

JEPA Amendment No. 4

**AMENDMENT NO. 4
TO
AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT
BETWEEN THE
DEPARTMENT OF WATER RESOURCES, STATE OF CALIFORNIA
AND THE
AUTHORITY**

This Amendment No. 4 to the October 26, 2018 Amended And Restated Joint Exercise of Powers Agreement Between the Department of Water Resources of the State of California (“DWR”), as previously amended, and the Delta Conveyance Design and Construction Joint Powers Authority (“Authority”) is entered into and effective as of the last date set forth on a signature page hereto.

RECITALS

WHEREAS, in May 2018 DWR and the Authority (collectively “the Parties”) entered into a Joint Exercise of Powers Agreement and in October 2018 into an Amended and Restated Joint Exercise of Powers Agreement, whereby the Authority has been retained by DWR to manage the design and construction of California WaterFix under DWR’s ultimate control and oversight;

WHEREAS, the State has set a new water policy for California and on May 2, 2019 DWR withdrew its approval of the California WaterFix project and announced it would embark on new planning and environmental documentation for Delta Conveyance;

WHEREAS, the parties entered into that Amendment No. 1 to the Amended and Restated Joint Exercise of Powers Agreement (“Amendment No. 1”) to outline the initial planning and engineering services that the Authority will provide to DWR during its consideration of a potential Delta Conveyance;

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WHEREAS, the parties entered into that Amendment No. 2 to the Amended and Restated Joint Exercise of Powers Agreement, as amended, to increase the Initial Contribution and make certain other changes;

WHEREAS, the parties entered into that Amendment No. 3 to the Amended and Restated Joint Exercise of Powers Agreement, as amended, (collectively, the "Agreement") to increase the Initial Contribution and make certain other changes;

WHEREAS, Government Code section 6504 permits parties to a joint exercise of powers agreement to contribute funds, personnel and services, subject to repayment as set forth in such agreement; and

WHEREAS, consistent with Section 6504 and applicable law, the parties desire to further amend the Agreement to increase the increase the Initial Contribution.

NOW THEREFORE, in consideration of the mutual covenants contained in the Agreement and this Amendment No. 4, the parties hereby agree to amend the Agreement as follows.

AMENDMENT

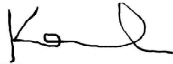
- A. The Initial DWR Contribution as defined in paragraph C of Amendment No. 2, and as increased by Amendment No. 3, is hereby further increased to be a total amount of \$43.2 million.

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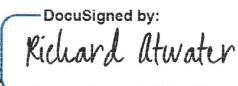
Except as hereby amended, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereto affixed their names as of the day
and year hereinafter written.

**STATE OF CALIFORNIA
DEPARTMENT OF WATER
RESOURCES**

By: 
Title: Director
Date: 10/20/2020

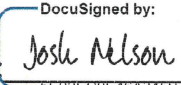
**DESIGN AND CONSTRUCTION
AUTHORITY**

By: 
Title: President of the Board of Directors
Date: 10/16/2020

Approved as to legal form and consistency

By: 
Chief Counsel

Approved as to legal form and consistency

By: 
General Counsel