

1 UNITED STATES
2 DEPARTMENT OF THE INTERIOR
3 BUREAU OF RECLAMATION
4 Central Valley Project, California

5 INTERIM RENEWAL CONTRACT BETWEEN THE UNITED STATES
6 AND
7 PLACER COUNTY WATER AGENCY
8 PROVIDING FOR PROJECT WATER SERVICE
9 FROM THE AMERICAN RIVER DIVISION

10 THIS CONTRACT, made this 28th day of February, 20 14,
11 in pursuance generally of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory or
12 supplementary thereto, including, but not limited to, the acts of August 26, 1937 (50 Stat. 844),
13 as amended and supplemented, August 4, 1939 (53 Stat. 1187), as amended and supplemented, ,
14 June 21, 1963 (77 Stat. 68), October 12, 1982 (96 Stat. 1263), October 27, 1986 (100 Stat. 3050),
15 as amended, and Title XXXIV of the Act of October 30, 1992 (106 Stat. 4706), all collectively
16 hereinafter referred to as Federal Reclamation law, between the UNITED STATES OF
17 AMERICA, hereinafter referred to as the United States, and PLACER COUNTY WATER
18 AGENCY, hereinafter referred to as the Contractor, a public agency of the State of California,
19 duly organized, existing, and acting pursuant to the laws thereof;

20 WITNESSETH, That:

21 EXPLANATORY RECITALS

22 WHEREAS, the United States and the Contractor entered into the interim
23 renewal contract identified as Contract No. 14-06-200-5082A-IR1, hereinafter referred to as
24 IR1, which provided for the continued water service to the Contractor effective from
25 January 1, 2012, through February 28, 2014; and

WHEREAS, the United States and the Contractor have made significant progress in their negotiations of a long-term renewal contract, believe that further negotiations on the long-term renewal contract would be beneficial, and mutually commit to continue to negotiate to seek to reach agreement, but anticipate that the environmental documentation necessary for execution of any long-term renewal contract may be delayed for reasons beyond the control of the parties; and

WHEREAS, the Contractor has requested a subsequent interim renewal contract pursuant to Article 2 of IR1; and

WHEREAS, the United States has determined that the Contractor has to date fulfilled all of its obligations under IR1; and

WHEREAS, the United States is willing to renew IR1 pursuant to the terms and conditions set forth below;

NOW, THEREFORE, in consideration of the mutual and dependent covenants herein contained, it is hereby mutually agreed by the parties hereto as follows:

RENEWAL AND REVISION OF
CONTRACT NO. 14-06-200-5082A-IR1

1. Except as specifically modified by this contract, all provisions of IR1 are renewed with the same force and effect as if they were included in full text with the exception of Article 2 of IR1 thereof, which is revised as follows:

(a) The first sentence in subdivision (a) of Article 2 of IR1 is modified as follows: "This Contract shall be effective from March 1, 2014, and shall remain in effect through February 29, 2016, and thereafter will be renewed as described in Article 2 of IR1 if a long-term renewal contract has not been executed with an effective commencement date of March 1, 2016."

(b) Subdivision (b) of Article 2 of IR1 is amended by deleting the date
"February 28, 2014," and replacing same with the date "February 29, 2016."

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of
the day and year first above written.

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY
Steph R. Baker
OFFICE OF REGIONAL SOLICITOR
DEPARTMENT OF THE INTERIOR

UNITED STATES OF AMERICA

By: *Pablo R. Anaya*
ACTING FOR Regional Director, Mid-Pacific Region
Bureau of Reclamation

(SEAL)

PLACER COUNTY WATER AGENCY

By: *Joshua Alpine*
Chair of the Board of Directors
Joshua Alpine

Attest:

By: *Cheri Sprunck*
Secretary of the Board of Directors

1 **RESOLUTION NO. 14- 05 OF THE BOARD OF**
2 **DIRECTORS OF THE PLACER COUNTY WATER AGENCY**
3 **APPROVING AN INTERIM RENEWAL CONTRACT WITH**
4 **UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF**
5 **RECLAMATION FOR CENTRAL VALLEY PROJECT WATER**
6 **SERVICE FROM THE AMERICAN RIVER DIVISION AND**
7 **AUTHORIZING ITS EXECUTION**

8 WHEREAS, in 2001, the Agency entered into an Amendatory water service contract
9 with the United States for water from the federal Central Valley Project ("CVP") that provided for
10 deliveries of CVP water until December 31, 2011 with option for renewal for an additional 25
11 years; and

12 WHEREAS, in August, 2002, the Agency and United States executed an
13 Amendment to the Amendatory Contract that did not change the term of that Contract; and

14 WHEREAS, the term of the current Amendatory Contract as amended ends on
15 February 28, 2014; and

16 WHEREAS, the United States is precluded from entering into a Long-Term
17 Renewal Contract with the Agency at this time due to challenges to the environmental
18 documentation necessary to execute such a Contract; and

19 WHEREAS, the Agency has requested an Interim Renewal Contract pursuant to
20 Section 3404(c)(1) of the CVPIA and;

21 WHEREAS, the terms of the Interim Renewal Contract do not provide for any
22 change in the terms and conditions of the Amendatory Contract as amended, but provide a
23 contractual basis for continued deliveries of Central Valley Project water through February 29,
24 2016; and

25 WHEREAS, PCWA's only diversion of CVP water has been from Folsom
26 Reservoir and such diversions will not change within the term of the Interim Contract;

27 **NOW THEREFORE BE IT RESOLVED:**

28 The Board hereby finds and determines that the foregoing recitals are true and correct.

1 1. The Board hereby finds that the Agency's diversions under the Interim Contract
2 will have no potential for any significant adverse effect on the physical environment

COPY
PCWA 138

2. The Board hereby directs the Agency staff to prepare and file a Notice of Exemption and file it in the prescribed form in compliance with the California Environmental Quality Act .

3. The Board of Directors of the Placer County Water Agency approves the proposed Interim Renewal Contract Between the United States and Placer County Water Agency Providing for Project Water Service From the American River Division, Contract No. 14-06-200-5082(A)-IR2, attached to this Resolution as Exhibit A; and

BE IT FURTHER RESOLVED, that the Chair of the Board of Directors is hereby authorized to execute the Interim Renewal Contract.

The foregoing resolution was duly passed at a regular meeting of the Board of Directors of the Placer County Water Agency held on the 20th day of February, 2014, by the following vote on roll call:


AYES DIRECTORS: Gray Allen, Robert Dugan, Mike Lee, Primo Santini,
Chair Joshua Alpine

NOES DIRECTORS: None


ABSENT: None

Signed and approved by me after its passage this 20th day of February, 2014.

ATTEST:



Clerk, Board of Directors
Placer County Water Agency



Joshua Alpine, Chair
Board of Directors
Placer County Water Agency

CERTIFICATION

The foregoing instrument is a correct copy of the original on file at the Placer County Water Agency, Auburn, California.

ATTEST: 

Cheri Sprunck
Clerk to the Board of Directors

Dated: 02/21/2014