

Parcel No 00-000-3-4163

LETTER OF INTENT TO FILE LAND USE AGREEMENT  
FOR THE ZONE ONE AND ZONE TWO DWSP AREAS FOR

PROPOSED JOHNSON WELL #2  
COTTONWOOD MUTUAL WATER COMPANY  
FILED 181209 Lk 392 Pg 871  
FOR 08-JUN-2022 12:46:39PM  
Credit Card Filed By: SM  
BRENDA NELSON, Recorder  
MORGAN COUNTY  
For: SODERBY LLC

Soderby, LLC, the undersigned landowner, acknowledge the Zone One (100-foot radius) Drinking Water Source Protection (DWSP) area and the Zone Two DWSP area for the proposed Johnson Well #2 as delineated in the Preliminary Evaluation Report (PER) for the well. The Public Land Survey (PLS) location of the proposed Johnson Well #2 is approximately South 535 feet and West 285 feet from the East Quarter (E4) Corner of Section 26, Township 5 North, Range 1 East, Salt Lake Base & Meridian (SLB&M), in Mountain Green, Morgan County, Utah. Soderby, LLC is the owner of parcel 03-005-048, which includes the entire Zone One DWSP area and a portion the Zone Two DWSP area for the proposed Johnson Well #2, as indicated on the attached map.

If the proposed Johnson Well #2 proves to be an acceptable source of public drinking water, Soderby, LLC will record a land use agreement with the Morgan County Recorder's Office. The land use agreement will state that Soderby, LLC will not locate or allow the location of any (1) uncontrolled potential contamination sources (PCSs) or pollution sources within the Zone One DWSP area (100-foot radius around the well head) and (2) will not locate or allow the location of pollution sources within the Zone Two DWSP area unless design standards are implemented to prevent contaminated discharges to groundwater. Pollution sources and PCSs are defined in Utah Administrative Code (UAC) R309-600-6(1)(v) & (w). A copy of the definitions of pollution sources and PCSs and a master list of PCSs are attached. This agreement shall be binding upon all heirs, successors, and assigns for so long as the Johnson Well #2 is utilized as a source of public drinking water.

By: [Signature]

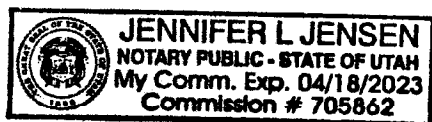
Title: Gen Manager

Signature: [Signature]

STATE OF UTAH )

COUNTY OF MORGAN )

The forgoing instrument was acknowledged before me this 19<sup>th</sup> Day of August, 2019.



[Signature]

NOTARY PUBLIC

Residing at Layton, Davis County

My Commission Expires \_\_\_\_\_

**"Land use agreement"** means a written agreement wherein the owner(s) agrees not to locate or allow the location of uncontrolled potential contamination sources or pollution sources within zone one of new wells in protected aquifers. The owner(s) must also agree not to locate or allow the location of pollution sources within zone two of new wells in unprotected aquifers and new springs unless the pollution source agrees to install design standards which prevent contaminated discharges to ground water. This restriction must be binding on all heirs, successors, and assigns. Land use agreements must be recorded with the property description in the local county recorder's office. Refer to R309-600-13(2)(d).

Land use agreements for protection areas on publicly owned lands need not be recorded in the local county recorder office. However, a letter must be obtained from the Administrator of the land in question and meet the requirements described above.

**"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.

**"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>.

**Master List of Possible Potential Contamination Sources (PCSs)*****(List Adapted from the State of Utah DEQ, DDW March 2013 Ground Water 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. Roads, highways, and freeways	40. Salt and sand-salt piles
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	