

Range 2 East, Salt Lake Base & Meridian. Utah will not approve any water rights applications to develop or use ground water in the protection zone.

8. The United States may seek enforcement of its water rights recognized herein through applicable law in the event the United States believes that specific water right applications in American Fork Canyon approved after January 1, 2000 are causing or may cause adverse impacts to Timpanogos Cave National Monument.

9. The United States agrees to follow procedures described under Utah law in exercising its state appropriative rights described in Appendix B.

10. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful and of no effect, the remaining provisions shall remain in effect and fully binding on the parties and, if necessary, the parties hereto shall resume negotiations to revise any such unlawful provision.

11. Upon a proper showing of necessity, the provisions of this Agreement may be modified only in writing and upon the mutual consent of the parties to this Agreement, which consent shall not be unreasonably withheld.

12. Because Timpanogos Cave National Monument is unique, nothing in this Agreement shall constitute an admission, waiver or precedent for any other federal reserved water right claim.

13. Nothing in this Agreement shall be construed or interpreted to:

- a. In any way affect the water rights of the United States for agencies and interests other than Timpanogos Cave National Monument;
- b. Establish any precedent or standard to be used for the quantification of federal reserved water rights in any other judicial or administrative proceeding;