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8 Attorneys for Plaintiff STONY CREEK WATER
 DISTRICT

9
 10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 COUNTY OF GLENN

12 STONY CREEK WATER DISTRICT, a
 13 California Water District,

Case No. 20CV02425

14 Plaintiff,

SUMMONS

15 v.

16 ALL PERSONS INTERESTED IN THE
 17 MATTER OF THE AMENDMENT TO THE
 EXISTING CONTRACT BETWEEN THE
 18 UNITED STATES AND STONY CREEK
 WATER DISTRICT PROVIDING FOR
 PROJECT WATER SERVICE AND
 19 FACILITIES REPAYMENT,

20 Defendants

21
 22 NOTICE! YOU ARE BEING SUED. THE COURT MAY DECIDE AGAINST YOU
 23 WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN THE TIME LISTED
 24 IN THIS SUMMONS. READ INFORMATION BELOW.

25 (AVISO! HAY UNA DEMANDA EN SU CONTRA. EL TRIBUNAL PUEDE TOMAR
 26 UNA DECISION EN SU CONTRA SIN AUDIENCIA, A MENOS QUE RESPONDA DENTRO
 27 DEL PERIODO QUE SE INDICA EN ESTA CITACION JUDICIAL DE COMPARECENCIA.
 28 LEA LA INFORMACION QUE SIGUE.)

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1 ALL PERSONS INTERESTED IN THE MATTER OF (AVISO PARA TODAS
2 PERSONAS INTERESADOS EN EL ASUNTO DE): THE AMENDMENT TO THE EXISTING
3 CONTRACT BETWEEN THE UNITED STATES AND STONY CREEK WATER DISTRICT
4 PROVIDING FOR PROJECT WATER SERVICE AND FACILITIES REPAYMENT:

5 You may contest the legality or validity of the matter by appearing and filing a written
6 answer to the complaint not later than December 2, 2020. Unless you respond timely, a default
7 will be entered upon application by the Plaintiff, and the Plaintiff may apply to the Court for the
8 relief demanded in the complaint. Persons who contest the legality or validity of the matter will
9 not be subject to punitive action, such as wage garnishment or seizure of their real or personal
10 property. **You may seek the advice of an attorney in any matter connected with the**
11 **complaint or this summons. Such attorney should be consulted promptly so that your**
12 **pleading may be filed or entered within the time required by this summons.**

13 DETAILED SUMMARY OF THE MATTER THAT PLAINTIFF SEEKS TO
14 VALIDATE:

15 The United States constructed and operates the California Central Valley Project (“CVP”
16 or “Project”) for diversion, storage, carriage, distribution, of water; flood control; irrigation,
17 municipal, domestic, and industrial uses; fish and wildlife mitigation, protection and restoration;
18 generation and distribution of electric energy; salinity control; navigation; and other beneficial
19 uses of waters of the Sacramento River, the American River, the Trinity River, and the San
20 Joaquin River and their tributaries.

21 On or about June 26, 1964, the United States and the Orland Water Users’ Association
22 entered into exchange Contract No. 14-06-200-1020A, whereby the United States made water
23 stored in Black Butte Reservoir (“Project Water”) available to the District from the East Park
24 Reservoir of the federal Orland Project. The rights to Project Water from the Orland Project were
25 acquired by the United States pursuant to California law for operation of the CVP.

26 The District and the United States entered into Contract Number 2-07-20-W0261 for the
27 United States that established terms for the delivery to the District of Project Water from Stony
28 Creek and East Park Reservoir from April 19, 1982 through December 31, 2020.

1 In 2005, the District and the United States entered into the Long-Term Renewal Contract
2 Number 2-07-20-W0261-LTR1 (“Existing Contract”), which establishes the terms and conditions
3 for the delivery to the District of Project Water from Stony Creek and East Park Reservoir. The
4 District obtained a judgment in validation following the execution of the Existing Contract.

5 On or about December 16, 2016, the 114th Congress of the United States of America
6 enacted the Water Infrastructure Improvement for the Nation Act (Pub. L. 114-322, 130 Stat.
7 1628) (“WIIN Act”). Section 4011(a)(1) of the WIIN Act provides that: “upon request of the
8 contractor, the Secretary of the Interior shall convert any water service contract in effect on the
9 date of enactment of this subtitle and between the United States and a [Contractor] to allow for
10 prepayment of the repayment contract pursuant to paragraph (2) under mutually agreeable terms
11 and conditions.”

12 In 2019, the District requested that the United States Secretary of the Interior convert,
13 pursuant to the WIIN Act, the District’s Existing Contract to a repayment contract under section
14 9(d) of the federal Act of August 4, 1939 (53 Stat. 1195).

15 On August 14, 2020, at a duly noticed and special meeting of the District’s Board of
16 Directors (the “Board”), the Board adopted Resolution No. 20-01 (the “Resolution”). The
17 Resolution approves and authorizes the execution of the Amendment to the Existing Contract
18 Between the United States and STONY CREEK WATER DISTRICT Providing for Project Water
19 Service and Facilities Repayment, Contract Number 2-07-20-W0261-P to reflect the repayment
20 provisions required by the WIIN Act (the “Amendment”). Prior to this meeting and in accord with
21 the provisions of the Ralph M. Brown Act, Government Code section 54950, et seq., the District
22 timely posted and distributed a written agenda for this meeting describing the Board of Directors’
23 intent to consider the adoption of the Resolution, and providing interested parties with the
24 opportunity to review and comment upon the Resolution and the Amendment.

25 On August 14, 2020, the District executed the Amendment. The United States executed
26 the Amendment on or about September 15, 2020.

27 The District now seeks to validate the execution of the Amendment and the proceedings of
28 the District to approve and authorize the execution of the Amendment pursuant to the Resolution.

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1 Copies of the Amendment and the Resolution may be obtained upon request by
2 telephoning the District at (530) 774-7937. Copies of the Amendment and the Resolution may
3 also be viewed on the website for the Tehama-Colusa Canal Authority ("TCCA") at
4 www.tccanal.com. The District will post the Summons at the place of the District's regular
5 meetings, located at 584 Country Road 303, Elk Creek, California 95939, in the same manner that
6 the Districts posts and distributes agendas for meetings pursuant to provisions of the Ralph M.
7 Brown Act, Government Code section 54950, *et seq.*

8 The name and address of the court is: (El nombre y dirección de la corte es)
9 Glenn County Superior Court
10 821 E. South Street
11 Orland, CA 95963

12 The name, address and telephone number of Plaintiffs attorney is: (El nombre, la dirección
13 y el número de teléfono del abogado del demandante es)
14 Rebecca R.A. Smith
15 Downey Brand, LLP
16 621 Capitol Mall, 18th Floor
17 Sacramento, CA 95814
18 (916) 444-1000

JEREMY BENJAMIN

Superior Court Clerk

SHARIF ELMALLAH

22 Dated: OCT 07 2020
23 (Fecha)
24 (Delegado)

Clerk, by JEREMY BENJAMIN, Deputy
(Actuario)

