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[Exempt From Filing Fee
Government Code § 6103]

FILED/ENDORSED
Clerk of the Superior Court

APR 05 2024

By *[Signature]*
DEPUTY CLERK

6 Attorneys for SOLANO COUNTY WATER
AGENCY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SOLANO

10 SOLANO COUNTY WATER AGENCY,
11 Plaintiff,

Case No. CU24-01949

12 v.

~~PROPOSED~~ ORDER GRANTING EX
PARTE APPLICATION FOR
APPROVAL, ISSUANCE, AND
PUBLICATION OF SUMMONS FOR
VALIDATION ACTION

13 ALL PERSONS INTERESTED IN THE
14 MATTER OF THE CONTRACT BETWEEN
THE UNITED STATES AND SOLANO
15 COUNTY WATER AGENCY PROVIDING
FOR WATER SERVICE,

*Assigned for all purposes to the Honorable
Christine N. Donovan, Dept. 10*

16 Defendants.

Date: April 5, 2024
Time: 11:00 a.m.
Dept.: 10

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18 The Ex Parte Application for Order for Approval, Issuance, and Publication of Summons
19 for Validation Action, Declaration of Brian E. Hamilton, this [Proposed] Order for Approval,
20 Issuance, and Publication of Summons for Validation Action, and related papers filed by Plaintiff
21 Solano County Water Agency (the "Agency"), having been duly submitted and reviewed by this
22 Court in accordance with Code of Civil Procedure section 860, and good cause appearing:

23 IT IS HEREBY ORDERED:

- 24 1. The Ex Parte Application is granted.
25 2. The Summons in the form attached to this Order as Exhibit A is hereby approved,
26 and the Clerk of the Court is directed to issue the Summons.
27 3. Jurisdiction over "ALL PERSONS INTERESTED IN THE MATTER OF THE
28 CONTRACT BETWEEN THE UNITED STATES AND SOLANO COUNTY WATER

1 AGENCY PROVIDING FOR WATER SERVICE” shall be had by the publication of the
2 Summons in substantially identical form to that issued by the Clerk of the Court, in the Vallejo
3 *Times Herald* and the *Woodland Daily Democrat*, once a week, for three successive weeks, as
4 specified in Government Code section 6063.

5 4. In addition to publication of the Summons, the Agency will provide notice of the
6 pendency of the above-captioned proceeding in the following manner:

7 a. The Agency will make copies of the Summons, Complaint, Renewal
8 Agreement, and Resolution available upon request by telephoning the Agency at (707) 451-6090.

9 b. The Agency will make copies the Summons, Complaint, Renewal
10 Agreement, and Resolution available to be viewed on the Agency’s website at www.scwa2.com.

11 c. The Agency will post the Summons at the place of the Agency’s regular
12 meetings, located at 810 Vaca Valley Parkway, California 95688 in the same manner that the
13 Agency posts and distributes agendas for meetings pursuant to provisions of the Ralph M. Brown
14 Act, Government Code section 54950.

15 5. The above notice requirements comply with Code of Civil Procedure sections 861
16 and 861.1 and constitute sufficient notice to confer jurisdiction over “All Persons Interested” in
17 this action.

18 IT IS SO ORDERED:

19 DATED: April 5, 2024


20
21 
22 _____
CHRISTINE N. DONOVAN
23 Judge of the Superior Court
24
25
26
27
28

Exhibit A

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1 DOWNEY BRAND LLP
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6 Attorneys for SOLANO COUNTY WATER
7 AGENCY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SOLANO

10 SOLANO COUNTY WATER AGENCY,

Case No. CU24-01949

11 Plaintiff,

SUMMONS

12 v.

*Assigned for all purposes to the Honorable
Christine N. Donovan, Dept. 10*

13 ALL PERSONS INTERESTED IN THE
14 MATTER OF THE CONTRACT BETWEEN
15 THE UNITED STATES AND SOLANO
16 COUNTY WATER AGENCY PROVIDING
17 FOR WATER SERVICE,

16 Defendants.

18 ALL PERSONS INTERESTED IN THE MATTER OF (AVISO PARA TODAS
19 PERSONAS INTERESADOS EN EL ASUNTO DE): THE CONTRACT BETWEEN THE
20 UNITED STATES AND SOLANO COUNTY WATER AGENCY PROVIDING FOR WATER
21 SERVICE:

22 You may contest the legality or validity of the matter by appearing and filing a written
23 answer to the complaint not later than June 3, 2024. Unless you respond timely, a default will be
24 entered upon application by the Plaintiff, and the Plaintiff may apply to the Court for the relief
25 demanded in the complaint. Persons who contest the legality or validity of the matter will not be
26 subject to punitive action, such as wage garnishment or seizure of their real or personal property.

27 **You may seek the advice of an attorney in any matter connected with the complaint or this**
28 **summons. Such attorney should be consulted promptly so that your pleading may be filed or**



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1 entered within the time required by this summons.

2 DETAILED SUMMARY OF THE MATTER THAT PLAINTIFF SEEKS TO
3 VALIDATE:

4 The United States Bureau of Reclamation ("United States") constructed the Solano Project
5 ("Solano Project" or "Project") for flood control and for the storage, diversion, carriage,
6 distribution, and beneficial use of water of Putah Creek for the purpose of agricultural, municipal,
7 industrial, and domestic consumption, and other purposes. The United States provides for the
8 delivery of water from the Solano Project to the Agency pursuant to Contract No. 14-06-200-
9 4090R (*Contract Between the United States and Solano County Water Agency Providing for*
10 *Water Service* hereinafter "Master Contract"). Article 2 of the Master Contract provides that it
11 shall be renewed upon request by the Agency, pursuant to the Acts of July 2, 1956 (70 Stat. 483),
12 and June 21, 1963 (77 Stat. 68).

13 The Agency timely initiated the renewal process, and negotiated a final form of renewal of
14 the Master Contract with the United States, in the form of the Renewal Agreement. The Renewal
15 Agreement involves no increase in existing water service or contractual water allocations; no new
16 construction, expansion, or any modification to the existing distribution system of the Agency or
17 the Solano Project; nor any change in the source of water to be delivered, the area of its use, the
18 ownership of the water rights, or the uses to which such supplies will be put.

19 On February 8, 2024, at a duly noticed and regular meeting of the Agency's Board of
20 Directors, the Board of Directors adopted authorized the execution and delivery of the Renewal
21 Agreement as set forth in Resolution No. 2024-02 (the "Resolution"). Prior to this meeting and in
22 accord with the provisions of the Ralph M. Brown Act, Government Code section 54950 et seq.,
23 the Agency timely posted and distributed a written agenda for this meeting describing the Board of
24 Directors' intent to consider the adoption of the Resolution, and providing interested parties with
25 the opportunity to review and comment upon the Resolution and Renewal Agreement.

26 Through the Board's adoption of the Resolution, the Board authorized the approval,
27 execution, and delivery of the Renewal Agreement and authorized additional actions in
28 furtherance thereof. On February 8, 2024, the Agency executed the Renewal Agreement. The

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1 Renewal Agreement was fully executed by all parties as of February 26, 2024.

2 Copies of the Renewal Agreement and the Resolution may be obtained upon request by
3 telephoning the Agency at (707) 451-6090. Copies of the Renewal Agreement and the Resolution
4 may also be viewed on the Agency's website at www.scwa2.com. The Agency will post the
5 Summons at the place of the Agency's regular meetings, located at 810 Vaca Valley Parkway,
6 California 95688, in the same manner that the Agency posts and distributes agendas for meetings
7 pursuant to provisions of the Ralph M. 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 Solano County Superior Court

10 600 Union Ave.

11 Fairfield, CA 94533

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 Brian E. Hamilton

15 Downey Brand, LLP

16 621 Capitol Mall, 18th Floor

17 Sacramento, CA 95814

18 (916) 444-1000

19

20

21

Superior Court Clerk

22 Dated: _____

23 (Fecha)
24 (Delegado)

Clerk, by _____, Deputy
(Actuario)

25

26 [SEAL]
[SELLO]

27

28