

contract except as specified in the EQIP contract or the contract for payments from the Enterprise to supplement the EQIP contract.

- C. ~~By signing the contract for payments from the Enterprise to supplement the EQIP contract, the Participant, the Participant's heirs, assigns, successors, leaseholders or any other person who has a legal interest in the permit or ground water right that has been used to irrigate the land to be converted to a non-irrigated use, agrees to grant the Enterprise the legal right to control the use of the permit or ground water right for the duration of the EQIP contract, provided that if the land is to be permanently converted to non-irrigated use, the Participant agrees to abandon the permit or ground water, which abandonment shall be effective upon signing the contract for payments from the Enterprise to supplement the EQIP contract or upon completion of any conservation practice specified in the EQIP contract for which diversion of ground water under the permit or ground water right is necessary.~~

4. PAYMENTS

- A. ~~Subject to the availability of funds, payments by the Enterprise to supplement the EQIP contract shall be made available upon a determination by CCC that an eligible practice, or an identifiable unit thereof, has been established in compliance with the EQIP plan of operations and with appropriate standards and specifications. In order to receive supplemental payments from the Enterprise, the Participant, upon certification of the completed practice, must submit a copy of form CCC-1245 filed with CCC.~~
- B. All payments made by the Enterprise to supplement an EQIP contract will be reported to the US Internal Revenue Service on Form 1099-G.

5. PROVISIONS RELATING TO TENANTS AND LANDLORDS

Notwithstanding Paragraph 12, no payment will be approved for the current year if the Enterprise determines that any of the following conditions exist:

- A. The landlord or operator has not given the tenants that have an interest in the unit of concern covered by the conservation plan, or that have a lease that runs through the contract period at the time of signup, an opportunity to participate in the benefits of the program;
- B. The landlord or operator has adopted any other scheme or device for the purpose of depriving any tenant of any benefits to which such tenant would otherwise be entitled. If any such conditions occur or are discovered after payments have been made, all or any part of the payments, as determined by the Enterprise, must be refunded with interest and no further payments shall be made.