

**AMENDMENT No. 2 TO  
DESIGN AND ENGINEERING  
FUNDING AGREEMENT  
BETWEEN THE  
INTERSTATE STREAM COMMISSION  
AND 1892 LUNA IRRIGATION DITCH ASSOCIATION**

The New Mexico Interstate Stream Commission (“ISC”) and 1892 Luna Irrigation Ditch Association (the “Ditch Association”) entered into a Ditch Improvement Design and Engineering Funding Agreement (the “Agreement”) on August 31, 2016. The ISC and the Ditch Association (collectively “the Parties”) entered into Amendment No. 1 to the Agreement on April 3, 2017. The Parties now wish to amend the Agreement again.

WHEREAS, the ditch operated by the Ditch Association is located on U.S. Forest Service (“Forest Service”) lands in Catron County, New Mexico; and

WHEREAS, the Forest Service has incorporated the Ditch Association’s diversion structure project, which is the subject of the Agreement, as part of its action alternatives for the Luna Restoration Project Environmental Impact Statement (“EIS”); and

WHEREAS, Notice of Intent for this EIS was issued in May 2016, the Draft EIS was published in March 2018 and a Record of Decision is anticipated in September 2019; and

WHEREAS, because its project has been incorporated into this EIS project, the Ditch Association cannot proceed with designing or implementing its project until the Record of Decision has been issued by the Forest Service; and

WHEREAS, the anticipated timeline for the Forest Service EIS means that the Ditch Association will be unable to complete its design and engineering work by the current Reversion Date in Amendment No. 1 to the Agreement, which is June 30, 2019.

NOW THEREFORE, in consideration of the mutual benefits, covenants and obligations contained in the Agreement, the Parties agree as follows:

1. Article I.C. is hereby amended to reflect that the Reversion Date shall be December 31, 2020. All references to the Reversion Date in the Agreement henceforth refer to December 31, 2020.


IN WITNESS WHEREOF, the Parties have executed this Amendment No. 2 as of the date of last signature.

**1892 LUNA IRRIGATION DITCH ASSOCIATION**

  
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Ed Nail, Chair

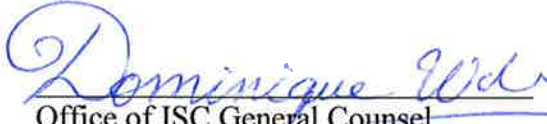
Date: 5/2/19

**INTERSTATE STREAM COMMISSION**

  
~~for~~ ISC Director STATE ENGINEER

Date: 5/29/19

Approved as to legal sufficiency:

  
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Office of ISC General Counsel

Date: 5/13/19