RESOLUTION NO. 2013.06


WHEREAS, on February 19, 2009, the City Council approved and authorized the Mayor to sign the White Mountain Apache Tribe Water Rights Quantification Agreement (“Quantification Agreement”) with the White Mountain Apache Tribe (“Tribe”), the United States, the Salt River Project, the Central Arizona Water Conservation District, and the other cities that use Salt River water, in order to resolve the Tribe’s claims to the Salt River and its tributaries; and

WHEREAS, the same resolution approved and authorized the Mayor to sign two exhibits to the Quantification Agreement: (i) a Lease Agreement by which the Tribe and the United States will lease to the City a portion of the Tribe’s Central Arizona Project (“CAP”) water, and (ii) a waiver and release of claims resulting from the use of water by the Tribe and the United States, as trustee for the Tribe; and

WHEREAS, the White Mountain Apache Tribe Water Rights Quantification Act of 2010, P.L. 111-291, Title III, 124 Stat. 3064, 3073 (2010) (“Act”), approves the Quantification Agreement to the extent the Quantification Agreement is consistent with the Act; and
WHEREAS, certain amendments to the Quantification Agreement and its exhibits are necessary to assure consistency with the Act; and

WHEREAS, the City desires to acquire a long-term lease of water supplies and to resolve certain claims to water;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AS FOLLOWS:

That Resolution No. 2013.06 is approved and the Mayor is authorized to sign: (i) the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement, (ii) the Lease Agreement for CAP Water Among the City of Tempe, the White Mountain Apache Tribe, and the United States, (iii) the Waiver and Release of Claims, and (iv) any necessary non-substantive revisions to items (i), (ii) and (iii).

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ___ day of January, 2013.

___________________________________
Mark W. Mitchell, Mayor

ATTEST:

________________________________
Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

_________________________________
Andrew B. Ching, City Attorney