

ADDENDUM TO MEMORANDUM OF AGREEMENT BETWEEN
Wallowa Lake Irrigation District, Confederated Tribes of the Umatilla Indian Reservation, Nez
Perce Tribe, and the Oregon Department of Fish and Wildlife

This Addendum to Memorandum of Agreement is executed (in counterparts) by the Wallowa Lake Irrigation District ("WLID"), Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, and Oregon Department of Fish and Wildlife on the dates set out below. These entities are hereinafter referred to collectively as the "Parties."

RECITALS

A. The Parties executed the Memorandum of Agreement ("MOA") pursuant to the provisions of House Bill 5030 (2019), which authorized the Oregon State Treasurer to issue lottery bonds in the 2019-2021 biennium by an amount that produces \$14,000,000.00 in net proceeds for the purpose of rehabilitating the Wallowa Lake Dam (the "Project") on the condition that the Parties enter into an agreement regarding the protection and release of instream water from Wallowa Lake.

B. On July 10, 2020, the State of Oregon, Department of Administrative Services ("DAS") issued written notice to WLID that lottery revenue bonds will not be issued in the spring of 2021 and that funding will not be available for the Project; however, the July 10, 2020 notice advised that DAS will notify recipients if the official projection of lottery revenues in the OEA September or December 2020 forecast improves to a level that would support the issuance of additional lottery bonds to fund the project.

C. WLID did not receive notice from DAS in December 2020 as to whether the lottery bond revenue forecast for the 2019-2021 biennium improved to a level that would support the issuance of additional lottery bonds to fund the Project.

D. In early December 2020, the Oregon Governor issued a Recommended Budget for the 2021-2023 biennium, which includes a grant of \$14,000,000.00 from lottery bond revenues to WLID for the Project. Accordingly, it is the Parties' understanding that the lottery bonds authorized by HB 5030 have been cancelled and that the issuance of lottery bonds in the 2021-2023 biennium will supplant the lottery bonds authorized under HB 5030 for purposes of funding the Project.

E. Based on the Parties' mutual understanding that the lottery bonds authorized under HB 5030 have been cancelled, the Parties convened on December 17, 2020 pursuant to Section 9.d of the MOA to confer on the feasibility of alternate funding sources for the Project. The Parties agree that funding proposed by the Oregon Governor in the Recommended Budget for the 2021-2023 biennium is a feasible alternate funding source for the Project and the Parties desire to memorialize their agreement as set forth in this Addendum.

AGREEMENT

1. The issuance of lottery bonds sufficient to produce \$14,000,000.00 in net proceeds in the 2021-2023 biennium as proposed by the Oregon Governor is a feasible alternate funding source for the Project.

2. The MOA will remain in effect pending the outcome of the Oregon legislature's vote to approve or deny the Governor's proposed grant of \$14,000,000.00 in net proceeds from lottery bond revenues to WLID in the 2021-2023 biennium for the Project.

3. Consistent with paragraph 9.d of the MOA, if funding is not made available as contemplated in paragraph 2 above (due to the failure of the Oregon legislature to pass the Oregon Governor's proposed allocation to WLID in the 2021-2023 biennium or as a result of the cancellation or reduction of lottery bonds that are approved in the 2021-2023 biennium), the parties will convene within 60 days from the date of the triggering event (i.e. failure of legislation, termination or reduction of bonds) to confer on the feasibility of alternate funding sources. If WLID determines that no such alternate funding sources are feasible, WLID may terminate the MOA upon written notice to the Parties.

4. This Addendum may be executed in several counterparts, all of which when taken together shall constitute one agreement, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Addendum so executed constitutes an original.

5. EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS ADDENDUM, UNDERSTANDS IT, AND AGREES TO BOUND BY ITS TERMS AND CONDITIONS.

IN WITNESS WHEREOF, the Parties have executed this Addendum as of the dates set forth below.

[*SIGNATURES ON FOLLOWING PAGES IN COUNTERPARTS*]

N. Kathryn Brigham

N. Kathryn Brigham
Board of Trustees Chair
Confederated Tribes of the Umatilla Indian Reservation

2/22/21

Date



Shannon F. Wheeler
Chairman
Nez Perce Tribe

1-29-21

Date

Rachel P. Edwards

Rachel P. Edwards
Secretary
Nez Perce Tribe

01-29-2021

Date

Curtis E Melcher

Curtis E. Melcher
Director
Oregon Department of Fish and Wildlife

January 21, 2021
Date

Dan Butterfield

Dan Butterfield
President
Wallowa Lake Irrigation District

1-26-21

Date