

Project:
Owner:
Description:

Parcel:

Whereas the owners of the above-described property have conveyed Parcel No. _____ to the state pursuant to a memorandum agreement which recites the value of the property taken and all items of damage resulting from the taking, except the replacement cost of the water well, and its appurtenances, if any; and

Whereas the sole purpose of this agreement is to provide for the replacement of the water well and existing appurtenances, and for the payment of the cost of such replacement.

Therefore, it is agreed that:

1. The owners are authorized to engage a well driller for the purpose of locating a replacement well containing potable water in an amount equivalent to that furnished by the well acquired by the state.
2. The replacement well will be limited in size to that which will provide the water supply stated in paragraph 1.
3. The replacement well will be fitted with a pump appropriate to provide the water supply stated in paragraph 1.
4. The pump will be connected to the existing distribution system in a manner that will provide the water supply stated in paragraph 1.
5. The owner agrees to utilize, when appropriate, materials salvaged from the existing well and distribution system.
6. The owner shall be responsible for submitting a well drilling statement specifying the type of soil formations encountered, any significant water volumes encountered in the course of the drilling operations, and the capacity of the replacement well and water system.

7. If the capacity of the well or water system is enhanced to a greater capacity, by the installation of equipment, materials, or appurtenance, than that of the existing well or system, any cost attributable to such enhancement shall be borne by the owners.
8. The state will not impair the use of the existing well until the replacement well and water distribution system is completed, unless the owners have, for whatever reason, delayed the prosecution of the work for the replacement well and distribution system. The state shall have the right to do all things necessary to provide a replacement well and distribution system, if the owners delay, jeopardize, or unduly delay the prosecution of the highway construction project.
9. Upon completion of the replacement water well and distribution system, the owners will submit an itemized bill, supported by invoice or bill from the well driller, material, men, or supplies. Such bill from the owners shall include any cost for the salvaging and reinstallation of any material so utilized.
10. The state, upon receipt of the documents identified in paragraph 8, will pay to the owner all costs submitted in conformity with the terms of this agreement. Upon payment, the owners agree to execute a release of liability as to any future responsibility as to the replacement well and water distribution system.
11. In the event the well driller encounters a dry hole condition, the owner shall immediately notify the state.

Accepted and approved this ____ day of _____, 20__.

STATE OF NORTH DAKOTA
 North Dakota Department of Transportation _____

By: _____

Title: _____