

LAND USE AGREEMENT

for
Zone One of the Airport Well

I, RULON C. GARDNER, as an authorized agent of Gardner

Cottonwood Creek LC, acknowledge the Drinking Water Source Protection (DWSP) Plan which delineates the Zone One (100-foot radius) around the wellhead DWSP area for the Airport Well (the well). The well is located approximately 690 feet North and 1,750 feet West of the Southeast corner of Section 19, Township 5N, Range 2E, Salt Lake Base and Meridian (SLB&M), in Morgan County, Utah. Gardner Cottonwood Creek LC is the owner of the property located within the Zone One DWSP area that is shown on the attached figure.

Gardner Cottonwood Creek LC will not locate or allow the location of any uncontrolled potential contamination sources (PCSS), as defined in Utah Administrative Code (UAC) R309-600-6(1)(u), or pollution sources, as defined in UAC R309-600-6(1)(t), within the Zone One DWSP area unless the pollution source agrees to install design standards that prevent contaminated discharges to groundwater. A copy of these definitions and a master list of PCSS are attached. This agreement is binding upon all heirs, successors, and assigns for so long as the Airport Well is utilized as a source of drinking water.

By: Rulon C. Gardner 03-005-122
Title: President 00-02-7662
Signature: [Handwritten Signature]

STATE OF UTAH)
COUNTY OF SALT LAKE)

The forgoing instrument was acknowledged before me this 9th Day of JUNE, 2006.

[Handwritten Signature]

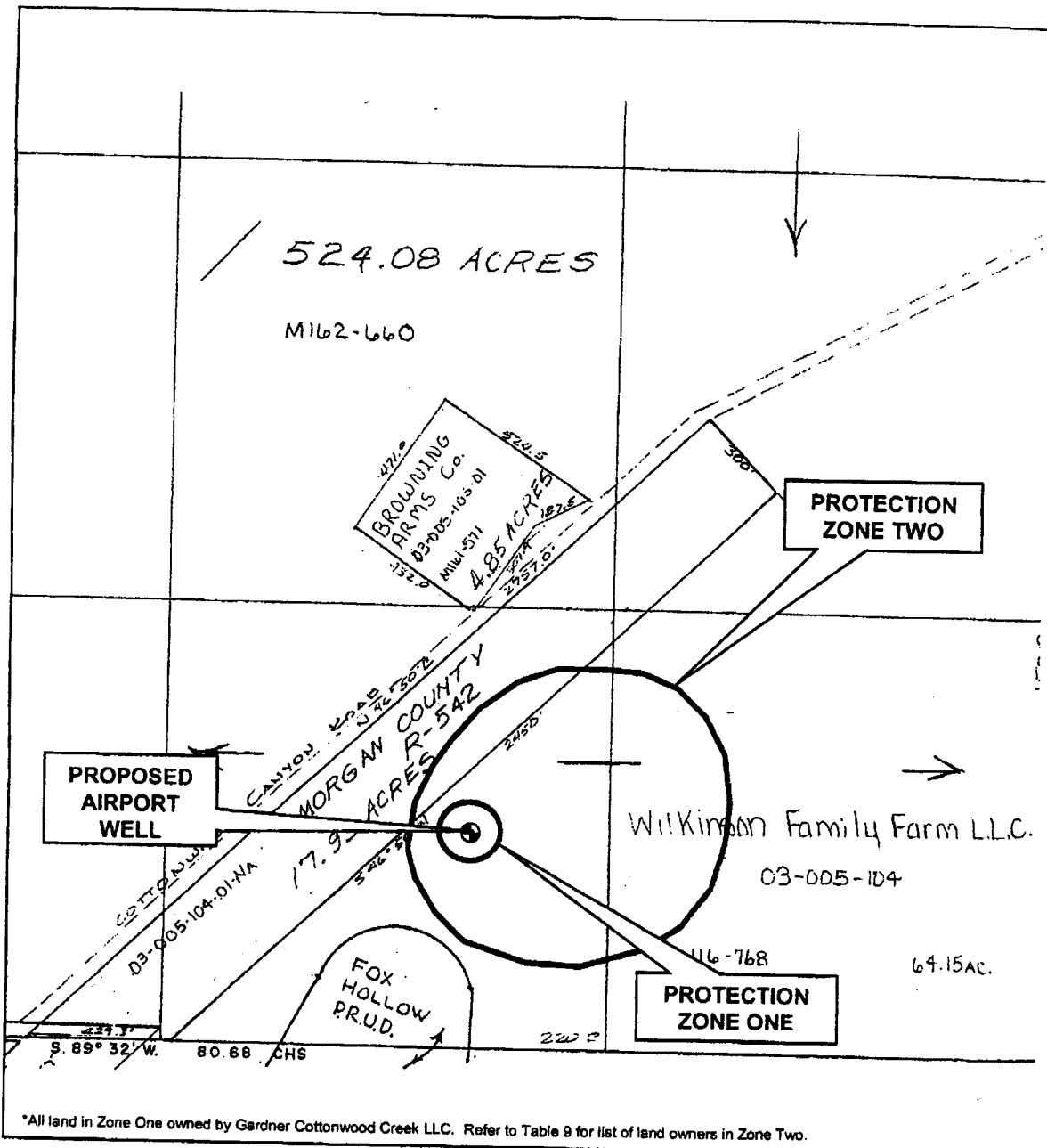


NOTARY PUBLIC
Residing at Salt Lake

My Commission Expires 9-22-2007

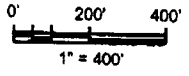
Ent 103705 Bk 232 Pg 919
Date: 18-JUL-2006 1:51PM
Fee: \$16.00 Check
Filed By: LRH
BRENDA NELSON, Recorder
MORGAN COUNTY
For: WILKINSON COTTONWOOD MUTUAL WATER

Ent 103705 Bk 0232 Pg 0920



*All land in Zone One owned by Gardner Cottonwood Creek LLC. Refer to Table 9 for list of land owners in Zone Two.

BASE MAP:
MORGAN COUNTY, UTAH PLAT MAP
SECTION 19 T5N - R2E



SLC6Q132.ppt

FIGURE

8

KLEINFELDER

Date: 06/05/2006
Project Number 63570.005

Wilkinson Cottonwood Mutual Water Company
Airport Well Drinking Water Source Protection Plan
Morgan County, Utah

LAND OWNERSHIP MAP

Land Use Agreement Definitions from
Utah Administrative Code (UAC) R309-600-6
Drinking Water Source Protection for Ground-Water Sources Rule
Revised October 29, 2003

- (v) "Pollution source" means point source discharges of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

The following definitions are part of R309-600 and clarify the meaning of "pollution source:"

- (i) "Animal feeding operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.
- (ii) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
- (iii) "Extremely hazardous substances" means those substances which are identified in the Sec. 302(EHS) column of the "Title III List of Lists: Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act (EPCRA) and Section 112(R) of the Clean Air Act, As Amended," (550B98017). A copy of this document may be obtained from: NCEPI, PO Box 42419, Cincinnati, OH 45202. Online ordering is also available at <http://www.epa.gov/ncepihom/orderpub.html>.
- (w) "Potential contamination source" means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

Master List of Possible Potential Contamination Sources (PCSs)
 (List Adapted from the State of Utah DEQ, DDW December 2003 Source Protection User's Guide)

1. Active and abandoned wells	2. Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas
3. Airport maintenance and fueling sites	4. Animal feeding operations with more than ten animal units
5. Animal watering troughs located near unfenced wells and springs that attract livestock	6. Auto washes
7. Beauty salons	8. Boat builders and refinishers
9. Chemical reclamation facilities	10. Chemigation wells
11. Concrete, asphalt, tar, and coal companies	12. Dry cleaners
13. Farm dump sites	14. Farm maintenance garages
15. Feed lots	16. Food processors, meat packers, and slaughter houses
17. Fuel and oil distributors and storers	18. Furniture strippers, painters, finishers, and appliance repairers
19. Grave yards, golf courses, parks, and nurseries	20. Heating oil storers
21. Industrial manufacturers: chemicals, pesticides, herbicides, paper and leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceutical, and electrical equipment, etc.	22. Industrial waste disposal/impoundment areas and municipal wastewater treatment plants, landfills, dumps, and transfer stations
23. Junk and salvage yards	24. Laundromats
25. Machine shops, metal platers, heat treaters, smelters, annealers, and descalers	26. Manure piles
27. Medical, dental, and veterinarian offices	28. Mortuaries
29. Mining operations	30. Muffler shops
31. Pesticide and herbicide storers and retailers	32. Photo processors
33. Print shops	34. Radiological mining operations
35. Railroad yards	36. Research laboratories
37. Residential pesticide, herbicide, and fertilizer storage, use, filling and mixing areas	38. Residential underground storage tanks
39. Salt and sand-salt piles	40. Roads, highways, and freeways
41. Sand and gravel mining operations	42. School vehicle maintenance barns
43. Sewer lines	44. Single-family septic tank/drain-field systems
45. Sites of reported spills	46. Small engine repair shops
47. Stormwater impoundment sites and snow dumps	48. Subdivisions using subsurface disposal systems (large and individual septic tank/drain-field systems)
49. Submersible pumps used to pump wells	50. Taxi cab maintenance garages
51. Tire shops	52. Toxic chemical and oil pipelines
53. Vehicle chemical supply storers and retailers	54. Vehicle dealerships
55. Vehicle quick lubes	56. Vehicle rental shops
57. Vehicle repair, body shops, and rust proofers	58. Vehicle service stations and terminals
59. Wood preservers	