

ZOOLOGICAL SOCIETY OF SAN DIEGO

*Amendment to Right of Entry Permit to Drill, Operate
and Maintain a Water Well in San Pasqual Valley*

COPY

This amendment is executed by and between the City of San Diego, a municipal corporation (City), and the Zoological Society of San Diego (Permittee) for the purpose of amending that Right of Entry Permit issued by City to Permittee, which is filed as Document RR 257798 in the Office of the City Clerk as follows:

Paragraph 4 - Is changed to read as follows:

Permittee shall assume the defense of and indemnify and save the City of San Diego harmless from all claims, expenses and liability of every kind, nature and description resulting in any manner from extraction and use of water from the property hereinafter described, from the use or condition of the property, and from any and all operations conducted thereon.

Paragraph 16 - The last sentence of the paragraph beginning with "Permittee agrees" is changed to read as follows:

Permittee agrees that regardless of the maximum capacity of the well, pumping operations will not exceed 1,600 gallons per minute.

Paragraph 17 - Is deleted in its entirety and replaced by the following:

Beginning February 1, 1992, Permittee agrees to pay City a charge of \$90 per acre foot for all water pumped from the well. The charge to Permittee is based on the amount charged by the San Diego County Water Authority (CWA) for untreated water, currently \$277 per acre foot less pumping and deferred water shed management costs which are hereby stipulated to be at least \$187 per acre foot. The figure \$277 per acre foot is hereinafter referred to as the Base Figure.

Beginning February 1, 1993 and at the beginning of each successive year thereafter, the cost of water per acre foot shall be adjusted by determining the percent the cost of untreated water increased from the Base Figure of \$277 to the adjustment date and applying it to \$90 per acre foot. This figure is the cost of water pumped from the underground basin for the ensuing year.

Example

1. Assume the effective date of the adjustment is February 1, 1993, at which time the cost of untreated water is \$304.70 per acre foot.

$\$304.70 - \$277 \text{ (Base Figure)} = \27.70 , an increase of 10%.

$10\% \times \$90 \text{ per acre foot} = \9 . $\$90 + \$9 = \$99$ per acre foot, which is the cost of water for the year beginning February 1, 1993.

DOCUMENT NO.

RR.279367

FEB 03 1992

DUPLICATE ORIGINAL

FILED

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

2. Based on the above, the effective date of the next adjustment is February 1, 1994; at which time, assume the cost of untreated water is \$318.55 per acre foot.

$\$318.55 - \277 (Base Figure) = $\$41.55$, an increase of 15% over the Base Figure.

$15\% \times \$90$ per acre foot = $\$13.50$.

$\$90 + \$13.50 = \$103.50$ per acre foot, which is the cost of water for the year beginning February 1, 1994.

Paragraph 18 - Is deleted in its entirety.

Nothing herein is intended to modify or alter any other terms or conditions of this Right of Entry Permit.

CITY OF SAN DIEGO

Date FEBRUARY 5, 1992,

By



JAMES L. SPOTTS, PROPERTY DIRECTOR

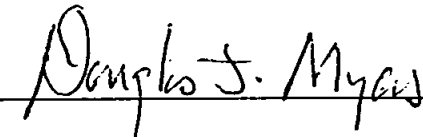
FOR: JACK MC GORY, CITY MANAGER

PERMITTEE:

ZOOLOGICAL SOCIETY OF SAN DIEGO

Date November 21, 1991

By



APPROVED AS TO FORM AND LEGALITY THIS 7 DAY OF February, 1992

JOHN W. WITT, City Attorney

By



Deputy City Attorney

WRK:jw(7)
11-14-91

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-2-

R-279367

(R-92-505)

RESOLUTION NUMBER R- 279367

ADOPTED ON FEB 03 1992

BE IT RESOLVED, by the Council of The City of San Diego,
that the City Manager is hereby authorized to execute, for and on
behalf of The City of San Diego, an Amendment to Right of Entry
Permit with the ZOOLOGICAL SOCIETY OF SAN DIEGO, for the
operation and maintenance of a water well in San Pasqual Valley,
under the terms and conditions set forth in that Amendment to
Right of Entry Permit on file in the office of the City Clerk as
Document No. RR- 279367.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
09/27/91
Or.Dept:Prop.
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