

MODIFICATION NO. 1
POTOMAC RIVER LOW FLOW ALLOCATION AGREEMENT
DATED AS OF JANUARY 11, 1978

ARTICLE 2.C.2. is modified by adding the phrase "On or before March 15 of each year," at the beginning of the first sentence.

ARTICLE 2.C.3.a. is modified by adding the following paragraphs at the end thereof:

"During such time as there is in effect a legally enforceable agreement by and among the Aqueduct, the District, the Authority and the Commission providing for the regional management of all their water supply facilities for the benefit of the Washington Metropolitan Area and the proposed Little Seneca Lake has been constructed and is operational, the foregoing paragraph shall be inoperative and the following paragraph shall become operative.

The allocation formula set forth in Article 2.C.2., or any subsequently revised or replacement formula, may be revised or replaced by unanimous agreement of the governing parties as herein provided. At the April 1985 meeting of the parties and at each fifth annual April meeting thereafter, the parties shall review and evaluate the fairness and reasonableness of the formula then in effect in the light of: experience gained in the operation of the agreement during the preceding five year period; then current estimates of future water demands in the Washington Metropolitan Area; adequacy of then available and prospective future supplies of water to satisfy future demands; experience gained in the regional management of available water supply facilities to optimize their use; factors listed in subparagraph 2.C.3.b.; and such other factors as may be pertinent. If as a result of any such review and evaluation the governing parties shall determine that the formula

ARTICLE 2.C.5. is modified to read as follows:

"5. The water subject to the allocation formula under the terms of this Agreement includes (i) the maximum capacity then practicable from the Patuxent River and the Occoquan River; (ii) the natural flow of the subject portion of the Potomac River; and (iii) augmented flow of the subject portion of the Potomac River resulting from releases (for whatever purpose) from existing upstream reservoirs, including Bloomington Lake and Savage Lake and from the proposed Little Seneca Lake when completed and operational."

ARTICLE 2.C. is modified by adding the following new paragraph:

"8. In April 1990 and in April of each fifth year thereafter during such time as there is in effect a legally enforceable agreement by and among the Aqueduct, the District, the Authority, and the Commission providing for the regional management of all of their water supply facilities for the benefit of the Washington Metropolitan Area and the proposed Little Seneca Lake has been constructed and is operational, the Aqueduct, the District, the Authority, and the Commission shall review and evaluate the adequacy of the then available water supplies to meet the water demands in the Washington Metropolitan Area which may then be expected to occur during the succeeding twenty year period. If as a result of any such review and evaluation it is determined that additional water supplies will be required to meet the expected demands, the Aqueduct, the District, the Authority, and the Commission shall undertake negotiations to provide the required additional water supplies and, when provided, water from such additional water supplies shall be included as water subject to the allocation formula under the terms of this Agreement."

ADOPTION BY GOVERNING PARTIES

At a meeting held on the 15th day of April 1982, and by subsequent correspondence and telephone polling, representatives of the governing parties unanimously recommend adoption of the foregoing Modification No. 1 of the Potomac River Low Flow Allocation Agreement, dated as of January 11, 1978, and the same is hereby agreed to and adopted by the governing parties as of the dates indicated opposite their signatures.

Witness the following signatures:

ATTEST:

22 JUL 1982

(Date)

22 JUL 1982

(Date)

22 JUL 1982

(Date)

22 JUL 1982

(Date)

THE UNITED STATES OF AMERICA

By _____
Secretary of the Army
J. K. Bratton

Chief of Engineers

THE STATE OF MARYLAND

By _____
Governor

Secretary of Natural Resources

THE COMMONWEALTH OF VIRGINIA

By *Charles S. Robb*

Governor
Joseph H. Crowl

Chairman, State Water Control Board

THE DISTRICT OF COLUMBIA

By *W. R. ...*

Mayor
William B. Galt

Director, Department of Environment
Services

C-E-R-T-I-F-I-C-A-T-E

We, the undersigned representatives of the governing parties to the Potomac River Low Flow Allocation Agreement, dated January 11, 1978, do hereby certify that, at a meeting held on this 15th day of April, 1982, we unanimously approved the hereunto attached Modification No. 1 to the said Agreement and agreed to recommend the adoption thereof by our respective governing parties.

Witness the following signatures:

REPRESENTATIVE OF THE
UNITED STATES OF AMERICA

James W. Beck
COL DISTRICT ENGINEER
(Title)

REPRESENTATIVE OF THE
COMMONWEALTH OF VIRGINIA

David W. Miller
District Manager SWCB
(Title)

REPRESENTATIVE OF THE
STATE OF MARYLAND

James R. Foulter
Sect. Md. Dept. of Natural Res.
(Title)

REPRESENTATIVE OF THE
DISTRICT OF COLUMBIA

William D. Johnson
DIRECTOR DC-DES
(Title)