

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

1580 Logan Street, Suite 600
Denver, Colorado 80203
Phone: (303) 866-3441
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www.cwcb.state.co.us



December 12, 2013

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

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

James Eklund
CWCB Director

**RE: WSRA Request to Extend - Yampa-White Basin Projects and Methods
Analysis Project**

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 11, 2013. The signed original contracts will be mailed to you.

With the executed amended contract, you are now able to continue with the project and invoice the State of Colorado for cost incurred through March 31, 2014. Please reference contract number C150481 and project name on all correspondence sent to CWCB.

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.

If you have any questions or concerns regarding the project, please contact Jacob Bornstein at (303) 866-3441 ext 3248.

Sincerely,

//s//

***Dori Vigil, Program Assistant II
Colorado Water Conservation Board
Water Supply Planning Section***
1580 Logan Street, Suite 200
Denver CO 80203
(303) 866-3441 x3250
dori.vigil@state.co.us

CONTRACT AMENDMENT

Amendment #2 C150481	Original Contract CMS # 34919	Amendment CMS #63676
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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 March 31, 2014 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 March 31, 2014. 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 C**.

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~~ **CHARLES G. GROCK**
 Title: ~~Natural Resources Director~~

Moffat County Commissioner



*Signature

Date: 12-5-13**STATE OF COLORADO**

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

By: 

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: 12/9/13**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

By: 

Name and Title: Susan Borup, DNR Controller

Date: 12/11/13

Yampa-White Projects & Methods Analysis 12/4/13

Revised Project Schedule C by Task

Task	Task Description	Start Date	End Date (Original)	End Date (Revised)
Task 1	Task 1 - Develop Common Understanding	Aug-11	Feb-12	Mar-14
Task 2	Task 2 - Analyze River Operations	Feb-12	Jun-12	Mar-14
Task 3	Task 3 - Comparison of Water Rights	Apr-12	Aug-12	Mar-14
Task 4	Task 4 - Reporting and Final Deliverable	Aug-12	Nov-12	Mar-14