AMENDMENT 1
TO
INTERLOCAL AGREEMENT BETWEEN
CONSOLIDATED DIKING IMPROVEMENT DISTRICT #22 AND
PUBLIC UTILITY DISTRICT No. 1 OF SKAGIT COUNTY

Public Utility District No. 1 of Skagit County ("Skagit PUD") and Consolidated Diking Improvement District #22 of Skagit County (CDID #22), in consideration of mutual covenants herein, agree as follows:

The Parties entered into an Interlocal Agreement on April 12, 2024, which is incorporated herein by this reference. The parties hereby agree to the following:

The following is added:

2025 STATEMENT OF WORK

1. The parties agree the conditions of the temporary change authorization are as follows:
   i. Temporary 2025 Change Authorization. Skagit PUD will prepare an "Application for Change/Transfer of a Water Right" for submittal to the Washington State Department of Ecology (Ecology) for a temporary seasonal water rights transfer unrelated to any drought declaration. The application will request authorization for CDID #22 to divert surface water in 2025 from the Skagit River from May 15, 2025, to October 1, 2025.

   ii. Withdrawal Terms

   CDID #22 is only permitted to pump water from the established diversion points (shown in the attached figures) in the following amounts and are over and above those permitted in CDID #22's interruptible water rights. **The amounts listed below are cumulative amounts for all of the diversions within CDID #22, and supersede variations from the amounts listed in Ecology authorizations.**

   (1) Maximum total instantaneous rate of 2,500 gallons per minute (5.57 cfs)

   (2) Maximum total withdrawal of 1,000 acre-feet

   When the Skagit River is above the flows in the instream flow rule, any withdrawals will be counted against CDID #22's interruptible water right. When the flows are below the flows in the instream flow rule, withdrawals will be counted against Skagit PUD's water rights under the terms contained within this agreement and the change authorization from Ecology.

   CDID #22 shall comply with all lawful conditions of the application and Ecology authorization documents.

Skagit PUD will make a reasonable attempt to obtain Ecology authorization for the water rights changes but cannot guarantee such approvals.

The following conditions are a requirement of this agreement and will be included in the applications. Additional conditions may be required by Ecology and may change from year to year:

(1) Water use under this authorization can occur at any time of day, regardless of the tidal condition, up to the maximum agreed-upon flow rate.

(2) A Skagit PUD metering device that records historical pumping data will be installed by Skagit PUD at each diversion point identified by this authorization. CDID #22 shall provide reasonable access to the irrigation pipelines to facilitate meter installation.

(3) Detailed written records, including pumping flow rates, totalizer meter readings, and total volumes, will be collected by Skagit PUD.

iii. Duration

Surface water withdrawals by CDID #22 will be from May 15, 2025, and ending on or before October 1, 2025, contingent on Ecology authorization.

Surface water withdrawals by CDID #22 will not commence until Skagit PUD has provided written authorization separate from the Ecology water right authorizations.

iv. Payment by CDID #22 to Skagit PUD

CDID #22 agrees to compensate Skagit PUD a **non-refundable water transfer fee of $5,250** for the seasonal use of PUD water rights in 2025, which must be paid before May 15. The compensation includes the following:

(1) Administrative fee for Skagit PUD staff to manage the water rights transfers and the data.

(2) Volume of 300 acre-feet of water to be used during the water rights transfer period. Any volume pumped over 300 acre-feet will be billed to CDID #22 at $14.18 per acre-foot.

(3) Meter installation and maintenance fee for a single diversion location. There will be an additional fee of $1,050 for each added diversion location to account for the extra metering equipment.

The water meter and telemetry equipment shall be installed, owned, and maintained by Skagit PUD, similar to other metered customers. Skagit PUD will remove the equipment at the end of the irrigation season. CDID #22 can install their metering equipment on the diversions for their operations, but only the Skagit PUD meter will be used to determine the total volume pumped using the PUD water right.

The water transfer fee must be paid by May 15, but the charges for any additional volume pumped over 300 acre-feet will be billed at the end of the irrigation season and must be paid by December 1.

v. Penalties for Non-Conformance

In the event that a maximum flow rate is exceeded over four, 15-minute intervals within any 12-hour period during the seasonal pumping window or pumping occurs outside of that window, based on the information provided by the metering equipment, all withdrawals under this agreement shall stop immediately and will not resume until an investigation determines the cause. If there is evidence of negligence or intentional unauthorized withdrawals, a monetary penalty will be imposed by Skagit PUD upon CDID #22 of $500 per day of non-compliance. CDID #22 agrees to pay all lawful regulatory monetary penalties arising from non-compliance to which Skagit PUD is subject caused by CDID #22.

vi. Interruption of Service

In the event of a declared operational emergency by the PUD Board of Commissioners where Skagit PUD requires the flexibility to use its full uninterruptible water right to serve its other customers with permanent metered services, the seasonal water rights transfer to CDID #22 may be reduced or canceled until the issues are resolved, and the emergency canceled.

The Parties agree that, except as specifically provided in this amendment, the terms and conditions of the Temporary Water Service Agreement dated April 12, 2024 shall continue in full force and effect.

DATED this 29 day of April, 2025.

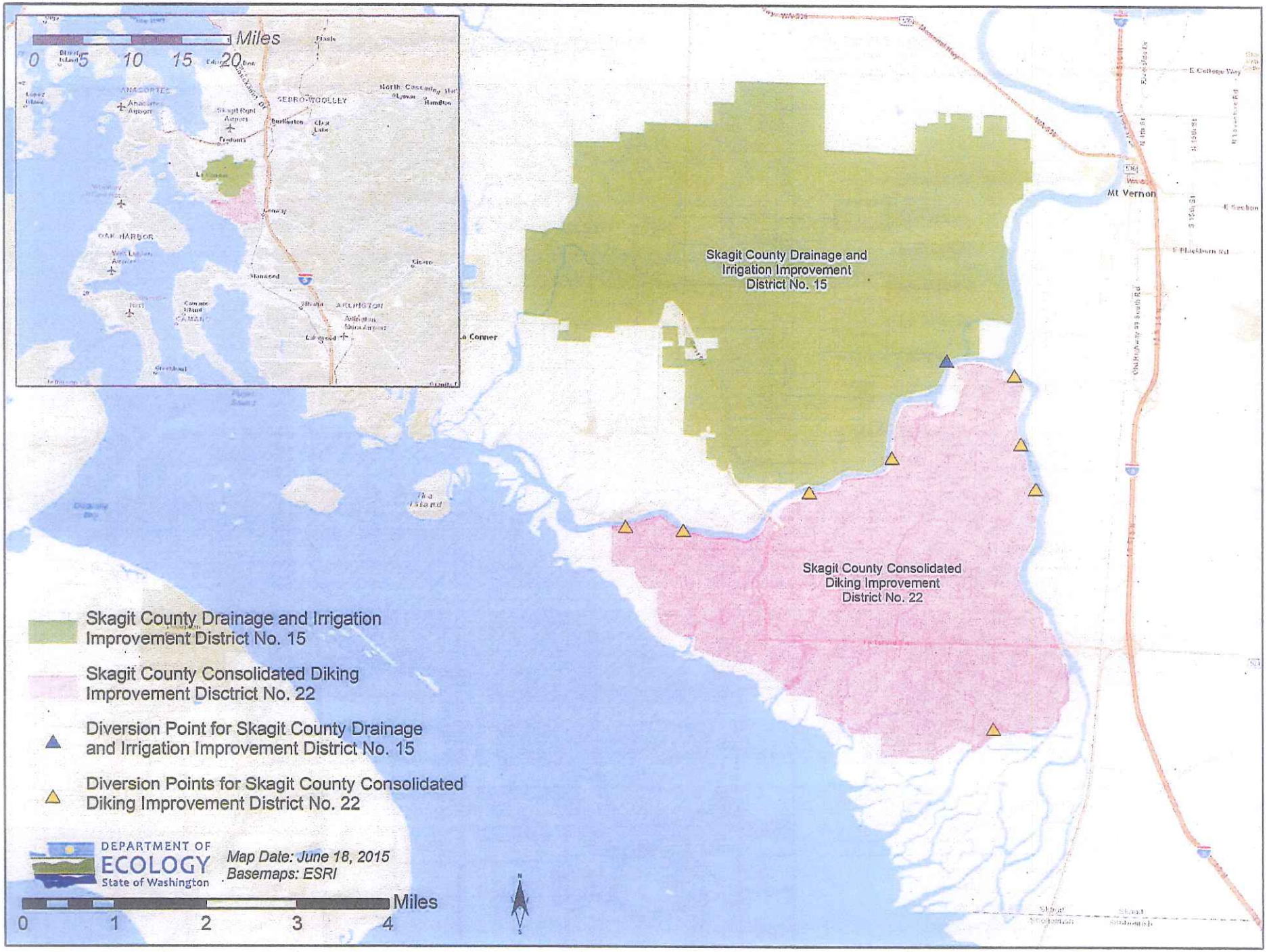
Consolidated Diking Improvement District #22

By: Greg Lee #5
Name: Commissioner Position #

Public Utility District No. 1 of Skagit County

GSidhu

George Sidhu, P.E., General Manager


Miles
0 5 10 15 20
Skagit County Drainage and Irrigation Improvement District No. 15
Skagit County Consolidated Diking Improvement District No. 22
Mt Vernon
Skagit County Drainage and Irrigation Improvement District No. 15
Skagit County Consolidated Diking Improvement Disctrict No. 22
Diversion Point for Skagit County Drainage and Irrigation Improvement District No. 15
Diversion Points for Skagit County Consolidated Diking Improvement District No. 22
DEPARTMENT OF ECOLOGY
State of Washington
Map Date: June 18, 2015
Basemaps: ESRI
Miles
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