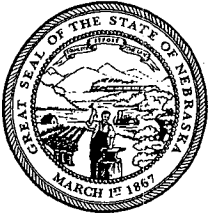


# STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES  
Roger K. Patterson  
Director

February 16, 2005

IN REPLY REFER TO:

Mike Johanns  
Governor

Dennis Summers  
Planning & Construction Manager  
Department of Administrative Services  
521 South 14<sup>th</sup> Street, Suite 500  
P.O. Box 98940  
Lincoln, NE 68509-8940

RE: Retention of The Flatwater Group, Inc. ("Flatwater")

Dear Mr. Summers:

I am writing this letter to request a determination of whether certain services that the Nebraska Department of Natural Resources ("NDNR") wishes to obtain from Flatwater are within the scope of a current agreement between Flatwater and the Nebraska Department of Administrative Services ("DAS").

The NDNR, along with the Nebraska Department of Agriculture and the Nebraska Game and Parks Commission, have been pursuing the approval of a Conservation Reserve Enhancement Program ("CREP") for Nebraska with the United States Department of Agriculture ("USDA"). If approved by the USDA, a Nebraska CREP could go a long ways in easing burdens relating to Nebraska's current drought situation.



The USDA will be looking to Nebraska to supply a full-time CREP coordinator for the Nebraska CREP. Because the amount of time a coordinator would likely have to devote to the program may vary greatly over the anticipated ten-to-fifteen year span of the program, it is not feasible for NDNR to staff such a position internally. We have previously utilized Flatwater for other projects involving the Republican River Basin, due to that group's extensive knowledge of the Basin and its issues. Flatwater Group provided consultation services to NDNR throughout the Kansas-Nebraska litigation and subsequent settlement relating to the Republican River Compact. Flatwater continues to provide such services to NDNR under separate agreement.

We met with Flatwater to explore their level of interest in providing services as the Nebraska CREP coordinator in the event the Nebraska CREP is approved. Flatwater expressed interest, and suggested that the arrangement may fall within the AIA Document B141 – 1997 Part I, Standard Form of Agreement Between Owner and Architect that it executed with the Nebraska

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DNR 005942

Mr. Dennis Summers  
February 16, 2005  
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Department of Administrative Services on January 7, 2005 (the "Umbrella"). It is our understanding that, if the services could be performed under the Umbrella, we would simply need to prepare a Work Authorization in the form attached to this letter in order to retain the services of Flatwater as CREP coordinator.

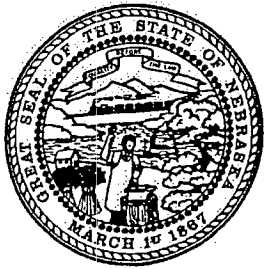
Could you please advise whether the contemplated arrangement between Flatwater and NDNR falls within the Umbrella? If the arrangement cannot be performed under the Umbrella, NDNR will proceed with the preparation of a separate agreement with Flatwater. Please contact me at (402) 471-2363 to discuss. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger K. Patterson".

Roger K. Patterson  
Director

add  
Attachment



**STATE OF NEBRASKA**  
**STATE BUILDING DIVISION**  
**WORK AUTHORIZATION**

**Attachment B**  
 Standard Form of  
 Agreement Between  
 Owner and Architect

Document Distribution:    Consultant                    1 original  
    Owner                                1 original  
    DAS State Building Division 1 copy

DATE \_\_\_\_\_

WORK AUTHORIZATION NO. \_\_\_\_\_

PROJECT NAME \_\_\_\_\_

OWNER PROJECT MGR. \_\_\_\_\_

CONSULTANT \_\_\_\_\_

PHONE NO: \_\_\_\_\_

PHONE NO: \_\_\_\_\_

**DESCRIPTION OF WORK**

This Work Authorization, with the AGREEMENT between Owner and Consultant for Special Services, dated \_\_\_\_\_ between the State of Nebraska here called "Owner" and \_\_\_\_\_ herein called "Consultant" constitutes the express authority given the Consultant by the Owner to do work as follows:

(Refer to attached Project Authorization Check List)

**COMPENSATION**

The Consultant agrees to work on the following basis:

- \_\_\_\_\_ Hourly basis with a defined maximum
- \_\_\_\_\_ Lump sum basis
- \_\_\_\_\_ Percentage of construction cost

- The defined maximum is: \_\_\_\_\_
- The lump sum is: \_\_\_\_\_
- The percentage is: \_\_\_\_\_

Other details of compensation are as follows:

**OWNER**

**CONSULTANT**

BY \_\_\_\_\_

BY \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_