

6-14

SIGNED 6/17/14
51454 (2)
C154219

CONTRACT AMENDMENT

Amendment No.2	Original CMS No. 51454 Amend #1 62308 Contract No. C154219	Amendment CMS No. 70001
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1) PARTIES

This AMENDMENT No.2 (Amendment) to the above-referenced ORIGINAL CONTRACT (hereinafter called the "ORIGINAL CONTRACT") is entered into by and between San Luis Valley Irrigation District (hereinafter called "DISTRICT"), and the STATE OF COLORADO (hereinafter called the "STATE") acting by and through the Department of Natural Resources, Colorado Water Conservation Board, (hereinafter called "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 AGREEMENT to provide a number of long term water supply resolutions by developing a comprehensive, efficient water management plan of existing decreed water rights in and out of the Rio Grande Reservoir and other interconnected storage vessels that will result in a partnership among all beneficiaries of the Project. Additional time is needed due to the complexity of the Cooperative Project and the many partners involved, including project management, redesign and the exchange of lands with the federal government. This AMENDMENT will extend the work completion date and the ORIGINAL CONTRACT expiration date by two years.

4) CONSIDERATION-COLORADO SPECIAL PROVISIONS

Consideration for this AMENDMENT to the ORIGINAL CONTRACT consists of the payments that shall be made pursuant to this AMENDMENT and ORIGINAL CONTRACT and the promises and agreements herein set forth.

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this AMENDMENT.

5) LIMITS OF EFFECT

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

6) MODIFICATIONS.

The CONTRACT, NUMBER C154219 and all prior amendments thereto, if any, are modified as follows:

a. WORK COMPLETION DATE AND CONTRACT END DATE

The work completion date and the termination date of the contract will be extended from June 30, 2014 to June 30, 2016.

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 ORIGINAL CONTRACT or any amendment shall always control other provisions in the ORIGINAL 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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C154219
CMS #70001

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

San Luis Irrigation District

Name: Randall K. Palomgren

Title: President

Randall K. Palomgren
*Signature

Date: 6/4/14

Attest:

(SEAL)

Name: Amy S. Dean

Title: District Secretary

Amy S. Dean
*Signature
Date: 6-04-14

STATE OF COLORADO

John W. Hickenlooper, Governor
Department of Natural Resources
Mike King, Executive Director

By: Tim Feehan

Name: Tim Feehan, Deputy Director
Colorado Water Conservation Board

DATE: 6-9-14

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

Susan Borup, Controller
Department of Natural Resources

Date: 6/17/14

