

FIRST AMENDMENT TO TRUST WATER RIGHT AGREEMENT

This First Amendment to the Trust Water Right Agreement (“Amendment”) is entered into by and between the State of Washington, Department of Ecology (“Ecology”) and Yakima River Mitigation Water Services LLC (“Yakima Mitigation Services”), a Washington limited liability company, each of which are also herein referred to individually as “Party” and collectively as “Parties,” pursuant to Chapters 90.38 and 90.42 Revised Code of Washington.

RECITALS

- A. The Parties entered into that certain Trust Water Right Agreement dated September 30, 2011 (“Trust Agreement”).
- B. The Trust Agreement includes an acknowledgement by the Parties that additional trust water rights may be placed in the Yakima River Mitigation Services Exchange to be used as Mitigation Credits in accordance with the Trust Agreement.
- C. On July 2, 2013 Ecology issued its Draft Report of Examination for Trust Water Rights Application No. CS4-01939sb9 (“ROE”) and authorized a quantity of consumptive use water in the amount of 27.89 acre feet per year (afy) of water to offset and mitigate new ground water uses in the Yakima Basin.
- D. The ROE acknowledges that the Trust Water under Trust Water Rights Application No. CS4-01939sb9 will be administered in accordance with the Trust Agreement.
- E. The Trust Agreement provides that the Parties may amend the Agreement upon written agreement by both Parties.
- F. The Parties now desire to add additional water rights into the Yakima River Mitigation Services Exchange to be used as Mitigation Credits in accordance with the Trust Agreement.

AMENDMENT

In consideration of the mutual covenants set forth herein, the Parties agree as follows:

1. Exhibit A to the Trust Agreement is amended to include Court Claim No. 01939.
2. Exhibit B to the Trust Agreement is amended to include the legal description for the land appurtenant to Court Claim No. 01939.
3. Exhibit C to the Trust Agreement is amended to include Ecology’s ROE for Trust Water Rights Application No. CS4-01939sb9.
4. Except as provided herein, the terms of the Trust Agreement dated September 30, 2011 remain in full force and effect and binding on the Parties.



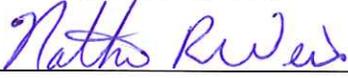
DATED this 29 day of AUGUST 2013.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

By: 

Title: Section Manager

YAKIMA RIVER MITIGATION
WATER SERVICES LLC

By: 

Title: _____