

ABANDONMENT OF WATER SUPPLY AGREEMENT

Directions: This form is to be used when the landowner intends to abandon or has abandoned the water supply permanently due to abandonment of the residence, or abandons the water supply because of the availability of an existing alternate water supply. For wording in brackets [], underline the correct choice or choices and draw a line through the other choices. Draw a line through any other parts of this agreement that do not apply.

Operator:

Name: _____ Address: _____

Water Supply Owner(s): List everyone with an ownership interest in the water supply.

Name: _____ Name: _____

Address: _____ Address: _____

1. The operator has [proposed to mine/mined] at the _____ mine in _____ Township, _____ County, Permit No. _____
2. The water supply for _____ is a [spring/well/other] _____)] identified as sample point _____ in the permit application.
3. The users of the water supply are: _____

4. (A) By signing this consent form, the landowner understands and acknowledges that the Surface Mining Conservation and Reclamation Act (the Act) and the rules and regulations of the Department require:

- (i) That a surface mining operator replaces the landowner's water supply, if the operator's mining activities cause contamination, interruption, or a decrease of that water supply;
- (ii) That the surface mining operator replace the affected water supply at the operator's expense;
- (iii) That the replacement water supply be of adequate quantity and quality for the purposes served by the original water supply and its reasonably foreseeable uses;
- (iv) That the replacement water supply cannot require excessive maintenance;
- (v) That the operator reimburse the landowner for all future increase in operation and maintenance costs for the replacement water supply that exceed the operation and maintenance costs of the affected water supply by more than \$60 per year and more than 15% of the cost to operate and maintain the original supply;
- (vi) That the landowner's access to and control over the replacement water supply is equivalent to the access and control the landowner had over the affected water supply.

(B) In signing this consent form, the landowner agrees to give up the rights identified in A.

5. The water supply [will be/has been] [contaminated, lost, diminished or interrupted] by the _____ mining at the mine.

6. The owner [intends to abandon/has abandoned] the water supply permanently due to the [availability of an existing alternate supply/abandonment of the use of the residence.]

7. This agreement shall be governed by, construed, interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

8. Any modification or amendments to the terms and provisions of this Agreement shall be valid and effective only if and when made in writing and duly executed on behalf of the parties hereto.

9. The deed for the property, which the water supply is for, is recorded in Book No. _____, Page No. _____ in _____ County.

BY THE WATER SUPPLY OWNERS (Please read carefully):

I hereby waive my full legal right of any claim of diminution in the quantity and quality of the abandoned water supply as described above under paragraph 4 or for any loss of the supply. I also waive any claim to have the water supply restored or replaced as required by law.

I/we the owner(s) of the affected water quality voluntarily and knowingly execute this agreement.

Name: _____ Date _____

Name _____ Date _____

BY THE OPERATOR:

I hereby agree to implement the terms of this agreement.

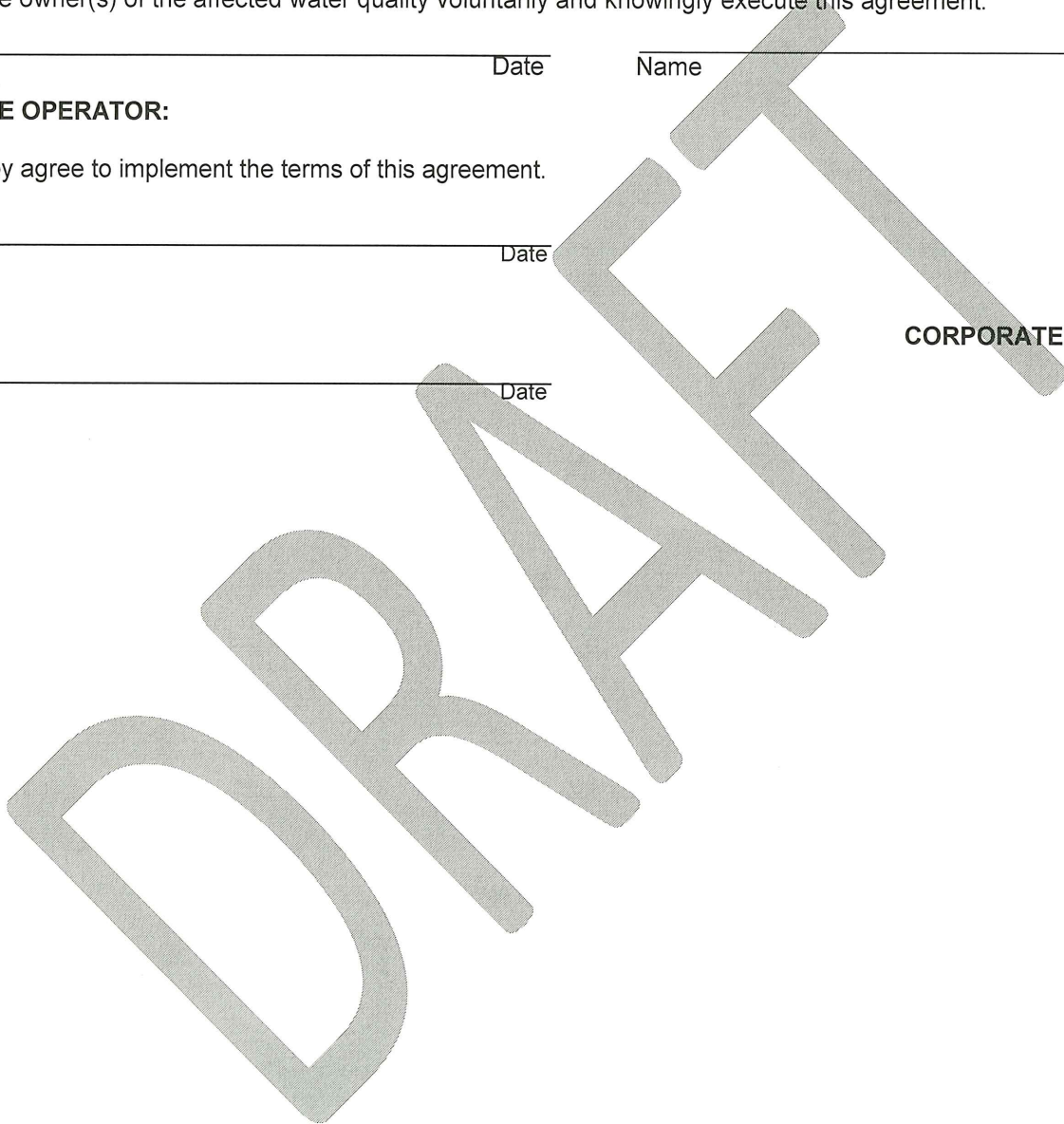
Name: _____ Date _____

Title: _____

CORPORATE SEAL

Name: _____ Date _____

Title: _____



ACKNOWLEDGEMENT

STATE OF

COUNTY OF

SS

On this, the ____ day of _____, 20____, before me, the undersigned Notary, personally appeared

(Name (s))

known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument, and who acknowledged that _____ executed the same and desire it to be recorded.
(he, she or they)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL) _____ My Commission Expires: _____
Notary Public (Date)

STATE OF

COUNTY OF

SS

On this, the ____ day of _____, 20____, before me, the undersigned Notary, personally appeared

(Name (s))

known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument, and who acknowledged that _____ executed the same and desire it to be recorded.
(he, she or they)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL) _____ My Commission Expires: _____
Notary Public (Date)

This instrument has been recorded in _____
County, Pennsylvania, this ____ day of _____
____ (year), at Book _____, Page(s) _____

(Signed) + (Print Name) _____

(Seal) _____