

THIRD AMENDMENT  
TO  
AGREEMENT BETWEEN  
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
AND RIVER PARTNERS

THIS THIRD AMENDATORY AGREEMENT is made and entered into this 13 day of Oct, 2009, by and between the THREE RIVERS LEVEE IMPROVEMENT AUTHORITY, a Joint Powers Authority, ("TRLIA") and River Partners ("CONTRACTOR").

**RECITALS:**

WHEREAS, TRLIA and CONTRACTOR entered into an agreement to provide Professional Services dated August 25, 2008 ("AGREEMENT");

WHEREAS, effective March 10, 2009, the parties entered into Amendment No. 1 to the Agreement for Professional Services;

WHEREAS, effective August 4, 2009, the parties entered into Amendment No. 2 to the Agreement for Professional Services;

WHEREAS, Article C.24 of the AGREEMENT, states that modifications or amendments to the terms of the AGREEMENT shall be in writing and executed by both parties;

WHEREAS, TRLIA and CONTRACTOR desire to amend the AGREEMENT.

NOW, THEREFORE, TRLIA and CONTRACTOR agree as follows:

1. Third Amendment to Agreement. The Professional Services Agreement is hereby amended as follows:

The scope of services (Attachment A to the Agreement for Professional Services between TRLIA and River Partners, dated August 25, 2008) is amended to expand the scope of work as described in a new scope of work dated September 4, 2009, to address site preparation and additional elderberry transplant area of the floodplain drainage swale. The parties agree that there will be no additional transplanting of elderberry shrubs without authorization by TRLIA and a related amendment to the original Agreement.

The payment, budget, and not-to-exceed amounts (Professional Services Agreement Attachment B) are amended by the attached Exhibit A to include the additional amount of \$8,200.00 for a total contract amount of \$612,700.00.

All other terms and conditions contained in the Agreement shall remain in full force and effect.

This AMENDED AGREEMENT is hereby executed on this 13 day of OCT 2009.

THREE RIVERS LEVEE  
IMPROVEMENT AUTHORITY

BY: 

CHAIR

CONTRACTOR

BY: 

John Carlson, President, River Partners

APPROVED AS TO FORM:  
ANDREA P. CLARK  
THREE RIVERS LEVEE IMPROVEMENT  
AUTHORITY  
GENERAL COUNSEL

  
\_\_\_\_\_

**Exhibit A**  
**Scope of Additional Services**  
September 4, 2009

The purpose of this document is to describe the scope of work for services added by the third amendment to the TRLIA/River Partners agreement dated August 25, 2008.

River Partners shall furnish all labor, materials, equipment and services to provide maintenance of transplanted elderberries located within a mutually agreed-upon six acres to the north of the existing Feather River Elderberry Transplant (FRET) area. Individual tasks are listed below in summary fashion.

**Task 1:           Extension of Maintenance Area**

River Partners will increase its area of maintenance for previously transplanted elderberries, monitor, create annual reports and extend irrigation to include an additional 5 basins to the north of the project area located at the end of Murphy road. There will be no time extension. This additional maintenance will end in conjunction with the original agreement.

Costs:           The cost will be the \$8,200 for this amendment.

Site prep for 6 acres (Discing, Land leveling, Clearing) - \$5,700

Irrigation, Maintenance, Monitoring, Reporting thru December 2011 for 5 basins- \$2,500