AFN #2012181847 Recorded 10/24/2012 at 01:47 PM DocType: AGLS Filed by: PACIFICORP Page: 1 of 4 Auditor Timothy O. Todd Skamania County, WA

#### **AFTER RECORDING RETURN TO:**

PACIFICORP Attn: Property Department 825 NE Multnomah, Suite 1700 Portland, Oregon 97232

Grantor: Des Verley Grantee: PacifiCorp

**Legal:** W 1/2 OF THE NW 1/4 OF THE NE  $1/4\sim$ 

Tax Parcel: 03100300010500

# FIRST AMENDMENT TO GROUNDWATER WELL SETTLEMENT AGREEMENT, COVENANT, AND RELEASE

This First Amendment to Groundwater Well Settlement Agreement, Covenant, and Release ("Amendment") and all Exhibits attached hereto, is by and between PacifiCorp, an Oregon corporation, dba PacifiCorp Energy ("PacifiCorp"), and Des Verley (the "Well Owner").

#### **Background**

- A. PacifiCorp and the Well Owner entered into that certain Groundwater Well Settlement Agreement, Covenant, and Release dated September 25, 2012 (the "Agreement") including Addendum A attached thereto. The Agreement and Addendum A addressed reimbursement for certain costs associated with work to drill a new groundwater well at Well Owner's Property known as Skamania County, Washington Tax Lot 03100300010500 and further described in the Agreement.
- B. PacifiCorp and the Well Owner desire to amend the Agreement and Addendum A as set forth below.

#### **Terms and Conditions**

Now, therefore, the Agreement and Addendum A are hereby amended as follows:

- 1. Section 4(A) of Addendum A to the Agreement is deleted and replaced with the following:
- 4. Subject to all of the requirements of the Agreement, the Parties have agreed that the Reimbursement referred to in Section 1 of the Agreement and required to be paid by PacifiCorp under Section 1.2 of the Agreement will be as follows:
  - (A) Reimbursement for Authorized Work. PacifiCorp will reimburse Well Owner thirteen thousand two hundred twenty-seven and 38/100 dollars (\$13,227.38) for the following items:
    - PacifiCorp will reimburse Well Owner five thousand three hundred fifty-eight and 83/100 dollars (\$5,358.83) for the Department of Ecology Permit fee and Work

First Amendment to Groundwater Well Settlement Agreement

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described on the statement from MK Drilling Co. dated September 17, 2012 (a copy of which is attached hereto as **Exhibit 1**).

- PacifiCorp will reimburse Well Owner six thousand six hundred twenty-one and 99/100 dollars (\$6,621.99) for the materials and Work described on the statement from MK Drilling Co. also dated September 17, 2012 (a copy of which is attached hereto as **Exhibit 2**).
- PacifiCorp will reimburse Well Owner one thousand two hundred forty-six and 56/100 dollars (\$1,246.56) for the Work described on the MK Drilling Co. Statement dated July 6, 2012 (a copy of which is attached to Addendum A as **Exhibit 3**).
- 2. Exhibit 1 and Exhibit 2 to the Agreement and Addendum A (which are both estimate statements from MK Drilling Co. dated July 30, 2012) are deleted and replaced with the Exhibit 1 and Exhibit 2 attached hereto (which are both statements from MK Drilling Co. dated September 17, 2012).
- 3. Except as modified herein, all other terms and conditions of the Agreement and Addendum A shall remain in full force and effect.

EXECUTED IN DUPLICATE AS OF THE DATES SET FORTH BELOW.

Agreed:

PacifiCorp, an Oregon corporation

dba PacifiCorp Energy

Mark Sturtevant,

Managing Director, Hydro Resources

Date:

Well Owner

Des Verley

Date: 10/08 /2012

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### **EXHIBIT 1** Statement from MK Drilling dated September 17, 2012



PO BOX 470 DALLESPORT WA 98617

509-767-1342 509-767-1907 FAX EMAIL: wnter@gorge.net

Water Well Drilling

**DES VERLEY** 

Statement

**ADDRESS: 92 OSTERMAN RD** WHITE SALMON, WA 98672

Date: SEPT 17, 2012 Well Log:# 02443

HOME: 509-493-1901 WORK: CELL: 503-679-3427

**PROPERTY: 1072 LAKEVIEW RD NORTHWESTERN LAKE** 

	PULL EXISTING PUMP, PIPE, WIRE & PITLESS:		
2 HR	LABOR @ \$125.00/HR		250.00
	MOBILIZATION OF DRILL RIG	<u> </u>	1,500.00
80'	6" DRILLING @ \$24.00/FT		1,920.00
160'	4.5' PVC WELL LINER @ \$7.00/FT		1,120.00
	/ A ' A \		
	DEPT OF ECOLOGY PERMIT \$290.00		
		<u> </u>	
		SUB TOTAL	\$ 4,790.00
		7.7% SALES TAX	\$ 368.83
		TOTAL	S 5,158.83

PERMIT

200.00

TERMS: 30 DAYS

PAYMENT DUE UPON RECEIPT 12% INTEREST STARTS IN 30 DAYS

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## **EXHIBIT 2** Page 1 of 1 Statement from MK Drilling dated September 17, 2012

# M-K DRILLING CO

PO BOX 470 DALLESPORT WA 98617

Water Well Drilling

509-767-1342 509-767-1907 FAX EMAIL: water@gorge.net

**DES VERLEY** 

Statement

**ADDRESS: 92 OSTERMAN RD** 

WHITE SALMON, WA 98672

HOME: 509-493-1901 Date: SEPT 17, 2012 Well Log:# 02443

WORK:

CELL: 503-679-3427

**PROPERTY: 1072 LAKEVIEW RD NORTHWESTERN LAKE** 

GOULDS 3 H.P. PUMP & 3-PHASE MOTOR MOD# 33GS30 1,887.00 YASKAWA 3 H.P. VFD CONTROLLER 2,405.08 10-4 SUBMERSIBLE FLAT WIRE 250 470.00 1 1/4" PVC DROP PIPE 80, 198.40 46' 1/4" AIRLINE TUBING 6.90 150 #10 TWISTED WIRE 237.00 7.5 HR LABOR @ \$125.00/HR + TRAVEL FROM SHOP 937.50 4 HR MINI EXCAVATOR WORK @ \$85.00/HR 340.00 SUB TOTAL 6,148.55 7.7% SALES TAX 473,44 TOTAL DUE 6,621.99

5 YR WARRANTY PUMP & MOTOR ONLY LABOR NOT INCLUDED

TERMS: 30 DAYS

PAYMENT DUE UPON RECEIPT 12% INTEREST STARTS IN 30 DAYS

Exhibit 2 - First Amendment to Groundwater Well Settlement Agreement

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