

sent to: Brian Head Town
P.O. Box 68, Brian Head, Ut 84719

A G R E E M E N T

THIS AGREEMENT, entered into this 26th day of October, 1982, by and between BRIAN HEAD TOWN CORPORATION, a municipal corporation, hereinafter called "Brian Head Town" and WESTERN HOLDING COMPANY, hereinafter called "Joining Property Owner,"

WITNESSTH:

WHEREAS, Brian Head Town is the owner of a spring area to be used as a source of water for citizens, which spring area is described as follows, to wit:

Spring is known as Saltpile Spring and is located south 1140 ft. and west 1332 ft. from the E $\frac{1}{4}$ corner section 1, T36S, R9W, SLM.

WHEREAS, the State of Utah Public Drinking Water Regulations requires that all property owners joining the spring area prohibit any use of said land which might result in concentrations of pollution substances of any kind within 1500 feet for all land at an elevation equal to or greater than the spring source elevation. Said prohibition shall apply to all land of joining property owners which is at a lower elevation than the spring source for a distance of at least 100 feet of said spring area.

WHEREAS, the undersigned owns property which joins the spring area, which property is property described as follows, to-wit:

Government Lots 7, 8, 9, 10, 11, 13 and 14 and the E $\frac{1}{2}$, SE $\frac{1}{4}$, Section 1, T36S, R9W, SLM.

NOW, THEREFORE, for and in consideration of \$10 and other good and valuable consideration and undersigned Joining Property Owner agrees to prohibit any use of the above described land which might result in concentration of pollution substances of any kind on said land which adjoins the above described spring area for lands which are equal or higher in elevation within 1500 feet of the spring area and for a distance of at least 100 feet for land areas which are lower in elevation to said spring area, so long as the Brian Head Town uses the same for a source of water supply. Specific uses prohibited are:

1. Open privies;
2. Garbage dumps;
3. Drain fields;
4. Corrals;
5. Septic tanks;
6. Sewer lines.

246887.

Recorded at
Request of Brian Head Town
Date SEP 23 1983 Time 2 PM
Fee 9.50 Book 308 Page 193-194
By CORA J. HULET, IRON COUNTY RECORDER *shol*
Ret'd Indx'd Abst'd Proof

Specific uses allowed are:

1. Dispersal pasturing;
2. Farming;
3. Raising of crops;
4. Recreational activities.

These uses are allowed as long as the same do not result in concentrated sources of pollution substances except the above uses shall not apply to the fenced area immediately surrounding the spring collection facilities.

As further consideration for the making of this Agreement, Brian Head Town agrees to do the following:

1. Annex all of the above described property to the Town of Brian Head.
2. Repair and maintain a fence around the perimeter of the above described spring area.
3. Place all trenches or ditches that may be required or desired by Brian Head Town around the above perimeter fencing with said trenches or ditches immediately adjacent to or flush with the fencing.

IN WITNESS WHEREOF, we have hereunto executed this Agreement on the day and year first above written.

BRIAN HEAD TOWN CORPORATION

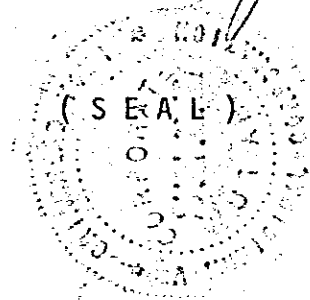
Rex Emenegger

REX EMENEGGER, Mayor

ATTEST:

Steve Williams

STEVE WILLIAMS, Town Clerk



WESTERN HOLDING COMPANY

Randy Underwood

RANDY UNDERWOOD, President

Sharon Bartz

SHARON BARTZ, Assistant Secretary

Scribed and sworn to before me
this 24 day of October, 1982.

Connie McCutchen

NOTARY PUBLIC
Commission Expires 5/21/86