

First Water Agreement Addendum

This Water Agreement Addendum ("Agreement") is made and entered into as of 9/25/24, by and between Hidden Rock Development Group ("Developer") and Big Plains Water Special Service District ("District").

Recitals:

WHEREAS, Developer and District have entered into a Water Agreement, dated June 26, 2024, in which developer and district agreed on terms regarding Developer's Project located in District's service area. This agreement amends and is supplemental to that Water Agreement.

WHEREAS, the Town of Apple Valley has established a Public Improvement District (PID) to facilitate the development of Oculta Roca;

WHEREAS, the Developer intends to construct and install a one million gallon concrete water tank to support the water supply needs of the development;

WHEREAS, Once the Town of Apple Valley has approved the PID the Developer has committed to finance the construction and installation of said water tank;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Developer's Obligations

The Developer agrees to:

- a. Design, construct and install a one-million-gallon concrete water tank along with all of the necessary water lines and hardware in accordance with the District's specifications, the Water Agreement, and applicable laws.
- b. Bear all costs associated with the construction and installation of the water tank, including but not limited to labor, materials, permits, and inspections.
- c. Complete the construction and installation of the water tank within 1 year following the approval of the PID.

2. Districts Obligations

The District agrees to:

- a. Review and approve plans for the construction and installation of the water tank in a timely manner.

3. Indemnification

The Developer agrees to indemnify and hold harmless the District from any and all claims, liabilities, losses, damages, or expenses arising from the construction and installation of the water tank.

4. Default

Default of This Agreement shall be handled in the same manner as the default provision in paragraph 12 of the Water Agreement.

5. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

6. Entire Agreement

This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof and supersedes all prior negotiations, discussions, and agreements.

IN WITNESS WHEREOF, the parties hereto have executed this Water Agreement Addendum as of the date first above written.

Hidden Rock Development Group

By: _____
Name: _____
Title: _____
Date: _____

Big Plains Water Special Service District

By: _____
Name: _____
Title: _____
Date: _____