

RESOLUTION NUMBER 145

WHEREAS, The Flood Control Act of June 28, 1938, (Public Law 761, 75th Congress 3d Session) authorized the construction of Detroit Reservoir for flood control and other purposes, and, the project was placed in operation in 1953; and

WHEREAS, under the provisions of the Water Supply Act of 1958 (Title III, P. L. 85-500), as amended by Section 10 of P. L. 87-88, approved July 20, 1961, water supply storage for municipal or industrial uses may be included in any reservoir project planned by the Corps of Engineers, provided that before construction or modification of any project including water supply provisions for present demand is initiated, State or Local interests shall agree to pay for the cost of such provisions, and provided further that not to exceed 30 percentum of the total estimated cost of any project may be allocated to anticipated future demands where State or Local interest give reasonable assurances, and there is reasonable evidence, that such demand for the use of such storage will be made within a period of time which will permit paying out the cost allocated to water supply within the life of the project; and,

WHEREAS, the provisions of the Water Supply Act of 1958, as amended, are recognized as being applicable to the existing Detroit project; and,

WHEREAS, the City of Stayton, Oregon, considers that the Detroit Reservoir on the North Santiam River is a desirable source of future water supply; and,

WHEREAS, the City of Stayton intends to file an application with the State Engineer, State of Oregon, to appropriate 30 cubic feet per second of water from the North Santiam River;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STAYTON, OREGON:

Section 1. That the City of Stayton is fully cognizant of the provisions of the Water Supply Act of 1958, as amended, and the requirements for payment of the allocated costs of the water supply storage, including interest during construction and interest on

the unpaid balance, annual operation and maintenance costs, and replacement costs.

Section 2. That the City of Stayton is fully cognizant of the plan for the operation of the Detroit project insofar as water supply provisions are concerned and the water supply services to be provided by the project. It agrees that projections of future water needs are concurred in and are consistent with local projections and that the City's plan for future water supply will be directed toward utilizing the project water supply services under suitable repayment arrangements.

Section 3. That the City of Stayton does hereby request the Corps of Engineers, U.S. Army to plan for the future use of 2680 acre-feet of storage in the project, which is estimated to yield 19.4 million gallons per day at the project site, for its future water supply needs.

Section 4. That the City of Stayton recognizes the responsibility of repayment to the United States of all costs allocated to the requested water supply storage.

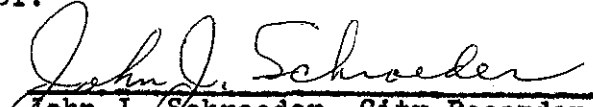
Section 5. That the City hereby gives assurance that demand for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply, within the life of the project.

Section 6. The local interests contracting for the use of the water supply storage will be required to hold the government harmless from liability for or on account of any claim for damages which may be made or asserted as the result of the storage and withdrawal of water by the user and they will be required to use the water in a manner consistent with Federal and State laws.

ADOPTED by the Common Council this 1st day of December, 1969.


Marcel Van Driesche, Mayor

ATTEST:


John J. Schroeder, City Recorder