

FOURTH AMENDED INTERLOCAL AGREEMENT
REGARDING THE PURCHASE OF WATER RIGHTS PURSUANT TO THE
TRUCKEE RIVER WATER QUALITY SETTLEMENT AGREEMENT

WHEREAS, on July 28, 1998, the City of Reno, a municipal corporation, hereinafter “Reno,” the City of Sparks, a municipal corporation, hereinafter “Sparks,” and the County of Washoe, a political subdivision of the State of Nevada, hereinafter referred to as “Washoe,” entered into an amended and restated interlocal agreement regarding the purchase of water rights pursuant to the Truckee River Water Quality Settlement Agreement, hereinafter referred to as the “Interlocal Agreement;” and

WHEREAS, on April 23, 2013, the parties entered into the Third Amended Interlocal Agreement Regarding The Purchase of Water Rights pursuant to the Truckee River Water Quality Settlement Agreement with regard to the use of funds for outside legal representation; and

WHEREAS, nominal fees were incurred for outside legal representation; and, as of February 1, 2018, there is approximately \$725,226.11 of interest earnings remaining after expenditure of the \$12 million dollar obligation; and

WHEREAS, as a result of the water rights purchases made to satisfy the Water Quality Settlement Agreement, the parties were required to enter into the Water Rights Operations & Maintenance Assessment Agreement, hereinafter referred to as “TCID Agreement,” with Truckee-Carson Irrigation District, hereinafter referred to as “TCID; and

WHEREAS, the TCID Agreement provides for an option of a one-time payment which terminates the annual assessment and the obligation of payment per the agreement; and

WHEREAS, the one-time payoff is the sum of \$682,231.48 which is due prior to June 30, 2018; and

WHEREAS, the Local Government Oversight Committee, hereinafter referred to as “LGOC,” created pursuant to the Interlocal Agreement to manage the purchase of water rights and the transfer of water rights, with concurrence of the Department Heads of the parties, is recommending the Interlocal Agreement be amended for the purpose of using the interest earnings to pay off the obligation to TCID, any remaining Water Quality Settlement Program Costs, and to disburse the remaining balance to the parties.

NOW, THEREFORE, the parties hereto agree to amend the Interlocal Agreement as follows:

1. Section 2. G. is amended to read: The approximate sum of \$725,226.11 shall be used and disbursed as follows: First, for the one-time payment in the approximate sum of \$682,231.48 to TCID per section 5 of the TCID Agreement which provides "The LOCAL GOVERNMENTS, may make a one time payment, at anytime the LOCAL GOVERNMENTS so decide, to the DISTRICT as full payment of all future O & M assessments against the subject water rights and subject water rights shall not be further assessed by the District"; second, to pay any remaining Water Quality Settlement program costs; and third, to disburse the remaining funds, if any, to the parties in equal amounts.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Amendment to the Agreement effective as of the _____ day of _____, 2018.

-SIGNATURE PAGE FOLLOWS-

CITY OF RENO

Attest: _____
Ashley D. Turney, City Clerk

By: _____
Hillary L. Schieve, Mayor

Approved as to form:

Susan Ball Rothe, Deputy City Attorney

CITY OF SPARKS

Attest: _____
Teresa Gardner, City Clerk

By: _____
Geno Martini, Mayor

Approved as to form:

Chet Adams, City Attorney

COUNTY OF WASHOE

Attest: _____
Nancy Parent, County Clerk

By: _____
Marsha Berkbigler, Chair
Washoe County Commission

Approved as to form:

Paul Lipparelli, Assistant District Attorney