5.3 In any evaluation of a change application filed on the Shivwits Santa Clara Water Right, the State Engineer of Utah shall assume that the water is being used on the Shivwits Reservation at a 60% consumption rate.

5.4 The Shivwits Santa Clara Water Right shall not be subject to loss by abandonment, forfeiture, or non-use whether used on or off the Shivwits Reservation.

6.0 Santa Clara Project Construction.

6.1 WCWCD shall be solely responsible for the design, permitting, engineering and construction of the Santa Clara Project.

6.2 Payment of Project Costs. As of the date this Agreement was executed, the following financial contributions have been made in the form of grants to or by WCWCD to develop and construct the Santa Clara Project: (a) a grant of $750,000.00 from Utah; (b) a grant of $750,000.00 from the U.S. Fish and Wildlife Service; (c) a grant of $35,000 from the U.S. Bureau of Land Management; and (d) a grant of $750,000.00 by WCWCD. The WCWCD agrees that it shall provide the funding for the development and construction of the Santa Clara Project in excess of any funds required beyond the grant funds described in this subparagraph.

6.3 The Parties agree that based upon the contributions and grants of the federal funds described in Subsection 6.2, the Shivwits Band and the United States shall have no obligation for the construction costs necessary for the delivery of the Shivwits Santa Clara Water Right in accordance with this Agreement.

6.4 Santa Clara Project Land and Easements.

6.4.1 All Parties, with the exception of the Shivwits Band and the United States for the benefit of the Shivwits Band, whose real property will be involved in the construction, operation and maintenance of the Santa Clara Project agree to provide, without cost, all easements and rights-of-way on their respective properties necessary for the construction, operation and maintenance of the Santa Clara Project.

6.4.2 The Shivwits Band, and the United States for the benefit of the Shivwits Band, agree that they shall grant and approve the right-of-way across the Shivwits Reservation