



**CONTRACT
419**

D.H. Beus

Legal Description:
SENW

Section 1
Township 10 South
Range 17 East

Legend

- Man Holes
- Observation Wells
- Tunnel Portals
- Vertical Shafts
- Wells
- Drains
- Tunnels
- City Limits
- Canals
- Roads
- Section Line
- Parcels



This map is for informational and reference purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data, and information sources to ascertain the usability of information.

419
Drainage Agreement

365188

SE NW: 1-10-17
D A Bene

TO

Twin Falls Canal Co

STATE OF IDAHO }
County of Twin Falls } ss.

I hereby certify that this instrument
led for record at the request of _____

Below

1:25 o'clock, PM this NOV 1 - 1946

in my office and duly recorded in book
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C. A. BULLES

Ex-Officio Recorder

Doris Oliver

Deputy

Fee \$ 1.40

Return to

T F Canal Co

T.F.

Corporate Seal
locking Canal Co

D R A I N A G E A G R E E M E N T

THIS AGREEMENT, made this 12 day of September, 1946 by and between

D. H. Beus, of Twin Falls, Idaho

party of the first part, called the "Owner" and the Twin Falls Canal Company, an Idaho Corporation of Twin Falls, Idaho, party of the second part called the "Company".

WHEREAS, the following described land belonging to the owner to-wit:
 acres in the Southeast Quarter (SE $\frac{1}{4}$) Northwest Quarter (NW $\frac{1}{4}$)

Section One (1) Township Ten (10) South, Range Seventeen (17) , East Boise Meridian.

Twin Falls County, State of Idaho, is at present being threatened by seepage and whereas, the owner is about to install a drainage system, comprising ditches, tile, drains and drainage well on and near said land under the direction of the Company's General Manager in an effort to determine the effect of such works in draining said lands.

NOW, THEREFORE, in consideration of the premises it is hereby agreed:

(1) That the Company may at this option and under the direction of said General Manager locate the lines upon which said drainage works shall be installed, the number, size, depth, character and location of trenches, tunnels, drain tiles, wells, etc., and shall have the right to enter on said lands and do any and all things reasonably necessary in the furtherance of said work. That any person or persons whose land depend upon these works for drainage shall have the right to enter on these lands to join to, reconstruct and repair or maintain these drains.

(2) That no willows or poplar trees are permitted by the owner to grow within a hundred (100) feet of these tile lines.

(3) That the owner will protect the tile lines against any and all damage resulting from filling with roots or filling up open outlets, or breaking into the tile by surface waters or from any other cause.

(4) In backfilling trenches that have been excavated, the Company will make a reasonable effort to replace the material excavated, but shall not be required to remove any rock from the land which may be left on the surface of the ground after the trenches have been filled.

(5) That the Company does not in any way admit or acknowledge that the seepage hereinbefore referred to, or any part thereof, is the result of any neglect or other act or omission on the part of the Company, or that it is in any way responsible for the reclamation of the land in question, nor does the Company in any way admit or acknowledge a liability on account of said seepage, or liability or responsibility to install the said, or any system of drainage.

(6) That should a flow of water be obtained by reason of said well, drains, or tunnels, the same shall be subject to beneficial use by the Company and the owners will, and do, hereby grant to the Company, without charge to it, an easement and right-of-way for a ditch or ditches or water-ways, the location to be designated by the Company when required, over the land above described, necessary to convey such waters and/ or other waters developed by the Company on adjacent lands, which have benefited the seepage condition above referred to, to the place or places desired by the Company in order to utilize or dispose of said waters.

