

trails; revegetation activities, and waste water treatment facilities” and the right “to use non-quantifiable amounts of water for, but not limited to, controlling and suppressing wildfire and structural fires.”

C. On or about December 10, 1990, the Utah State Engineer (State Engineer) issued a Proposed Determination for the area including the Timpanogos Cave National Monument (American Fork River Subdivision, Area 55, Book No. 2). Thereafter, on May 1, 1991, the United States filed its “Objection to the Proposed Determination” contesting perceived errors and an omission in listed state appropriative rights, and the omission of federal reserved water rights for the Timpanogos Cave National Monument.

D. To remove causes of present and future controversy over use of water at Timpanogos Cave National Monument, the United States and Utah have conducted negotiations regarding federal reserved and state appropriative water rights claims for the Monument, resulting in this agreement.

AGREEMENT

NOW, THEREFORE, to settle the issues recited above, and to recognize the federal reserved and state appropriative water rights of the United States for Timpanogos Cave National Monument, subject to conditions set forth below, and based on the mutual promises contained herein, the parties agree as follows:

1. Timpanogos Cave National Monument was established from the Wasatch Forest Reserve (Presidential Proclamation No. 3226 [34 Stat. 3225], dated August 16, 1906) by Presidential Proclamation No. 1640 (42 Stat. 2285), dated October 14, 1922, pursuant to the Antiquities Act of June 8, 1906, 34 Stat. 225, 16 U.S.C. § 431. The Proclamation and the National Park Service Organic Act of August 25, 1916, 64 Stat. 535, 16 U.S.C. § 1, establish the purposes for Timpanogos Cave National Monument: