

Ent 146773 Bk 348 Pg 1066  
Date: 31-JAN-2019 3:32:32PM  
Fee: \$149.00 Check Filed By: CB  
BRENDA NELSON, Recorder  
MORGAN COUNTY  
For: FIRST AMERICAN TITLE

WHEN RECORDED, PLEASE RETURN TO:

Thomas G. Bennett  
Ballard Spahr LLP  
201 South Main, Suite 800  
Salt Lake City, Utah 84111  
5866257

### ASSIGNMENT OF EASEMENTS

This Assignment of Easements (“**Assignment**”) is made and entered into as of January 31, 2019 (“**Effective Date**”), by and between GAILEY RANCH, LLC, a Utah limited liability company (“**Assignor**”), and WASATCH PEAKS RANCH, LLC, a Delaware limited liability company (“**Assignee**”).

### RECITALS

A. Assignor is the Grantee under certain Grants of Easement detailed in **Exhibit A**, attached hereto and incorporated by reference (collectively, “**Grants of Easement**”), granting to Assignor certain permanent nonexclusive easements, rights-of-way, and beneficial rights across and under property (collectively, the “**Easements**”) more particularly described and depicted in **Exhibits B-1 through B-5**, attached hereto and incorporated by reference.

B. The Easements benefit real property located in Davis County and Morgan County, Utah (the “**Benefitted Property**”) more particularly described in **Exhibit C** attached hereto and incorporated herein by this reference.

C. The Easements burden certain property (the “**Burdened Property**”) more particularly described in **Exhibit D**, attached hereto, and incorporated by this reference.

D. Assignor sold the Benefitted Property to Assignee pursuant to a Purchase and Sale Agreement dated February 11, 2018 (the “**Purchase Contract**”).

E. Assignor now desires to transfer all of its right, title and interest in and to the Grants of Easement and Easements to Assignee.

**NOW THEREFORE**, in consideration of the foregoing recitals and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor and Assignee agree as follows:

1. Assignment. As of the Effective Date, Assignor assigns, conveys and transfers to Assignee all of its right, title and interest in and to the Grants of Easement, the Easements, the

easements and rights-of-way created therein, and all other rights and interests arising thereunder (collectively, the "**Easement Interests**"). Assignee hereby accepts the foregoing assignment.

2. Further Assurances. Assignor and Assignee each agree to execute and deliver to the other, upon demand, such further documents, instruments and conveyances, and shall take such further actions, as are necessary or desirable to effectuate this Assignment.

3. Representations. Assignor is the sole owner of the Easement Interests, has the right to sell and assign the Easement Interests, is authorized to enter into this Assignment, and has not previously sold or assigned or granted any other interest therein to any third party.

4. Binding Effect. This Assignment shall be binding upon and inure to the benefit of the parties and their respective successors and assigns. Each party expressly represents and warrants that the individuals executing this Assignment on its behalf have all requisite authority to bind such party to the terms of this Assignment.

5. Amendments. This Assignment may not be altered, waived, amended, or extended except by a written agreement signed by the parties.

6. Governing Law. This Assignment shall be construed under the laws of the State of Utah.

7. Counterparts. This Assignment may be executed in two or more counterparts, each of which will be deemed to be an original, but all of which will together constitute one and the same instrument.

*[Remainder of this page is intentionally blank. Signature page follows.]*

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment as of the date first set forth above.

ASSIGNOR:

GAILEY RANCH, LLC

*Peter Hicks*

By: Peter Hicks  
Its: Manager

COMMONWEALTH OF MASSACHUSETTS )

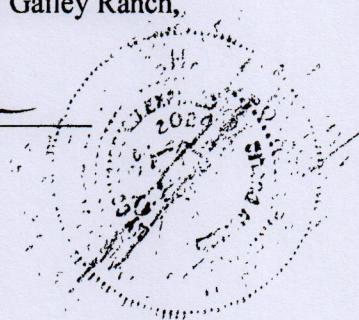
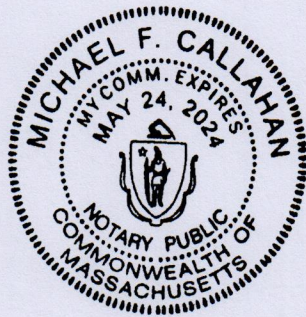
COUNTY OF ESSEX )

:SS

On this 25<sup>th</sup> day of January 2019, before me MICHAEL F. CALLAHAN notary public, personally appeared Peter Hicks, Manager of Gailey Ranch, LLC, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same under proper authority from and on behalf of Gailey Ranch, LLC.

Notary Seal

*Michael F. Callahan*  
Notary Public



ASSIGNEE:

WASATCH PEAKS RANCH, LLC,  
a Delaware limited liability company

By: Wasatch Peaks Ranch Management, LLC,  
its Manager

By: [Signature]

Name: Ed Schutte

Its: Authorized Signatory

STATE OF Utah )  
COUNTY OF Salt Lake ) :SS

On this 30 day of January 2019, before me Emily A. Bagley, a notary public, personally appeared Ed Schutte, Authorized Signatory of Wasatch Peaks Ranch Management, LLC, Manager of Wasatch Peaks Ranch, LLC proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same under proper authority from and on behalf of Wasatch Peaks Ranch, LLC.

Notary Seal



[Signature]  
Notary Public

My Commission Expires: 11-20-2022

**EXHIBIT A**

Grants of Easement Assigned

1. Grant of Easement (Trunk Easement - Gailey), dated March 10, 2000 and recorded in the official records of the Morgan County, Utah Recorder on March 23, 2000 as Entry No. 81921, in Book M158, at Page 236; amended by that certain Amendment to Grant of Easement (Trunk Easement) dated December 12, 2002 and recorded in the official records of the Morgan County, Utah recorder on January 29, 2003 as Entry No. 90669, Book 188, Page 376 ("**Trunk Easement**").

2. Grant of Easement (Additional Easement - Upper Sessions Route - Gailey), dated March 10, 2000 and recorded in the official records of the Morgan County, Utah Recorder on September 14, 2000 as Entry No. 83218 in Book M162 at Page 369 ("**Upper Sessions Easement**").

3. Grant of Easement (Additional Easement - Lower Sessions Route - Gailey), dated March 10, 2000, and recorded in the office of the Morgan County, Utah, Recorder on March 23, 2000 as Entry No. 81925 in Book M158 at page 326 ("**Lower Sessions Easement**").

4. Grant of Easement (Additional Easement - Upper Sessions Route - Gailey No. 2), dated March 10, 2000, and recorded in the office of the Morgan County, Utah, Recorder on September 20, 2000 as Entry No. 83217 in Book M162 at page 349 ("**Upper Sessions - Gailey No. 2 Easement**").

5. Grant of Easement (Additional Easement - Peterson Creek Route), dated March 10, 2000 and recorded in the official records of the Morgan County, Utah Recorder on March 23, 2000 as Entry No. 00081923 in Book M0158 at Page 282 ("**Peterson Creek Easement**").

**EXHIBIT B-1**

Legal Description of the Trunk Easement

### Galley Ranch Access Highway Right of Way Description

A Right of Way description is made for the Galley Ranch Access Highway as it passes through property owned by Don Whitear as follows: Commencing at the East Quarter Corner of Section 1, Township 4 North, Range 1 East, Salt Lake Base & Meridian and running thence North 79°19'50" East of North 79°19'50" East a distance of 2544.60 feet to the approximate intersection of two Morgan County Highways, the true Point of Beginning of a Right of Way, measuring 66 feet across from boundaries offset 33 feet continuously on both sides of the center line;

thence North 74°9'26" West a distance of 43.07 feet; thence 122.40 feet along a curve to the left having a radius of 200.00 feet through a central angle of 35°3'59"; thence North 39°5'28" West a distance of 305.70 feet; thence 171.12 feet along a curve to the left having a radius of 200.00 feet through a central angle of 49°1'19"; thence North 87°30'40" West a distance of 983.62 feet; thence 173.17 feet along a curve to the left having a radius of 200.00 feet through a central angle of 49°36'38"; thence North 37°53'22" West a distance of 327.81 feet; thence 395.99 feet along a curve to the left having a radius of 1000.00 feet through a central angle of 22°41'20"; thence North 50°34'42" West a distance of 412.79 feet; thence 303.89 feet along a curve to the left having a radius of 300.00 feet through a central angle of 58°2'21"; thence South 61°22'57" West a distance of 337.92 feet to the West side of the Canal Property line;

thence continuing with a Right of Way measuring between 66 feet and 150 feet to include the construction perimeter while the Right of way is not to exceed 150 feet, as the construction perimeter can be offset between a minimum of 33 feet and a maximum of 75 feet from the described center line, 128.18 feet along a curve to the left having a radius of 100.00 feet through a central angle of 73°26'28"; thence South 12°3'30" East a distance of 573.39 feet; thence 101.50 feet along a curve to the left having a radius of 180.00 feet through a central angle of 32°18'34"; thence South 20°15'3" West a distance of 188.48 feet; thence 149.81 feet along a curve to the left having a radius of 200.00 feet through a central angle of 42°51'38"; thence 282.53 feet along a curve to the left having a radius of 809.38 feet through a central angle of 26°33'54"; thence South 36°33'38" West a distance of 127.19 feet; thence 299.78 feet along a curve to the left having a radius of 130.00 feet through a central angle of 132°7'30"; thence North 11°18'52" West a distance of 117.61 feet; thence 138.43 feet along a curve to the left having a radius of 130.00 feet through a central angle of 60°7'51"; thence 165.11 feet along a curve to the left having a radius of 150.05 feet through a central angle of 83°2'51"; thence 137.02 feet along a curve to the left having a radius of 130.05 feet through a central angle of 60°21'55"; thence 218.59 feet along a curve to the left having a radius of 247.42 feet through a central angle of 60°37'10"; thence South 57°45'12" West a distance of 103.18 feet; thence 61.20 feet along a curve to the left having a radius of 80.00 feet through a central angle of 43°50'0"; thence 185.58 feet along a curve to the left having a radius of 150.11 feet through a central angle of 70°49'58"; thence South 30°35'35" West a distance of 70.57 feet; thence 814.66 feet along a curve to the left having a radius of 259.79 feet through a central angle of 179°40'16"; thence North 29°40'22" East a distance of 313.22 feet; thence 141.13 feet along a curve to the left having a radius of 129.54 feet through a central angle of 82°25'9"; thence 193.53 feet along a curve to the left having a radius of 130.08 feet through a central angle of 85°14'47"; thence North 54°35'12" East a distance of 123.78 feet; thence 151.91 feet along a curve to the left having a radius of 79.97 feet through a central angle of 108°50'27"; thence 120.36 feet along a curve to the left having a radius of 130.13 feet through a central angle of 52°59'40"; thence North 6°52'39" East a distance of 505.49 feet; thence 147.83 feet along a curve to the left having a radius of 80.00 feet through a central angle of 105°52'40"; thence South 81°0'0" West a distance of 81.78 feet; thence 78.54 feet along a curve to the left having a radius of 300.00 feet through a central angle of 15°0'0"; thence South 66°0'0" West a distance of 350.32 feet; thence 97.71 feet along a curve to the left having a radius of 150.00 feet through a central angle of 37°19'19"; thence South 23°3'57" West a distance of 178.78 feet; thence 225.92 feet along a curve to the left having a radius of 269.91 feet through a central angle of 47°57'27"; thence South 76°14'23" West a distance of 144.67 feet; thence 342.73 feet along a curve to the left having a radius of 683.87 feet through a central angle of 28°42'52";

Page 2  
Galley Ranch Access Highway Right of Way Description

thence North 75°2'44" West a distance of 74.44 feet; thence 88.75 feet along a curve to the left having a radius of 80.00 feet through a central angle of 82°50'12"; thence South 22°7'4" West a distance of 68.65 feet; thence 48.60 feet along a curve to the left having a radius of 60.00 feet through a central angle of 46°24'28"; thence South 76°18'27" West a distance of 211.66 feet; thence 38.41 feet along a curve to the left having a radius of 80.00 feet through a central angle of 26°4'46"; thence South 48°30'41" West a distance of 325.75 feet; said point being South 73°39'10" East 4401.9 from the East Quarter of Section 1, Township 4 North, Range 1 East, Salt Lake Base & Meridian.

<del>01-004-128-3</del>	00-0001-4082
<del>01-004-002</del>	00-0001-1443
01-004-005	00-0001-1492
<del>01-004-001</del>	00-0001-1419
<del>01-004-002</del>	00-0001-1435



**EXHIBIT B-2**

Legal Description of the Peterson Creek Easement

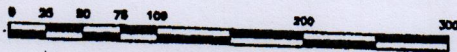
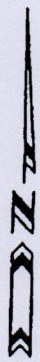
### RIGHT OF WAY DESCRIPTION

Beginning at a point located on the boundary between Craig Whitear Property and the Paul and Paula Crittenden Property, 2534.85 feet South of the East Quarter Corner of Section 1, Township 4 North, Range East of the Salt Lake Base and Meridian, and running thence along the center line of said existing gravel road as it passes through said Craig Whitear Property, the following described centerline of an 80 foot right of way

South 37°12'25" West a distance of 103.32 feet;  
 thence 69.81 feet along a curve to the left having a radius of 160.00 feet through a central angle of 25°0'0";  
 thence South 11°41'15" West a distance of 76.24 feet;  
 thence 146.61 feet along a curve to the left having a radius of 120.00 feet through a central angle of 70°0'2";  
 thence South 81°41'15" West a distance of 309.33 feet;  
 thence 46.08 feet along a curve to the left having a radius of 240.00 feet through a central angle of 11°0'0";  
 thence North 87°18'45" West a distance of 79.64 feet;  
 thence 191.99 feet along a curve to the left having a radius of 200.00 feet through a central angle of 55°0'0";  
 thence South 37°41'15" West a distance of 61.12 feet;  
 thence 52.36 feet along a curve to the left having a radius of 240.00 feet through a central angle of 12°30'0";  
 thence South 50°11'15" West a distance of 103.85 feet;  
 thence 108.91 feet along a curve to the left having a radius of 120.00 feet through a central angle of 52°0'0";  
 thence South 1°48'45" East a distance of 42.43 feet;  
 thence 108.91 feet along a curve to the left having a radius of 120.00 feet through a central angle of 52°0'0";  
 thence South 50°11'15" West a distance of 10.23 feet;  
 thence 102.63 feet along a curve to the left having a radius of 120.00 feet through a central angle of 49°0'0";  
 thence South 1°11'15" West a distance of 70.49 feet;  
 thence 136.14 feet along a curve to the left having a radius of 120.00 feet through a central angle of 65°0'0";  
 thence South 66°11'15" West a distance of 38.86 feet;  
 thence 64.93 feet along a curve to the left having a radius of 120.00 feet through a central angle of 31°0'0";  
 thence South 35°11'15" West a distance of 75.86 feet;  
 thence 29.32 feet along a curve to the left having a radius of 240.00 feet through a central angle of 7°0'0";  
 thence South 42°11'15" West a distance of 170.47 feet;  
 thence 29.32 feet along a curve to the left having a radius of 240.00 feet through a central angle of 7°0'0";  
 thence South 49°11'15" West a distance of 98.11 feet;  
 thence 37.70 feet along a curve to the left having a radius of 240.00 feet through a central angle of 9°0'0";  
 thence South 40°11'15" West a distance of 220.62 feet;  
 thence 25.14 feet along a curve to the left having a radius of 240.00 feet through a central angle of 6°0'10";  
 thence South 34°11'6" West a distance of 87.85 feet;

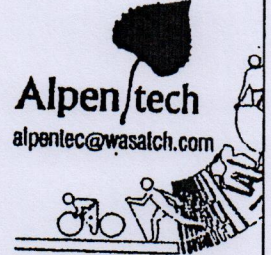
~~61-004-018~~ 00-000-1423 ~~00001923~~ BK 0348 Pg 10 5

### Peterson Creek Route from Crittenden through Whitear to Gailey Ranch Property



1" = 100'

Prepared for The Gailey Ranch Partnership, February 19, 2000 by  
 J.D. Gailey, L.S., Alejandro Gutierrez and Beat vonAllmen, P.E.



*[Faint, illegible text]*

**EXHIBIT B-3**

Legal Description of the Upper Sessions Easement

*Right of Way Description*  
*Whitear to Upper Sessions*

Beginning at a point on the centerline of the previously defined Whitear Access Route leading to the Galley Ranch Property, said point being the midway point on an 80.17 foot radius curve to the left, arc length 188.88 feet, delta angle  $120^{\circ}42'07''$ , located 2082.59 feet North and 2585.77 feet West from the East Quarter Corner of Section 1, Township 4 North, Range 1 East, Salt Lake Base & Meridian; and running thence along the following described centerline of an 80 foot wide right of way: North  $35^{\circ}29'30''$  East, a distance of 156.52 feet;  
thence 89.19 feet along a curve to the left having a radius of 240.00 feet through a central angle of  $21^{\circ}17'31''$ ;  
thence North  $15^{\circ}5'16''$  East a distance of 8.04 feet; L  
thence 92.52 feet along a curve to the left having a radius of 240.00 feet through a central angle of  $22^{\circ}5'18''$ ;  
thence North  $7^{\circ}0'2''$  West a distance of 96.44 feet;  
thence 64.69 feet along a curve to the left having a radius of 240.00 feet through a central angle of  $15^{\circ}26'33''$ ;  
thence North  $22^{\circ}26'35''$  West a distance of 80.18 feet;  
thence 87.36 feet along a curve to the left having a radius of 240.00 feet through a central angle of  $20^{\circ}51'18''$ ;  
thence North  $43^{\circ}19'12''$  West a distance of 22.56 feet;  
thence 140.27 feet along a curve to the left having a radius of 80.00 feet through a central angle of  $100^{\circ}27'43''$ ;  
thence South  $36^{\circ}19'14''$  West a distance of 92.98 feet;  
thence 231.97 feet along a curve to the left having a radius of 130.00 feet through a central angle of  $102^{\circ}14'17''$ ;  
thence North  $41^{\circ}26'28''$  West a distance of 128.61 feet;  
thence 146.05 feet along a curve to the left having a radius of 80.00 feet through a central angle of  $104^{\circ}36'10''$ ;  
thence South  $33^{\circ}57'22''$  West a distance of 59.08 feet;  
thence 169.67 feet along a curve to the left having a radius of 100.00 feet through a central angle of  $97^{\circ}12'55''$ ;  
thence North  $48^{\circ}49'44''$  West, a distance of 216.06 feet, more or less, to the Whitear/Sessions property line; said point being North  $51^{\circ}48'54''$  West, a distance of 4462.01 feet from the East Quarter Corner of said Section 1, Township 4 North, Range 1 East, Salt Lake Base & Meridian.

**EXHIBIT B-4**

Legal Description of the Lower Sessions Easement

Sessions Right of Way  
Legal Description

Also the following:

Commencing from the East Quarter Corner of Section 1, Township 4 North, Range 1 East, Salt Lake Base & Meridian, and running thence North 17°10'06" East a distance of 1460.16 feet to the True Point of Beginning; thence along the following described Centerline: North 21°42'49" East a distance of 543.09 feet; thence 238.41 feet along a curve to the left having a radius of 321.06 feet through a central angle of 42°32'43"; thence North 20°49'54" West a distance of 296.84 feet; thence 80.30 feet along a curve to the right having a radius of 179.23 feet through a central angle of 25°40'14"; thence 80.30 feet along a reverse curve to the left having a radius of 179.23 feet through a central angle of 25°40'14"; thence North 20°49'54" West a distance of 357.06 feet; thence 190.39 feet along a curve to the left having a radius of 275.00 feet through a central angle of 39°40'06"; thence North 60°30'00" West a distance of 59.49 feet; thence 179.15 feet along a curve to the right having a radius of 110.00 feet through a central angle of 93°18'53"; thence North 31°57'29" East a distance of 120.71 feet; thence 56.99 feet along a curve to the left having a radius of 73.87 feet through a central angle of 44°11'51"; thence 56.99 feet along a reverse curve to the right having a radius of 73.87 feet through a central angle of 44°11'51"; thence North 31°57'29" East a distance of 35.12 feet; thence 208.62 feet along a curve to the left having a radius of 120.00 feet through a central angle of 99°36'36"; thence North 67°39'07" West a distance of 66.29 feet; thence 147.59 feet along a curve to the right having a radius of 125.00 feet through a central angle of 67°39'07"; thence North 0°00'00" East a distance of 32.07 feet, more or less, to the Whitear/Sessions property boundary, the Point of Ending; said point being North 01°05'03" East a distance of 3814.68 feet from the East Quarter Corner of Section 1, Township 4 North, Range 1 East, Salt Lake Base & Meridian.

~~01-04-96~~  
~~01-04-112~~

00-0001-3290  
00-0001-3647

**EXHIBIT B-5**

Legal Description of the Upper Sessions – Gailey No. 2 Easement

*Right of Way Description*  
*Whitear to Upper Sessions*

Beginning at a point on the centerline of the previously defined Whitear Access Route leading to the Galley Ranch Property, said point being the midway point on an 80.17 foot radius curve to the left, arc length 168.88 feet, delta angle  $120^{\circ}42'07''$ , located 2062.59 feet North and 2585.77 feet West from the East Quarter Corner of Section 1, Township 4 North, Range 1 East, Salt Lake Base & Meridian; and running thence along the following described centerline of an 80 foot wide right of way: North  $35^{\circ}29'30''$  East, a distance of 156.52 feet;  
thence 89.19 feet along a curve to the left having a radius of 240.00 feet through a central angle of  $21^{\circ}17'31''$ ;  
thence North  $15^{\circ}5'16''$  East a distance of 8.04 feet; L  
thence 92.52 feet along a curve to the left having a radius of 240.00 feet through a central angle of  $22^{\circ}5'18''$ ;  
thence North  $7^{\circ}0'2''$  West a distance of 96.44 feet;  
thence 64.69 feet along a curve to the left having a radius of 240.00 feet through a central angle of  $15^{\circ}26'33''$ ;  
thence North  $22^{\circ}26'35''$  West a distance of 80.18 feet;  
thence 87.38 feet along a curve to the left having a radius of 240.00 feet through a central angle of  $20^{\circ}51'18''$ ;  
thence North  $43^{\circ}19'12''$  West a distance of 22.56 feet;  
thence 140.27 feet along a curve to the left having a radius of 80.00 feet through a central angle of  $100^{\circ}27'43''$ ;  
thence South  $36^{\circ}19'14''$  West a distance of 92.98 feet;  
thence 231.97 feet along a curve to the left having a radius of 130.00 feet through a central angle of  $102^{\circ}14'17''$ ;  
thence North  $41^{\circ}26'28''$  West a distance of 128.61 feet;  
thence 146.05 feet along a curve to the left having a radius of 80.00 feet through a central angle of  $104^{\circ}36'10''$ ;  
thence South  $33^{\circ}57'22''$  West a distance of 59.08 feet;  
thence 169.67 feet along a curve to the left having a radius of 100.00 feet through a central angle of  $97^{\circ}12'55''$ ;  
thence North  $48^{\circ}49'44''$  West, a distance of 216.06 feet, more or less, to the Whitear/Sessions property line; said point being North  $51^{\circ}48'54''$  West, a distance of 4462.01 feet from the East Quarter Corner of said Section 1, Township 4 North, Range 1 East, Salt Lake Base & Meridian.



**EXHIBIT C**

Legal Description of the Benefitted Property

Legal Description

IN TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN:

ALL OF SECTIONS 2, 3, AND 11. #01-003-002, #01-003-003, 02, 01  
#01-003-004, 02, 01

00-0000-340 78  
00-0000-343 2  
00-0000-3465

ALSO: THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10. DAVIS

07-007-003  
07-007-004

ALSO: THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, THE EAST ONE-HALF OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14. DAVIS

07-007-001

IN TOWNSHIP 4 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 1, RUNNING THENCE EAST 98 RODS; THENCE SOUTH 320 RODS; THENCE WEST 98 RODS; THENCE NORTH 320 RODS TO THE PLACE OF BEGINNING. #01-004-007-02, 01, 007

00-0001-1526

ALSO: ALL OF SECTION 2. #01-004-008, #01-004-008-02, #01-004-008-01

00-0001-155A

ALSO: ALL OF SECTION 3. #01-004-009, #01-004-009-01, 02

00-0001-15A3

ALSO: THE EAST HALF OF THE SOUTHWEST QUARTER, AND THE SOUTHEAST QUARTER OF SECTION 4. #01-004-010, #01-004-010-02, #01-004-010-01

00-0001-1617

ALSO: ALL OF SECTION 9, LESS THE FOLLOWING DESCRIBED PROPERTY: BEGINNING ON THE SOUTH LINE OF SECTION 9, AFORESAID, AT A POINT WHERE SAID SECTION LINE CROSSES THE TOP OF THE MOUNTAIN; THENCE NORTH ALONG THE TOP OF THE MOUNTAIN TO THE NORTH LINE OF SAID SECTION 9; THENCE WEST TO THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH ONE MILE TO SOUTHWEST CORNER OF SAID SECTION; THENCE EAST TO POINT OF BEGINNING. #01-004-012, #01-004-012-01

00-0001-1666

#01-004-012-02

00-0001-1670

ALSO: ALL OF SECTION 10. #01-004-013, #01-004-013-01, #01-004-013-02

ALSO: ALL OF SECTION 11. #01-004-014, #01-004-014-01, 02

00-0001-1724

ALSO: THE SOUTH HALF, AND THE SOUTH HALF OF THE NORTH HALF OF SECTION 12. ALSO BEGINNING AT A POINT 23.50 CHAINS WEST FROM THE NORTHEAST CORNER OF SAID SECTION 12, AND RUNNING THENCE SOUTH 20.00 CHAINS; THENCE WEST 32.50 #01-004-015, #01-004-415-01, 02

00-0001-1773

CHAINS; THENCE NORTH 20.00 CHAINS; THENCE EAST 32.50 CHAINS TO THE POINT OF BEGINNING.

00-0001-1849

ALSO: ALL OF SECTION 13. #01-004-019, #01-004-019-01, #01-004-019-02

00-0001-1872

ALSO: THE WEST HALF AND THE SOUTHEAST QUARTER OF SECTION 14. #01-004-020

00-0001-1922

ALSO: ALL OF SECTION 15. #01-004-022, 01-004-022-01, 02

00-0001-1922

ALSO: THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20. DAVIS COUNTY

00-0001-1922

ALSO: THE EAST HALF, AND THE EAST HALF OF THE WEST HALF OF SECTION 22.

00-0001-1963

#01-004-023, #01-004-023-02

00-0001-2003

ALSO: ALL OF SECTION 23.

ALSO: #01-004-024, #01-004-024-01, 02 THE WEST HALF, AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 26. #01-004-040, #01-004-040-01, 02

00-0001-2276

ALSO: ALL OF SECTION 27.

00-0001-2292

ALSO: #01-004-041, #01-004-01, 02 THE SOUTHWEST QUARTER, AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 35. #01-004-047, #01-004-047-01, 02

00-0001-2409

ALSO: THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36. #01-004-049, #01-004-049-01, #01-004-052

00-0001-2466

IN TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN:

THE NORTHWEST QUARTER OF SECTION 19. #01-004-262, #01-004-262-01, 02

00-0001-6517

IN TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 26, THENCE WEST 80 FEET; THENCE NORTH 30 FEET, MORE OR LESS, TO THE WEBER RIVER; THENCE UP SAID RIVER SOUTH 7500' EAST 20.86 CHAINS; THENCE SOUTH 8 FEET TO THE POINT OF BEGINNING. #01-005-057-01, #01-005-057-02

00-0002-6585

ALSO: BEGINNING AT A POINT 11.50 CHAINS EAST FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26; RUNNING THENCE NORTH 5030' WEST 7.39 CHAINS TO THE UNION PACIFIC RAILROAD FENCE; THENCE FOLLOWING SAID FENCE SOUTH 83030' EAST 24.30 CHAINS; THENCE SOUTH #01-005-058-01, #01-005-057, #01-005-058-02

00-0002-6777



**EXHIBIT D**

Legal Description of the Burdened Property

The following described real property located in Morgan County, Utah.

EXHIBIT "A"

PARCEL 1: #01-004-005 *00-0001-1492*  
 IN SECTION 1, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE SALT LAKE  
 BASE AND MERIDIAN.  
 BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 1, AND RUNNING  
 THENCE SOUTH 426.7 FEET; THENCE ALONG A FENCE SOUTH 37DEG 30'  
 WEST 790.0 FEET; THENCE SOUTH 21DEG EAST 27.0 FEET; THENCE  
 LEAVING FENCE WEST 3225.0 FEET; THENCE NORTH 1075.3 FEET;  
 THENCE EAST 3696.0 FEET TO THE POINT OF BEGINNING.

PARCEL 2: #01-004-001 *00-0001-1419*  
 A PART OF THE NORTH HALF OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 1  
 EAST, SALT LAKE BASE MERIDIAN. TRUE BEARING BEGINNING AT A  
 POINT WHICH BEARS NORTH ODEG 08' WEST 762.3 FEET FROM THE EAST  
 QUARTER SECTION CORNER STONE OF THE SAID SECTION 1, AND RUNNING  
 THENCE WEST 3696.0 FEET; THENCE NORTH 892.3 FEET; THENCE EAST  
 3694.0 FEET TO THE SECTION LINE; THENCE SOUTH ODEG 08' EAST  
 892.3 FEET TO THE POINT OF BEGINNING. LESS AMOUNT SOLD TO WEBER  
 BASIN.

PARCEL 3: #01-004-002 *00-0001-1435*  
 A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND A PART OF  
 THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1,  
 TOWNSHIP 4 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.  
 BEGINNING AT A POINT WHICH BEARS NORTH 72.6 FEET WEST 56.35 FEET  
 FROM THE EAST QUARTER SECTION CORNER MONUMENT OF THE SAID  
 SECTION 1; AND RUNNING THENCE WEST 3639.65 FEET; THENCE NORTH  
 689.7 FEET; THENCE EAST 3303.0 FEET TO THE WEST BOUNDARY OF THE  
 WEBER BASIN CANAL.

PARCEL 4: #01-004-004-02 *00-0001-1466*  
 A TRACT OF LAND SITUATED IN THE SOUTH HALF OF SECTION 1,  
 TOWNSHIP 4 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,  
 U.S. SURVEY, MORGAN COUNTY, UTAH, BEING MORE PARTICULARLY  
 DESCRIBED AS FOLLOWS: COMMENCING AT A POINT SOUTH 2140 FEET OF  
 THE EAST QUARTER CORNER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 1  
 EAST, SALT LAKE BASE AND MERIDIAN; TO THE TRUE POINT OF  
 BEGINNING; THENCE SOUTH A DISTANCE OF 512.02 FEET TO THE

SOUTHEAST CORNER OF SECTION 1, BEING MARKED BY A 3/4 INCH ROD LOCATED IN PETERSON CREEK; THENCE WEST ON THE SOUTH SECTION LINE A DISTANCE OF 3696.00 FEET; THENCE NORTH A DISTANCE OF 2031.62 FEET; THENCE EAST A DISTANCE OF 1148.00 FEET; THENCE SOUTH A DISTANCE OF 1519.6 FEET; THENCE EAST A DISTANCE OF 2548.00 FEET TO THE POINT OF BEGINNING.

PARCEL 5: #~~01-004-018~~ 00-0001-1423  
 A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. TRUE BEARING. BEGINNING AT THE NORTHEAST CORNER HUB OF THE SAID SECTION 12, (HUB SET BY U.S. BLM 1952 RESTORATION) AND RUNNING THENCE SOUTH 20.11 CHAINS TO THE 40 CORNER; THENCE WEST 23.50 CHAINS; THENCE NORTH 20.11 CHAINS; THENCE EAST 23.50 CHAINS TO THE POINT OF BEGINNING. LESS 0.52 ACRE CONVEYED TO PETERSON PIPELINE COMPANY FOR A WATER RESERVOIR, CONTAINED IN FOLLOWING DESCRIPTION RECORDED IN BOOK "P" OF DEEDS, PAGE 527 OF MORGAN COUNTY DEED RECORDS: BEGINNING AT A POINT WHICH BEARS SOUTH 64DEG 10' WEST 1459.0 FEET FROM THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE WEST 150.0 FEET; THENCE SOUTH 150.0 FEET; THENCE EAST 150.0 FEET; THENCE NORTH 150.0 FEET TO POINT OF BEGINNING.

PARCEL 6: #~~01-004-119-02~~ 00-0001-3720  
 A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN. TRUE MERIDIAN IS USED AS BASE BEARING. BEGINNING AT A POINT WHICH BEARS EAST 1777.65 FEET AND NORTH 299.0 FEET FROM THE WEST QUARTER SECTION CORNER (STONE IN PLACE) OF THE SAID SECTION 6, AND RUNNING THENCE NORTH 4DEG 20' EAST 593.0 FEET; THENCE SOUTH 87DEG 30' EAST 680.7 FEET TO THE COUNTY ROAD; THENCE ALONG THE WEST BOUNDARY LINE OF SAID ROAD THREE COURSES AS FOLLOWS: SOUTH 3DEG 00' WEST 382.00 FEET; THENCE SOUTH 19DEG 52' WEST 193.0 FEET; THENCE SOUTH 57DEG 00' WEST 61.0 FEET; THENCE LEAVING ROAD NORTH 86DEG 41' WEST 172.52 FEET; THENCE NORTH 86DEG 33' WEST 414.0 FEET TO THE POINT OF BEGINNING.  
 SUBJECT TO A RESERVATION OF A 20.0 FEET WIDE RIGHT-OF-WAY OVER, THROUGH AND ACROSS SOUTH AND WEST BOUNDARIES OF THE ABOVE

DESCRIBED TRACT DESCRIBED AS FOLLOWS: BEGINNING AT POINT WHICH BEARS EAST 1777.65 FEET AND NORTH 299.0 FEET FROM THE WEST QUARTER SECTION CORNER OF THE SAID SECTION 6, AND RUNNING THENCE NORTH 4DEG 20' EAST 593.0 FEET; THENCE SOUTH 87DEG 30' EAST 20.0 FEET; THENCE SOUTH 4DEG 20' WEST 592.67 FEET; THENCE SOUTH 86DEG 33' EAST 414.0 FEET; THENCE SOUTH 4DEG 20' WEST 20.0 FEET; THENCE NORTH 86DEG 33' WEST 434.0 FEET TO THE POINT OF BEGINNING.

LESS M116-688 TO A-1 STORAGE.

LESS PORTION CONVEYED TO WHITTEAR SPRINGS, L.L.C. BY DEED DATED AND RECORDED ON JANUARY 18, 1996, IN BOOK M0117, PAGE 229, FURTHER DESCRIBED AS FOLLOWS: A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, MORGAN COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6; THENCE EAST 1832.22 FEET; THENCE NORTH 722.37 FEET; THENCE EAST 361.65 FEET; THENCE SOUTH 87DEG 28'03" EAST 195.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 02DEG 55'29" EAST 90.0 FEET; THENCE SOUTH 87DEG 28'03" EAST 105.0 FEET OF THE WESTERLY LINE OF MORGAN VALLEY DRIVE; THENCE SOUTH 02DEG 55'29" WEST 113.48 FEET ALONG THE WESTERLY LINE OF MORGAN VALLEY DRIVE; THENCE 90.0 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 988.48 FEET, AN INCLUDED ANGLE OF 05DEG 13'00", AND LONG CHORD BEARING SOUTH 05DEG 31'59" WEST 89.97 FEET; THENCE NORTH 38DEG 55'45" WEST 151.23 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING SERIAL NUMBER 01-004-119-02-01 DEEDED TO A-1 CANYON STORAGE. ALSO EXCEPTING SERIAL NUMBER 01-004-119-02-03 DEEDED IN BOOK M153, AT PAGE 71 TO RONNIE B. WHITEAR AND CHRISTINE W. WHITEAR.

PARCEL 7: #~~01-004-128-03~~ 00-0001-4042  
A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 1 EAST, PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN. TRUE MERIDIAN IS USED AS BASE BEARING. BEGINNING AT A POINT ON EAST BOUNDARY LINE OF GATE WAY CANAL RIGHT-OF-WAY AT A POINT WHICH BEARS NORTH 627.0 FEET AND WEST 108.0 FEET FROM WEST QUARTER SECTION CORNER OF SAID SECTION 6, (USBLM SET A METAL MONUMENT AT THE POSITION OF THE OLD QUARTER SECTION CORNER IN A 1952 RESURVEY) AND



RUNNING THENCE NORTH 72DEG 50' EAST 327.0 FEET ALONG A FENCE TO THE BROW OF A BENCH; THENCE ALONG THE BROW OF SAID BENCH FOUR COURSES AS FOLLOWS: SOUTH 26DEG 25' EAST 280.0 FEET; SOUTH 59DEG 00' EAST 720.7 FEET; SOUTH 47DEG 00' EAST 153.0 FEET; SOUTH 42DEG 00' EAST 72.0 FEET; THENCE SOUTH 30DEG 00' WEST 124.0 FEET; THENCE SOUTH 32DEG 10' WEST 445.0 FEET TO THE EAST BOUNDARY LINE OF THE SAID GATEWAY CANAL RIGHT-OF-WAY; THENCE ALONG SAID EAST BOUNDARY LINE ELEVEN COURSES AS FOLLOWS: NORTH 18DEG 37' WEST 99.0 FEET; NORTH 47DEG 10' WEST 177.7 FEET; SOUTH 42DEG 50' WEST 70.0 FEET; NORTH 47DEG 10' WEST 288.6 FEET; NORTH 33DEG 55' WEST 546.2 FEET; NORTH 56DEG 05' EAST 30.0 FEET; NORTH 26DEG 06' WEST 128.0 FEET; NORTH 22DEG 38' WEST 137.9 FEET; NORTH 36DEG 17' WEST 65.5 FEET; SOUTH 53DEG 43' WEST 30.0 FEET; NORTH 36DEG 17' WEST 76.0 FEET TO THE POINT OF BEGINNING.

PARCEL 8: # Q1-004-112 00-0001-3647  
 A PART OF THE WEST HALF OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN. TRUE BEARING. BEGINNING AT A POINT WHICH BEARS NORTH 0DEG 08' WEST 663.0 FEET FROM THE WEST QUARTER SECTION CORNER STONE OF SAID SECTION 6, AND RUNNING THENCE NORTH 0DEG 08' WEST 1549.7 FEET ALONG THE WEST BOUNDARY OF SAID SECTION 6; THENCE NORTH 37DEG 30' EAST 48.0 FEET; THENCE NORTH 79DEG 05' EAST 304.0 FEET; THENCE NORTH 60DEG 20' EAST 340.0 FEET; THENCE SOUTH 2DEG 30' EAST 218.0 FEET; THENCE SOUTH 52DEG EAST 225.0 FEET; THENCE SOUTH 0DEG 10' EAST 1021.0 FEET; THENCE SOUTH 42DEG 30' EAST 233.0 FEET; THENCE SOUTH 87DEG 30' EAST 855.0 FEET; THENCE SOUTH 4DEG 20' WEST 593.0 FEET; THENCE SOUTH 86DEG 33' EAST 414.0 FEET; THENCE SOUTH 36DEG 50' WEST 225.0 FEET; THENCE SOUTH 53DEG EAST 15.0 FEET INTO PETERSON CREEK; THENCE UP SAID CREEK SOUTH 30DEG WEST 192.0 FEET; THENCE WEST 243.0 FEET; THENCE SOUTH 304.0 FEET; THENCE NORTH 74DEG WEST 30.0 FEET; THENCE SOUTH 43DEG 22' WEST 101.3 FEET; THENCE NORTH 35DEG 50' WEST 240.0 FEET; THENCE NORTH 77DEG 45' WEST 452.0 FEET; THENCE NORTH 30DEG EAST 124.0 FEET; THENCE NORTH 42DEG WEST 72.0 FEET TO A POINT ON THE QUARTER SECTION LINE MARKED BY 2" PIPE; THENCE NORTH 47DEG WEST 153.0 FEET; THENCE NORTH 59DEG WEST 720.7 FEET; THENCE NORTH 26DEG 25' WEST 280.0 FEET; THENCE SOUTH 72DEG 50' WEST 216.0 FEET TO THE POINT OF BEGINNING.

EXCEPT PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN: BEGINNING AT A POINT WHICH IS EAST 1725.5 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 6 AND RUNNING THENCE SOUTH 82 FEET TO THE NORTHWEST CORNER OF THE ORVILLE C. DUNCAN FAMILY TRUST PROPERTY AS DEEDED IN BOOK M38, PAGE 457; THENCE SOUTH ALONG SAID PROPERTY 304 FEET TO THE DEAN DUNCAN PROPERTY AS DEEDED IN BOOK M2, AT PAGE 471; THENCE NORTH 74DEG WEST 30 FEET; THENCE SOUTH 43DEG 22' WEST 101.3 FEET; THENCE NORTH 35DEG 50' WEST 240 FEET; THENCE NORTH 77DEG 45' WEST 452 FEET; THENCE NORTH 30DEG EAST 124 FEET; THENCE NORTH 42DEG WEST 72 FEET TO A POINT ON THE QUARTER SECTION LINE MARKED BY A 2" PIPE; THENCE EAST 670 FEET ALONG THE QUARTER SECTION LINE TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THE FOLLOWING PARCEL DEEDED TO GARY J. PALMER IN BOOK M2, AT PAGE 176. BEGINNING AT A POINT WHICH BEARS EAST 1725.5 FEET AND SOUTH 300.0 FEET FROM THE WEST QUARTER SECTION CORNER STONE OF SAID SECTION 6, AND RUNNING THENCE SOUTH 86.0 FEET; THENCE NORTH 74DEG 00' WEST 69.18 FEET; THENCE NORTH 66.93 FEET; THENCE EAST 66.5 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPTING ANY PORTION LYING WITHIN THE DEAN WILLIAM AND PATSY H. DUNCAN PARCEL. LESS PARCEL DEEDED TO RONNIE B. WHITEAR AND CHRISTINE\* TOGETHER WITH A 20 FOOT RIGHT-OF-WAY THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 1725.5 FEET EAST AND 72 FEET SOUTH FROM THE WEST QUARTER CORNER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE EAST 245 FEET, MORE OR LESS TO THE WEST LINE OF THE DONALD CRAIG WHITTEAR PROPERTY AS DEEDED IN BOOK M15, AT PAGE 608, AND POINT OF TERMINATION.

LESS AMOUNTS: BOOK M25, PAGE 526, 0.12 ACRES

BOOK M33, PAGE 376, .30 ACRES

BOOK M46, PAGE 1, 3.94 ACRES

BOOK M73, PAGE 582 AND 588, 5.715 ACRES.

\* W. WHITEAR, IN BOOK M153, AT PAGE 71 BEING SERIAL NUMBER 01-004-119-02-03.

PARCEL 9: # ~~01-004-006~~ 00-0001-3290  
IN SECTION 31, TOWNSHIP 5 NORTH, RANGE 2 EAST, AND IN SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST, AND IN SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, OF THE SALT LAKE BASE AND MERIDIAN. TRUE BEARING.

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 31, (THE CORNER

STONE IS MISSING; SAID CORNER IS RELOCATED AT A POINT 5440.0 FEET WEST FROM THE SOUTHWEST CORNER STONE OF SECTION 31, AND 2645.0 FEET NORTH FROM THE WEST QUARTER SECTION CORNER STONE OF SECTION 6), RUNNING THENCE WEST 198.0 FEET; THENCE NORTH 1056.0 FEET; THENCE EAST 198.0 FEET; THENCE NORTH 113.0 FEET; THENCE EAST 387.0 FEET; THENCE SOUTH 680.0 FEET; THENCE SOUTH 88DEG 25' EAST 428.0 FEET; THENCE SOUTH 10DEG 50' EAST 208.0 FEET; THENCE SOUTH 44DEG 25' EAST 181.0 FEET; THENCE SOUTH 24DEG 20' EAST 80 FEET; THENCE SOUTH 16DEG 30' EAST 77 FEET; THENCE SOUTH 75DEG WEST 280 FEET; THENCE SOUTH 60DEG 20' WEST 500 FEET; THENCE SOUTH 79DEG 05' WEST 304 FEET; THENCE SOUTH 37DEG 30' WEST 48 FEET; THENCE NORTH 426.7 FEET TO THE POINT OF BEGINNING. ALL BEARINGS ARE MEASURED FROM TRUE NORTH IN THIS DESCRIPTION.