

AMENDMENT NO. 4

to

Water Purchase Contract dated 23 October 2003 Between the City of Jackson (Seller) and the Breathitt County Water District (Buyer)

The parties to the Water Purchase Contract have identified a need to amend the Water Purchase Contract dated 23 October 2003 to:

- Eliminate all quantity and rate restrictions and all surcharge for water in excess of 2,500,000 gallons per month;
- Add a seventh, eighth and ninth Point of Delivery

Upon execution, this Amendment dated June 16, 2010 shall become a part of the Contract, equally binding as the original Contract.

The Contract is hereby amended is follows:

Section A.1. All Point of Delivery locations shall carry no minimum or maximum volume of water, or delivery rate (gpm) at this time. The Seller reserves the right to establish a minimum sale and/or a maximum volume or rate at a later date. If such limits are to be imposed, the Seller shall notify the Buyer in writing and an amendment to the Water Purchase Contract shall be executed.

Section A.4. Whenever an emergency interruption of service, cut-off of the water supply to the District, or a "Boil Water" notice is necessary by the Seller, the Seller will immediately contact the District at the District's office number of (606) 666-3800 x 250 and the District's Superintendent, Shannon Moore on his cell phone (606) 568-5707.

Section A.5. In the original Contract allows for the Seller to furnish the Buyer finished water through two points of delivery (# 1 & 2). Amendment No. 1 added two more points of delivery (# 3 & 4); Amendment No. 2 added one more point of delivery (# 5); Amendment No. 3 added one more point of delivery (# 6):

Point of Delivery No. 1..... master meter at EOL of Seller's line on KY 30 West
 Point of Delivery No. 2..... master meter at 12-inch flange at WTP yard
 Point of Delivery No. 3..... master meter at EOL of Seller's line on KY 52
 Point of Delivery No. 4..... master meter at intersection of KY 30 & Town Hill Rd
 Point of Delivery No. 5..... master meter at KY 15 South and Lost Creek
 Point of Delivery No. 6..... master meter at KY 30 East near the KY DOT Garage

This Amendment will add three more points of delivery:

Point of Delivery No. 7..... master meter at KY 1812 Panbowl area

Point of Delivery No. 8..... master meter at KY 476 near Caney School area

Point of Delivery No. 9..... future master meter at KY 1110/KY 15 (meter flow in both directions – to the District and also to the City)



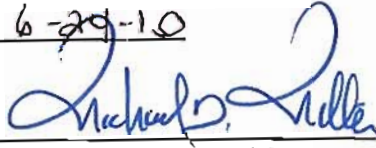
Section C.9. The last sentence of this section shall be changed to read "Payment of water bills by wholesale customers is due by the 30th of each month for the prior months usage, except in February, when payment is due on the last day of the month.

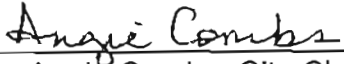
This Amendment consists of two pages.

In witness whereof, the parties hereto, acting under the authority of their respective governing bodies, has caused this Amendment to be duly executed in six (6) counterparts, each of which shall constitute an original.

Setter:

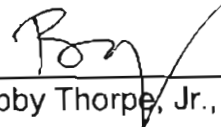
City of Jackson, Kentucky

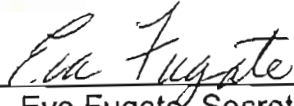
Date: 6-29-10
By: 
Michael D. Miller, Mayor

Date: 6-24-10
By: 
Angie Combs, City Clerk

Buyer:

Breathitt County Water District

Date: 7/21/10
By: 
Bobby Thorpe, Jr., Chairman

Date: 7/21/10
By: 
Eva Fugate, Secretary

Rural Development Concurrence

By: _____
Community Programs Specialist

Date: _____

