

**AMENDMENT ONE TO PROJECT AGREEMENT
PINEVIEW TANK AND BOOSTER PUMP 2017 PROJECT**

1. **Parties.** This Amendment is made and entered into by and between the State of Wyoming, acting by and through the WYOMING WATER DEVELOPMENT COMMISSION [COMMISSION], whose address is: 6920 Yellowtail Road, Cheyenne, WY 82002 and PINEVIEW IMPROVEMENT AND SERVICE DISTRICT, Campbell County, Wyoming, a duly organized improvement and service district existing under the laws of that state [SPONSOR], whose address is: P.O. Box 3827, Gillette, WY 82717.

2. **Purpose of Amendment.** This Amendment shall constitute the first amendment to the Project Agreement between the COMMISSION and the SPONSOR. The purpose of this Amendment is to supplement the PROJECT with funding from the Sponsor’s Contingency Fund.

The original Project Agreement, dated September 25, 2017, was to implement the provisions of 2017 Wyo. Sess. Laws, Ch. 75, authorizing the design and construction of a water storage tank and pumping facilities.

3. **Term of the Amendment.** This Amendment shall commence upon the date the last required signature is affixed hereto [Effective Date], and shall remain in full force and effect through the term of this Project Agreement, as amended, unless terminated at an earlier date pursuant to the provisions of the Project Agreement, or pursuant to federal or state statute, rule or regulation.

4. **Amendments.**

A. **PROJECT Loan and Grant.** The PROJECT funding as set forth in Section 4.A. of the original Project Agreement is hereby amended to read 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 FIVE HUNDRED SIXTY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$563,500.00) which will be disbursed to the SPONSOR for the purpose of completing the aforementioned PROJECT. The funds are divided as follows:

- (1) A grant to the SPONSOR of not more than THREE HUNDRED SIXTY- EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$368,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less until it is entirely disbursed, followed by:

- (2) A grant to the SPONSOR of not more than ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$195,000.00) or sixty-seven percent (67%) of the additional funds needed to complete the PROJECT, whichever is less.

5. Special Provisions.

- A. Same Terms and Conditions.** With the exception of items explicitly delineated in this Amendment, all terms and conditions of the original Project Agreement between the COMMISSION and the SPONSOR, including but not limited to sovereign immunity, shall remain unchanged and in full force and effect.
- B. Counterparts.** This Amendment may be executed in counterparts. Each counterpart, when executed and delivered, shall be deemed an original and all counterparts together shall constitute one and the same Amendment. Delivery by the SPONSOR of an originally signed counterpart of this Amendment by facsimile or PDF shall be followed up immediately by delivery of the originally signed counterpart to the COMMISSION.

6. General Provisions.

- A. Entirety of Agreement.** The original Project Agreement, consisting of eight (8) pages; this Amendment One, consisting of three (3) pages, represent the entire and integrated agreement between the parties and supersede all prior and contemporaneous negotiations, representations and agreements, whether written or oral.

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- 7. **Signatures.** The parties to this Amendment, through their duly authorized representatives, have executed this Amendment on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Amendment.

WYOMING WATER DEVELOPMENT COMMISSION

Laurence Suchor, Chairman

Date

Michael K. Purcell, Secretary

Date

PINEVIEW IMPROVEMENT AND SERVICE DISTRICT

David Collins, President

Date

ATTEST:

Nancy Bock, Board Secretary

ATTORNEY GENERAL'S OFFICE: APPROVAL AS TO FORM

Tyler M. Renner, Assistant Attorney General

Date