

Change of Place of Use

Robert J. Banks, acting as Power of Attorney for Reed J Banks and Dee M. Banks, 2296 W 5000 S, Spanish Fork, Utah 84660, the undersigned owners of the water right for irrigation of 20.63 acres of land, evidenced by water right application for lands in Private Ownership,  
Serial No. 2158.000, 35.52 acre feet recorded in Book 195 Page 181  
Serial No. 2158.003, 5.74 acre feet recorded in Book 195 Page 181

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 41.26 acre feet of said water-right from the following Project Land, designed as Tract No. 1 and 2, and described as follows:

Commencing at the NW corner of the NE quarter of Section 2, T 8 S R 2 E, SLB&M; South 113.84 rods; East 556.54 feet; North 290.46 feet; East 63 feet; North 22.4 feet; East 81.34 rods; North 83 rods; West 11.33 rods more or less to the beginning.

Also

Commencing 640.95 feet East and 83 rods South of the North  $\frac{1}{4}$  corner of section 2 T 8 S R 2 E, SLB&M; East 535 feet; South 237 feet; Westerly 541 feet more or less to a point 229 feet south of the beginning, North 229 feet to the beginning.

As a result of this conveyance, 35.52 acre feet of water is to be made appurtenant to the following Project Land, designated as Tract No. 3, and described as follows:

Utah County Tax Parcel Number 24 036 0016 35.52 ACRE FEET  
TO BE REREPRESENTED BY SERIAL NO 2158.006 and supplemental to  
Serial 2004.001.

Commencing 15 chains East and 19.50 chains South of NW corner of Section 10, T. 8 S R 2 E, SLB&M; East 16.79 chains; South 1.25 d West 14.53 chains; West 2.41 chains; North 30 d W 2.98 chains; North 54 d W 1.30 chains; N 72d W 2.25 chains; North 50 d W 1.67 chains; North 31d W 1.11 chains; North 10  $\frac{3}{4}$  d W 2.58 chains; North 53.5 W 3.49 chains; North 42 d W 5.50 chains to beginning.

Also as a result of this conveyance, 5.74 acre feet of water is to be made appurtenant to the following Project Land, designated as Tract No. 4, and described as follows:

Utah County Tax Parcel Number 24 036 0017 5.74 acre feet to  
be represented by Serial 2158.007 and supplemental to Serial No.

2004.002.

Commencing 8.37 chains West of the NE corner of SW1/4 of NW1/4 of Section 10, T 8 S R 2 E, SLB&M; South 2 chains; West .75 chains; South 3.50 chains; S 72d30' E 11 chains; N 74d E .90 chains; North 73d W 1.45 chains; North 53d15' W 4.30 chains; North 45d 30' W 8.7 chains; West .55 chains to beginning.

The Strawberry Water Users Association and the Spanish Fork 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. 2158 and pertaining to the above described parcels of land.

It is agreed that Tract No. 3 and 4 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 Tract No. 1, except the following:

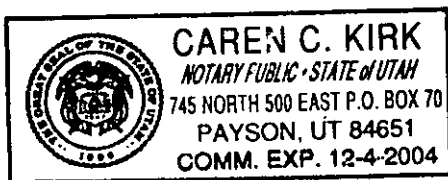
This change shall not become effective until approved by the Strawberry Water Users Association, the Spanish Fork West Field Canal Company, and the Secretary of the Interior of the United States.

Dated this 17th Day of February, 2004.

Robert J. Banks  
Robert J. Banks, Power of Attorney  
for Reed J. Banks & Dee M. Banks

STATE OF UTAH )SS  
COUNTY OF UTAH )

On the 17 day of February, A.D. 2004, personally appeared before me, Robert J Banks, the signer of the within instrument who duly acknowledged to me with sufficient signed statements, that he has power of attorney for Reed J. Banks and Dee M Banks in regards to the above listed property, and with that authority, executed the within document.



Caren C. Kirk  
Notary Public, Residing at \_\_\_\_\_  
County of Utah, State of Utah

Approved:

Spanish Fork West Field Canal Company

Attest: *[Signature]*  
Secretary

By: *Synn B Banks*  
President



Approved: *[Signature]*  
Attest: *[Signature]*  
Secretary

Strawberry Water Users Association

By: *Robert M. Muller*  
President

Approved:

By: *[Signature]*  
Authorized Representative of  
the Secretary of the Interior

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INDEMNITY AGREEMENT  
Change of Place of Use

This Agreement dated this 17 day of February, 2004, by and between Robert J Banks acting for Reed J Banks and Dee M Banks, hereinafter referred to as the Owners, and the STRAWBERRY WATER USERS ASSOCIATION, AND THE SPANISH FORK WEST FIELD CANAL COMPANY.

WHEREAS: The OWNERS have 41.26 acre feet of Strawberry Project Water, Serial No. 2158 and 2158.003 which they are desirous to transfer from Project lands owned by them, and described in the attached instrument,

The Owners hereby covenant and agree as follows:

In the event that the Owners have 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 Owners hereby agree and covenant that they will hold the Strawberry Water Users Association and the Spanish Fork 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.



Robert J. Banks

on behalf of Reed J Banks and Dee M Banks

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