

# STATE OF COLORADO

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## Colorado Water Conservation Board Department of Natural Resources

1313 Sherman Street, Room 721  
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[www.cwcb.state.co.us](http://www.cwcb.state.co.us)



January 3, 2013

Moffat County Natural Resources Department  
Attn: Jeff Comstock, Director  
221 W. Victory Way, Suite 130  
Craig CO 81625

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John Hickenlooper  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

### **RE: Yampa-White Basin Projects and Methods Analysis**

Dear Jeff:

This letter is to inform you that the request to amend the contract to assist in the WSRA Yampa-White Basin Projects and Methods Analysis grant request was signed on December 20, 2012. A signed original contract will be mailed to you.

With the executed amendment contract, you are now able to proceed with the project and begin invoicing the State of Colorado for costs incurred through December 31, 2013. Upon receipt of your invoice(s), the State of Colorado will provide payment no later than 45 days. I wish you much success in your project.

Sincerely,

/s/

**Jacob Bornstein**  
**Colorado Water Conservation Board**  
**Department of Natural Resources**  
Program Manager, Water Supply Planning Section  
1580 Logan Street, Suite 200  
Denver, CO 80203  
(303) 866-3441 x3248  
(303) 704-1869 (cell)  
[www.cwcb.state.co.us](http://www.cwcb.state.co.us) and [www.ibcc.state.co.us](http://www.ibcc.state.co.us)

## CONTRACT AMENDMENT

<b>Amendment #1 C150481</b>	<b>Original Contract CMS # 34919</b>	<b>Amendment CMS # 51917</b>
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### 1) PARTIES

This Amendment to the above-referenced Original Contract (hereinafter called the Contract) is entered into by and between Moffat County Natural Resources Department (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 Yampa-White Basin Projects and Methods Analysis in the Yampa-White 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.
- c. The Schedule that was included in the Original Contract's Scope of Work shall be replaced by the updated schedule attached hereto as Schedule B.
- d. **7A. Maximum Amount** - Payments to Grantee are limited to the unpaid obligated balance of the Grant as set forth in Exhibit A. The maximum amount payable by the State to Grantee during each State fiscal year of this Grant shall be:

<b>\$190,000 in FY2012</b>
<b>190,000 in FY2013, minus any funds expended in FY \$2012</b>
<b>\$190,000 in FY2014, minus any funds expended in FY2012 and FY2013</b>

### 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.

**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.

**CONTRACTOR****Moffat County Natural Resources Department**

By: ~~Jeff Comstock~~ Tom Gray  
 Title: Natural Resources Director

*Tom Gray*  
 \*Signature

Date: 12-4-12

**STATE OF COLORADO**

**John W. Hickenlooper, GOVERNOR**  
 Mike King, Department of Natural Resources

By: *Rebecca Mitchell*  
 By: Rebecca Mitchell, Section Chief,  
 Water Supply Planning Section, CWCB  
 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: 12/13/12

**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****David J. McDermott, CPA**

By: *Susan Borup*

Name and Title: Susan Borup, DNR Controller

Date: 12/20/12

State of Colorado  
Jacob Bornstein  
1313 Sherman Street, Room 721  
Denver, CO 80203

October 30, 2012

RE: Contract Number: 150481 – Request to Extend/Schedule B

Dear Mr. Bornstein,

I am sending this correspondence to request a contract extension for the Yampa-White Projects & Methods Analysis which is funded by a Water Supply Reserve Account (WSRA) Grant project budget.

As you know the Moffat County Natural Resources Department initiated work on the Yampa-White Projects & Methods Analysis. This project is intended to build on the findings of these needs assessments to identify potential projects and methods that could be used to meet the Yampa-White Basin future water needs for both consumptive and nonconsumptive needs.

Although we have made good progress on this project, but it has taken longer than expected to complete the scoped tasks. To date, we have been able to develop a summary of information from the Yampa-White previous WSRA grant studies (Task 1), develop StateMod models for both the Yampa and White basins consolidating the latest information from various models (Task 2), and perform a comparison of statewide alternatives water right priorities with those in the Yampa-White Basin (Task 3). We will need additional time to complete the scoped task to adequately characterize the water needs (consumptive and nonconsumptive) in the Yampa-White Basin. In particular the time will be to include additional enhancements to the StateMod models used to assess river operations in the basin (Task 2) and document the findings in a report (Task 4).

We are requesting an extension of our current contract by 1 year (360 days) through December 2013 so that we can complete the scoped tasks of this analysis. We are not requesting any additional funds with this extension of the project duration.

The following is a revised project schedule which includes the original start/end dates for each of the scoped tasks.

**Revised Project Schedule by Task – Schedule B**

<b>Task</b>	<b>Task Description</b>	<b>Start Date</b>	<b>End Date (Original)</b>	<b>End Date (Revised)</b>
Task 1	Task 1 - Develop Common Understanding	Aug-11	Feb-12	Dec-13
Task 2	Task 2 - Analyze River Operations	Feb-12	Jun-12	Dec-13
Task 3	Task 3 - Comparison of Water Rights	Apr-12	Aug-12	Dec-13
Task 4	Task 4 - Reporting and Final Deliverable	Aug-12	Nov-12	Dec-13

Notice to Proceed was given August 2011

Please contact me if you have any questions.

Sincerely,

Jeff Comstock  
Director  
Moffat County Natural Resources Department