

AGREEMENT

This AGREEMENT is made and entered into this 21st day of MAY, 2019, by and between the DELANO-EARLIMART IRRIGATION DISTRICT, hereinafter called the Seller, and COUNTY OF TULARE, hereinafter called the Purchaser.

WITNESSETH:

THAT WHEREAS, the Purchaser desires, on behalf of Alpaugh Irrigation District, to obtain from Seller, a portion of Seller's 2019-2020 Class 2 water supply under its contract with the U.S. Bureau of Reclamation (USBR) for Central Valley Project water; and

WHEREAS, the Seller desires to sell and deliver the same to Purchaser.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Seller does hereby assign, transfer, sell and authorize the USBR to deliver to Purchaser from Seller's 2019-2020 Class 2 supply, up to 1,000 acre-feet of water belonging to it to the Purchaser, for Alpaugh Irrigation District, to be delivered before February 29, 2020, as scheduled by Alpaugh Irrigation District.
2. Alpaugh Irrigation District agrees to pay the Seller directly for up to 1,000 acre-feet, payment to be made within 45 days of invoice receipt. In addition, Alpaugh Irrigation District agrees to pay all charges related to acquisition, delivery, pumping and administration and will hold harmless, defend and indemnify Tulare County from any cost or expenses claims, actions, damages or losses of any kind, including death, related to this transaction.
3. Delivery of water shall be out of Millerton Reservoir. Specific delivery dates shall be such as Alpaugh Irrigation District and the USBR may determine and agree upon except as otherwise herein specified or as may be mutually further agreed upon by Alpaugh Irrigation District, the Seller, the USBR and the County.
4. This Agreement shall constitute an authorization of said USBR to deliver the amounts of water hereinabove agreed upon.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

By: [Signature]
Delano-Earlimart Irrigation District

By: _____
Chairman, Board of Supervisors
Tulare County

By: [Signature]
Alpaugh Irrigation District

Approved as to Form:

By: [Signature]
County of Tulare

By: [Signature]
Deputy County Counsel

waiver no. 20191328