

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 THE CITY OF TRACY  
8 PROVIDING FOR PROJECT WATER SERVICE

9 THIS CONTRACT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2014,  
10 in pursuance generally of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory or  
11 supplementary thereto, including, but not limited to, the acts of August 26, 1937 (50 Stat. 844),  
12 as amended and supplemented, August 4, 1939 (53 Stat. 1187), as amended and supplemented,  
13 July 2, 1956 (70 Stat. 483), June 21, 1963 (77 Stat. 68), October 12, 1982 (96 Stat. 1263), as  
14 amended, and Title XXXIV of the Act of October 30, 1992 (106 Stat. 4706), all collectively  
15 hereinafter referred to as Federal Reclamation law, between the UNITED STATES OF  
16 AMERICA, hereinafter referred to as the United States, and the CITY OF TRACY, hereinafter  
17 referred to as the Contractor, a public agency of the State of California, duly organized, existing,  
18 and acting pursuant to the laws thereof;

19 WITNESSETH, That:

20 EXPLANATORY RECITALS

21 WHEREAS, the United States and the Banta-Carbona Irrigation District  
22 (Banta-Carbona) entered into interim renewal Contract (long-form interim renewal contract)  
23 No. 14-06-200-4305A-IR1, which provided for the continued water service of 25,000 acre-feet

24 of Central Valley Project (CVP) water to Banta-Carbona following expiration of Contract  
25 No. 14-06-200-4305A; and

26 WHEREAS, the United States and Banta-Carbona entered into successive  
27 renewals, of which the last long-form interim renewal contract was Contract  
28 No. 14-06-200-4305A-IR5, hereinafter referred to as IR5; and

29 WHEREAS, on February 27, 2004, the Contractor, Banta-Carbona, and the  
30 United States executed a partial assignment agreement, “Agreement for Assignment of Portion  
31 of Water Service Contract”, which assigned to the Contractor the rights, duties, and obligations  
32 of Banta-Carbona’s Contract No. 14-06-200-4305A-IR7 for 5,000 acre-feet; and

33 WHEREAS, the United States and the Contractor entered into the first interim  
34 renewal contract identified as Contract No. 14-06-200-4305A-IR9-B, hereinafter referred to as  
35 IR9-B; and

36 WHEREAS, the United States and the Contractor have entered into successive  
37 renewals of IR9-B, the most recent of which is Contract No. 14-06-200-4305A-IR13-B,  
38 hereinafter referred to as IR13-B, effective March 1, 2012, through February 28, 2014; and

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

45 WHEREAS, the Contractor has requested a subsequent interim renewal contract  
46 pursuant to IR13-B; and

47 WHEREAS, the United States has determined that the Contractor has to date  
48 fulfilled all of its obligations under IR13-B; and

49 WHEREAS, the United States is willing to renew IR13-B pursuant to the terms  
50 and conditions set forth below;

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

53 RENEWAL AND REVISION OF  
54 CONTRACT NO. 14-06-200-4305A-IR13-B

55 1. Except as specifically modified by this Contract, all provisions of IR13-B are  
56 renewed with the same force and effect as if they were included in full text with the exception of  
57 Article 1 of IR13-B thereof, which is revised as follows:

58 (a) The first sentence in subdivision (a) of Article 1 of IR13-B is replaced  
59 with the following language: “This Contract shall be effective from March 1, 2014, and shall  
60 remain in effect through February 29, 2016, and thereafter will be renewed as described in  
61 Article 2 of IR5 if a long-term renewal contract has not been executed with an effective  
62 commencement date of March 1, 2016.”

63 (b) Subdivision (b) of Article 1 of IR13-B is amended by deleting the date  
64 “February 15, 2014,” and replacing same with the date “February 15, 2016.”

65 (c) Subdivision (c) of Article 1 of IR13-B is amended by deleting the dates  
66 “February 1, 2014,” “February 15, 2014,” and “February 28, 2014,” and replacing same with  
67 the dates “February 1, 2016,” “February 15, 2016,” and “February 29, 2016,” respectively.

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

70                   UNITED STATES OF AMERICA

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

74 (SEAL)

75                   CITY OF TRACY

76                   By: \_\_\_\_\_  
77                   City Manager

78 Attest:

79 By: \_\_\_\_\_  
80                   Secretary