

## Deed Record Number 109

thence by an inverted syphon pipe to and across Provo River to the bench land usually known and called Provo Bench, and

Whereas, the parties hereto are mutually interested in securing as large and constant a flow of water in the Provo River as is possible, as well as in securing the greatest possible benefit from the use of said water, and they mutually desire to assist each other to that end.

Now, Therefore, the Power Company in consideration of the premises as well as in consideration of the covenants of the Reservoir Company hereinafter contained, covenants, contracts and agrees with said Reservoir Company as follows, to-wit:

1. To grant unto the said Reservoir Company, its successors and assigns, a perpetual easement and right-of-way reasonably necessary for the construction, maintenance and operation of the Reservoir Company's said canal as now surveyed and staked upon the ground and being constructed across the land of the Power Company.

2. To permit to flow to the Reservoirs Company's said dam and headgate not less than five cubic feet of water per second of time of the waters of Provo River aforesaid.

3. To deliver into the said canal and conduit of the Reservoir Company, without expense to the Reservoir Company, either at the easterly or westerly end of said inverted syphon pipe all water which the Reservoir Company shall have the right to flow past the Power Company's said dam and headgate or transport through said Reservoir Company's canal and which the power Company shall have taken into its conduit and used at its power generating station.

In Consideration thereof, the Reservoir Company covenants, contracts and agrees with the Power Company, its successors and assigns, that the Power Company may divert all the water flowing to its said dam and headgate and utilize the same at its said power station, including all water which the Reservoir Company shall have the right to flow past the Power Company's said dam and headgate or transport through said Reservoir Company's canal.

In Witness Whereof, the parties hereto have caused their corporate names to be hereunto subscribed by their proper officers thereunto duly authorized this twentieth day of October, A. D. 1909.

The Telluride Power Company (Seal)

By L.L. Nunn

General Manager

Attest.

(Corp Seal)

Earl J. Glade

Secretary Provo Reservoir Co.

Provo Reservoir Company (Seal)

By Joseph R. Murdock President

Entry No. 3431 Filed June 29- 1910.

ROBT. R. THORNE. COUNTY RECORDER.

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Be It Resolved By The Board Of County Commissioners of Utah County Utah:

That The Provo Reservoir Company, its successors or assigns be, and they are hereby granted permission to maintain as now constructed for a period of fifty years, an earthen canal, a steel and wood flume, and a wood stave pipeline constituting one continuous canal are water ditch across and along the County Roads as hereinafter more particularly described, to-wit:

Beginning 785 feet North and 630 feet East from the 1/4 Section corner between sections 6 and 7 T. 6 . S, R 3 E. Salt Lake Meridian; thence South, 30 degrees West, 95 feet, crossing under the County Road; also beginning 740 feet South and 460 feet West from the said 1/4 section, <sup>corner</sup> thence South Westerly 280 feet, as at present constructed, nearly parallel with the County Road; also beginning 1530 feet South and 1250 feet West from the said 1/4 section corner, thence South 65 degrees West, 200 feet, as at present constructed, nearly parallel with the County Road; also beginning 2100 feet South and 1800 feet West from the 1/4 Section corner; thence Southwesterly and Westerly as at present constructed, through the South West

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JONES EUREKA LEAF, PAT. FEB. 7, 1905

PIONEER B'DY. & P'TG. CO., TACOMA - 45081

1/4 of the North West 1/4 of Section 7, T. 6. S. of R. 3. E. and through Section 12, T. 6. S. of R. 2. E. also crossing the North and the South road at a point 1200 feet North from the South East Corner of Section 2, T. 6. S. of R. 2, E; also crossing the East and West road at a point 120 feet West from the center of Section 2, T. 6. S. of R. 2 E. of Salt Lake Meridian;

Provided, that the said earthen canal, wood and steel flume, and wood stave pipeline are at all times so maintained as to prevent the water from seeping and leaking therefrom, and to be so maintained as in no manner to interfere with the ordinary public use for all purposes of said highways, or with any and all highways which may hereafter be constructed, and in no manner to interfere with irrigation ditches or pipelines already constructed,

Provided further, that wherever there are open canal sections crossing the road, that good and sufficient concrete bridges shall be constructed and thereafter maintained by the said Provo Reservoir Company, to the satisfaction and acceptance of the County Commissioners.

Utah County reserves the right to remove or to require said Provo Reservoir Company, its successors or assigns to remove said open canal, steel and wood flume, and wood stave pipe line from said highways or either of them whenever said Provo Reservoir Company, its successors or assigns shall refuse, fail or neglect to comply with the terms of this resolution.

A failure on the part of the said Provo Reservoir Company, its successors or assigns, to comply with the terms of this resolution, shall be a forfeiture on their part, of their right to maintain said canal, flume, and pipe line, and the Board of County Commissioners may, by resolution, declare this right and franchise null and void, of the said Grantee, its successors or assigns, shall refuse, fail or neglect to comply with all the terms hereof.

If this franchise with the terms and conditions herein contained be not accepted in writing by said Grantee within thirty days from date, then this resolution shall become null and void.

Adopted June 27- 1910,

C. H. Ward

D. T. Lewis

J. Y. Walker

Board of County Commissioners of Utah Co.

The terms and conditions of the above resolution are accepted this 27th, day of June, 1910.

Provo Reservoir Company

By Joseph B. Keeler,

Vice- President.

CLERKS CERTIFICATE.

State of Utah:: SS.

County of Utah:: I, M. E. Kartchner, Jr. County Clerk and Ex-Officio Clerk of the Fourth Judicial District Court, in and for the County of Utah, State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the original Resolution granting the Provo Reservoir Company permission to maintain as now constructed for the period of 50 years an earthen canal, a steel and wood flume and a wood stave pipe line along County Road of Utah County, State of Utah, as appears of record in my office,

In Witness Whereof, I have hereunto set my hand and affixed my official seal, at Provo City, Utah, this 27th, day of June A. D. 1910.

M. E. Kartchner Jr.

(SEAL)

Clerk

Entry No. 3432 Filed June 29- 1910,

ROBT. R. THORNE. COUNTY RECORDER.

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