

## RESOLUTION NO. 1811

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AUTHORIZING THE TOWN TO ENTER INTO A COMPREHENSIVE AGREEMENT NO. 1 WITH THE CITY OF PRESCOTT, THE SALT RIVER VALLEY WATER USERS' ASSOCIATION, AND THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT WITH REGARD TO THE BIG CHINO WATER RANCH PROJECT; PROVIDING FOR COOPERATIVE ADMINISTRATION AND FUNDING OF ACTIVITIES TO MONITOR WATER IN THE BIG CHINO SUBBASIN AND SURFACE FLOWS IN THE VERDE RIVER AND TO MODEL ANY IMPACTS OF WITHDRAWALS OF THAT WATER ON THE CURRENT AND FUTURE VERDE RIVER FLOWS; RECOGNIZING AND CONFIRMING CERTAIN OF THE PARTIES' RIGHTS TO "WATER ARISING FROM WITHIN THE PRESCOTT AMA" AND AGREEING THAT THE PARTIES WILL NOT CHALLENGE THOSE RIGHTS; AUTHORIZING THE MAYOR AND TOWN STAFF TO TAKE CERTAIN STEPS NECESSARY TO ACCOMPLISH SAID AGREEMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the City of Prescott, the Town of Prescott Valley, the Salt River Valley Water Users' Association, and the Salt River Project Agricultural Improvement and Power District entered into an Agreement-in-Principle (AIP) on February 11, 2010 to create a cooperative and productive framework to address and resolve issues pertaining to the Big Chino Sub-Basin, the Prescott Active Management Area and other matters of mutual interest to the parties in an effort to address critical water issues faced by the communities while at the same time recognizing areas of joint and mutual benefit to all parties; and

WHEREAS, the AIP anticipated future agreements to implement said cooperative framework in a way that is mutually beneficial to all parties; and

WHEREAS, this Comprehensive Agreement No. 1 is the first such agreement and proposes to implement Subsection 2A(3) of the AIP by arranging for cooperative monitoring of water in the Big Chino Sub basin and surface flows in the Verde River and modeling of any impacts of withdrawals of that water on the current and future Verde River flows; and

WHEREAS, this Comprehensive Agreement No. 1 also proposes to partially implement Section 2C(2) of the AIP by recognizing and confirming certain of the Parties' rights to "water arising from within the Prescott AMA" and agreeing that the Parties will not challenge those rights; and

WHEREAS, this Comprehensive Agreement No. 1 provides for the health, safety and welfare of the community;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT. ARIZONA. AS FOLLOWS:

SECTION ONE. That the Town Council hereby approves and authorizes the Mayor (or, in his absence, the Vice Mayor) to sign the attached Comprehensive Agreement No. 1 (including any exhibits thereto, all being shown as Exhibit "A" to this Resolution) among and between the City of Prescott, the Town of Prescott Valley, the Salt River Valley Water Users' Association, and the Salt River Project Agricultural Improvement and Power District.

SECTION TWO. That this Agreement includes and is governed by applicable provisions of Arizona law which pertain to governmental entities, including A.R.S. §11-952 et seq. as amended (which

applies to intergovernmental agreements and authorizes agreements between governmental entities for joint and cooperative actions).

SECTION THREE. That the Mayor (or, in his absence, the Vice Mayor) is hereby authorized to execute the attached Comprehensive Agreement No. 1, and he and appropriate staff are authorized to take any and all steps deemed necessary by them to accomplish the purposes of the Agreement.

SECTION FOUR. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 19<sup>th</sup> day of September, 2012.

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Harvey C. Skoog, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney