

## **SECOND AMENDMENT TO THE ADVANCED FUNDS AGREEMENT**

Whereas, the **INDIAN WELLS VALLEY WATER DISTRICT** (District) and the **INDIAN WELLS VALLEY GROUNDWATER AUTHORITY** (Authority) entered into an Advanced Funds Agreement on December 13, 2017 (“Agreement”), and an Amendment on June 29, 2018 (“Amendment”) regarding the District’s advancement of funds to the Authority to allow work to continue on the Groundwater Sustainability Plan (Agreement).

Whereas, Section 3 of the Agreement specifies the terms for reimbursement of said funds to the District.

Whereas, Section 3(c) of the Agreement states that “[T]he Parties reserve the right to mutually agree upon different terms subject to the written approval of the Parties.”

Whereas, pursuant to the Amendment, the Parties clarified that the \$500,000 advance would be “deferred and the District will seek reimbursement and/or credit from future assessments, charges and/or fees imposed by the Authority”.

Whereas, the District now agrees to advance additional funds, estimated at \$120,000, to cover costs associated with the GA’s work related to identifying potential funding sources for the infrastructure required to bring imported water to the IWV basin.

Whereas, the Parties agree that all monies paid by the District pursuant to this Second Amendment will be subject to the same terms and conditions as the original \$500,000 advance, as evidenced by the Agreement and the Amendment.

The Parties, based upon mutual consideration, hereby agree as follows:


1. All monies paid by the District pursuant to this Second Amendment will be subject to the same terms and conditions as the original \$500,000 advance, as evidenced by the Agreement and the Amendment.
2. All other provisions of the Agreement shall remain in full force and effect.
3. This modification shall be effective immediately upon execution by the Parties.

Dated this 20th day of August 2020.

**INDIAN WELLS VALLEY  
WATER DISTRICT**

By:   
David SaintAmand, Acting President  
Board of Directors

**INDIAN WELLS VALLEY  
GROUNDWATER AUTHORITY**

By:   
Mick Gleason, Chairperson  
Board of Directors