

**OFFICE OF THE BOARD OF DIRECTORS
OF THE MODESTO IRRIGATION DISTRICT**

1231 Eleventh Street
Modesto, CA
June 24, 2025
8:00 a.m.

The meeting of the Board of Directors of the Modesto Irrigation District was called to order, in a special session, in-person and via webinar, on the twenty-fourth day of June 2025. Present were Directors: Robert Frobose, President, John Boer IV, Vice President, Larry Byrd, Janice Keating, and Chris Ott. General Manager, Jimi Netniss, General Counsel, Frank Splendorio and Board Secretary, Angela Cartisano.

QUORUM

Upon roll call, a quorum being present, President Frobose called the meeting to order.

President Frobose announced the Board will convene into closed session for the items listed on the agenda and asked for public comment; there was none.

RECESS

At 8:05 a.m., the Board of Directors recessed the meeting.

CONVENE CLOSED SESSION

At 8:10 a.m., the Board of Directors convened into closed session for:

Conference with Legal Counsel - Existing Litigation
(Government Code § 54956.9(d)(1))
Modesto Irrigation District v. California State Water Resources Control Board, No. JCCP 5013

Conference with Legal Counsel – Existing Litigation
(Government Code § 54956.9 (d)(1))
Modesto Irrigation District v. State Water Resources Control Board,
Fresno County Superior Court, Case No 24CEG00650

Conference with Legal Counsel - Anticipated Litigation
(Government Code § 54956.9 (d)(2))
Significant Exposure to Litigation
One Case

RECONVENE OPEN SESSION

At 9:05 a.m., the Board of Directors reconvened in open session.

ANNOUNCEMENTS FOLLOWING CLOSED SESSION

Frank Splendorio, General Counsel, said there were no reportable actions coming out of closed session.

PLEDGE OF ALLEGIANCE

President Frobose led the pledge of allegiance.

CONSENT ITEMS

MINUTES

Moved by Vice President Boer, seconded by Director Ott, that the minutes of June 10, 2025, be approved. President Frobose declared the motion carried by a vote of all Directors present.

DISBURSEMENTS

Moved by Vice President Boer, seconded by Director Ott, that disbursement account payments for the month of May, in the amount of \$2,441,317.58, be approved. President Frobose declared the motion carried by a vote of all Directors present.

WARRANTS

Moved by Vice President Boer, seconded by Director Ott, that warrants numbered 130549 to 130658, in the amount of \$655,925.28, be approved. President Frobose declared the motion carried by a vote of all Directors present.

WIRES

Moved by Vice President Boer, seconded by Director Ott, that wire transfers for the month of May, in the amount of \$21,100,525.52, be approved. President Frobose declared the motion carried by a vote of all Directors present.

PUBLIC INPUT FOR THE GOOD OF THE DISTRICT

There were none.

WATER REPORT

Jesse Franco, Civil Engineering Manager, reported on precipitation at the Tuolumne River Watershed which plateaued at 28.79 inches, no precipitation is expected, and temperatures are expected to increase in the next few days. Most snowpack accumulation, if not all, has made its way down the watershed. Don Pedro storage is at 96 percent capacity, and an elevation of at 824.10 FT. MID's available water storage at Modesto Reservoir is 19,560 AF and at Don Pedro is 514,638 AF, for a total of 534,198 AF of water. The first deliveries of the 2025 Irrigation Season began on March 19, 2025, and as of last Monday there has been a total of 44,000 AF of delivered water. Domestic Water production was 33.9 MGD; during this irrigation season a total of 4,577 AF of groundwater pumping; Tuolumne River

flow at La Grange is 120 CFS, and the Main Canal Regulating Reservoir is just over 5,018 AF. Franco also reported on the types of groundwater pumping, a yearly comparison of groundwater pumping from 2018 through 2024, and electrical costs for groundwater pumping. He noted 51 deep production wells, primarily in the west, but also in the east of the District, along with 41 shallow drainage wells, primarily in the west, not so much in the east. Franco also provided an update on the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) meeting that took place on May 28, 2025. The next GSA meeting is July 9, 2025, at Oakdale Irrigation District and the next Workshop is July 16 at Modesto Irrigation District.

Board comments:

Director Byrd commented on the Don Pedro storage chart and said the amount of water in the regulating reservoir is an accomplishment by the District.

President Frobose asked about the total anticipated amount of groundwater pumping for the 2025 Season and noted a savings in groundwater pumping in comparison to a similar dry year, in 2020. Franco responded.

Vice President Boer, commented on the data Franco provided regarding the groundwater pumping and asked regarding critical and dry years from 2020 through 2022, if this is just irrigation season. Franco responded.

Director Keating asked why in fiscal year 2024 the groundwater pumping budget doubled from fiscal year 2023. Franco responded.

Public Comment:

Anthony Ratto, Ratto Brothers, thanked the board and staff for getting the agenda out in a timely manner and further commented on previous discussions regarding the costs that MID assumes in facilitating the GRP and the availability of those figures, and how many growers on the Non-District East have signed up for the GRP.

Stacy Henderson, Henderson Hatfield, echoed previous comments made by Mr. Ratto and commented on pumping groundwater; she would like to see a breakdown of the difference in costs to pump the water for the shallow wells vs. deep groundwater wells; and commented on water quality issues.

CONTINUATION OF SPECIAL COUNSEL LEGAL SERVICES

Jimi Netniss, General Manager, provided a background of the Board's action in January 2023 to retain Special Counsel services that are provided through Lucas Law. The contract states Special Counsel is directly retained by the Board and is therefore being presented to the full Board for their consideration.

President Frobose asked Ronda Lucas, Special Counsel, to provide an update on some of the critical legal issues.

Frank Splendorio, General Counsel, clarified for the record that any information shared should not divulge confidential information.

Ronda Lucas, Special Counsel, said the District's water is under a multifaceted attack coming from any different sources and that she is a part of and the coordinator of an elaborate team that works in many venues to ensure that we keep the water here. Lucas provided a high-level overview of the SED (SED Phase II), a water quality objective that was proposed by the State Water Resources Control Board (SWRCB) a couple of years ago and how the State Water Board is on schedule to adopt or consider the document. She noted the ongoing litigation where the District sued the SWRCB in Fresno County Superior Court and that we have an upcoming appearance in September. Despite the efforts, the Water Board adopted biological goals under the SED Phase which directly affects the Tuolumne River and its call for 40 percent of unimpaired flows for environmental benefits and how its biological goals are the metrics by which they will use to determine whether or not we will have to drop more water. Lucas further explained the next steps in submitting our opening brief and additional filing deadlines with the Appellate court, thereafter.

Public comments:

The following individuals commented regarding the retention of Lucas Law as Special Counsel for the District: Nick Blom, former MID Board member and grower on the Westside, Linda Santos, former OID Board member, and Stacy Henderson, of Henderson Hatfield.

President Frobose corrected a public comment regarding the contract with Lucas Law.

Board comments:

A discussion and comments were exchanged among the Board members regarding this item.

MOTION

Moved by Director Byrd, seconded by Director Keating, to not continue the contract with Lucas Law. The motion remained on the floor as additional comments were received by the Board members.

General Counsel, Frank Splendorio, repeated the above motion made by Director Byrd and seconded by Director Keating.

Moved by Director Byrd, seconded by Director Keating, to not continue the contract with Lucas Law.

A roll call vote was performed as follows:

Ayes: Directors Byrd, Keating, and Ott

Noes: Directors Boer and Frobose

Absent: Director None

President Frobose declared the motion passed

ANNOUNCEMENTS BY BOARD MEMBERS

Director Keating announced there will be fireworks on July 4th at Lake Don Pedro Reservoir and if you have a boat, you can watch it from the water or the Blue Oaks camp site area, which will be roped off for the public and they can watch from the shore.

President Frobose thanked Ronda Lucas and said she is a true fighter. He noted the water is extremely valuable to this community, and he promised his constituents that he would fight to make sure that we keep this water. Thank you, Ronda Lucas, you have done a fantastic job.

GENERAL MANAGER'S UPDATE

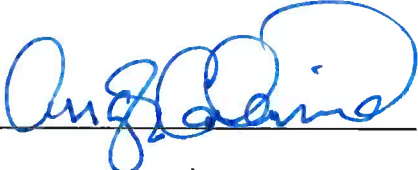
Jimi Netniss, General Manager, highlighted a membrane module replacement by our team at the Water Treatment Plant. It was a large undertaking as they replaced 700 membranes in just over two days; it is a huge reliability project and helps ensure that we continue to deliver safe, high-quality water to the City of Modesto. He thanked staff for doing a great job.

FUTURE BOARD MEETINGS

President Frobose announced the next scheduled Board meetings are July 8 and July 22, 2025.

ADJOURN

There being no further business, the meeting was adjourned at 10:32 a.m.



Board Secretary