

STATE OF ALABAMA)
)
CULLMAN COUNTY)

RESOLUTION NO. 2010-26
**A RESOLUTION AND ORDER APPROVING THE SMITH LAKE WATER
WITHDRAWAL PERMIT APPLICATION BY THE CULLMAN COUNTY
WATER DEPARTMENT**

WHEREAS, the County Commission has found and determined, and does hereby find, determine and declare as follows; and

WHEREAS, Smith Lake is located in north Alabama in Cullman, Winston and Walker Counties; and

WHEREAS, the large expanse of the lake covers Bankhead National Forest with a watershed draining into the Smith Lake reservoir of 944 square miles; and

WHEREAS, Smith Lake, according to Alabama Power Company documents, is the deepest lake in the state of Alabama, with a maximum depth of 264 feet; and

WHEREAS, Smith Lake was created by a 300-foot high dam that was completed in September 1961 after four years of construction and impounds the Sipsey Fork of the Black Warrior River to form the lake; and

WHEREAS, the 300 foot tall and 2,200 foot long Lewis Smith Lake dam is one of the largest earthen and rock-filled dams in the eastern United States; and

WHEREAS, the three-fingered Smith Lake has a surface area of 21,200 acres, a length of 34 miles and more than 500 miles of shoreline; and

WHEREAS, the full pool elevation of Smith Lake is 510 feet above sea level (msl) with Alabama Power typically operating the Smith Lake Development such that lake levels remain at full pool in the summer and is drawn down to 496 feet msl in winter pool and maintained at these levels; and

WHEREAS, Alabama Power Company is also allowed to periodically store water above the 510 feet msl up to the 522 msl during high flow events; and

WHEREAS, Alabama Power collects water quality data in the main-stem of the reservoir to chart changes in the lake water quality; and

WHEREAS, Smith Lake water quality data has been collected by Auburn University; and

WHEREAS, independent groups such as Alabama Water Watch annually certify citizen volunteers to become certified monitors of Smith Lake water quality and have collected water quality for more than a decade for entry into the statewide water quality database; and

WHEREAS, Smith Lake is referenced as one of the cleanest lakes in America; nationally recognized for the quality of its water; and

WHEREAS, whereas no land condemnation will be required for a Smith Lake permit, intake site, construction of a Water Treatment Plant or for any increased water supply purposes; and

WHEREAS, the environmental impact of the existing Smith Lake is both already known and County water intake and treatment is not projected to negatively affect farming in the future; and

WHEREAS, as a Smith Lake water intake site will not affect the environmental land management of Cullman County's top economic engines of poultry and cattle farming; and

WHEREAS, a Cullman County located intake and water treatment site on Smith Lake is ideally situated to distribute quality water to area water customers most efficiently utilizing existing water system infrastructure; and

WHEREAS, use of the Smith Lake location for water treatment will minimize water age within the water distribution system, providing higher quality water for citizens in the service area; and

WHEREAS, redundancy with a second water treatment plant located inside the County is necessary for proper emergency management and to safe guard back up water treatment capabilities.

IT IS THEREFORE, RESOLVED, that the County does hereby approve, adopt, authorize, direct, ratify and confirm the Smith Lake Water Withdrawal Permit Application filed by the Cullman County Water Department with Alabama Power Company on January 22, 2010.

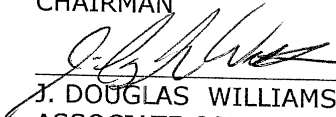
IT IS FURTHER RESOLVED, all actions taken, and all agreements, documents, instruments and notices executed, delivered or made, by any of the members of the County Commission with respect to approval of the filing and the Federal Energy Regulatory Commission (FERC) approval of the Smith Lake Water Withdrawal Permit Application by the County or any matter referenced herein are hereby ratified and confirmed.

IT IS FURTHER RESOLVED, all resolutions and orders, or parts thereof, of the County Commission in conflict or inconsistent with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

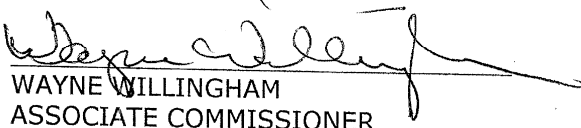
This resolution shall take place immediately.

Dated this the 24th day of February, 2010.

JAMES GRAVES
CHAIRMAN




J. DOUGLAS WILLIAMS
ASSOCIATE COMMISSIONER



WAYNE WILLINGHAM
ASSOCIATE COMMISSIONER

ATTEST:



County Clerk