

Exhibit _____

**Colorado River Indian Tribes
Extraordinary Conservation—Intentionally Created Surplus
Fallowing**

Creator: Colorado River Indian Tribes

Term: For creation between the effective date and December 31, 2025

ICS Category: Extraordinary conservation from land fallowing

Project Description: CRIT will fallow parcels of land on the part of the Colorado River Indian Reservation that is in Arizona. Parcels of land will be designated for fallowing on an annual basis and described in a Creation Plan. At the time of designation each parcel will have a history of irrigation for at least 3 out of the most recent 5 years. Each parcel may be designated for fallowing for no more than 5 consecutive years.

Annual ICS Creation Amount: CRIT will create annual amounts of EC ICS by fallowing previously irrigated farm land not to exceed 5,000 acre-feet calculated as a reduction in consumptive use. CRIT will accumulate a maximum of 20,000 acre-feet. Deductions for evaporation and for any delivery amounts may be replenished to maintain a total of 20,000 acre-feet.

CRIT may also be creating Compensated System Conservation by fallowing parcels of irrigated land and may designate that part of the consumptive use not compensated as system conservation for EC ICS creation. An example of this would be fallowing 10,200 acres of previously irrigated farm land with a quantification of consumptive use of 5.2 acre-feet per acre for a total of 53,040 acre-feet per year. Of this reduced CU, 50,000 acre-feet would be designated as compensated system conservation and the balance of 3,040 acre-feet designated as EC ICS. At no time would the same reduction in CU be counted as system conservation and EC ICS nor would the total compensated system conservation plus EC ICS exceed the annual reduction in consumptive use.

Quantification Methodology: CRIT will fallow land to create annual volumes of EC ICS. The annual volume of EC ICS will be measured as a consumptive use reduction due to fallowing. The volume of CU reduction will be computed using the average annual net crop CU for the previous 5-year period in acre-feet per acre multiplied by the number of acres fallowed. Crop CU or crop evapotranspiration (crop ET) for each of the previous 5 years will be determined using reference crop evapotranspiration computed using operational weather data collected at AZMET electronic weather stations located in the Parker Valley area and crop coefficients from the Lower Colorado River Accounting System (LCRAS). Monthly net crop CU will be computed by reducing the crop CU (crop ET) by the monthly effective precipitation. Monthly effective

precipitation will be determined from total measured precipitation in the Parker Valley area and LCRAS monthly effective precipitation coefficients.

CRIT will reduce its annual diversion water order request to the Bureau of Indian Affairs (“BIA”) under Title 43 Code of Federal Regulations Part 417 for all fallowed lands using a calculation of project efficiency; calculated as the ratio of CU to diversion of the Colorado River Indian Irrigation Project as reported in the most recent annual USBR *Colorado River Accounting and Water Use Report – Arizona, California, and Nevada*. CU and diversion reduction volumes due to fallowing will be prepared and reported in monthly and annual quantities.

As part of the Arizona DCP CRIT may enter an agreement to forbear from diverting or from the consumptive use of a portion of the full entitlement to mainstream water available for use in Arizona. If such an agreement is entered into, CRIT will include the agreed upon maximum diversion and consumptive use in all Creation Plans with reference to the forbearance agreement to which the United States will be a party.

Verification Methodology: During the fallowing period, in order to ensure that any vegetation remaining on the fallowed lands does not consumptively use Colorado River water by drawing water from the Colorado River aquifer, CRIT shall, at its expense, ensure that any such vegetation is desiccated through application of herbicides or other means. CRIT agrees to provide Reclamation, Arizona Department of Water Resources, and other applicable entities, with information and updates, when requested, regarding the vegetation eradication program.

Reclamation will use its existing Colorado River water order approval process to ensure that CRIT’s diversion is reduced by the amount of water annually conserved by the fallowing project. Reclamation will use its existing in person periodic on-field verification process, and satellite imagery in conjunction with its Remotely Sensed Data Acquisition Program to determine that the lands are fallowed as proposed.

CRIT agrees to furnish and install padlocks to lock the farm gate turnouts on fields fallowed to the extent possible to do so. In the event that a turnout serves multiple fields of which not all are being fallowed, other practical mechanisms, including but not limited to, dirt berms in the portion of the irrigation ditch serving the fallowed field, or sealing the on-farm turnouts onto fallowed fields will be used to the extent possible to assure that no water deliveries can be made onto the fallowed fields.

Limitations on the ICS Creation Amount: CRIT will not create EC ICS if it would result in an overrun in the year of creation. All creation, accumulation and delivery amounts shall be consistent with the Framework Agreement among the United States, the State of Arizona and CAWCD for an Arizona ICS Program.

Certification: CRIT will submit an ICS Certification Report demonstrating the amount of ICS created under this Exhibit and that the creation was consistent with an approved ICS Plan, this Exhibit, and a Delivery Agreement. CRIT acknowledges that, in accordance with Section 2.5.B of

the Lower Colorado Intentionally Created Surplus Forbearance Agreement (December 13, 2007), the Secretary shall verify information in a Certification Report in consultation with the Lower Division States and provide a final written decision to the Parties.

Delivery of ICS: Delivery of ICS created pursuant to this Exhibit shall be consistent with terms of a Delivery Agreement entered into between the Secretary of the Interior and CRIT pursuant to the terms of the 2007 Interim Guidelines and Policy and the process established within the State of Arizona in the Framework Agreement among the United States, the State of Arizona and CAWCD for an Arizona ICS Program, and any other agreements for the coordination and timing of ICS delivery.