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Salt Lake City, Utah 84101-1644

JORDANELLE SPECIAL SERVICE DISTRICT

CULINARY AND/OR IRRIGATION WATER RESERVATION

This CULINARY AND IRRIGATION WATER RESERVATION ("Reservation") is issued the ___ day of July, 2009, by Jordanelle Special Service District ("DISTRICT"), in favor of Kyle V. Leishman, Trustee ("PROPERTY OWNER").

RECITALS

WHEREAS, the DISTRICT, with offices located at 10420 North Jordanelle Blvd., P.O. Box 519, Heber City, Utah 84032, is a Special Service District organized and existing under the laws of the State of Utah; and

WHEREAS, DISTRICT was organized for the express purpose of, among other things, providing culinary and irrigation water to the properties within the boundaries of the DISTRICT; and

WHEREAS, DISTRICT is currently in the process of constructing and operating the Water System to serve the residents and properties within the District boundaries; and

WHEREAS, DISTRICT has located and acquired water rights for use by Properties within the boundaries of the DISTRICT; and

WHEREAS, PROPERTY OWNER is the owner or authorized representative of certain real property (the "PROPERTY") lying within the DISTRICT boundaries, the legal description of which is attached hereto as Exhibit "A". The PROPERTY described herein can be serviced by the existing or proposed DISTRICT water system; and

WHEREAS, PROPERTY OWNER desires to reserve water rights in the amount described below for use on the Property described herein.

NOW THEREFORE, the DISTRICT hereby commits to provide water rights for the Property on the terms and conditions set forth herein.

TERMS OF COMMITMENT

I. WATER RIGHTS ACQUISITION BY DISTRICT.

The DISTRICT has acquired a water supply to satisfy the anticipated amount of water for PROPERTY OWNER'S property, also known as the Westside Project Property. The DISTRICT commits water to supply the anticipated demand of 470 Equivalent Residential Units ("ERUs") on PROPERTY OWNER'S property, consisting of 0.9 acre-feet per ERU for culinary and outside irrigation, or a total amount of 423 acre feet per year. The water right committed herein is the right to use DISTRICT water on PROPERTY OWNER'S property in accordance with DISTRICT policies and procedures. Violation of DISTRICT policies and procedures may result in forfeiture of any right to use DISTRICT water.

PROPERTY OWNER shall have no right to water rights or sources acquired by DISTRICT above and beyond the commitment amount, unless an additional commitment letter is issued by the DISTRICT. The right to use water as committed to herein is the right to use DISTRICT water on the PROPERTY OWNER'S property and runs with the land as long as the requirements of the DISTRICT are met regarding payment. Ownership of the water right itself shall remain with the DISTRICT, and may not be transferred by PROPERTY OWNER to any other property. As long as the requirements of the DISTRICT are met, including those regarding payment, the right to use the water shall not be alienated from the PROPERTY OWNER'S property except by mutual agreement of the DISTRICT and the PROPERTY OWNER in the event PROPERTY OWNER determines that it does not need the full amount committed herein.

In order to keep the commitment valid, PROPERTY OWNER shall pay a non-refundable annual reservation fee as billed by the DISTRICT. Failure to pay any required payment for water rights or source reservation in a timely manner shall result in forfeiture of any right to the water rights acquired and assigned to PROPERTY OWNER's Property by the DISTRICT. The annual reservation fee is set by resolution of the Jordanelle Special Service District Board. That fee is reviewed annually and is currently set at \$325.60 per acre foot, per year.

II. GENERAL TERMS AND CONDITIONS.

A. Applicability of District Policies and Procedures. DISTRICT shall adopt policies and procedures governing the water rights and/or source facilities acquisition and assignment, and the design, financing, construction and operation of the Water System. PROPERTY OWNER shall be bound by, and conform to all legally imposed Policies and Procedures adopted by DISTRICT.

B. Transfer of Excess Assigned Water Rights Restricted. It is in the best interest of the DISTRICT to prohibit the creation of a secondary market in interests in water rights acquired by the DISTRICT. For that reason, PROPERTY OWNER shall have no right to transfer any interest it may have in water rights acquired and assigned to PROPERTY OWNER's Property without the express, written consent of DISTRICT. Transfers of interests in DISTRICT water rights without the express, written consent of the DISTRICT are void. This limitation shall not prevent the assignment PROPERTY OWNER'S interest in this commitment as part of the security for a loan, mortgage or other financing, however, in no event shall the right to use water be separated from PROPERTY OWNER'S property without the written consent of the DISTRICT.

C. Recordation. PROPERTY OWNER understands and acknowledges that DISTRICT may record this commitment, or a summary thereof, in the Wasatch County Recorder's office, for the purpose of providing notice to all subsequent purchasers or interest holders in PROPERTY OWNER's Property. The DISTRICT may also record a notice of forfeiture of interest in water rights in the event PROPERTY OWNER fails for comply with any of the terms of this Agreement, including but not limited to the requirement to pay the for water rights reservation in a timely manner.

D. Private Water Systems. It is against the policies and ordinances of the District and Wasatch County to allow private water rights, private infrastructure or other private water or sewer system components to be used for development within the boundaries of the Jordanelle Special Service District. Pursuant to Wasatch County policy no development shall be approved within the boundaries of the District unless and until the District has secured sufficient water rights for the entire proposed development.

E. Development Approval contingent upon availability of water rights. Pursuant to the policies and procedures of Wasatch County, no development shall be approved in the Jordanelle Basin Overlay Zone without proof of adequate water rights for the development. Once Jordanelle Special Service District has issued a will-serve letter to a development, and development approvals have been given by Wasatch County based in part upon the will-serve letter, the water rights for that project must remain current and valid. In the event a developer or property owner fails to maintain adequate water rights for the development, DISTRICT will withdraw the will-serve letter, and record a notice against any plats, property or lot that no longer has adequate water for development. The developer may not voluntarily reduce the water rights reservation for platted or approved developments without agreeing to forfeit density or vacate any plat that depends upon the water rights that are no longer valid.

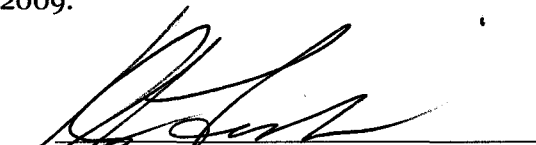
F. Interest and penalties for non-payment. Fees and charges under this Agreement are due and payable within 30 days of billing. Payments on fees and charges received before the due date shall not be subject to additional late

fees or interest. Payments received after the due period shall be charged a 5% late fee. An interest charge of 1.5% per month shall be added to all fees or charges past due. Payments received shall be first applied to any interest, late fees and delinquent fees and charges on that account. In the event a water reservation fee which is due and payable pursuant to this section remains unpaid past the period of 30 days, it shall be considered not current. Failure to keep the reservation fee current for three consecutive months shall result in automatic forfeiture of the water right for that ERU. Pursuant to Utah State law, DISTRICT may certify past due fees and charges to the Wasatch County Assessor for collection with property taxes. In addition to all available remedies in law or in equity, the DISTRICT may, at its discretion, terminate this Agreement for non-payment of fees or charges. DISTRICT may also take other steps to collect unpaid water reservation charges, including but not limited to legal action. All costs and attorneys fees incurred in connection with the collection of amounts due under this Agreement shall be paid by PROPERTY OWNER.

G. Payment of penalties, interest and reservation fees required before plats, approvals, etc. All water reservation fees, penalties and interest due under this Agreement, and other fees and charges due and payable to the District must be paid in full prior to actual the District signing plats, approving building permits or allowing connection to the Water System.


F. Authorization to sign on behalf of PROPERTY. PROPERTY OWNER hereby represents and acknowledges that the undersigned is the authorized agent or representative of the PROPERTY, and is fully authorized to sign this agreement and bind the PROPERTY as described herein.

DATED this ____ day of July, 2009.



Kyle V. Leishman, Trustee

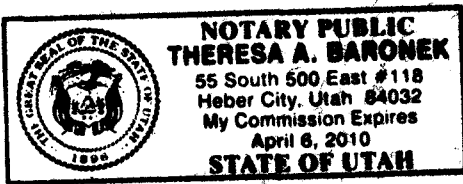
AGREED TO AND APPROVED:



Dan Matthews, manager
Jordanelle Special Service District

STATE OF UTAH)
 : ss.
COUNTY OF WASATCH)

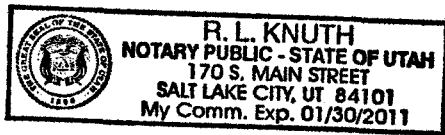
On the 14 day of July, 2009, personally appeared before me Dan Matthews, who, being by me duly sworn, did say that he is the Manager of the Jordanelle Special Service District, a political subdivision of Wasatch County, Utah, that said instrument was signed in behalf of said District by authority of its Board of Trustees, and said Dan Matthews acknowledged to me that said District executed the same.



Theresa A. Baronek
NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 21st day of July, 2009, personally appeared before me Kyle V. Leishman, who, being by me duly sworn, acknowledged to me that he executed the same.



R. L. Knuth
NOTARY PUBLIC

EXHIBIT A

That certain real property located in Wasatch County, State of Utah, and more particularly described as follows:

Parcel 1

Lot 111, **EAST PARK Plat No. 1**, according to the official plat thereof, recorded July 28, 1966 as Entry No. 89132 in Book 55 at Page 336 of the official records in the office of the Wasatch County Recorder.

Wasatch County Tax Serial No: OEP-1111

Parcel 2

Lot 226, **East Park Plat II**, according to the official plat thereof, recorded November 2, 1966 as Entry No's. 89491 and 89492 in Book 56 at Page No's. 242 and 244 of the official records in the office of the Wasatch County Recorder.

Wasatch County Tax Serial No: OEP-2226

Parcel 3

Lot 248, **EAST PARK Plat II**, according to the official plat thereof, recorded November 2, 1966 as Entry No's. 89491 and 89492 in Book 56 at Pages 242 and 244 of the official records in the office of the Wasatch County Recorder.

Wasatch County Tax Serial No: OEP-2248

Parcel 4

Lot 253, **EAST PARK Plat II**, according to the official plat thereof, recorded November 2, 1966 as Entry No's. 89491 and 89492 in Book 56 at Pages 242 and 244 of the official records in the office of the Wasatch County Recorder.

Wasatch County Tax Serial No: OEP-2253

Parcel 5

Lot 254, **EAST PARK Plat II**, according to the official plat thereof, recorded November 2, 1966 as Entry No's. 89491 and 89492 in Book 56 at Pages 242 and 244 of the official records in the office of the Wasatch County Recorder.

Wasatch County Tax Serial No: OEP-2254

Parcel 6

Lot 259, **EAST PARK Plat II**, according to the official plat thereof, recorded November 2, 1966 as Entry No's. 89491 and 89492 in Book 56 at Pages 242 and 244 of the official records in the office of the Wasatch County Recorder.

Wasatch County Tax Serial No: OEP-2259

Parcel 7

BEGINNING at the most Northerly corner of Lot 253, **EAST PARK PLAT NO. 2**, according to the official plat thereof, recorded November 2, 1966 as Entry No. 89492 in Book 56 at Page No. 244 of the official records in the office of the Wasatch County Recorder; and running thence North 41° 13' 44" West 210.00 feet; thence North 44° 29' East 110.00 feet; thence South 40° 14' 19" East 190.35 feet; thence South 56° 56' East 474.50 feet; thence South 45° 15' West 235.29 feet; thence North 41° 13' 44" West 443.33 feet to the point of BEGINNING.

Wasatch County Tax Serial No: OWC-0019-1

Parcel 8

An easement and right of way for ingress and egress, 25 feet in width, and lying Northerly at right angles from the following described line:

BEGINNING at the Westerlymost corner of Lot 248, **EAST PARK PLAT NO. 2**, according to the official plat thereof, recorded November 2, 1966 as Entry No. 89492 in Book 56 at Page 244 of the official records in the office of the Wasatch County Recorder; and running thence North 44°29' East 100 feet; thence North 37°41'35" East 245.58 feet; thence North 44°29' East 110 feet; thence South 42°28'10" East 182.08 feet.

as created by that certain Quit Claim Deed recorded August 15, 1991 as Entry No. 156968 in Book 232 at Page 308 of the official records.

Portions of Wasatch County Tax Serial Nos: OWC-0015 and OWC-0010

Parcel 9

BEGINNING at the Northeast corner of Lot 256, **EAST PARK, PLAT 2, Sheet 2**, a recorded subdivision, being a part of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian, said point also being North 2163.47 feet and West 3690.05 feet from the Southeast corner of aforesaid Section 13; and running thence South 60°30'00" East 1855.54 feet; thence North 29°30'00" East 457.45 feet; thence North 60°30'00" West 2062.18 feet; thence South 20°57'00" East 225.00 feet; thence South 23°28'34" West 315.919 feet to the point of BEGINNING.

Wasatch County Tax Serial Number: OWC-0018

Parcel 10

TOGETHER WITH a non-exclusive right of way for ingress and egress over the following described land:

That portion of Lot 257 of said **EAST PARK, PLAT 2, Sheet 2**, a recorded subdivision, which is shown by the plat thereof as being affected on its Southwesterly edge by a 25 foot right of way.

Portions of Wasatch County Tax Serial Number: OEP-2257

Parcel 11

BEGINNING at the Northeast corner of Lot 256, **East Park, Plat 2, Sheet 2**, a recorded subdivision, being a part of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian, said point also being North 2163.47 feet and West 3690.05 feet from the Southeast corner of aforesaid Section 13; and running thence South 60°30' East 1856.21 feet; thence South 29°30' West 465.00 feet; thence North 60°30' West 938.21 feet; thence North 66°42'51" West 776.31 feet; thence North 11°58'25" East 269.934 feet; thence North 16°56'29" East 298.776 feet to the point of BEGINNING.

Wasatch County Tax Serial No: OWC-0024

Parcel 12

Beginning at a point which is North 66° 14' 06" East 100 feet from the Northeast corner of Lot 249 **East Park Plat #2**; thence North 66° 14' 16" East 52.3; thence South 83° 20' East 60 feet; thence South 30° 32' East 220 feet more or less to the North line of Lot 254, **East Park Plat #2**, thence South 70° 39' 19" West along said North line 100 feet more or less to a point which is South 30° 32' East from the point of beginning; thence North 30° 32' West 230 feet more or less to the point of beginning.

Wasatch County Tax Serial No: OWC-0014

Parcel 13

Beginning at the Northwest Corner of Lot 251, East Park, Plat II, said point also being South 88° 51' 36" East 1027.125 feet and South 35° 59' 19" East 647.868 feet from the Northwest Corner of Section 13, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence South 34° 42' 09" East 140.363 feet; thence South 15° 00' 00" West 363.00 feet; thence South 67° 45' East 878.87 feet; thence North 22° 30' 23" East 424.92 feet; thence North 20° 00' East 44.34 feet; thence North 67° 45' West 1098.55 feet; thence South 36° 59' 19" East 65.24 feet to the point of beginning.

Together with an easement and right of way for ingress and egress 25 feet in width over, along, and across Parcel 15 as described hereinbelow.

Wasatch County Tax Serial No: OWC-0017

Parcel 14

Beginning at a point South 88° 48' East 1570 feet and South 01° 00' West 80.00 feet, from the Northwest corner of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian. Running thence; South 67° 45' East 1043.55 feet, thence South 22° 15' West 417.42 feet. Thence North 67° 45' West 1043.55 feet, thence North 22° 15' East 417.42 feet to the point of beginning.

Together with an easement and right of way for ingress and egress 25 feet in width over, along, and across Parcel 13 as described hereinabove.

Also together with an easement and right of way for ingress and egress 25 feet in width over, along, and across Parcel 15 as described hereinbelow.

Wasatch County Tax Serial No: OWC-0025

Parcel 15

Beginning at the Northeast corner of Lot 246, East Park Plat II, a subdivision, a part of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 25° 11' 51" West 204.88 feet; thence South 18° 23' 00" West 166.300 feet; thence South 51° 54' East 105.37 feet; thence South 2° 33' 16" East 164.184 feet; thence North 66° 14' 06" East 142.90 feet; thence South 83° 20' East 109.04 feet; thence North 44° 29' East 161.00 feet; thence North 37° 41' 35" East 245.58 feet; thence North 44° 29' East 110.00 feet; thence South 42° 28' 10" East 182.08 feet; thence North 34° 04' 38" East 248.00 feet; thence North 22° 30' 23" East 54.67 feet; thence North 67° 45' West 878.87 feet; thence South 15° 00' West 87.00 feet; thence South 51° 30' West 100.00 feet; thence South 31° 18' 05" East 196.345 feet to the point of beginning.

EXCEPTING THEREFROM the following portion thereof:

Beginning at the Southeast corner of Lot 247, East Park Plat II, a subdivision, a part of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 25° 11' 51" West 31.00 feet; thence South 18° 23' West 166.30 feet; thence South 51° 54' East 231.61 feet; thence North 19° 27' 15" East 196.82 feet; thence North 51° 54' West 225.00 feet to the point of beginning.

Wasatch County Tax Serial No: OWC-0015

Parcel 16

Beginning North 34° 04' 38" East 110 feet from the Northerly corner of Lot 253, East Park Subdivision, Plat 2, Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 34° 04' 08" East 248 feet; thence South 45° East 511.87 feet; thence South 45° 15' West 145.39 feet; thence North 56° 56' West 474.5 feet to the place of beginning.

Wasatch County Tax Serial No: OWC-0019

Parcel 17

A right of way over the following described tract: Beginning at a point North 34° 04' 38" East 110.00 feet from the most Northerly corner of Lot 253, East Park Plat 2, a subdivision of part of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence North 40° 14' 19" West 190.35 feet; thence South 44° 29' West 16.00 feet; thence South 40° 14' 19" East 191.45 feet; thence South 56° 56' East 42.11 feet; thence North 33° 04' East 16.00 feet; thence North 56° 56' West 40.00 feet to the point of beginning.

Portions of Wasatch County Tax Serial No: OWC-0019-1

Parcel 18

Beginning North 89°10'25" East 328.20 feet from the Southwest corner of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 02°56'05" West 358.604 feet; thence North 72°24' East 306.231 feet, more or less to the Westerly boundary line of East Park, Plat II, according to the official plat thereof, as recorded in the office of the Wasatch County Recorder, Wasatch County, Utah, as re-traced; thence along the subdivision boundary line the following four courses: 1) South 54° East 110 feet; 2) thence North 87°22'42" East 205.2 feet; 3) thence East 169.2 feet; 4) thence North 159.6 feet; thence leaving said subdivision boundary line North 35° East 88 feet; thence North 13°25' West 98.81 feet; thence North 80°12'06" East 95.84 feet; thence South 56°00' East 70.00 feet; thence South 83°28'48" East 170.32 feet; thence North 16°52'26" East 61.64 feet; thence South 84°47'13" East 134.39 feet; thence South 15°46'21" West 366.64 feet; thence South 26°00' East 397.80 feet; thence South 89°12'25" West 1211.68 feet more or less to the Point of Beginning.

LESS AND EXCEPTING THEREFROM the following described portion:

Beginning at a point which is North 89°10'25" East 602.75 feet from the Southwest corner of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 89°10'25" East 110.5 feet; thence North 195.58 feet; thence West 110.50 feet; thence South 197.17 feet to the Point of Beginning.

ALSO LESS AND EXCEPTING THEREFROM the following described portions:

Those parcels of property described as Parcel No. JDR-Hy-40-19:17 and Parcel No. JDR-Hy-40-19:17:A in that certain Declaration of Taking recorded March 30, 1988, as Entry No. 145267 in Book 198 at Page 791 of the official records in the office of the Wasatch County Recorder, reference to which is hereby made for the particulars.

ALSO EXCEPTING THEREFROM any portion which may be determined as lying South of the South Section line of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

ALSO EXCEPTING THEREFROM any portions lying within **EAST PARK Plat II**, according to the official plat thereof, recorded November 2, 1966 as Entry No's. 89491 and 89492 in Book 56 at Pages 242 and 244 of the official records in the office of the Wasatch County Recorder.

Wasatch County Tax Serial No: OWC-0020

Parcel 19

Beginning at a point on the South line of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being North 87°23'04" East 1617.10 feet from the Southwest corner of said Section 13 (brass cap); thence North 26°00'00" West a distance of 340.416 feet; thence North 15°46'21" East a distance of 366.640 feet; thence North 84°47'13" West a distance of 134.390 feet; thence North 16°52'26" East a distance of 2.132 feet; thence North 89°10'25" East a distance of 880.956 feet; thence South 00°49'35" East a distance of 653.504 feet; thence South 87°23'04" West along said South line as shown on that certain East Park Subdivision re-

tracement survey filing no. OWC-024-013-3-0541, filing date August 28, 1996, by Richard K. Johanson, a distance of 708.243 feet to the Point of Beginning.

Together with an easement and right of way for ingress and egress 25 feet in width over, along, and across Parcel 18 as described hereinabove.

Portions of Wasatch County Tax Serial No: OWC-0010-1

Parcel 20

Beginning at a point on the South line of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being North 87°23'04" East 2626.95 feet from the Southwest corner of said Section 13; and South 87°23'04" West 301.609 feet along said South line as shown on that certain East Park Subdivision re-tracement survey filing no. OWC-024-013-3-0541, filing date August 28, 1996, by Richard K. Johanson; thence along said South line of Section 13, North 87°23'04" East 301.609 feet; thence South 89°08'20" East 488.71 feet; thence North 00°49'35" West 244.483 feet; thence North 45°49'35" West 585.48 feet; thence South 89°10'25" West 376 feet; thence South 00°49'35" East 653.504 feet to the Point of Beginning.

Together with an easement and right of way for ingress and egress 25 feet in width over, along, and across Parcels 18 and 19 as described hereinabove.

Portions of Wasatch County Tax Serial No. OWC-0010-1