

**MINUTES OF THE GENERAL MEETING OF THE
BOARD OF DIRECTORS OF THE
LOWER SAN JOAQUIN LEVEE DISTRICT
TUESDAY, FEBRUARY 11, 2025**

Pursuant to the Call of the Chairman, a Regular Meeting of the Board of Directors of the Lower San Joaquin Levee District was held in the office of the San Luis Canal Company at 11704 W Henry Miller Avenue, Dos Palos, Merced County, California on Tuesday, February 11, 2025, at the hour of 8:30 A.M.

CALL TO ORDER

Chairman Catania presided over the meeting and called it to order, with the following Directors present in the board room: Sean Howard, George Park, Case Vlot, Stephen Shehadey, and Bob Kelley. Director Breanne Vandenberg was absent. The following staff were present in the board room: Legal Counsel Lauren Layne, Secretary-Manager Shane Swartz, Superintendent Jody McClellon, and Office Administrator Raegan Huff. The guest in attendance in the board room was Gustavo Carranza.

PLEDGE OF ALLEGIANCE

Director Kelley led those in attendance in the Pledge of Allegiance.

CORRECTIONS OR ADDITIONS TO THE AGENDA

No corrections or additions.

BOARD MINUTES

Following a discussion regarding the previous Board minutes, the Minutes of the Board's general meeting, held on January 11, 2025, were approved on a motion by Director Park and seconded by Director Vlot.

LEGAL COUNSEL'S REPORT

Attorney Layne provided a brief update on the current developments in legislation. Attorney Layne stated that the Governor of California released an executive order regarding flood releases, authorizing the District to release flood flows to protect the health and safety of the public if the flood flows are available.

SUPERINTENDENT'S REPORT

Superintendent McClellon reported that grading and compacting of the levee roadway is ongoing.

Superintendent McClellon stated that the chemical spraying of the levee slope and roadways is ongoing.

Superintendent McClellon reported that the vertebrate control program is continuing, and the District maintenance employees are using a new Burrow RX machine to exterminate rodents in their burrows.

Superintendent McClellon stated that the new budgeted trailer that the District purchased to use as a welder trailer has arrived, and the maintenance employees are currently in the process of adding all the necessary equipment to it.

Superintendent McClellon reported that the Central California Irrigation District is currently helping the District clean out the river structure near Washington Road.

Superintendent McClellon stated that on February 12th, he will meet with the District's levee inspector to visit the locations marked as unsatisfactory on the last levee inspection.

Superintendent McClellon stated that gate and fence repairs continue as needed.

ACTION ITEMS

Resolution 735-25: District Board of Directors stating no objection to Modesto Properties' encroachment permit application

S-M Swartz presented Resolution 735-25 to the Board for review and consideration. This resolution expresses no objection to Modesto Properties' application for an encroachment permit, which involves using an existing drainage inlet culvert to Bear Creek for the purpose of delivering pumped groundwater to the San Luis Wildlife Refuge. The District is proposing an annual conveyance fee of \$12,670.33 for the approximately 1.37 miles that Modesto Properties intends to use for conveying water through the District's water facilities. Following a discussion, on a motion by Director Kelley and seconded by Director Park, the Resolution was adopted.

**LOWER SAN JOAQUIN LEVEE DISTRICT
DOS PALOS, CALIFORNIA**

RESOLUTION NO. 735-25

**RESOLUTION OF THE BOARD OF DIRECTORS
STATING NO OBJECTION TO MODESTO PROPERTIES' ENCROACHMENT
PERMIT APPLICATION FOR USE OF AN EXISTING DRAINAGE INLET CULVERT
TO BEAR CREEK TO DELIVER PUMPED GROUNDWATER TO THE SAN LUIS
WILDLIFE REFUGE**

WHEREAS, the Lower San Joaquin Levee District ("the District") is a levee district formed, organized, and operating pursuant to the Lower San Joaquin Levee District Act, California Water Code Appendix Chapter 75 (the "Act"); and

WHEREAS, the District's Board of Directors and District staff reviewed Modesto Properties' encroachment permit application ("Application") for use of an existing drainage inlet culvert to Bear Creek that is attached to District water conveyance facilities to deliver pumped groundwater to the San Luis Wildlife Refuge; and

WHEREAS, upon receiving confirmation from the District that it does not object to the proposed Application, Modesto Properties intends to submit its Application to the Central Valley Flood Protection Board ("CVFPB"); and

WHEREAS, Modesto Properties has used the culvert to Bear Creek and another one to the south since approximately 2017 to deliver pumped groundwater to the San Luis Wildlife Refuge. The Application indicates the maximum volume to be pumped is 6,000 acre-feet per year. The agreement for deliveries involves Modesto Properties, the United States Bureau of Reclamation ("USBR"), and San Luis Water District ("SLWD") which can receive up to 3,000 acre-feet per year by exchange; and

WHEREAS, on behalf of the District, Summers Engineering, Inc. ("Summers Engineering") reviewed Modesto Properties' Application and made various findings and recommendations to the District based on that Application, some of which are recited herein; and

WHEREAS, the groundwater pumped by Modesto Properties flows through their ditch to the entrance of the culvert before discharging into Bear Creek. It then flows approximately 1.4-miles downstream to the Bear Creek Pumping Plant, which is owned by the USBR and operated in partnership with the U.S. Fish and Wildlife Service ("USFW"). A turnout structure in the left bank of the East Side Bypass, immediately west of Howard Road, diverts flow to the pumping plant. From there it is distributed across the refuge through a system of pipelines and ditches. Merced Irrigation District delivers 20 cfs into Bear Creek and Modesto Properties delivers another 10 cfs through the draining inlet for a total delivery of 30 cfs to the refuge. Based on flow meter readings provided by Modesto Properties, it appears deliveries from the wells are made from August through January; and

WHEREAS, the pumping plant diversion is just downstream of the confluence of Bear Creek and the East Side Bypass so it is in the path of river restoration flows. There is no fish screen on the diversion structure, but the attached information provided by USFW indicates that improvements to the facilities, including a fish screen, are planned over the next two to 10 years; and

WHEREAS, in May of 2023, CVFPB issued a Notice to Comply which required Modesto Properties to stop their unauthorized use of the drain inlets and return them to pre-modified conditions. This involved restoring the flap gates on the water side of the culverts to their original operating condition and removing all associated flashboard and flow meter structures within the State's right-of-way. Modesto Properties has since complied with returning both drain inlets to pre-modified conditions and submitted the subject encroachment permit application for continued use of the upstream drain inlet at DSID 19896. Modesto Properties also installed new structures in their ditch, which are outside the State's right-of-way and will be used for measurement and control of the flow entering the drain inlet; and

WHEREAS, Summers Engineering determined the water deliveries by Modesto Properties described in the Application will result in flow occurring through the drain inlet and down Bear Creek much more often than it does for normal flood operations. More frequent flows could increase erosion and vegetation growth, requiring additional maintenance by the District; and

WHEREAS, Summers Engineering evaluated the potential impact of the groundwater pumping proposed in the Application in the vicinity of the East Side Bypass, and in an area that has experienced critical rates of land subsidence in recent years. Summers Engineering noted USBR mapping of subsidence for 2022-23 indicates subsidence rates have decreased to a range of 0 to 0.15-feet per year, and the data available indicates well levels have remained steady, and in some cases, have increased during the past three years. Summers Engineering concluded the risk of groundwater overdraft below the Corcoran Clay should be minimal; and

WHEREAS, based on Summers Engineering's review of the Application and follow up information, Summers Engineering does not expect Modesto Properties' continued delivery of groundwater to the Bear Creek Pumping Plant to have major adverse impacts on the District's operation and maintenance of the affected facilities, other than the potential for increased maintenance due to additional erosion and vegetation growth noted earlier. Well level data collected by Modesto Properties over the past few years indicates groundwater levels are steady or have improved slightly, and USBR monitoring indicates subsidence rates have decreased in the vicinity of Modesto Properties' wells; and

WHEREAS, Summers Engineering therefore recommends the District not object to the Application and notify CVFPB; and

WHEREAS, the District is the local maintaining agency responsible for operating and maintaining levees, bypasses, channels, control structures, and other facilities in

connection with the state-owned flood control facility, the Lower San Joaquin River Flood Control Project; and

WHEREAS, Water Code section 1810 prevents a local public agency from denying a bona fide transferor of water the use of a water conveyance facility which has unused capacity, for the period of time for which that capacity is available, if fair compensation is paid for that use; and

WHEREAS, Water Code section 1811 defines “Unused capacity” as space that is available within the operational limits of the conveyance system and that the owner is not using during the period for which the transfer is proposed and which space is sufficient to convey the quantity of water proposed to be transferred; and

WHEREAS, Water Code section 1811 defines “Fair compensation” as the reasonable charges incurred by the owner of the conveyance system, including capital, operation, maintenance, and replacement costs, increased costs from any necessitated purchase of supplemental power, and including reasonable credit for any offsetting benefits for the use of the conveyance system; and

WHEREAS, as of 2025, the District’s annual operations and maintenance costs are approximately \$1,726,494.00 to operate and maintain 186.68 miles of District water conveyance facilities. Therefore, the annual cost per mile for operations and maintenance is \$9,248.41. Based on the Application, Modesto Properties seeks to convey water through approximately 1.37 miles of the District water conveyance facilities; and

WHEREAS, District intends to recover fair compensation from Modesto Properties for the use of District water conveyance facilities; and

WHEREAS, based upon the analysis and recommendation of Summers Engineering, the District desires to notify CVFPB, subject to certain conditions described below, that the District does not object to the Application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Lower San Joaquin Levee District as follows:

1. The Board has considered Summers Engineering’s evaluation of the proposed diversion facilities and recommendation to the District regarding the Application and hereby does not object to the aforementioned Application, but does require the following conditions:
 - (a) Modesto Properties agrees to indemnify and hold the District harmless of any liability relative to its operation of the proposed diversion facilities or associated structures; and
 - (b) Modesto Properties acknowledges and recognizes the District must maintain a functioning flood channel system for passage of flood water, and agrees that in the

course of any access for their purposes shall not interfere with District's ability to move water through its system at the point involved; and

(c) Modesto Properties agrees to pay to District fair compensation for the conveyance of groundwater through District facilities, based on a conveyance fee per mile, in the total estimated annual amount of \$12,670.33 per year beginning in the year the Application is approved by CVFPB, subject to adjustments made by the Board pursuant to Proposition 26; and

(d) Modesto Properties acknowledges that, consistent with Water Code section 1812, its use of District water conveyance facilities are subject to compliance with District rules, regulations, and policies. District may impose additional requirements related to use of the District's water conveyance facilities and operations and maintenance, scheduling, quality, term, or use; and

(e) Consistent with Water Code section 1810, District's lack of objection to the Application and Modesto Properties' ability to utilize District water conveyance facilities is contingent on there being unused capacity in District water conveyance facilities.

3. The Board hereby authorizes District staff to transmit notification of this action to CVFPB.

4. The Board authorizes District staff/consultants and the Secretary to take such other and additional actions as may be reasonably necessary to implement the purpose of this Resolution.

APPROVED AND ADOPTED by the Board of Directors of the Lower San Joaquin Levee District on the 11 day of February, 2025, by the following vote:

Ayes: 6
Noes: 0
Abstain: 0
Absent: 1

**Lower San Joaquin Levee District
Dos Palos, CA**

By: Roy Catania
Roy Catania, Chairman

Attest

By: Shane Swartz, GM Secretary to the Board

* * * * *

SECRETARY-MANAGER’S REPORT

Flood Operations and District Updates

S-M Swartz presented current updates on flood operations and Friant Dam flows.

S-M Swartz reported to the Board an enforcement issue with Gravelly Ford Water District regarding a pipe located on Avenue 21 in the Gravelly Ford canal in Unit 23, mile marker 9.5. The structures are not operable and are marked on the DWR inspection report as “Urgent.” The two drain structures are privately owned and are labeled DSID 19943 & 19980.

S-M Swartz reported a significant amount of trespassing in the District. To enhance security, the district is working with landowners and purchasing new gate locks.

S-M Swartz reported to the Board an issue regarding the unauthorized use of the levee roadway by members of a duck club located on the San Joaquin River, northwest of the Mariposa Bypass Control Structure. Years ago, the D&D Land & Water members approached the Board to request access to the levees for entry to their property, but their request was denied. Despite this, the D&D Land & Water members have been using the levees to access their land without permission. S-M Swartz has contacted the owner of D&D Land & Water to inform them that their members are accessing the property during the waterfowl season using the levee roadway without authorization. The District Board directed staff to issue a letter to D&D Land & Water regarding their trespassing.

S-M Swartz stated that the San Joaquin River Restoration Program has requested access to the Bifurcation to discuss a plan to start building a fish bypass on it. The scheduled meeting will occur on March 4, 2025, at the San Joaquin River gates and the Chowchilla Bypass gates.

DWR – Deferred Maintenance Program (DMP) Update

S-M Swartz provided an update on the DWR’s Deferred Maintenance Program. S-M Swartz announced the completion of phase one of the DMP projects and is working with District Engineer Scott Jacobson on the closeout documents for Package A of the project. S-M Swartz mentioned that the secondary contract for the DMP project- Package B, has been finalized for six additional pipe replacements, and the contractor is predicting to start the project by February 17th. He also mentioned that Package C is in progress for five additional pipe replacements; all of these projects will be fully funded by DWR.

DWR – Flood Maintenance Assistance (FMAP) Update

S-M Swartz provided an update on DWR's Flood Maintenance Assistance Program. S-M Swartz mentioned that there is a possibility this program may be removed from the DWR budget. The District is waiting for the finalized budget from DWR and will provide an update when further information is available.

DWR – Flood System Repair Program (FSRP) Update

S-M Swartz provided an update on DWR's Flood Maintenance Assistance Program. S-M Swartz stated that the District will re-solicit bids for gravel work on Units 2, 17, and 18 on February 20th. With assistance from District Engineer Scott Jacobson and Jeff Gilkey, the contracts are expected to be awarded at the March Board meeting to begin work on this project.

BUDGET STATUS REPORT

Following a discussion on the claims present, on a motion by Director Park and seconded by Director Howard, the following claims were unanimously acknowledged and approved for payment.

Anthem Blue Cross	Employee Group Insurance	10300	\$22,797.00
Alhambra	Household expense-supplies	20900	\$34.37
Agri-Turf Distributng	Maintenance- structures, other	21300	\$3,337.36
Baker Manock & Jensen	Professional services	21800	\$836.14
Central Valley Trucking	Progress Payment 3 - FSRP	22388	\$414,722.00
Central Valley Trucking	Progress Payment 4 - FSRP	22388	\$413,590.94
CAL NET	Communications	20600	\$78.20
Cintas	Professional services	21800	\$38.14
Cool World Enterprises	Communications	20600	\$337.00
CoPower	Employee Group insurance	10300	\$96.00
Cummins Sales and Service	Maintenance- structures, other	21300	\$1,074.11
Drugtech Toxicology	Professional services	21800	\$44.00
Elite Credit Card (Shane)	Tactacam, Parcel Quest		\$2,131.90
Elite Credit Card (Jody)	Maintenance equipment		\$110.43
Gilton Waste	Household expense-supplies	20900	\$125.22
Henry Miller Rec. (rent)	Office expenses/supplies	21700	\$1,508.00
Henry Miller Rec. (propane)	Office expenses/supplies	21700	\$71.96
Humana	Employee Group insurance	10300	\$399.26
Holt of CA	Maintenance- structures, other	21300	\$801.74
Holt of CA	FSRP Expense	22388	\$6,720.09
Kellogg Supply	Small tools & instruments	22200	\$973.36
Kellogg Supply	Maintenance-equipment, other	21200	\$3,996.22
Kellogg Supply	Maintenance- structures, other	21300	\$389.48
Kimball Midwest	Maintenance- structures, other	21300	\$1,442.22
Marfab Ag	Maintenance- equipment, other	21200	\$260.21
Madera Carports Inc.	Maintenance- structures, other	21300	\$675.00
Manuels Tire Service	Maintenance- equipment, other	21200	\$24.26
McAuley Ford	Equipment	83700	\$54,843.01
NAPA Auto Parts	Maintenance-equipment, other	21200	\$597.62
NAPA Auto Parts	Small tools & instruments	22200	\$137.53
N&S Tractor	Maintenance- equipment, other	21200	\$507.94
Office Supply Express	Office expenses/supplies	21700	\$839.99
PG&E (Office)	Utilities	22600	\$66.77
PG&E (Structures)	Utilities	22600	\$254.21
PG&E (Shop)	Utilities	22600	\$544.92
Santos Ford	Maintenance- structures, other	21200	\$559.44
Safe-T-Light	Maintenance- structures, other	21300	\$3,754.05
Sparkletts	Household expense-supplies	20900	\$8.49
Shane Swartz	LSJLD RFMP	22387	\$390.03
Stanislaus Farm Supply	Clothing & Personal Supply	20500	\$258.50
Summers Engineering, Inc.	FSRP Expense	22388	\$22,330.54
Summers Engineering, Inc.	DMP Expense	22389	\$4,055.70
Tharp's Farm Supply	Small tools & instruments	22200	\$327.87
Tharp's Farm Supply	Maintenance- equipment, other	21200	\$978.67
Tucci Machine Shop	Maintenance- equipment, other	21200	\$497.70
UniFirst	Clothing & Personal Supply	20500	\$154.16
Valvoline	Maintenance- equipment, other	21200	\$118.72
Verizon Connect	Communications	20600	\$273.20
Verizon	Communications	20600	\$214.29
Westside Water Conditioning	Maintenance- structures, other	21300	\$1,793.83
Windecker	Transportation and Travel	22500	\$3,720.27
Wood Bros., Inc.	DMP Expense	22389	\$177,158.69
Zenith	Workmen's Comp. Insurance	10360	\$2,789.00
Breanne Vandenburg	Director Reimbursement	22300	\$104.52
Robert Kelley Jr.	Director Reimbursement	22300	\$319.46
Case Vlot	Director Reimbursement	22300	\$205.02
Stephen Shehadey	Director Reimbursement	22300	\$453.46
Sean Howard	Director Reimbursement	22300	\$460.96
Roy Catania	Director Reimbursement	22300	\$325.62
George Park	Director Reimbursement	22300	\$329.64
			\$1,155,988.43

OTHER BUSINESS

No other business.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

There being no further business, Chairman Catania declared the meeting adjourned at 10:16 AM.



Shane Swartz, Secretary-Manager