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KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
E CRAIG SMAY 400 East Federal  
505 E 200 S SLC UT 84102  
REC BY: KARMA BLANCHARD, DEPUTY

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MONITORING WELL TRESPASS AGREEMENT

This agreement, for and in consideration of the sum of \$10.00 (Ten Dollars) and other good and valuable consideration, receipt of which by Landowner(s) is hereby acknowledged, is entered into by and between the Emigration Improvement District (District) and Fred A. and Marilyn Smolka

(Landowner(s)) for the constructing and maintaining of a small diameter monitor well on the property of Landowner(s) described as follows: Beginning at the Northwest corner of Lot 12, Block 3, PIONEER ADDITION, and running thence South 300 feet; thence West 165 feet; thence North along the East side of what is known as Bear Lane 300 feet, more or less, thence North 89 16' East 165 feet, more or less, to the point of beginning.

Said parcel of land above described being known as and called Reserve in Block 3, said Pioneer Addition which property is located at approximately 3370 Emigration Canyon.

Said well will be used by the District for making water level and water quality measurements. The well will be constructed according to monitoring well standards and will not be useable as a production well. Data obtained from this and other monitor wells in Emigration Canyon will be used to measure changes, if any, in water quantity and quality in the Canyon. It is understood that the Utah State Engineer's Office has agreed to assist in the data gathering and assimilating effort.

Landowner(s) agree(s) to allow a licensed well driller to enter upon Landowner's property to construct the well. It is anticipated that the well construction will take one to two days. The well will be drilled with a truck mounted rig (approximately 10' X 40'). The driller will also require access by a water truck as well as other miscellaneous equipment. The well will be drilled with air or air and foam. A 3" diameter casing will be inserted. A small, locked man-hole will be cemented in place over the well which will be constructed to be approximately flush with the surrounding land surface. Landowner(s) agree(s) to keep the well head clear and clean of debris and obstruction and notify the District of any tampering or damage done to the well.

The District and the State of Utah, or their representatives, are hereby granted access to the well for monitoring and sampling purposes. It is anticipated that water level measuring will be done on a monthly basis. An electric probe will be lowered into the well to determine the water level. Water quality sampling will be done on approximately a quaterly basis. Quality tests will require purging of the well of several casing volumes of water before sampling.

The District will be the owner of the monitor well and will be responsible for maintaining it. The monitoring program is currently planned to continue indefinitely. The Landowner(s) agree(s) that the

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District can maintain this monitoring site for twenty-five years or for a shorter term if deemed appropriate by the District. This agreement may be extended by mutual agreement of the parties. At such time as the well is no longer needed in the monitoring program, the District agrees to properly plug and abandon the well following State approved procedures.

Landowner(s) shall have access to the information obtained from the well that is the subject of this agreement upon reasonable request.

EMIGRATION IMPROVEMENT DISTRICT

Fred A. Smolka  
Landowner

Marilyn M. Smolka  
Landowner

Kate Bunnell  
Trustee

3350 EMIGRATION CANYON  
Address  
SALT LAKE CITY, UTAH 84108

[Signature]  
Trustee

(801) 582-6176  
Phone Number

8/2/90  
Date

8/2/90  
Date

State of Utah )  
: ss  
County of Salt Lake )

On the 8<sup>th</sup> day of June, 1990, there appeared before me Fred A. Smolka and Marilyn M. Smolka, the signers of the foregoing instrument, who acknowledged to me that they executed the same for the purposes therein stated.

[Signature]  
Notary Public  
5-21-91  
My Commission Expires

Residing: Salt Lake City, Utah