

Microfilm No. 527527
30 Day March 20 10
At 4:31 O'Clock PM
ABBIE MACE
FREMONT CO RECORDER
Fee \$0 Deputy
Recorded at Request of
Clerk Abbie Mace

RESOLUTION NO. 2010- 10

A RESOLUTION OF FREMONT COUNTY, IDAHO, DECLARING THAT A LOCAL DROUGHT EMERGENCY EXISTS IN FREMONT COUNTY, TO BE IN EFFECT UNTIL THE END OF THE 2010 IRRIGATION SEASON OR UNTIL OTHERWISE TERMINATED BY RESOLUTION OF THE FREMONT COUNTY BOARD OF COMMISSIONERS.

WHEREAS, Idaho Code §31-801 grants general powers and duties, subject to the restrictions of law, to the boards of county commissioners in their respective counties; and

WHEREAS, Idaho Code §31-828 grants the board of commissioners authority "to do and perform all other acts . . . which may be necessary to the full discharge of the duties of the chief executive authority of the county government."; and

WHEREAS, Idaho Code §42-222A authorizes the Director of the Department of Water Resources, following the declaration of a drought emergency for an area designated by the Director and approved by the Governor, to allow temporary changes of point of diversion, place and purpose of use of valid existing water rights, so long as said changes will not injure existing water rights; and

WHEREAS, Idaho Code §46-1011 provides that the Chairman of the Board of County Commissioners may declare a local disaster emergency, which may be continued in excess of seven days with consent of the Board of County Commissioners; and

WHEREAS, Idaho Code §46-1002(3) provides, in part, that a "disaster" includes the imminent threat of widespread or severe damage or loss of property resulting from any natural or manmade cause; and

WHEREAS, Idaho Code §46-1002(4) provides, in part, that an "emergency" includes the imminent threat of a "disaster" or condition threatening property which requires state emergency assistance to supplement local efforts to protect property or to avert or lessen the threat of "disaster"; and

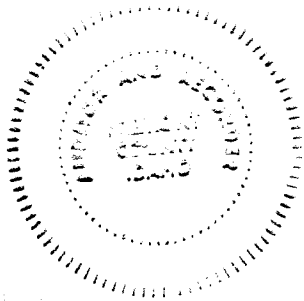
WHEREAS, based upon inquiry and preliminary discussions, water storage appears to be well below normal, historic levels and runoff appears to be well below normal, historic levels; and

WHEREAS, the Board finds that the current low water levels pose an imminent threat of disaster to agriculture in Fremont County, which constitutes an emergency as defined in Idaho Code §46-1002(4);

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, THAT GOOD CAUSE HAVING BEEN SHOWN, THE CHAIRMAN OF THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY DECLARES THAT A LOCAL DROUGHT DISASTER EMERGENCY EXISTS IN FREMONT COUNTY AND THE BOARD OF COUNTY COMMISSIONERS HEREBY CONSENTS TO SAID DECLARATION AND ORDERS AND RATIFIES THE SAME. THE BOARD FURTHER ORDERS THAT THIS DECLARATION OF LOCAL DROUGHT DISASTER EMERGENCY SHALL REMAIN IN EFFECT UNTIL THE END OF THE 2003 IRRIGATION SEASON, OR UNTIL OTHERWISE TERMINATED BY RESOLUTION OF THE BOARD, WHICHEVER OCCURS EARLIER.

This resolution shall be in full force and effect immediately after its passage.

PASSED THIS 29th DAY OF MARCH, 2010, BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO.

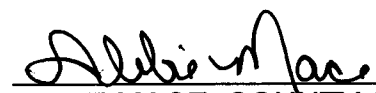


BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, IDAHO



PAUL ROMRELL, CHAIRMAN

ATTEST:



ABBIE MACE, COUNTY CLERK