

RESOLUTION NO. 10180

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDED AND RESTATED WHITE MOUNTAIN APACHE WATER RIGHTS QUANTIFICATION AGREEMENT AMONG VARIOUS PARTIES, INCLUDING A LEASE AGREEMENT FOR CENTRAL ARIZONA PROJECT WATER AMONG THE CITY OF MESA, THE WHITE MOUNTAIN APACHE TRIBE, AND THE UNITED STATES.**

**WHEREAS**, the City of Mesa is a claimant and party in the General Adjudication of the Gila River and its Tributaries being litigated pursuant to Article 9, Chapter 1, Title 45 of the Arizona Revised Statutes; and

**WHEREAS**, the City of Mesa and various other parties reached an understanding with the White Mountain Apache Tribe whereby the White Mountain Apache Tribe's water rights claims were quantified and set forth in the 2009 White Mountain Apache Tribe Water Rights Quantification Agreement, which was approved by the City of Mesa on February 17, 2009 in Resolution 9456; and

**WHEREAS**, The United States Congress subsequently enacted authorizing legislation in the White Mountain Apache Tribe Water Rights Quantification Act of 2010, Title III to Public Law 111-291, which was signed and became law on December 8, 2010 (the "WMAT Quantification Act"). The Parties have prepared an Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement consistent with the WMAT Quantification Act; and,

**WHEREAS**, As part of the resolution of its quantification rights pursuant to the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement the White Mountain Apache Tribe is also willing to lease a portion of its Central Arizona Project water to the City of Mesa upon the terms and condition set forth in that Lease Agreement for Central Arizona Project (CAP) Water Among the City of Mesa, the White Mountain Apache Tribe, and the United States (the "CAP Water Lease"); and

**WHEREAS**, the City Council of the City of Mesa finds that approving and entering into said Amended and Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement and associated Exhibits and other documents including but not limited to the CAP Water Lease and the Waiver and Release of Claims for Injury to Water Rights by the Parties Other than the WMAT and the United States (the "Waiver and Release of Claims") is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mesa, Maricopa County Arizona, as follows:

Section 1: The City Council hereby approves the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement dated as of November 1, 2012 among various parties including the City of Mesa, along with the associated Exhibits thereto including but not limited to the CAP Water Lease and the Waiver and Release of Claims, all on file at the Offices of the City Clerk and the City Attorney.

Section 2: The City Manager or his designated representative is authorized to approve and execute the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement and the Exhibits thereto, including but not limited to, the CAP Water Lease, and the Waiver and Release of Claims, and other related documents, with such minor revisions and non-substantive amendments as are necessary and appropriate and approved as to form by the City Attorney or her designated representative. Execution by the City Manager or his designated representative shall constitute conclusive evidence of this City Council's approval thereof, and the City Clerk is authorized and directed to attest to the signature of the City Manager or his designee thereon and to maintain a copy of the fully executed Amended and Restated Quantification Agreement and Exhibits as part of the City of Mesa's public records.

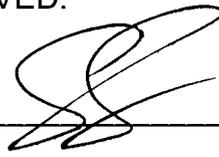
Section 3: The City Council acknowledges that the White Mountain Apache Tribe Water Rights Quantification Settlement Judgment and Decree in the General Adjudication will be substantially in the form attached as Exhibit 12.9.6.1 to the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement.

Section 4: That the various City officers and employees be and hereby are authorized and directed to perform all acts necessary to give effect to this Resolution, the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement, and Exhibits thereto.

Section 5: That all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona this 28<sup>th</sup> day of January, 2013.

APPROVED:



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk  
Interim

