin Water Conservation District. General Manager Schwabauer provided information on the need for the agreement, as well as other similar agreements already in use by NSJWCD. A motion to execute a Grant Administration Agreement for State Water Efficiency and Enhancement Program (SWEEP) Block Grant between Stockton East Water District, South San Joaquin Irrigation District, and North San Joaquin Water Conservation District, made by Director Colburn, second by Treasurer Starr. Motion passed 5/0/0.

3. Authorize General Manager to enter into contract with WGR Southwest to perform water quality testing for the South System related to the Victor storm water (not to exceed \$10,000). General Manager Schwabauer provided information regarding this item. He explained the current work, including the creation of a testing protocol and initial testing, is under his spending limit of \$10,000, but future work of implementing the protocol would move beyond the limit. Secretary Simpson suggested contacting the company currently providing testing services for the Irrigated Land Program for pricing for future testing. Discussion ensued regarding whether Victor storm water discharges to the river and who would be responsible should the testing reveal problems with the storm water. A motion to authorize the General Manager to enter into a contract with WGR Southwest to perform water quality testing for the South System related to the Victor storm water (not to exceed \$10,000), made by Vice President Colombini, second by Director Colburn. Motion passed 5/0/0.

#### **D. System and Projects**

1. Hydrofocus Report on Groundwater Monitoring – No update.

2. Engineer's Report and Operations Plan. Engineer deGraaf gave an overview of where the district stands on each project. Report was presented at the start of the Board meeting and is available upon request.

3. North System -

i. Reynolds Recharge Update. Information was provided regarding issues with San Joaquin County Mosquito and Vector Control District compliance and the possible use of sheep or herbicides to control vegetation. Engineer deGraaf confirmed that a change in procedure will be needed.

ii. Progressive Design - Build Procurement Update. Bob Grandberg provided information regarding the three Statements of Qualifications that were received, stating a meeting was held last week and that a meeting with the preferred qualifier will be held March 5 to discuss the Phase 1 contract. Discussion ensued regarding the project limits on Acampo Road, the number of interested parties, the project size, and the acre-feet limit. The Board indicated support on moving forward with the project.

iii. Lakso – Authorize Staff to bid and award contract to install a quarter-mile 10-inch PVC lateral from the AVID pipeline to connect to an existing flood irrigation system on the Lakso property, for a price not to exceed \$20,000. General Manager Schwabauer and Engineer deGraaf provided information on this item. Discussion ensued regarding the shut-down date for Mr. Lakso's farming needs, the timeframe needed for construction, and the collective acre-feet loss. A motion to authorize staff to bid and award a contract to install a quarter-mile 10-inch PVC lateral from the AVID pipeline to connect to an

existing flood irrigation system on the Lakso property, for a price not to exceed \$20,000, subject to Mr. Lakso's approval of the construction schedule, made by Secretary Simpson, second by Vice President Colombini. Motion passed 5/0/0.

4. South System

i. South System Phase II Update – Information was provided regarding final construction.

ii. South System Phase III Design Plan – Information was provided regarding fieldwork and easements.

5. Cal-Fed/Woodbridge – No update.

6. Tracy Lake Improvement District. General Manager Schwabauer and Engineer deGraaf provided information on this item..

**E. Grant Activity**

1. Consero report – General Manager Schwabauer reviewed the Consero Solutions monthly report on funding opportunities from staff report presented in the board meeting packet.

**F. Strategic Plan Activity**

1. Town Hall follow up. The meeting was well attended. President Valente jokingly stated that he had received a complaint regarding the difficulty in hearing/seeing the meeting.

**G. Groundwater Charge - Processing appeals and preparing direct billing at this time. No updated was provided.**

**H. Sustainable Groundwater Management Act/GWA Activity – No update.**

**I. SJC Mokelumne River Application Update – No update.**

**J. Bay Delta Flow Program Update/Voluntary Agreements – No update.**

**K. Landowner Communications – No update.**

**L. Board Planning Calendar – No update.**

**4. Director and Staff Reports**

**A. Director's Report – No report at this time.**

**B. Committee Reports – No reports at this time.**

**C. Other -**

a. Appoint Director to fill fifth District Board Vacancy. (This item was addressed earlier in the agenda, following the approval of minutes.)

**5. Public Comment.** Keith Bussman, Woodbridge Irrigation District General Manager, stated that water will be added to Lodi Lake today if the City of Lodi is able to complete placement of the boards.

**6. Closed Session –** The Board entered closed session at 3:56 p.m. and came out of closed session at 4:18 p.m. **Return to Open Session –** President Valente returned the meeting to open session and announced there was no further reportable action.



- 7. Adjournment** - Motion to adjourn the NSJWCD Regular Meeting on February 26, 2024 made by Secretary Simpson, second by Treasurer Starr. Motion passed 5/0/0. Meeting adjourned at 4:18 p.m.

**The next regular scheduled Board Meeting March 25, 2024, from 2:00 p.m. - 4:00 p.m.**

The above minutes of the North San Joaquin Water Conservation District Board of Directors Meeting of February 26, 2024,

Respectfully submitted:

Pam Farris, Acting Deputy Secretary

**North San Joaquin Water Conservation District  
Treasurer's Report  
March 2024 – Monthly Summary of Accounts  
As of March 25, 2024**

The chart below is a summary of account information including account balances and transactions since the last scheduled Board meeting (February 2024). The attached reports are prepared by Butterfield + Co., CPAs, Inc. for the month of March 2024. Additional attachments that follow include accounts payable, recommendations for bill payments and transfers as noted herein.

NSJWCD Accounts Summary -February 26, 2024	Beg Balance as of 2/26/24 with approved transfers	Transfer authorized after last meeting	Payments after last meeting		Revenue Received after last meeting	Current Balance March 19, 2024	Proposed bills to be paid today	Ending balance March 25, 2024
F&M Checking	67,403.52	-	(34,557.96)		297,120.54	329,966.10	(208,817.92)	121,148.18
County GW Fund	16,035.94	-	-		-	16,035.94	-	16,035.94
County Account Fund	24,941.79		(156.00)		-	24,785.79	-	24,785.79
ID#3	208,585.37		-		8.20	208,593.57	-	208,593.57
Tracy Lake O&M	4,244.34		(10.09)		-	4,234.25	-	4,234.25
<b>Totals</b>	<b>\$ 321,210.96</b>	<b>\$ -</b>	<b>\$ (34,724.05)</b>		<b>\$ 297,128.74</b>	<b>\$ 583,615.65</b>	<b>\$ (208,817.92)</b>	<b>\$ 374,797.73</b>



	Payments after last meeting		Revenue Received after last meeting	Classes	Proposed bills to be paid today
Dropbox	(11.99)	GW Reimbursement	297,120.54	Dream Project	(2,589.33)
Kludt Oil	(151.51)	Interest Income ID#3	8.20	General Exp	(19,138.92)
Microsoft	(48.00)			Groundwater Mgmt	(12,806.82)
Payroll	(20,438.48)			Handel Lateral	(1,152.00)
PG&E	(12,476.96)			N. System Phase 1	(16,041.50)
PGE TLID	(10.09)			North System Phase 2	-
San Joaquin County	(156.00)			Operations Fund	(11,510.20)
SaveMart	(10.24)			Pixley Lateral	(3,467.41)
State Compensation	(1,356.08)			Planning Fund	(12,008.57)
Waste Managelemt	(32.72)			Recharge Lakso	(120,624.84)
Zoom	(31.98)			South System 1	(316.33)
				South System 2	(1,622.00)
				South System 3	(7,540.00)
				TLID	-
<b>Total</b>	<b>\$ (34,724.05)</b>	<b>Total</b>	<b>\$ 297,128.74</b>	<b>Total</b>	<b>\$ (208,817.92)</b>

1. SEE ATTACHMENT 1 - ACCOUNTS PAYABLE REPORT.

2. CURRENT PAYMENT RECOMMENDATIONS - SEE TABLE BELOW:

AVID Water	\$ 107,124.84	Lakso Pipeline		
Butterfield & Co	4,717.00	February Invoice		
Coloring Book	165.95	Meeting Supplies		
Consero Solutions	7,970.00	February Services		
Croce, Sanguinetti & Vander Veen	475.00	Special Districts Reports		
deGraaf Engineering	29,530.26	February Services		
Grandberg & Associates	5,130.00	February Services		
Hydrofocus	7,881.18	Hydrologist Services		
Joe Peterson	300.00	April Rent		
Pacific Southwest Irrigation	15,051.60	February Invoice		
Pamela Farris	350.00	Secretary Expense		
PG&E	1,064.20	March invoice		
RGMK	44.00	Professional Services		
Richard Rodriguez Farms	7,350.00	March Invoice		
Shasta Burns	3,216.04	March Invoice		
Sierra Controls, LLC	3,467.41	February Invoice		
Spaletta Law PC	700.00	April Rent		
Stoel Rives, LLP	14,280.44	February Services		
Total payments recommended	<b>\$ 208,817.92</b>			

3. **REMAINING ACCOUNTS PAYABLE – \$143,887.18**
  - a. \$134,083.74 - Retention due to Arnaudo Construction, Inc.
  - b. \$ 9,803.44 - Due to Pacific Southwest Irrigation.
  
4. **WARRANTS PAYABLE**
  - a. \$599,998.17 – F&M Bank
  
5. **ACCOUNTS RECEIVABLE – \$914,142.38**
  - a. \$ 750.00 – Adam P. Mettler – Annual Assessments.
  - b. \$ 15,123.50 – Caffese Robert – Annual Assessments.
  - c. \$ 666,225.88 - DWR – Prop 1.
  - d. \$ 226,130.50 – San Joaquin County – Reimbursements.
  - e. \$ 5,912.50 – Wek Eighty Ranch, LLC – Annual Assessments.

From: Steve Schwabauer, General Manager

**RECOMMENDED ACTION:** Authorize General Manager to enter contract Consero Solutions for additional services for 23/24 budget year not to exceed \$10,000.

**DISCUSSION:** Consero Solutions provides contract services for Lobbying, public outreach and grant writing for the District. Consero operates under a contract and budget of \$70,000 for the 23/24 budget year. However, this year Consero had a number of large projects including the General Manager Recruitment, the Strategic Plan Report Card, and the Townhall that put them slightly over budget. Staff is requesting authority to amend the contract to allow Consero to exceed the budget by not more than \$10,000.

**RECOMMENDATION:** Authorize General Manager to approve contract amendment with Consero Solutions to increase 23/24 budget by \$10,000.

**FISCAL IMPACT:** Up to \$10,000 to Groundwater budget

## North San Joaquin Water Conservation District Unpaid Bills by Vendor

Accrual Basis

All Transactions

Type	Date	Num	Source Name	Memo	Account	Class	Open Balance
<b>Arnaudo Construction, Inc.</b>							
Bill	05/31/2023	RET- SS II App No. 1	Arnaudo Construct...	Progress Billing	6115.5 · Pipeline	Capital Outlay:South System Phase 2	31,300.50
Bill	05/31/2023	RET- SS II App No. 1	Arnaudo Construct...	Handel Lateral Junction Box	6115.5 · Pipeline	Capital Outlay:Handel Lateral	585.00
Bill	12/26/2023	SS II - App No. 4	Arnaudo Construct...	48" RCP	6115.5 · Pipeline	Capital Outlay:South System Phase 2	32,568.24
Bill	01/19/2024	RET NS 1B - App No1.	Arnaudo Construct...	42" Pipe	6115.5 · Pipeline	Capital Outlay:North System Phase 1	10,550.00
Bill	02/09/2024	NS 1B - App No. 2	Arnaudo Construct...	42" Pipe	6115.5 · Pipeline	Capital Outlay:North System Phase 2	59,080.00
Total Arnaudo Construction, Inc.							134,083.74
<b>AVID Water LLC</b>							
Bill	02/26/2024	306267F-IN	AVID Water LLC	Lakso Pipeline - change order #6	6115.5 · Pipeline	Capital Outlay:Recharge Lakso Project	18,610.00
Bill	02/26/2024	304027F-IN	AVID Water LLC	Lakso Pipeline	6115.5 · Pipeline	Capital Outlay:Recharge Lakso Project	88,514.84
Total AVID Water LLC							107,124.84
<b>Butterfield &amp; Co.</b>							
Bill	02/29/2024	106360	Butterfield & Co.	Accounting	6180.1 · Accounting	-G&A	4,717.00
Total Butterfield & Co.							4,717.00
<b>Coloring Book</b>							
Bill	02/23/2024	29237	Coloring Book	Board Mtg	6145 · Meeting Supplies	-G&A	165.95
Total Coloring Book							165.95
<b>Consero Solutions</b>							
Bill	02/29/2024	1979	Consero Solutions	Grant Funding Development	6180.3 · Consulting	-Planning Fund	1,370.00
Bill	02/29/2024	1979	Consero Solutions	Community Engagement	6180.3 · Consulting	-Planning Fund	5,240.00
Bill	02/29/2024	1979	Consero Solutions	Other Duties	6180.3 · Consulting	-G&A	1,360.00
Total Consero Solutions							7,970.00
<b>Croce, Sanguinetti &amp; Vander Veen</b>							
Bill	03/01/2024	19318	Croce, Sanguinetti...	Special Districts Financial Report	6180.2 · Auditor	-G&A	475.00
Total Croce, Sanguinetti & Vander Veen							475.00
<b>de Graaf Engineering, Inc.</b>							
Bill	03/14/2024	1150	de Graaf Engineer...	General Services	6180.42 · General Engineering	-G&A	3,729.93
Bill	03/14/2024	1151	de Graaf Engineer...	SGMA	6180.42 · General Engineering	-Groundwater Management	360.00
Bill	03/14/2024	1152	de Graaf Engineer...	Strategic Planning	6180.42 · General Engineering	-Planning Fund	5,398.57
Bill	03/14/2024	1153	de Graaf Engineer...	Strategic Planning	6180.42 · General Engineering	-Groundwater Management	396.00
Bill	03/14/2024	1155	de Graaf Engineer...	South System	6180.42 · General Engineering	Capital Outlay:South System Phase 1	316.33
Bill	03/14/2024	1156	de Graaf Engineer...	South System	6180.42 · General Engineering	Capital Outlay:Handel Lateral	1,152.00
Bill	03/14/2024	1157	de Graaf Engineer...	South System II	6180.42 · General Engineering	Capital Outlay:South System Phase 2	1,008.00
Bill	03/14/2024	1158	de Graaf Engineer...	South System III	6180.42 · General Engineering	Capital Outlay:South System Phase 3	7,540.00
Bill	03/14/2024	1159	de Graaf Engineer...	Dream Project	6180.42 · General Engineering	Capital Outlay:Dream Project Pipeline	2,589.33
Bill	03/14/2024	1160	de Graaf Engineer...	North System	6180.42 · General Engineering	Capital Outlay:North System Phase 1	3,944.10
Bill	03/14/2024	1161	de Graaf Engineer...	CalFed	6180.42 · General Engineering	.Operations Fund:Woodbridge/Cal-Fed ...	270.00
Bill	03/14/2024	1162	de Graaf Engineer...	North System	6180.42 · General Engineering	.Operations Fund:North System O&M	1,926.00
Bill	03/14/2024	1163	de Graaf Engineer...	South System	6180.42 · General Engineering	.Operations Fund:South System O&M	900.00
Total de Graaf Engineering, Inc.							29,530.26
<b>Granberg &amp; Associates</b>							
Bill	03/01/2024	19	Granberg & Associ...	General	6180.7 · Project Management	-G&A	855.00
Bill	03/01/2024	19	Granberg & Associ...	SS Phase II	6180.7 · Project Management	Capital Outlay:South System Phase 2	570.00
Bill	03/01/2024	19	Granberg & Associ...	North System	6180.7 · Project Management	Capital Outlay:North System Phase 1	3,705.00
Total Granberg & Associates							5,130.00
<b>HydroFocus, Inc</b>							
Bill	02/21/2024	5658-18	HydroFocus, Inc	Hydrologist	6180.5 · Hydrologist	-Groundwater Management	4,386.11
Bill	03/13/2024	5658-19	HydroFocus, Inc	Hydrologist	6180.5 · Hydrologist	-Groundwater Management	3,495.07
Total HydroFocus, Inc							7,881.18
<b>Joe Peterson</b>							

## North San Joaquin Water Conservation District Unpaid Bills by Vendor

Accrual Basis		All Transactions						
Type	Date	Num	Source Name	Memo	Account	Class	Open Balance	
Bill	03/14/2024	Rent April	Joe Peterson	April Rent	6200 · Rent	-G&A	300.00	
Total Joe Peterson							300.00	
<b>Pacific Southwest Irrigation</b>								
Bill	02/26/2024	Q/94020 - D1958	Pacific Southwest ...	Lakso Lateral 10" pvc pipe line	6115.5 · Pipeline	Capital Outlay:Recharge Lakso Project	23,303.44	
Bill	03/04/2024	266375	Pacific Southwest ...	8x20 Road Crossing	6126 · Equipment Rental	Capital Outlay:North System Phase 1	1,551.60	
Total Pacific Southwest Irrigation							24,855.04	
<b>Pamela Farris</b>								
Bill	03/06/2024	1	Pamela Farris	Meeting Minutes	6180.8 · Secretary	-G&A	350.00	
Total Pamela Farris							350.00	
<b>PG&amp;E</b>								
Bill	02/26/2024	February Invoice	PG&E	01/25- 02/25 Service	6235.1 · Electricity	.Operations Fund:South System O&M	1,064.20	
Total PG&E							1,064.20	
<b>RGMK</b>								
Bill	02/29/2024	143246	RGMK	Prof Services	6180.3 · Consulting	Capital Outlay:South System Phase 2	44.00	
Total RGMK							44.00	
<b>Richard Rodriguez Farms</b>								
Bill	03/08/2024	5064	Richard Rodriguez...	Moving Tractor	6210 · Reynolds Recharge Project	.Operations Fund:Recharge Project O&M	375.00	
Bill	03/14/2024	0800	Richard Rodriguez...	Labor Hours	6210 · Reynolds Recharge Project	.Operations Fund:Recharge Project O&M	5,718.75	
Bill	03/14/2024	0900	Richard Rodriguez...	Labor Hours	6225 · Teklenburg Recharge Project	.Operations Fund:Recharge Project O&M	1,256.25	
Total Richard Rodriguez Farms							7,350.00	
<b>Shasta Burns</b>								
Bill	03/15/2024	212	Shasta Burns	March Invoice	6180.8 · Secretary	-G&A	2,975.00	
Bill	03/15/2024	212 - Mileage	Shasta Burns	March Invoice	6228 · Travel	-G&A	241.04	
Total Shasta Burns							3,216.04	
<b>Sierra Controls, LLC</b>								
Bill	02/29/2024	124869	Sierra Controls, LLC	Tracy Pump Station	6115.6 · Pump Station	Capital Outlay:Pixley Lateral	3,467.41	
Total Sierra Controls, LLC							3,467.41	
<b>Spaletta Law PC</b>								
Bill	03/25/2024	April Rent	Spaletta Law PC	Rent march	6200 · Rent	-G&A	700.00	
Total Spaletta Law PC							700.00	
<b>Stoel Rives, LLP</b>								
Bill	03/07/2024	8005604	Stoel Rives, LLP	General	6180.63 · General Expense	-Groundwater Management	4,169.64	
Bill	03/07/2024	8005603	Stoel Rives, LLP	Legal Expenses	6180.63 · General Expense	Capital Outlay:North System Phase 1	6,840.80	
Bill	03/07/2024	8005600	Stoel Rives, LLP	Legal Expenses	6180.63 · General Expense	-G&A	1,090.00	
Bill	03/07/2024	8005601	Stoel Rives, LLP	Legal Expenses	6180.69 · Water Rights	-G&A	2,180.00	
Total Stoel Rives, LLP							14,280.44	
<b>TOTAL</b>							<b>352,705.10</b>	

From: Steve Schwabauer, General Manager

**RECOMMENDED ACTION:** Provide Further Direction to Staff on Proposed Charge Amount for Purposes of the Notice and Hearing on the Imposition of the 2024-25 Groundwater Charge.

**DISCUSSION:**

In 2022 the District successfully completed a Proposition 218 proceeding in 2022 to impose a groundwater charge to fund Sustainable Groundwater Management Act. The Engineer's Report provided that the charge would be a maximum of \$15 per AF per year for the first two years (2022-23 and 2023-24), \$20 per AF per year for the next two years (2024-25 and 2025-26), and \$25 per AF per year thereafter (2026-27 and beyond).

The Board of Directors must set the amount of the charge annually, not to exceed the maximums set forth above. The District is to complete the final list of charges per parcel by June 30<sup>th</sup> of each year so that the San Joaquin County tax assessor can collect charges through property tax bills.

The charge is imposed based on estimated groundwater use per parcel based on either County tax land use codes, or more accurate information provided by landowners through the Landowner appeal process. For example, parcels with the Irrigated Vineyard land use code are assumed to use 2 AF of groundwater per acre per year and parcels with the Irrigated Orchard land use code are assumed to use 2.8 AF per year of groundwater per year, (See Engineers report at page A-2).

For 2022-23 and 2023-24, the Board set the charge at \$15 per AF which generated approximately \$2.4 million in revenue. The Board needs to make a decision about whether to impose a charge for the 2024-25 fiscal year and the amount of the charge, which cannot exceed \$20 per AF. This decision will allow staff to prepare the appropriate notice and proposed resolution to impose the 2024-25 groundwater charge at the June 2024 board meeting.

There are a number of issues that impact the Boards decision to increase the charge at this time. The first and most obvious is the state of the market for land and crop values. Both are at historic lows with many grape contracts canceled in the last year as wine consumption falls. Countervailing this obvious market distress on District Landowners are the demands of the Sustainable Groundwater Management Act (SGMA) which are not abated by the current economic situation.

The district has a number of planned capital improvement projects that must be completed in order to meet our obligations under SGMA. A few additional project concepts have been added since our prior meeting as a result of landowner engagement in the table below:

**Projected Min Cost                      Current Funding**



North System Pump Station	\$10 Million		\$4 million
North System Phase 1b pipeline	\$1.4 million		\$1.4 million
NS Phase 1b Creekside Lateral	\$200,000		\$0
South System Phase 3: Handle Lateral	\$4.6 million		\$2.9 million
	\$1.7 million		\$1 million
South System Phase 4	\$14 million		\$0
			Total
	\$31.9 million	\$9.3 million	

Commented [JS1]: s

As demonstrated above, we have about a \$20 million short-fall to fund the desired projects to get the District’s North and South System projects completed to maximize use of Permit 10477 for both direct and in-lieu groundwater recharge over the next four years. While some funding will come from landowners using surface water, through improvement district assessments, most of the capacity of these projects will be used for groundwater recharge and should be paid for with the groundwater charge.

Further, this project list does not include projects to utilize the additional wet year Mokelumne River flows that are likely to become available from the MICUP project (the County’s pending water right application).

And of course the District has other management, planning and operation costs that the groundwater charge funding must cover, such as the required groundwater monitoring, costs to pump and deliver water to recharge projects, annual DWR reporting and GSP updates, and the staff costs for all of the above.

The district is currently using about \$1.5 mil per year from the groundwater charge to fund capital projects. At this rate, it will take more than ten years to pay for the construction of the projects listed above. The District could address the cash shortfall through bond funding. However, bond funding typically doubles the cost of a project when accounting for issuance and interest costs. Those costs ultimately fall on district landowners. As such Staff recommends that the Board direct staff to begin the process to increase the groundwater charge. Staff is recommending that the increase to \$20 per AF be split over two years so that the increase is not as burdensome on landowners.

Commented [JS2]: This is based on my gut - we need to confirm this with CPA

Increasing the groundwater charge by \$2.50 per AF would increase revenues by 16.7 percent and raise an additional \$400,000 per year, assuming the same level of pumping in the district. Staff believe that given the number of vineyards removed this year, the total number of irrigated acres may be decreasing, which could reduce the overall collected charges. With the increase, the district would have close to \$2 million per year from the groundwater charge revenue to fund capital projects, which would enable the district to fund many projects without borrowing, or allow for short term (5 or 10 year) borrowing to bridge the funding gap described above.

Staff will bring a preliminary budget to the Board for discussion in April that will help inform this decision.

The Board can always charge a lower amount in the future after capital projects are constructed, but if the board does not increase the charge within the first five years it may not be able to increase

it thereafter within the maximums described in the Engineer's report without undergoing another Proposition 218 proceeding, which is another \$100,000 or more expense.

**RECOMMENDATION:** Provide Direction to Staff on whether to prepare a notice of hearing to impose a groundwater charge of \$17.50 per AF for the 2024-25 fiscal year for the June 2024 board meeting, and other related actions.

**FISCAL IMPACT:** Dependent on Board Action.

<sup>1</sup> The District has a \$5,000,000 Watersmart Grant Application Pending

From: Steve Schwabauer, General Manager

**RECOMMENDED ACTION:** Provide Input to staff on public outreach for collection of 2024/25 groundwater charge.

**DISCUSSION:** District Staff explored options to contract out the ground water charge process. However, the vendor stopped responding and so another alternative will need to be explored. This year staff plans to proceed in a similar process as in the past with minor adjustments to accommodate the new three-year appeal life policy adopted by the District. The process will start with a April 2024 letter to landowners advising them of the groundwater charge and how it is applied and what information we have on how many acres they irrigate and how many acre feet we believe are required to irrigate their particular crop and the total proposed groundwater charge. Landowners will be given until May 15 to advise the District of any errors in our calculation. Consistent with the new three year appeal life policy, Landowners will be notified that 1) any appeals that are granted will continue use the information upheld by the appeal as the basis for the next three years rates, unless the landowner notifies the district of the change; 2) that the landowner is obligated to notify the district of any change in use and what the new use is; and 3) that the landowner is liable to pay the actual usage rate including penalties and interest if they do not notify the District of the change in use. District staff will use the data from any successful appeals last year to calculate this years charge unless the landowner notifies us of a different use. The draft notice attached notifies landowners of that change. As always landowners will be able to submit actual water use data from electric or meter records and the district will use that information.

The District would then set the groundwater charge at its June meeting and direct the District Engineer to forward the charge to the assessor for collection.

**RECOMMENDATION:** Provide Input to staff on public outreach for collection of 2024/25 groundwater charge.

**FISCAL IMPACT:** not applicable.

Re: District Groundwater Charge for Parcel APN

Dear Landowner:

In June 2022 the District adopted a groundwater charge that is being used to fund planning, monitoring, reporting, operations and projects necessary to comply with the Sustainable Groundwater Management Act. The charge is based on the estimated number of acre-feet of groundwater used on your parcel and is collected through your County property tax bill. The District relies on information about the size and use of your property from the County tax roll to estimate the total groundwater use unless landowners provide more specific information to the District.

The following is the information that the District will use to estimate groundwater use on your property for the 2023-24 fiscal year:

<b>Acres</b>	<b>Land Use</b>	<b>Estimated Groundwater Use per Acre per Year (AF/AC)</b>	<b>Estimated Total Groundwater Use per Year (AF)</b>
7	Irrigated Vineyard	2	14

If you believe this information is incorrect and you can supply more accurate information about irrigated acres, use of the property, or the total amount of groundwater used (such as metered pumping data), the District welcomes this information and will adjust charges appropriately. To supply information to the District, please complete the **Landowner Appeal Form** found on the District website here: [nsjgroundwater.org](https://nsjgroundwater.org), or by contacting the district at [NSJWCD@outlook.com](mailto:NSJWCD@outlook.com).

It is very important that the form be **received by the District prior to May 15, 2024** for the 2024-25 fiscal year.

The District adopted Adopt Resolution 2024-01 (attached) Adopting Groundwater Charge Appeal Rules that allow the District to use any appeals for three years in calculating the annual Groundwater charge. The Resolution requires landowners to notify the District of any changes in their use and makes landowners liable for their actual use and penalties if they do not notify the District of a change in use. If you filed a successful appeal last year the District will use that data in calculating this years charge unless you notify the District of a different amount. The same rules above for failure to notify the District apply.

The District will set the amount of the groundwater charge at its regular meeting in June 2024. The charge cannot exceed \$20 per acre-foot for the 2024-25 fiscal year.

If you have any questions or need assistance, please contact the district at [NSJWCD@outlook.com](mailto:NSJWCD@outlook.com) or at (209) 368-2101

From: Jennifer Spaletta, Legal Counsel

**ACTION:** Establish 2024 Water Rates for Irrigation Water

**DISCUSSION:**

The District conducted a Proposition 218 proceeding in January 2015 to set irrigation water rates at the following maximum rates:

South System with delivery of 3,000 af	\$104.41
South System with delivery of 6,000 af	\$81.60
Tracy Lake	\$3.10 on top of O&M assessment

Actual O&M costs have been inconsistent for the District for the last 8 years because of reconstruction of the North and South Pump Stations and bringing groundwater recharge projects on-line. The district has not conducted a new Proposition 218 rate proceeding or set rates for the North System.

The District formed ID3 and ID3A and those landowners are paying capital assessments for the South System and should not pay the same water rate as lands that are not in the IDs.

The District needs to set water rates for 2024.

**RECOMMENDATION:** Staff recommends that the Board set the following rates

Tracy Lake rate at \$3.10 per af

South System in ID3 \$30.00 per af off of the pipeline or east ditch

South System in ID3A \$30.00 per af plus \$15.00 per af for pump out of Pixley Slough with District facilities

South System or North System not in an ID: \$60.00 per AF

Staff further recommends that staff engage Power Services, Inc. to update the pump efficiency/cost studies for the North and South Pumps to inform an updated rate analysis and Proposition 218 proceeding in the next year, and to inform required reports under the Proposition 1 grant from DWR related to efficiencies gained with the new South Pump Station at a cost not to exceed \$8,000.

**FISCAL IMPACT:** Revenue to district based on rates set and water delivered for irrigation to offset cost of operations.

**Resolution 2024-02  
of the Board of Directors of the**

**NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
Setting 2024 Water Rates for Surface Water**

WHEREAS, North San Joaquin Water Conservation District is preparing to deliver surface water for irrigation to the South System, North System and Tracy Lake Improvement District during 2024.

WHEREAS, the District conducted a Proposition 218 proceeding regarding water rates in December 2014-January 2015. The Engineer’s Report proposed maximum water rates as follows:

South System — with delivery of 3,000 af	\$104.41
South System — with delivery of 6,000 af	\$81.60
Tracy Lake System	\$3.10 (over and above operation and maintenance assessment)

The report did not address the North System because it was not operational at the time.

WHEREAS, thereafter the District formed Improvement District No. 3 to include landowners along the South System who desire to use surface water for irrigation and voluntarily agreed to assess their lands \$500 per acre to cover facility costs.

WHEREAS, the South System has been substantially improved since 2015 with a new pump station and there is insufficient data at this time to establish new cost of service rates. The North System has also recently been improved with a temporary pump and landowners have requested water.

WHEREAS, the District desires to cover costs of service and incentivize landowners to maximize the use of surface water to alleviate groundwater overdraft conditions.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The 2024 Water Rates for the District shall be:

South System Landowners within ID3 \$30.00 per acre-foot  
North System Landowners and South System Landowners not within ID3 \$60.00 per acre-foot  
Tracy Lake System \$3.10 per acre-foot (over and above the operation and maintenance assessment required by existing agreements)

2. Staff are directed to communicate rates and rules and regulations to interested landowners and collect data on operational costs for purposes of a water rate study to be conducted on or before January 2025.

Moved by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes:            \_\_\_ Directors  
Noes:            \_\_\_ Directors

Absent: \_\_\_\_\_ Directors

Abstain: \_\_\_\_\_ Directors

The President declared the resolution adopted.

I, David Simpson, Secretary of the Board of Directors of the NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors held the \_\_\_\_\_ day of March, 2024.

---

David Simpson, Secretary



From: Steve Schwabauer, General Manager

**RECOMMENDED ACTION:** Authorize General Manager to enter an amendment to Consero Solutions contract to extend the term of the agreement an additional year and add \$70,000 in budget authority.

**DISCUSSION:** Consero Solutions provides contract services for public outreach, funding research, and strategic planning for the District. Consero operates under a contract and budget of \$70,000 for the 23/24 budget year. However, this year Consero had a number of large projects including the General Manager Recruitment, the Strategic Plan Report Card, and the Townhall that put them slightly over budget. Staff is requesting authority to amend the contract to add an additional year to the contract and an additional \$70,000 and allow about \$10,000 of that amount to be expended in the 23/24 budget year.

**RECOMMENDATION:** Authorize General Manager to enter an amendment to Consero Solutions contract to extend the term of the agreement an additional year and add \$70,000 in budget authority

**FISCAL IMPACT:** \$70,000

**FIRST AMENDMENT TO JULY 1, 2023 AGREEMENT  
BETWEEN CONSERO SOLUTIONS AND  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT**

This First Amendment to Agreement (hereinafter "First Amendment") is effective the 1<sup>st</sup> day of **March 25, 2024**, by and between **CONSERO SOLUTIONS**, a sole proprietorship, with its principal place of business in Davis, California (hereinafter "CONSERO") and **NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT**, a special district with its principal place of business in Lodi, CA (hereinafter "CLIENT").

**R E C I T A L S**

**WHEREAS**, CONSERO and CLIENT (hereinafter "the Parties") entered into an Agreement effective July 1, 2023, (hereinafter referred to as "the original Agreement").

**NOW, THEREFORE**, in consideration of the mutual covenants set forth herein, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledge, the parties hereto agree as follows:

**WHEREAS**, Attachment A to the original agreement stated the contract will last until June 30, 2024. The Parties desire to extend the expiration of the contract to June 30, 2025.

**WHEREAS**, Attachment A to the original agreement stated the amount billed to CLIENT will not exceed \$70,000, the Parties desire to amend the not to exceed amount to \$140,000.

**WHEREAS**, the Parties desire to change CONSERO'S scope of work outlined in Attachment A to the original agreement to better align with the CLIENT'S current needs.

**NOW, THEREFORE**, in consideration of the mutual covenants set forth herein and for valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

- A. Section 3 of the original agreement is amended to increase the not to exceed amount to \$140,000.
- B. Section 5 of the original agreement is amended to extend the term of the agreement until June 30, 2025.
- C. Attachment A to the original agreement is hereby replaced in its entirety with a new Attachment A as shown at the end of this First Amendment.
- D. All terms and conditions of the original Agreement, other than the provisions specifically amended by this First Amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement effective on the day and in the year first set forth above.

CONSERO SOLUTIONS

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Petrea Marchand, Owner and President

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Joe Valente, Board President

## ATTACHMENT A

CONSERO SOLUTIONS shall provide the following services to CLIENT during the term of this Agreement:

### **Task 1: Community engagement**

Consero will continue to assist the District with community engagement by assisting with the organization of and materials for one (1) town hall meeting, including development of an annual strategic plan report card, and development of two (2) District newsletters. Consero also will assist with up to four (4) press releases and up to four (4) articles for the web site.

### **Task 2: Funding research and updates**

Consero will track funding opportunities of potential interest to the District, including review of the State budget and outreach to legislators as needed. Consero will draft monthly staff reports for the Board of Directors regarding the status of funding opportunities.

### **Task 3: Other duties as assigned**

Consero Solutions will assist NSJWCD with other duties as assigned.

### **Deliverables**

- One (1) town hall meeting
- One (1) strategic plan report card slide deck
- Two (2) newsletters
- Up to four (4) press releases
- Up to four (4) articles for the web site
- Up to 12 funding opportunity staff reports

Prepared by: Steve Schwabauer, General Manager  
Robert Granberg, Project Manager

**RECOMMENDATION:**

Motion:

- 1) Accept the Statements of Qualifications Received on February 1, 2024 for the North Pump Station Improvements Project
- 2) Consider Garney Pacific, Inc. of Tracy, California as the Preferred Respondent
- 3) Direct Staff to Negotiate with Garney Pacific, Inc. and to Recommend a Design-Build Agreement at the Next Regularly Scheduled Board Meeting Bid Build Approach.

**DISCUSSION:**

On August 28, 2023, the Board approved the release of a Progressive Design-Build Request for Qualifications to Design-Build entities for the North Pump Station Improvements Project, substantially in the form presented and directed the Interim General Manager to work with Board Counsel to finalize the solicitation process. On November 3, 2023, a Request for Qualifications was advertised via direct communication with interested Design-Build entities, the District's website and through Public Purchase™, a nationwide government bid advertising service. Three Statements of Qualifications (SOQ's) were received on February 1, 2023.

The selection committee consisting of two Board members, the General Manager, the Project Manager, and one external reviewer unanimously agreed that Garney Pacific, Inc. is the most qualified team to meet the District's need to deliver the Progressive Design-Build project. As a qualifications-based procurement, Garney Pacific, Inc. is thereby recommended as the preferred respondent.

Members of the selection committee met with the Garney Pacific, Inc. team to further understand and define their proposed project solution set, but at this time, more work is to be done prior to staff making a recommendation to the Board to award a Progressive Design-build Agreement.

Staff recommends to continue negotiations with Garney Pacific, Inc. and come back to the Board at the next regularly scheduled Board with a recommendation to proceed with this project or alternatively pursue a Design Bid Build Approach.

**FINANCIAL SUMMARY:**

There is no fiscal impact at this time associated with this recommendation. Upon making a recommendation, staff will provide a budget and funding recommendation to support entering into a Design-Build agreement.

**ENVIRONMENTAL DETERMINATION:**

Environmental review is not necessary at this stage of Design-Build procurement. It is anticipated the District will retain an environmental firm to work collaboratively with the Design-Build team concurrently with developing a project definition. Similarly, project permits will advance concurrently with project planning and assignment of permitting responsibilities and risk will be determined in the first phase of the Design-Build work.

From: Steve Schwabauer, General Manager, Daniel deGraaf, District Engineer

**RECOMMENDED ACTION:** Proceed with Effort to Form Improvement District No. 3B for the Handel Lateral

**DISCUSSION:**

Staff has prepared the attached proposed project description and Engineer's Cost Estimate for the Handel Lateral project. The project involves building a lateral pipeline east and west off of the South System main pipeline to deliver surface water for irrigation and groundwater recharge. The estimated cost of the project is \$1,700,000. The District has a \$1 million USDA federal appropriation for the project. The remaining funding for the project is proposed to come from landowner assessments (\$350,000) from a new improvement district No. 3B and the groundwater charge (\$350,000).

The major proposed terms are:

1. Landowners agree to be in ID3 and ID3B contractually – we do not force it.
2. Landowners pay \$50/acre for ten years (\$500/acre total) for ID3 membership and \$35/acre for ten years (\$300/acre) for ID3B membership
4. 1000 acres x \$350/acre = \$350,000
3. Need 200 acres to form ID3B. Limit is 1000 acres.
5. 1000 acre limit is based on the capacity limit of the proposed pipeline and the overall capacity limit of the south system.

Note that if only 200 acres join initially, it may take many years for the remaining 800 acres to join and the District would essentially be providing a cash front for these late joining acres to build the project. However, the project must be built soon to take advantage of the \$1 million federal appropriation. The District could fund the difference in the interim with groundwater dollars and reimburse the groundwater fund over time.

**FISCAL IMPACT:** \$350,000 of NSJWCD funds from groundwater charge revenue used to cover share of costs of project.

**RECOMMENDATION:** Direct staff to proceed to ask landowners to sign a formation petition for ID3B and negotiate easements for the pipeline.

**ENVIRONMENTAL:** The District completed CEQA and NEPA for this project last year.



## Memorandum

To North San Joaquin Water Conservation District

From Daniel de Graaf, P.E.

Subject Handel Lateral Improvement District

Date 03/25/2024

### **Background**

The North San Joaquin Water Conservation District has secured a \$1 million-dollar federal appropriation administered through the USDA. The District Board of Directors has decided to utilize these funds to construct improvements on the South System to provide irrigation and recharge water to a proposed improvement district. The proposed improvement district encompasses approximately 1,000 acres of developed agricultural land that is currently irrigated utilizing groundwater wells.

With the construction of the proposed facilities, the District would be able to supply water for irrigation as well as groundwater recharge. The proposed project provides value to the landowners it serves through the addition of an alternative water supply for irrigation as well as groundwater recharge. The District as a whole also receives benefit from the addition of groundwater recharge from this project.

### **Proposed Project**

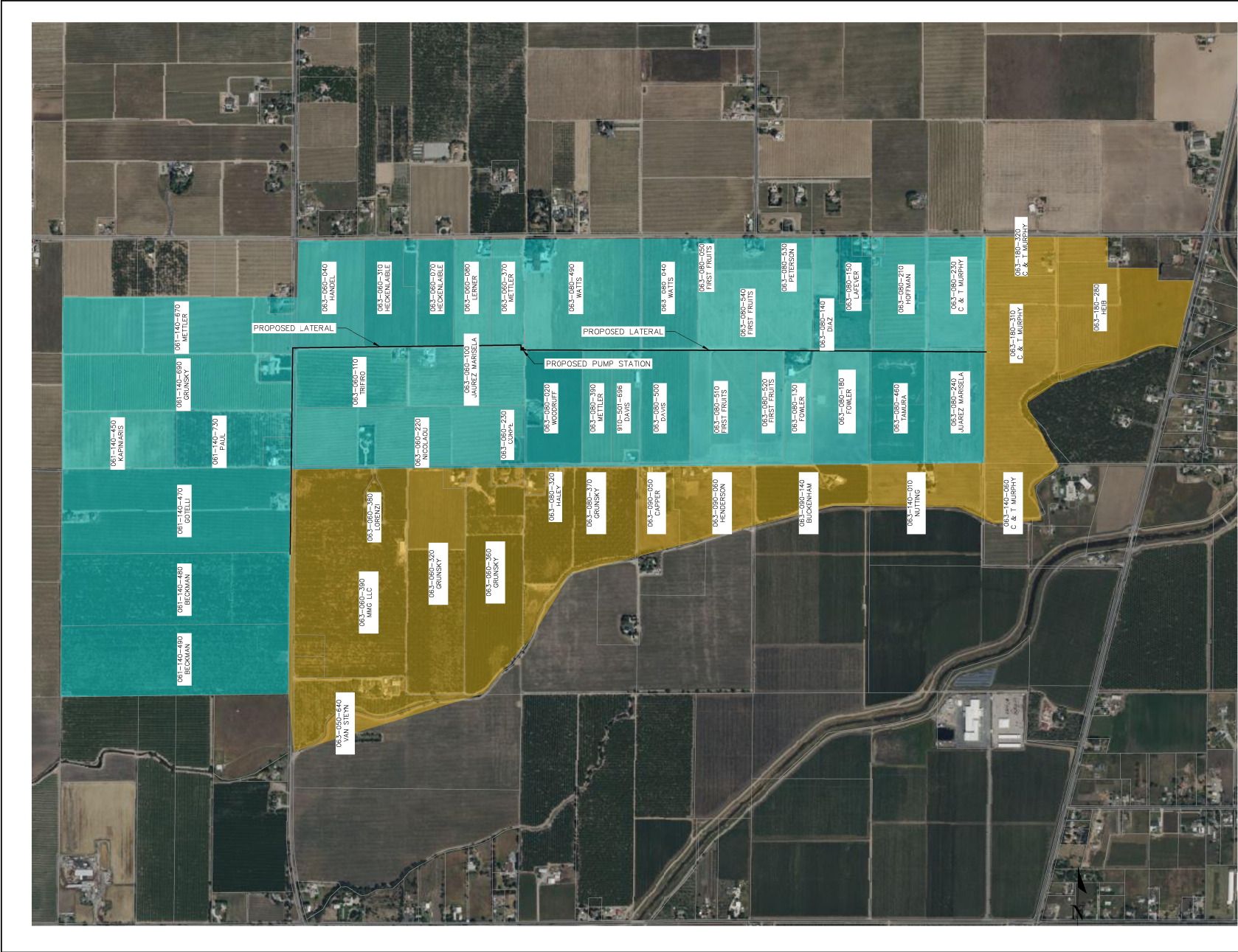
The proposed project will provide water for irrigation and recharge purposes to parcels included in a newly formed improvement district off the Districts, South System utilizing a dual-purpose lateral.

The proposed project will meet the following criteria:

- Provide a minimum pressure of 10 PSI at each turnout during operation
- Provide a variable flow range from 500 – 7,000 GPM
- Be scalable with a pump station that can be constructed in phases
- Provide capacity to deliver peak irrigation demand to all land in the Improvement district on an assumed 10 day rotational basis
- Connect to existing SCADA System with control and automation
- Provide one turnout to each parcel included in the improvement district

An exhibit and cost estimate for the proposed project is attached.





DATE SIGNED:

PRELIMINARY  
NOT FOR CONSTRUCTION  
#####


NO. REVISION DATE



Know what's below.  
Call before you dig.

**SITE PLAN**  
**PROPOSED IMPROVEMENTS**  
HANDEL LATERAL  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
SAN JOAQUIN COUNTY, CALIFORNIA

PROJECT:	SS-PHIII
DRAWN BY:	JD
CHECKED BY:	JD
DATE:	3/17/2023
SHEET	

1 OF 1



**DRAFT - ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COSTS**

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

HANDEL LATERAL IMPROVEMENT DISTRICT PIPELINE AND PUMP STATION

No.	Description	Quantity	Unit	Unit Price	Total
<b>General</b>					
1	Mobilization, Demobilization, Bonds and Insurance	1	LS	\$ 35,000.00	\$ 35,000.00
2	Worker Protection	1	LS	\$ 7,000.00	\$ 7,000.00
3	Miscellaneous Facilities and Operations	1	LS	\$ 21,000.00	\$ 21,000.00
4	SWPPP Preparation and Implementation & Dust Control	1	LS	\$ 7,000.00	\$ 7,000.00
<b>Subtotal</b>					<b>\$ 70,000.00</b>
<b>Pump Station</b>					
5	Turnout Box and Valve	1	LS	\$ 60,000.00	\$ 60,000.00
6	Inlet Manifold	1	LS	\$ 10,000.00	\$ 10,000.00
7	Pumps and Electrical	1	LS	\$ 300,000.00	\$ 300,000.00
8	Flow Meter	1	LS	\$ 15,000.00	\$ 15,000.00
9	SCADA/Telemetry	1	LS	\$ 80,000.00	\$ 80,000.00
<b>Subtotal</b>					<b>\$ 465,000.00</b>
<b>Pipeline</b>					
10	18" 100 PSI PVC Pipeline	3300	LF	\$ 70.00	\$ 231,000.00
11	15" 100 PSI PVC Pipeline	2700	LF	\$ 50.00	\$ 135,000.00
12	12" 100 PSI PVC Pipeline	3700	LF	\$ 35.00	\$ 130,000.00
13	Turnouts	20	EA	\$ 20,000.00	\$ 400,000.00
14	Vents and Misc. fittings	15	EA	\$ 800.00	\$ 12,000.00
15	Road Crossing @ Alpine Road	1	LS	\$ 15,000.00	\$ 15,000.00
<b>Subtotal</b>					<b>\$ 923,000.00</b>
<b>Construction Subtotal</b>					<b>\$ 1,458,000.00</b>
<b>Contingency</b>					
16	15% Contingency	1	LS	\$ 219,000.00	\$ 219,000.00
<b>Construction Subtotal W/ Contingency</b>					<b>\$ 1,677,000.00</b>
<b>Non-Construction Costs</b>					
17	Legal and Administration	1	LS	\$ 51,000.00	\$ 51,000.00
18	Engineering	1	LS	\$ 84,000.00	\$ 84,000.00
19	Land Acquisition - Easements	1	LS	\$ 100,000.00	\$ 100,000.00
20	Construction Testing, Review, and Management	1	LS	\$ 168,000.00	\$ 168,000.00
<b>Subtotal</b>					<b>\$ 403,000.00</b>
<b>Project Total</b>					<b>\$ 2,080,000.00</b>

From: Daniel de Graaf, District Engineer

**RECOMMENDED ACTION:** Authorize staff to complete a change order for work performed by Arnaudo Construction to install junction box steps and flow meters for the South System Phase II project.

**DISCUSSION:** During construction of the South System Phase II improvements project, steps were added inside of the junction boxes for safe access to the valves and metering equipment in the boxes. This will be a standard item included in all future boxes built on the south system. Also, Arnaudo construction was asked to install the brackets and conduit for the flow meters.

The attached T& M worksheets are for the work performed to add the steps and install the flow meters and conduit

**RECOMMENDATION:** Authorize staff to complete a change order in the amount of \$10,023.00 for the work completed to install steps and flow meters.

**FISCAL IMPACT:** \$10,023.00 to be included in the cost of the South System Improvements Phase II project, funded partially by the Prop 1 Grant, and the Groundwater Charge.

# TM Cost Worksheet

PO Box 390  
Tracy, CA 95378

Prepared For: North San Joaquin WCD  
PO Box E  
Victor, CA 95253

Location: NSJWCD South System Phase II

Job No	Customer Job No	Customer PO	Work Performed Dates
23005			From: 12/21/2023 Thru: 12/31/2023

**Work Performed**

92010 Install Manhole Steps

**Notes / Comments:**

**Breakdown of Costs**

LABOR						
Date	Full Name	Trade	Type	Qty	Unit Price	Price
12/22/2023	Hernandez, Guillermo E	LABCS	REG	5.00	92.00	460.00
	Downer, Brandon	OE3G4	REG	2.00	124.00	248.00
	Lawrence, Maximilian R	OE3G4	REG	5.00	129.00	645.00
12/28/2023	Hernandez, Guillermo E	LABCS	REG	4.00	92.00	368.00
	Barbieri, Jeffrey	OE3G4	REG	4.00	122.00	488.00
	Downer, Brandon	OE3G4	REG	4.00	124.00	496.00
12/29/2023	Hernandez, Guillermo E	LABCS	REG	4.00	92.00	368.00
	Barbieri, Jeffrey	OE3G4	REG	4.00	122.00	488.00
<b>Labor Total:</b>						<b>3,561.00</b>

EQUIPMENT						
Date	EQ #	EQ Description	Rate Type	Qty	Unit Price	Price
12/22/2023	1206	2019 F 350_Max	Hrly	5.00	42.00	210.00
12/22/2023	1207	2019 Ford F250_Brandon	Hrly	2.00	30.00	60.00
12/28/2023	1203	2017 F250_Spare	Hrly	4.00	30.00	120.00
12/28/2023	1207	2019 Ford F250_Brandon	Hrly	4.00	30.00	120.00
12/29/2023	1203	2017 F250_Spare	Hrly	4.00	30.00	120.00
<b>Equipment Total:</b>						<b>630.00</b>

MATERIAL					
Vendor Name	Invoice #	Description	Cost	15% Mark-Up	Price
					<b>36</b>

# TM Cost Worksheet

Worksheet Number  
307

Worksheet Date  
2/20/2024

PO Box 390  
Tracy, CA 95378

Prepared For: North San Joaquin WCD  
PO Box E  
Victor, CA 95253

Location: NSJWCD South System Phase II

Job No	Customer Job No	Customer PO	Work Performed Dates		
23005			From: 12/21/2023	Thru: 12/31/2023	
Oldcastle Infrastructure	030346158	Manhole Steps	1,362.51	204.38	1,566.89
White Cap	10019254585	Small Tools	104.29	15.64	119.93
				<b>Material Total:</b>	1,686.82
				<b>Subcontract Total:</b>	.00

Subtotal: 5,877.82  
Overhead: 0.00

**Total Approved: 5,877.82**

Cost Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
North San Joaquin WCD

Project Manager: \_\_\_\_\_ Date: \_\_\_\_\_  
Arnaudo Construction





7000 Central Parkway  
Suite 800  
Atlanta, GA 30328

A CRH COMPANY

Telephone: (844) 211-1322

Job #: 23005

Description: \_\_\_\_\_

Account: 5010

Equip #: \_\_\_\_\_

Cost Code: 92010

Cost Type: M

**INVOICE**

<b>Remit to:</b>
Oldcastle Infrastructure P.O. Box 742387 Los Angeles, CA 90074-2387

Site: Stockton

**SOLD TO:**

6841 1 AB 0.537 E0117X I0202 D12253830606 S2 P10066458 0001:0001

**SHIP TO:**

South System w/c  
Pickup at Stockton location  
3800 E Mariposa Rd  
Stockton, CA 95215



ARNAUDO CONSTRUCTION, INC  
PO BOX 390  
TRACY CA 95378-0390

Invoice No.	Date	Customer No.	Order No.	Customer PO	Delivery Terms	Mode of Delivery
030346158	12/22/2023	030004972	S331999	23005	FOB Job Site	Will Call

Packing slip(s) ...: SP366459

Qty	Unit	Item	Description	Mark	Unit Price	Amount
50.00	EA	99957300	Polypropylene Steps - MA 004-510-DF	w/c 12/22	25.00	1,250.00
					Tax	112.51

Please note: We impose a 2.09% surcharge on all Credit Card transactions, which is not greater than our cost of acceptance.  
A surcharge will not be applied to any ACH or Debit Card transaction.

**TOTAL AMOUNT DUE BY: 01/21/24**

**US**

**1,362.51**

Handling fees will apply for all returned goods. No goods will be returned without written consent by the seller. Give as reference our invoice number and date. Claims for damages, back charges for labor, other expenses will not be allowed unless authorized in writing by the seller. The articles and/or services covered by this invoice were produced in compliance with the Federal Labor Standards Act of 1938, as amended.

The Customer Agrees:

1. THAT THE ABOVE TOTAL IS PAST DUE IF NOT PAID WITHIN 30 DAYS OF DATE OF THIS INVOICE
2. TO PAY A FINANCE CHARGE OF 1.5% PER MONTH (18% PER ANNUM) ON ANY PAST DUE AMOUNT
3. TO PAY COLLECTION COSTS, INCLUDING REASONABLE ATTORNEY FEES, AFTER DEFAULT BY THE CUSTOMER

**38**

# WHITE CAP®

White Cap, L.P.  
PO Box 4944  
Orlando, FL 32802-4944

## BRANCH ADDRESS

023 - STOCKTON  
(209) 944-9541  
1166 SOUTH WILSON WAY  
STOCKTON CA 95205  
SAN JOAQUIN

# INVOICE

INVOICE NUMBER
10019254585
INVOICE DATE
12/22/2023
CUSTOMER PO NUMBER
BRANDT RD

TO VIEW AND PAY ONLINE GO TO:
<a href="http://whitecap.billtrust.com">http://whitecap.billtrust.com</a>
ENROLLMENT TOKEN:
RRP RMZ BZP

SOLD TO: 160855000

Job #: 23005  
Description: \_\_\_\_\_  
Account: 5010  
Equip #: \_\_\_\_\_  
Cost Code: 92010  
Cost Type: M

TERRITORY:  
SHIP TO: 10004341546

MAKE CHECKS PAYABLE TO:
White Cap, L.P. P.O. BOX 6040 CYPRESS, CA 90630-0040

ARNAUDO CONSTRUCTION  
19203 S TRACY BLVD  
TRACY CA 95304-9430

SOUTH SYSTEM IMPROVEMENTS  
HANDEL & ALPINE PO 23005  
LODI CA 95240

ORDER DATE	ORDER NO.	ORDERED BY	ACCOUNT MANAGER	TAKEN BY				
12/22/2023	56876384	BRANDON DOWNER	LINHOFF, MARK	FARIAS, ABRAHAM				
BRANCH	ACCT JOB NO.	TERMS	SHIP VIA / ROUTING	CUSTOMER JOB NO.				
023	10004341546	NET 30 DAYS	5. WALK IN	SOUTH SYSTEM				
LINE	PART NUMBER	DESCRIPTION	QTY ORD	UNIT PRICE	QTY BKO	QTY SHP	EXTENDED PRICE	TAX AMT
1	162HC5050	1"X8"X13" SDS MAX ROTARY HAMMER DRILL SPEED-X BIT BOSCH	1	46.89 EA	0	1	46.89	4.22
2	162RC2164	1"X12" REBAR CUTTER SDS PLUS BOSCH	1	48.79 EA	0	1	48.79	4.39

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Pay your invoices online by visiting: <https://whitecap.billtrust.com>

Sales Tax Exemption Questions or Certificates: [TaxExemptCredit@whitecap.com](mailto:TaxExemptCredit@whitecap.com)

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TOTAL GROSS	95.68
TOTAL TAX	8.61
TOTAL SHIPPING AND HANDLING	0.00
TOTAL INVOICE	104.29

RECEIVED BY: \_\_\_\_\_ SIGNATURE COPY ON FILE

# TM Cost Worksheet

PO Box 390  
Tracy, CA 95378

Prepared For: North San Joaquin WCD  
PO Box E  
Victor, CA 95253

Location: NSJWCD South System Phase II

Job No	Customer Job No	Customer PO	Work Performed Dates
23005			From: 12/22/2023 Thru: 1/14/2024

**Work Performed**

92011 Install Flow Meters

**Notes / Comments:**

**Breakdown of Costs**

LABOR						
Date	Full Name	Trade	Type	Qty	Unit Price	Price
12/28/2023	Hernandez, Guillermo E	LABCS	REG	4.00	92.00	368.00
	Barbieri, Jeffrey	OE3G4	REG	4.00	122.00	488.00
	Barbieri, Jeffrey	OE3G4	OT	1.00	159.00	159.00
	Downer, Brandon	OE3G4	REG	4.00	124.00	496.00
	Downer, Brandon	OE3G4	OT	1.00	162.00	162.00
12/29/2023	Hernandez, Guillermo E	LABCS	REG	4.00	92.00	368.00
	Hernandez, Guillermo E	LABCS	OT	1.00	118.00	118.00
	Barbieri, Jeffrey	OE3G4	OT	1.00	159.00	159.00
	Barbieri, Jeffrey	OE3G4	REG	4.00	122.00	488.00
	Downer, Brandon	OE3G4	REG	4.00	124.00	496.00
<b>Labor Total:</b>						<b>3,302.00</b>

EQUIPMENT						
Date	EQ #	EQ Description	Rate Type	Qty	Unit Price	Price
12/28/2023	1203	2017 F250_Spare	Hrly	5.00	30.00	150.00
12/28/2023	1207	2019 Ford F250_Brandon	Hrly	5.00	30.00	150.00
12/29/2023	1203	2017 F250_Spare	Hrly	5.00	30.00	150.00
12/29/2023	1207	2019 Ford F250_Brandon	Hrly	4.00	30.00	120.00
<b>Equipment Total:</b>						<b>570.00</b>



# TM Cost Worksheet

Worksheet Number  
308

Worksheet Date  
2/20/2024

PO Box 390  
Tracy, CA 95378

Prepared For: North San Joaquin WCD  
PO Box E  
Victor, CA 95253

Location: NSJWCD South System Phase II

Job No	Customer Job No	Customer PO	Work Performed Dates
23005			From: 12/22/2023    Thru: 1/14/2024

MATERIAL					
Vendor Name	Invoice #	Description	Cost	15% Mark-Up	Price
White Cap	50025087541	Wedge Anchors	237.55	35.63	273.18
<b>Material Total:</b>					273.18
<b>Subcontract Total:</b>					.00

Subtotal:            4,145.18  
Overhead:            0.00

**Total Approved:            4,145.18**

Cost Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
North San Joaquin WCD

Project Manager: \_\_\_\_\_ Date: \_\_\_\_\_  
Arnaudo Construction

# WHITE CAP®

White Cap, L.P.  
PO Box 4944  
Orlando, FL 32802-4944

**BRANCH ADDRESS**  
663 - WC CLOVIS CA (CSC)

(559) 297-6070  
200 PARK CREEK DRIVE  
CLOVIS CA 93611  
FRESNO

## INVOICE

INVOICE NUMBER
50025087541
INVOICE DATE
01/10/2024
CUSTOMER PO NUMBER
SHOP

TO VIEW AND PAY ONLINE GO TO:
<a href="http://whitecap.billtrust.com">http://whitecap.billtrust.com</a>
ENROLLMENT TOKEN:
RRP RMZ BZP

SOLD TO: 160855000

Job #: 23005  
Description: \_\_\_\_\_  
Account: 5010  
Equip #: \_\_\_\_\_  
Cost Code: 92011  
Cost Type: M

TERRITORY:  
SHIP TO: 160855999

MAKE CHECKS PAYABLE TO:
White Cap, L.P. P.O. BOX 6040 CYPRESS, CA 90630-0040

ARNAUDO CONSTRUCTION  
19203 S TRACY BLVD  
TRACY CA 95304-9430

YARD/ ARNAUDO CONSTRUCTI-160855999  
27770 CHRISMAN ROAD  
TRACY CA 95304

ORDER DATE	ORDER NO.	ORDERED BY	ACCOUNT MANAGER	TAKEN BY
12/21/2023	56867470	LARRY MILLER	LINHOFF, MARK	LINHOFF, MATTHEW
BRANCH	ACCT JOB NO.	TERMS	SHIP VIA / ROUTING	CUSTOMER JOB NO.
663	160855999	NET 30 DAYS	0. WILL CALL	

LINE	PART NUMBER	DESCRIPTION	QTY ORD	UNIT PRICE	QTY BKO	QTY SHP	EXTENDED PRICE	TAX AMT
0	HDRDESC	***** DELIVERY TAG#: 27799576 *****	1	0	0	1	0.00	
1	SP THD37400H4SS-1 5	3/8" X 4" TITAN HD 304 STAINLESS	50	4.40 EA	0	50	220.00	17.55

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RECEIVED BY: LARRY MILLER	SIGNATURE COPY ON FILE	TOTAL GROSS	220.00
		TOTAL TAX	17.55
		TOTAL SHIPPING AND HANDLING	0.00
		TOTAL INVOICE	237.55

From: Jennifer Spaletta, Counsel

**RECOMMENDED ACTION:** Adopt Resolution setting 2024 Tracy Lake Improvement District O&M assessment.

**DISCUSSION:**

The Agreement between the District and the Tracy Lake Improvement District No. 1 landowners provides a process for “truing up” the prior year’s operation and maintenance expenses as between the district and landowners and setting the next year’s O&M acreage assessment for the landowners and setting the district’s contribution to O&M, based on an agreed upon budget.

In the past, the O&M budget has been based on the calendar year. The district’s water right is based on a December 1<sup>st</sup> through November 5<sup>th</sup> season. Staff and TLID landowners met this year and agreed to modify the budget year to December through November so that the O&M expenses would be captured in the same period as the water year for the district.

Also, during 2023, there was a significant expense (about \$60,000) incurred to repair and update the SCADA system for the TLID pump station. The parties agreed to split the 2023 O&M expenses 50/50 even though the project did not operate during 2023 due to carryover high water levels in the lake that prevented the district from adding additional water.

The proposed budget for 2024 is for the time period January 2024 through November 2024 as a transition year. Next year we will have a budget for December 2024 to November 2025.

	2016	2017	2018	2019	2020	2021	2022*	2023**
Total AF diverted at TLID pump	39.6	0	1498.86	254.1	235	523.46	144.99	0
TL AF direct diversion	39.6	0	0	0	235	523.46	144.99	0
TL AF released from storage	0	0	1498.86	279.53	0	0	0	0
TL AF channel loss of stored water	0	0	149.886	25.43	0	0	0	0
TL AF bypassed down river	0	0	830.464	0	0	0	0	0
TL AF rediverted from storage	0	0	518.51	254.1	0	0	0	0
TL AF to reach div. elevation	0	0	107	0	107	0	0	0
TL AF Evap	0	0	60.9275	0	33	118.115	13.7475	0
TL AF Recharge	0	0	182.7825	0	99	354.345	41.2425	0
TL AF FJ used	0	0	274.8	254.1	103	51	90	0
TL AF attribute to FJ	0	0	366.8769	254.1	178.4766	62.50778	98.53352	0
TL AF attribute to NSJ	0	0	151.6331	0	56.5234	460.9522	46.45648	0
Adjusted percentage FJ			0.70756	100	0.759475	0.119413	0.679588	0.5
Adjusted percentage NSJ			0.29244	0	0.240525	0.880587	0.320412	0.5

\*\* NSJ did not add water to lake in 2023 due to high lake water levels. TLID landowners and district agreed to 50/50 split of costs for 2023.

		actual	actual	budget
		2022	2023	2024
<b>EXPENSES:</b>				
	PGE	\$ 1,596.03	\$ 1,161.67	\$ 2,000.00
	Engineer	\$ 255.00	\$ 1,344.50	\$ 2,000.00
	Maintenance	\$ -	\$ 4,199.27	\$ 3,000.00
	Accounting	\$ 1,020.00	\$ 585.00	\$ 1,000.00
	Legal	\$ 1,041.00	\$ 550.00	\$ 1,000.00
	Fees	\$ -		\$ 100.00
	Supplies	\$ -		\$ 100.00
	Outside Services	\$ 2,775.00		
	Permits	\$ -	\$ 80.75	\$ 100.00
	Weed Control	\$ -		\$ 3,000.00
	Sierra Controls Contract	\$ -	\$ 57,900.00	\$ -
	<i>Subtotal Expenses:</i>	\$ 6,687.03	\$ 65,821.19	\$ 12,300.00
<b>REVENUE:</b>				
	<i>Landowners</i>			
	Assessment		\$ 18,000.00	\$ 25,000.00
	<i>NSJWCD</i>		\$ 12,000.00	\$ 15,000.00
	Contribution			
	Prior Year Contribution			
	<i>Subtotal Revenue:</i>	\$ -	\$ 30,000.00	\$ 40,000.00
	<b>NET POSITION FOR THE YEAR:</b>	\$ (6,687.03)	\$ (35,821.19)	\$ 27,700.00
	Year End Account Balance	\$ 13,058.28	\$ (22,762.91)	\$ 4,937.09

Year	Allocated Expense Percentage		Total Expense	Allocated Expense		Contribution		Account Balance	
	FJ	NSJ		FJ	NSJ	FJ	NSJ	FJ	NSJ
2016	65%	35%	\$ 2,495.70	\$ 1,622.21	\$ 873.50	\$ 20,907.10	\$ 11,258.59	\$ 19,284.90	\$ 10,385.10
2017	65%	35%	\$ 6,408.08	\$ 4,165.25	\$ 2,242.83	\$ -	\$ -	\$ 15,119.64	\$ 8,142.27
2018	71%	29%	\$ 34,468.24	\$ 24,388.34	\$ 10,079.90	\$ 27,224.60	\$ 14,659.40	\$ 17,955.90	\$ 12,721.77
2019	100%	0%	\$ 17,394.83	\$ 17,394.83	\$ -	\$ 23,318.89	\$ 8,666.65	\$ 23,879.96	\$ 21,388.42
2020	76%	24%	\$ 21,126.93	\$ 16,056.47	\$ 5,070.46	\$ -	\$ -	\$ 7,823.49	\$ 16,317.96
2021	16%	84%	\$ 4,396.14	\$ 703.38	\$ 3,692.76	\$ -	\$ -	\$ 7,120.11	\$ 12,625.20
2022	32%	68%	\$ 6,687.03	\$ 2,142.60	\$ 4,544.43	\$ -	\$ -	\$ 4,977.51	\$ 8,080.77
2023	50%	50%	\$ 65,821.19	\$ 32,910.60	\$ 32,910.60	\$ 18,000.00	\$ 12,000.00	\$ (9,933.09)	\$ (12,829.82)

\*\*The negative account balances result from the fact that the 2023 assessment did not account for the large Sierra Controls expense and the expense overage was covered from the NSJ General account during 2023. This advanced amount will be paid back from the TLID O&M account once the 2024 assessment is collected.

**RECOMMENDATION:** Approved resolution accepting true-up and imposing 2024 TLID O&M assessment of \$25,000 and NSJWCD TLID contribution of \$15,000.

**FISCAL IMPACT:** \$15,000 of NSJWCD funds from groundwater charge revenue used to cover share of costs of groundwater recharge project.

**RESOLUTION NO. 2024-02**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT REGARDING THE 2023 TRUE-UP, THE 2024 BUDGET AND 2024 OPERATION AND MAINTENANCE ASSESSMENT FOR IMPROVEMENT DISTRICT NO .1, THE TRACY LAKE IMPROVEMENT DISTRICT**

WHEREAS, the Board of Directors of the North San Joaquin Water Conservation District (“District”), on January 30, 2012, adopted Resolution No. 2012-1, forming Improvement District No. 1, the Tracy Lake Improvement District (“TLID”), under the provisions of Chapter 3, Part 7, Division 21 of the California Water Code.

WHEREAS, Sections 6 and 7 of Resolution No. 2012-1, provided as follows:

6. \* \* \* [T]here shall be assessed against the lands of the improvement district a sum sufficient to pay for the necessary operation and maintenance costs, as determined by the Board, of the improvement district's facilities and related improvements. This assessment shall be levied and apportioned according to the benefits to each acre by the Board each year and shall be in addition to any other assessment levied upon the lands within the improvement district. Operation and maintenance costs will include all Pacific Gas & Electric Company charges, District employee costs, facility maintenance and repair costs, facility replacement costs, property insurance on improvement district facilities, liability insurance, costs for compliance with all applicable project permits and regulatory approvals, and a contingency fund of 5%. The District employee costs shall be charged to the improvement district based upon the number of hours worked on improvement district-related matters times the employee's then applicable hourly rate (including employee benefits and Workers Compensation costs). All installation, maintenance and operation costs of improvement district facilities will be assessed to the improvement district members on a per acre basis.

7. The improvement district assessment and each installment thereof, shall be and remain a lien on such lands in the same manner and effect as would an annual assessment of the North San Joaquin Water Conservation District, whether or not any such annual assessment is actually levied by the District.

WHEREAS, the Board of Directors of the District, sitting as the Board of Trustees for TLID, desires to approve the TLID 2023 Operational True-up and TLID 2024 Operation and Maintenance Budget, as shown in the Staff Memo attached hereto as Exhibit A, and levy a 2024 Operations and Maintenance Assessment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the North San Joaquin Water Conservation District, acting as Trustees for the Tracy Lake Improvement District as follows:

1. The 2023 true-up has been performed, as reflected in Exhibit A and the district and landowners have agree to a 50/50 split of expenses for 2023 due to unique circumstances including the flooding of the lake and the cost of the new SCADA upgrades. The 2023 True-Up is hereby approved.
2. The Board hereby approves the 2024 Operation and Maintenance Budget as set forth in Exhibit A in the amount of \$12,300.00. The Board also approves the modification of the budget year from a calendar year to a year beginning December 1 and ending November 30 to match the water right year. For 2024 the budget year is a transition year of December 1, 2023 through November 30, 2024.
3. The Board hereby levies a 2024 Operation and Maintenance assessment of \$25,000 for the TLID landowners, and approves a District contribution of \$15,000, as shown on Exhibit A.
4. This resolution shall be entered in the minutes of the Board and staff shall invoice the assessment. The Secretary shall record a certified copy of the resolution if the assessment is not paid within 60 days of invoice.

Moved by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes:           \_\_\_ Directors  
 Noes:           \_\_\_ Directors  
 Absent:       \_\_\_ Directors  
 Abstain:       \_\_\_ Directors

The President declared the resolution adopted.

I, David Simpson, Secretary of the Board of Directors of the NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors held the \_\_\_ day of March, 2024.

\_\_\_\_\_  
 David Simpson, Secretary

**TRACY LAKE IMPROVEMENT DISTRICT NO. 1 O&M BUDGET and TRUE UP WORKSHEET - Updated Feb 13 2024 js**

\*\* Note this Budget is made on a Calendar Year basis that does not match the District's fiscal year\*\*

	actual	actual	actual	actual	actual	actual	actual	actual	budget
	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>EXPENSES:</b>									
PF&E	\$ 922.79	\$ 682.15	\$ 6,336.17	\$ 4,407.26	\$ 1,622.06	\$ 2,250.28	\$ 1,596.03	\$ 1,161.67	\$ 2,000.00
Engineer	\$ 345.34	\$ 125.00	\$ 731.50		\$ 714.50	\$ 714.00	\$ 255.00	\$ 1,344.50	\$ 2,000.00
Maintenance	\$ -	\$ -	\$ -	\$ 599.75	\$ 1,779.01	\$ -	\$ -	\$ 4,199.27	\$ 3,000.00
Accounting	\$ 425.00	\$ 1,020.00	\$ 1,020.00	\$ 1,070.00	\$ 1,020.00	\$ 977.50	\$ 1,020.00	\$ 585.00	\$ 1,000.00
Legal	\$ 632.89	\$ 4,580.00	\$ 3,617.50	\$ 2,657.50	\$ 3,025.00	\$ 275.00	\$ 1,041.00	\$ 550.00	\$ 1,000.00
Fees	\$ 20.00	\$ -	\$ 20.00	\$ 20.00	\$ -	\$ -	\$ -	\$ -	\$ 100.00
Supplies	\$ 149.68	\$ 0.93	\$ 7.99	\$ 6.97	\$ 190.31	\$ 179.36	\$ -	\$ -	\$ 100.00
Outside Services			\$ 22,735.08	\$ 6,511.27	\$ 10,649.75	\$ -	\$ 2,775.00		
Permits			\$ 1,812.58	\$ 1,934.45	\$ -	\$ -	\$ 80.75	\$ 100.00	
Weed Control				\$ 309.50	\$ -	\$ -	\$ -	\$ -	\$ 3,000.00
Sierra Controls Contract					\$ 191.45	\$ -	\$ -	\$ 57,900.00	\$ -
Subtotal Expenses:	\$ 2,495.70	\$ 6,408.08	\$ 34,468.24	\$ 17,394.83	\$ 21,126.93	\$ 4,396.14	\$ 6,687.03	\$ 65,821.19	\$ 12,300.00
<b>REVENUE:</b>									
Landowners									
Assessment	\$ 20,907.10	\$ -	\$ 27,224.60	\$ 23,318.89	\$ -	\$ -	\$ -	\$ 18,000.00	\$ 25,000.00
NSJ/CO								\$ 12,000.00	\$ 15,000.00
Contribution	\$ 11,258.59	\$ -	\$ 14,659.40			\$ -	\$ -		
Prior Year Contribution					\$ 8,666.65	\$ -	\$ -		
Subtotal Revenue:	\$ 32,165.69	\$ -	\$ 41,884.00	\$ 23,318.89	\$ 8,666.65	\$ -	\$ -	\$ 30,000.00	\$ 40,000.00
<b>NET POSITION FOR THE YEAR:</b>	\$ 29,669.99	\$ (6,408.08)	\$ 7,415.76	\$ 5,924.06	\$ (12,460.28)	\$ (4,396.14)	\$ (6,687.03)	\$ (35,821.19)	\$ 27,700.00
Year End Account Balance	\$ 29,669.99	\$ 23,261.91	\$ 30,677.67	\$ 36,601.73	\$ 24,141.45	\$ 19,745.31	\$ 13,058.28	\$ (2,762.91)	\$ 4,937.09

	2016	2017	2018	2019	2020	2021	2022*	2023**
Total AF diverted at TLID pump	39.6	0	1498.86	254.1	235	523.46	144.99	0
TLAF direct diversion	39.6	0	0	0	235	523.46	144.99	0
TLAF released from storage	0	0	1498.86	279.53	0	0	0	0
TLAF channel loss of stored water	0	0	149.886	25.43	0	0	0	0
TLAF bypassed down river	0	0	830.464	0	0	0	0	0
TLAF rediverted from storage	0	0	518.51	254.1	0	0	0	0
TLAF to reach div. elevation	0	0	107	0	107	0	0	0
TLAF Evap	0	0	60.9275	0	33	118.115	13.7475	0
TLAF Recharge	0	0	182.7825	0	99	354.345	41.2425	0
TLAF FJ used	0	0	274.8	254.1	103	51	90	0
TLAF attribute to FJ	0	0	266.8769	254.1	178.4766	62.50778	98.33352	0
TLAF attribute to NSJ	0	0	151.0331	0	55.5234	460.9522	46.45648	0
Adjusted percentage FJ			0.70756	100	0.759475	0.119413	0.679588	0.5
Adjusted percentage NSJ			0.29244	0	0.240525	0.880587	0.320412	0.5

\* Note FJ pumped from Feb to May 2022 - NSJ did not pump into Tracy Lake until Dec 2022  
 \*\* NSJ put water in lake in Dec 2022 but not in 2023, FJ pumped in 2023 from natural flows into lake

- Notes:
- 1 TLAF diverted at TLID river pump Based on metered diversion amount
  - 2 TLAF direct diversion All or portion of 1 based on river conditions
  - 3 TLAF released from storage Based on NSJ requests to EBMUD to schedule release
  - 4 TLAF channel loss of stored water 10% loss from Camanche to TLID river pump for water released from storage only
  - 5 TLAF bypassed down river 3 minus 4 minus 6
  - 6 TLAF rediverted from storage equal to item 1 when diverting stored water releases
  - 7 TLAF to reach div. elevation based on operational notes for the year
  - 8 TLAF Evap Engineer estimate
  - 9 TLAF Recharge Engineer estimate
  - 10 TLAF FJ used Metered data
- TLAF attribute to FJ based on agreement  
 TLAF attribute to NSJ based on agreement  
 Adjusted percentage FJ based on agreement  
 Adjusted percentage NSJ based on agreement

Year	Allocated Expense Percentage		Total Expense	Allocated Expense		Contribution		Account Balance	
	FJ	NSJ		FJ	NSJ	FJ	NSJ	FJ	NSJ
2016	65%	35%	\$ 2,495.70	\$ 1,622.21	\$ 873.50	\$ 20,907.10	\$ 11,258.59	\$ 19,284.90	\$ 10,385.10
2017	65%	35%	\$ 6,408.08	\$ 4,165.25	\$ 2,242.83	\$ -	\$ -	\$ 15,119.64	\$ 8,142.27
2018	71%	29%	\$ 34,468.24	\$ 24,388.34	\$ 10,079.90	\$ 27,224.60	\$ 14,659.40	\$ 17,955.90	\$ 12,711.77
2019	100%	0%	\$ 17,394.83	\$ 17,394.83	\$ -	\$ 23,318.89	\$ 8,666.65	\$ 23,879.96	\$ 21,388.42
2020	76%	24%	\$ 21,126.93	\$ 16,056.47	\$ 5,070.46	\$ -	\$ -	\$ 7,823.49	\$ 16,317.96
2021	16%	84%	\$ 4,396.14	\$ 703.38	\$ 3,692.76	\$ -	\$ -	\$ 7,120.11	\$ 12,625.20
2022	32%	68%	\$ 6,687.03	\$ 2,142.60	\$ 4,544.43	\$ -	\$ -	\$ 4,977.51	\$ 3,080.77
2023	50%	50%	\$ 65,821.19	\$ 32,910.60	\$ 32,910.60	\$ 18,000.00	\$ 12,000.00	\$ (9,933.09)	\$ (12,829.82)



**PREPARED BY:** Petrea Marchand, Consero Solutions  
Steve Schwabauer, General Manager

**RECOMMENDATION:** Receive Update on North San Joaquin Water Conservation District Project Funding Requests and Grant Opportunities

**BACKGROUND:**

Consero Solutions provides monthly reports on funding opportunities for which the District has applied or for which the District is considering applying.

**DISCUSSION:**

**1. U.S. Bureau of Reclamation WaterSMART Drought Response Program**

Project Name: South System Modernization Project, Phase 4

Amount Requested: \$5 million

Amount of Cost Share: 50%

Status: **SUBMITTED (November 3, 2023)**

Application Due: **November 7, 2023**

**Status:** The U.S. Bureau of Reclamation is reviewing applications and will announce awards in April 2024. They will execute agreements with successful applicants by July 2024. The U.S Bureau of Reclamation shared **there** will likely be another solicitation for the Drought Response Program opening up in June 2024, though the Bureau has not yet determined the amount of funding available for the next round and recommended Consero check back in May 2024. The Bureau does not anticipate the recent continuing resolution Congress passed on the federal budget to delay the release of the WaterSMART Drought Response Program funding opportunity in June 2024.

**Context:** The WaterSMART Drought Response Program is an annual program which receives money through the annual federal appropriations process. The program typically limits applications to \$2 million and only provides between \$30 million and \$40 million in awards. The District Board decided in April 2023 to apply for \$5 million for the South System Project, Phase and the District submitted the grant on November 3, 2023. The Bureau anticipates awarding a total of \$55 million in federal funding for drought resiliency projects in the western states in the first funding round.

**2. Climate Action Bond Update**

**Status:** South San Joaquin Irrigation District (SSJID) is taking the lead on climate action bond advocacy efforts in coordination with the District and let the District know on February 21<sup>st</sup> that the State has a total of \$15 to \$16 billion in bonded indebtedness available, \$6.1 billion of which is proposed for the mental health bond (Proposition 1) on the March 5, 2024 ballot. The Associated Press did not announce Proposition 1 passed until March 20, 2024 because of the razor-thin margin for success, which placed all climate action negotiations on hold because of the impact of potential failure on other bond discussions. (If it did not pass, Governor Newsom may



have placed the mental health bond back on the ballot in November rather than the climate action bond. Consero expects the Legislature to start actively working on the climate action bond in April.

**Context:** The District met with Senator Eggman on February 2, 2024 to discuss the resources bond, which is now referred to as the “climate action” bond. In the meeting, Senator Eggman confirmed SB 867 (Allen) and AB 1567 (Garcia) will move forward as potential vehicles for the climate action bond and shared the bond would likely be reduced to \$6-9 billion. The District is engaging in the climate action bond discussion because the State’s budget deficit resulted in no additional funding in the proposed 2024-25 budget for grant programs of interest to the District, such as SGMA and SWEEP. As a result, Consero expects no future funding rounds for these programs until a climate action bond is passed. The District’s goal in meeting with Senator Eggman was to draw attention to the need to maintain the groundwater sustainability funding currently in both the Senate and the Assembly versions of the climate action bond.

**3. California Department of Food and Agriculture Office of Environmental Farming and Innovation State Water Efficiency and Enhancement Program Direct to Producer Grant Program (SWEEP)**

Project Name: N/A

Amount Requested: Up to \$200,000 per grower

Amount of Cost Share: Encouraged, but not required

Release Request for Grant Application: November 28, 2023

Application Due: **TBD 2025**

**Status:** The SWEEP Direct-to-Product Grant Program is still delayed to 2025. A separate staff report recommends the President of the Board sign a letter from agricultural interests to support the inclusion of SWEEP funding in the climate action bond.

**Context:** The Department released the SWEEP Direct-to-Producer Grant Program guidelines and request for applications on November 28, 2023 and then postponed the solicitation in December 2023. On January 10, 2024, the Governor announced as part of his proposed 2024-25 State budget the delay of this grant program to 2025. District landowners may still apply for grants from the SWEEP Block Grant Pilot Program for the same purpose, which the District is rolling out with Stockton East this spring. The Direct-to-Producer Grant Program is different from the SWEEP Block Grant Pilot Program in that it will award grants directly to growers. The Department has confirmed they will not exclude growers in the service areas of SWEEP Block Grant Pilot Program awardees like the District.

**PREPARED BY:** Petrea Marchand, Consero Solutions  
Steve Schwabauer, General Manager

**RECOMMENDATION:** Authorize President of Board of Directors to sign letter from agricultural interests supporting the inclusion of SWEEP funding in the proposed climate bond

**BACKGROUND:**

Consero Solutions provides monthly reports on state and federal grant funding opportunities consistent with the District's Strategic Plan and project priorities, as well as advises on advocacy for funding important to the District. Environmental & Energy Consulting (EEC), the firm Consero works with to stay apprised of State funding opportunities, provided Consero with the attached letter from agricultural interests supporting the inclusion of SWEEP funding in the climate bond (see below) and asked whether the District wanted to sign the letter. The District has long supported SWEEP funding and is a joint beneficiary of a \$5 million SWEEP Block Grant Pilot Program grant from the California Department of Food and Agriculture.

**DISCUSSION:**

Staff recommend authorizing the President to sign the letter because the action is consistent with the Board's longstanding support for the SWEEP program, including the letter approved by the Board to bond authors requesting the inclusion of SWEEP funding in the proposed climate bond. The California Department of Food and Agriculture postponed the SWEEP Direct-to-Producer Grant Program from 2024 until 2025 because of the State budget deficit, so the climate bond is one of the only viable sources of potential future SWEEP funding. The Grodan Company, an agricultural products company, initiated the letter. The Grodan Company's state lobbying firm, KP Public Affairs, is collecting signatures for the letter. If the District decides to sign, District staff needs to email the District's name, logo, and appropriate signature(s) to Nicholas Mazzotti at EEC or Vanessa Cajina at KP Public Affairs.

## ATTACHMENT A

The Honorable Mike McGuire  
President Pro Tempore, California State Senate  
1021 O Street, Suite 8518  
Sacramento, CA 95814

The Honorable Robert Rivas  
Speaker, California State Assembly  
1021 O Street, Suite 8330  
Sacramento, CA 95814

March 11, 2024

### Re: Support for the State Water Efficiency and Enhancement Program

Dear Senate President Pro Tempore McGuire and Assembly Speaker Rivas,

We, the undersigned, are a coalition of agricultural interests supporting the continued inclusion of funding for the State Water Efficiency and Enhancement Program (SWEEP) in climate bond bills currently being negotiated. This program, administered by the California Department of Food and Agriculture (CDFA) helps California farmers decrease water use and greenhouse gas emissions. The program is so successful that it is oversubscribed and has paused grantmaking due to a lack of available funding. This would be rectified by providing SWEEP funding in climate bonds being contemplated by the Legislature and Governor.

SWEEP provides financial incentives to California agricultural operations to invest in irrigation systems that save water and reduce greenhouse gas emissions (GHGs). SWEEP has awarded \$123 million to 1,111 projects covering over 168,000 acres (including greenhouses). This funding program is very inclusive and CDFA provides excellent outreach and technical assistance to small farmers and farmers who do not speak English as their primary language. As previously mentioned, the current pause in funding will stop smaller farmers from being able to install technological solutions to decrease irrigation water use and save on electricity while reducing GHGs. Recent funding provided \$10.8 million to socially disadvantaged farmers and ranchers, while \$4.5 million was invested in projects that benefit priority populations.

CDFA has calculated that the program has a verifiable reduction of 93,800 metric tons of CO<sub>2</sub> equivalent every year, which is the same amount as removing 203,000 cars from the road for one year. It has also saved 47.1 billion gallons of water per year.

SB 867 currently has \$25 million in funding for SWEEP and AB 1567 has \$50 million for on-farm water efficiency to promote climate resilience. This funding provides a unique

opportunity to achieve meaningful GHG reductions, the stated purpose of a “Climate Bond,” while also reducing water use in agriculture. Few, if any, other programs can show these dual benefits. We greatly appreciate the Legislature’s acknowledgement of the efficacy of SWEEP, and support continued funding for a proven program with ample success.

Sincerely,

SIGNATORIES

CC: The Honorable Ben Allen, California State Senate  
The Honorable Eduardo Garcia, California State Assembly

From: Steve Schwabauer, General Manager

**RECOMMENDED ACTION:** Provide Input to Staff on Draft Dry Well Mitigation Program.

**DISCUSSION:**

The Eastern San Joaquin Groundwater Authority (“Authority”) is required to have a Dry Well Mitigation Program as part of the updated Groundwater Sustainability Plan. Staff from SEWD, SSJID and NSJWCD prepared a draft plan and presented it to the Authority Steering Committee and revised the plan as laid out in the attached Draft Authority Resolution.

The plan allows residential well owners who have a well go dry as a result of overdraft groundwater pumping after January 1, 2015 to file an application for financial assistance in resolving their interim and long-term water supply needs. All claims would have to be filed by the later of six months after plan adoption or the limitations period provided in the California Tort Claims Act.

The plan creates a technical advisory committee made up of the District Engineer of the GSA where the well fails,, a hired hydrologist, the County Environmental Health Officer, an advocate such as Self-Help Enterprises, and a non-involved GSA General Manager, or designee. The technical advisory committee would investigate and make a recommendation to the Authority Steering Committee on interim and long-term remedies and responsibility. The Steering Committee decision would be appealable to the full Authority Board. In the interim, pending decision, the program would provide emergency water supplies.

The initial program is proposed to be funded with \$200,000 allocated in the same fashion as the 23/24 budget year Authority funding. The District would be billed \$20,200 if we use the same funding allocation for the 23/24 budget year of 10.2%. The working group discussed other options for allocations related to causation but quickly bogged down in defining causation. District Staff ultimately supported the proposed allocation because a) we do not anticipate many wells going dry in our basin and have not historically seen many, b) we have to have a program in place for the impending update, c) the initial funding cost is not large, and d) we can address responsibility at a later date if it becomes necessary without risking approval of the GSP update.

**RECOMMENDATION:** Provide Input to Staff on Draft Dry Well Mitigation Program.

**FISCAL IMPACT:** \$20,200 for initial funding if we use the same funding proposal.

**RESOLUTION 2024-03**

**of the Board of Directors of the**

**Eastern San Joaquin Groundwater Authority**

**ADOPTING PROGRAM FOR DOMESTIC DRY WELL MITIGATION**

WHEREAS, the Eastern San Joaquin Groundwater Authority (“Authority”) is a Joint Powers Authority created by the 16 Groundwater Sustainability Agencies (“GSAs”) overlying the Eastern San Joaquin Subbasin to coordinate the Groundwater Sustainability Plan (“GSP”) and activities thereunder as required by the Sustainable Groundwater Management Act (“SGMA”).

WHEREAS, SGMA encourages GSAs to include in their GSP implementation measures that provide mitigation for undesirable results of overdraft, including the failure of domestic water supply wells due to overdraft pumping occurring after January 1, 2015;

WHEREAS, the GSA’s in the Eastern San Joaquin Subbasin have not experienced significant dry well reports as reported by the State of California Dry Well Reporting System or as reported by individuals within the GSAs;

WHEREAS, nevertheless the GSA’s desire to establish a single program, to be operated through the Authority, that can be used to provide emergency, interim and long-term mitigation assistance for owners and other persons who experience a failure of a domestic water supply well due to overdraft pumping within the subbasin;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Authority that:

1. The attached Eastern San Joaquin Subbasin Program for Domestic Well Mitigation is hereby adopted and approved. The Program establishes the rules and procedures to be used by the Authority and its members to address mitigation for failure of domestic water supply wells due to overdraft after January 1, 2015.
2. The Program shall be operated by the Authority and coordinated through the San Joaquin County Water Resources Department, acting as staff to the Authority.
3. The program shall be initially funded with \$200,000.00 which shall be held in a dedicated account. The \$200,000.00 shall be included as a line item in the Authority’s 2024-25 budget and shall be funded with contributions by the GSAs in the same percentage as their contributions to the overall budget for the Authority.
4. The Authority shall review the Program activities and funding needs annually and update the Program as needed with the understanding that this is an evolving situation and there is a need to establish an initial Program and then adjust as the GSAs learn more about the need for the Program in the community.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024, upon motion by Director \_\_\_\_\_, second by Director \_\_\_\_\_ and passed by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

### **CERTIFICATE OF SECRETARY**

I do hereby certify that I am the Secretary of the Authority and that the foregoing resolution was duly adopted by the Board of Directors of said District at a meeting thereof duly and regularly held at \_\_\_\_\_ in \_\_\_\_\_ California on \_\_\_\_\_ at which meeting a quorum was present and acting, and that said Resolution has not been rescinded or amended in whole or in part and remains in force and effect.

IN WITNESS WHEREOF, I have set my hand and the Seal of the Authority on this date: \_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_, Secretary

**Eastern San Joaquin Subbasin Program for Domestic Well Mitigation**

*(draft 3/21/24, approved by the ESJGWA on \_\_\_\_\_)*

1. **PURPOSE AND APPLICABILITY LIMITS:** This Program provides emergency, interim and permanent mitigation for domestic water supply wells that fail due to overdraft pumping occurring on or after January 1, 2015.
  
2. **DRY WELL MITIGATION FUND:** The Authority will establish an initial \$200,000 DRY WELL MITIGATION FUND.
  - 2.01 Initial Funding shall be allocated to member GSA's in proportion to each GSA's 2024/25 budget year funding assessment to create the Authority.
  
  - 2.02 The Authority will replenish the initial funding when the initial funding falls below \$100,000. The GSA's will meet and confer in good faith to determine the appropriate allocation between the GSA's of the replenishment amount at the time the replenishment funding is required.
  
3. **PUBLIC OUTREACH AND CLAIMS ASSISTANCE:** Authority Staff and GSA Staff ("Staff") will engage in a public outreach and assistance process to give notice to residential well owners, and residents of their right to request assistance under this Program and how to apply for assistance.
  - 3.01 Outreach:** Staff will contract with public assistance providers to perform outreach to populations likely to require assistance under this Policy and create fliers, social media posts and website links to publicize this Policy. The above fliers shall be posted at GSA offices, Farm Bureau locations, Community Organizations and City and County Public Works Offices.
  - 3.02 Filing Assistance:** Staff will contract with non profit organizations to assist residents with filing the request for assistance called for in this Policy
  - 3.03 Applications for Assistance:** The Application for assistance under the Program shall be posted on the Authority website and on all GSA websites along with contact information for a person to contact for help completing the application.
  
4. **CLAIMS PROCESS:**
  - 4.01 **Limitations Period:** All claims brought under this policy must have accrued after January 1, 2015. Claims brought that accrued between January 1, 2015 and the adoption of this policy shall be brought within six months of the adoption of this policy. The limitations period for claims brought after the adoption of this policy



shall be the limitations process and period provided by the California Government Tort Claims Act (Government Code Section 810 and following).

- 4.02 **Technical Review Committee:** A Technical Review Committee will be formed to review each application under this Policy. The Technical Review Committee shall consist of the following members:
  - 4.02.1 The District Engineer for the GSA where the well is located
  - 4.02.2 A licensed hydrologist hired by the authority on an eligibility list to be appointed by the General Managers of the GSAs.
  - 4.02.3 The San Joaquin County Environmental Health Officer
  - 4.02.4 A Public Advocate selected from a list appointed by the General Managers of the GSAs.
  - 4.02.5 The General Manager or their designee of an alphabetically by agency name rotating list of GSA General Managers.
5. **Interim Remedies:** The Committee will provide all applicants with a reasonable facial complaint for damages with a three-week interim drinking and cooking water supply in the form of bottled water while the claim is reviewed. If the claim is accepted the interim water supply will continue until the mitigation selected is completed. Any delays in claim review caused by the Technical review Committee shall not result in a termination of interim water supplies.
6. **Claims Subject to Mitigation:** The following claims are eligible for mitigation assistance under this Program:
  - 6.01 Well Failures caused by declining water levels that were caused by overdraft pumping that occurred after January 1, 2015.
  - 6.02 Well Failures due to water quality problems caused by overdraft pumping that occurred after January 1, 2015. Water quality problem means well water that unfit for human consumption under state or federal law. Water quality problems that are not the result of overdraft pumping shall not be subject to mitigation under this Program.
  - 6.03 Well failure due to subsidence caused by overdraft pumping that occurred after January 1, 2015.
7. **Claim Administration:**
  - 7.01 Notice of Claim: Each Claimant shall file an Application for mitigation on forms provided by the Authority. The Application shall contain the Name of the Claimant, Address of the impacted well, Proof of residence at the location, Date the well first failed to provide water or meet water quality standards, a Declaration from a licensed well driller identifying the cause of the well failure (if available) and all other evidence in applicant's possession that the failure was caused by overdraft pumping.

- 7.02 The Technical Review Committee shall have authority to conduct its own investigation of the evidence including contracting with hydrologists and well drillers, researching county well records and requesting records from the applicant.
- 7.03 The Technical Review Committee will draft a written technical memorandum recommending how, whether and to what extent to mitigate a claim, if any within 15 days of receipt of the application together with any additional information requested by the Technical Review Committee
- 7.04 The Technical Committee will forward its Technical Memorandum and Recommendation for funding/mitigation to the GWA Steering Committee. The GWA Steering Committee will issue a final written decision on the Claim within 30 days of receipt of the Technical Review Committee's memorandum. The written decision will be provided to the Claimant via mail at the address located in the Application on the date it is issued.
- 7.05 The GWA Steering Committee may decide to provide complete or partial mitigation for a particular Claim based on the Committee's determination of the percentage of responsibility for the well failure related to groundwater pumping as opposed to other contributing factors, such as the age or construction of the well.
- 7.06 A Claimant may appeal a decision of the GWA Steering Committee by submitting a written appeal to the GWA Board Chair within thirty days of the mailing date of the GWA Steering Committee Decision. The appeal shall contain a copy of the original application, the Technical Memorandum and the Steering Committee Decision and state the basis for the appeal.
- 7.07 The GWA Board Chair shall agendaize the appeal for the next quarterly GWA Board Meeting that is at least 15 days after receipt of the appeal and provide written notice and the agenda to the appellant.
- 7.08 The GWA Board of Directors shall act on the appeal and issue a written decision. The decision of the GWA Board of Directors shall be final.