

17. 8. 78

INDEX AGAINST: OUTLOT A, FIRETHORN 4TH ADDITION, LANCASTER COUNTY,  
NEBRASKA

AGREEMENT

This Agreement is entered into between Firethorn Investment, a partnership (Firethorn) and Dru W. Lammle (Lammle).

The parties agree:

1. Lammle is the contract purchaser of certain real estate located at 91st and Pioneers Boulevard, Lancaster County, Nebraska, more particularly described as follows:

Lot 49 of Irregular Tracts in the NE 1/4, except that portion thereof conveyed to Lancaster County by Warranty Deed as Inst. No. 90-33500; Lot 50 or Irregular Tracts in the NE 1/4 and the East 1/2 of the NW 1/4, except that portion thereof conveyed to Lancaster County, by Warranty Deed recorded as Inst. No. 90-33499, all in Section 11, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

An application for a special permit to develop a golf course on the property was filed and designated Special Permit No. 1423 by the Lincoln City/Lancaster County Planning Commission.

2. Firethorn is the owner of the following described real estate:

Outlot A, Firethorn 4th Addition, Lancaster County, Nebraska

3. The Lincoln City/Lancaster County Planning Commission approved Special Permit No. 1423 (Resolution No. PC-00061).

4. Firethorn has appealed the decision of the Lincoln City/Lancaster County Planning Commission to the Lincoln City Council. The basis of the appeal is Firethorn's concern regarding the availability of adequate water for the irrigation of the golf course contemplated by Special Permit No. 1423 and the existing Firethorn golf course located at approximately 90th and Van Dorn, Lancaster County, Nebraska.

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5. Firethorn has agreed to withdraw its objection and dismiss its appeal provided the following condition is added to the resolution granting the special permit:

The applicant shall not construct or develop any water production well, with an output greater than 50 gallons per minute, within 2,000 feet of Pioneers Boulevard. Any water production well developed by the applicant, which is located more than 2,000 feet from Pioneers Boulevard, shall not have an output more than approximately 250 gallons per minute.

Firethorn has existing water production wells located approximately one-half mile North of Pioneers Boulevard. Firethorn agrees that it will not construct or develop any water production well, with an output greater than 50 gallons per minute, any closer to Pioneers Boulevard than its existing wells.

If either Firethorn or Lammle desire to construct or develop any water production well with an output greater than 50 gallons per minute in any area prohibited by this Agreement, the party desiring to construct or develop such well shall request from the other party to this Agreement a waiver, accompanied by a ground water supply evaluation made by a qualified engineering firm in accordance with the process described in the memorandum from Vince Dreeszen to Roger Severin dated 26 February 1992, a copy of which is attached to this Agreement as Exhibit "A".

6. If the ground water supply evaluation furnished in accordance with the preceding paragraph demonstrates that the effect of construction or development of a water production well within the areas prohibited by this Agreement will not adversely affect existing production wells of the other party, consent to construct or develop such production well shall not be unreasonably withheld.

7. The parties agree that this Agreement shall run with the land described in paragraphs 1 and 2 and shall be binding upon the parties and their respective successors in interest.

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Dated April 3, 1992.

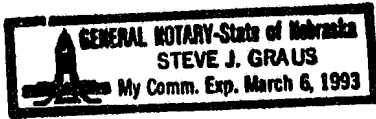
FIRETHORN INVESTMENT

BY: Richard Youngscap  
Richard Youngscap, Managing Partner

Dru Lammle  
Dru Lammle

STATE OF NEBRASKA )  
                          ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 3<sup>RD</sup> day of APRIL, 1992, by Richard Youngscap, managing partner on behalf of Firethorn Investment, a partnership.



Steve J. Graus  
Notary Public

STATE OF NEBRASKA )  
                          ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 3<sup>RD</sup> day of APRIL, 1992, by Dru Lammle.



Steve J. Graus  
Notary Public

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EXHIBIT  
A

MEMORANDUM

TO: Roger Severin  
FROM: Vince Dreeszen  
RE: Groundwater Supply Evaluation  
DATE: 26 February 1992

A permit to develop a water supply should be based upon a comprehensive evaluation of the water supply in and around the area of the proposed development. The evaluation should be made by a qualified engineering firm with hydrogeologic expertise. The process for investigating, evaluating and determining impacts is to be as follows:

1. Obtain logs of all available test holes and wells in the immediate area (one-half to one mile from the boundary of proposed development).
2. Drill at least three test holes on the property. Samples should be collected at five foot intervals and electric logging shall be required. Static water levels shall be measured after the test holes are cased.
3. One of the test holes should be completed to be used as a production well for test pumping. Casing and screen should be a minimum of five inch diameter.
4. Remaining test holes should be cased and screened as observation wells. One of the observation wells should be located within 100 feet of the test well to be pumped and the other not greater than 1200 feet.
5. The production well should be test pumped to determine yield at various pumping levels. A minimum 72 hour pumping test shall be conducted and water levels measured in the pumping well and any observation wells.
6. Based on data from the available test holes and wells and information obtained by test pumping, a hydrogeologic evaluation of the area should be made including; thickness of aquifer; hydrologic parameters of transmissivity and storage coefficient; and water table contour map (or potentiometric surface).
7. A plan for developing the water supply that includes proposed sites for wells, estimate of yields from wells, proposed pumping rates, seasonal and annual withdrawal and use to which water is to put.
8. The study should indicate, based on the information obtained, the anticipated impact of the proposed groundwater withdrawal both on and off the property. Effects on other wells in terms of increased pumping lifts and reduced yields should be projected.

LANCASTER COUNTY, NEB  
D. W. Miller  
REGISTER OF DEEDS

#2150

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INST. NO. 92 17878

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FIRST NO. 4  
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