

RESOLUTION NO. 94-224

A RESOLUTION AUTHORIZING THE DELTA CITY MAYOR TO SIGN PROTESTS ON BEHALF OF DELTA CITY CHALLENGING APPLICATIONS TO APPROPRIATE WATER AND CHANGE APPLICATIONS THAT MAY AFFECT THE DELTA CITY MUNICIPAL WELLS AND WATER SUPPLY.

The City Council of the City of Delta, Utah is hereafter referred to as the "City Council."

RECITALS

A. Delta City, Utah, is a municipal corporation which owns and operates a water distribution system for culinary and other municipal purposes for the benefit of Delta City residents.

B. Delta City presentLY owns and operates five (5) large diameter wells to pump water as the sole supply for the municipal water system operated by Delta City.

C. It has been Delta City's policy to protest applications to appropriate water and change applications in point of diversion within the vicinity of the Delta City wells and the area of severe drawdown in the Sevier Desert underground aquifers as identified by the Utah State Engineer.

D. The City Council desires that the Mayor be authorized to sign protests in response to applications to appropriate and change applications that could have an adverse impact on said Delta City wells and water supply.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

1. Authorization to Sign Protests. The Delta City Mayor shall hereafter be authorized to sign "Affidavits of Protest" in response to any person or persons making application with the Utah State Engineer to appropriate water or change applications changing quantity, point of diversion, place of use or use within the vicinity of the Delta City wells and the area of severe drawdown in the Sevier Desert underground aquifers as identified by the Utah State Engineer, which will cause a substantial net interference with the Delta City wells.

2. Effective Date of Resolution. This resolution shall become effective upon adoption.

3. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

4. Repeal of Conflicting Resolutions. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED this 24TH day of January, 1994.


DON DAFOE, Delta City Mayor

ATTEST:


DOROTHY JEFFERY,
Delta City Recorder