

AMENDMENT TO
KINGS RIVER FISHERIES MANAGEMENT PROGRAM
FRAMEWORK AGREEMENT

THIS AMENDMENT is made and effective as of June 26, 2009 by and between the Kings River Water Association (the "Association"), the Kings River Conservation District (the "District") and the State of California, acting by and through the California Department of Fish and Game (the "Department"), and is made with reference to the following facts:

A. The parties are also the parties to that certain Kings River Fisheries Management Program Framework Agreement dated as of May 28, 1999 (the "Framework Agreement"), which implements a comprehensive program to enhance the broad range of fish and wildlife resources associated with the Kings River and Pine Flat Reservoir (the "Program").

B. The parties believe that the Program has provided, and will continue to provide, significant benefits to the Kings River fishery, the environment, and the public in general. As a result, the parties are committed to the continued implementation of the Program.

C. Section 1(f) of the Framework Agreement provides for a ten year commitment of funding by the parties to support the Program. In order to ensure a continued funding source for the Program, the parties wish to amend Section 1(f) of the Framework Agreement to extend that commitment for an additional ten years.

THEREFORE, the Association, the District and the Department agree as follows:

1. Amendment of Section 1(f). Section 1(f) of the Framework Agreement is amended to read in its entirety as follows:

"The Association and the District will collectively provide \$100,000 per year (in cash, in kind services, or a combination of both) for twenty years commencing upon the execution of this Framework Agreement to design, install, operate and maintain selected physical improvements to the Kings River below Pine Flat Dam (including without limitation the creation of spawning sites, fish passage facilities, and fish habitat improvements) which will enhance fish and wildlife resources and the public's enjoyment thereof, all where appropriate, feasible and consistent with Corps of Engineers flood control requirements. The Department desires to participate in the funding of those projects at a level comparable to that collectively provided by the Association and the District. Recognizing that the Department cannot commit funding from the State Legislature in the absence of an authorization and appropriation, to the extent legally permitted, the Department will diligently seek appropriations, grants and other sources of funding for at least \$2,000,000 during that same twenty-year period, the proceeds of which will be additive to the funding provided by the Association and the District and used for the same purposes. Private parties with interests in the Kings River fishery and/or recreation-based economy will be approached about additional funding mechanisms for specific program elements. All annual funding and project

selection will be managed in accordance with the procedures and protocols set forth in the Adaptive Management Procedures attached as Exhibit B. All funding and services provided pursuant to this Section 1(f) will be in addition to funding and services routinely provided by each of the parties prior to the execution of this Framework Agreement.”

2. Effect of Amendment. This Amendment is effective as of the date first above written. Except as expressly amended hereby, the Framework Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

KINGS RIVER WATER ASSOCIATION

By: 
Norman Waldner, Chairman

KINGS RIVER CONSERVATION DISTRICT

By: 
Mark McKean, President

CALIFORNIA DEPARTMENT OF FISH AND GAME

By: 
John McCammon, Chief Deputy Director