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AMENDED

ELECTRONICALLY FILED
Merced Superior Court
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Amanda Toste
Clerk of the Superior Court
By: Susie Reynoso, Deputy

1 LAUREN D. LAYNE #273627
llayne@bakermanock.com
2 DIANE E. CODERNIZ # 279458
dcoderniz@bakermanock.com
3 JESSICA S. JOHNSON #328222
jsjohnson@bakermanock.com
4 Baker Manock & Jensen, PC
5260 North Palm Avenue, Fourth Floor
5 Fresno, California 93704
Telephone: 559.432.5400
6 Facsimile: 559.432.5620

7 Attorneys for PACHECO WATER DISTRICT

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF MERCED, LOS BANOS DIVISION**

11
12 PACHECO WATER DISTRICT, a California
water district,

13 Plaintiff,

14 v.

15 ALL PERSONS INTERESTED IN THE
16 MATTER of the Authorization of the Contract
Between the United States and Pacheco Water
17 District Providing for Project Water Service
San Luis Unit and Delta Division and
18 Facilities Repayment, Contract No. 6-07-20-
W0469-P and the Proceedings Related
19 Thereto,

20 Defendants.

Case No. 21CV-00245

SUMMONS

(CITATION JUDICIAL)

[Code Civ. Proc. §§ 860 *et seq.*]

**[Calendar Preference per Code of Civil
Procedure § 867]**

Case Filed:

21 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**

22 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND NOT LATER THAN**

23 **MARCH 15, 2021. READ THE INFORMATION BELOW.**

24 **AVISO! USTED HA SIDO DEMANDADO. EL TRIBUNAL PUEDE DECIDIR CONTRA**

25 **USTED SIN AUDIENCIA A MENOS QUE USTED RESPONDA NO MAS TARDE QUE**

26 **EL DIA 15 DE MARZO DE 2021. LEA LA INFORMACION QUE SIGUE.**

**ALL PERSONS INTERESTED IN THE MATTER OF THE AUTHORIZATION OF THE
CONTRACT BETWEEN THE UNITED STATES AND PACHECO WATER DISTRICT
PROVIDING FOR PROJECT WATER SERVICE SAN LUIS UNIT AND DELTA
DIVISION AND FACILITIES REPAYMENT, CONTRACT NO. 6-07-20-W0469-P, AND
THE PROCEEDINGS RELATED THERETO (THE “CONVERSION CONTRACT”):**

Plaintiff has filed a civil complaint against you. You may contest the validity of the above matter by appearing and filing with the Court a written responsive pleading to the complaint not later than March 15, 2021, which is ten (10) or more days after the completion of the publication of this summons in the *Merced County Times* and the *Fresno Business Journal*. Your pleading must be in the form required by the California Rules of Court. Your original pleading must be filed in this Court with proper filing fees and proof that a copy thereof was served on Plaintiff’s attorney. Unless you so respond, your default will be entered upon Plaintiff’s application, and the Plaintiff may apply to the Court for the relief demanded in the complaint. Persons who contest the validity of the matter described below and in the complaint will not be subject to punitive action, such as wage garnishment or seizure of their real or personal property.

**DETAILED SUMMARY OF THE MATTER THAT PLAINTIFF SEEKS TO
VALIDATE:**

The Pacheco Water District (the “District”) is a California water district located in Merced and Fresno Counties, with its principal office in Los Banos, California. Pursuant to applicable statutes and other authorities, the District is authorized to perform various duties and functions related to providing irrigation water to landowners within the District’s boundaries. Specifically, the District is authorized to enter into contracts with and cooperate with the United States for delivery of irrigation water. Beginning in 1967, the District has contracted with the United States Department of Interior, Bureau of Reclamation (“Reclamation”) for delivery of water through the federal Central Valley Project (“CVP”) water reclamation dams, canals, and other facilities. The District uses the contracted CVP water to provide irrigation water to its customers in the District.

On December 16, 2016, the United States Congress enacted the Water Infrastructure Improvements for the Nation Act, Pub.L. 114-322 (2016) (the “WIIN Act”). Pursuant to Section

4011(a) of the WIIN Act, in 2019, the District requested that Reclamation convert its existing water supply contract to a repayment contract under Section 9(d) of the 1939 Reclamation Project Act (53 Stat. 1187) (the "1939 Act"). The District and Reclamation entered into negotiations for the Conversion Contract beginning in May 2019. In August 2020, Reclamation posted the unexecuted negotiated Conversion Contract on its website for a public comment period. After the comment period ended on October 6, 2020, Reclamation provided the unexecuted Conversion Contract to the District for the approval of the District's Board of Directors and authorization for signature. The Conversion Contract will provide continued water delivery to the District and its customers and shall remain in force unless or until the District does not make the annual payments for the delivered water. A copy of the Conversion Contract is attached to the District's complaint as Exhibit 2.

The District publicly noticed its special Board of Directors meeting agenda on the District's website, notifying the public of the Board of Director's ("Board") consideration of the Conversion Contract to be held on December 23, 2020. The December 23, 2020 meeting was duly adjourned by the Board to December 28, 2020. At the Board meeting on December 28, 2020, the Board approved the Conversion Contract and authorized the execution and delivery of the Conversion Contract to Reclamation, and related actions in furtherance of executing the Conversion Contract. A copy of the Resolution is attached to the District's complaint as Exhibit 1.

The District brought this validation action to confirm the validity of the Conversion Contract and the related proceedings. The validation complaint, the accompanying exhibits, and a copy of this Summons are available upon request at the District's offices and publicly available on the District's website at:

643 "J" Street
Los Banos, CA 93635
<https://pachecowd.specialdistrict.org/>

Attorneys for the District, identified below, may also be contacted to obtain these documents.

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1 YOU MAY SEEK THE ADVICE OF AN ATTORNEY IN ANY MATTER CONNECTED
2 WITH THE COMPLAINT OR THIS SUMMONS. SUCH ATTORNEY SHOULD BE
3 CONTACTED PROMPTLY SO THAT YOUR PLEADING MAY BE FILED OR
4 ENTERED WITHIN THE TIME REQUIRED BY THIS SUMMONS.

5 SI USTED DESEA SOLICITAR EL CONSEJO DE UN ABOGADO EN ESTE ASUNTO,
6 DEBERIA HACERLO IMMEDIATAMENTE. TAL ABOGADO DEBERIA SER
7 CONSULTADO PRONTO PARA QUE SU REPUESTA ESCRITA PUEDA SER
8 REGISTRADA DENTRO DEL TIEMPO REQUERIDO POR ESTA CITACION
9 JUDICIAL.

10 The name and address of the Court is (el nombre y dirección del Tribunal es):

11 Merced County Superior Court
12 Los Banos Division
13 The Robert M. Falasco Justice Center
14 1159 "G" Street
15 Los Banos, California 93635

16 CASE NUMBER (Número del Caso): **21CV-00245**

17 The name, address, and telephone number of Plaintiff's attorneys are (El nombre, la
18 dirección y el número de teléfono del abogado del demandante es):

19 Lauren D. Layne
20 Diane E. Coderniz
21 Baker Manock & Jensen, PC
22 5260 North Palm Avenue, Fourth Floor
23 Fresno, California 93704
24 Telephone: 559.432.5400
25 Facsimile: 559.432.5620

26 Dated: 02/03/2021
27 (Fecha)

28 AMANDA TOSTE
Clerk, by: *Rafael Gonzalez*, Deputy
(Secretario) (Adjunto)

[SEAL]

[SELLO]

