

EXHIBIT A TO RESOLUTION 2021-12-01

SMITHFIELD IRRIGATION COMPANY ENCROACHMENT POLICY

1. Smithfield Irrigation Company (the "Company") owns certain easements and rights-of-way within the Company's service area (collectively, "Company Easements" and singularly, "Company Easement"), which have been duly recorded in the office of the County Recorder, Cache County, Utah.
2. No person, corporation, association or entity, public or private, shall be authorized to construct, install or place any structure, including, but not limited to, any bridge, fence, pipeline, utility line or other such structure, which extends over, under, into, across or through, or otherwise encroaches upon, any Company Easement, without the express written approval of the Board.
3. No encroachment of any Company Easement shall be authorized except by a specific license agreement from the Company, and no such license agreement shall be granted except upon the following conditions:
 - (a) The licensee shall first be required to submit to the Board plans and specifications setting forth in detail the proposed use of the Company Easement. Such other and further information as shall be necessary, in the discretion of the Board, to properly review and consider said proposed use shall be submitted promptly by the licensee upon request by the Board.
 - (b) The licensee shall agree to construct and install any such structure, and to own, operate, maintain, repair and replace the same, in good working order, and to repair any damage to any infrastructure running within the Company Easement as a result of any such structure, so long as the structure shall remain in place, all at licensee's sole cost and expense.
 - (c) The licensee shall be required to indemnify and hold the Company harmless from and against any liability or damage to any infrastructure of the Company, its shareholders, or any other person, and for damage to property, real and personal, and for injury to persons or animals, resulting from or arising out of the licensee's ownership, operation and maintenance of any such structure.
4. Any person seeking approval of the Board to encroach upon a Company Easement must Submit a completed application, the form of which is attached hereto as Exhibit 1, and provide the following items with the application:
 - (a) Applicable fee according to the Company's schedule of fees
 - (b) Complete set of construction documents and design specifications (electronic and hard copy format)
 - (c) Map showing location of encroachment area

- (d) Property parcel number(s) and recordable legal description of encroachment area
 - (e) Name of person who will be signing the Licensing Agreement, and their contact information
 - (f) Billing address of applicant if different from contact information above
5. No substance or material, of whatsoever kind or nature, including, without limitation, storm drainage water off of roadways or other developments, shall be introduced into the Company's system by any person or entity without the express written approval of the Board. Absent authority from the Board, any unauthorized encroachment or introduction of material into the Company's system is strictly prohibited and any such trespass shall be prosecuted by the Company to the full extent of the law.
 6. Any person, corporation, association or entity, public or private, which owns, operates and maintains any existing structure which extends over, under, into, across or through the canal or pressurized pipeline, or otherwise encroaches upon the Company Easement shall, as of the effective date hereof, be subject to the terms and provisions of this Encroachment Policy.

EXHIBIT 1 TO ENCROACHMENT POLICY

SMITHFIELD IRRIGATION COMPANY

APPLICATION FOR ENCROACHMENT

| Applicant Information | |
|-----------------------|--|
| Name: | |
| Address: | |
| Telephone: | |
| Email: | |

| Encroachment Information | |
|--------------------------------|--|
| Address: | |
| Nature of Use: | |
| Intended Date of Installation: | |

Authorized Signature and Title (if applicable) _____ Date _____

Required Application Items:

1. Applicable fee according to the Company's schedule of fees
2. Complete set of construction documents and design specifications (electronic and hard copy format)
3. Map showing location of encroachment area
4. Property parcel number(s) and recordable legal description of encroachment area
5. Name of person who will be signing the Licensing Agreement, and their contact information
6. Billing address of applicant if different from contact information above

RESOLUTION 2021-12-01

A RESOLUTION ADOPTING ENCROACHMENT POLICY

07 December 2021

Pursuant to the provisions of the Utah Revised Nonprofit Corporation Act, the directors (the "Directors") of the Smithfield Irrigation Company (the "Company") hereby adopt the following resolution proposed during a special meeting of the Board at which the requisite number of Directors were present:

WHEREAS Article VIII of the Bylaws provides that the Directors "have the control and general management of the affairs and business of the Company" and "may adopt such rules and regulations for the . . . management of the Company as may deemed proper[;]" and

WHEREAS the Directors have determined that it is necessary and prudent to adopt a policy regarding encroachment of Company easements and rights-of-way;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Directors adopt the encroachment policy as shown in Exhibit A to this Resolution.

PASSED, APPROVED, and ADOPTED by a majority vote of the Directors at its duly noticed meeting on 07 Dec, 2021.

Smithfield Irrigation Company

By: Pat Draper
Pat Draper, President

Attest:

Luanne Hansen
, Secretary