

143443

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PKD No. 1

JUN 15 12 15 PM '02

P. Lavy

J. MICHAEL GARVISON

WHEN RECORDED RETURN TO:

Kielpinski & Woodrich
40 Cascade Avenue, Suite 110
P.O. Box 510
Stevenson, WA. 98648

GRANTOR: PUBLIC UTILITY DISTRICT NO. 1
GRANTEE: PUBLIC
TAX LOT NUMBER: 03 10 30 0 0 0400 00

AMENDED DECLARATION OF COVENANT

Vol 210 Pg 143 AF141173 5/22/01

I, ROBERT WITTENBERG, JR., Manager for the undersigned Skamania Public Utility District No. 1, a Washington Municipal Corporation, owner in fee simple of the land described herein, hereby declare this covenant and place same on record.

Skamania Public Utility District No. 1, the Grantor herein, is the owner in fee simple of the following described real estate situated in Skamania County, State of Washington; to wit:

That portion of the Northwest quarter of Section 30, Township 3 North, Range 10 East, and more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 30, thence North 84°29'13" West along the North line of said Northwest quarter, 378.84 feet to the true point of beginning; Thence South 1°23'45" West 1,100 feet; Thence North 84°29'13" West parallel with the North line of said Northwest quarter, 300.00 feet; Thence North 1°23'45" East 1,100 feet to the North line of said Northwest quarter; Thence South 84°29'13" East 300.00 along the North line of said Northwest quarter, to the true point of beginning.

Contains 7.56 acres, more or less;

AND ALSO together with an easement over and across the following described property, at the location or locations as now surveyed and staked thereupon, for the installation and maintenance of water pipe line and electric distribution line: Lots 1, 2 and 3, and the Northeast Quarter of the Northwest Quarter of

Section 30, Township 3, North of Range 10 East of the Willamette Meridian, containing 154 acres of land, more or less excepting any rights of way upon, through, or under said premises as the same now exist.

On which the Grantor owns and operates a well and waterworks supplying water for public use located on said real estate at:

That portion of the Northwest quarter of Section 30, Township 3 North, Range 10 East, and more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 30, thence North $84^{\circ}29'13''$ West along the North line of said Northwest quarter, 378.84 feet to the true point of beginning; Thence South $1^{\circ}23'45''$ West 1,100 feet; Thence North $84^{\circ}29'13''$ West parallel with the North line of said Northwest quarter, 300.00 feet; Thence North $1^{\circ}23'45''$ East 1,100 feet to the North line of said Northwest quarter; Thence South $84^{\circ}29'13''$ East 300.00 along the North line of said Northwest quarter, to the true point of beginning.

Contains 7.56 acres, more or less;

AND ALSO together with an easement over and across the following described property, at the location or locations as now surveyed and staked thereupon, for the installation and maintenance of water pipe line and electric distribution line: Lots 1, 2 and 3, and the Northeast Quarter of the Northwest Quarter of Section 30, Township 3, North of Range 10 East of the Willamette Meridian, containing 154 acres of land, more or less excepting any rights of way upon, through, or under said premises as the same now exist.

Said well located approximately as designated in Exhibit "A", attached hereto and incorporated herein.

Grantor is required to keep the water supplied from said well free from impurities which might be injurious to the public health.

Grantor previously recorded a Declaration of Covenant on May 22, 2001, Auditor's File No. 141173, Book 210 Page 143, Records of Skamania County. This Amended Declaration of Covenant is recorded to clarify the permissible use of a road located within the buffer zones affected pursuant to the Declaration of Covenant and Restrictive Covenant previously recorded herewith.

It is the purpose of these grants and covenants to prevent certain practices hereinafter enumerated in the use of said Grantor's water supply.

NOW THEREFORE, the Grantor agrees and covenants that said Grantor, its heirs, successors and assigns will not construct, maintain, or suffer to be constructed or maintained upon the said land of the Grantor and within 100 (One Hundred) feet of the well herein described, so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as septic tanks and drainfields, sewerlines, underground storage tanks, roads, railroad tracks, vehicles, structures, barns, feed stations, grazing animals, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste, or garbage of any kind or description.

PROVIDED THAT, the Department of Health recognizes that the continued use of the existing roadway identified in the survey prepared by Michael S. Wellman and attached as Exhibit "B" is a permissible use, within the intent of the recorded covenant. Department of Health further recognizes that said roadway may be maintained to its existing level without harm to the well and springs. Said authorization is stated in the letter attached hereto as Exhibit "C" and incorporated herein as if fully set forth.

Skamania County Public Utility District No. 1, owner of Parcel No. 03 10 30 0 0 0400 00, its successors or assigns, and the owners of Tax Parcel No. 03 10 30 0 0 0302 00, their successors or assigns, shall be permitted to continue to use the existing roadway identified above for access to their respective lots.

These covenants shall run with the land and shall be binding to all parties having or acquiring any right, title, or interest to the land described herein or any part thereof, and shall inure to the benefit of each owner thereof.

WITNESS my hand this 7th day of ~~December~~, 2001.

Ref.
January, 2002

Robert Wittenberg
By: ROBERT WITTENBERG, JR.
Manager of Skamania Public Utility District
No. 1,
GRANTOR

STATE OF WASHINGTON)

County of Skamania)

) ss.

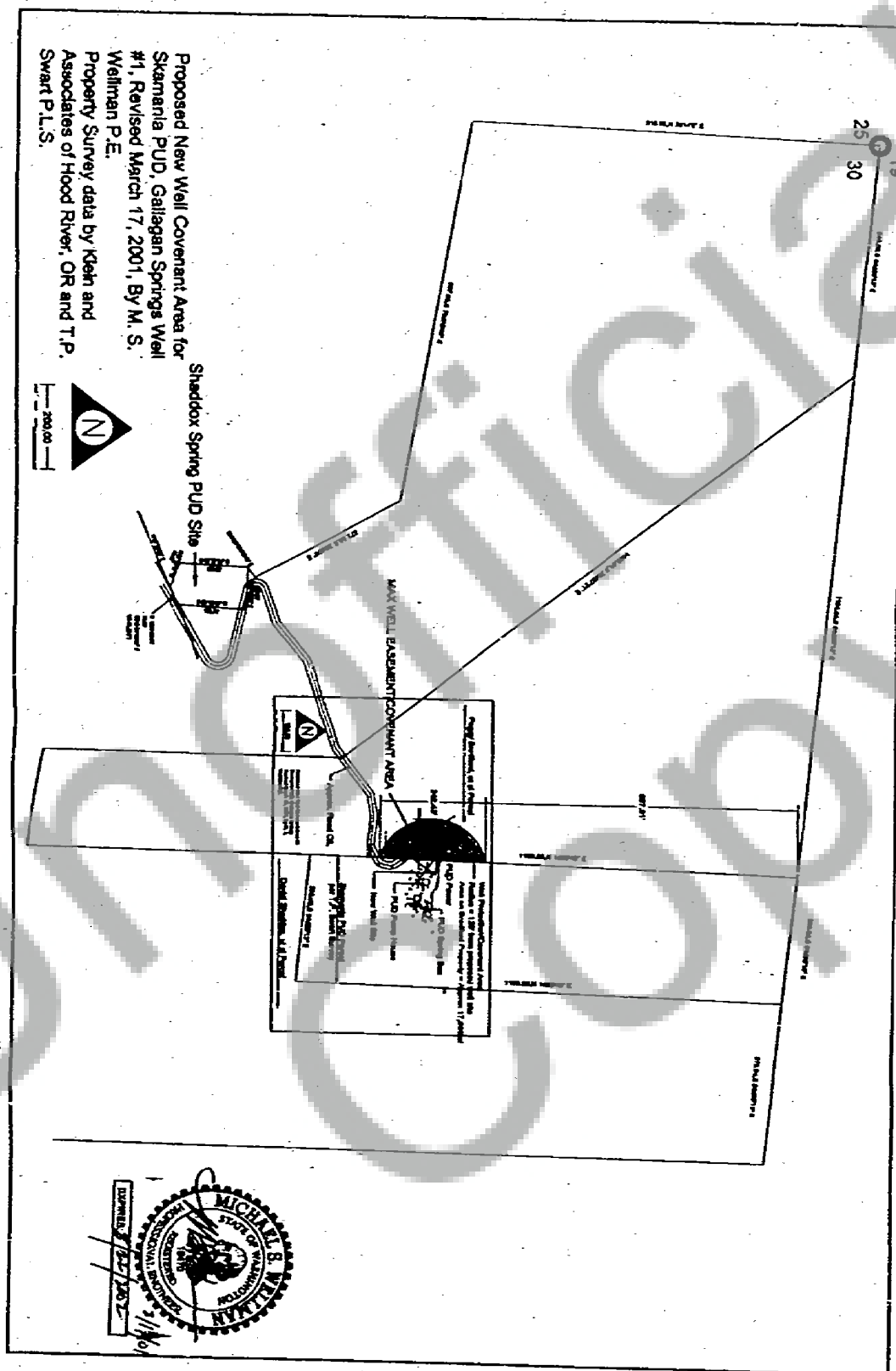
I, the undersigned, a notary public in and for the State of Washington hereby certify that on this 7th day of January, personally appeared before me ROBERT WITTENBERG, JR., to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed for the purposes therein mentioned. Given under my hand and official seal the day and year last above written.

NOTARY PUBLIC
STATE OF WASHINGTON
KATY JANE ARCHER

My Commission Expires May 17, 2004

Katy Jane Archer
NOTARY PUBLIC, in and for the State of
Washington

My commission expires 5/17/04



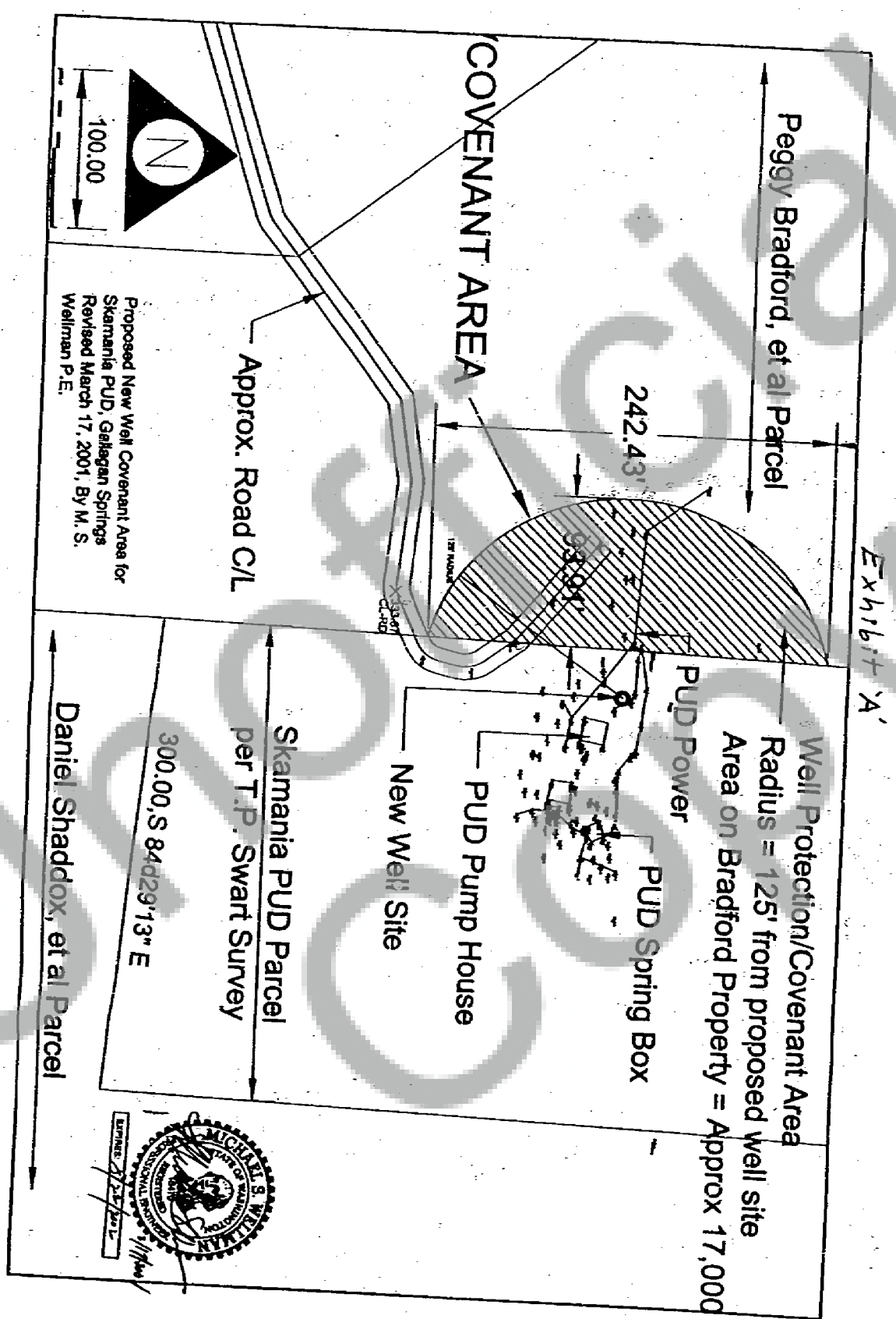




Exhibit "C"
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STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SOUTHWEST DRINKING WATER OPERATIONS
2411 Pacific Ave. • P.O. Box 47823 • Olympia, Washington 98504-7823
(360) 664-0768 • FAX (360) 664-8058
TDD Relay Service: 1-800-833-6368

December 10, 2001

Bob Wittenberg
Skamania County Public Utility District
PO Box 500
Carson, Washington 98610

Dear Mr. Wittenberg:

Subject: Underwood Water System, ID #90200, Skamania County; Source Approval, New Well, DOH Project #97-0912

Thank you for clarifying the request to use the roadway through the sanitary control areas for the new well source and the Gallagan Springs. The existing road is unpaved and is downhill from the sources, with drainage away from the sources, and dead-ends not far from the water supply. A map has been provided and I have been on site.

Currently the road is used by the utility for access to the sources and is proposed to be used by the private property owner for access to the upper portion of the adjacent property, on which part of the sanitary control area covenant is recorded. The proposed residence on the adjacent property will be built at a lower elevation, not within the sanitary control area. Columbia Gorge Scenic Area Act and terrain limitations make it unlikely that anything will be constructed off the end of this road.

The Department of Health is willing to recognize that the road can be used by the property owner and Skamania Public Utility District, and be maintained to its existing level, without harm to the well and springs. This is within the intent of the recorded covenant, as required by the Department of Health.

Sincerely,

DENISE LAHMANN, P.E.
WSDOH Regional Engineer

cc: Southwest Washington Health District, Skamania County

