

RESOLUTION #2001- 18

A RESOLUTION DECLARING A LOCAL DROUGHT DISASTER EMERGENCY EXISTS IN BOISE COUNTY.

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 County 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 on the attached Exhibit “A”, water storage appears to be at 57% of normal levels and runoff appears to be at 44% of normal levels, which would make 2001 the third worst year for water on record; and

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

WHEREAS, Mores Creek drainage is presently at 21% of normal flows; average is 686 cfs and today it is at 142 cfs;

WHEREAS, Elk Creek is not normally monitored for flows, but is at 1977 levels; normal is 6 cfs and presently is at 1.6 cfs; constituting a direct threat to the only water source for the municipal water system of the City of Idaho City;