

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF A DECLARATION)
OF DROUGHT EMERGENCY FOR)
LINCOLN COUNTY)
_____)

ORDER DECLARING
DROUGHT EMERGENCY

WHEREAS, the Board of County Commissioners for Lincoln County has requested that the Governor and the Director of the Idaho Department of Water Resources declare a drought emergency for Lincoln County to allow administrative actions to lessen the impacts of drought conditions in the county; and

WHEREAS, Lincoln County is included within the Big Wood River and Little Wood River drainages, and irrigation water supplies in Lincoln County are also dependent on water supply conditions in the Upper Snake River basin; and

WHEREAS, the south central portion of the state, including Lincoln County, is experiencing drought conditions due to below normal precipitation and snowpack levels. Specifically, the overall snow water equivalent (SWE) rate this year in the Big and Little Wood Basins reached 80 percent of the 1981-2010 average peak amount. As of May 1, the SWE held steady in the Big Wood Basin at 80 percent of normal but dropped to 45 percent of normal in the Little Wood Basin. Year to date precipitation in both basins was about 85% percent of normal as of May 1. Magic Reservoir, located on the Big Wood River, was filled to only 43 percent of average on May 1. The SWE for the Snake River basin above American Falls on May 1 was about 92 percent of normal. Streamflow and reservoir volumes for the period May through July are forecasted to range between 38 and 65 percent of normal in the Big and Little Wood River Basins, and 84 percent of normal for the Snake River at Heise; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency for an area designated by the Director of the Department of Water Resources ("Director") and approved by the Governor, the Director is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights and temporary exchanges of water rights when the Director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

NOW, THEREFORE, IT IS HEREBY ORDERED that pursuant to the authority of the Director provided in section 42-222A, Idaho Code, a drought emergency for purposes of section 42-222A, Idaho Code, is hereby declared for Lincoln County, Idaho.


IT IS FURTHER HEREBY ORDERED that pursuant to this declared drought emergency and the provisions of section 42-222A, Idaho Code, the following procedures and requirements

shall apply to the filing, processing, and approval of any application for a temporary change to an existing water right within Lincoln County during the pendency of this declared drought emergency:

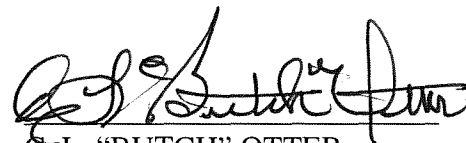
1. An application for a temporary change to an existing water right shall be made upon forms provided by the department and shall be accompanied by an application fee of fifty dollars (\$50.00) per application.
2. The Director is not required to publish notice of the proposed change pursuant to the provisions of section 42-211, 42-222(1) or 42-240, Idaho Code, and is not required to make findings as provided in said sections. A temporary change may be approved upon completion of the application form, payment of the filing fee, and a determination by the Director that the proposed change can be properly administered and there is no information that the change will injure any other water right. If the right to be changed is administered by a watermaster within a water district, the Director shall obtain and consider the recommendations of the watermaster before approving the temporary change application.
3. All temporary changes approved pursuant to the provisions of this order shall expire on the date shown in the approval which shall not be later than December 31, 2013, and thereafter, the water right shall revert to the point of diversion and place of use existing prior to the temporary change. Nothing herein shall be construed as approval to authorize construction of a new well as a new point of diversion or to alter a stream channel.
4. The recipient of an approved temporary change issued pursuant to this order shall assume all risk of curtailment or mitigation should the diversion and use of water under the temporary change cause injury to other water rights or result in an enlargement in use of the original right.
5. Temporary changes shall only be approved for the purpose of providing a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. Temporary changes may not be approved to provide water for new development or to allow expansion of the use of water under existing water rights. If the right to use the water is represented by shares of stock in a corporation, or if the diversion works or delivery system for such right is owned or managed by an irrigation district, no change in point of diversion, place or nature of use of such water shall be made or allowed without the written consent of such corporation or irrigation district.
6. Any applicant for a temporary change who is aggrieved by a denial of the Director for a temporary change pursuant to this order and the provisions of section 42-222A, Idaho Code, may request a hearing pursuant to section 42-1701A(3), Idaho Code, and may seek judicial review of the final order of the Director pursuant to the provisions of section 42-1701A(4), Idaho Code.

IT IS FURTHER HEREBY ORDERED that this order is effective upon approval of the Governor and expires on December 31, 2013, unless extended or terminated by order of the Director.

DATED this 6th day of May, 2013.


GARY SPACKMAN
Director

APPROVED this 14th day of May, 2013.


C.L. "BUTCH" OTTER
Governor

APR 26 2013

DEPARTMENT OF
WATER RESOURCES

Disaster Declaration
Lincoln County, Idaho

WHEREAS, there is a threat to property in Lincoln County as the result of drought throughout the Big and Little Wood River drainages; and,

WHEREAS, there is a high probability of significant crop loss due to animal and insect infestation; and,

WHEREAS, there is a low probability that Magic Reservoir (36,554 acres approx.) will meet its maximum storage capacity; and,

WHEREAS, officials estimate that Magic Reservoir will only have sufficient water for irrigation for 55-65 days of 2013; and,

WHEREAS, in a local disaster emergency as defined in section 46-1003, Idaho Code, is in existence in Lincoln County due to the imminent threat to property; and,


WHEREAS, Section 46-1011, Idaho Code, authorizes the Commission of Lincoln County to declare a local disaster emergency to authorize the furnishing of aid and assistance hereunder, and,

NOW, THEREFORE, be it resolved and declared by the Lincoln County, Idaho, Board of Commissioners, as follows:

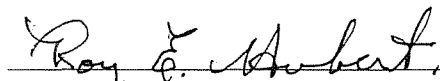
1. A disaster emergency exists within Lincoln County, created by an imminent threat of property, agricultural land, and infrastructure damage and/or loss;
2. Such disaster requires State and Federal emergency assistance to supplement local efforts to protect such property and to coordinate a multi-agency effort to mitigate, to avert, and to lessen the impact of such potential drought and other threats;
3. The Lincoln County Board of Commissioners requests that the Governor of the State of Idaho as well as other appropriate State agencies and officials, together with other appropriate Federal officials, make such declarations, and provide such assistance to Lincoln County as required and allowed, by law.

Adopted unanimously, in open session this 8th day of April, 2013, by those Commissioners subscribing their names hereto.

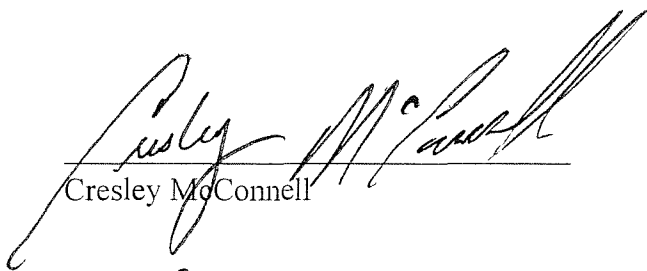
DATED this 8th day of April, 2013.



Marsha Hiatt, Chairman

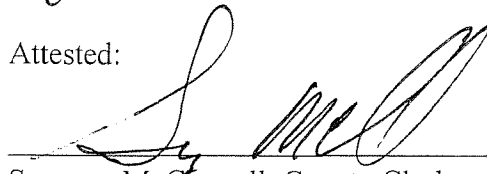


Roy H. Hubert



Cresley McConnell

Attested:



Suzanne McConnell, County Clerk

cc: Governor C.L. "Butch" Otter
Karl Dreher, Dept. of Water Resources
Big Wood Canal
Lincoln County Extension Office
Agricultural Stabilization Office (Jerome)