

I. SHIVWITS WATER RIGHT

The United States, for the benefit of the Paiute Indian Tribe of Utah (“Tribe”) and the Shivwits Band of the Paiute Indian Tribe of Utah (“Shivwits Band”), has the following right to divert, pump, impound, use and reuse, and to permit others, under certain conditions set forth in the Agreements described below as Exhibits A, B and C hereto, to divert, pump, impound use and reuse water (collectively referred to as the “Shivwits Water Right” or “Right”), which is hereby determined, quantified, settled, ratified and confirmed, and is held in trust by the United States for the benefit of the Shivwits Band.

A. The Shivwits Band has the right in perpetuity to divert, pump, impound, use, and reuse a total of 4,000 acre-feet of water annually from the Virgin River and Santa Clara River Systems, in accordance with the terms of the Shivwits Band of the Paiute Indian Tribe Water Rights Settlement Agreement, the St. George Water Reuse Agreement, and the Santa Clara Project Agreement, which are incorporated by reference as Exhibits A, B and C, respectively, to this Decree, subject to Paragraphs II.C and D below. The Shivwits Band shall take this Right as follows:

1. 1,900 acre-feet of water annually from the Santa Clara River System, with an 1890 priority date in accordance with the terms of the Santa Clara Project Agreement (Exhibit C hereto). This right may be used from January 1 to December 31 of each year. Any reductions in this right due to inadequate water availability shall be distributed with proportionate reductions in water deliveries as set forth in the Santa Clara Project Agreement. The 1,900 acre-feet annually provided to the Band from the Santa Clara Project includes the