



**METER**

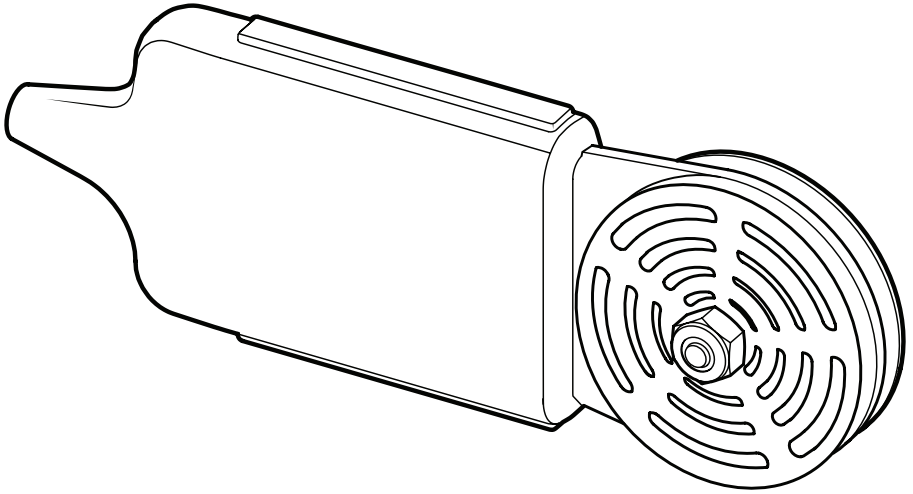
# TEROS 21





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# 1. INTRODUCTION

Thank you for purchasing the TEROS 21 Soil Water Potential Sensor from METER Group.

TEROS 21 was designed to be a maintenance-free matric potential sensor designed for long-term, continuous field measurements. The TEROS 21 measures the dielectric permittivity of a solid matrix to determine the water content of the solid matrix. The relationship between water content and matric potential, known as the soil moisture characteristic curve, is used to calculate the soil matric potential. This measurement approach, along with the calibration process used in production, allows for accurate measurements of water potential.

Prior to use, verify the TEROS 21 arrived in good condition.

## 2. OPERATION

Please read all instructions before operating the TEROS 21 to ensure it performs to its full potential.


### SAFETY PRECAUTIONS

METER sensors are built to the highest standards, but misuse, improper protection, or improper installation may damage the sensor and possibly void the manufacturer's warranty. Before integrating TEROS 21 into a system, follow the recommended installation instructions and have the proper protections in place to safeguard sensors from damage.

## 2.1 INSTALLATION

Follow the steps listed in [Table 1](#) to set up the sensor. It is critical that the sensor has good hydraulic contact with the soil to make accurate measurements.

**Table 1 Installation**

<b>Tools Needed</b>	<p><b>Auger or shovel</b></p> <p><b>Knife</b> (if installing in shallow depth)</p> <p><b>Water</b> (for packing soil or making slurry)</p>
<b>Preparation</b>	<p><b>Check Sensor Functionality</b></p> <p>Plug the sensor into the logger (<a href="#">Section 2.2</a>) to make sure the sensor is functional.</p>
<b>Field Installation</b>	<p><b>Create Hole</b></p> <p>Auger or trench a hole to the desired sensor depth.</p> <p><b>Pack Sensor</b></p> <p>Moisten native soil and pack it firmly around the entire sensor discs. Ensure the soil is in contact with all surfaces of the ceramic.</p> <p><b>NOTE:</b> Sandy soils may not adhere to the sensor even when wet. If so, place the sensor at the bottom of the hole and carefully pack the soil around the sensor. Be sure to pack the soil firmly around ceramic surfaces.</p> 

**Table 1 Installation (continued)****Field Installation  
(continued)****Install Sensor**

For shallow installation (less than ~30 cm), use a knife to remove a small sliver of soil. Insert packed sensor into the channel.

For deep installation (greater than ~30 cm), use the native soil to make a slurry with water. Lower sensor into the hole and fill with the slurry.

**NOTE:** Soils with high shrink-swell potential may pull away from the sensor as they dry and disrupt measurements.

**NOTE:** Do not install the sensor with the body exposed above ground.

**Connect to Logger**

Leave at least 15 cm (6 in) of sensor cable beneath the soil before bringing the cable to the surface. At least 10 cm (4 in) of cable should exit the sensor body in a straight line before bending the cable.

Plug the sensor into the logger.

Use the data logger to make sure the sensor is reading properly.

**Backfill the Hole**

Return soil to the hole, packing the soil back to its native bulk density.

## 2.2 CONNECTING

The TEROS 21 sensors work best with METER data loggers or ProCheck handheld readers.

1. Check data logger software and firmware versions to ensure they support TEROS 21 sensors (<http://www.metergroup.com/teros21-support/>).

Plug the stereo plug connector directly into one of the sensor ports.

2. Configure the logger port for TEROS 21 using the appropriate logger application.

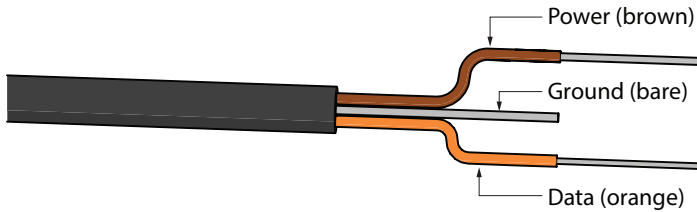
The TEROS 21 sensors have a 5-m cable. Customers may purchase custom cable lengths for an additional per-meter fee. If the cable needs to be extended, ensure to adequately waterproof the cable splices to prevent a major failure point. Read [Wire splicing and sealing technique for soil moisture sensors](#) for more information.

The sensor uses a 3.5-mm stereo plug connector (Figure 1). Customers may purchase the sensor with stripped and tinned wires (pigtail) for terminal connections for third-party data loggers (Figure 2). Refer to the individual third-party logger manual for details on wiring.

**NOTE:** The acceptable range of power voltages is from 3.9 to 15.0 VDC, with 12 VDC being the optimal voltage.

**Figure 1 3.5-mm stereo plug connector**

## OPERATION



**Figure 2 Pigtail wiring**

**NOTE:** Sensors manufactured as MPS-6 use white wire for power and red wire for data output.

TEROS 21 sensors communicate using two different methods: serial (TTL) and SDI-12. Please refer to the complete [TEROS 21 Integrator Guide](#) for more detailed explanations and instructions.

There are two options to connect a sensor with the standard stereo plug to a non-METER data logger.

### **Option 1**

1. Clip the plug off the sensor cable.
2. Strip and tin the wires.
3. Connect the wires directly into the data logger.

This will create a direct connection with no chance of the sensor becoming unplugged; however, the sensor cannot be easily used in the future with a METER readout unit or data logger.

### **Option 2**

Obtain an adapter cable from METER.

The adapter cable has a 3.5-mm stereo plug connector for connecting to the sensor on one end and three wires for connecting to a data logger (a stereo-to-pigtail adapter) on the other end. The stripped and tinned adapter cable wires have the same termination as seen in [Figure 2](#); the brown wire is power, orange is output, and the bare wire is ground.

Because TEROS 21 sensors use digital communication, they require special considerations when connecting to an SDI-12 data logger. Read [SDI-12 example programs](#) to view sample Campbell Scientific programs.



## TEROS 21

The SDI-12 protocol requires that all sensors have a unique address. TEROS 21 sensors factory default is an SDI-12 address of 0. To add more than one SDI-12 sensor to a bus, the sensor address must be changed as described below:

1. Using a ProCheck connected to the sensor, press the **Menu** button to bring up the CONFIG menu.

**NOTE:** If the ProCheck does not have this option, please upgrade its firmware to the latest version from the [METER Legacy Handheld Devices](#) webpage.

2. Scroll down to SDI-12 Address. Press **Enter**.
3. Press the **UP** or **DOWN** arrows until the desired address is highlighted.  
Address options include 0...9, A...Z, and a...z.
4. Press **Enter**.

Detailed information can also be found in the application note [Setting SDI-12 addresses on METER digital sensors using Campbell Scientific data loggers and LoggerNet](#).

When using the sensor as part of an SDI-12 bus, excite the sensors continuously to avoid issues with initial sensor startup interfering with the SDI-12 communications.

SDI-12 communication can convey multiple parameters from a single function call. In the data stream, TEROS 21 reports (1) the sensor address, (2) the water potential (in kilopascals), and (3) the temperature (in Celsius).

## 3. SYSTEM

This section reviews the components and functionality of the TEROS 21 sensor.

### 3.1 SPECIFICATIONS

#### Measurement Specifications

##### Water Potential

Range: -9 to -100,000 kPa (1.96 to 6.01 pF)

Resolution: 0.1 kPa

Accuracy:  $\pm(10\%$  of reading + 2 kPa) from -9 to -100 kPa

##### Temperature

Range: -40 to 60 °C

Resolution: 0.1 °C

Accuracy:  $\pm 1$  °C

##### Operating Temperature

-40 to 60 °C (0%–100% RH)

No water potential measurement <0 °C

**NOTE:** Sensors may be used at higher temperatures under certain conditions; contact [Customer Support](#) for assistance.

##### Power Requirements

3.9 to 15.0 VDC, 0.03 mA quiescent, 10 mA max during 150-ms measurement

#### Physical Specifications

##### Dimensions

9.6 cm × 3.5 cm × 1.5 cm

##### Sensor Diameter

3.2 cm

##### Dielectric Measurement Frequency

70 MHz

##### Measurement Time

150 ms

**Output**

RS232 (TTL) with 3.9-VDC levels or SDI-12 communication protocol

**Connector Types**

3.5-mm stereo plug connector or stripped and tinned wires

**Cable Length**

5 m (standard)

75 m (maximum custom cable length)

**Data Logger Compatibility**

Any data acquisition system capable of 3.9- to 15.0-VDC power and serial or SDI-12 communication

**Electrical and Timing Specifications****Supply Voltage (VCC) to GND**

Minimum 3.6 VDC

Typical

Maximum 15.0 VDC

**Digital Input Voltage (logic high)**

Minimum 2.8 V

Typical 3.6 V

Maximum 3.9 V

**Digital Input Voltage (logic low)**

Minimum -0.3 V

Typical 0.0 V

Maximum 0.8 V

**Power Line Slew Rate**

Minimum 1.0 V/ms

Typical

Maximum

**Current Drain (during measurement)**

Minimum	3.0 mA
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Typical	3.6 mA
---------	--------

Maximum	10.0 mA
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**Current Drain (while asleep)**

Minimum	
---------	--

Typical	0.03 mA
---------	---------

Maximum	
---------	--

**Operating Temperature Range**

Minimum	-40 °C
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Typical	
---------	--

Maximum	50 °C
---------	-------

**Power Up Time (DDI serial)**

Minimum	
---------	--

Typical	
---------	--

Maximum	100 ms
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**Power Up Time (SDI-12)**

Minimum	100 ms
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Typical	150 ms
---------	--------

Maximum	200 ms
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**Measurement Duration**

Minimum	
---------	--

Typical	150 ms
---------	--------

Maximum	200 ms
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**Compliance**

Manufactured under ISO 9001:2015
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EM ISO/IEC 17050:2010 (CE Mark)
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## 3.2 COMPONENTS

The TEROS 21 sensor measures the water potential and temperature of soil with porous ceramic discs (Figure 3). TEROS 21 sensors measure moisture content changes of two engineered ceramic discs sandwiched between stainless steel screens and the circuit board. These sensors have a low power requirement, which makes them ideal for permanent burial in the soil and continuous reading with a data logger or periodic reading with a handheld reader.

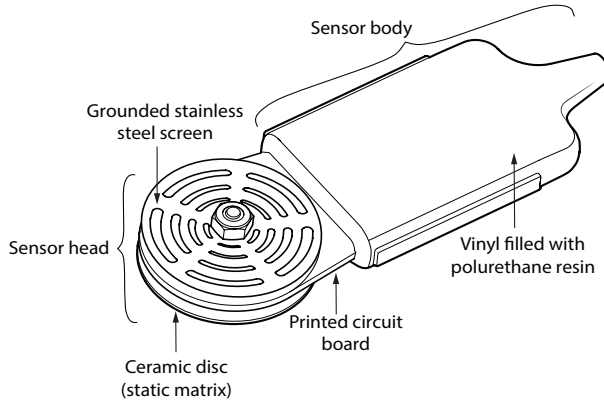


Figure 3 TEROS 21 sensor

## 3.3 THEORY

TEROS 21 sensors measure water potential, so they are not as sensitive to soil disturbance as water content sensors. TEROS 21 need good hydraulic contact with the surrounding soil for accurate measurements.

### 3.3.1 WATER POTENTIAL MEASUREMENT

All soil water potential measurement techniques measure the potential energy of water in equilibrium with water in the soil. The Second Law of Thermodynamics states that connected systems with differing energy levels move toward an equilibrium energy level. When an object comes into hydraulic contact with the soil, the water potential of the object comes into equilibrium with the soil water potential.

TEROS 21 uses a solid matrix equilibration technique to measure the water potential of the soil. This technique introduces a material with a known pore size distribution into the soil and allows it to come into hydraulic equilibrium according to the Second Law of Thermodynamics. Because the two are in equilibrium, measuring the water potential of the solid matrix gives the water potential of the soil.

TEROS 21 measures the dielectric permittivity of a solid matrix (porous ceramic discs) to determine its water potential. The dielectric permittivity of air, the solid ceramic, and water are 1, 5, and 80, respectively. So, the dielectric permittivity of the porous ceramic discs is highly dependent on the amount of water present in the pore spaces. Measuring the dielectric permittivity of the ceramic discs resolves a wide range of water content measurements.

Water content and water potential are related by a relationship unique to a given material, called the moisture characteristic curve. The ceramic used with the TEROS 21 has a wide pore size distribution and is consistent between discs, giving each disc the same moisture characteristic curve. Thus, the water potential can be inferred from water content using the moisture characteristic curve of the ceramic

Equation 1 gives the component variables for determining total soil water potential ( $\Psi_t$ ):

$$\Psi_t = \Psi_p + \Psi_g + \Psi_o + \Psi_m \quad \text{Equation 1}$$

where  $\Psi_p$  is pressure,  $\Psi_g$  is gravitational,  $\Psi_o$  is osmotic, and  $\Psi_m$  is matric.

For TEROS 21 applications,  $\Psi_p$  and  $\Psi_g$  are generally insignificant.  $\Psi_o$  arises from dissolved salts in the soil and only becomes important if a semipermeable barrier is present that prevents ionic movement (e.g., plant roots or cell membranes).  $\Psi_m$  arises from the attraction of water to the soil particles and is the most important component of water potential in most soils. TEROS 21 responds to the matric potential of the soil ( $\Psi_m$ ). In highly salt-affected soils, it may be necessary to quantify  $\Psi_o$  independently if the measurements of soil water potential are related to biological activity (Section 3.4.2).

### 3.3.2 MEASUREMENT RANGE

TEROS 21 measures the water content of porous ceramic discs and converts the measured water content to water potential using the moisture characteristic curve of the ceramic. Therefore, it is important that the ceramic discs drain over a wide water potential range. Pore size determines the water potential at which a pore drains (the air entry potential or bubble pressure), so the ideal ceramic would have pores that range from very small to relatively large. METER designed the ceramic discs to approach this ideal (Figure 4). The discs have a total pore volume that is weighted toward the larger pores, which drain at water potentials within the plant-available range (approximately  $-33$  to  $-1,500$  kPa). However, the TEROS 21 measurement range extends all the way to air dry ( $-100,000$  kPa).

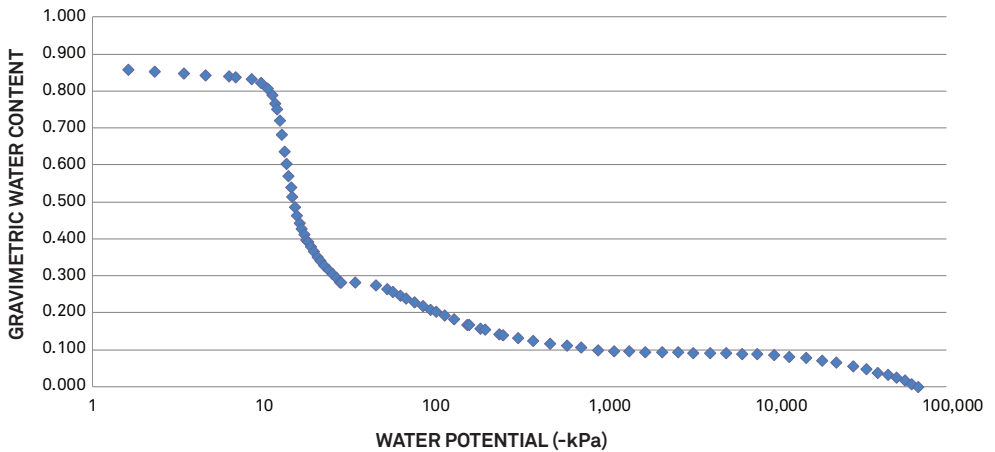


Figure 4 Moisture characteristic curve of TEROS 21 ceramic derived from mercury porosimeter data

### DRY-END LIMITATIONS

As the sensor dries past the plant-available range, the total pore volume that drains at a given water potential decreases. At these low water potentials, the measured water potential can become somewhat noisy because small changes in measured water content of the ceramic translate into large changes in water potential. This phenomenon is most pronounced when the sensor is air dry. It is expected that the measured water potential of an open air and dry sensor can jump around throughout the range of  $-50,000$  to  $-100,000$  kPa. The noise level is much lower when the sensor is installed in the soil, even at air-dry water potential.

### WET-END LIMITATIONS

The air entry potential of the largest pores in the ceramic is about  $-9$  kPa. However, the ceramic disc must have access to air for the large pores to begin draining and the response of the sensor to change. If the soil around the sensor has an air entry potential lower (drier) than  $-9$  kPa, the ceramic will not begin to lose water until reaching the air entry potential of the soil. In this scenario, the air entry potential of the soil limits the wet-end range, rather than the ceramic discs themselves. The sensor may not begin to respond until lower water potentials ( $-10$  kPa). This is generally only an issue when using the sensor in poorly structured soils with high clay content.

### 3.3.3 MEASUREMENT ACCURACY

TEROS 21 is calibrated at a saturated state (0 kPa), at an air-dry state (-100,000 kPa), and at three calibration points between 0 and -100 kPa, resulting in accuracy of  $\pm(10\%$  of reading + 2 kPa) over the range of -9 to -100 kPa.

At water potentials drier than -100 kPa, TEROS 21 relies on the linear relationship between the logarithm of water content and the logarithm of water potential. Laboratory evaluations have shown good accuracy and low sensor-to-sensor variability to at least -1,500 kPa (plant permanent wilting point). Field evaluations have shown low sensor-to-sensor variability to -2,000 kPa (Figure 5 and Figure 6).

NOTE: METER strongly discourages dry-end calibrations in the pressure plate apparatus. Early attempts to improve sensor dry-end performance in the pressure plate apparatus actually decreased accuracy, likely because of pressure plate dry-end equilibrium issues pointed out in the literature (e.g., Campbell [1998], Gee et al. [2002], Bittelli and Flury [2009], and Frydman and Baker [2009]).

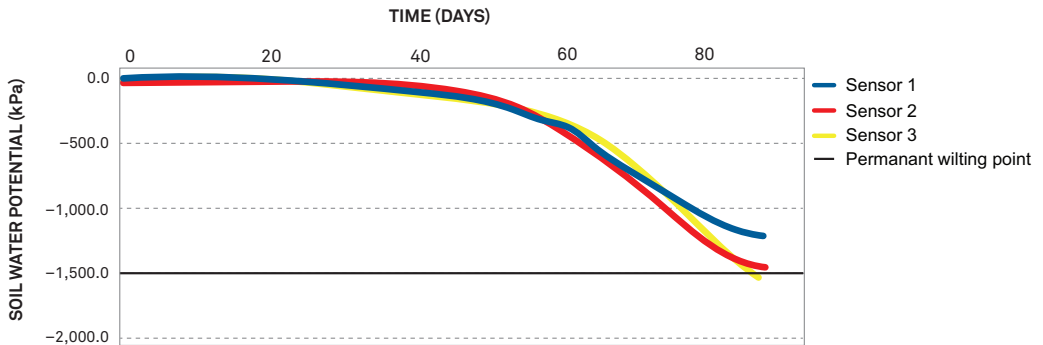


Figure 5 Time series TEROS 21 water potential data collected at 80 cm depth under a beech forest in Switzerland (Walthert, 2013). Note the good sensor agreement down to permanent wilting point (-1,500 kPa).



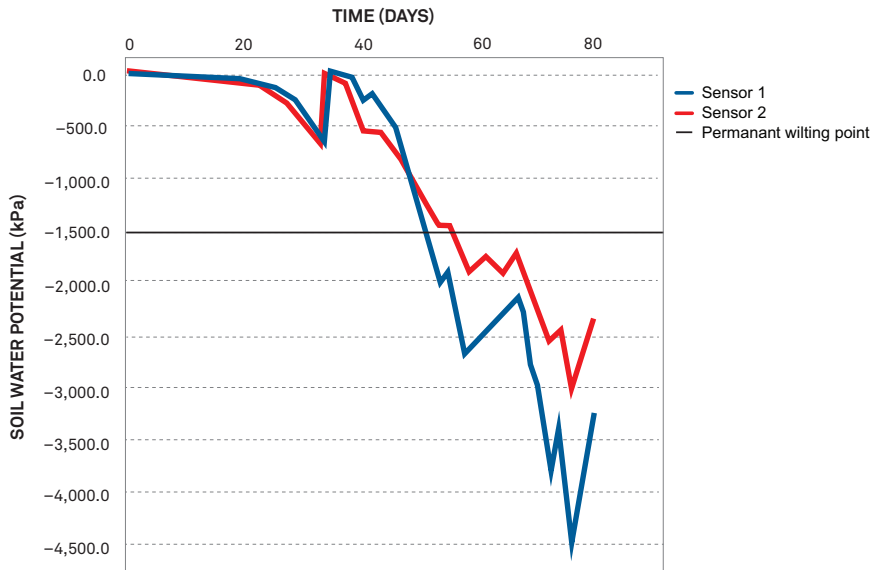


Figure 6 Time series TEROS 21 water potential data collected at 20 cm under a dry oak forest in Switzerland (Walther 2013). Note the range extends well beyond permanent wilting point.

### 3.3.4 TEMPERATURE MEASUREMENT

TEROS 21 uses a surface-mounted thermistor to take temperature readings. The thermistor is located underneath the sensor epoxy. The TEROS 21 output temperature readings in degrees Celsius unless otherwise stated in preference settings in METER software programs. If the black plastic body of the sensor is exposed to solar radiation, the temperature measurement may read high. Exposure of the body also drastically decreases the life expectancy of the sensor. Do not install the sensor with the body above ground.

## 3.4 CONSIDERATIONS

TEROS 21 sensors use similar technology to METER water content sensors and are susceptible to the same constraints. Using TEROS 21 in certain environments will require additional considerations.

### 3.4.1 MEASURING IN FROZEN SOILS

TEROS 21 measures the dielectric permittivity of two ceramic discs to measure their water content and then derive their water potential. The dielectric permittivity of water in the ceramic discs is 80 compared to a dielectric permittivity of ~5 for the ceramic material or 1 for air. When water freezes to ice, the dielectric permittivity drops to 5 at the frequency of the sensor measurement, meaning that the sensor can no longer accurately measure the water in the ceramic. TEROS 21 does not accurately measure water potential in frozen soil conditions. However, the water potential of the soil under frozen soil conditions can be

estimated by measuring the soil temperature accurately (Koopmans and Miller, 1966). For each 1 °C decrease in temperature below 0 °C, the water potential in the soil decreases by ~1,200 kPa. Spaans and Baker (1996) showed that this relationship is valid in field soils for water potentials below about -50 kPa.

Rigorous testing indicates that repeated freeze–thaw cycles do not affect the ceramic discs. Several sensors were equilibrated in saturated soil and then subjected to numerous freeze–thaw cycles in a temperature-controlled chamber. The freezing rate of the soil containers was at least an order of magnitude faster than could be achieved in field soils under natural conditions. At several points during the test, and at the end of the test, the ceramic discs were evaluated for damage due to repeated rapid freezing of pore spaces full of water. None of the ceramic discs showed any signs of physical damage, and none of the sensors showed any significant change in output due to the freeze–thaw tests.

### 3.4.2 MEASURING IN HIGH SALINITY

A saturation extract electrical conductivity (EC) greater than 10 dS/m will confound the capacitance measurement taken by the sensor resulting in erroneous matric potential readings. It is recommended that the TEROS 21 only be used in environments where the saturation extract EC does not exceed 10 dS/m.

### 3.4.3 TEMPERATURE SENSITIVITY

Fluctuations in temperature can affect the capacitance readings at matric potential less than about -500 kPa (Figure 7). Although temperature can affect the output of the reading, the nature of the moisture retention curve of the ceramic results in an extremely small effect on matric potential until the substrate dries out to about -500 kPa. A small change in water content can result in a relatively large change in matric potential beyond -500 kPa.

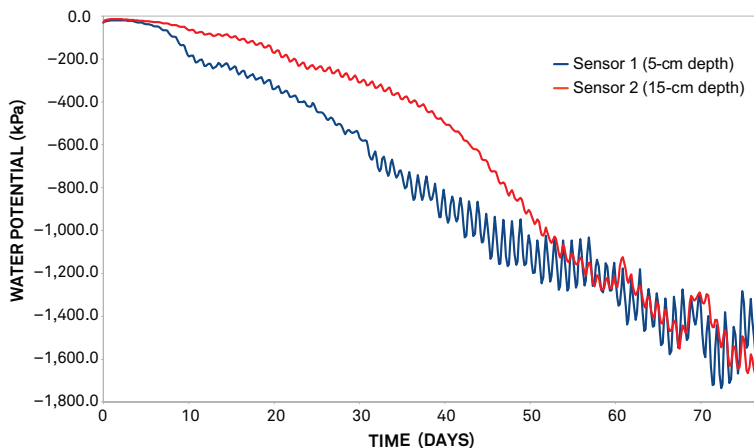


Figure 7 Temperature sensitivity data for TEROS 21 sensors

## 4. SERVICE

This section describes the calibration and maintenance of TEROS 21. Troubleshooting solutions and customer service information are also provided.

### 4.1 CALIBRATION

TEROS 21 calibration is not affected by soil type because the sensors only measure the water potential of the ceramic discs in equilibrium with the soil. TEROS 21 works in any soil type or other porous media as long as it is installed correctly with adequate hydraulic contact (to ensure timely water potential equilibrium between the sensor and the medium of interest).

The amount of water that a soil holds at a given water potential is greater if the material is dried to that water potential than if the material is wet up to that water potential; a phenomenon known as hysteresis. Because TEROS 21 essentially makes a dielectric measurement of water content and converts that to water potential, sensor measurements have some hysteresis. In most situations, soil undergoes brief periods of wet up (precipitation or irrigation events) followed by longer dry down periods, where water potential measurements are most useful. METER performs TEROS 21 calibration on the drying leg of the hysteresis loop, so the measurements are most accurate as the soil dries. Measurements as the soil wets up are slightly drier (more negative water potential) than the true water potential of the soil. METER wetting and drying tests show the magnitude of the hysteresis error is <10 kPa in the -20 to -100 kPa range.

### 4.2 MAINTENANCE

TEROS 21 may be returned to METER for maintenance in the following areas: system inspection, parts replacement, and instrument cleaning. Replacement parts can also be ordered from METER. Contact [Customer Support](#) for more information.

The ceramic discs are brittle and can chip or crack if abused. The metal screens afford the discs some amount of protection, but sharp trauma on the disc edges or massive impact (such as dropping the sensor onto a hard surface) can cause the ceramic to break. One or two small chips on the edge of the disc do not affect the sensor accuracy significantly. However, a cracked ceramic disc results in a loss of accuracy.

For TEROS 21 to accurately measure water potential, the ceramic discs must readily take up water. Exposure to oils or other hydrophobic substances compromises the ability of the discs to take up water from the soil. This inability to take up water leads to slow equilibration times and loss of accuracy. Minimize exposure of the ceramic material to skin oils, grease, synthetic oils, or other hydrophobic compounds.

## 4.3 TROUBLESHOOTING

Table 2 lists common problems and their solutions. Most issues with the TEROS 21 sensor will manifest themselves in the form of incorrect or erroneous readings. If the problem is not listed or these solutions do not solve the issue, contact [Customer Support](#).

**Table 2 Troubleshooting TEROS 21**

Problem	Possible Solutions
Data logger is not recognizing sensor	If using a METER logger, update logger firmware.
Data logger is not receiving readings from the sensor	<p>Check to make sure the connections to the data logger are both correct and secure.</p> <p>Ensure that your data logger batteries are not dead or weakened.</p> <p>Check configuration of data logger through software to ensure TEROS 21 is selected.</p> <p>Ensure the software and firmware is up to date.</p>
Sensor does not appear to be responding to changes in soil water potential	<p>Ensure that sensors are installed correctly.</p> <p>Check sensor cables for damage that could cause a malfunction.</p> <p>Check the ceramic disc for damage or contamination.</p>

## 4.4 CUSTOMER SUPPORT

Customer service representatives are available for questions, problems, or feedback Monday through Friday, 8 am–5 pm Pacific time.

**Email:** [support.environment@metergroup.com](mailto:support.environment@metergroup.com)  
[sales.environment@metergroup.com](mailto:sales.environment@metergroup.com)

**Phone:** +1.509.332.5600

**Fax:** +1.509.332.5158

**Website:** [www.metergroup.com](http://www.metergroup.com)

If contacting METER by email or fax, please include the following information:

<i>Name</i>	<i>Email address</i>
<i>Address</i>	<i>Instrument serial number</i>
<i>Phone</i>	<i>Description of the problem</i>

**NOTE:** For TEROS 21 Soil Water Potential sensors purchased through a distributor, please contact the distributor directly for assistance.

## 4.5 TERMS AND CONDITIONS

**CONTRACT FORMATION.** All requests for goods and/or services by METER Group, Inc. USA (METER) are subject to the customer's acceptance of these Terms and Conditions. The Buyer will be deemed to have irrevocably accepted these Terms and Conditions of Sale upon the first to occur of the Buyer's issuance of a purchase order or request for goods or services. Unless expressly assented to in writing by METER, terms and conditions different are expressly rejected. No course of dealing between the parties hereto shall be deemed to affect or to modify, amend, or discharge any provisions of this agreement.

**PRICES AND PAYMENT.** Invoice prices will be based upon METER prices as quoted or at METER list price in effect at the time an order is received by the Seller. Prices do not include any state or federal taxes, duties, fees, or charges now or hereafter enacted applicable to the goods or to this transaction, all of which are the responsibility of the Buyer. Unless otherwise specified on the invoice, all accounts are due and payable 30 days from the date of invoice. Unpaid accounts extending beyond 30 days will be subject to a service charge of 2% per month (24% per annum). Should Seller initiate any legal action or proceeding to collect on any unpaid invoice, Seller shall be entitled to recover from Buyer all costs and expenses incurred in connection therewith, including court costs and reasonable attorney's fees.

**RISK OF LOSS AND DELIVERY TITLE.** Liability for loss or damage passes to the Buyer when the Seller delivers the goods on the Seller's dock or to the transporting agent, whichever occurs first. The Seller has the right to deliver the goods in installments. Shipping and delivery dates communicated by the Seller to the Buyer are approximate only.

**SHIPMENT.** In the absence of specific shipping instructions, the Seller, if and as requested by the Buyer, will ship the goods by the method the Seller deems most advantageous. Where the Seller ships the goods, the Buyer will pay all transportation charges that are payable on delivery or, if transportation charges are prepaid by the Seller, the Buyer will reimburse the Seller upon receipt of an invoice from the Seller. The Buyer is obligated to obtain insurance against damage to the goods being shipped. Unless otherwise specified, the goods will be shipped in the standard Seller commercial packaging. When special packing is required or, in the opinion of the Seller, required under the circumstances, the cost of the special packaging shall be the responsibility of the Buyer.

**INSPECTION AND ACCEPTANCE.** Goods will be conclusively deemed accepted by the Buyer unless a written notice setting out the rejected goods and the reason for the rejection is sent by the Buyer to the Seller within 10 days of delivery of the goods. The Buyer will place rejected goods in safe storage at a reasonably accessible location for inspection by the Seller.

**CUSTOM GOODS.** There is no refund or return for custom or nonstandard goods.

## SERVICE

**WARRANTIES.** The Seller warrants all equipment manufactured by it to be free from defects in parts and labor for a period of one year from the date of shipment from factory. The liability of the Seller applies solely to repairing, replacing, or issuing credit (at the Seller's sole discretion) for any equipment manufactured by the Seller and returned by the Buyer during the warranty period. SELLER MAKES NO SEPARATE OR OTHER WARRANTY OF ANY NATURE WHATSOEVER, EXPRESS OR IMPLIED, INCLUDING THE WARRANTY OF MERCHANTABILITY OR FOR A PARTICULAR PURPOSE. There shall be no other obligations either expressed or implied.

**LIMITATION OF LIABILITY.** Seller will not be liable to the Buyer or any other person or entity for indirect special, incidental, consequential, punitive, or exemplary damages in connection with this transaction or any acts or omissions associated therewith or relating to the sale or use of any goods, whether such claim is based on breach of warranty, contract, tort, or other legal theory and regardless of the causes of such loss or damages or whether any other remedy provided herein fails. In no event will the Seller's total liability under this contract exceed an amount equal to the total amount paid for the goods purchased hereunder.

**WAIVER.** In the event of any default under or breach of the contract by the Buyer, the Seller has the right to refuse to make further shipments. The Seller's failure to enforce at any time or for any period of time the provisions of this contract will not constitute a waiver of such provisions or the right of the Seller to enforce each and every provision.

**GOVERNING LAW.** The validity, construction, and performance of the contract and the transactions to which it relates will be governed by the laws of the United States of America. All actions, claims, or legal proceedings in any way pertaining to this contract will be commenced and maintained in the courts of Whitman County, State of Washington, and the parties hereto each agree to submit themselves to the jurisdiction of such court.

**SEVERABILITY.** If any of the Terms and Conditions set out in this contract are declared to be invalid by a court, agency, commission, or other entity having jurisdiction over the interpretation and enforcement of this contract, the applications of such provisions to parties or circumstances other than those as to which it is held invalid or unenforceable will not be affected. Each term not so declared invalid or unenforceable will be valid and enforced to the fullest extent permitted by law and the rights and obligations of the parties will be construed and enforced as though a valid commercially reasonable term consistent with the undertaking of the parties under the order has been substituted in place of the invalid provision.

**SET-OFF.** The Buyer may not set-off any amount owing from the Seller to the Buyer against any amount payable by the Buyer to the Seller whether or not related to this contract.

## REFERENCES

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