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Attorneys for Plaintiff COUNTY OF COLUSA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF COLUSA

COUNTY OF COLUSA,

Plaintiff,

v.

ALL PERSONS INTERESTED IN THE
MATTER OF THE AMENDMENT TO THE
EXISTING CONTRACT BETWEEN THE
UNITED STATES AND COUNTY OF
COLUSA PROVIDING FOR PROJECT
WATER SERVICE AND FACILITIES
REPAYMENT,

Defendants.

Case No. **CV24516**

SUMMONS

*Assigned for all purpose to the Honorable
Jeffrey A. Thompson, Dept. 1*

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

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

ALL PERSONS INTERESTED IN THE MATTER OF (AVISO PARA TODAS

1 PERSONAS INTERESADOS EN EL ASUNTO DE): THE AMENDMENT TO THE EXISTING
2 CONTRACT BETWEEN THE UNITED STATES AND COUNTY OF COLUSA PROVIDING
3 FOR PROJECT WATER SERVICE AND FACILITIES REPAYMENT:

4 You may contest the legality or validity of the matter by appearing and filing a written
5 answer to the complaint not later than May 6, 2021. Unless you respond timely, a default will be
6 entered upon application by the Plaintiff, and the Plaintiff may apply to the Court for the relief
7 demanded in the complaint. Persons who contest the legality or validity of the matter will not be
8 subject to punitive action, such as wage garnishment or seizure of their real or personal property.

9 **You may seek the advice of an attorney in any matter connected with the complaint or this**
10 **summons. Such attorney should be consulted promptly so that your pleading may be filed**
11 **or entered within the time required by this summons.**

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

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

20 In 2005, County of Colusa (the “County”) entered into a contract for water service with the
21 United States, Contract No. 14-06-200-8310A-LTR1, which provided for the delivery to the
22 County of water diverted through and stored within CVP facilities (“Project Water”). The County
23 obtained a judgment in validation following the execution of the Existing Contract.

24 On or about December 16, 2016, the 114th Congress of the United States of America
25 enacted the Water Infrastructure Improvement for the Nation Act (Pub. L. 114-322, 130 Stat.
26 1628) (“WIIN Act”). Section 4011(a)(1) of the WIIN Act provides that: “upon request of the
27 contractor, the Secretary of the Interior shall convert any water service contract in effect on the
28 date of enactment of this subtitle and between the United States and a [Contractor] to allow for

1 prepayment of the repayment contract pursuant to paragraph (2) under mutually agreeable terms
2 and conditions.”

3 In 2020, the County requested that the United States Secretary of the Interior convert,
4 pursuant to the WIIN Act, the County’s Existing Contract to a repayment contract under section
5 9(d) of the federal Act of August 4, 1939 (53 Stat. 1195).

6 On January 5, 2021, at a duly noticed and regular meeting of the County’s Board of
7 Directors (the “Board”), the Board adopted Resolution No. 21-003 (the “Resolution”). The
8 Resolution approves and authorizes the execution of the Amendment to the Existing Contract
9 Between the United States and County of Colusa Providing for Project Water Service and
10 Facilities Repayment, Contract Number 14-06-200-8310A-P, to reflect the repayment provisions
11 required by the WIIN Act (the “Amendment”). Prior to this meeting and in accord with the
12 provisions of the Ralph M. Brown Act, Government Code section 54950, et seq., the County
13 timely posted and distributed a written agenda for this meeting describing the Board of Directors’
14 intent to consider the adoption of the Resolution, and providing interested parties with the
15 opportunity to review and comment upon the Resolution and the Amendment.

16 On January 5, 2021, the County executed the Amendment. The United States executed the
17 Amendment on February 1, 2021.

18 The County now seeks to validate the execution of the Amendment and the proceedings of
19 the County to approve and authorize the execution of the Amendment pursuant to the Resolution.

20 Copies of the Amendment and the Resolution may be obtained upon request by
21 telephoning the County at (530) 458-0508. Copies of the Amendment and the Resolution may
22 also be viewed on the County’s website at www.countyofcolusa.org. The County will post the
23 Summons at the place of the County’s regular meetings, located at 547 Market St., Suite 102,
24 Colusa, California 95932, in the same manner that the County posts and distributes agendas for
25 meetings pursuant to provisions of the Ralph M. Brown Act, Government Code section 54950, *et*
26 *seq.*

27 The name and address of the court is: (El nombre y dirección de la corte es)
28 Colusa County Superior Court

DOWNEY BRAND LLP

1 547 Market Street
2 Colusa, California 95932

3 The name, address and telephone number of Plaintiff's attorney is: (El nombre, la
4 dirección y el número de teléfono del abogado del demandante es)

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9 (916) 444-1000

10
11 ERIKA F. VALENCIA ~~JESSIE DOBERSTEIN~~

Superior Court Clerk

12
13 Dated: MAR 25 2021
14 (Fecha)
15 (Delegado)

Clerk, by ~~JESSIE DOBERSTEIN~~, Deputy
(Actuario)

16
17 [SEAL]
[SELLO]

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