

# CAP SUBCONTRACTING STATUS REPORT

April 1, 2022

CAP Non-Indian

Municipal and Industrial Priority Subcontracts

<u>NAME</u>	<u>DATE</u> (date amended subcontracts executed by USBR)	<u>ENTITLEMENT</u> (acre-feet/year)
Arizona State Land Dept. Contract No. 07-XX-30-W0503	July 13, 2007	32,076 <sup>1/</sup>
Arizona Water Co. (Superstition System-formerly Apache Junction) Contract No. 07-XX-30-W0455	March 29, 2007	6,285 <sup>2/</sup>
Arizona Water Co. (Casa Grande) Contract No. 07-XX-30-W0456	March 29, 2007	8,884
Arizona Water Co. (Coolidge System) Contract No. 07-XX-30-W0457	March 29, 2007	2,000
Arizona Water Co. (White Tank System) Contract No. 07-XX-30-W0458	March 29, 2007	968
ASARCO Incorporated (Ray Mine) Contract No. 07-XX-30-W0508	August 7, 2007	21,000 <sup>3/</sup>
Avondale Contract No. 07-XX-30-W0511	Oct. 3, 2007	5,416 <sup>4/</sup>
AVRA Water Co-op, Inc. Contract No. 07-XX-30-W0459	March 29, 2007	-0- <sup>5/</sup>
Buckeye Contract No. 07-XX-30-W0510	Aug. 17, 2007	68 <sup>6/</sup>
Carefree Water Co. Contract No. 07-XX-30-W0461	March 29, 2007	1,300 <sup>7/</sup>
Cave Creek, Town of Contract No. 08-XX-30-W0537	Dec. 29, 2008	2,606 <sup>8/</sup>
Central Arizona Water Conservation District (for Central Arizona Groundwater Replenishment District) Contract No. 14-06-W-245, Amendment No. 1, Supplement No. 1	Aug. 14, 2007	6,426 <sup>9/</sup>

<u>NAME</u>	<u>DATE</u> (date amended subcontracts executed by USBR)	<u>ENTITLEMENT</u> (acre-feet/year)
Chandler Contract No. 07-XX-30-W0482	May 25, 2007	8,654 <sup>10/</sup>
Chandler Heights Citrus I.D. Contract No. 07-XX-30-W0492	May 25, 2007	-0-
Chaparral City Water Co. Contract No. 07-XX-30-W0460	March 29, 2007	8,909 <sup>11/</sup>
Circle City Water Co. Contract No. 07-XX-30-W0463	March 29, 2007	3,932 <sup>12/</sup>
Community Water Company Of Green Valley Contract No. 07-XX-30-W0489	May 25, 2007	2,858 <sup>13/</sup>
El Mirage, City of Contract No. 07-XX-30-W0504	July 13, 2007	508 <sup>14/</sup>
Eloy Contract No. 07-XX-30-W0464	March 29, 2007	2,171
EPCOR, INC. (Agua Fria) (formerly Arizona-American Water Co.) Contract No. 07-XX-30-W0485	May 5, 2007	11,093 <sup>15/</sup>
EPCOR, INC. (Paradise Valley) (formerly Arizona-American Water Co.) Contract No. 07-XX-30-W0486	May 25, 2007	3,231 <sup>16/</sup>
EPCOR, INC. (Sun City) (formerly Arizona-American Water Co.) Contract No. 07-XX-30-W0488	May 25, 2007	4,189 <sup>17/</sup>
EPCOR, Inc. (Sun City West) (formerly Arizona-American Water Co.) Contract No. 07-XX-30-W0487	May 25, 2007	2,372 <sup>18/</sup>
Florence Contract No. 07-XX-30-W0481	May 25, 2007	2,048 <sup>19/</sup>
Flowing Wells Irrigation District Contract No. 07-XX-30-W0465	March 29, 2007	2,854 <sup>20/</sup>

<u>NAME</u>	<u>DATE</u> (date amended subcontracts executed by USBR)	<u>ENTITLEMENT</u> (acre-feet/year)
Freeport--McMoran (formerly Phelps Dodge Miami, Inc.) Contract No. 07-XX-30-W0514	Oct. 17, 2007	2,906 <sup>21/</sup>
Gilbert Contract No. 07-XX-30-W0497	May 25, 2007	7,235
Glendale, City of Contract No. 07-XX-30-W0493	May 25, 2007	17,236 <sup>22/</sup>
Goodyear Contract No. 07-XX-30-W0498	May 25, 2007	10,742 <sup>23/</sup>
Green Valley Domestic Water Improvement Dist. Contract No. 07-XX-30-W0466	March 29, 2007	1,900 <sup>24/</sup>
H2O Water Co. Contract No. 07-XX-30-W0467	March 29, 2007	-0- <sup>25/</sup>
Marana, Town of Contract No. 07-XX-30-W0470	March 29, 2007	2,336 <sup>26/</sup>
Maricopa County Parks & Rec. Contract No. 07-XX-30-W0500	May 25, 2007	665
Mesa, City of Contract No. 07-XX-30-W0501	June 27, 2007	43,503 <sup>27/</sup>
Metropolitan Domestic Water Improvement District Contract No. 07-XX-30-W0468	March 29, 2007	13,460 <sup>28/</sup>
Oro Valley, Town of Contract No. 07-XX-30-W0495	May 25, 2007	10,305 <sup>29/</sup>
Peoria, City of Peoria Contract No. 07-XX-30-W0480	May 25, 2007	27,121 <sup>30/</sup>
Phoenix, City of Contract No. 07-XX-30-W0507	July 30, 2007	122,204 <sup>31/</sup>
Pine Water Company Contract No. 07-XX-30-W0469	March 29, 2007	161 <sup>32/</sup>

<u>NAME</u>	<u>DATE</u> (date amended subcontracts executed by USBR)	<u>ENTITLEMENT</u> (acre-feet/year)
Queen Creek, Town of (formerly Queen Creek Water Co.) Contract No. 09-XX-30-W0542	Nov. 2, 2009	495 <sup>33/</sup>
Rio Verde Utilities, Inc. Contract No. 07-XX-30-W0512	Oct. 3, 2007	812
San Tan Irrigation District Contract No. 07-XX-30-W0499	May 25, 2007	236
Scottsdale, City of Contract No. 07-XX-30-W0490	May 25, 2007	52,810 <sup>34/</sup>
Spanish Trail Water Co. Contract No. 07-XX-30-W0471	March 29, 2007	3,037 <sup>35/</sup>
Surprise, City of Contract No. 07-XX-30-W0505	July 13, 2007	10,249 <sup>36/</sup>
Tempe, City of Contract No. 07-XX-30-W0506	July 13, 2007	4,315
Tonto Hills Domestic Water Improvement District Contract No. 10-XX-30-W0552	June 22, 2010	71 <sup>37/</sup>
Tucson, City of Contract No. 07-XX-30-W0484	May 25, 2007	144,191 <sup>38/</sup>
Vail Water Company Contract No. 07-XX-30-W0472	March 29, 2007	1,857 <sup>39/</sup>
Valencia Water Company Contract No. 10-XX-30-W0550	March 29, 2007	0 <sup>40/</sup>
Water Utilities Community Facilities District Contract No. 07-XX-30-W0494	May 25, 2007	2,919 <sup>41/</sup>
Water Utility of Greater Tonopah Contract No. 07-XX-30-W0475	March 26, 2007	64 <sup>42/</sup>
<b>TOTAL:</b>		<b>620,678</b>

## NOTES:

- 1 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 af per year in light of ASLD transferring 530 af 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 af per year in light of ASLD transferring an additional 3,900 af 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 af per year in light of ASLD's transferring 1,500 af 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 af per year in light of ASLD's transferring 1,000 af of its CAP water entitlement to the City of Peoria. The Arizona State Land Department is in the process of transferring 3,900 acre-feet of priority M&I water to the City of Phoenix. The Assignment Agreement was signed on November 15, 2021. Amendments to the subcontract are forthcoming.
- 2 This amount includes Amendment No. 1 to Arizona Water Company's (Superstition System, formerly Apache Junction) CAP subcontract executed on September 12, 2011, increasing Arizona Water Company's entitlement from 6,000 to 6,285 af per year in light of the Town of Superior transferring 285 af per year of its CAP M&I entitlement to Arizona Water Company (Superstition System, formerly Apache Junction).
- 3 Includes allocation to Hayden Smelter. ASARCO elected to contract for 21,000 af of its original 22,610 af allocation of CAP water.
- 4 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 af 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 af per year in light of Litchfield Park Service Co. transferring 670 af of its CAP M&I water entitlement to Avondale.
- 5 Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 808 af of previously uncontracted M&I water was reallocated to AVRA Cooperative. Avra Water Co-op, Inc. transferred its 808 af allotment to the Town of Marana. The Assignment and Amendment for 808 af from Avra Water Co-op to Marana were executed on November 3, 2016. Judgment validating the amendment was executed on February 22, 2017.
- 6 Buckeye's long-term entitlement after 2034 is 25 acre-feet. Buckeye's entitlement for the year 2013 is 321 af; this entitlement declines each year until the year 2034, when the entitlement is 25 af. Effective January 1, 2014 and pursuant to Ordinance No. 21-13, the Town of Buckeye, Arizona changed its name to the City of Buckeye, Arizona. Valencia Water Company transferred its M&I entitlement of 43 af to Buckeye. The assignment and Amendment for 43 af from Valencia Water Company to the City of Buckeye were executed on April 13, 2017. Judgment validating the amendment was executed on September 28, 2017. The City of Buckeye's entitlement is 68 af per year.
- 7 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 af per year in light of BHP Copper Inc's (formerly Cities Services Co. & Magma Copper Co.) transferring 900 af of its CAP M&I water entitlement to Carefree. Cave Creek is in the process of transferring 378 acre-feet per year of M&I Priority Rights to the Town of Carefree. Amendments to the subcontract are forthcoming.
- 8 This amount includes Amendment No. 1 to Cave Creek Water Company's CAP subcontract executed on September 7, 2006, increasing its entitlement from 1,600 to 1,800 af per year in light of Berneil Water Company transferring 200 af 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 af 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 af of Cave Creek Water Company's M&I entitlement was transferred to the town of Cave Creek effective December 22, 2008. Cave Creek is in the process of transferring 378 acre-feet per year of M&I Priority Rights to the Town of Carefree. Amendments to the subcontract are forthcoming.
- 9 Amendment No. 1, Supplement No. 1 to Contract No. 14-06-W-245 was executed by the USBR on August 14, 2007. CAP M&I water was assigned to CAWCD for CAGR D use by Litchfield Park Service Co. (4,760 af), New River Utility Co. (1,885 acre-feet), Sunrise Water Co. (944 af) and West End Water Co. (157 af). 250 af of CAP M&I water was assigned to CAWCD for CAGR D's use by Valley Utilities Water Co., Inc. on December 22, 2010.

Exhibit A was amended to reflect this additional entitlement. Chandler Heights Irrigation District is in the process of transferring 315 acre-feet of water to Central Arizona Water Conservation District. Upon completion of the transfer documents CAGR D's entitlement will be 8,311 acre-feet of water. The transfer documents were executed on March 14, 2016. On September 3, 2020, the Assignment and Transfer Agreement between CAWCD and the City of Peoria was executed. CAGR D's entitlement upon completion is 6,426.

- 10 Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 4,986 af of previously uncontracted M&I water was reallocated to Chandler's to increase Chandler's entitlement from 2,668 af to 8,654 af year.
- 11 Pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 1,931 af of previously uncontracted M&I water was reallocated to Chaparral Water Company to increase Chaparral Water Company's entitlement from 6,978 af to 8,909 af per year. Chaparral Water Company was acquired by EPCOR Water.
- 12 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.
- 13 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. Also, 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 bringing its total entitlement to 2,858 acre-feet per year.
- 14 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 City of El Mirage.
- 15 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. Arizona-American Water Company (Agua Fria) was acquired by EPCOR Water. Name change documents are forthcoming.
- 16 Arizona-American Water Company (Paradise Valley) formerly Paradise Valley Water Company. Arizona-American Water Company (Paradise Valley) was acquired by EPCOR Water. Name change documents are forthcoming.
- 17 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). Arizona-American Water Company (Sun City) was acquired by EPCOR Water. Name change documents are forthcoming.
- 18 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). Arizona-American Water Company (Sun City West) was acquired by EPCOR Water. Name change documents are forthcoming.
- 19 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.
- 20 Flowing Wells Irrigation District transferred 1,481 of its CAP entitlement to the Town of Marana on December 28, 2009, thereby reducing its CAP entitlement from 4,354 acre-feet to 2,873 acre-feet. Flowing Wells Irrigation District is in the process of transferring 19 acre-feet of water to City of Tucson. Upon completion of the transfer documents Flowing Wells Irrigation District's entitlement will be 2,854 acre-feet of water. The transfer documents were executed on July 20, 2015. Judgment validating the Amendment and transfer was entered on October 10, 2016. Flowing Wells Irrigation District's entitlement is 2,854 af of water.
- 21 Freeport-McMoRan, formerly known as Inspiration Consolidated Copper, Co., Cyprus Mining Corp. and Phelps Dodge Miami, Inc.

- 22 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. Also, 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 bringing its total entitlement to 17,236 acre-feet per year.
- 23 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. Also, 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.
- 24 Green Valley Domestic Water Improvement District was formerly Green Valley Water Co.
- 25 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. H2O Water Company, Inc. is was acquired by the Town of Queen Creek on or about September 23, 2013. The Assignment and Amendment were executed on September 29, 2015 and Judgment validating the Amendment was filed on April 8, 2016, therefore, H2O Water Co.'s allocation of 147 af has been acquired by the Town of Queen Creek.
- 26 The Town of Marana acquired Cortaro-Marana Irrigation District's CAP allocation of 47 acre-feet per year and executed a subcontract for this entitlement on October 12, 1999. In addition, Flowing Wells Irrigation District and the Town of Marana have executed a Partial Assignment of Rights and Assumption of Obligations of CAP M&I Water Service Subcontract for 1,481 acre-feet on December 28, 2009, increasing the Town of Marana's entitlement to 1,528 acre-feet. AVRA Water Co-op, Inc. transferred its 808 af allotment to the Town of Marana. The Assignment and Amendment were executed on November 3, 2016. Judgment validating the amendment was executed on February 22, 2017, increasing the Town of Marana's entitlement to 2,336 acre-feet per year.
- 27 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. Also, 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 bringing its total entitlement to 43,503 per year.
- 28 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. Also, 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. Bringing is total entitlement to 13,460 per acre-feet.
- 29 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. Also, 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 bringing its total entitlement to 10,305 acre-feet per year.
- 30 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. Also, 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 bringing its total entitlement to 25,236 per year. On September 3, 2020, the Assignment and Transfer between CAWCD and the City of Peoria was executed. Peoria's entitlement upon completion is 27,121.

- 31 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 af per year which reflects the transfer by Berneil Water Co. of 32 af of its CAP entitlement. Also, pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 8,206 af of previously uncontracted M&I water was reallocated to the City of Phoenix bringing its total entitlement to 122,120 af per year and Amendment No. 2 to Phoenix's Amended CAP subcontract executed on March 8, 2012, increasing Phoenix's entitlement from 122,120 to 122,204 af per year which reflects Phoenix's assumption of 84 af of Alderwoods (Arizona), Inc.'s CAP M&I entitlement. The Arizona State Land Department is in the process of transferring 3,900 acre-feet of priority M&I water to the City of Phoenix. The Assignment Agreement was signed on November 15, 2021. Amendments to the subcontract are forthcoming.
- 32 As part of a corporate restructuring, E&R Water Company, formerly Pine Improvement Association, assigned its CAP water entitlement of 161 af to Pine Water Company. The subcontract for Pine Water Company was executed on December 23, 1999. In 2009, Pine Water Company notified CAWCD that it desired to terminate its subcontract pursuant to Article 4.2(c) of the subcontract. Pine Water Co.'s subcontract was terminated effective June 30, 2010. ADWR plans to develop a public process to reallocate the 161 af entitlement.
- 33 By subcontract executed on December 20, 1995, Queen Creek Water Company acquired 348 af 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. On November 2, 2009 the Town of Queen Creek executed a CAP subcontract for 348 af of M&I water per yr. The Town of Queen Creek is acquiring H2O Water Company, Inc. H2O Water Company, Inc.'s allotted 147 af of water will be transferred to the Town of Queen Creek. Upon completion of the transfer documents the Town of Queen Creek's allotment will increase from 348 af of water to 495 af of water. The transfer documents were executed on September 29, 2015. Judgment validating the transfer was signed on April 8, 2016.
- 34 The City of Scottsdale's original CAP allocation and subcontract was for 19,702 af. Amendment No.1 to Scottsdale's CAP subcontract was executed on December 12, 1990, and increased Scottsdale's entitlement to 20,488 af 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 af 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 af 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 af 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 af per year in light of Scottsdale's acquisition of the CAP entitlements of the City of Prescott (7,127 af) and the Yavapai-Prescott Indian Tribe (500 af). Scottsdale does not pay M&I capital charges to CAWCD for the 500 af 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 af 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 af 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 af per year in



light of Scottsdale's acquisition of 530 af 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 af per year in light of Scottsdale's acquisition of the CAP entitlements of the City of Nogales (3,949 af) and Mayer Domestic Water Improvement District (332 af). Amendment No. 9 to Scottsdale's CAP subcontract was executed on April 29, 1998, and increased Scottsdale's entitlement to 41,397 af per year in light of Scottsdale's acquisition of 200 af 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 af per year in light of Scottsdale's acquisition of an additional 3,900 af 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 af per year in light of Scottsdale's acquisition of Camp Verde's CAP allocation of 1,443 af and Cottonwood's CAP allocation of 1,789 af. Amendment No. 12 to Scottsdale's CAP subcontract was executed on September 13, 2001, and increased Scottsdale's entitlement to 49,829 af per year in light of Scottsdale's acquisition of 1,300 af of BHP Copper Inc.'s (formerly Cities Services Co. & Magma Copper Co.) CAP water entitlement. Also, pursuant to Sec. 104(b)(1) of the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 2,981 af of previously uncontracted M&I water was reallocated to the City of Scottsdale bringing its total entitlement to 52,810 af per year.

- 35 Formerly Ranchlands, Inc.
- 36 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. Also, 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 bringing its total entitlement to 10,249 acre-feet per year.
- 37 By subcontract executed on July 20, 2001, Tonto Hills Utility Co. acquired 71 acre-feet of CAP M&I water from BHP Copper Inc. (formerly Cities Services Co. & Magma Copper Co.). Tonto Hills Utility Co. transferred its CAP M&I water to the Tonto Hills Domestic Improvement Water District (THDWID) on June 22, 2010. Tonto Hills Utility Co. and THDWID executed an Assignment of Rights and Assumption of Obligations effective May 1, 2010. THDWID's CAP M&I water service subcontract was fully executed on June 22, 2010.
- 38 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. Also, 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 bringing its total entitlement to 144,172 acre-feet per year. Flowing Wells Irrigation District is in the process of transferring 19 acre-feet of water to City of Tucson. Upon completion of the transfer documents City of Tucson's entitlement will be 144,191 acre-feet of water. The transfer documents were fully executed on July 20, 2015. Judgment validating the Amendment and transfer was entered on October 10, 2016. The City of Tucson's entitlement is 144,191 af of water.
- 39 Vail Water Company formerly Del Lago Water Company. Also, 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 bringing its total entitlement to 1,857 acre-feet per year.
- 40 Formerly West Phoenix Water Company. Water Utility of Greater Buckeye transferred its CAP allocation to Valencia Water Company. Water Utility of Greater Buckeye and Valencia executed an Assignment of Rights and Assumption of Obligations on April 30, 2009. Valencia's CAP M&I water service subcontract was fully executed on May 24, 2010. Valencia Water Company is in the process of transferring its M&I entitlement of 43 af to Buckeye. The documents are awaiting signature with the Bureau of Reclamation. Judgment validating the amendment was executed on September 28, 2017.
- 41 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.
- 42 Formerly Sunshine Water Company.

## CAP NIA Priority Subcontracts

<u>NAME</u>	<u>DATE</u> (date subcontracts executed by USBR)	<u>ENTITLEMENT</u> (acre-feet)
Carefree Water Company Contract No. 21-XX-30-W0693	Sept 20, 2021	112
Cave Creek, Town of Contract No. 21-XX-30-W0694	Sept 20, 2021	386
Queen Creek, Town of Contract No. 21-XX-30-W0696	Sept 20, 2021	4,162
Marana, Town of Contract No. 21-XX-30-W0697	Sept 20, 2021	515
Apache Junction Water Utilities Community Facilities District Contract No. 21-XX-30-W0698	Sept 20, 2021	817
El Mirage, City of Contract No. 21-XX-30-W0699	Sept 20, 2021	1,318
Gilbert, Town of Contract No. 21-XX-30-W0700	Sept 20, 2021	1,832
Buckeye, City of Contract No. 21-XX-30-W0701	Sept 20, 2021	2,786
EPCOR San Tan Contract No. 21-XX-30-W0702	Sept 29, 2021	3,217
Central Arizona Water Conservation District (for Central Arizona Groundwater Replenishment District) ("CAGRDR") Contract No. 21-XX-30-W0703	Sept 20, 2021	18,185
Rosemont Copper Company Contract No. 21-XX-30-W0706	Sept 20, 2021	1,124
Salt River Project Contract No. 21-XX-30-W0707	Sept 20, 2021	2,160
Resolution Copper Mining Contract No. 21-XX-30-W0708	Sept 20, 2021	2,238
Freeport Minerals Corporation Contract No. 21-XX-30-W0709U	Sept 29, 2021	5,678
<b>TOTAL:</b>		<b>44,530</b>

## **NOTES:**

Water conditionally relinquished by NIA subcontractors pursuant to the Arizona Water Settlement (Settlements Act) in the amount of 96,295 acre-feet was to be made available for future reallocation to M&I water users pursuant to Pub. L 108-451, §104 (a) (2).

As required in §104 (a) (2) (C) (i) II) of the Settlements Act and the August 25, 2006 final reallocation decision, Arizona Department of Water Resources (ADWR) submitted to the Secretary a recommendation for the initial phase of reallocating 46,165 acre-feet per year of the 96,295 acre-feet of NIA priority CAP water. This recommendation was transmitted by letter dated January 16, 2014, and ADWR requested the Secretary carry out all of the necessary reviews of the proposed reallocation in accordance with applicable Federal law.

A Notice of Availability for the Final Environmental Assessment-Arizona Department of Water Resources Recommendation for the Reallocation of Non-Indian Agricultural Priority Central Arizona Project Water in Accordance with the Arizona Water Settlements Act of 2004 was issued on November 15, 2019 and the Final Finding of No Significant Impact-Arizona Department of Water Resources Recommendation for the Reallocation of Non-Indian Agricultural Priority Central Arizona Project Water in Accordance with the Arizona Water Settlements Act of 2004 was signed on November 8, 2019. Of the 46,629 acre-feet made available, 44,530 acre-feet has been contracted in 2021.

## **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 relinquished their full CAP subcontract entitlements in accordance with the Arizona Water Settlement Agreement. MSIDD similarly agreed to relinquish its CAP subcontract entitlement, but designated 9,026 acre-feet for the benefit of the Arizona State Land Department (ASLD) in accordance with the Arizona Water Settlement Agreement. The ASLD executed a CAP Non-Indian Agricultural Subcontract for 9,026 acre-feet of CAP NIA priority water on January 1, 2004. The ASLD's subcontract was terminated effective September 1, 2009, for failure to make payments required by the subcontract. The 9,026 acre-feet of NIA priority water has been added to the pool of uncontracted NIA priority water. (See note 2 on page 14.)

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 11.) The Secretary has retained the remainder of the HVID entitlement for future Indian settlements. (See note 2 on page 12.)

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 13).

### CAP Indian Contracts

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

**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 4 on page 12).
- 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. This remaining 1,218 acre-feet has been pledged to the White Mountain Apache Tribe pursuant to the White Mountain Apache Tribe Quantification Agreement.

- 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).

\*\*The 1983 allotment is in the amount of 286,200 af.

## Other Currently Uncontracted Water

<u>NAME</u>	<u>ENTITLEMENT acre-feet per year</u>
Former Harquahala Valley Irrigation District	1,218 <sup>1/</sup>
Non-Indian agricultural priority water	119,065 <sup>2/</sup>
<b>TOTAL:</b>	<b>120,283</b>

### 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 has been set aside for the White Mountain Apache Tribe pursuant to the White Mountain Apache Tribe Quantification Agreement.
- 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 51,765 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 <sup>1/</sup>
Former Wellton-Mohawk Irrigation and Drainage District	20,900 <sup>2/</sup>
Former Roosevelt Water Conservation District	5,000 <sup>3/</sup>
Former Yavapai-Prescott Indian Tribe	500 <sup>4/</sup>
<b>TOTAL:</b>	<b>73,703</b>

### 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.