

# State of Colorado Contract Modification WATER PROVIDER AGREEMENT AMENDMENT NO. 007

**State Agency**

Colorado Department of Natural Resources  
1313 Sherman St, Room 718  
Denver, CO 80203

**Water Provider (Contractor)**

Town of Castle Rock  
100 N. Wilcox Street  
Castle Rock, CO 80104

**Original Contract Number**

CMS 84618, CT2016-2291  
Amendment No. 1: CMS 112961  
Amendment No. 2: CMS 121962  
Amendment No. 3: CMS 161124  
Amendment No. 4: CMS 177647  
Amendment No. 5: CMS 178580  
Amendment No. 6: CMS 191424

**Amendment Contract Number**

CMS

**Contract Performance****Beginning Date**

October 16, 2015

**Current Contract Expiration Date**

Not applicable

**Current Contract Maximum Amount**

*Initial Term*

Not applicable

*Extension Terms*

Not applicable

**Total for All State Fiscal Years: \$[0.00]**

**THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT**

Each person signing this Amendment represents and warrants that he or she is duly authorized to execute this Amendment and to bind the Party authorizing his or her signature.

**Water Provider**

Town of Castle Rock

**State of Colorado**

Jared S. Polis, Governor

Department of Natural Resources

Windi Padia, Deputy Executive Director

\_\_\_\_\_  
By: Jason E. Gray, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
By: Windi Padia, Deputy Executive Director

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Lisa Anderson, Town Clerk

Approved as to Form:

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

Approved as to Content:

\_\_\_\_\_  
Mark Marlowe, Director of Castle Rock Water

**State Controller**

Robert Jaros, CPA, MBA, JD

**Amendment Effective Date:**

\_\_\_\_\_  
By:

\_\_\_\_\_  
In accordance with §24-30-202, C.R.S., this Amendment is not valid until signed and dated above by the State Controller or an authorized delegate.

## **1. PARTIES**

This Amendment (the “Amendment”) to the original Water Provider Agreement, referenced by the CMS number shown on the Signature and Cover Page for this Amendment (the “WPA”) is entered into by and between the Water Provider, and the State.

## **2. TERMINOLOGY**

Except as specifically modified by this Amendment, all terms used in this Amendment that are defined in the WPA shall be construed and interpreted in accordance with the WPA.

## **3. AMENDMENT EFFECTIVE DATE AND TERM**

### **A. Amendment Effective Date**

This Amendment shall not be valid or enforceable until the Amendment Effective Date shown with the State Controller’s Signature for this Amendment. The State shall not be bound by any provision of this Amendment before that Amendment Effective Date.

### **B. Amendment Term**

The Parties’ respective performances under this Amendment and the changes to the WPA contained herein shall commence on the Amendment Effective Date shown with the State Controller’s Signature for this Amendment and shall terminate on the termination of the WPA.

## **4. PURPOSE**

Water Provider has acquired 129 acre-feet of storage space in Chatfield Reservoir from the Colorado Water Conservation Board. This Amendment modifies the WPA to reflect this increase in Water Provider’s pro rata ownership of storage space in Chatfield Reservoir.

## **5. MODIFICATIONS**

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

A. Section II, Definition of Terms: In Paragraph II.C., the percentage “4.117%” is hereby deleted and replaced with “4.743%.”

B. Section III, Rights Granted to Water Provider: In Paragraph III.A., the number “848” is hereby deleted and replaced with “977.”

## **6. LIMITS OF EFFECT AND ORDER OF PRECEDENCE**

This Amendment is incorporated by reference into the WPA, and the WPA and all prior amendments or other modifications to the WPA, if any, remain in full force and effect except as specifically modified in this Amendment. Except for the Special Provisions contained in the WPA, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the WPA or any prior modification to the WPA, the provisions of this Amendment shall in all respects supersede, govern, and control. The provisions of this Amendment shall only supersede, govern, and control over the Special Provisions contained in the WPA to the extent that this Amendment specifically modifies those Special Provisions.