

APPENDIX A

PROPOSED

2004 INTERIM RENEWAL CONTRACT SAMPLES

R.O. Draft 12/12-2003

R.O. Draft 11/06-2003

Irrigation and/or M&I

Contract No. _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Central Valley Project, California

INTERIM RENEWAL CONTRACT BETWEEN THE UNITED STATES
AND
NAME OF ENTITY/DISTRICT
PROVIDING FOR PROJECT WATER SERVICE

THIS CONTRACT, made this _____ day of _____, 2004, in pursuance generally of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory or supplementary thereto, including, but not limited to, the acts of August 26, 1937 (50 Stat. 844), as amended and supplemented, August 4, 1939 (53 Stat. 1187), as amended and supplemented, July 2, 1956 (70 Stat. 483), June 21, 1963 (77 Stat. 68), October 12, 1982 (96 Stat. 1263), as amended and Title XXXIV of the Act of October 30, 1992 (106 Stat. 4706), all collectively hereinafter referred to as Federal Reclamation law, between THE UNITED STATES OF AMERICA, hereinafter referred to as the United States, and [name of district/entity], hereinafter referred to as the Contractor, a public agency of the State of California, duly organized, existing, and acting pursuant to the laws thereof, with its principal place of business in _____(City), California;

WITNESSETH, That:

EXPLANATORY RECITALS

WHEREAS, the United States and the Contractor entered into an interim renewal contract identified as Contract No. _____-IR__ (use last long-form IR), hereinafter referred to as the Interim Renewal Contract, which provided for the continued water service to the Contractor following expiration of Contract No. _____(insert original contract number); and

31 WHEREAS, the United States and the Contractor have entered into successive renewals of
32 the Interim Renewal Contract, the most recent of which is Contract No. _____ -
33 IR____(use most recent interim renewal contract) hereinafter referred to as the Existing Interim Renewal
34 Contract from March 1, 2003, through February 29, 2004; and

35 WHEREAS, the United States and the Contractor have made significant progress in their
36 negotiations of a long-term renewal contract, believe that further negotiations on the long-term renewal
37 contract would be beneficial, and mutually commit to continue to negotiate to seek to reach agreement,
38 but anticipate that the environmental documentation necessary for execution of any long-term renewal
39 contract will be delayed at least an additional 7 months, and may be delayed further for reasons beyond
40 the control of the parties; and

41 WHEREAS, the Contractor has requested a subsequent interim renewal contract pursuant
42 to Subdivision (b)(1) of Article 2 of the Interim Renewal Contract and Article 1 of the Existing Interim
43 Renewal Contract; and

44 WHEREAS, the United States has determined that the Contractor has to date fulfilled all
45 of its obligations under the Existing Interim Renewal Contract; and

46 WHEREAS, the United States is willing to renew the Existing Interim Renewal Contract
47 pursuant to the terms and conditions set forth below;

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

50 INCORPORATION AND REVISION OF EXISTING INTERIM RENEWAL CONTRACT

51 1. The terms and conditions of the Existing Interim Renewal Contract are hereby
52 incorporated by reference into this Contract with the same force and effect as if they were included in full
53 text with the exception of Article 1 thereof, which is revised as follows:

54 (a) The first sentence in Subdivision (a) of Article 1 of the Existing Interim
55 Renewal Contract is modified as follows: "This interim renewal contract shall be effective from March 1,

56 2004, and shall remain in effect through February 28, 2006, and thereafter will be renewed as described in
57 Subdivision (a) of Article 2 of the Interim Renewal Contract if a long-term renewal contract has not been
58 executed with an effective commencement date of March 1, 2006; Provided, that if a long-term renewal
59 contract has been executed with an effective commencement date of March 1, 2005, this interim renewal
60 contract shall expire on February 28, 2005.”

61 (b) Subdivision (b) of Article 1 of the Existing Interim Renewal Contract is
62 amended by deleting the date “February 15, 2004,” and replacing same with the date
63 “February 15, 2006.”

64 (c) Subdivision (c) of Article 1 of the Existing Interim Renewal Contract is
65 amended by deleting the dates “February 1, 2004,” “February 15, 2004,” and “February 29, 2004,” and
66 replacing same with the dates “February 1, 2006,” “February 15, 2006,” and “February 28, 2006,”
67 respectively.

68 IN WITNESS WHEREOF, the parties hereto have executed this interim renewal contract
69 as of the day and year first above written.

70 THE UNITED STATES OF AMERICA

71 By: _____
72 Regional Director, Mid-Pacific Region
73 Bureau of Reclamation

74 (SEAL) **NAME OF ENTITY/DISTRICT**

75 By: _____
76 President

77 Attest:

78 _____
79 Secretary

