

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF A DECLARATION )	
OF DROUGHT EMERGENCY FOR )	<b>ORDER DECLARING</b>
GEM COUNTY )	<b>DROUGHT EMERGENCY</b>
_____ )	

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

WHEREAS, Gem County is included within and relies upon water supplies from the Payette River drainage; and

WHEREAS, snow water equivalent (SWE) levels as of May 1 for the Payette River drainage were only 65 percent of average. Although reservoirs in the Payette drainage system either filled or nearly filled this year, snow packs in the basin melted out several weeks early and stream flow volumes for the Payette River at Horseshoe Bend near Gem County from June through September are forecasted to be only about 55 percent of normal; and

WHEREAS, the United States Drought Monitor Index shows Gem County included within that portion of Southwest Idaho classified as moderate to severe drought, and given that the drier than normal conditions within Gem County may result in tighter water supplies; 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 Gem 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 Gem County during the pendency of this declared drought emergency:

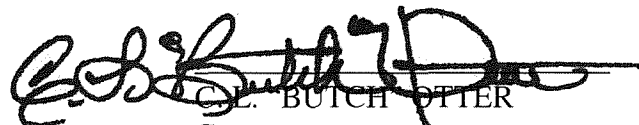
1. An application for a temporary change to an existing water right shall be made upon forms provided by the department and shall be accompanied by an application fee of fifty dollars (\$50.00) per application.
2. The Director is not required to publish notice of the proposed change pursuant to the provisions 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 8<sup>th</sup> day of July, 2013.

  
GARY SPACKMAN  
Interim Director

APPROVED this 8<sup>th</sup> day of July, 2013.

  
C.L. BUTCHER  
Governor

**Gem County Declaration of Emergency**  
**2013 Drought Declaration of Emergency**  
**June 25, 2013**

RECEIVED  
JUL 03 2013  
DEPARTMENT OF  
WATER RESOURCES

**WHEREAS**, the current moisture conditions in Gem County are cause for serious concern due to below-normal snow pack and spring rain and projected dry weather for the remainder of the 2013 growing season, and

**WHEREAS**, water from the Emmett Irrigation District Northside Canal, which serves approximately 18,000 Gem County acres, was recently shut off for five (5) days while repairs were made to the 100 year old irrigation system due to leaking water and landslides above Highway 52, where the canal is located, and

**WHEREAS**, if a significant failure to the Northside Canal occurs during this year's drought-related growing season, the closure of the canal for an extended period of time would have a devastating effect on the economic condition of Gem County, and

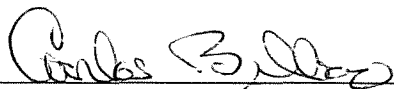
**WHEREAS**, the current and projected drought conditions for the 2013 growing season and the risk of closure of the Northside Canal for an extended period of time constitute a threat to life and property in Gem County, and


**WHEREAS**, Idaho Code § 46-1011 authorizes the Gem County Board of Commissioners to declare a disaster emergency to authorize the furnishing of aid and assistance; and

**NOW THEREFORE**, be it resolved, and declared by the Gem County Board of Commissioners, that an economic disaster exists as a result of the drought related conditions in Gem County, Idaho, and that the Honorable Governor C.L. Otter be asked to concur and submit this declaration to the appropriate state and federal agencies for aid and assistance.

**APPROVED AND ADOPTED** this 1<sup>st</sup> day of July, 2013.

**Board of Gem County Commissioners**

By:   
CARLOS BILBAO, Chairman

By:   
MARK REKOW, Commissioner

By:   
LAN SMITH, Commissioner

ATTEST:  
  
SHELLY TILTON, County Clerk

## Board of Commissioners

Chairman:  
**CARLOS BILBAO**  
District I  
**LAN SMITH**  
District II  
**MARK REKOW**  
District III



415 E. Main Street  
EMMETT, ID 83617  
(208)365-4561  
Fax 365-7795  
Commissioners@co.gem.id.us

July 1, 2013

Honorable C.L. Otter  
Governor of the State of Idaho  
P.O. Box 83720-0034  
Boise, Idaho 83720

Dear Governor Otter:

On June 10, 2013, the Gem County Board of Commissioners signed a 30-day declaration for a local disaster dealing with landslides above Highway 52. Recently, the Emmett Irrigation District temporarily shut down and repaired the Northside Canal. This was due to leaking water and small landslides that were occurring along the canal, which is situated above Highway 52. This site has experienced several landslides this spring and a couple of minor ones last summer. To repair the canal, water was shut off June 10, 2013 and a coating of sealant was applied to about 800 feet of the concrete canal surface. Water was returned to the canal on June 14, 2013.

The Northside Canal is a 100 year old water system that serves 18,000 Gem County acres. As of today, June 26, 2013, the leakage is contained. However, if the Northside Canal has a significant failure due to leakage, especially during this year's drought-related growing season, the closure of the canal for an extended period of time would have a devastating effect on the economic condition of Gem County.

Due to the existing and projected drought conditions, and the potential for failure of the Northside Canal during the 2013 growing season, the Gem County Board of Commissioners has declared Gem County a disaster area and requests that you concur and submit this matter to the appropriate state and federal agencies for aid and assistance.

Sincerely,

A handwritten signature in cursive script that reads "Carlos Bilbao".

Carlos Bilbao  
Chairman  
Gem County Board of Commissioners