AGREEMENT

This Agreement is made and entered into this _____ day of January, 2001, between the Utah State Division of Wildlife Resources, hereinafter referred to as "the Division" and the Washington County Water Conservancy District, hereinafter referred to as "the District" for the establishment of a permanent fish conservation pool in the proposed Sand Hollow Reservoir in Washington County, Utah, which is to be construed, owned and managed by the District.

WHEREAS, the District is undertaking the construction of the Sand Hollow Reservoir in Washington County, Utah, for the impoundment of water from the Virgin River, and possesses sufficient water rights to impound in said reservoir; and

WHEREAS, by an agreement dated 15th January, ~~2000~~ 2001, the Division relinquished its contractual right to 1,086 acre feet of fishery conservation water in Lower Gunlock Reservoir on the Santa Clara River in Washington County, Utah, in order to facilitate the Santa Clara Project Agreement and the Shivwits Water Settlement Act enacted by Congress; and

WHEREAS, the Division and the District have heretofore agreed that the 1,086 acre feet of water relinquished by the Division in Lower Gunlock Reservoir is to be replaced by the District's granting the Division a 1,086 acre feet fish conservation pool in the Sand Hollow Reservoir for fish and wildlife related purposes;

NOW, THEREFORE, in consideration of the mutual promises of the parties, it is hereby agreed as follows:

1. The District shall construct Sand Hollow Reservoir and provide the Division with a permanent fish conservation pool in said reservoir of 1,086 acre feet. The upper elevation of the conservation pool will be calculated within a reasonable time after the reservoir is constructed.