

AGREEMENT

Temporary

IERQ Extraordinary Needs Bank

Releases Program for Summer 2009

In order to more effectively use the 2009 Interim Excess Release Quantity (IERQ) water, the Decree Parties, in accordance with Section 4.d of the Flexible Flow Management Program, hereby agree to the following, for the period beginning June 1, 2009 and ending May 31, 2010:

1. The Montague Flow Objective shall remain at 1,750 cfs, and the 9,300 cfs-days of water otherwise devoted to the 100-cfs summertime increment of the Montague Flow Objective shall be debited from the Interim Excess Release Quantity and designated as an Interim Excess Release Quantity Extraordinary Needs Bank and used in accordance with Paragraphs 2 through 4 hereof.
2. Figure 1 shall be revised as attached, to divide the L2 storage zone into two subzones for a portion of the year. The L2 Storage Zone in Figure 1 shall be divided into two subzones for the period beginning June 1 and ending August 31, by a line 43 billion gallons above the L2 (Drought Watch) line. The subzone above the line shall be denoted L2 High, and the subzone below the line shall be denoted L2 Low.
3. A quantity of 6,045 cfs-days of water shall be debited from the Interim Excess Release Quantity Extraordinary Needs Bank, and Table 3 Schedule of Releases With 35 mgd Available shall be temporarily revised as attached, to provide for 2009 increased summertime releases from Cannonsville Reservoir as follows:
 - a. For the period June 1 through June 15:
 - i. releases shall be 325 cfs when storage is in Zones L1 and L2 High; and
 - ii. releases shall be 300 cfs when storage is in Zone L2 Low.
 - b. For the period June 16 through June 30:
 - i. releases shall be 325 cfs when storage is in Zones L1-b, L1-c and L2 High; and
 - ii. releases shall be 300 cfs when storage is in Zone L2 Low.

- c. For the period July 1 through August 31:
 - i. releases shall be 325 cfs when storage is in Zones L1-c and L2 High; and
 - ii. releases shall be 300 cfs when storage is in Zone L2 Low.
- 4. A quantity of 3,255 cfs-days of water shall be retained in the Interim Excess Release Quantity Extraordinary Needs Bank for such purposes as may be approved in accordance with Section 4.d of the Flexible Flow Management Program.

APPROVALS:

 State of Delaware Date

 State of Delaware Date

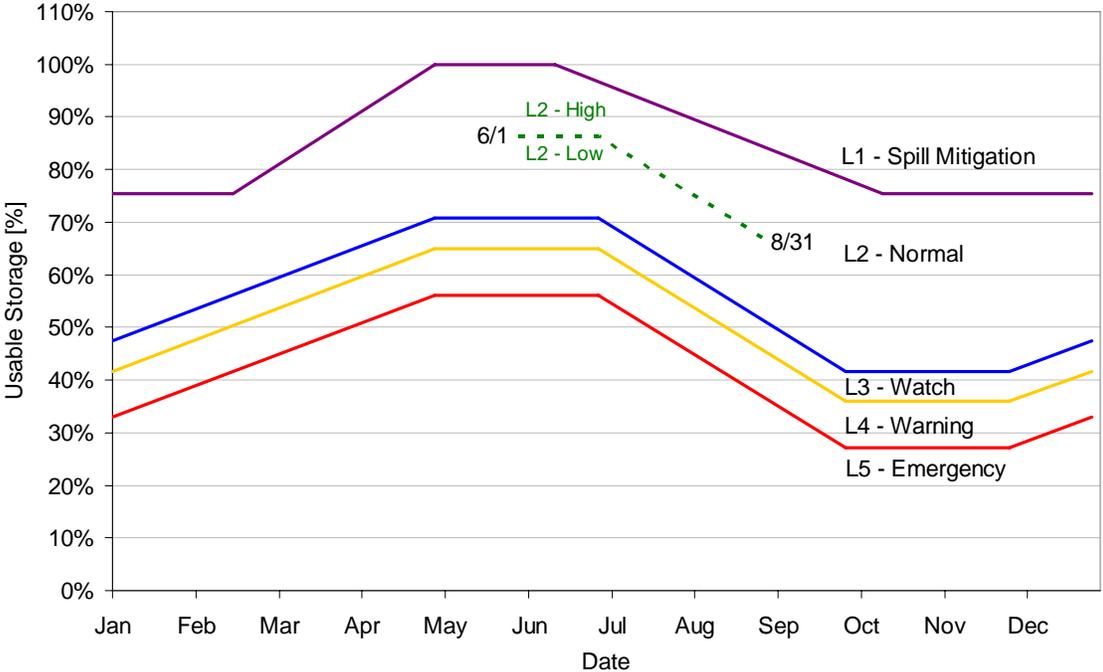
 State of New Jersey Date

 State of New York Date

 Commonwealth of Pennsylvania Date

 City of New York Date

Revised FFMP Figure 1 -- New York City Delaware System Usable Combined Storage Zones for Temporary IERQ Extraordinary Needs Bank Releases Program for Summer 2009 (Cannonsville, Pepacton, and Neversink Reservoirs)



Revised FFMP Table 3 -- Schedule of Releases (cfs) with 35 mgd Available for the Temporary IERQ Extraordinary Needs Bank Releases Program for Summer 2009 (Cannonsville, Pepacton, and Neversink Reservoirs)

Cannonsville Storage Zone	Winter		Spring		Summer			Fall		
	Dec 1 - 31-Mar	Apr 1 - 30-Apr	May 1 - 20-May	May 21 - 31-May	Jun 1 - 15-Jun	Jun 16 - 30-Jun	Jul 1 - 31-Aug	Sep 1 - 15-Sep	Sep 16 - 30-Sep	Oct 1 - 30-Nov
L1-a	1500	1500	*	*	*	1500	1500	1500	1500	1500
L1-b	250	*	*	*	*	*	350	275	275	250
L1-c	110	110	200	250	325/275	325/275	325/275	275	140	110
L2-High	80	80	190	240	325/260	325/260	325/260	260	115	80
L2-Low	80	80	190	240	300/260	300/260	300/260	260	115	80
L3	70	70	100	100	175	175	175	95	95	70
L4	55	55	75	75	130	130	130	55	55	60
L5	50	50	50	50	120	120	120	50	50	50
Pepacton Storage Zone	Winter		Spring		Summer			Fall		
	Dec 1 - 31-Mar	Apr 1 - 30-Apr	May 1 - 20-May	May 21 - 31-May	Jun 1 - 15-Jun	Jun 16 - 30-Jun	Jul 1 - 31-Aug	Sep 1 - 15-Sep	Sep 16 - 30-Sep	Oct 1 - 30-Nov
L1-a	700	700	*	*	*	700	700	700	700	700
L1-b	185	*	*	*	*	*	250	200	200	185
L1-c	85	85	110	130	150	150	150	150	100	85
L2-H/L	65	65	100	125	140	140	140	140	85	60
L3	55	55	80	80	100	100	100	55	55	55
L4	45	45	50	50	85	85	85	40	40	40
L5	40	40	40	40	80	80	80	30	30	30
Neversink Storage Zone	Winter		Spring		Summer			Fall		
	Dec 1 - 31-Mar	Apr 1 - 30-Apr	May 1 - 20-May	May 21 - 31-May	Jun 1 - 15-Jun	Jun 16 - 30-Jun	Jul 1 - 31-Aug	Sep 1 - 15-Sep	Sep 16 - 30-Sep	Oct 1 - 30-Nov
L1-a	190	190	*	*	*	190	190	190	190	190
L1-b	100	*	*	*	*	*	125	125	85	95
L1-c	65	65	85	100	110	110	110	110	75	60
L2-H/L	45	45	75	90	100	100	100	100	70	45
L3	40	40	50	50	75	75	75	40	40	40
L4	35	35	40	40	60	60	60	30	30	30
L5	30	30	30	30	55	55	55	25	25	25