

When Recorded Return To:
Central Utah Water Conservancy District
355 West University Parkway
Orem, Utah 84058
Attention: District Engineer

W18035

Above Space For Recorder's Use Only

**DECLARATION OF LAND USE COVENANT AND RESTRICTION
(ESTABLISHING A WELL PROTECTION ZONE – GENEVA NITROGEN WELL)**

THIS DECLARATION OF LAND USE COVENANT AND RESTRICTION is made effective this 27 day of March, 2018 (the "*Effective Date*"), by **GENEVA NITROGEN, LLC**, a Utah limited liability company ("Declarant").

RECITALS

A. Declarant is the owner of Parcel No. 17:022:0006 in Utah County, State of Utah, more particularly described in EXHIBIT "A" whereon the below-defined Well and Well Protection Zone are situated.

B. Declarant and Central Utah Water Conservancy District (the "District"), have entered into a certain Water Right Purchase Agreement dated February 19, 2018 (the "*Purchase Agreement*"), pursuant to which, in addition to the agreement to transfer the subject water right, it was agreed to by the Declarant and the District that the District would plug and cap the Geneva Nitrogen Well, the well historically used as the point of diversion of water under the water right which was the subject of the Purchase Agreement (the "*Well*").

C. In connection with the closing of the Well, the Purchase Agreement provides that a ten foot (10') square protection zone be established over the top of the plugged Well (the "*Well Protection Zone*"), through the establishment of a perpetual land use restriction; pursuant to which, within the confines of the Well Protection Zone, the construction, installation and/or placement of load bearing structures, such as pilings, caissons, rock columns, sheet pilings and foundations deeper than five feet (5') would be expressly prohibited (the "*Prohibited Uses*"); with the understanding that use of the property within the Well Protection Zone for slab concrete, asphalt, floors, landscaping, and foundations less than five feet (5') in depth as well as other uses which would not threaten the integrity of the plugging and capping of the Well are allowed (the "*Allowed Uses*").

D. In compliance with the requirements of the Purchase Agreement, Declarant intends to establish this perpetual land use restriction creating the Well Protection Zone surrounding the Well, in conformance with the terms hereof.

DECLARATION

Declarant hereby publishes and declares that the property of Declarant more particularly described and depicted in EXHIBIT "B" attached hereto and made a part hereof (the "*Land*"), shall perpetually be held, sold, transferred, leased, subleased, and occupied subject to the following covenant and restrictions establishing the Well Protection Zone.

AND USE RESTRICTION ESTABLISHING
A WELL PROTECTION ZONE

1. Declarant hereby establishes a perpetual Well Protection Zone situated on, over, across and through the Land described in Exhibit B (the "Well Protection Zone Easement"). The area included within the Well Protection Zone may not be used in connection with any of the Prohibited Uses, but may be used for any of the Allowed Uses, as defined in the Recitals.

2. The covenants and restrictions contained herein, (whether affirmative or negative in nature) create an equitable servitude on the Land burdened by the Well Protection Zone, as described in Exhibit B, and constitutes a perpetual land use restriction and covenant running with the land, and is binding upon all parties having any right, title, or interest in and to the Land, or any portion thereof, their heirs, personal representatives, successors-in-interest and assigns.

3. Subject only to the Prohibited Uses herein, Declarant and its grantees, survivors and assigns, shall have exclusive possession, occupancy and use of the Well Protection Zone.

4. This instrument shall remain in full force and effect and the covenants and restrictions burdening the Land described herein may only be removed upon the execution and recording by Central Utah Water Conservancy District, a political of the State of Utah, of an executed and duly acknowledged instrument releasing the same; whereupon, this Instrument shall be void and of no force or effect.

5. The Recitals first set forth above and the Exhibits attached hereto are incorporated into and made a part of this Instrument.

6. Declarant represents that it owns the Land burdened hereby and has the right and authority to execute this instrument.

WITNESS, the execution hereof by Declarant as of the Effective Date.

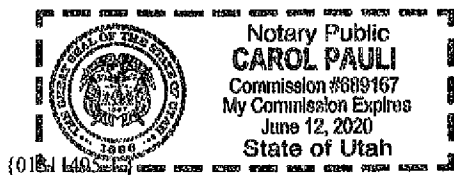
DECLARANT:

GENEVA NITROGEN, LLC,
a Utah limited liability company

By: 
Its: Manager

STATE OF UTAH)
 Salt Lake Co.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 27 day March, 2018, by Steven R. Thompson, as Manager of Geneva Nitrogen, LLC, a Utah limited liability company, for and on behalf of said entity.



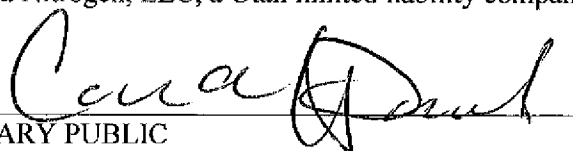

NOTARY PUBLIC

EXHIBIT "A"

THE GENEVA NITROGEN, LLC, PROPERTY

Serial Number: 17:022:0006

Legal Description: COM S 424.05 FT & W 883.28 FT FR E1/4 COR SEC 5, T6S, R2E, SLM; S 7 DEG 46'32"E 2796.57 FT; S 82 DEG 30'21"W 147.14 FT; N 7 DEG 57'36"W 35.24 FT; S 82 DEG 13'39"W 108.33 FT; N 11 DEG 59'48"W 25.69 FT; N 14 DEG 56'37"W 283.94 FT; S 83 DEG 36'20"W 29.09 FT; N 20 DEG 34'54"W 280.71 FT; N 14 DEG 56'19"W 1448.27 FT; N 8 DEG 15'56"W 136.96 FT; N 7 DEG 27'14"W 69.61 FT; N 82 DEG 14'36"E 53.65 FT; N 3 DEG 18'46"W 106.60 FT; N 10 DEG 55'05"E 92.03 FT; N 25 DEG 14'35"E 120.70 FT; N 40 DEG 54'42"E 377.48 FT; N 86 DEG 07'56"E 125.13 FT TO BEG. AREA 27.36 ACRES.

EXHIBIT "B"

LEGAL DESCRIPTION AND DEPICTION OF LAND BURDENED BY THE COVENANT AND RESTRICTION, i.e., THE TEN FOOT (10') SQUARE WELL PROTECTION ZONE EASEMENT

Well Location

Beginning at a point located South 25°08'01" West a distance of 2,083.58 feet from the East ¼ Corner of Section 5, Township 6 South, Range 2 East, Salt Lake Base & Meridian.

Well Protection Zone

Beginning at a point located South 25°07'00" West a distance of 2,076.53 feet from the East ¼ Corner of Section 5, Township 6 South, Range 2 East, Salt Lake Base & Meridian to the real point of beginning; thence South 14°56'19" East a distance of 10.00 feet; thence South 75°03'41" West a distance of 10.00 feet; thence North 14°56'19" West a distance of 10.00 feet; thence North 75°03'41" East a distance of 10.00 feet to the point of beginning.
Contains 100.00 square feet.