

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

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

**Grantors (Person or Company  
indebted to Claimants):** DAVID CREAGAN, BRENDA CREAGAN, GERALD SAUER and MARY  
SAUER, MIKE FORTIN and KIM FORTIN  
**Grantees (Claimants):** DAVID CREAGAN, BRENDA CREAGAN, GERALD SAUER and MARY  
SAUER, MIKE FORTIN and KIM FORTIN  
**Abbreviated Legal:** S ½ of Section 24, T7N, R6E W.M.  
**Assessor's Property Tax  
Parcel/Account #:** 070624000500  
070624000400  
070624000100  
**Other Reference Nos:** \_\_\_\_\_

**WELL AGREEMENT**

This Agreement is made this 12<sup>th</sup> day of September, 2005, by DAVID CREAGAN, BRENDA CREAGAN, GERALD SAUER and MARY SAUER, MIKE FORTIN and KIM FORTIN, the record title owners of three 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 one parcel of real property legally described in the records of Skamania County under document Nos. 2005156968, recorded on April 15, 2005.

B. GERALD SAUER and MARY SAUER are the owners of one parcel of real property legally described in the records of Skamania County under document Nos. 2005156950, recorded on April 15, 2005.

C. MIKE FORTIN and KIM FORTIN are the owners of one parcel of real property legally described in the records of Skamania County under document Nos. 2004153497, recorded on June 28, 2004.

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

E. 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

MIKE and KIM FORTIN, 2018 NE 129<sup>th</sup> Avenue, Vancouver, WA 98684

## 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 "A". 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 they shall not 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

  
\_\_\_\_\_  
MIKE FORTIN

  
\_\_\_\_\_  
KIM FORTIN

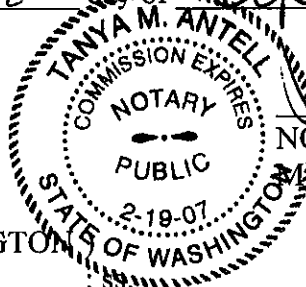
STATE OF WASHINGTON )

: ss.

County of Clark )

I certify that David Creagan and Brenda Creagan appeared personally before me and that I know or have satisfactory evidence that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 12th day of Sept, 2005.



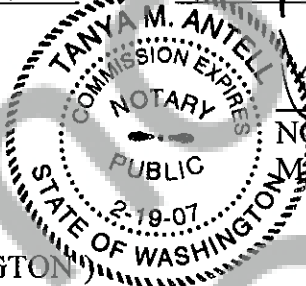
Tanya M Antell  
NOTARY PUBLIC FOR WASHINGTON  
My Commission Expires: 2/19/07

STATE OF WASHINGTON )

County of Clark )

I certify that Gerald Sauer and Mary Sauer appeared personally before me and that I know or have satisfactory evidence that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 12th day of Sept, 2005.



Tanya M Antell  
NOTARY PUBLIC FOR WASHINGTON  
My Commission Expires: 2/19/07

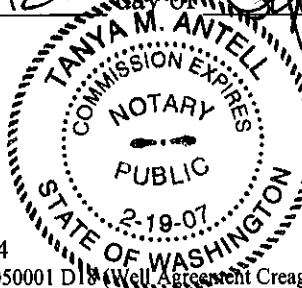
STATE OF WASHINGTON )

: ss.

County of Clark )

I certify that Mike Fortin and Kim Fortin appeared personally before me and that I know or have satisfactory evidence that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 12th day of Sept, 2005.



Tanya M Antell  
NOTARY PUBLIC FOR WASHINGTON  
My Commission Expires: 2/19/07

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DOC # 2005158675  
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**EXHIBIT "A"**

"SAUER"

LOOMIT LANE (P)



100-FOOT RADIUS  
WELL PROTECTION  
EASEMENT

WELL

WELL

"CREAGAN"

LOOMIT LANE (P)

PHYLLIS ANN BLOCK COURT

WELL

WELL

100-FOOT RADIUS  
WELL PROTECTION  
EASEMENT

"FORTIN"

SW 1/4 of SECTION 24, T7N, R6E, WM

SCALE: 1"=150'  
DATE: 8/16/05

JOB NO.: 05-058  
CALC. BY: CEW

DRAWN BY: CC  
DWG# 05-058W