

A G R E E M E N T

THIS AGREEMENT, made and entered into this 14th day of March, A. D. 1927, by and between the LOWER MILL CREEK IRRIGATION COMPANY, a corporation of the State of Utah, first party (hereinafter referred to as company), and SALT LAKE CITY, a municipal corporation of the State of Utah, second party (hereinafter referred to as city), WITNESSETH:

WHEREAS, the company is the owner of certain waters and water rights in that certain stream known as Mill Creek, Salt Lake County, Utah, and more particularly all the waters and water rights of the Hoagland and Murphy Ditches, which said waters and water rights are referred to in that certain decree made and entered in the District Court of the Third Judicial District of the State of Utah on the 1st day of August, 1913, File No. 4449, and

WHEREAS, the city is the owner of certain waters which may be used for irrigation purposes, and

WHEREAS, the city is desirous of securing the use of a substantial part of the water owned by the said company and the company is willing to transfer to the city the right to use the major part of said waters upon the terms, conditions and provisions as hereinafter set forth; and

WHEREAS, the company is desirous of having a culinary pipeline system constructed for the purpose of securing culinary water to its stockholders in the territory wherein the waters of the company are now used;

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements of the parties hereto, to be kept and performed by the said parties as hereinafter specified and set forth, the said parties have agreed and do hereby agree as follows:

1. The company hereby grants, sells, conveys, and transfers to the city and the city buys and accepts all the waters and water rights owned by the company in said Mill Creek Stream; that is to say, all the waters of the Hoagland and Murphy Ditches, save and except 11.65 per cent of the waters of said Hoagland and Murphy Ditches during the irrigation season, which is from April 15th to October 15th of each and every year, together with applications now on file and pending with the State Engineer.

2. That the company shall sell, convey, and transfer to the city all of that certain culinary water system herein provided to be constructed and installed by it under the supervision and inspection of the city; the city shall at once upon the completion of said system take possession of and operate the same at the city's expense, and that good and sufficient deeds of conveyance of said system shall be made by the company to the city immediately upon the completion of such system.