CONTRACT AMENDMENT

Amendment #1 C150504

Original Contract CMS # 50770

1) PARTIES

This Amendment to the above-referenced Original Contract (hereinafter called the Contract) is entered into by and between Cross Creek Metropolitan District (hereinafter called "Contractor"), and the STATE OF COLORADO (hereinafter called the "State") acting by and through the Department of Natural Resources, Colorado Water Conservation Board, (hereinafter called the "CWCB").

2) EFFECTIVE DATE AND ENFORCEABILITY

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the "Effective Date"), but shall be effective and enforceable thereafter in accordance with its provisions. The State shall not be liable to pay or reimburse Contractor for any performance hereunder, including, but not limited to costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

3) FACTUAL RECITALS

The Parties entered into the Contract for/to the water activities, which are broadly defined and include water supply and environmental projects and/or studies. This Grant is for the Hale Reservoir Renovation – Final Design & Permitting in the Arkansas River Basin.

4) CONSIDERATION

Consideration for this Amendment consists of the payments to be made hereunder and the obligations, promises, and agreements herein set forth.

5) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Contract, and the Contract and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

6) MODIFICATIONS.

The Contract and all prior amendments thereto, if any, are modified as follows:

a. 5. TERM and EARLY TERMINATION is amended to read as follows: "The Parties respective performance under this Grant shall commence on the Effective Date. This Grant shall terminate on December 31, 2013 unless sooner terminated or further extended as specified elsewhere herein.
b. 6. A. Completion: Grantee shall complete the Work and its other obligations as described herein and in the Exhibit A on or before December 31, 2013. The State shall not be liable to compensate Grantee for any Work performed prior to the Effective Date or after the termination of this Grant.

d. 7a. Maximum Amount

The maximum amount payable under this Grant to Grantee by the State is \$120,000, as determined by the State from available funds. Grantee agrees to provide any additional funds required for the successful completion of the Work. Payments to Grantee are limited to the unpaid obligated balance of the Grant as set forth in **Exhibit A**. The maximum amount payble by the State to Grantee during each State fiscal year of this Grant shall be:

\$120,000 in FY2013	
\$120,000 in FY2014, minus any funds expended in	
FY2013	

7) EFFECTIVE DATE OF AMENDMENT

The effective date hereof is upon approval of the State Controller or their delegate.

8) ORDER OF PRECEDENCE

Except for the Special Provisions, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Contract or any amendment shall always control other provisions in the Contract or any amendments.

9) AVAILABLE FUNDS

Financial obligations of the state payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

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THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

* Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the State is relying on their representations to that effect.

STATE OF COLORADO CONTRACTOR John W. Hickenlooper, GOVERNOR **Cross Creek Metropolitan District** Mike King, Department of Natural Resources By: Title: By: Rebecca mitche Sianzíture By: Rebecca Mitchell, Section Chief, Water Supply Planning Section, CWCB Date: Signatory avers to the State Controller or delegate that Grantee has not begun performance or that a Statutory Violation waiver has been requested under Fiscal Rules Date: 06

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performance or for any goods and/or services provided hereunder.

STATE CONTROLLER Robert Jaros, CPA, MBA, JD ma Bor By: ____ Name and Title: Susan Borup, DNR Controller Date: 4/20/ DEBT **SERVICE** Page 2 of 2 Effective Date: 1/6/09

Date: 5/16/2013 Job #: P12-130 Project: Hale Reservoir Design and Permitting

Schedule

Task Description	Start	Finish	Duration	Dates										
	Date	Date	(mo)	Mar-2013	Apr-2013	May-2013	Jun-2013	Jul-2013	Aug-2013	Sep-2013	Oct-2013	Nov-2013	Dec-2013	Jan-2014
Survey	3/1/2013	3/31/2013	1.0											
Wetlands Delineation	10/1/2012	11/1/2012	1.0											
Geotechnical Investigation	3/1/2013	4/15/2013	2.0											
Complete 30% Design	3/1/2013	4/30/2013	2.0											
Hazard Classification Report Submitta	2/28/2013	3/15/2013	1.0											
Hydrology Report	3/1/2013	4/30/2013	2.0											
Geotechnical Report	4/15/2013	5/15/2013	2.0											
Complete 60% Design	5/1/2013	6/28/2013	2.0											
Meetings	11/1/2012	8/30/2013	8.0											
Design Report	6/1/2013	7/31/2013	2.0											
Spillway and outlet hydraulics	5/1/2013	6/30/2013	2.0											
Foundation design	5/1/2013	6/30/2013	2.0											
Seismic Hazard Assessment														
Dam Analysis and Deisgn	6/1/2013	7/31/2013	2.0											
Structural Design	6/1/2013	7/31/2013	2.0											
Dam Instrumentation	6/1/2013	7/31/2013	2.0											
QA/QC Plan	6/1/2013	7/31/2013	2.0											
Cofferdam	6/1/2013	7/31/2013	2.0											
Complete 90% Design	7/1/2013	8/30/2013	2.0											
Finalize Construction Drawings	7/1/2013	8/30/2013	2.0											
Construction Specifications	7/1/2013	8/30/2013	2.0											
SEO Submittal and Coordination	9/1/2013	10/31/2013	2.0											
Revisions	11/1/2013	12/31/2013	2.0											
404 Permitting														
Grant Coordination	1/1/2013	12/31/2013	12.0											
Non-Potable System Design	6/1/2013	8/30/2013	3.0											
Well Permit	6/1/2013	8/30/2013	3.0											
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