

AFTER RECORDING, RETURN TO:

Steven E. Clyde  
Clyde Snow & Sessions  
201 S. Main St., Ste. 1300  
Salt Lake City, UT 84111



ENT 39163:2019 PG 1 of 5  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2019 May 06 10:06 am FEE 0.00 BY IP  
RECORDED FOR CENTRAL UTAH WATER CONSERVA

Tax Serial No.:

### DEED RESTRICTION

This Deed Restriction (this "**Restriction**") is entered into this 3 day of May, 2019, by and between Central Utah Water Conservancy District, a body corporate and politic of the State of Utah (the "**District**") and Geneva Nitrogen LLC, a Utah limited liability company ("**Geneva**"). The District and Geneva are sometimes referred to herein individually as a "**Party**" and collectively as the "**Parties**".

### RECITALS

WHEREAS, on February 19, 2018, the Parties entered into that certain Water Right Purchase Agreement (the "**Agreement**") wherein the District purchased, and Geneva sold Water Right No. 55-1013, A32461, C6446 of record at the Utah Division of Water Rights (the "**Water Right**").

WHEREAS, prior to the District's purchase of the Water Right, the Water Right was diverted from a well defined in the Agreement as the Geneva Nitrogen Well (the "**Well**").

WHEREAS, the Agreement requires Geneva to plug and cap the Well and to establish a ten-foot (10') square well protection zone centered over the Well (the "**Stubbed Well Protection Zone**") through a perpetual deed restriction.

NOW, THEREFORE, for good and valuable consideration, each Party, for itself, its successors and assigns, hereby covenants and agrees to the following:

1. Stubbed Well Protection Zone. The location of the Stubbed Well Protection Zone is particularly described as follows:

Commencing at a point which is located 919.54 feet South 89° 31' 10" West along section line and 771.44 feet North from the Southeast Corner of Section 5, Township 6 South, and Range 2 East, Salt Lake Base and Meridian, thence South 82° 13' 25" West 10.00 feet, thence North 07° 46' 32" West 10.00 feet, thence North 82° 13' 25" East 10.00 feet, thence South 07° 46' 32" East 10.00 feet to the point of beginning.

The Stubbed Well Protection Zone containing 100 square feet.

2. Restrictions. Within the Stubbed Well Protection Zone, all construction, installation and/or placement of load bearing structures, such as pilings, caissons, rock columns, sheet pilings and foundations deeper than five feet (5') which could damage the plugged well shall be expressly prohibited. However, slab concrete, asphalt, floors, landscaping, and foundations less than five feet (5') in depth are allowed.

3. Title. This Restriction, the prohibitions, the agreements contained herein and the rights granted hereby shall be deemed a covenant running with the land, shall run with the title to that certain real property located at 1165 North Geneva Road, Vineyard, Utah 84057 and more particularly described in attached Exhibit A (the "**Property**"), and shall bind and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns. Every contract, deed or other instrument hereafter executed covering or conveying the Property shall be deemed to have been executed, delivered and accepted subject to this Restriction, regardless of whether this Restriction is set forth in that contract, deed or other instrument.

4. Miscellaneous Provisions.

(a) Wherever used herein, the singular shall include both the singular and the plural and the use of any gender shall apply to all genders.

(b) All rights, powers and remedies provided for herein may be exercised only to the extent that the exercise thereof does not violate any law and are intended to be limited to the extent necessary so that they will not render this Restriction invalid or unenforceable. In the event that any of the covenants, agreements, terms or provisions contained herein shall be deemed invalid, illegal or unenforceable in any respect, the validity of the remaining covenants, agreements, terms or provisions contained herein shall be in no way affected prejudiced or disturbed thereby.

(c) This Restriction shall be governed by, and construed and interpreted in accordance with, the laws of the state of Utah.

(d) The headings contained in this Restriction are for convenience of reference only and are not to be considered a part hereof and shall not limit or expand or otherwise affect any of the terms hereof.

(g) This Restriction may be executed in any number of counterparts, each of which when executed and delivered shall be deemed an original, but such counterparts together shall constitute one and the same instrument.

**[The signature page follows.]**

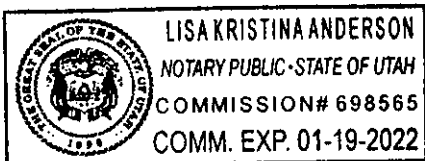
IN WITNESS WHEREOF, the Parties have executed this Restriction as of the date set forth above.

**CENTRAL UTAH WATER CONSERVANCY DISTRICT**

By: [Signature]  
Print Name: GENE SHAWCROFT  
Its: General Manager

STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 3 day of May, 2019, by Gene Shawcroft, the General Manager of Central Utah Water Conservancy District, a body corporate and politic of the State of Utah.



[Signature]  
NOTARY PUBLIC  
Residing at: 125 S. 1025 E. Lindon, UT 84042

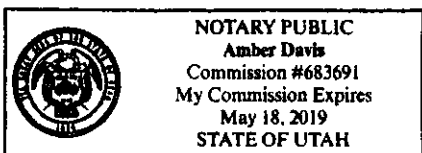
My Commission Expires: January 19, 2022

**GENEVA NITROGEN LLC**

By: [Signature]  
Print Name: STEVEN THOMPSON  
Its: Manager

STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 2nd day of May, 2019, by Steven Lowley Thompson, the Manager of Geneva Nitrogen LLC, a Utah limited liability company.



[Signature]  
NOTARY PUBLIC  
Residing at: Zions bank

My Commission Expires: May 18, 2019

**EXHIBIT "A"****PROPERTY INFORMATION****Serial Number:** 17:022:0006**Property Address:** 1165 N Geneva Rd - Vineyard**Mailing Address:** 1165 N 1600 W Vineyard, UT 84057-2836**Acreage:** 27.36

**Legal Description:** Commencing at a point which is located South 424.05 feet and West 883.28 feet from the East 1/4 Corner of Section 5, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 07° 46' 32" East 2796.57 feet; thence South 82° 30' 21" West 147.14 feet; thence North 7° 57' 36" West 35.24 feet; thence South 82° 13' 39" West 108.33 feet; thence North 11° 59' 48" West 25.69 feet; thence North 14° 56' 37" West 283.94 feet; thence South 83° 36' 20" West 29.09 feet; thence North 20° 34' 54" West 280.71 feet; thence North 14° 56' 19" West 1448.27 feet; thence North 8° 15' 56" West 136.96 feet; thence North 7° 27' 14" West 69.61 feet; thence North 82° 14' 36" East 53.65 feet; thence North 3° 18' 46" West 106.60 feet; thence North 10° 55' 05" East 92.03 feet; thence North 25° 14' 35" East 120.70 feet; thence North 40° 54' 42" East 377.48 feet; thence North 86° 07' 56" East 125.13 feet to the point of beginning. The property containing 27.36 acres.

