

**AMENDMENT NO. 5
TO MEMORANDUM OF UNDERSTANDING
BETWEEN
TORRANCE, BERNALILLO AND SANTA FE COUNTIES
REGARDING
THE WATER PLANNING ACTIVITIES AFFECTING THE ESTANCIA BASIN**

THIS AMENDMENT is made and entered into as of this 17th day of January, 2014, 2013, by and between **Santa Fe County, Torrance County, and Bernalillo County**, political subdivisions of the State of New Mexico (hereinafter referred to as the "Parties").

WHEREAS, 1995 the Parties entered into a Memorandum of Understanding ("MOU") dated August 23, 1995 (the "1995 MOU") for coordinated water resource planning for the Estancia Underground Water Basin, a hydrologically closed drainage basin described in an exhibit to the MOU;

WHEREAS, through the MOU the parties established the Estancia Basin Water Planning Committee ("EBWPC") whose purpose and objectives are fully described in the MOU;

WHEREAS, regional water planning is promoted and supported by the New Mexico Interstate Stream Commission and initial water planning research for the Estancia Basin has been included as part of the regional water planning process of the Middle Rio Grande Council of Governments;

WHEREAS, since 2004 Santa Fe County has provided funds to support activities of the EBWPC and the continued provision of funds has been documented in the form of amendments to the 1995 MOU;

WHEREAS, since the initial amendment in 2004, Santa Fe County has provided a total of \$59,500.00 to the EBWPC by Amendment Nos. 1, 2, 3 and 4;

WHEREAS, Santa Fe County has agreed to provide funding for fiscal year 2014 to assist the EBWPA with its water planning activities, including the EBWPC's groundwater measurement and monitoring program, administration of water planning activities, educational programs and maintaining an inventory of vetted water rights within the Estancia Basin.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The MOU dated August 23, 1995 is amended by deleting the "SECTION 3" that was added by Amendment No. 4 and replacing it with a new "SECTION 3.A" on Page 4 and re-designating the subsequent section as "SECTION 4."

"SECTION 3.A" shall read as follows:

SECTION 3.A FUNDING FOR EBWPC ACTIVITIES.

- (i) SANTA FE COUNTY shall make available \$10,000 for FY 2013 to the EBWPA to fund the activities described in SECTIONS 1 and 3 herein, including but not limited to groundwater

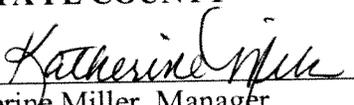
measurement and monitoring program, administration of water planning activities, educational programs, maintaining an inventory of vetted water rights within the Estancia Basin and use as a cash match for other sources of funding. Upon receipt of invoices for services rendered and approved by Santa Fe County, payment of invoices will be made within thirty (30) days.

(ii) SANTA FE COUNTY shall make available \$10,000 for FY 2014 to the EBWPA to fund the activities described in SECTIONS 1 and 3.A herein, including but not limited to groundwater measurement and monitoring program, administration of water planning activities, educational programs, maintaining an inventory of vetted water rights within the Estancia Basin and use as a cash match for other sources of funding. Upon receipt of invoices for services rendered and approved by Santa Fe County, payment of invoices will be made within thirty (30) days.

2. All other provisions of the 1995 MOU as amended by Amendments Nos. 1, 2, 3, 4 and this Amendment No. 5, shall remain in full force and effect.

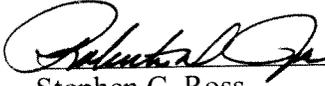
IN WITNESS WHEREOF, the parties have executed this Amendment No. 5 as of the last date of signature below.

SANTA FE COUNTY


Katherine Miller, Manager
Santa Fe County

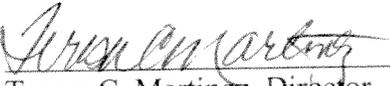
10-23-13
Date

Approved as to form:


Stephen C. Ross
Santa Fe County Attorney

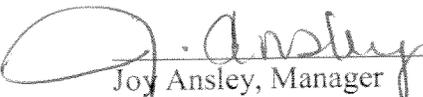
10/21/13
Date

Department of Finance


Teresa C. Martinez, Director

10/23/13
Date

TORRANCE COUNTY


Joy Ansley, Manager

1-29-14
Date

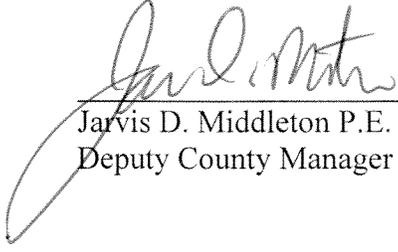
BERNALILLO COUNTY


Tom Zdunek, Manager

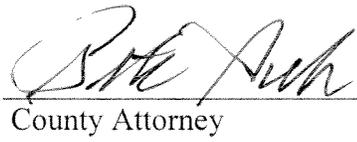
12/11/13
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County of Bernalillo:

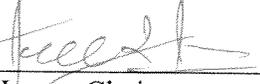
RECOMMENDED BY:

 12/17/13
Jarvis D. Middleton P.E. Date
Deputy County Manager for Public Works

APPROVED AS TO FORM ONLY:

 12/17/13
County Attorney Date

ESTANCIA BASIN WATER PLANNING COMMITTEE



John L. Jones, Chair



Date

