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, Skagit County Auditor

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SHARED WELL AND WATER SYSTEM AGREEMENT

09/28/00

COVER PAGE

*Ivan Rasmussen / Fladebo Shared Well , Heidi
Sandra Rasmussen*

Attached:

Shared Well and Water System Agreement - 5 pages

Financial & System Components - 1 page

Site Map - 1 page

System Description - 1 page

P# 176863

NE 1/4, NE 1/4, Section 36, Township 33N
Range 4 EWM

P# 17861

33N, W 1/4, M 1/4, Section 36, Township
Range 4 EWM

SHARED WELL AND WATER SYSTEM AGREEMENT

WHEREAS, IVAN RASMUSSEN AND SANDRA RASMUSSEN, husband and wife, ("Rasmussen") are the owners of the following described real property, situated in Skagit County, Washington:

Parcel #17863, Tax ID #330436-0-013-0000
NE 1/4, NE 1/4, Section 36, Township 33 N., Range 4 E.W.M.

and,

WHEREAS, HEIDI FLADEBO, individual is owner of the following described real property, situated in Skagit County, Washington:

Parcel# 17861 A&B, Tax ID #330436-0-011-0002
W 1/4, M 1/4, Section 36, Township 33 N, Range 4 E.W.M.

WHEREAS, there is a well located on Parcel #17863, (the "Well") a pump, power line and various accessories associated therewith (the "Pump"), together with water lines leading from the well to Parcel #17863 and Parcel #17861 respectively ("Mainlines"), both of which shall be hereinafter collectively referred to as the "Water System"

WHEREAS, the Water System has been approved by Skagit County, and

WHEREAS, the parties seek to establish an arrangement whereby the owners of Parcel #17863 and Parcel #17861 enjoy equal rights to make use of the Water System and share, on an equitable basis, the costs associated with operating and maintaining the Water System.

WITNESSETH:

1. **Creation of Shared Well**, A community well has been located on:

Parcel #17863, Tax ID #330436-0-013-0000
NE 1/4, NE 1/4, Section 36, Township 33 N., Range 4 E.W.M.

As owner of Parcel #17863, Rasmussen hereby grants, conveys and assigns for the benefit of Parcel #17861, and its owners, successors, and assigns, a perpetual non-exclusive easement to withdraw water from the Well for the use and benefit of the property described as follows:

Parcel# 17861 A&B, Tax ID #330436-0-011-0002
W 1/4, M 1/4, Section 36, Township 33 N, Range 4 E.W.M.



2. **Grants of Easement**

A. **Easement over Parcel #17863.** Rasmussen, as the owner of Parcel #17863, hereby grants unto Parcel #17861 and the respective owner, heirs, successors and assigns, a perpetual non-exclusive easement to enter onto Parcel #17863 for the purpose of maintaining, repairing, replacing and improving all or any portion of the Water System located on Parcel #17863. Entry onto Parcel # for these purposes shall be undertaken in such a manner as to minimize, to the extent feasible, disruption of the property, or disturbance of the owners thereof. Following entry Parcel #17863, for the purpose set forth herein, the property shall be restored as nearly as possible to the condition existing prior to entry with such costs being treated as costs of maintenance and repairs to be shared by the owner of Parcel #17863 and Parcel #17861 in the manner set forth below.

B. **Easement Over Parcel #17861.** Fladebo, as the owner of Parcel #17861, hereby grants to and for the benefit of Parcel # and the respective owners, successors and assigns, a perpetual non-exclusive easement to enter onto Parcel #17861, for the purpose of maintaining, repairing, replacing and improving all or any portion of the Water System located on Parcel #. Entry onto Parcel #17861 for these purposes shall be undertaken in such a manner as to minimize, to the extent feasible, disruption of the property, or disturbance of the owners thereof. Following entry Parcel #17861, for the purpose set forth herein, the property shall be restored as nearly as possible to the condition existing prior to entry with such costs being treated as costs of maintenance and repairs to be shared by the owner of Parcel # and Parcel #17861 in the manner set forth below.

3. **Ownership of Water System.** The owners of Parcel #17863 and Parcel #17861 shall be and hereby are granted an undivided one-half interest, each, in and to the Water System. Each parcel shall be entitled to receive a supply of water for one single family residence, which single family residence, which single family residence must be located on one of the Parcels described herein. the rights conferred herein may not be served from the parcels or assigned or used on any other lot or parcel of property other than those specified herein except as provided in paragraph 11 below.

The members, by agreement, may adopt reasonable rules and regulations governing use and operation of the Water System such as termination of water service if bills are not paid within 30 days of the due date, additional charges for disconnection, connection, etc.



4. **Governance.** The owners of Parcel #17863 and Parcel #17861 shall be members of an unincorporated association know as the Rasmussen/Fladebo Shared Well.

5. **Cost of Maintenance, Repairs and Improvements.** The owners of Parcel #17863 and Parcel #17861 shall each bear and be responsible for one-half of the cost of operating and maintaining the Water System, exclusive of the cost of electricity. The Water System shall, at all times, be maintained in good and serviceable condition. The owners of Parcel #17863 and Parcel #17861 shall share equally in the cost of insuring the Water System complies, at all times, with all applicable laws, ordinance, rules and regulations, promulgated by federal, state and local agencies, including but not limited to those relating to water quality standards.

6. **Construction, Maintenance and Repair of Service Lines.** The owner of each lot shall be responsible for paying the cost of laying a water line from the Water Main to any and all improvements, located on his or her lot ("Service Line") and shall also be responsible for the cost of linking the Service line to the Water Main, which shall be undertaken in a manner which complies with all applicable state and local laws, codes, rules and regulations. The owner shall also be responsible for paying the cost of repairing or maintaining any Service Lines located on his or her lot in good and serviceable condition, free of leakage, seepage, or other defects, which may cause water loss or contamination of the water, or injury, or damages to persons property.

7. **Cost of Power.** The cost for the power to operate the Water System shall be borne equally by all lot owners who have installed Service Lines that are connected to the Water Main, irrespective of the actual use being made of the Water System.

8. **Cost of Water Treatment System.** The costs of maintaining and operating the water treatment system shall be borne equally by all lot owners who have installed Service Lines that are connected to the water main, irrespective of the actual use being made of the Water System.

9. **Remedies for Breach.** In the event that the owner of Parcel #17861 fails to pay his/her respective share of the cost of maintaining or operating the Water System as provided, the owners of Parcel #17863 shall have the right to file a lien against the defaulting owner's parcel, as described herein, to secure payment of the same.

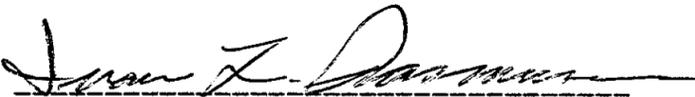
In the event that an owner breaches or fails to perform or observe any term or condition Herein, or fails to cure such breach within 10 days of receipt of written notice thereof the owners of Parcel #17863, without further notice to the party, may seek any remedy available at law or in equity, including but not limited to, the following:

- A. Injunctive Relief;
- B. Civil action for damages together with accrued interest, reasonable attorneys' fees and costs;
- C. Civil action to foreclose on the lien provided herein together with accrued interest, reasonable attorneys' fees and costs;
- D. Any other remedies available at law or in equity.

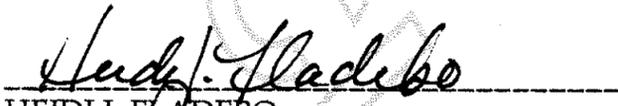
11. **Restrictions on Furnishing Water to Additional Parties.** The Water System shall not be utilized to furnish water to any property other than the parcels described herein without the unanimous written consent of the owners of Parcel #17863 and owners of Parcel #17861 respectively.

12. **Water Representative.** The owner of Parcel #17863 shall represent both parties in all matters related to compliance with federal, state or local laws, ordinances, rules and regulations governing the Water System. This person shall serve until he/she no longer has ownership interest in a lot which is subject to this agreement.

DATED this 8 day of ^{SEPT.} ~~August~~, 2000


IVAN L. RASMUSSEN


SANDRA K. RASMUSSEN

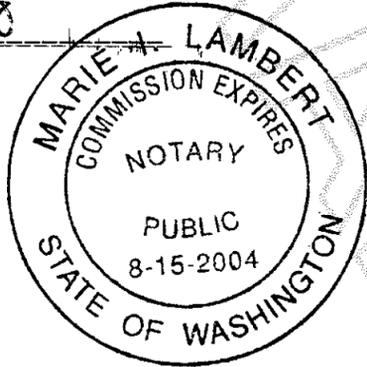

HEIDI J. FLADEBO



STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that IVAN RASMUSSEN AND SANDRA RASMUSSEN are the persons who appeared before me, and said persons acknowledged that they signed this instrument, and acknowledged it to be their free and voluntary act for the uses and purpose mentioned in the instrument.

Dated: 9/8/00

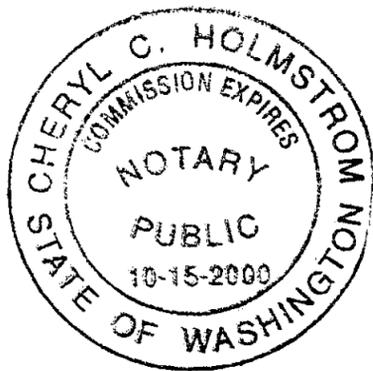


Marie Lambert
NOTARY PUBLIC in and for the
State of Washington
Printed Name MARIE I LAMBERT
My commission expires: 8-15-2004

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that HEIDI FLAEBE IS the person who appeared before me, and said person acknowledged that he/she signed this instrument, and acknowledged it to be their free and voluntary act for the uses and purpose mentioned in the instrument.

Dated: 9-11-00



Cheryl C. Holmstrom
NOTARY PUBLIC in and for the
State of Washington
Printed Name Cheryl C. Holmstrom
My commission expires: 10-15-2000



RASMUSSEN / FLADEBO
Shared Well Water System

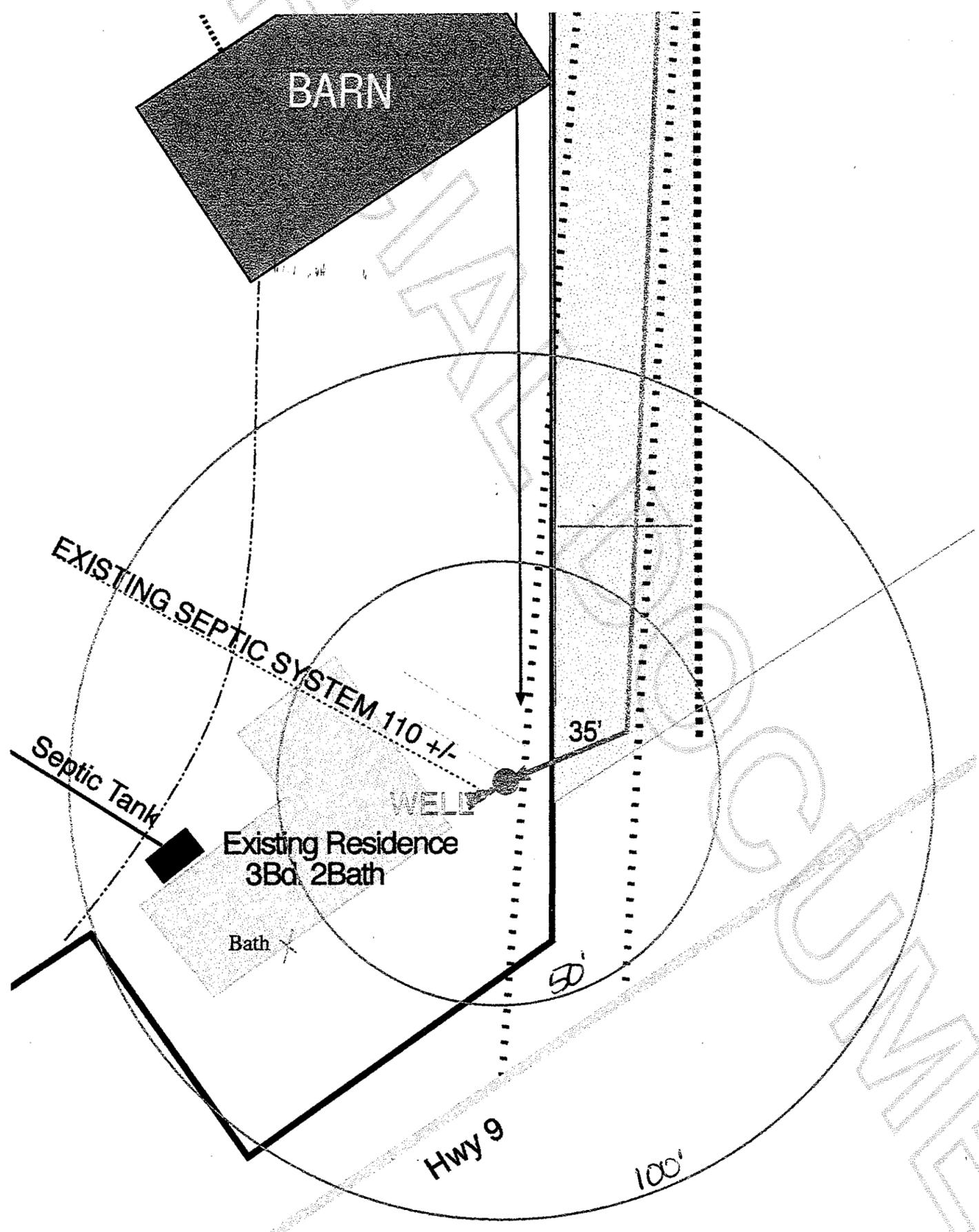
Water System Construction & Description

85' Well (see attached well description)

Distribution is powered by 3/4 horse Submersible Pump through the existing pressure system; including source meter, 8 gallon a minute flow restricters to each residence. Pressure system protected by a Watts PRV.
Distribution is 1-1/4" 160 PSI distribution pipe.



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RASMUSSEN / FLADEBO
SHARED WELL

FINANCIAL PRACTICES

- Each Parcel owner shall share equally (50%) in the funding of repairs, replacement and improvements to the Well, Pump, Control Box, Meter, Riser Pipe, Pressure Tank and Relief Valve.
- Each Parcel owner shall pay for all (100%) repairs, replacement and improvements their own Service Line from the Well to Residence.

WATER SYSTEM COMPONENTS:

	Life Span (Years)	Estimated Replacement Cost
• Control Box and Heaters	10	400
• Pressure Tank and Relief Valve	12	2500
• Submersible Pump	15	2400
• Distribution Lines	30	2200
• Well	50	7000



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NOTICE TO FUTURE PROPERTY OWNERS

This property is served by a public water system that is subject to the provisions of Chapter 246-291 WAC. This system may also be subject to other state and local regulations. The system owner is responsible for maintaining this system in compliance.

The name of this system is: Rasmussen-Fladebo Water System

The state Department of Health and local health department share administration of the drinking water regulations. Therefore, when the term "department" is used, it refers to whichever agency regulates this particular system. You can contact the Skagit County Health Department to find out which agency is applicable.

This water system is designed to provide for two (2) services. The two services include one service to Parcel # 17863 and one service to Parcel # 17861. Additional planning and design approvals must be obtained from the department prior to expanding beyond this number of services or whenever there are changes made to the system, such as adding a treatment system.

Please note that the design standards for this system account for domestic use and limited watering of a small lawn and garden space only. The design assumes that all residences will be equipped with low flow plumbing fixtures and that all users will keep conservation in mind whenever they use this system.

At the time this water system was approved by the health department, a water right had not been issued by the State of Washington for this system. Without a water right, total withdrawals from the well must be limited to less than 5000 gallons per day and total irrigation must be limited to less than 1/2 acre. Water users are expected to work together [cooperate] to insure the water system operates within these parameters. Failure to keep usage within the 5000 gallons per day limit may jeopardize the system's continued use of the well.

Public water systems are subject to on-going requirements. These include periodic water quality monitoring, system maintenance and various record keeping. Prior to purchasing this property, it is recommended that you contact the department to determine whether this system is in compliance with applicable regulations. Fees may be charged by the department for providing information on this public water system and other various services.

The department maintains current information on this system to expedite retrieval of information for your use or for lending institutions that require information on the system as part of their loan approval process. Each time information changes, such as a change in the number of homes connected to the system; a change in owner/operator name, address or phone number; etc., the owner of your system must submit an updated *Water Facilities Report Form* to the department. Contact the Skagit County Health Department for a new *Water Facilities Report Form*.

This 2-connection Group B public water system has been given waivers from specific provisions of the regulations. This water system was not required to maintain a Satellite Management Agency. A four-hour stabilized pump test was not required; the 1.5 hour pump test at the time of the well construction showed 17 gallons per minute capacity with .3 feet of drawdown and was accepted as proof of adequate quantity of water for 2 residences. Setbacks from the well to a house, septic tank, and a public road were reduced as shown in the Declaration of Covenant (file # 200009280014). A shared well agreement and easements for access to the distribution system has been filed for the 2 properties served by this public water system. This water system was not required to have a generator disconnect or transfer switch for reliability.

Current information on operating costs is available from the system owners.



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