

**DEER CREEK IRRIGATION DISTRICT
MINUTES OF THE OCTOBER 11, 2021
BOARD OF DIRECTORS MEETING**

DATE: Monday, October 11, 2021

TIME: 5:00 P.M.

PLACE: Vina Elementary School auditorium, 4790 D Street, Vina, CA 96092

DIRECTORS PRESENT: Sue Knox; Linda Pitter; Phil Sunseri; Keith Bentz

Minutes prepared by DCID Counsel Austin Cho.

The meeting was called to order by Board President Keith Bentz at 5:06 pm.

I. Business

1. Consent Items

- a. The minutes of the September 13, 2021 meeting were read by Director Pitter. Director Pitter requested that the description of item 3(e) regarding approval of the Headgate Control Grant be corrected to accurately reflect the voting results. Director Knox moved to approve the minutes as amended. Director Sunseri seconded the motion, and the vote passed unanimously.
- b. President Bentz reported there was \$160,138.53 in the District checking account.

2. District Governance

- a. Approval of Audit – President requested a vote to approve the final audit that was discussed at the previous two meetings. Director Pitter inquired whether anything further must be done regarding the unvalued capital assets. President Bentz stated it was not a concern to him and not a new issue, so no corrective action was necessary. Director Knox moved to approve the final audit and Director Pitter seconded. The vote passed unanimously.
- b. Water Board Emergency Declaration –
 - i. President Bentz stated he submitted the projected water use to the State Water Board for November and the diversion numbers for August and September, pursuant to the Emergency Regulation for Deer Creek.
 - ii. President Bentz described a proposed voluntary drought agreement with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) in lieu of curtailment. The agreement would be similar to the agreement entered in 2015. Directors Pitter and Knox inquired about the CDFW commitment to maintain fish screens that it was already supposed to do under a prior agreement. Ben Cook (Trout Unlimited) noted that CDFW was still in the process of finalizing that agreement. Mike Wallace of Stanford Vina Ranch Irrigation Company (SVRIC) suggested working with the District to have more leverage to negotiate instream flow credits. President Bentz confirmed he and Director Knox would meet with Michael Harris from CDFW to discuss the proposed voluntary agreement.

President Bentz proposed to move on to the presentation by Trout Unlimited before concluding District Governance business.

3. District Facilities

- a. Trout Unlimited Headgate Control Grant
 - i. Matt Clifford and Ben Cook (Trout Unlimited) attended the meeting with two representatives from Innovative Controls, the producers of the headgate control unit, to answer additional questions from the Board and DCID landowners. The Innovative Controls representatives stated Reclamation District 108 has a similar device if anyone wished to see an installation. Most questions revolved around the longevity of the components. It was confirmed that the 20-year term of the agreement is firm, but that it may be possible to incorporate a “force majeure” provision to protect against unforeseen and unavoidable damage. Director Knox confirmed that this is a standalone grant and that the headgate control grant is not dependent on the sale of water or opening of the 1923 water right decree.
 - ii. Water Delivery Efficiency Grant – Mr. Clifford and Mr. Cook offered to present on possible groundwater exchange and conjunctive use under the Sustainable Groundwater Management Act (SGMA) at the next meeting. President Bentz asked them to present at 4 pm, before the November regular meeting.

2. District Governance (continued)

- b. Election Status – President Bentz completed the form for the Tehama County Elections Department, confirming that five qualified candidates have applied for the five available seats on the Board. The form will go to the Tehama County Board of Supervisors for appointment in lieu of a general election. The Board discussed the timing for the transition of directors after the appointment. DCID Counsel Austin Cho agreed to provide a new director informational pamphlet and to work with the Bylaws Committee on timing provisions and the selection process for officers.
- c. State Water Board – Petition for Reconsideration of Emergency Declaration and Curtailment Orders
 - i. Mike Wallace (SVRIC) proposed that DCID submit a Petition for Reconsideration to the State Water Board, requesting reconsideration of the Emergency Regulation for Mill Creek and Deer Creek, the resolution approving the Emergency Regulation, and the curtailment orders for Mill Creek and Deer Creek. SVRIC’s counsel provided an example petition for DCID’s consideration.
 - ii. Mr. Wallace also informed the Board that SVRIC and Los Molinos Mutual Water Company are suing the State Water Board in state and federal court. Mr. Wallace invited DCID to join in the legal challenges and share SVRIC’s costs (approximately 1/3 share of \$20,000-30,000 per year over the next 4-5 years). If it agrees, DCID would be represented by SVRIC’s counsel, Jackson Minasian, for that limited engagement.
 - iii. Mr. Wallace also requested DCID consider donating \$2,000 to the Deer Creek Watershed Conservancy, for its work on flood and fish improvements in Deer Creek.
 - iv. Director Knox moved to direct DCID Counsel to review the Petition and proposal to join SVRIC’s lawsuit and advise the Board. Director Sunseri seconded, and the vote passed unanimously.

4. Bylaws Committee Report

- a. Current Status – Ellen Stephens requested DCID Counsel to review proposed language excerpts and advise on the timeline for officer selection.

II. Public Comments

Jeff Rabo stated he attended the groundwater information meeting presented by Trout Unlimited and recommended DCID do so as well. President Bentz confirmed Trout Unlimited is invited to present an hour before the next DCID meeting.

There being no further business, the meeting was adjourned at 7:30 pm.