

**MINUTES OF THE
REGULAR BOARD MEETING
OF THE
BROWNS VALLEY IRRIGATION DISTRICT
MAY 28, 2009**

President Winchester called the regular meeting of the Board of Directors of the Browns Valley Irrigation District to order. Other Directors present were Lowe, Bordsen, Woods, and Wheeler. Also in attendance were Manager Cotter and Clerk Powell.

1. Minutes: The Minutes of the May 14, 2009 Regular Board Meeting were approved on a motion by Director Wheeler, seconded by Director Woods. All ayes, motion passed.

2. Public Forum: Mr. & Mrs. Dieckmann presented a letter to the Board regarding pressure problems. No action taken.

3. Collins Lake Drought Update: No action taken.

4. Manager's Report:

Collins Lake:

Current elevation is 1,170.1 ft, which is 12.9 ft below spill. This amounts to 76% of storage with 37,700 Acre Feet of usable supplies. The Generator is running at 575 Kw with releases of 82.6 cfs. Last year on this date the elevation was 1,158.0 ft, which is 25.0 ft below spill (56% or 27,700 Acre Feet). The Generator was running at 420 Kw with releases of 73.3 cfs.

Financial Activities:

On May 15th the CD at Farmers Merchants Bank in the amount of \$50,000 matured. \$55,000 was then rolled into the Franklin US Government Securities Fund and is currently earning 6.58%.

With last weeks election and failure of State propositions to patch up their budget process, the District will need to prepare for a flurry of new and increased "Fees" from the various agencies that we interact with. This will have a negative impact the District's budget and financial position as we go forward.

Conserved Water Transfer:

Last week the State Water Project increased the allocations to the south-of-Delta water contractors to 40%. This increase, while good news to the contractors effectively narrows the window for water transfers to be pumped at the State pumps. That said, we (Santa Clara and BVID) are moving forward with the 2009 Conserved Water Transfer until such time as we either move the water or are no longer permitted a pumping slot.

Accord Groundwater Substitution Pumping:

After almost a full month hiatus, groundwater pumping will be allowed to resume on May 31st. The early May storm put more water in the Yuba River watershed than Bullards Bar could absorb and the resulting higher lake elevations have precluded the ability to back water into storage.

As part of the one year modification of the agreement with the (22) Accord buyers to adjust the purchase price of the groundwater substitution water, YCWA along with representatives of the member units have begun negotiation of a long term agreement.

Monument Trail Intertie pipeline:

With the two road crossings that were completed yesterday this 3,450' pipeline is now ready for testing. There is some cleanup yet to do and this project will be complete.

Meetings:

Past:

- 05-15-09 I participated in the NCWA Strategic Communications Committee conference call.
- 05-15-09 Director Winchester and I attended the YCWA member unit meeting at YCWA.
- 05-18-09 I attended the ACWA JPIA Board meeting in Sacramento.
- 05-19-09 The Pipeline Committee (Directors Winchester and Bordsen) met to discuss the Vollmer pipeline, possible leach line crossing and Water Truck Loading Permits.
- 05-19-19 I attended the ACWA Energy Committee meeting in Sacramento.
- May 19th through 22nd Director Winchester and I attended the spring ACWA Conference in Sacramento.
- 05-20-09 Director Winchester and I met with Kleinschmidt concerning the responses to comments on the draft Neg-Dec for the Dry Creek Recapture Project.
- 05-20-09 Director Winchester attended the NCWA Board meeting in Sacramento.
- 05-21-09 I attended the first Accord/Buyer negotiation meeting in Sacramento.
- 05-27-09 I took a vacation day.

Future Meetings:

- 06-03-09 FERC Part 12D inspection of Virginia Ranch Dam.
- 06-03-09 Accord/Buyer negotiation meeting in Sacramento.
- 06-05-09 ACWA Region 2 Legislative Committee conference call.
- 06-11-09 NCWA Strategic Communications Committee meeting in Marysville.

Projects:

Past:

1. Rebuilt a service on the Heintzen ditch and installed a service on the Lambert ditch.
2. Repaired the wiring on the flatbed trailer.
3. Audited the Peoria Ridge pipeline.
4. Sprayed the Ellis ditch.
5. Replaced the alternator on the engine at the Saddleback Lift Station.

Future:

1. Begin Peoria Pipeline Phase 2. "The Bald Mountain Connection."
2. Continue weed abatement.
3. Install two new services.
4. Continue audits.
5. Brake job on the dump truck.

5 Long Term Transfer: Director Bordsen, seconded by Director Woods, moved to begin the CEQA work for long-term Conserved Water Transfer from the Yuba River Water Right as presented (document attached) by EDAW, MBK Engineers and Bartkiewicz, Kronick & Shanahan. General Manager & Board President authorized to sign document. All ayes, motion passed.

6. One Year Agreement for Accord Groundwater: No action taken. More information to be gathered.

7. Pipeline Committee Report: Pipeline Committee of Directors Winchester & Bordsen reported on the following items:

- o Vollmer Pipeline request- Director Lowe, seconded by Director Winchester, moved to approve the Vollmer Pipeline. All ayes, motion passed.
- o Request to cross BVID canal with Leach Line (8984 Jamestown Court)- Director Bordsen, seconded by Director Winchester, moved to approve the request as outlined in the response letter from Manager Cotter. All ayes, motion passed.
- o Water Truck Loading Permit Fees- Director Lowe, seconded by Director Wheeler, moved to approve Water Truck Loading Permit Fees as follows: \$50 annual permit AND \$5 per load per vehicle. All ayes, motion passed.

8. Correspondence:

- o Memo to Dave Pietz regarding request for demand water.
- o Email from John Simpson regarding winter water.
- o Letter from Attorney Bartkiewicz regarding Phase 8.

9. Closed Session: President Winchester announced that the meeting would go into Closed Session to have a conference call with legal counsel regarding existing litigation. Any reportable action taken in Closed Session would be reported when the meeting reconvened into Open Session.

10. Open Session: President Winchester reconvened the meeting into Open Session and reported that there was no reportable action taken in Closed Session.

11. Adjournment: There being no further business before the Board, President Winchester adjourned the meeting