

Lower Brush Creek Pipeline
Operation, Maintenance and Easement Agreement

Purpose

The purpose of this agreement is to govern the operation and maintenance of this cooperative irrigation system which will be installed of the properties or to serve the properties in the general legal description attached, Exhibit A.

The parties agree that this document shall be recorded among the records of the Uintah County Recorder and shall constitute an easement for the cooperative irrigation system to be located on the properties shown in Exhibit A.

There will be two separate pipelines under this agreement. Line A will be the pipeline that runs the full length of the old Sunshine Canal. Line B will be the 12" pipeline which serves only the top section of properties on the old Sunshine Canal. Each shareholder on this agreement will own a percentage in either Line A or Line B. Both pipelines will be governed under the same Board of Directors.

A. Term and Method of nominations

1. Three directors.
2. Three year term, only two consecutive terms.
3. When the President leaves, only a current director can fill his vacancy.
4. First year directors may serve as Vice President.
5. Anyone holding shares in the Lower Brush Creek Pipeline A or B, owning water rights, may be elected to the Board of Directors.
6. Any shareholder may decline the responsibility to serve.

B. Authority of the directors

1. Authorize any repairs and maintenance on the pipelines or diversion structure up to \$1000.00.
2. Expenses over \$1000.00 shall have the approval of the pipeline shareholders with a majority vote of those attending the meeting.
3. Authority to shut off any pipeline shareholder that is not keeping their part of the agreement.
4. Vote in a pipeline tender by majority vote.
5. Assess and collect a fee for the purpose of operating and repairing the pipeline. Owners on each pipeline will only be responsible for repairs and maintenance on their own pipeline.
6. Responsible for payment and disbursement of such funds.
7. Conduct annual meetings.
8. Schedule and conduct other meetings as needed.
9. Oversee the pipeline tender and shareholders in the spring start-up and fall shut-down.

ENTRY 99002643
BOOK 698 PAGE 477-486 \$47.00
13-APR-99 03:28
RANDY SIMMONS
RECORDER, UINTAH COUNTY, UTAH
LOWER BRUSH CREEK PIPELINE GROUP
PO BOX 146 JENSEN UT 84035
REC BY: RUTH DUNN , DEPUTY
ENTRY 99002643
BOOK 698 PAGE 477

II. DEFINITIONS

- A. Pipeline Shareholder- Any persons owning a percentage in Line A or Line B and owning water shares which can be delivered through the pipe. This includes the originators of this agreement. Their heirs, assignees, and buyers.
- B. Pipeline Tender- the person responsible for distributing the water, measuring the water, operating the main line, and reporting problems to the Board of Directors.
- C. Mainline-will be considered the diversion structure and both pipelines from the structure to one foot below each individual's takeoff. Each individual's valve will be considered part of the mainline.
- D. Vote-One vote owned by each shareholder.

III. DISTRIBUTION OF WATER

The water used in this system shall be obtained from Brush Creek, provided the water can be delivered by the water shares that exist for the ground in question.

IV. COLLECTION AND ASSESSMENT OF PIPELINE OPERATING FUND

- A. Board of Directors are responsible to assess and collect.
- B. Annual assessments will be needed for repair, maintenance, payroll of the pipeline tender, and to maintain a reserve fund to be held in an account accessible by the Board of Directors.
- C. Those shareholders not paying on the due date will be charged a 1% interest per month and their water shut off in the pipeline until assessment plus interest has been paid. Due dates will be at least 30 days after the assessment is postmarked.
- D. Assessment fees will be assessed by a specific amount per irrigated acre.
- E. At the annual meeting a financial report will be provided for each shareholder, prepared by the Board of Directors.

V. TERM OF AGREEMENT

This agreement will stay in effect until the system is not feasible to operate.

VI. AMENDING AGREEMENT

This agreement may be amended or added to, with a majority vote by the shareholders.

VII. DESCRIPTION OF EASEMENT AND PROPERTY

- A. Easement of Construction is a 30 foot wide strip as shown on Exhibit A.
- B. All the property is owned by the participants of this agreement. The undersigned give the right all persons owning or working for the shareholders of the pipeline to enter on their property for the sole purpose of constructing and maintaining the irrigation pipeline. There will not be any money exchanged for the easement.

VIII. WATER TURNED IN AND OUT OF SYSTEM

Water will be turned into the system April 1, if available. Water will be turned out of the system by November 1.

Signatures of all Shareholders

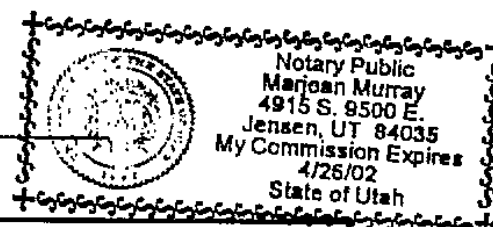
Carol S Evans
Shareholder _____ Date _____

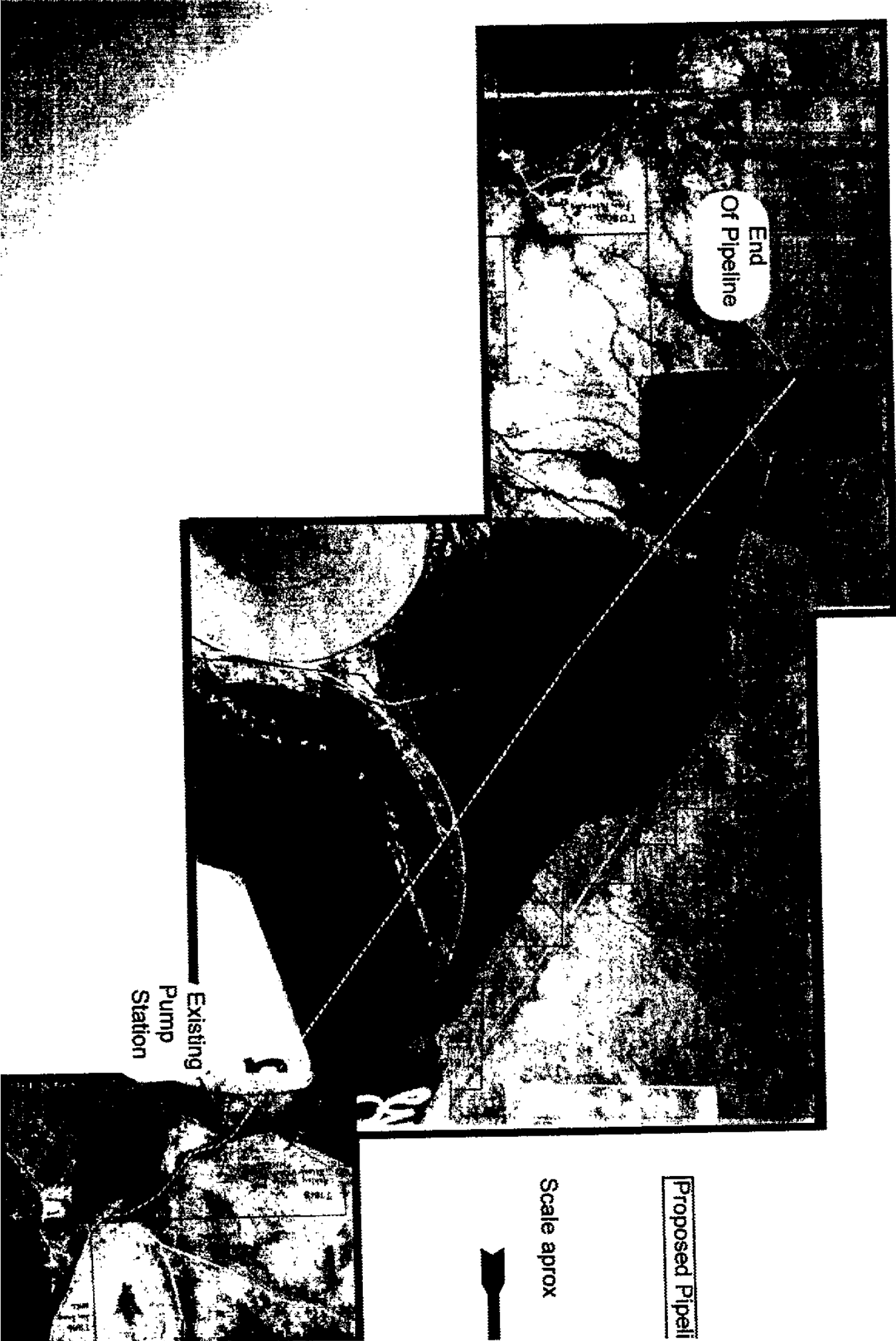
Subscribed and sworn to before me this 18 day of March 1999.

Residing in: Jensen, Uintah County.

My commission expires: 4/26/02

Marjorie Murray
Notary Public





Proposed Pipeline

Scale aprox

Existing Pump Station

End Of Pipeline



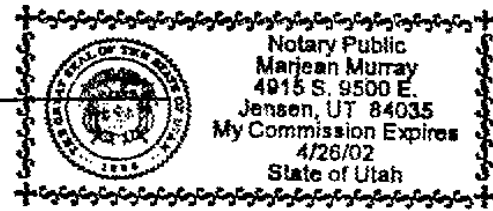
- SEC 25, T4S, R22E, SLB&M
- SEC 36, T4S, R21E, SLB&M
- SEC 31, T4S, R23E, SLB&M
- SEC 5, T5S, R23E, SLB&M
- SEC 6, T5S, R23E, SLB&M
- SEC 8, T5S, R23E, SLB&M
- SEC 17, T5S, R23E, SLB&M
- SEC 18, T5S, R23E, SLB&M

Tera M. Snow 18 March 1999
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen, Uintah County

My commission expires: 4/26/02



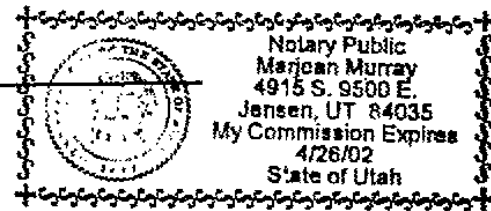
Marjean Murray
Notary Public

C. W. Evans 3-18-99
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen, Uintah County

My commission expires: 4/26/02



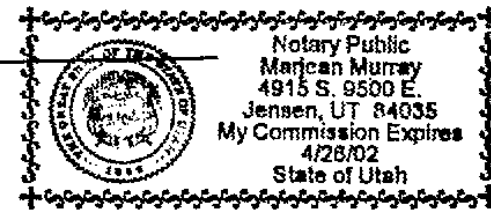
Marjean Murray
Notary Public

Kerry Murray March 18 - 1999
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen, Uintah County

My commission expires: 4/26/02



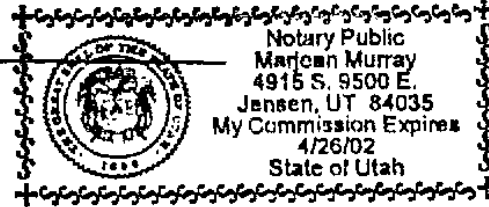
Marjean Murray
Notary Public

Genevieve Lou Bloxham 3-18-99
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen Uintah County

My commission expires: 4/26/02



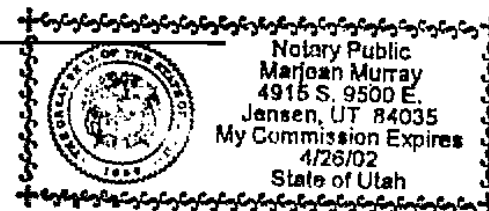
Marjean Murray
Notary Public

Ray Jay Allen 3/18/99
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen Uintah County

My commission expires: 4/26/02



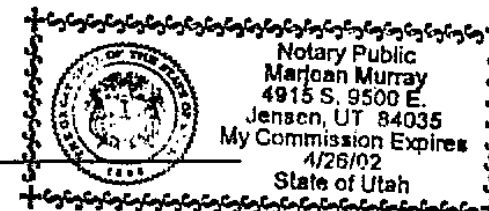
Marjean Murray
Notary Public

Mila Kidd 3/18/99
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen Uintah County

My commission expires: 4/26/02



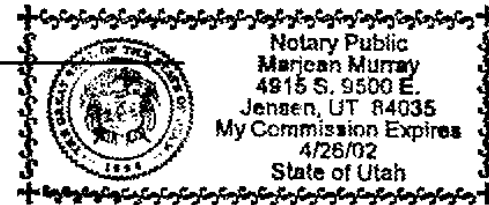
Marjean Murray
Notary Public

Randy L Vincent 3-18-99
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen Uintah County

My commission expires: 4/26/02



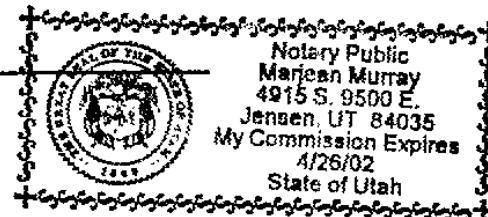
Marjean Murray
Notary Public

Bernard M Snow 3-18-99
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen Uintah County

My commission expires: 4/26/02



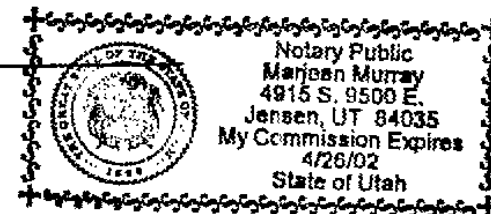
Marjean Murray
Notary Public

James D. Vincent 3-18-99
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen Uintah County

My commission expires: 4/26/02



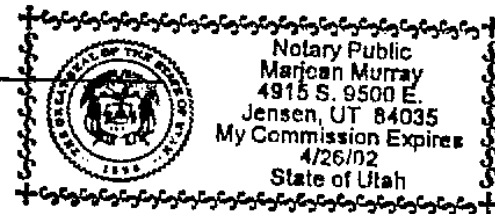
Marjean Murray
Notary Public

R Todd Zwick 3-18-99
Shareholder Date

Subscribed and sworn to before me this 18 day of March 1999

Residing in: Jensen Utah County

My commission expires: 4/26/02



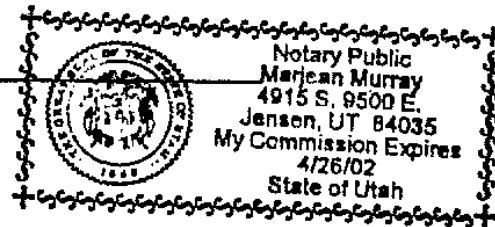
Marjean Murray
Notary Public

Dottie Clark 3-22-99
Shareholder Date

Subscribed and sworn to before me this 22 day of March 1999

Residing in: Jensen Utah County

My commission expires: 4/26/02



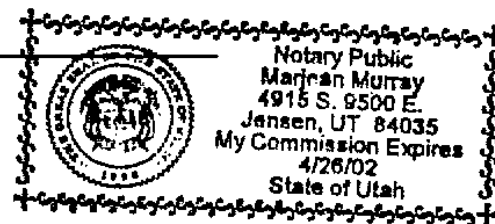
Marjean Murray
Notary Public

Phil Barber 3-23-99
Shareholder Date

Subscribed and sworn to before me this 23 day of March 1999

Residing in: Jensen Utah County

My commission expires: 4/26/02



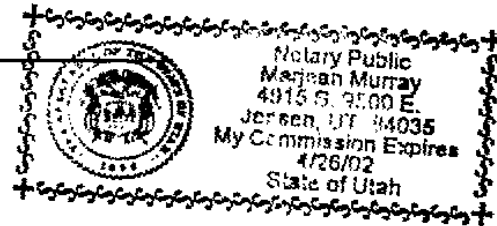
Marjean Murray
Notary Public

Stuck in the Mud by Thomas Snybliff April 8, 1999
Shareholder Date

Subscribed and sworn to before me this 8 day of April 1999

Residing in: Wensen Uintah County

My commission expires: 4/26/02



Marjean Murray
Notary Public

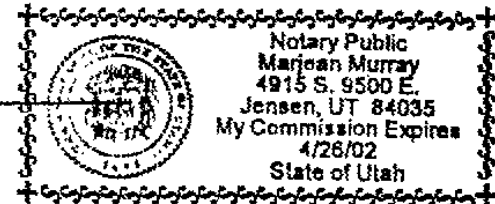
Estelle E. Ruge 4-9-99
Shareholder Date

Subscribed and sworn to before me this 9 day of April 1999

Residing in: Wensen Uintah County

My commission expires: 4/26/02

Marjean Murray
Notary Public



Shareholder Date

Subscribed and sworn to before me this _____ day of _____ 1999

Residing in: _____ County

My commission expires: _____

Notary Public