

THIRD AMENDMENT TO MASTER RESERVOIR LEASE

This Third Amendment to the September 10, 1996, Master Reservoir Lease (SCVWD Agreement No. A1969) between the Santa Clara Valley Water District, a California Special District, (District) and the County of Santa Clara, a political subdivision of the State of California, (County) is entered into this _____ day of _____ 2016.

WHEREAS; the Master Lease Agreement has been in effect since September 10, 1996, and was amended on December 13, 2005 and on October 22, 2009 ; and

WHEREAS; the parties wish to consider a partnership agreement to include modifications of the Master Reservoir Lease agreement and are currently discussing terms of this proposed partnership agreement; and

WHEREAS; nothing herein shall preclude the parties from amending the Master Reservoir Lease in the future;

NOW THEREFORE, for good and valuable consideration the parties agree to the foregoing and as follows:

1. AMENDMENT. The Master Reservoir Lease, as previously amended by the First Amendment of December 13, 2005 and the Second Amendment of October 22, 2009 is hereby amended as follows: The Master Reservoir Lease is amended to extend its termination date to September 16, 2018.

2. FULL FORCE AND EFFECT. Except as modified herein, the terms and conditions of the Master Reservoir Lease, as previously amended, are hereby ratified and confirmed and are and shall remain in full force and effect. This Third Amendment shall be construed to be part of the Master Reservoir Lease, as previously amended, and shall be deemed incorporated into the Master Reservoir Lease, as previously amended, by this reference.

3. AUTHORITY. Each of the undersigned warrant and represent that they have the authorization to sign this Third Amendment on behalf of his or her respective Party.

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4. COUNTERPARTS. This Third Amendment may be executed in several counterparts, and all of such counterparts so executed together shall be deemed to constitute one and the same agreement, and each such counterpart shall be deemed to be an original. Facsimile or electronic signatures shall have the same legal effect as original or manual signatures if followed by mailing of a fully executed original to both parties.

IN WITNESS WHEREOF, the undersigned have executed this Third Amendment effective as of the last date signed below by all of the parties.

SANTA CLARA VALLEY WATER DISTRICT

COUNTY OF SANTA CLARA

By: _____

Norma J. Camacho
Interim Chief Executive Officer

Date: _____

By: _____

Dave Cortese, President
Board of Supervisors

Date: _____

ATTEST: _____

Michele King, Clerk of the Board of Directors

ATTEST: _____

Megan Doyle, Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

APPROVED AS TO FORM AND LEGALITY:

Brian Hopper
Senior Assistant District Counsel

Shirley R. Edwards
Deputy County Counsel