

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_,

A.D. 1939, by and between the STATE ROAD COMMISSION OF UTAH, party of the first part, hereinafter called the "Commission," and George D. Reeder and Jim Bywater, by Reynolds V. Reeder; Reynolds V. Reeder; Martha and George Irvine; Ruel M. Eskelsen and W. S. Fife, by Ruel M. Eskelsen; Edward Marble; Joseph Petersen; Melvin J. Petersen; Maurice L. Reeder; M. B. Olsen; Wm. J. Kotter; Laura Morris; Jesse C. Reeder; by O. E. Sackett; Laura A. Sackett, / Leland D. Forsgren; Lula B. Reeder; C. M. Christensen; Waldemar F. Madsen; M. L. Reeder; M. L. Phillips Est., by Will Phillips; Levi S. Andersen; Mrs. E. S. Burt, by H. H. Burt, their successors and assigns, residing in Box Elder County, State of Utah, parties of the second part, hereinafter called "Land Owners," Witnesseth:

WHEREAS, the Commission during the years 1936 and 1937, relocated and reconstructed as U. S. Works Program Grade Crossing Project No. W.P.G.H. 38-A, a portion of State Highway No. 30-S, northwesterly from Brigham City, in Box Elder County, Utah, in the location shown by a red line on print marked "Exhibit A" attached hereto and made a part hereof, and

WHEREAS, said relocated highway crosses underneath the tracks of the Oregon Short Line Railroad Company and the Utah Idaho Central Railroad Company through subways at the locations indicated on said "Exhibit A", and is constructed throughout the distance of approximately 1800 feet between said subways at a depth of approximately 25 feet below the natural ground surface, and

WHEREAS, on account of the said construction a flow of water was developed which flow was utilized in part on lands adjacent to said project through the construction by the Commission of a ditch "A" marked in solid yellow line on said "Exhibit A" and

WHEREAS, it is now proposed by the parties hereto to construct a second ditch "B" in the location shown on said "Exhibit A" by a dotted yellow line for the purpose of conveying water from said highway to certain portions of the lands of said Land Owners which are not covered by said ditch "A".

NOW THEREFORE, it is agreed by the parties hereto as follows:

1. The Land Owners will furnish without cost to the Commission the required right of way for said ditch "B".
2. The Commission will construct said ditch "B" placing in same 15" concrete pipe terminating at SE corner of Lot 7, Block 14, Brigham City 5 Acre Plat, and concrete line ditch "A" all without cost to said Land Owners.
3. Upon the completion of the work described in the above Section 2, the Land Owners agree to assume all responsibility and expense for the maintenance of said ditches, the distribution of the waters therefrom, and agree to release and hold harmless the Commission upon completion of said described work, from all claims, demands or actions whatsoever or howsoever arising on and after this date, based upon or growing out of the construction of said highway and the lowering of the water table occasioned thereby on any of the land of the above signers, and further agree that the herein described water supply shall be conducted through said ditch "A" and said ditch "B" continuously and without interruption throughout the year, and agree to hold the Commission harmless, from and after this date, for any claim for damages or cause of action, growing out of <sup>OR</sup> based upon the flow of said water or seepage or drainage therefrom to and upon the lands of others.
4. The above named individuals as shown by their signatures attached hereto, hereby agree to form an association for the purpose of maintaining the open cement ditches and pipe lines which have heretofore been built or installed and which may be, because of this agreement, hereafter installed and emplaced by the State Road Commission, to convey and distribute all or parts of the water herein agreed upon.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the day and year first above written.

ATTEST:

STATE ROAD COMMISSION OF UTAH:

Secretary of State Road Commission

By \_\_\_\_\_

Chairman

By \_\_\_\_\_

Member

By \_\_\_\_\_

Member

Party of the First Part.

Multiple horizontal lines for signature and name entry.

Parties of the Second Part.

<over>

State of Utah.

/ /  
/ / s.s.  
/ /

County of Box Elder

On the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_  
personally appeared before me all the signers of the within instrument, sign-  
ing as parties of the second part, who duly acknowledged to me that they  
executed the same.

\_\_\_\_\_  
Notary Public.

Lined area for signature or notes.