



**COLORADO**

Colorado Water  
Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 721  
Denver, CO 80203

April 15, 2015

Ducks Unlimited, Inc.  
Attn: Greg Kernohan, Manager  
2926 Mulberry  
Fort Collins, CO 80526

**RE: Notice to Proceed – WSRA Grant – CTGG1 2015-1220 South Platte Basin & Metro Integrated Basin Implementation Plan Phase II Nonconsumptive**

Dear Greg:

This letter is to inform you that the Amendment #2 contract request for the WSRA grant to assist in the South Platte and Metro Integrated Basin Implementation Plan – Phase II Nonconsumptive project in the South Platte and Metro River Basin was approved on April 14, 2015.

With the executed contract, you are now able to proceed with the project and continue invoicing the State of Colorado for costs incurred through December 31, 2015. Please provide the project name, contract number, and basin when corresponding with or invoicing the State of Colorado for your project. Upon receipt of your invoice(s), the State will provide payment no later than 45 days after review and signature approval by the project manager.

Sincerely,

/s/

***Craig Godbout***  
***Program Manager***  
***Colorado Water Conservation Board***  
***Water Supply Planning Section***  
*1313 Sherman St, Rm. 721*  
*Denver CO 80203*  
*(303) 866-3441, ext 3210 (office)*  
*(303) 547-8061 (cell)*  
[\*craig.godbout@state.co.us\*](mailto:craig.godbout@state.co.us)

Attachments



## CONTRACT AMENDMENT

<b>Amendment #2</b>	<b>Original Contract CMS # 63220</b> C150538	<b>Contract #: CTGG1 2015-1220</b> <b>Amendment CMS# 78387</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 Ducks Unlimited, Inc. (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 to draft a South Platte Basin and Metro Integrated Basin Implementation Plan that addresses nonconsumptive needs, and conforms to the Basin Implementation Plan Guidance Document, with Ducks Unlimited acting as the applicant a on behalf of the South Platte Basin and Metro Roundtables. The plan will provide project management of the Basin Implementation Plan process for generation of the Plan, review and revision of the Plan through interaction with the South Platt and Metro Basin Roundtables and interaction with Ad Hoc groups and public agencies as called for in the Governor's Executive Order D 2013-005.

**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 terminate on **December 31, 2015** 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, 2015**. 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 D**.

**7. PAYMENT TO GRANTEE:** The State shall, in accordance with the provisions of this **§7**, pay Grantee in the following amounts and using the methods set forth below:

**7. a. Maximum Amount:** The maximum amount payable under this Grant to Grantee by the State is \$427,000 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 payable by the State to Grantee during each State fiscal year of this Grant shall be:

<b>\$175,000 in FY2014</b>
<b>\$427,000 in FY2015, minus any funds expended in FY2014</b>
<b>\$427,000 in FY2016, minus any funds expended in FY2015 and FY2014</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.

<p align="center"><b>CONTRACTOR</b> Ducks Unlimited, Inc.</p> <p>By: <u>Stephen E. Adair, Director</u> Title:</p> <p><u><i>Stephen E. Adair</i></u> *Signature</p> <p>Date: <u>3/25/15</u></p>	<p align="center"><b>STATE OF COLORADO</b> John W. Hickenlooper, GOVERNOR Mike King, Department of Natural Resources</p> <p>By: <u><i>Rebecca Mitchell</i></u></p> <p>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</p> <p>Date: <u>4-1-15</u></p>
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**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: *Susan Borup*

Name and Title: Susan Borup, DNR Controller

Date: 4/14/15



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[www.ducks.org](http://www.ducks.org)

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March 13, 2015

Mr. Craig Godbout  
Program Manager  
Colorado Water Conservation Board  
Water Supply Planning Section  
1313 Sherman Street, Room 721  
Denver, CO 80203

Re: Colorado Water Conservation Board Grant Agreement, as amended  
Contract No. C150538 – South Platte Basin and Metro Integrated Basin Implementation Plan  
Termination Date: April 30, 2015  
Our File US-CO-261-001

Dear Craig:

As has been discussed with you, an extension to the referenced Grant, which will terminate on April 30, 2015, is required to allow sufficient time to accomplish the project objectives. Attached is a revised scope of work, which sets forth the proposed changes to the Basin Implementation Plan (BIP) resulting from Colorado Water Conservation Board (CWCB) and Basin Roundtable requirements and public comment. Specifically, an extension to the Grant has been necessitated by the requirement to present the South Platte BIP at CWCB's Board of Directors meeting in May in Sterling. In addition, public outreach will likely be required by the Basin Roundtable, following the final submittal of the BIP to the CWCB. Additional technical work may also be finalized within the scope and budget for which the timeline did not allow finalization of prior to submitting the final BIP to the CWCB.

In consideration of the foregoing, we are requesting an extension to the Grant, as amended, from April 30, 2015, to December 31, 2015. This extension should allow us sufficient time to successfully conclude this work. An updated Certificate of Insurance will be forthcoming.

Your approval of this extension request is respectfully requested. We greatly appreciate your consideration in allowing this important work to continue.

Sincerely,

DUCKS UNLIMITED, INC.

Greg Kernohan  
Manager, Ecosystems  
Great Plains Region  
Enc.

cc: B. Newman  
D. Vigil  
L. Stadjuhar  
N. Jensen  
J. Roudebush

**REVISED MARCH 13, 2015**

**SCOPE OF WORK FOR DEVELOPING SOUTH PLATTE/METRO NON-CONSUMPTIVE NEEDS IMPLEMENTATION PLAN:**

**The following scope includes some very limited additional work to address additional revisions to the BIP resulting from public comment. However, any significant additional work due to public comment after July 2014 will be billed at an hourly basis, as requested and budgeted by the BRTs and NC subcommittee.**

- 1) Assess mapped non-consumptive reaches and associated attributes. *Some work begun prior to July 31, 2014, additional work after DRAFT BIP.*
  - a. Set measurable outcomes for reaches under each goal provided by SP/Metro Committee – Combined South Platte and Metro Nonconsumptive Needs Committee (NCN).
  - b. What is needed for sustainability of priority attributes identified by the SP/Metro Roundtables (BRT)?
  - c. What are current conditions/current sources of impairment or of sustainability.
    - i. Revise mapped non-consumptive reaches and associated attributes if needed for:
      1. Low-flow and dry-up points
      2. Diversion Structures presenting barriers to recreation and fish passage
      3. Dry-up of wetland areas
  - d. Evaluate how NC attributes supported by current consumptive water use (e.g., irrigation and wastewater return flows).
    - i. Agricultural uses and return flows
    - ii. Municipal uses and wastewater return flows
    - iii. Recharge uses
  - e. Evaluate what projects and methods have been documented for the priority river segments and the level of protection or benefit provided.
    - i. 4 examples to be included of projects and protections in July 31, 2014 DRAFT BIP.
  - f. Evaluate actions need to be taken in that place to sustain the attributes.
    - i. Start from Colorado Parks & Wildlife (CPW) biologist list of needs for each reach/segment. (additional data resources and DSS will be required to fully complete the assessment)
    - ii. Identify priority reaches/segments where an adjudicated instream flow, other water rights or a cooperative water management plan may be needed to manage water for nonconsumptive needs.
  - g. **NEW - Phase 2 will include additional analyses as requested by the subcommittee on tasks a-f above. The level of analysis will be high-level, with more in-depth focus on specific examples, based upon tasks a-f, as agreed to by subcommittee. Additional analyses may be recommended for future work outside of this project scope.**

- 2) Assess nexus between list of consumptive IPPs and priority non-consumptive reaches/segments. Some work begun prior to July 31, 2014, additional work to be completed after DRAFT BIP.
  - a. For all listed Identified Project & Processes (IPPs), describe nexus between each IPP and non-consumptive reaches/attributes.
  - b. What are opportunities and challenges within each IPP to enhance or fully sustain NC attributes?
  - c. **NEW - Phase 2 will include additional analyses as requested by the subcommittee. The level of analysis will focus on specific examples, as agreed to by subcommittee. Additional analyses may be recommended for future work outside of this project scope.**
  
- 3) Assess effects on non-consumptive attributes/reaches from broad scale trends. Some work begun prior to July 31, 2014, additional work to be completed after DRAFT BIP.
  - a. Assess what priority river reaches/segments and attributes have been affected because of agricultural dry-up to-date.
    - i. Look at lands that are slated for future dry-up and determine what attributes might be affected by the dry-up, including loss of return flow.
      1. **Additional - Dry-up and urbanization work to determine where potential future dry-up is likely.**
  - b. Assess the impacts of elevated metro re-use on down-stream attributes.
  - c. **NEW - Phase 2 will include additional analyses as requested by the subcommittee. The level of analysis will focus on specific examples, as agreed to by subcommittee. Additional analyses may be recommended for future work outside of this project scope.**
  
- 4) **EXTENDED** - Develop a list of high-priority, strategic non-consumptive projects in conjunction with BRT Phase II consultant working on Section 4.3 through 4.7, Tasks C1-C4. Some work begun prior to July 31, 2014, additional work to be included after DRAFT BIP.
  - a. Identify projects that primarily have a non-consumptive focus.
  - b. Identify components of new municipal projects and management of water in urban areas that could benefit non-consumptive segments.
  - c. Identify places within existing agricultural production and urban river corridors where opportunities exist to meet non-consumptive needs.
  - d. **NEW - Phase 2 will include additional analyses as requested by the subcommittee. The level of analysis will have focus on specific examples, as agreed to by subcommittee. Additional analyses may be recommended for future work outside of this project scope.**
  
- 5) Deliverables, Final Draft Non-Consumptive Plan and Associated Technical Memorandums
  - a. Develop a draft NCN Implementation Plan for the public review
  - b. Revision of the draft NCN Implementation Plan, working with the BRT Nonconsumptive Needs Committee and the BRT
  - c. Assistance to the Basin Roundtable Consumptive Use Consultant in integrating Implementation Plan into the final Basin Implementation Plan
  - d. Revision of the draft BIP, working with the Rio Chato and Exec Committee and Consumptive Consultant

- e. NEW - Develop Technical Memorandum for all work completed in Tasks 1 -4, as revised.
  - f. NEW – Revisions to DRAFT BIP after July 31, 2014.
  - g. NEW – Coordinate with subcommittee, Rio Chato, exec, BRTs and CWCB on revisions to BIP.
  - h. NEW – Incorporate Public Comment from DRAFT BIP into Final Draft BIP.
  - i. EXTENDED - NEW – Review other basins BIPs
  - j. EXTENDED - NEW – Review CWP sections
- 6) Watershed Health - Water Quality (not part of original scope)
- a. Develop a subsection of Water Quality for Watershed Health Section of Basin Implementation Plan
  - b. Revise Water Quality section for BIP based on public comment
- 7) EXTENDED - REVISED – Facilitation and Outreach
- Organize, Attend and Facilitate Meetings with Consumptive Use Consultant, NCN Subcommittee, Roundtable Meetings, South Platte’s Rio Chato and Metro Executive Committee Meetings, and CWCB Mandatory Meetings (many portions not part of original scope).
- a. Original Scope - Facilitate a single meeting to review / prioritize non-consumptive projects and needs.
  - b. REVISED – Prepare for, facilitate and attend semi-monthly meetings and conference calls with NCN Subcommittee
  - c. REVISED – Prepare for, present at and participate in BIP planning and integration meetings with Consumptive Use Consultant
  - d. REVISED – Prepare for, attend and present at additional Outreach meetings
  - e. REVISED – Prepare presentations for, attend and present at monthly South Platte Roundtable and Metro Roundtable meetings
  - f. REVISED – Prepare for, present at and attend working sessions with Rio Chato and Executive committee
  - g. REVISED – Attend CWCB and BIP coordination meetings
- 8) EXTENDED - REVISED – DATA ANALYSES - Review preliminary information from CWCB and CDM, including NCNA database and focus area GIS data layers.
- a. Continued non-consumptive database review, dissemination, and restructuring to facilitate reliable attributes, projects, and focus areas for the South Platte basin
  - b. Develop and refine methodology to review and define specific measurable outcomes.
- 9) EXTENDED - REVISED – MAPPING REVISIONS AND ANALYSES - Review Mapping from CWCB/CDM – requires significant work to assess and update the South Platte NCNA database and GIS data layers and joins (data interactions) between data sources.
- a. Work to address South Platte NCNA database and GIS data layers from various sources.

- i. Park County focus areas approved by BRT's after original scope without any GIS related layers.
- ii. Colorado Parks and Wildlife focus areas previously approved by BRT needed to be added to GIS data layers or database with spatial information.
- iii. Additional QA/QC work completed on existing GIS mapping layers and NCNA database.

SCHEDULE D

**Revised Timeline**

Pre-contract meeting with SP/Metro NCN Committee	December 2013
Contract Start (all following dates to be adjusted, depending on start date)	December 2013

Complete Tasks in SOW:

Task 1 (a-i)	January 2014 – 2015
Task 2	March 2014 – April 2015
Task 3	January 2014 – April 2015
Task 4	April 2014 – December 2015
Task 5	June 2014 – December 2015
Task 6	February 2014 – December 2015
Task 7	April 2014 – December 2015
Task 8	January 2014 – December 2015
Task 9	January 2014 – December 2015

**Proposed Budget**

See Details attached separately.