

**RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:**

Albert F. Schlotfeldt, Attorney  
Duggan Schlotfeldt & Welch, PLLC  
900 Washington Street, Suite 1020  
Vancouver, WA 98660

**REAL ESTATE EXCISE TAX**

N/A  
MAY 11 2004

PAID N/A  
*Audrey Fahrens, Deputy*  
SKAMANIA COUNTY TREASURER

Grantors (Person or Company  
indebted to Claimants): DAVID CREAGAN, BRENDA CREAGAN, GERALD SAUER, MARY  
SAUER, JOHN NIEMER and LAUREN NIEMER  
Grantees (Claimants): DAVID CREAGAN, BRENDA CREAGAN, GERALD SAUER, MARY  
SAUER, JOHN NIEMER and LAUREN NIEMER  
Abbreviated Legal: N ½ NE ¼ Sec. 23 TTN.R6E.WM  
Assessor's Property Tax  
Parcel/Account #: 1103, 1105, 1106, 1107 *Well Agreement  
G.S. 5/11/04*  
Other Reference Nos: \_\_\_\_\_

**WELL AGREEMENT**

This Agreement is made this 10<sup>th</sup> day of May, 2004, by DAVID  
CREAGAN, BRENDA CREAGAN, GERALD SAUER, MARY SAUER, JOHN NIEMER and  
LAUREN NIEMER, the record title owners of six adjacent parcels of property abutting certain  
easements described on the attached Exhibits.

**RECITALS**

The declarations contained in this Well Agreement ("Agreement") are based on the  
following factual recitals:

A. DAVID CREAGAN and BRENDA CREAGAN are the owners of certain real  
property, referred to by the parties as Tract 1 and legally described in Exhibit "A" attached  
hereto, that legal description being dated April 6, 2004.

B. DAVID CREAGAN and BRENDA CREAGAN are the owners of certain real  
property, described as Tract 2 and legally described in Exhibit "B" attached hereto, that legal  
description being dated April 6, 2004.

C. GERALD SAUER and MARY SAUER are the owners of certain real property, legally described in Exhibit "C" attached hereto.

D. JOHN NIEMER and LAUREN NIEMER are the owners of certain real property, legally described in Exhibit "D" attached hereto.

E. There are four wells serving the subject parcels, as depicted on Exhibit "E" ("the wells"). Each of the parcel owners shall have the right to equitably use the water for their respective parcels.

F. As of the date of this agreement, the respective owners of the parcels and their addresses are as follows:

DAVID and BRENDA CREAGAN, 19707 NE 105<sup>th</sup> Avenue, Battle Ground, WA 98604  
GERALD and MARY SAUER, 26300 NE 16<sup>th</sup> St., Camas, WA 98607  
JOHN and LAUREN NIEMER, 8379 SW Charlotte Drive, Beaverton, OR 97007

## SECTION ONE EASEMENT

1.1 WELL PROTECTION AREA. The parties to this agreement hereby grant and convey to each other a perpetual easement for certain well protection areas 100 feet in diameter around each of the wellheads depicted in Exhibit "E". The well protection area burdens the respective parcels and runs with the land. The parties recognize that due to the placement of the wells the well protection areas may cross onto the adjacent parcel. The parties agree that there shall be no construction of any kind within the well protection areas, nor shall they permit any activity in the well protection areas that may in any way threaten or be detrimental to the well or its ability to produce potable water.

## SECTION TWO ASSIGNMENT OF RIGHTS

All rights granted in this Agreement shall not be further assignable by the parcel owners except as an appurtenance to and in conjunction with the sale or subdivision of their parcels.

## SECTION THREE AMENDMENT

The provisions of this Agreement may be amended, but only with the consent of 75% of the parcel owners of all the property described herein.

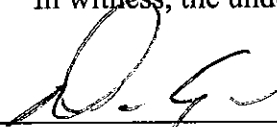
SECTION FOUR  
BINDING AGREEMENT

The easement rights and responsibilities set forth in this Agreement shall be perpetual and shall run with the land, and shall be binding on the successors and assigns of the parcel owners.


SECTION FIVE  
VOTING

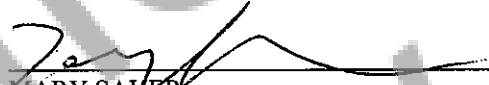
If a parcel is owned by more than one person, all the owners of a parcel will collectively be referred to as the parcel owner, and will be entitled to only one collective vote, i.e., each parcel represents one vote in the matters covered by this Agreement.

In witness, the undersigned have executed this Agreement on the date first written above.

  
\_\_\_\_\_  
DAVID CREAGAN

  
\_\_\_\_\_  
BRENDA CREAGAN

  
\_\_\_\_\_  
GERALD SAUER

  
\_\_\_\_\_  
MARY SAUER

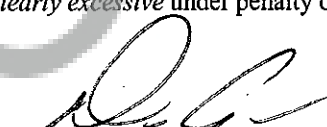
  
\_\_\_\_\_  
JOHN NIEMER

  
\_\_\_\_\_  
LAUREN NIEMER

STATE OF WASHINGTON     )  
                                      : ss.  
COUNTY OF Clark     )

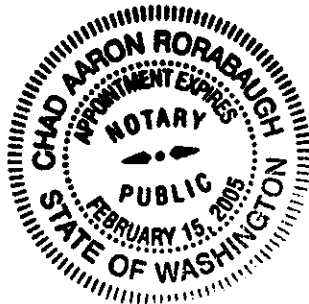
DAVID CREAGAN and BRENDA CREAGAN, being sworn, say: We have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.



  
\_\_\_\_\_  
DAVID CREAGAN

  
\_\_\_\_\_  
BRENDA CREAGAN

SUBSCRIBED AND SWORN TO before me this 7<sup>th</sup> day of May, 2004.



Chad Rorabaugh  
Print name: Chad Rorabaugh  
NOTARY PUBLIC in and for the State of Washington;  
residing at: Camas, WA  
My commission expires: 2/15/2005

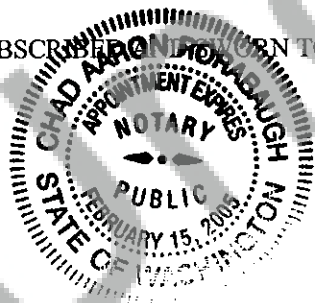
STATE OF WASHINGTON )  
: ss.  
COUNTY OF Clark )

GERALD SAUER and MARY SAUER, being sworn, say: We are the Claimants above named; have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct *and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.*

[Signature]  
GERALD SAUER

[Signature]  
MARY SAUER

SUBSCRIBED AND SWORN TO before me this 7<sup>th</sup> day of May, 2004.



Chad Rorabaugh  
Print name: Chad Rorabaugh  
NOTARY PUBLIC in and for the State of Washington;  
residing at: Camas, WA  
My commission expires: 2/15/2005

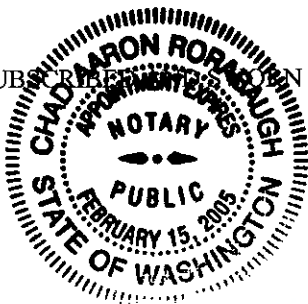
STATE OF WASHINGTON )  
 : ss.  
COUNTY OF Clark )

JOHN NIEMER and LAUREN NIEMER, being sworn, say: we are the Claimants above named; have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct *and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive* under penalty of perjury.

John M Niemer  
JOHN NIEMER

Lauren Niemer  
LAUREN NIEMER

SUBSCRIBENT JOHN TO before me this 7<sup>th</sup> day of May, 2004.



Chad A. Rorabaugh  
Print name: Chad Rorabaugh  
NOTARY PUBLIC in and for the State of Washington;  
residing at: Camas, WA  
My commission expires: 2/15/2005



# HAGEDORN, INC.

**SURVEYORS AND ENGINEERS**

1924 Broadway, Suite B • Vancouver, WA 98663 • (360) 696-4428 • (503) 283-6778 • Fax: (360) 694-8934 • www.hagedornse.com

April 6, 2004

## EXHIBIT "A"

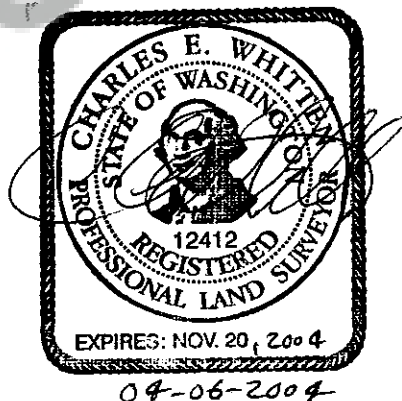
### TRACT 1 AFTER RE-ADJUSTMENT (20 ACRES):

A portion of the North half of the North half of the Northeast quarter of Section 23, Township 7 North, Range 6 East, Willamette Meridian, Skamania County, Washington, described as follows (bearings are Washington Coordinate System, South Zone, NAD 83; distance are "ground"):

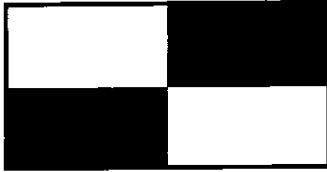
BEGINNING at a 2 1/2 inch iron pipe with 1961 BLM Brass Cap at the Quarter Corner between Sections 14 and 23; thence South 89° 07' 55" East, 2645.78 feet to a concrete monument at the Northeast corner of Section 23; thence South 01° 18' 16" West, along the East line of the Northeast quarter of Section 23, for a distance of 430.00 feet; thence North 89° 07' 55" West, parallel with the North line of the Northeast quarter of Section 23, for a distance of 415.80 feet; thence North 07° 00' 00" West, 99.69 feet; thence North 89° 07' 55" West, 536.24 feet; thence North 87° 35' 18" West, 1679.76 feet to the West line of the Northeast quarter of Section 23; thence North 01° 20' 10" East, 286.00 feet to the POINT OF BEGINNING.

SUBJECT TO easements and restrictions of record.

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April 6, 2004

## EXHIBIT "B"

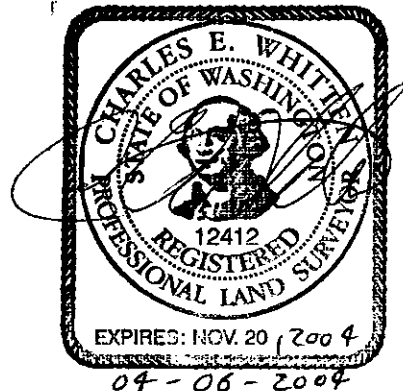
### TRACT 2 AFTER RE-ADJUSTMENT (20 ACRES):

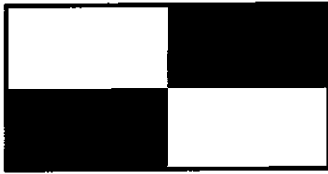
A portion of the North half of the North half of the Northeast quarter of Section 23, Township 7 North, Range 6 East, Willamette Meridian, Skamania County, Washington, described as follows (bearings are Washington Coordinate System, South Zone, NAD 83; distance are "ground"):

BEGINNING at a 2 1/2 inch iron pipe with 1961 BLM Brass Cap at the Quarter Corner between Sections 14 and 23; thence South 89° 07' 55" East, 2645.78 feet to a concrete monument at the Northeast corner of Section 23; thence South 01° 18' 16" West, along the East line of the Northeast quarter of Section 23, for a distance of 430.00 feet to the TRUE POINT OF BEGINNING; thence North 89° 07' 55" West, parallel with the North line of the Northeast quarter of Section 23, for a distance of 415.80 feet; thence North 07° 00' 00" West, 99.69 feet; thence North 89° 07' 55" West, 536.24 feet; thence North 87° 35' 18" West, 1679.76 feet to the West line of the Northeast quarter of Section 23 at a point that is South 01° 20' 10" West, 286.00 feet from the Quarter Corner between Sections 14 and 23; thence South 01° 20' 10" West, 380.18 feet to the Southwest corner of the North half of the North half of the Northeast quarter of Section 23; thence South 89° 12' 52" East, 2646.18 feet to the Southeast corner of the North half of the North half of the Northeast quarter of Section 23; thence North 01° 18' 16" East, 232.36 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO easements and restrictions of record.

LD2004\Creagan23-tract 2A.cew





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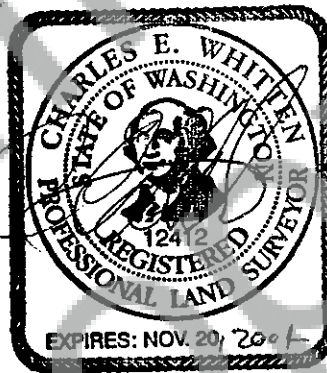
April 20, 2004

## **EXHIBIT "C"**

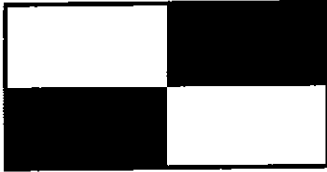
### **GERALD AND MARY SAUER TRACT:**

The North half of the South half of the North half of the Northeast quarter of Section 23, Township 7 North, Range 6 East, Willamette Meridian, Skamania County, Washington,

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April 20, 2004

## EXHIBIT "D"

### JOHN AND LAUREN NIEMER TRACT:

The South half of the South half of the North half of the Northeast quarter of Section 23, Township 7 North, Range 6 East, Willamette Meridian, Skamania County, Washington,

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