

AGREEMENT

This agreement, made and entered into this 27th day of March, 1963, by and between Charles E. Simpson, hereinafter called Contractor, and Robert D. Kerns, Owner, witnesseth:

That the Contractor agrees to excavate a drainage ditch, a lateral ditch, and a recreation pond, on the Owner's property, according to the plan and specifications drawn by the Engineering Department of the Soil Conservation District with offices located in the Post Office in Coeur d'Alene. The exact location of the work will be stated by the Soil Conservation Service.

The Contractor agrees to install 30 feet of 12-inch corrugated metal culvert pipe in the location as directed by the Soil Conservation Service. This culvert pipe shall be furnished by the owner. No separate payment shall be made for the installation of this culvert pipe but the compensation for this portion of the work shall be included in the agreed unit price per cubic yard of excavation.

Acceptance.

Acceptance of the work will be subject to the approval of the Soil Conservation Service engineer.

Save Harmless.

The Contractor shall save the Owner harmless from all claims or damages resulting from the Contractor's operations.

Measurement and Payment.

The cubic yards of excavation shall be measured by the average end area method to the neat lines as shown on the plan and as staked at the site. No payment shall be made for material excavated outside the limits as indicated.

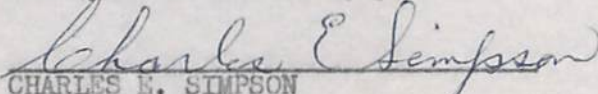
Payment shall be made at the unit rate of 25¢ per cubic yard, not to exceed 8630 yards total. This price shall include full payment for furnishing all equipment, fuel, labor and all incidentals necessary to complete the work as directed by the Soil Conservation Service.

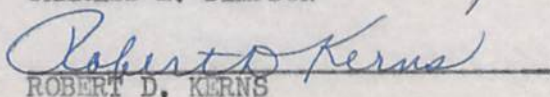
No payment shall become due until all work is complete and accepted.

Rock Clause.

In the event rock is encountered that is too hard to dig, the ditch and/or pond shall first be shifted in location, or if impossible, to pay an increase of \$14.00 per yard, for that portion necessary, up to 5 yards of material, based on the measurement of the Soil Conservation Service engineer.

To be completed not later than the 15th of October 1963.


CHARLES E. SIMPSON


ROBERT D. KERNS