

CITY OF ASHEVILLE
WHOLESALE WATER PURCHASE AGREEMENT
WITH THE TOWN OF BLACK MOUNTAIN

AMENDMENT 1

This amendment, made and entered into this 25 day of August, 2009, by and between the City of Asheville (hereinafter called the "City"), and the Town of Black Mountain (hereinafter called "Black Mountain"), in recognition of an existing agreement for the wholesale purchase of water between the City and Black Mountain, seeks to modify the agreement as follows:

To add a paragraph, Section B. Water Quantity Commitment 8., to read:


8. *If the capacity commitment of this Agreement is increased by the provisions of paragraph(s) B. 4., 5., 6., or 7., Black Mountain may make a formal request for a reduction of the capacity commitment one (1) year after the capacity increase. Black Mountain cannot request a reduction that would lower the capacity commitment to less than the original capacity commitment as set forth in paragraph B.1 of the Agreement. Black Mountain shall make a written request to the Water Resources Director of the City. The Water Director shall determine the monthly average consumption of water provided by the City to Black Mountain in the preceding 12 months. If the monthly average water consumption has not exceeded the requested capacity commitment for the preceding 12 months, the request will be granted.*

To modify Section H, General Provisions paragraph 11. to remove the names of the contact persons and identify them by their title. Paragraph 11 will read:

11. *For purposes of providing notice in this agreement, the following contact persons and addresses shall control unless changed in writing: City contact will be the current Director of Water Resources, City of Asheville, PO Box 7148, Asheville, NC 28802. Black Mountain's contact will be the current Town Manager, Town of Black Mountain, 225 State Street, W., Town of Black Mountain, NC 28711.*

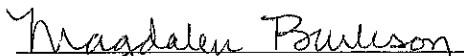
IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment as of the day and year first above written.

CITY OF ASHEVILLE



Mayor

WITNESS



City Clerk

TOWN OF BLACK MOUNTAIN

Mayor

WITNESS

Town Clerk