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INTERAGENCY AGREEMENT NO. 87-SLC-0029
AMENDMENT NO. 1

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TO INTERAGENCY AGREEMENT

BETWEEN

UNITED STATES DEPARTMENT OF DEFENSE - KIRTLAND AIR FORCE BASE

AND

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

SALT LAKE CITY AREA INTEGRATED PROJECTS

FOR

FIRM ELECTRIC SERVICE

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1. PREAMBLE: THIS AMENDMENT is made this 3rd day of April 1989,
between THE UNITED STATES OF AMERICA, Western Area Power Administration,
an agency of the Department of Energy, hereinafter called Western, and
UNITED STATES DEPARTMENT OF DEFENSE - KIRTLAND AIR FORCE BASE
(Contractor), as part of Interagency Agreement No. 87-SLC-0029, as amended
(Original Agreement), pursuant to the same authorities as the Original
Agreement and subject to all of the provisions of the Original Agreement
except as herein amended.

2. EXPLANATORY RECITALS:

2.1 Western has offered and the Contractor has executed Interagency
Agreement No. 87-SLC-0029 which provides, among other things, for
the sale of firm electric service from the Salt Lake City Area
Integrated Projects (SLCA Integrated Projects).

2.2 At the time the Contractor signed the Original Agreement, there was a stipulation in place in the case of Salt Lake City, et al. v. Western Area Power Administration, et al., Civil No. 86-C-1000-G, D. Utah, filed on October 31, 1986 (SLC lawsuit), prohibiting Western from signing the Original Agreement.

2.3 On February 22, 1989, the United States District Court for the District of Utah, Central Division (Court) in the consolidated cases of the SLC lawsuit and National Wildlife Federation, et al. v. Western Area Power Administration, et al., Civil No. 88-C-1175-J, D. Utah, filed on December 20, 1988 (NWF lawsuit), issued an order modifying the stipulation and allowing execution of the Original Agreement by Western subject to the conditions contained in this amendment.

3. AGREEMENT: The Parties agree to the terms and conditions set forth herein.

4. ADDITION OF A NEW SECTION 16 TO THE ORIGINAL AGREEMENT (AGREEMENT MODIFICATIONS): A new section 16 to the Original Agreement is hereby added as follows:

16. AGREEMENT MODIFICATIONS: Western may modify the amount of the Seasonal Energy and Contract Rate of Delivery based on (i) any final decisions made by Western in light of any final Environmental Impact Statement (EIS) that may be ordered by the Court or voluntarily done by Western in connection with the NWF lawsuit, or (ii) any final administrative decision requiring changes in Colorado River Storage

1 Project operations by the Secretary of the Department of Interior
2 resulting from a final EIS arising out of the current Glen Canyon
3 Environmental Studies or the current Recovery Implementation Program
4 for Endangered Fish Species in the Upper Colorado River Basin. The
5 Agreement is subject to further order of the Court in the NWF
6 lawsuit consistent with the National Environmental Policy Act of
7 1969 and prior orders of the Court.
8

9 5. TERM OF AMENDMENT: This Amendment shall become effective on the date of
10 its execution, shall remain in effect concurrently with the Original
11 Agreement, and shall terminate coincidentally therewith.
12

13 6. ORIGINAL AGREEMENT TO REMAIN IN EFFECT: Except as expressly modified
14 herein, the Original Agreement shall remain in full force and effect, and
15 this amendment shall be subject to all the provisions of said Original
16 Agreement, as modified herein.
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IN WITNESS WHEREOF, the parties have caused this amendment to be executed the
day and year first above written.

WESTERN AREA POWER ADMINISTRATION

By: 

Area Manager
Salt Lake City Area Office
Western Area Power Administration
Salt Lake City, Utah 84147

(CORPORATE SEAL)
ATTEST:

UNITED STATES DEPARTMENT OF DEFENSE -
KIRTLAND AIR FORCE BASE

By: 

Title: VICE COMMANDER

Address: 1606 ABW/CV

Kirtland AFB, NM 8/11/

Title: _____