

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: June 11, 2014

Board Item: II-A-9

**Fourth Amendment to Agreement with Bishop-Brogden Associates, Inc. for Expert Witness Support in Litigation of Environmental Flow Application**

**Contract No. 14195A**

Action by Consent

Action

Information

On May 7, 2012, Denver Water entered into an Agreement with Bishop-Brogden Associates, Inc. ("BBA") for expert witness support for the Board's Environmental Flow Application, which was filed to allow the Board's water to be used for environmental purposes in Grand County, pursuant to the Colorado River Cooperative Agreement. BBA completed a preliminary expert report to demonstrate that the water is physically and legally available for the intended purposes. The original contract amount has increased from \$50,000 to \$95,000, and BBA has completed a supplemental preliminary report and a final expert witness report.

The proposed fourth Amendment will cover additional work required to fully litigate the Environmental Flow Application in a ten day trial set for December 1, 2014, by adding \$61,000 to bring the contract amount to \$156,000; extending the Contract completion date to February 1, 2015; and adding additional services necessary to litigate the case through trial.

Funds for this contract are contained in the Planning Division budget. Approval of this Amendment does not commit the Board to future year expenditures that were not previously planned.

Recommendation:

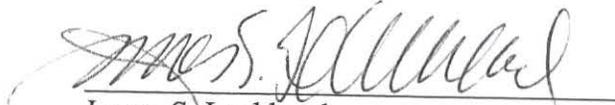
It is recommended that the Board approve the Fourth Amendment to Contract No. 14195A with Bishop-Brogden Associates, Inc.

**Approvals:**



David Little  
Director of Planning

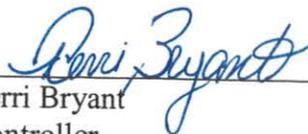
Respectfully submitted,



James S. Lochhead  
CEO/Manager



Patricia Wells  
General Counsel



Terri Bryant  
Controller