



Delivering water and power®

Charlie E. Ester III  
Water Supply  
PAB38W | P.O. Box 52025  
Phoenix, AZ 85072-2025  
P: (602) 236.2587

09/26/2023

Drew Swieczkowski  
City of Glendale  
7070 W. Northern Ave.  
Glendale, Arizona 85303

**RE: The New River and Agua Fria Underground Storage Project (NAUSP)  
Intergovernmental Agreement (IGA) Amendment No. 2.**

Mr. Swieczkowski,

This Amendment No. 2 to the NAUSP IGA amends and records the changes to Exhibit C, Storage Entitlements, between the Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, and the Municipal Corporations of Avondale, Chandler, Peoria, and Glendale. The necessity for Amendment No. 2 arises from the conveyance of 18% of Chandler's Storage Entitlement to Avondale with a closing date of June 30<sup>th</sup>, 2023. Amendments do not memorialize any temporary assignment of Storage Entitlement between the Participants pursuant to Section 7 or Section 30 of the IGA and shall indemnify and hold harmless any Participant not a party to the lease assignment. The Capitalized terms used in this Amendment No. 2 and not otherwise defined shall have the meaning set forth in the IGA dated August 4<sup>th</sup>, 2004, and Amendment No. 1 July 23, 2008 ("IGA").

Please review Amendment No. 2 and return the signed copies via certified mail. If you have any questions, please contact me (602) 236-2587.

Sincerely,

A handwritten signature in blue ink that reads 'Charlie Ester'.

Charlie Ester  
Director, Water Supply

cc: Sharon Morris, SRP  
Stan Lutz, SRP  
Megan Sheldon, Glendale

## 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

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
<b>TOTAL</b>	<b>100.00</b>

Revision Date: June 30, 2023