

**Addendum to Interlocal Agreement between City of San Marcos and City of Kyle for
Edwards Aquifer Water Rights Assignment**

This Addendum is entered into between and among the City of San Marcos (“San Marcos”) and the City of Kyle (“Kyle”) (Collectively referred to herein as “the Parties”) and shall amend that certain Interlocal Agreement between City of San Marcos and the City of Kyle for Edwards Aquifer Water Rights Assignment (“the Assignment”) previously executed by the Parties on May 10, 2024, under which SMTXU committed and made available its Edwards Aquifer water permitted by the Edwards Aquifer Authority (“EAA”) to Kyle on a temporary basis via Kyle’s existing facilities and four wells associated with Kyle’s EAA permits.

The Parties hereto, in exchange for the mutual covenants and conditions and other consideration stated herein hereby agree that the following section shall be added to the Assignment:

- O. At San Marcos’ request, and as mutually agreed by both parties, Kyle may commit and make available its Edwards Aquifer water permitted by the EAA for any year 2024 – 2026. San Marcos will compensate Kyle for the agreed amount of water through a corresponding reduction in Minimum Monthly Payments up to 250 AF, or at the rate as provided herein for water over 250 AF. In this instance, San Marcos will work with Kyle to request and secure all necessary authorizations from EAA to allow the transfer contemplated in this agreement, and all application fees for transfer will be paid by San Marcos. The City Manager, or designee, of each City is authorized to administratively approve the amount of EAA water that is made available to San Marcos under this agreement.

This Addendum shall become effective upon execution by both Parties below and any provisions in the Assignment in conflict herewith shall be read such that this Addendum shall have full force and effect.

[SIGNATURE PAGE FOLLOWS]

Agreed to and accepted:

City of San Marcos

By: Stephanie Reyes, City Manager

Date

NOTARY ACKNOWLEDGMENT

Before me, on this day personally appeared the foregoing individuals, known to me to be the officers whose true and genuine signatures were subscribed to the foregoing instrument in my presence.

Given under my hand and seal of office this _____.

Notary Public

(Notary Seal)

Agreed to and accepted:

City of Kyle

By: Byran Langley, City Manager

Date

NOTARY ACKNOWLEDGMENT

Before me, on this day personally appeared the foregoing individuals, known to me to be the officers whose true and genuine signatures were subscribed to the foregoing instrument in my presence.

Given under my hand and seal of office this _____.

Notary Public

(Notary Seal)