

of the group 6 and 7 lands is January 5, 1882, except those group 7 lands bearing the notation "To be determined" under the Priority Date. As to those certain group 7 lands the priority date shall be determined by mutual agreement, among the parties to the Compact on or before any call for such water is made or by binding arbitration using the following guidelines:

1. All matters are deemed resolved herein except the issue of the priority date for certain parcels of group 7 lands. That issue shall be submitted to an arbitrator who shall have the authority under Utah Revised Code Sections 78-31-1, et seq., to decide the unresolved factual issue as to the precise priority date for any parcel of group 7 lands specified in the Tabulation.
2. To reach a determination of the priority date, either the State of Utah or the Ute Tribe may request a panel of five water law experts. With the State of Utah striking first, the Ute Tribe and the State shall alternately strike names from the list until one name remains and such person shall be the arbitrator.
3. The decision of the arbitrator shall be final and shall conclusively determine the priority date in question.
4. The procedures of the American Arbitration Association shall govern any proceedings and the costs and expenses of the arbitrator shall be shared equally by the State and the Ute Tribe.