

Agreement (\$621,892.20). The Tribe shall pay the remaining balance due and owing under this Agreement (\$621,892.20) on or before June 30, ~~2014~~ 2015.

- 6.4** The parties agree that, as of the Effective Date of this Agreement, the "Capped Flow" for the Complex Loop shall be 4,000,000 gallons (5,347 ccf (hundred cubic feet)) based upon the Winter Quarter Average.
- 6.5** The parties agree that, once the payment in Section 6.3 has been made, no additional Connection Fee payments will be sought by County and no additional Connection Fee refunds will be sought by Tribe for existing connected structures located on the Pascua Pueblo on the Effective Date, regardless of whether the connected structure is listed in Exhibit B or depicted on Exhibit C, provided, however, that:
- 6.5.1** if the WQA for the Complex Loop exceeds the Capped Flow amount, additional Connection Fees will be due based on the increased flow amount (the "Additional Flow") from the Complex Loop entering the Public Sewer Facilities. Additional Flow will be calculated by taking the difference between the Capped Flow amount and the WQA. The additional connection fees due will be calculated using the following formula:  $\text{Fees} = \text{AF} \times \text{CC} \times \text{I} \div 30 \text{ days/month}$

Where:

AF = Additional Flow in gallons/month; and

CC = the cost of capacity reserved in \$/gallon/day, as it may be periodically adjusted by the County (currently, \$16.02/gallon/day); and

I = the infiltration and inflow factor defined in the Pima County Code as it may be amended (currently 1.175; P.C.C. § 13.20.045(A)).

Following payment of the additional connection fees, the Capped Flow amount will be adjusted upward to include the Additional Flow amount.

- 6.5.2** if: (a) a property currently listed in Exhibit B as residential is converted to a commercial/industrial/multifamily use, as those terms are defined in the Pima County Code, as amended, or (b) a property listed as commercial/industrial/multifamily in Exhibit B changes use or increases water meter size; or (c) an existing structure is connected to the Public Sewer Facilities for the first time; the project will be reviewed by County, and possible additional Connection Fees will be due to the County pursuant to the then applicable provisions of the Pima County Code.
- 6.5.3** The County agrees to provide prompt written notice to the Tribe as required by this Agreement when it independently determines that