

CAP SUBCONTRACTING STATUS REPORT

April 20, 2009

CAP Non-Indian Municipal and Industrial Subcontracts

<u>NAME</u>	<u>DATE</u>	<u>ENTITLEMENT (acre-feet per year)</u>
Alderwoods (Arizona), Inc.	Jan. 21, 2009	84 ^{1/}
Arizona-American Water Co. (Agua Fria)	July 15, 1985	11,093 ^{2/}
Arizona-American Water Co. (Paradise Vly)	July 12, 1985	3,231 ^{3/}
Arizona-American Water Co. (Sun City)	Aug. 13, 1985	4,189 ^{4/}
Arizona-American Water Co. (Sun City West)	June 19, 1999	2,372 ^{5/}
Arizona State Land Dept.	Nov. 25, 1986	32,076 ^{6/}
Arizona Water Co. (Apache Jct.)	March 15, 1985	6,000
Arizona Water Co. (Casa Grande)	March 15, 1985	8,884
Arizona Water Co. (Coolidge System)	March 15, 1985	2,000
Arizona Water Co. (White Tank System)	March 15, 1985	968
ASARCO Incorporated (Ray Mine)	March 1, 1993	21,000 ^{7/}
Avondale	Dec. 6, 1984	5,416 ^{8/}
AVRA Water Co-op, Inc.	Nov. 13, 2007	808 ^{9/}
Buckeye	Nov. 21, 1984	25 ^{10/}
Carefree Water Co.	Jan. 2, 1990	1,300 ^{11/}
Cave Creek, Town of	May 28, 1985	2,606 ^{12/}
Central Arizona Water Conservation District (for Central Arizona Groundwater Replenishment District)		7,746 ^{13/}
Chandler	Nov. 20, 1984	8,654

<u>NAME</u>	<u>DATE</u>	<u>ENTITLEMENT (acre-feet per year)</u>
Chandler Heights Citrus I.D.	Jan. 24, 1985	315
Chaparral City Water Co.	Oct. 2, 1984	8,909 ^{14/}
Circle City Water Co.	Aug. 6, 1999	3,932 ^{15/}
Community Water Company Of Green Valley	May 17, 1985	2,858 ^{16/}
El Mirage, City of	July 19, 2007	508 ^{17/}
Eloy	Dec. 18, 1984	2,171
Florence	Dec. 21, 1984	2,048 ^{18/}
Flowing Wells Irrigation District	June 19, 1985	4,354
Gilbert	Jan. 22, 1985	7,235
Glendale, City of	Oct. 25, 1984	17,236 ^{19/}
Goodyear	Nov. 21, 1984	10,742 ^{20/}
Green Valley Domestic Water Improvement Dist.	June 18, 1985	1,900 ^{21/}
H2O Water Co.	Nov. 5, 2007	147 ^{22/}
Marana, Town of	April 6, 1999	47 ^{23/}
Maricopa County Parks & Rec.	April 8, 1993	665
Mesa, City of	Oct. 25, 1984	43,503 ^{24/}
Metropolitan Domestic Water Improvement District	May 8, 1998	13,460 ^{25/}
Oro Valley, Town of	Jan. 18, 1997	10,305 ^{26/}
Peoria, City of Peoria	Nov. 23, 1984	25,236 ^{27/}
Phelps Dodge Miami, Inc.	March 1, 1993	2,906 ^{28/}
Phoenix, City of	Oct. 25, 1984	122,120 ^{29/}

<u>NAME</u>	<u>DATE</u>	<u>ENTITLEMENT (acre-feet per year)</u>
Pine Water Company	Aug. 6, 1999	161 ^{30/}
Queen Creek Water Company	June 26, 1995	348 ^{31/}
Rio Verde Utilities, Inc.	Sept. 16, 1992	812
San Tan Irrigation District	Dec. 11, 1984	236
Scottsdale, City of	Oct. 15, 1984	52,810 ^{32/}
Spanish Trail Water Co.	Nov. 16, 1990	3,037 ^{33/}
Superior, Town of	June 19, 2007	285 ^{34/}
Surprise, City of	Feb. 8, 1995	10,249 ^{35/}
Tempe, City of	Dec. 10, 1984	4,315
Tonto Hills Utility Co.	July 20, 2001	84 ^{36/}
Tucson, City of	Feb. 1, 1985	144,172 ^{37/}
Vail Water Company	Dec. 27, 1984	1,857 ^{38/}
Valley Utilities Water Co.	May 10, 2007	250 ^{39/}
Water Utilities Community Facilities District	Aug. 7, 1996	2,919 ^{40/}
Water Utility of Greater Buckeye	Sept. 24, 1987	43 ^{41/}
<u>Water Utility of Greater Tonopah</u>	<u>Sept. 24, 1987</u>	<u>64 ^{42/}</u>
TOTAL:		620,678

NOTES:

- 1 Formerly Phoenix Memorial Park Cemetery. Alderwoods (Arizona), Inc. acquired Phoenix Memorial Park's allocation of 84 acre-feet on December 22, 2008.
- 2 Formerly Agua-Fria (Citizens Utilities Company). Sun City Water Company (Citizens Utilities Company) transferred 9,654 acre-feet of its entitlement to Agua Fria. Agua Fria then transferred the entitlement to Arizona-American Water Company.
- 3 Arizona-American Water Company (Paradise Valley) formerly Paradise Valley Water Company.

- 4 Formerly Sun City Water Co. (Citizens Utilities Company) and Sun City Water Co. (Youngtown). Sun City Water Co. (Youngtown) acquired Youngtown's CAP allocation of 380 acre-feet. Sun City Water Company previously assigned 2,372 acre-feet of its CAP water entitlement to Sun City West Utilities Company and 9,654 acre-feet to Agua Fria. Sun City Water Co. then transferred the remainder of its entitlement and the Sun City (Youngtown) entitlement to Arizona-American Water Company (Sun City).
- 5 Formerly Sun City West Utilities Company. Sun City Water Company assigned 2,372 acre-feet of its CAP water entitlement to Sun City West Utilities Company (SCWUC). SCWUC then transferred its entitlement to Arizona-American Water Co. (Sun City West).
- 6 This amount includes Amendment No. 1 to the Arizona State Land Department's (ASLD) CAP subcontract executed on March 12, 1997, decreasing its entitlement from 39,006 to 38,476 acre-feet per year in light of ASLD transferring 530 acre-feet of its CAP water entitlement to the City of Scottsdale. Amendment No. 2 to the ASLD's CAP subcontract executed on July 24, 1998, decreases its entitlement from 38,476 to 34,576 acre-feet per year in light of ASLD transferring an additional 3,900 acre-feet of its CAP water entitlement to the City of Scottsdale. Amendment No. 3 to the ASLD's CAP subcontract executed on May 4, 2000, decreases its entitlement from 34,576 to 33,076 acre-feet per year in light of ASLD's transferring 1,500 acre-feet of its CAP water entitlement to the City of Mesa. Amendment No. 4 to ASLD's CAP subcontract decreases its entitlement from 33,076 to 32,076 acre-feet per year in light of ASLD's transferring 1,000 acre-feet of its CAP water entitlement to the City of Peoria.
- 7 Figure for the year 2034. Includes allocation to Hayden Smelter. ASARCO elected to contract for 21,000 acre-feet of its original 22,610 acre-foot allocation of CAP water.
- 8 This amount includes Amendment No. 1 to Avondale's CAP subcontract executed on December 3, 1997, increasing Avondale's entitlement from 4,099 to 4,746 acre-feet per year in light of McMicken Irrigation District transferring 647 acre-feet of its CAP M&I water entitlement to Avondale. Amendment No. 2 to Avondale's CAP subcontract executed on January 5, 2005, increasing its entitlement from 4,746 to 5,416 acre-feet per year in light of Litchfield Park Service Co. transferring 670 acre-feet of its CAP M&I water entitlement to Avondale.
- 9 Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 808 acre-feet of previously uncontracted M&I water was reallocated to AVRA Cooperative.
- 10 Figure for the year 2034.
- 11 This amount includes Amendment No. 1 to Carefree Water Company's CAP subcontract executed on July 20, 2001, increasing its entitlement from 400 to 1,300 acre-feet per year in light of BHP Copper Inc's (formerly Cities Services Co. & Magma Copper Co.) transferring 900 acre-feet of its CAP M&I water entitlement to Carefree.
- 12 This amount includes Amendment No. 1 to Cave Creek Water Company's CAP subcontract executed on September 7, 2006, increasing its entitlement from 1600 to 1800 acre-feet per year in light of Berneil Water Company transferring 200 acre-feet of its CAP M&I water entitlement to Cave Creek Water Company. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 806 acre-feet of previously uncontracted M&I water was reallocated to Cave Creek Water Company. The town of Cave Creek acquired the water utility assets of Cave Creek Water Company through a final Order of Condemnation on April 19, 2007. 2,606 acre-feet of Cave Creek Water Company's M&I entitlement was transferred to the town of Cave Creek effective December 22, 2008.
- 13 Amendment No. 1, Supplement No. 1 to Contract No. 14-06-W-245 is pending U.S. approval. CAP M&I water was assigned to CAWCD for CAGR use by Litchfield Park Service Co. (4,760 acre-feet), New River Utility Co. (1,885 acre-feet), Sunrise Water Co. (944 acre-feet) and West End Water Co. (157 acre-feet).
- 14 Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 1,931 acre-feet of previously uncontracted M&I water was reallocated to Chaparral Water Company.

- 15 As part of a corporate restructuring, Brooke Water assigned its CAP water entitlement of 3,932 acre-feet to Circle City Water Company. The subcontract for Circle City was executed on December 17, 1999. Brooke Water originally acquired the entitlement from Consolidated Water Utilities (Maricopa) in 1996 through bankruptcy proceedings.
- 16 This amount includes Amendment No. 1 to Community Water Company of Green Valley's CAP subcontract executed on May 27, 1997, increasing its entitlement from 1,100 to 1,337 acre-feet per year in light of New Pueblo Water Company transferring its CAP water entitlement of 237 acre-feet to Community Water Company. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 1,521 acre-feet of previously uncontracted M&I water was reallocated to Community Water Company of Green Valley.
- 17 Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 508 acre-feet of previously uncontracted M&I water was reallocated to the town of El Mirage.
- 18 This amount includes Amendment No. 1 to the Town of Florence's CAP subcontract executed on February 2, 1995, increasing its entitlement from 1,641 to 2,048 acre-feet per year in light of Florence's acquisition of Arizona Sierra Utility Company's CAP water entitlement of 407 acre-feet.
- 19 This amount includes Amendment No. 1 to the City of Glendale's CAP subcontract executed on October 12, 1993, increasing its entitlement from 14,083 to 14,183 acre-feet per year in light of Glendale's assumption of 100 acre-feet of New River Utility's CAP entitlement. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 3,053 acre-feet of previously uncontracted M&I water was reallocated to the City of Glendale.
- 20 This amount includes Amendment No. 1 to the City of Goodyear's CAP subcontract executed on October 26, 1999, increasing its entitlement from 2,374 to 3,381 acre-feet per year in light of McMicken Irrigation District assigning 1,007 acre-feet of its CAP M&I entitlement to Goodyear; Amendment No. 2 to Goodyear's CAP subcontract executed on January 5, 2005, increasing its entitlement from 3,381 to 3,531 acre-feet per year in light of Litchfield Park Service Co. transferring 150 acre-feet of its CAP M&I water entitlement to Goodyear. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 7,211 acre-feet of previously uncontracted M&I water was reallocated to Goodyear.
- 21 Green Valley Domestic Water Improvement District was formerly Green Valley Water Co.
- 22 Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 147 acre-feet of previously uncontracted M&I water was reallocated to H2O Water Company.
- 23 The subcontract for Town of Marana was executed on October 12, 1999. The Town of Marana acquired Cortaro-Marana Irrigation District's CAP allocation of 47 acre-feet.
- 24 This amount includes Amendment No. 1 to the City of Mesa's CAP subcontract executed on October 9, 1986, increasing Mesa's entitlement from 20,129 to 29,527 acre-feet per year in light of Mesa's acquisition of the water utility systems of Desert Sage Water Company, Desert Sands Water Company, and Crescent Valley Utility Company; Amendment No. 2 to Mesa's CAP subcontract executed on August 22, 1991, increasing Mesa's entitlement from 29,527 to 33,459 acre-feet in light of Mesa's acquisition of Turner Ranches Water Co.; Amendment No. 3 to Mesa's CAP subcontract executed on November 17, 1993, increasing Mesa's entitlement from 33,459 to 34,292 acre-feet in light of Mesa's assumption of Williams Air Force Base's CAP allocation; Amendment No. 4 to Mesa's CAP subcontract executed on December 20, 1995, increasing Mesa's entitlement from 34,292 to 34,888 acre-feet in light of Mesa's acquisition of 596 acre-feet of Queen Creek Irrigation District's CAP M&I allocation. Amendment No. 5 to Mesa's CAP subcontract executed on May 4, 2000, increasing Mesa's entitlement from 34,888 to 36,388 acre-feet in light of Mesa's acquisition of 1,500 acre-feet of ASLD's CAP water allocation. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 7,115 acre-feet of previously uncontracted M&I water was reallocated to the City of Mesa.

- 25 In September 1998, Tucson transferred 8,858 acre-feet to First Trust of Arizona (now US Bank Arizona) for the benefit of Metropolitan Domestic Water Improvement District (MDWID). That entitlement was transferred from the Trust to MDWID on March 1, 2004. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 4,602 acre-feet of previously uncontracted M&I water was reallocated to Metropolitan Water Improvement District.
- 26 On April 21, 1997, the Town of Oro Valley (Oro Valley) executed a subcontract for 1,652 acre-feet of CAP M&I water entitlement formerly held by Foothills Water Co. and later Canada Hills. In September 1998, the City of Tucson transferred 642 acre-feet to First Trust of Arizona (now US Bank Arizona) for the benefit of Oro Valley. That entitlement was transferred from the Trust to Oro Valley on March 31, 2003. In October 2003, Tucson transferred 4,454 acre-feet of its CAP water entitlement to Wells Fargo Bank Arizona as Trustee for Oro Valley. That entitlement was transferred from the Trust to Oro Valley on June 29, 2004. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 3,557 acre-feet of previously uncontracted M&I water was reallocated to the Town of Oro Valley.
- 27 This amount includes Amendment No. 1 to the City of Peoria's CAP subcontract executed on July 11, 1989, increasing Peoria's entitlement from 15,000 to 17,849 acre-feet per year in light of Peoria's condemnation of the water utility system of Clearwater Water Co.; Amendment No. 2 to Peoria's CAP subcontract executed on September 27, 1993, increasing Peoria's entitlement from 17,849 to 18,233 acre-feet per year which reflects Peoria's assumption of 374 acre-feet of New River Utility Co.'s CAP allocation; Amendment No. 3 to Peoria's CAP subcontract executed on April 10, 2000, increasing Peoria's entitlement from 18,223 to 18,709 acre-feet per year in light of Peoria's assumption of 486 acre-feet of McMicken Irrigation District's CAP M&I allocation; Amendment No. 4 to Peoria's CAP subcontract executed on April 23, 2002, increasing Peoria's entitlement from 18,709 to 19,709 acre-feet per year in light of Peoria's assumption of 1,000 acre-feet of ASLD's CAP M&I allocation. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 5,527 acre-feet of previously uncontracted M&I water was reallocated to the City of Peoria.
- 28 Figure for the year 2034. Formerly Inspiration Consolidated Copper Co. and Cyprus Miami Mining Corp.
- 29 This amount includes Amendment No. 1 to the City of Phoenix's CAP subcontract executed on February 19, 1998, increasing its entitlement from 113,882 to 113,914 acre-feet per year which reflects the transfer by Berneil Water Co. of 32 acre-feet of its CAP entitlement. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 8,206 acre-feet of previously uncontracted M&I water was reallocated to the City of Phoenix.
- 30 As part of a corporate restructuring, E&R Water Company has assigned its CAP water entitlement of 161 acre-feet to Pine Water Company. The subcontract for Pine Water Company was executed on December 23, 1999. E&R Water Company was formerly Pine Improvement Association.
- 31 By subcontract executed on December 20, 1995, Queen Creek Water Company has acquired 348 acre-feet of Queen Creek Irrigation District's CAP M&I water entitlement. On or about March 31, 2008, the Town of Queen Creek acquired the water utility assets of Queen Creek Water Company pursuant to Arizona Corporation Commission Decision and Order No. 70204. Queen Creek Water Company is in the process of assigning its entitlement of 348 acre-feet to the Town of Queen Creek.
- 32 The City of Scottsdale's original CAP allocation and subcontract was for 19,702 acre-feet. Amendment No. 1 to Scottsdale's CAP subcontract was executed on December 12, 1990, and increased Scottsdale's entitlement to 20,488 acre-feet per year in light of Scottsdale's acquisition of the water utility systems of Ironwood Water Company and North Valley Water Company. Amendment No. 2 to Scottsdale's CAP subcontract was executed on August 20, 1993, and increased Scottsdale's entitlement to 21,442 acre-feet per year in light of Scottsdale's acquisition of Carefree Ranch Water Co. Amendment No. 3 to Scottsdale's CAP subcontract was executed on January 21, 1994, and increased Scottsdale's entitlement to 26,437 acre-feet per year in light of Scottsdale's acquisition of the Town of Payson's CAP entitlement. Amendment No. 4 to Scottsdale's CAP subcontract was executed on December 8, 1994, and increased Scottsdale's entitlement to 26,576 acre-feet per year in light of Scottsdale's acquisition of Desert Ranch Water Co. Amendment No. 5 to Scottsdale's CAP subcontract was executed on September 27, 1996, and increased Scottsdale's entitlement to 34,203 acre-feet per year in light of Scottsdale's acquisition of the CAP entitlements of the City of Prescott (7,127 acre-feet) and the Yavapai-Prescott Indian Tribe (500 acre-feet). Scottsdale does not pay M&I capital charges to CAWCD for

the 500 acre-feet assigned by the Yavapai-Prescott Indian Tribe, and that water is still considered Indian water for purposes of determining the allocation and repayment of CAP costs. The total allocation shown in this section of the report represents M&I water only and does not include the 500 acre-feet received from Yavapai-Prescott Indian Tribe. Amendment No. 6 to Scottsdale's CAP subcontract was executed on September 27, 1996, and increased Scottsdale's entitlement to 36,886 acre-feet per year in light of Scottsdale's acquisition of the CAP entitlement of Rio Rico Utilities, Inc. Amendment No. 7 to Scottsdale's CAP subcontract was executed on March 12, 1997, and increased Scottsdale's entitlement to 36,916 acre-feet per year in light of Scottsdale's acquisition of 530 acre-feet from Arizona State Land Department. Amendment No. 8 to Scottsdale's CAP subcontract was executed on March 12, 1997, and increased Scottsdale's entitlement to 41,197 acre-feet per year in light of Scottsdale's acquisition of the CAP entitlements of the City of Nogales (3,949 acre-feet) and Mayer Domestic Water Improvement District (332 acre-feet). Amendment No. 9 to Scottsdale's CAP subcontract was executed on April 29, 1998, and increased Scottsdale's entitlement to 41,397 acre-feet per year in light of Scottsdale's acquisition of 200 acre-feet from Berneil Water Co. Amendment No. 10 to Scottsdale's CAP subcontract was executed on July 24, 1998, and increased Scottsdale's entitlement to 45,297 acre-feet per year in light of Scottsdale's acquisition of an additional 3,900 acre-feet from Arizona State Land Department. Amendment No. 11 to Scottsdale's CAP subcontract was executed on August 24, 1998, and increased Scottsdale's entitlement to 48,529 acre-feet per year in light of Scottsdale's acquisition of Camp Verde's CAP allocation of 1,443 acre-feet and Cottonwood's CAP allocation of 1,789 acre-feet. Amendment No. 12 to Scottsdale's CAP subcontract was executed on September 13, 2001, and increased Scottsdale's entitlement to 49,829 acre-feet per year in light of Scottsdale's acquisition of 1,300 acre-feet of BHP Copper Inc's (formerly Cities Services Co. & Magma Copper Co.) CAP water entitlement. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 2,981 acre-feet of previously uncontracted M&I water was reallocated to the City of Scottsdale.

- 33 Formerly Ranchlands, Inc.
- 34 Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 285 acre-feet of previously uncontracted M&I water was reallocated to the Town of Superior.
- 35 By subcontract executed on November 1, 1996, the City of Surprise acquired 7,373 acre-feet of CAP M&I water from McMicken Irrigation District. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 2,876 acre-feet of previously uncontracted M&I water was reallocated to the City of Surprise.
- 36 By subcontract executed on July 20, 2001, Tonto Hills acquired 71 acre-feet of CAP M&I water from BHP Copper Inc. (formerly Cities Services Co. & Magma Copper Co.).
- 37 The City of Tucson's original CAP allocation and subcontract was for 148,420 acre-feet. Amendment No. 1 to Tucson's subcontract executed on September 28, 1998, decreased Tucson's entitlement to 138,920 acre-feet per year after Tucson transferred 9,500 acre-feet to First Trust of Arizona (now US Bank Arizona) for the benefit of Metropolitan Domestic Water Improvement District (MDWID) and the Town of Oro Valley (Oro Valley). Amendment No. 2 to Tucson's subcontract, executed on October 28, 2003, decreased Tucson's entitlement from 138,920 to 134,466 acre-feet per year in light of Tucson's transfer of 4,454 acre-feet to Wells Fargo Bank Arizona, as Trustee for Oro Valley. Amendment No. 3 to Tucson's subcontract, executed on February 10, 2004, increased Tucson's entitlement from 134,466 to 135,966 acre-feet per year in light of Midvale Farms Water Co. transferring its CAP water entitlement of 1,500 acre-feet to Tucson. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 8,206 acre-feet of previously uncontracted M&I water was reallocated to the City of Tucson.
- 38 Vail Water Company formerly Del Lago Water Company. Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 1,071 acre-feet of previously uncontracted M&I water was reallocated to Vail Water Company.
- 39 Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 250 acre-feet of previously uncontracted M&I water was reallocated to the Valley Utilities Water Company.

- 40 In 1997, Water Utilities Community Facilities District (Apache Junction) acquired the Consolidated Water Utilities (Pinal County) entitlement through bankruptcy proceedings. This allocation was formerly held by Palm Springs Water Company.
- 41 Formerly West Phoenix Water Company.
- 42 Formerly Sunshine Water Company.

CAP Non-Indian Agricultural Subcontracts

<u>NAME</u>	<u>ENTITLEMENT</u> <u>acre-feet</u>
Arizona State Land Department	9,026 ¹

NOTES:

- 1 This entitlement was originally part of MSIDD's CAP subcontract. The CAP subcontract with Arizona State Land Department is pending and is subject to the satisfaction of certain specified conditions, including the ultimate effectiveness of the Arizona Water Settlement Agreement and Arizona Water Settlements Act.

COMMENTARY:

In 1983-1984, CAWCD and the United States entered into non-Indian agricultural subcontracts with nine irrigation districts: Central Arizona Irrigation and Drainage District (CAIDD); Chandler Heights Citrus Irrigation District (CHCID); Harquahala Valley Irrigation District (HVID); Hohokam Irrigation and Drainage District (HIDD); Maricopa-Stanfield Irrigation & Drainage District (MSIDD); New Magma Irrigation and Drainage District (NMIDD); Queen Creek Irrigation District (QCID); San Tan Irrigation District (STID); and Tonopah Irrigation District (TID).

CAIDD, CHCID, QCID, STID, and TID have agreed conditionally to relinquish their full CAP subcontract entitlements in accordance with the Arizona Water Settlement Agreement, subject to the satisfaction of certain specified conditions. MSIDD similarly agreed to relinquish its CAP subcontract entitlement, but has designated 9,026 acre-feet for the benefit of the Arizona State Land Department in accordance with the Arizona Water Settlement Agreement.

The NMIDD subcontract was terminated in bankruptcy proceedings in 1995.

The cities of Chandler, Mesa, Phoenix and Scottsdale acquired the HIDD subcontract entitlement in 1992 as a replacement for the water supply that would have been developed by Cliff Dam.

The United States acquired the HVID subcontract entitlement under the Fort McDowell Indian Community Water Rights Settlement Act of 1990 and conveyed a portion of that entitlement to the Fort McDowell Indian Community. (See note 2 on page 9.) The Secretary has retained the remainder of the HVID entitlement for future Indian settlements. (See note 1 on page 13.)

In 1991, CAWCD and the United States entered into a non-Indian agricultural subcontract with Roosevelt Water Conservation District (RWCD), which was never validated. In 1992, RWCD entered into an agreement with the United States and the Gila River Indian Community to relinquish its CAP subcontract entitlement for the benefit of the Community. (See note 3 on page 10.)

CAP Indian Contracts

<u>NAME</u>	<u>INTENDED USE</u>	<u>ENTITLEMENT (acre-feet per year)</u>
Ak-Chin Indian Community	Irrigation	75,000 ^{1/}
Camp Verde (Yavapai-Apache)	Tribal Homeland	1,200
Fort McDowell Indian Community	Tribal Homeland	18,233 ^{2/}
Gila River Indian Community	Irrigation	311,800 ^{3/}
Pascua Yaqui Tribe	Tribal Homeland	500
Salt River Pima-Maricopa Indian Community	Irrigation	13,300
San Carlos-Apache Tribe	Irrig. & Tr. Homeland	61,645 ^{4/}
Tohono O'Odham Nation (formerly Papago Tribe)		
Chui Chu	Irrigation	8,000
San Xavier	Tribal Homeland	50,000 ^{5/}
Schuk Toak	Tribal Homeland	16,000 ^{6/}
<u>Tonto-Apache Tribe</u>	<u>Tribal Homeland</u>	<u>128</u>
TOTAL:		555,806

NOTES:

- 1 The Ak-Chin Indian Community was allocated 58,300 acre-feet in 1983. Under the Ak-Chin Indian Community Water Rights Settlement Act of 1984, Pub. L. 98-530, the United States acquired 50,000 acre-feet (before losses) of Colorado River water from the Yuma-Mesa Division of the Gila Project, which was added to the CAP supply. Under the 1984 settlement, the Ak-Chin Indian Community is entitled to delivery of 75,000 acre-feet in a normal Colorado River water year, 85,000 acre-feet in a surplus year, and not less than 72,000 acre-feet in a shortage year. That obligation is met using first the former Yuma-Mesa water (quantified at 47,500 acre-feet after system losses) and thereafter as much of the original Ak-Chin allocation as is needed (27,500 acre-feet in a normal year). Whatever portion of the original Ak-Chin CAP allocation is not needed to satisfy delivery obligations to the Ak-Chin Indian Community (30,800 acre-feet in a normal year) is available for delivery to the San Carlos Apache Tribe (see note 3 below).
- 2 The Fort McDowell Indian Community was allocated 4,300 acre-feet in 1983. The Fort McDowell Indian Community Water Rights Settlement Act of 1990, Pub. L. 101-628, authorized the Secretary of the Interior to acquire the CAP non-Indian agricultural entitlement of the Harquahala Valley Irrigation District (originally 7.67% of the available agricultural supply) and convert it to 33,251 acre-feet of CAP Indian priority water. The Fort McDowell Indian Community received 13,933 acre-feet of the former HVID entitlement; the Gila River Indian Community received 18,100 acre-feet, and the remaining 1,218 acre-feet may only be used to settle water rights claims of other Indian tribes having claims to the water in the Salt and Verde River system.

- 3 The Gila River Indian Community was allocated 173,100 acre-feet of irrigation water in 1983. Under an August 7, 1992 agreement among RWCD, the United States, and the Gila River Indian Community, RWCD purportedly relinquished the remainder of its CAP entitlement for the use and benefit of GRIC. The relinquished entitlement was quantified as 18,600 acre-feet and reallocated to the Community under §204(b)(1)(A) of the Arizona Water Settlements Act, Pub. L. 108-451. The Act also reallocated to the Community 18,100 acre-feet of the former HVID entitlement and 102,000 acre-feet of non-Indian agricultural priority water relinquished pursuant to the Arizona Water Settlement Agreement. See Pub. L. 108-451, §§204(b)(1)(B) and 204(b)(1)(D).
- 4 The San Carlos Apache Tribe was allocated 12,700 acre-feet in 1983. Of that total, 2,700 acre-feet was designated as irrigation water and 10,000 acre-feet was designated as tribal homeland water. Under the San Carlos Apache Tribe Water Rights Settlement Act of 1992, Title 37 of Pub. L. 102-575, the Secretary reallocated to the San Carlos Apache Tribe 14,665 acre-feet of CAP M&I water originally allocated to the Phelps Dodge Corporation, 3,480 acre-feet of CAP M&I water originally allocated to the City of Globe, and the portion of the original Ak-Chin CAP allocation not needed to meet delivery obligations to the Ak-Chin Indian Community (see note 1 above). In a normal water supply year on the Colorado River—i.e., when no more than 27,500 acre-feet of the original Ak-Chin allocation is needed for delivery to the Ak-Chin Indian Community—the San Carlos Apache Tribe allocation is 61,645 acre-feet. The former Phelps Dodge water and the former Globe water retain their original M&I CAP priority.
- 5 San Xavier was originally allocated 27,000 acre-feet and received an additional 23,000 acre-feet of non-Indian agricultural priority water relinquished pursuant to the Arizona Water Settlement Agreement. See §306(a)(1) of the Southern Arizona Water Rights Settlement Amendments Act of 2004 (Title 3 of the Arizona Water Settlements Act, Pub. L. 108-451).
- 6 Schuk Toak was originally allocated 10,800 acre-feet and received an additional 5,200 acre-feet of non-Indian agricultural priority water relinquished pursuant to the Arizona Water Settlement Agreement. See §306(a)(2) of the Southern Arizona Water Rights Settlement Amendments Act of 2004 (Title 3 of the Arizona Water Settlements Act, Pub. L. 108-451).

Other Currently Uncontracted Water

<u>NAME</u>	<u>ENTITLEMENT acre-feet per year</u>
Former Harquahala Valley Irrigation District	1,218 ^{1/}
Non-Indian agricultural priority water	154,569 ^{2/}
TOTAL:	155,787

NOTES:

- 1 The Fort McDowell Indian Community Water Rights Settlement Act of 1990, Pub. L. 101-628, authorized the Secretary of the Interior to acquire the CAP non-Indian agricultural entitlement of the Harquahala Valley Irrigation District (originally 7.67% of the available agricultural supply) and convert it to 33,251 acre-feet of CAP Indian priority water. The Fort McDowell Indian Community received 13,933 acre-feet of the former HVID entitlement and the Gila River Indian Community received 18,100 acre-feet. The remaining 1,218 acre-feet is currently uncontracted and may only be used to settle water rights claims of other Indian tribes having claims to the water in the Salt and Verde River system.
- 2 Water conditionally relinquished by non-Indian agricultural subcontractors pursuant to the Arizona Water Settlement Agreement. Of the total, 67,300 acre-feet is reserved for reallocation to Arizona Indian tribes to facilitate future Indian water rights settlements, Pub. L. 108-451, §104(a)(1)(A)(iii), and 87,269 acre-feet will be available for future reallocation to M&I water users pursuant to Pub. L. 108-451, §104(a)(2).

Other Project Water Under Contract

<u>NAME</u>	<u>ENTITLEMENT acre-feet per year</u>
Former Hohokam Irrigation District	47,303 ^{1/}
Former Wellton-Mohawk Irrigation and Drainage District	20,900 ^{2/}
Former Roosevelt Water Conservation District	5,000 ^{3/}
Former Yavapai-Prescott Indian Tribe	500 ^{4/}
TOTAL:	73,703

NOTES:

- 1 In 1992, four Valley cities acquired the non-Indian agricultural (NIA) entitlement of Hohokam Irrigation District—originally 6.36% of the available agricultural supply—as a replacement for the water supply those cities would have received from Cliff Dam, had it been constructed. As part of the Arizona Water Settlement Agreement, the former HID entitlement has been quantified at 47,303 acre-feet. The water will retain its NIA priority through 2043, after which it will convert to M&I priority. The four Valley cities and their respective entitlements are: Chandler, 2,952 acre-feet; Mesa, 4,924 acre-feet; Phoenix, 36,144 acre-feet; and Scottsdale, 3,283 acre-feet.

- 2 As part of the Salt River Pima-Maricopa Indian Community Water Rights Settlement, the United States acquired 22,000 acre-feet of Colorado River water from the Wellton-Mohawk Irrigation and Drainage District for delivery through the CAP. The former Wellton-Mohawk entitlement is a diversion right measured at the Colorado River and is assessed its share of CAP system losses to arrive at a delivery volume. For CAP contract accounting purposes, the entitlement is nominally quantified as 20,900 acre-feet deliverable at CAP turnouts. The former Wellton-Mohawk water is considered “project water” and was contracted to various Valley cities in exchange for water from the Salt River system delivered to SRPMIC. The Valley cities and their respective entitlements (based on a 22,000 acre-foot total diversion right) are: Chandler, 4,278 acre-feet; Gilbert, 6,762 acre-feet; Glendale, 3,000 acre-feet; Mesa, 2,760 acre-feet; Phoenix, 5,000 acre-feet; Scottsdale, 100 acre-feet; and Tempe, 100 acre-feet.

- 3 As part of the Salt River Pima-Maricopa Indian Community Water Rights Settlement, 5,000 acre-feet of non-Indian agricultural water originally allocated to Roosevelt Water Conservation District was made available to various Valley cities as follows: Chandler, 972 acre-feet; Gilbert, 1,537 acre-feet; Glendale, 682 acre-feet; Mesa, 627 acre-feet; Phoenix, 1,136 acre-feet; Scottsdale, 23 acre-feet; and Tempe, 23 acre-feet.

- 4 In accordance with the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994, Pub. L. 103-434, the Yavapai-Prescott Indian Tribe assigned its entitlement to the City of Scottsdale. The water retains its original Indian CAP priority.