

Change of Place of Use

The Banana Farm, LLC, of 1985 E. Viscounti Dr., Sandy, Utah 84093, the undersigned owners of the water right for irrigation of 35.07 acre of land, evidenced by water right application for lands in Private Ownership, Serial No. 2099.001, 2099.002, 2099.003, 2084.001, 2084.002, 2085.002, 2085.003, 2085.004, 2119.003 and 2119.004 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 29.06 acre feet of said water-right from the following Project Land, designed as Tract No. 1, Tract No. 2, Tract No. 3, Tract No. 4 described as follows:

Tract No. 1:

COM N 3.36 CH FR W 1/4 COR. SEC. 13, T8S, R2E, SLB&M.; N 89 DEG 30' 0" W 16.75 CH; S 0 DEG 35' 0" W 3.5 CH; S 1 DEG 15' 0" W 6.59 CH; N 89 DEG 45' 0" E 16.93 CH; N .61 CH; E 1 CH; N 6 CH; E 2.25 CH; N 18 DEG 15' 0" W 3.49 CH; W 2.25 CH TO BEG. AREA 18.287 AC. Tax ID: 24:047:0021

Tract No. 2:

COM. 5.52 CHS N & 6.71 CHS N 891/2 W OF CEN OF SEC 23, T 8 S, R 2 E, SLM; N 9.60 CHS; N 891/4 W 12.15 CHS; S 9.60 CHS; S 891/4 E 12.15 CHS TO BEG. AREA 11.67 ACRES. Tax ID: 25:014:0006

Tract No. 3:

COM N 374.17 FT & E 1439.87 FT FR W 1/4 COR. SEC. 23 T8S R2E SLB&M.; N 633.6 FT; N 89 DEG 15' 0" W 606.95 FT; S 6 DEG 5' 59" W 45.44 FT; S 35 DEG 3' 6" E 252.91 FT; S 34 DEG 20' 51" E 471.52 FT; E 200.44 FT TO BEG. AREA 6.119 AC
Tax ID: 25:014:0026

Tract No. 4:

COM N 363.3 FT & E 1836.48 FT FR W 1/4 COR. SEC. 23 T8S R2E SLB&M.; S 162.36 FT; W 558.55 FT; N 8 DEG 47' 31" W 19.56 FT; N 11 DEG 39' 28" W 145.36 FT; E 591.02 FT TO BEG. AREA 2.132 AC. Tax ID: 25:014:0028

This water is to be made appurtenant to the following Project Land, designated as Tract No. 1-5 and described as follows:

Tract 1: (16.06 AF)

COM N 3.36 CH FR W 1/4 COR. SEC. 13, T8S, R2E, SLB&M.; N 89 DEG 30' 0" W 16.75 CH; S 0 DEG 35' 0" W 3.5 CH; S 1 DEG 15' 0" W 6.59 CH; N 89 DEG 45' 0" E 16.93 CH; N .61 CH; E 1 CH; N 6 CH; E 2.25 CH; N 18 DEG 15' 0" W 3.49 CH; W 2.25 CH TO BEG. AREA 18.287 AC. Tax ID: 24:047:0021

Tract 2: (5.60 AF)

COM. 5.52 CHS N & 6.71 CHS N 891/2 W OF CEN OF SEC 23, T 8 S, R 2 E, SLM; N 9.60 CHS; N 891/4 W 12.15 CHS; S 9.60 CHS; S 891/4 E 12.15 CHS TO BEG. AREA 11.67 ACRES. Tax ID: 25:014:0006

Tract 3: (2.93 AF)

COM N 374.17 FT & E 1439.87 FT FR W 1/4 COR. SEC. 23 T8S R2E SLB&M.; N 633.6 FT; N 89 DEG 15' 0" W 606.95 FT; S 6 DEG 5' 59" W 45.44 FT; S 35 DEG 3' 6" E 252.91 FT; S 34 DEG 20' 51" E 471.52 FT; E 200.44 FT TO BEG. AREA 6.119 AC. Tax ID: 25:014:0026

Tract 4: (1.13 AF)

COM N 363.3 FT & E 1836.48 FT FR W 1/4 COR. SEC. 23 T8S R2E SLB&M.; S 162.36 FT; W 558.55 FT; N 8 DEG 47' 31" W 19.56 FT; N 11 DEG 39' 28" W 145.36 FT; E 591.02 FT TO BEG. AREA 2.132 AC. Tax ID: 25:014:0028

Tract 5: (3.34)

COM E 16.34 CH FR W 1/4 COR. SEC. 13, T8S, R2E, SLB&M.; S 0 DEG 45' 0" E 6.62 CH; N 89 DEG 0' 0" E 6.83 CH; N 10.09 CH; N 89 DEG 0' 0" W 6.88 CH; S 0 DEG 35' 0" W 3.55 CH TO BEG. AREA 6.960 AC. Tax ID: 24:048:0002

The Strawberry Water Users Association and 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. 2099, 2084,2085 and 2119 and pertaining to the above described parcels of land.

It is agreed that Tract No. 1-5, 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 Tracts No. 1-4, except the following: N/A

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

Dated this 30 Day of Nov., 17.

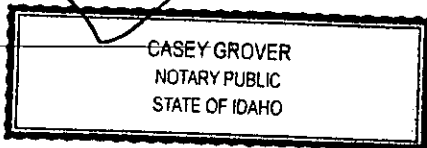
Clifford Zane Marsden
Clifford Zane Marsden, Manager
The Banana Farm, LLC

Kaye H. Bjorkman
Kaye H. Bjorkman, Manager
The Banana Farm, LLC

STATE OF UTAH) SS
COUNTY OF UTAH)

On the 30 day of Nov., 2017, personally appeared before me **Clifford Zane Marsden** and who by me duly sworn, did say that he is the Manager and that said document was signed by him in behalf of The Banana Farm, LLC, the Grantors of this document, signers of the within instrument who duly acknowledged to me that he executed the same.

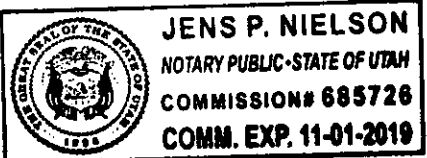
Casey Grover
Notary Public



STATE OF UTAH) SS
COUNTY OF UTAH)

On the Dec 27th day of December, 2017, personally appeared before me **Kaye H. Bjorkman** and who by me duly sworn, did say that he is the Manager and that said document was signed by him in behalf of The Banana Farm, LLC, the Grantors of this document, signers of the within instrument who duly acknowledged to me that he executed the same.

Jens P. Nielson
Notary Public



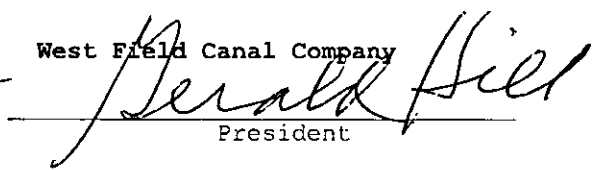
Approved:

West Field Canal Company

Attest:


Secretary


By:


President

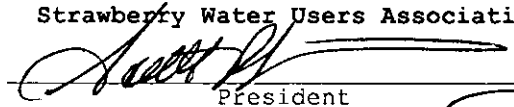
Approved:

Strawberry Water Users Association

Attest:

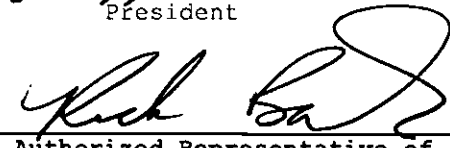

Secretary

By:


President

Approved:

By:


Authorized Representative of
the Secretary of the Interior

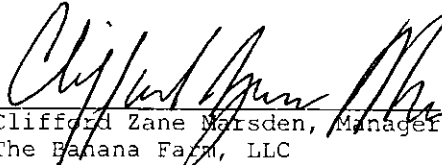
INDEMNITY AGREEMENT
Change of Place of Use

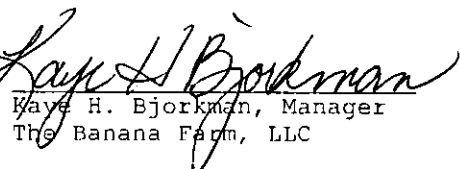
This Agreement dated this 30 day of November, 2017, The Banana Farm, LLC, hereinafter referred to as the Owner, and the STRAWBERRY WATER USERS ASSOCIATION, AND THE West Field Canal COMPANY.

WHEREAS: The OWNER has 29.06 acre feet of Strawberry Project Water, Serial No. 2099.001, 2099.002, 2099.003, 2084.001, 2084.002, 2085.002, 2085.003, 2085.004, 2119.003 and 2119.004, which they are desirous to transfer from Project lands owned by them, and described in the attached instrument,

The Owner hereby covenants and agrees as follows:

In the event that the Owner has 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 Owner hereby agrees and covenants that they will hold the Strawberry Water Users Association and the 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.


Clifford Zane Marsden, Manager
The Banana Farm, LLC


Kaye H. Bjorkman, Manager
The Banana Farm, LLC