

**MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS  
OF THE CENTRAL DELTA WATER AGENCY**

March 14, 2023

A teleconference meeting of the Board of Directors of the Central Delta Water Agency was convened at 9:30 a.m. at the office of the Agency, 235 East Weber Avenue, Stockton, California.

Participating in the meeting were Directors Rudy Mussi, George Biagi Jr, and Eddie Zuckerman. Others participating were Dante John Nomellini Sr., Dante John Nomellini Jr., George Hartmann, Brett Baker, Lindsay Kammeier, Lisa Crowley, Bruce Blodgett, Chris Neudeck, Craig Watanabe, Russ Ryan, Eric Gantenbein, Tim Gobbler and Tom Zuckerman.

The first item of business were the Minutes of the February 14, 2023 meeting. After review,

On Motion - Director Eddie Zuckerman

Second - Director George Biagi Jr, the following resolution was unanimously adopted:

**RESOLVED** that the Minutes of the February 14, 2023 meeting be and they are hereby approved as submitted.

Next, the Financial Report was given, the written portions of which are attached hereto. Along with the Financial Report, the current bills of the Agency were submitted to the Board for their review.

On Motion - Director Rudy Mussi

Second - Director Eddie Zuckerman, the Board unanimously adopted the following resolution:

**RESOLVED** that the bills of the Agency be and they are hereby approved for payment as submitted including approval of the attached authorization of agreement to become a party to the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority together with the premium therefor.

On federal legislation the Harder bill limiting the USACE permitting for the tunnel was referred to the committee on Water Resources and Wildlife. On State legislation flood control bond measures and various water right related measures were being considered.

Lindsay Kammeier reported on the status of the ACP and OpenEt for Water reporting.

The deadline for SO and License reporting is extended to April 1, 2023. The deadline for protest of the Dos Rios River Partners change petition to quantify and transfer the riparian right of NGO ownership of \$30,000,000 grant purchase of conservation easement for wetland habitat and land preservation is Sunday, April 2, 2023. The purpose is to allow for sale of the water purportably saved from conservation easement use so it can be counted as fulfilling river flow needs of a voluntary agreement.

Changes are proposed for the SWRCB Water Unavailability Methodology which continue to ignore that the Delta is connected to the bays and ocean and channels receive tide water as part of natural flow. The deadline for comment is 5:00 pm Friday April 14th.

On Tunnel related Temporary Entry Permits it was reported that DWR was proceeding with additional entries. Related favorable CEQA litigation is being addressed as to applicability to further entries.

As to other agency litigation the litigation against the SWRCB potentially will include the broadest range of important issues.

The Delta Stewardship Council is continuing to proceed with a proposed regulation relating to the Delta Levee Investment Strategy which is inconsistent with the Flood Hazard Mitigation Plan for the Delta, ignores the Delta levees as a system and overlooks many of the interrelated flood impacts and risks.

The Delta Protection Commission has been working on comments to the USACE DEIS for the tunnel project and the Delta Heritage Area implementation.

On levee programs it was reported that the DWR Solicitation is oriented towards Habitat Improvement and very difficult for most RDs to participate.

It was reported that DFW adopted a new policy related to the beneficial work of beavers in watersheds and is sorting out the need for depredation related to Delta levees and drains.

Lisa reported that enforcement of new requirements for reporting changes in water right ownership was being delayed.

Thereafter, there being no further business to come before the meeting the meeting was adjourned.

# CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201  
Phone (209) 465-5883 • Fax (209) 465-3956

## DIRECTORS

George Biagi, Jr.  
Rudy Mussi  
Edward Zuckerman

## COUNSEL

Dante John Nomellini  
Dante John Nomellini, Jr.

### AMENDED

## NOTICE OF MEETING OF THE BOARD OF DIRECTORS OF THE CENTRAL DELTA WATER AGENCY

**Date:** TUESDAY, MARCH 14, 2023

**Time:** 9:30 a.m.

**Place:** 235 E. Weber Avenue, Stockton, CA 95202

**Due to the Coronavirus, the meeting will include participation by conference call. Limited participation by attendance with adequate spacing will be attempted. If spacing cannot be maintained, masks will be required. Those who are sick or have been around sick people should participate by telephone. Meeting materials will be posted to the CDWA website before the meeting at <https://www.centraldeltawateragency.org> Conference dial in number (551) 258-5770 - no access code required.**

### AGENDA

(Action may be taken on any item)

1. Minutes of February 14, 2023, meeting
  2. Financial Report
  3. Adoption of resolution regarding insurance coverage
  4. Report on legislation
  5. Report on Water Rights
    - a. Water Diversion and Use reporting
    - b. Delta Area Measuring Method Program (DAMMP) Open ET
    - c. SWRCB water right curtailment
  6. Report on litigation
  7. Report on SWRCB actions
  8. Report on Levee Programs
  9. Report on Delta Protection Commission Plan matters
  10. Report on Delta conveyance
  11. Report on Eastern San Joaquin County Groundwater Banking Authority/SGMA JPA
  12. Other Reports
  13. Public Forum
- Closed session item (Closed sessions are not open to the public.) Government Code section 54956.9(a) and (c) - possible litigation. CDWA vs. Delta Stewardship Council - DWR interference with water rights - CDWA vs. DWR Validation, CDWA vs. SWRCB (Curtailment, etc.), CDWA vs. DWR (DCP), Personnel matters.
- Note: Individuals who require special accommodations are requested to contact Jeanne Urbani at (209) 465-5883 at their earliest convenience prior to the meeting date. TTY users may contact the California Relay service at 1-800-735-2929 or voice line at 1-800-735-2922.

Notice posted Wednesday, March 8, 2023, at 3:00 p.m.

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## FINANCIAL REPORT

March 14, 2023

Balance Forward:	\$ 2,282,659.95
Income:	
2/28/23 - Freeman Firm - refund of overpayment	180.25
Expenditures:	
Requisition No. 599	(124,459.55)
<b>Balance Forward:</b>	<b>\$2,158,380.65</b>

### Less Requisition No. 600:

2/28/23 - SJ County Auditor proll and a/p charges	\$654.00
Nomellini, Grilli & McDaniel #29399	32,072.34
Thomas M. Zuckerman	8,077.50
Mohan Harris Ruiz #10593	11,686.82
Dohrmann Insurance	9,898.00
Soluri Meserve	4,311.90
#2895 - DWR Drilling III	\$1,355.00
#2896 - DWR/BOR Sacto River	1,215.00
#2900 - Lookout Slough	1,741.90
Freeman Firm (Jan.)	2,188.18
DCP (access lit.)	\$1,185.00
WaterFix/EIR/EIS	27.09
DSCII	49.38
SWP Contract Ext.	926.71
Spaletta Law - WSID Appeal	1,256.25
HabitatSeven Inc. #1234	51,597.00
River Delta Consulting 0302-03-23	437.50
Rudy Mussi	180.00
George Biagi, Jr.	180.00
Edward Zuckerman	180.00 (123,719.49)

**Balance Forward:** **\$2,035,661.16**

### 2022-2023 Assessment

Received 12/12/22

**Balance Due 4/10/23**

**\$1,298,088.12 (3,595)**

(687,906.19)

**\$610,181.93**

<b>2021/2022 Assessment</b>	<b>\$1,287,090.00 (3,198)</b>
12/17/21 - 2021-2022 current secured	(688,426.81)
4/15/22 - 2021-2022 current secured	(614,551.56)
<b>Total Received:</b>	<b>\$1,302,978.37</b>

<b>2022/2023 (billed directly)</b>	<b>\$40,743.22</b>
<b>Received to Date:</b>	<b>( 34,601.62)</b>
<b>Balance Due:</b>	<b>\$ 6,141.60</b>

Outstanding:

County of San Joaquin	\$ 37.44
Kinder Morgan	\$ 57.72
State of CA - CalTrans	\$ 54.80
State of CA - F&W	\$3,021.88
State Lands Commission	\$1,290.12
City of Stockton	\$ 331.60
Dept Parks & Recreation	\$ 124.22
State of CA	\$1,171.16
Stkn Westlake Invest. LLC	\$ 52.66

<b>2021/2022 (billed directly)</b>	<b>\$40,627.82</b>
<b>Received to Date:</b>	<b>(35,212.99) including past due assmt.</b>
<b>Balance Due:</b>	<b>\$5,414.83</b>

Outstanding:

Kinder Morgan	\$ 57.72
Dept. Transportation	\$ 54.80
Fish & Wildlife	\$3,021.88
State Lands Commission	\$1,290.12
Dept. Parks & Rec	\$ 124.22
State of CA	\$1,215.22

<b>2020/2021 Assessment</b>	<b>\$1,315,580.54 (3,198)</b>
12/8/2020 - December secured tax	697,156.63
4/16/2020 - April secured tax	<u>618,181.09</u>
<b>Balance Due</b>	<b>242.82</b>
<b>12/17/21 - reversal of delinquent secured tax</b>	<b><u>(146.67)</u></b>
<b>Balance Due</b>	<b>\$ 96.15</b>

<b>2019/2020 Assessment</b>	<b>\$1,300,731.96</b>
12/20/19 - December Secured DA	(689,209.49)
Balance Due	611,522.47
04/17/2020	(611,361.41)
Balance Due	\$ 161.06
08/01/2020	(112.16)
<b>Balance</b>	<b>\$ 40.90</b>

<b>2020/2021 Assessment (billed directly)</b>	41,957.10
Received to Date:	(34,615.80)
Balance Due:	\$ 7,341.30
Outstanding:	
Kinder Morgan	\$ 57.72
Dept. Transportation	\$ 54.84
Fish & Wildlife	\$3,021.90
State Lands Comm.	\$1,290.17
Dept. Parks & Rec	\$ 124.25
State of CA	\$1,215.22
Stkn Westlake Invest	\$ 52.66

2019/2020 Assessment (billed directly)	\$39,772.21
Received to Date:	(51,945.33 including past due assmts)
Balance Due:	\$ 6,040.09
Outstanding:	
Dept. of Transportation	\$ 54.84
Fish & Wildlife	\$3,065.96
State Lands Commission	\$1,290.17
City of Stockton	\$ 329.71
Dept. Parks & Recreation	\$ 124.25
State of CA	\$1,171.16
Spanos Family PTP	\$ 4.00

2018/2019 Assessment	\$1,299,175.06
12/19/18 - December Secured DA	(686,336.91)
4/1/19 - April Secured DA	(612,835.75)
Credit Balance:	(\$2.40)

2018/2019 Assessment (billed directly) estimated	\$41,510.75
Received to Date	(30,471.45)
Balance Due:	\$11,039.30

**SPECIAL FUND 12**

Balance Forward:	\$4.00
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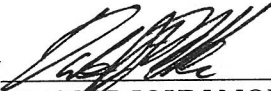
AGREEMENT TO BECOME A PARTY TO THE  
AMENDED JOINT POWERS AGREEMENT  
CREATING THE  
CALIFORNIA ASSOCIATION OF MUTUAL WATER COMPANIES  
JOINT POWERS RISK AND INSURANCE MANAGEMENT AUTHORITY

Central Delta Water Agency (referred to as “Member”), hereby agrees to become a party to the Amended Joint Powers Agreement Creating the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (the “Authority”), in the form attached hereto as Exhibit A, and agrees to abide by the terms and conditions of that agreement.

Member hereby represents that its action to become a party to the above-referenced agreement and to participate in the Authority has been duly authorized by action of its governing board taken at a duly called and noticed meeting.

Executed this 14th day of March, 2023, at Stockton, California.

CENTRAL DELTA WATER AGENCY

By  \_\_\_\_\_  
DANTE JOHN NOMEILLINI,  
Manager and Co-Counsel