

AGREEMENT NO. 01-140(1)

WATER BOARD AGREEMENT NO. 01-08 W.B.

**AMENDMENT NO. 1 TO AGREEMENT NO. 01-140
THE EXTRACTION, EXCHANGE & DELIVERY OF BANKED GROUNDWATER
AGREEMENT**

THIS AMENDMENT NO. 1 TO AGREEMENT NO. 01-140 is made and entered into on JAN 26 2005, by and between the **CITY OF BAKERSFIELD**, a Charter city and municipal corporation, ("CITY" herein) and **CALIFORNIA WATER SERVICE COMPANY**, a California public utility water corporation, ("CAL WATER" herein).

RECITALS

WHEREAS, on June 13, 2001, CITY and CAL WATER entered into Agreement No. 01-140 concerning an exchange of Kern River water for stored groundwater to allow delivery to CAL WATER's Kernville system; and

WHEREAS, CAL WATER has projected the annual water demand for its Kernville system to exceed the 500 acre-feet as specified in Agreement No. 01-140; and

WHEREAS, CAL WATER and CITY desire to amend Agreement No. 01-140 to increase the quantity of water available for exchange.

NOW, THEREFORE, incorporating the foregoing recitals herein, CITY and CAL WATER mutually agree to amend Agreement No. 01-140 as follows:

1. Section 3. **QUANTITY**, is hereby amended to read as follows:

1. **QUANTITY**. CITY agrees to deliver to CAL WATER an amount, not to exceed one thousand (1,000) acre-feet per year, of City's Kern River water supply, as set forth in this Agreement, for use by CAL WATER for operation of its Kernville system, with a delivery schedule compatible with CITY Kern River operations and CAL WATER needs for the Kernville system.

2. Except as amended above, all terms and conditions of Agreement No. 01-140 shall continue in full force and effect.



IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to Agreement No. 01-140 to be executed, the day and year first-above written.

"CITY"

"CAL WATER"

CITY OF BAKERSFIELD

CALIFORNIA WATER SERVICE COMPANY

By: [Signature]
HARVEY L. HALL
Mayor

By: [Signature]
Title: Vice President

APPROVED AS TO FORM
VIRGINIA GENNARO
City Attorney

By: [Signature]
Title: Corporate Secretary

By: [Signature]
ALLEN SHAW
Deputy City Attorney

APPROVED AS TO CONTENT:
WATER RESOURCES DEPARTMENT

By: [Signature]
FLORN CORE
Water Resources Manager

COUNTERSIGNED:

By: [Signature]
GREGORY J. KLIMKO
Finance Director

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9/3/2004

