3. This agreement settles all water rights, of every type and character for Timpanogos Cave National Monument including those based on the federal reserved rights doctrine and Utah appropriation statutes. The federal reserved water rights recognized hereby include all water rights of every nature and description derived from the doctrine of federal reserved water rights from all sources of water, both surface and underground, and include all types and kinds of uses whatsoever, and encompasses all federal reserved water rights claims asserted by or through the United States for Timpanogos Cave National Monument as now constituted. The reserved water rights originate and are defined in federal law. Absent Congressional or Presidential action, the federal reserved water rights for the lands now constituting Timpanogos Cave National Monument shall not be enlarged, expanded or re-quantified.

4. In addition to the federal reserved water rights recognized herein, the United States has state appropriative water rights for Timpanogos Cave National Monument, which Utah hereby acknowledges and recognizes as valid. Appendix B lists the state appropriative water rights held by the United States and describes the present diversion works and water sources used by Timpanogos Cave National Monument pursuant to such rights. The table shows the source of water, priority date, point of diversion, type of use, period of use, and existing diversion rate for each diversion works and water source. The United States may divert a maximum of 0.1072 cfs, resulting in a maximum depletion of twelve (12) acre-feet per annum, from the sources and the points of diversion described in Appendix B to satisfy present and future requirements for the operation, administration, and protection of the Monument.

5. The American Fork River is an identifiable and discrete watercourse that flows through Timpanogos Cave National Monument. The parties recognize minimum instream flows within Timpanogos Cave National Monument, with a priority date of October 14, 1922, for the time periods and flow rates described below, to be