

AMENDMENT ONE TO PROJECT AGREEMENT GILLETTE REGIONAL EXTENSIONS

1. **Parties.** This Amendment ONE to Project Agreement is made and entered into by and between the State of Wyoming, acting by and through the WYOMING WATER DEVELOPMENT COMMISSION [COMMISSION] and CITY OF GILLETTE, Campbell County, Wyoming, a duly organized municipality existing under the laws of that state [SPONSOR].

2. **Purpose of Amendment.** This Amendment shall constitute the first amendment to the Project Agreement between the COMMISSION and the SPONSOR which was duly executed on May 18, 2012, May 21, 2012 and July 3, 2012 and which became effective July 3, 2012. The purpose of this Amendment is to effectuate 2013 Wyo. Sess. Laws, Ch. 141, modifying the PROJECT budget, increasing the appropriation, specifying terms and conditions of funding for the PROJECT and providing construction engineering and construction funding.

3. **Term of the Amendment.** This Amendment shall commence immediately upon the last required signature being affixed hereto, and shall remain in full force and effect through the term of this Project Agreement.

4. **Specific Changes.**

A. **PROJECT Grant.** The PROJECT funding as set forth in Section 4.A. of the Project Agreement is amended as follows:

4.A. The STATE OF WYOMING has appropriated from the Water Development Account created by Wyo. Stat. 41-2-124 (a)(i), to the COMMISSION, a sum not to exceed SIX MILLION ONE HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$6,197,500.00) which shall be disbursed to the SPONSOR for the exclusive purpose of completing the aforementioned PROJECT. The funds are divided as follows:

(1) A grant to the SPONSOR of not more than SIX MILLION ONE HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$6,197,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less until it is entirely disbursed.

B. **Reversion of Unexpended Funds.** The reversion date for unexpended funds as set forth in Section 4.R. of the Project Agreement is amended as follows:

4.R. The SPONSOR agrees that it will complete the PROJECT and that it shall be responsible for operation and maintenance of the PROJECT in accordance with accepted engineering practices. The SPONSOR shall be responsible for all costs, including labor, for all operation, maintenance and repairs. In addition, the SPONSOR shall complete the PROJECT no later than the reversion date of July 1, 2018, and shall have settled all claims and paid all PROJECT expenses by that date. No funds will be paid by the COMMISSION after the reversion date specified and the SPONSOR shall be solely responsible for payment of any expenses incurred or claims received after said date.

C. Following Section 4.U. of the Project Agreement add the following paragraphs:

4.V Sage Grouse Core Population Area Strategy. The SPONSOR agrees that it will ensure the PROJECT work is in compliance with Governor's Executive Order 2011-5 Sage Grouse Core Population Area Strategy.

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BETWEEN WWDC & THE CITY OF GILLETTE

4.W. Consultant Budget Increases. Prior to incurring increased PROJECT contract budget costs for engineering design and construction phase contract administration services, the SPONSOR shall provide justification to the COMMISSION and obtain authorization for such proposed increased changes to the PROJECT budget.

5. **Same Terms and Conditions.** With the exception of items explicitly delineated in this Amendment, all terms and conditions of the Project Agreement between the COMMISSION and the SPONSOR, including but not limited to sovereign immunity shall remain unchanged and in full force and effect.

6. **Entirety of Contract.** This amendment, consisting of three (3) pages and the original Project Agreement, consisting of eight (8) pages, represent the entire and integrated agreement between the parties and supersede all prior negotiations, representations and agreements.

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6. **Signatures.** IN WITNESS THEREOF, the parties to this Amendment through their duly authorized representatives have executed this Amendment, known as Amendment One to the Project Agreement between the COMMISSION and the SPONSOR, on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Amendment as set forth herein.

WYOMING WATER DEVELOPMENT COMMISSION

William B. Resor
William B. Resor, Chairman

5/14/13
Date

Floyd Canfield
Floyd Canfield, Secretary

5-10-13
Date

ATTEST:

Licki Windsor

CITY OF GILLETTE

Tom Murphy
Tom Murphy, Mayor

Date

ATTEST:

Karlene Abelseth
Karlene Abelseth, Clerk

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM

S. Jane Caton #99981
S. Jane Caton, Senior Assistant Attorney General

4-26-13
Date

The Amendment date is the date of the last signature affixed to this page.