

Change of Place of Use

Gerald L Hill, Gerald L Hill Family Trust LLC, of 5851 S Depot Road, Spanish Fork, Utah 84660, the undersigned owner of the water right for irrigation of 63.86 acres of land, evidenced by water right application for lands in Private Ownership,  
Serial No. 2038.000, 6.34 acre feet recorded in Book 160 Page 186  
Serial No. 2038.002, 1.52 acre feet recorded in Book 160 Page 186  
Serial No. 2038.006, 8.33 acre feet recorded in Book 160 Page 186  
Serial No. 2117.000, 20.00 acre feet recorded in Book 160 Page 532  
Serial No. 2117.002, 13.50 acre feet recorded in Book 160 Page 532  
Serial No. 2227.001, 4.72 acre feet recorded in Book 286 Page 64

Of Contracts in the office of the County Recorder of Utah, County, State of Utah, upon which the construction charges have been paid in full, has changed the place of use of a total of 54.41 acre feet of said water-right from the following Project Land, designed as Tract No. 1, 2, 3 and 4 and described as follows:

Tract 1. Tax ID 24 001 0016 -Commencing North 930 feet and East 491.11 feet from the SW1/4 Section 1, T 8 South R 2 East SLB&M; South 930 feet; North 89 D 14'15" E 998.25 feet; North 47 D 32'09" W 1353..01 feet to beginning.

Tract 2. Tax ID 24 001 0018 -Commencing South 351.5 feet from West ¼ corner Section 1 T 8 South R 2 East SLB&M; South 958.5 feet; East 10.15 feet; North 0 D 26'26" West 921.36 feet; South 47 D 32'9" East 2042.41 feet; North 457.56 feet; West 189.75 feet; North 1320 feet; West 958.5 feet; South 361.5 feet; West 361.5 feet to the beginning.

Tract 3. Tax ID 24 001 0002 -Commencing North 89 D 10'8" East 1323.65 feet from West ¼ corner of Section 1, T 8 S R 2 E, SLB&M; North 89 D 10'8" East 1323.65 feet; S 0 D 24'24" E 1327.55 feet; South 89 D 12'12" West 1323.25 feet; North 0 D 25'25" West 1326.75 feet to the beginning.

Tract 4. Tax ID 24 044 0012 -Commencing East 1439.98 feet and South 3.66 feet from the NW corner of Section 12, T 8 S R 2 E, SLB&M; South 28.66 chains; South 89 D East 10.60 chains; North 1226.97 feet; North 46 D West 969.05 feet to the beginning.

As a result of this conveyance, 54.41 acre feet of water is to be made appurtenant to the following Project Land, designated as Tract No. 5, and described as follows:

Commencing 25 links East of the SW corner of the NW quarter of Section 12, T 8 S R 2 E, SLB&M; thence North 5.43 chains; North 30

¼ D East 2 chains; North 38.75 D East 2.15 chains; North 48D E 4.26 chains; East 26.54 chains; South ¼ D West 9 chains; North 89 D West 29.30 chains; South 2.40 chains; West 5 chains to the point of beginning. Area 27.82 acres. Said water to be represented by Serial 2008.001 on 27.83 acres with 15.00 acre feet; and supplemental water represented by Serial No 2038.008 - 6.32 acre feet; Serial No 2038.009 - 1.52 acre feet; Serial No 2038.010 - 8.33 acre feet; 2117..003 20.00 acre feet; Serial No 2117.004 - 13.50 acre feet; Serial No 2227.002 - 4.72 acre feet. Utah Comty Tax Parcel Number 24 044 0001, with a total of 69.41 acre feet

The Strawberry Water Users Association and the Spanish Fork West Field Canal Company do hereby reserve all rights and interests as contained in Paragraph #9 of the Original Water Right Application covering Water Right Serial No. 2038, 2117, 2227 and pertaining to the above described parcels of land.

It is agreed that Tract No. 5 and all water-rights now or hereafter appurtenant thereto shall be subject to a lien to secure payment of the annual charges for operation and maintenance, as provided in said application.

There are no liens against the land designated as Tract No. 1 2 3 4, except the following:

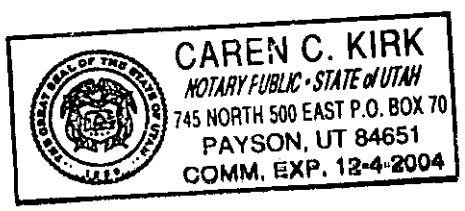
This change shall not become effective until approved by the Strawberry Water Users Association, the Spanish Fork West Field Canal Company, and the Secretary of the Interior of the United States.

Dated this 28<sup>th</sup> Day of January, 2004.

Gerald L. Hill  
Gerald L Hill, trustee  
Gerald L Hill Family Trust LLC

STATE OF UTAH )SS  
COUNTY OF UTAH )

On the 28 day of Jan, A.D. 2004, personally appeared before me, Gerald L Hill, the signer of the within instrument who duly acknowledged to me that he is trustee of Gerald L Hill Family Trust, LLC, and with that authority, executed the within document.



Caren C. Kirk  
Notary Public, Residing at Payson  
County of Utah, State of Utah

Approved:

Spanish Fork West Field Canal Company

Attest:

*Lay Hoff*  
Secretary

By:

*Lynn B Banks*  
President

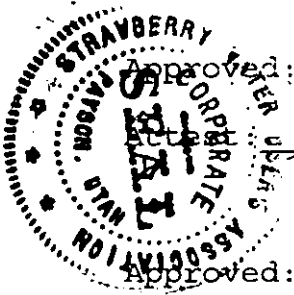
Strawberry Water Users Association

By:

*Bobt Mc Mulli*  
President

By:

*R. Farthing*  
Authorized Representative of  
the Secretary of the Interior



Approved:

*Nancy A. Atkins*  
Secretary

Approved:

INDEMNITY AGREEMENT  
Change of Place of Use

This Agreement dated this 28<sup>th</sup> day of January, 2004, by and between Gerald L Hill Family Trust LLC, hereinafter referred to as the Owners, and the STRAWBERRY WATER USERS ASSOCIATION, AND THE SPANISH FORK WEST FIELD CANAL COMPANY.

WHEREAS: The OWNER has 54.41 acre feet of Strawberry Project Water, Serial No. 2038.000, 2038.002, 2038.006, 2117.000, 2117.002, 2227.001, which he is desirous to transfer form Project lands owned by him, and described in the attached instrument,

The Owners hereby covenant and agree as follows:

In the event that the Owners have the land, upon which the Project Water is appurtenant, encumbered by a mortgage or other encumbrance, and in the event the said land is sold or foreclosed upon and the Project water should be claimed by other individuals, the Owners hereby agree and covenant that they will hold the Strawberry Water Users Association and the Spanish Fork West Field Canal Company harmless from any actions which will include all damages, attorney's fees and all costs which may be expended by said Strawberry Water Users Association or the Canal Company.



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Gerald L Hill

Gerald L Hill Family Trust, LLC

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