

## EXHIBIT D

### SUPPLEMENTAL TERMS AND CONDITIONS TO WHATCOM COUNTY AVAILABILITY NOTIFICATION FOR PUBLIC WATER

#### POINT ROBERTS WATER DISTRICT NO. 4

The following terms and conditions apply to the attached Whatcom County Availability Notification for Public Water (**Availability Notification**) issued by Point Roberts Water District No. 4 (**District**):

1. This Availability Notification is valid only for the real property referenced herein for the sole purpose of submission to the Whatcom County Health Department and/or Whatcom County Planning & Development Services (collectively "**Whatcom County**"). This Availability Notification is between the District and the Applicant only, and no third person or party shall have any rights hereunder whether by agency or as a third-party beneficiary or otherwise.

2. Any Availability Notification issued by the District relating to Whatcom County's consideration and approval of various permits and approvals relating to land use actions referenced in this Availability Notification **shall expire, be null and void, and have no further validity and effect if the Applicant receiving the Availability Notification fails to apply for the designated land use approval to Whatcom County within one year of the issuance of this Availability Notification** by the District, unless **this Availability Notification** is specifically updated or extended by approval of the District.

3. The District makes no representations, express or implied, that the Applicant/owners of the real property which is the subject of this Availability Notification will be able to obtain the necessary permits, approvals, and authorizations from Whatcom County or any other governmental agency necessary before the owners of the real property may utilize the water service which is the subject of this Availability Notification. In addition, other governmental agencies may establish requirements, as a condition of granting any such permits, approvals, or authorizations relating to this Availability Notification that may make the provision of utility services impractical or impossible to the real property which is the subject of this Availability Notification.

4. As of the date of the issuance of this Availability Notification, the District has water available to provide water utility service to the property which is the subject of this Availability Notification, and the water utility system exists or may be extended to provide water service to the property. However, the issuance of this Availability Notification creates no contractual relationship between the District and the Applicant, and the issuance of this Water Availability may not be relied upon and does not constitute the District's guarantee that water service will be available at the time the Applicant may apply to the District for such service unless the Applicant has made such application to the District and has fully paid all applicable District fees and charges, including meter, meter installation and water general facility connection charges, as a precondition to receiving water service from the District.