

WATERLINE EASEMENT AND AGREEMENT

Whereas a pipeline was built in 1973 (8 inch, reduced to 6 inch pipe), to access water from the Smith Ditch to the Jesse Norman Smith farm, and re-routed by Provo City during the construction of their water tank in 1983;

And subsequently a pressure box, filter, four and three inch distribution lines were built to provide pressurized irrigation for the Jesse Norman Smith and adjacent properties;

And, as the irrigation system currently traverses the properties of:

Wesley C. Smith (parcels #12508-90 and #39747-89)

Dean B. and Donna Hall (parcels # 24530-90 and #29529-92)

Scott G. and Ellen V. Smith (parcel #7941-87)

and services their property for irrigation purposes;

In order to perfect and provide continued and future use of Smith irrigation water for the above mentioned parties, the following agreement is entered into:

The parties agree to a permanent easement that traverses the above-mentioned parcels, ten feet wide, five feet either side of center line of existing pipe. Legal description will be forthcoming.

All parties may have use of the irrigation system in accordance with the rights associated with the Smith Ditch shares that they own. Each party may use the system for irrigation of their property as they take the full stream, or in a mutually agreed to split turn with one or more of the other parties.

The parties will share equally in the maintenance costs of the (8", reduced to 6") pipeline to the pressure box, pressure box, filter, and (4", reduced to 3") distribution line from the pressure box to each party's property. Each party will assume responsibility and liability for the lateral/trunk lines coming off of that line that traverse their property.

If one of the parties inures the pipeline through excavation or heavy equipment use, they will bear the cost and responsibility for the timely repair of the resulting damage.

At such a time as any of the parties desire to relocate the pipeline situated on their property, they may do so at their expense, as long as the line is replaced by one of an equal or greater quality. Such planned relocation of pipeline should be done outside of the irrigation season (April 1- November 1) or in a manner that does not interfere with the other parties' regularly scheduled water turns. The permanent easement will move with the pipeline and will need to be re-described.

This pipeline is designated for the exclusive use of the said parties and their

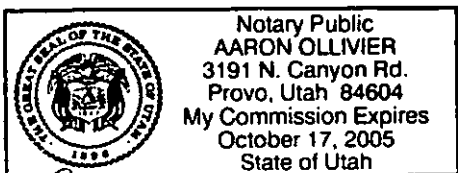
blood descendants. Use by any other individual may be approved by mutual agreement of the parties, and only on a lease basis, renewed year to year.

IN WITNESS WHEREOF, the parties have agreed to and executed this instrument this 12th day of April, 2005.

Wesley C. Smith
Wesley C. Smith

STATE OF UTAH)
:SS
COUNTY OF UTAH)

On the 12th day of April, 2005, before me personally appeared Wesley C. Smith, a Notary Public in and for the State of Utah, the signer of the above instrument, who duly acknowledged to me that they execute the same.



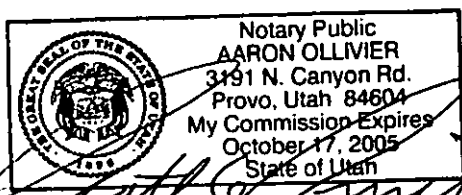
Aaron Ollivier
NOTARY PUBLIC

Dean B. Hall
Dean B. Hall

Donna Hall
Donna Hall

STATE OF UTAH)
:SS
COUNTY OF UTAH)

On the 12th day of April, 2005, before me personally appeared Dean and Donna Hall, a Notary Public in and for the State of Utah, the signers of the above instrument, who duly acknowledged to me that they execute the same.



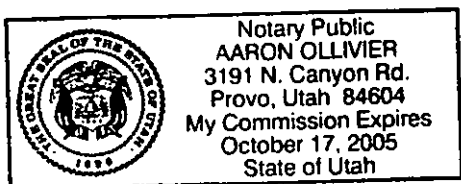
Aaron Ollivier
NOTARY PUBLIC

Scott G. Smith
Scott G. Smith

Ellen V. Smith
Ellen V. Smith

STATE OF UTAH)
:SS
COUNTY OF UTAH)

On the 12th day of April, 2005, before me personally appeared Scott G. and Ellen V. Smith, a Notary Public in and for the State of Utah, the signers of the above instrument, who duly acknowledged to me that they execute the same.



Aaron Ollivier
NOTARY PUBLIC

Property Serial Number: 20:014:0042 411
Locator / Alpha Serial: EE / EE-1337-B-H-A
Owner Name: HALL, DEAN B & DONNA R
SETTA 04/08/1991 11:30

Year: 1991.....
Tax District #: 030
Acres: 0.70
JT

Taxing Description: (Not For Legal Documents)

Page: 1
OLD

COM N 513.20 FT & E 1202.77 FT FR SW COR SEC 7, T6S, R3E, SLM; N 81 DEG 28'59"E
208.13 FT; S 3 DEG 30'59"W 149.8 FT; S 81 DEG 28'59"W 208.13 FT; N 3 DEG 30'59"E
149.8 FT TO BEG. AREA .70 ACRE

ENT 38912:2005 PG 3 of 3

LILD * * * Land Information System * * *

Property Serial Number: 20:014:0006 411
Locator / Alpha Serial: EE / EE-1337-B
Owner Name: SMITH, WESLEY C
KATIE 05/01/1990 11:17

Year: 1991.....
Tax District #: 030
Acres: 7.64

Taxing Description: (Not For Legal Documents)

Page: 1
OLD

COM N 89 DEG 49'44"E 2677.19 FT & N 660.16 FT FR SW COR SEC 7, T6S, R3E, SLM; W
539.31 FT; S 40 DEG 42'47"E 102.15 FT; S 174.50 FT; S 60 DEG 11'50"W 159.96 FT;
N 84 DEG 31'24"W 175.58 FT; N 30 DEG 47'15"W 145.19 FT; S 29.51 FT; S 9 DEG 48'
2"E 123.07 FT; S 10 DEG 13'52"E 161.85 FT; S 84 DEG 10'37"E 357.32 FT; E 455.40
FT; N 538.50 FT TO BEG. AREA 7.64 ACRES.

LILD * * * Land Information System * * *

Property Serial Number: 20:017:0001 114
Locator / Alpha Serial: EE / EE-1339
Owner Name: HALL, DEAN B & DONNA R
SETTA 01/24/1992 16:14

Year: 1992.....
Tax District #: 030
Acres: 25.14
JT

Taxing Description: (Not For Legal Documents)

Page: 1
OLD

COM N 01 DEG 07'41"W 1065.64 FT FR S 1/4 COR SEC 7, T6S, R3E, SLM; S 01 DEG 07'4
1"E 941.16 FT; N 88 DEG 46'07"E 55.73 FT; S 25 DEG 34'43"E 73.39 FT; S 53 DEG 56
'13"E 97.58 FT; N 89 DEG 17'50"E 1143.34 FT; N 51'04"W 625.83 FT; N 72 DEG 11'28
"W 1385.12 FT TO BEG. AREA 25.14 ACRES

LILD * * * Land Information System * * *

Property Serial Number: 20:014:0039 141
Locator / Alpha Serial: /
Owner Name: SMITH, WESLEY C
DAVEL 20040818

Year: 2005.....
Tax District #: 030
Acres: 3.03

Taxing Description: (Not For Legal Documents)

Page: 1
CODED

COM N 327.43 FT & E 1837.56 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 10 DEG 13'
52"E 160.13 FT; N 85 DEG 21'34"W 325.56 FT; S 81 DEG 0'24"W 382.29 FT; N 222.82
FT; N 81 DEG 28'59"E 423.56 FT; S 94.54 FT; E 254.75 FT TO BEG. AREA 3.029 AC.

LILD * * * Land Information System * * *

Property Serial Number: 20:014:0039 141
Locator / Alpha Serial: /
Owner Name: SMITH, WESLEY C
DAVEL 20040818

Year: 2005.....
Tax District #: 030
Acres: 3.03

Taxing Description: (Not For Legal Documents)

Page: 1
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