

AMENDMENT NO. 2

TO THE NEW RIVER AND AGUA FRIA UNDERGROUND STORAGE PROJECT INTERGOVERNMENTAL AGREEMENT AMONG SALT RIVER VALLEY WATER USERS' ASSOCIATION, SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, AND THE MUNICIPAL CORPORATIONS OF AVONDALE, CHANDLER, PEORIA, AND GLENDALE

This Amendment No. 2 ("Amendment"), dated this 28th day of August 2023, hereby amends the *New River and Agua Fria Underground Storage Project Intergovernmental Agreement Among Salt River Valley Users' Association, Salt River Project Agricultural Improvement and Power District, and the Municipal Corporations of Avondale, Chandler, Peoria, and Glendale* dated August 4, 2004, as amended July 23, 2008 ("IGA"). Capitalized terms used in this Amendment and not otherwise defined shall have the meanings set forth in the IGA.

RECITALS:

WHEREAS, the New River and Agua Fria Underground Storage Project ("NAUSP") was authorized by this IGA and the parties have been operating NAUSP for nineteen years; and

WHEREAS, on June 30, 2023, the City of Avondale and the City of Chandler executed an *Intergovernmental Agreement for the Conveyance of Rights in the New River and Agua Fria Underground Storage Project* ("Conveyance Agreement"), conveying 18.00% of the City of Chandler's NAUSP Storage Entitlement to the City of Avondale. Therefore, pursuant to the Conveyance Agreement and Section 30.2 of the IGA, the parties want to amend Exhibit C of the IGA to reflect the changes in the City of Chandler's NAUSP Storage Entitlement from 22.80% to 4.80%, and in the City of Avondale's NAUSP Storage Entitlement from 10.00% to 28.00%; and

WHEREAS, any amendment to the terms of the IGA must be in writing and be approved by all parties.

NOW, THEREFORE, in consideration of the mutual covenants and provisions contained herein and other good and valuable consideration, the parties do hereby agree as follows:

AGREEMENT:

1. Exhibit C is hereby deleted in its entirety and replaced by the attached "Exhibit C (Revision Dated August 28, 2023)."

2. Except as modified by this Amendment, all terms of this IGA, as previously amended, shall remain in full force and effect.

3. This Amendment shall become effective upon execution by the Parties and shall remain in effect throughout the term of the IGA.

IN WITNESS WHEREOF, the parties have executed this *Amendment No. 2 to the New River and Agua Fria Underground Storage Project Intergovernmental Agreement Among Salt River Valley Users' Association, Salt River Project Agricultural Improvement and Power District, and the Municipal Corporations of Avondale, Chandler, Peoria, and Glendale* as of the date first set forth above.

Attest and Countersign

CITY OF AVONDALE

City Clerk

By

Title:

APPROVED AS TO FORM AND
WITHIN THE POWER AND
AUTHORITY GRANTED UNDER
THE LAWS OF THE STATE OF
ARIZONA TO THE CITY OF
AVONDALE

City Attorney

Attest and Countersign

CITY OF CHANDLER

City Clerk

By

Title:

APPROVED AS TO FORM AND
WITHIN THE POWER AND
AUTHORITY GRANTED UNDER
THE LAWS OF THE STATE OF
ARIZONA TO THE CITY OF
CHANDLER

City Attorney
DMG

Attest and Countersign

CITY OF GLENDALE

City Clerk

By

Title:

APPROVED AS TO FORM AND
WITHIN THE POWER AND
AUTHORITY GRANTED UNDER
THE LAWS OF THE STATE OF
ARIZONA TO THE CITY OF
GLENDALE

City Attorney

Attest and Countersign

CITY OF PEORIA

City Clerk

By

Title:

APPROVED AS TO FORM AND
WITHIN THE POWER AND
AUTHORITY GRANTED UNDER
THE LAWS OF THE STATE OF
ARIZONA TO THE CITY OF
PEORIA

City Attorney

Attest and Countersign

SALT RIVER VALLEY WATER USERS'
ASSOCIATION

Secretary

By

Title:

SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT

By

Title:

APPROVED AS TO FORM AND
WITHIN THE POWER AND
AUTHORITY GRANTED UNDER
THE LAWS OF THE STATE OF
ARIZONA TO THE ASSOCIATION
AND DISTRICT

Attorney

EXHIBIT C

NEW RIVER AND AGUA FRIA RIVER UNDERGROUND STORAGE PROJECT

STORAGE ENTITLEMENTS

Participant	Storage Entitlement %
Association	27.20
Avondale	28.00
Chandler	4.80
Glendale	20.00
Peoria	20.00
TOTAL	100.00

Revision Date: June 30, 2023