

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

IN THE MATTER OF A DECLARATION )  
OF DROUGHT EMERGENCY FOR )  
LEWIS COUNTY )  
\_\_\_\_\_ )

**ORDER DECLARING**  
**DROUGHT EMERGENCY**

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

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

WHEREAS, snow water equivalent (SWE) levels as of May 1 for the Clearwater River drainage were near normal. However, monthly precipitation in May was about half the normal and SWE levels as of June 1 were only 81 percent of average for the basin. Snow packs in the basin melted out about a month early and stream flow volumes for the Clearwater River at Spalding near Lewis County from June through September are forecasted to be only about 85 percent of normal; and

WHEREAS, the United States Drought Monitor Index shows Lewis County included within that portion of Idaho classified as moderate drought; and

WHEREAS, climatic conditions are warmer and drier than normal based on local and regional weather data, and such conditions within Lewis 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 Lewis 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 Lewis 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.

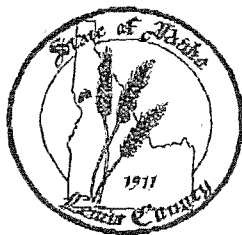
IT IS FURTHER HEREBY ORDERED that this order is effective upon approval of the Governor and expires on December 31, 2013, unless extended or terminated by order of the Director.

DATED this 22<sup>nd</sup> day of August, 2013.

  
GARY SPACKMAN  
Director

APPROVED this 23<sup>rd</sup> day of August, 2013.

  
C. L. "BUTCH" OTTER  
Governor



# Lewis County

**COMMISSIONERS:**

Carroll A. Keith, Chairman

Don Davis, Member

Greg Johnson, Member

510 Oak St., Rm #1  
Nezperce, Idaho 83543-5065  
Phone: (208) 937-2661  
Fax: (208) 937-9234

## Resolution #2013-12

### DECLARATION OF LOCAL EMERGENCY

(Idaho Code Section 46-1011)

Whereas, several areas of Lewis County are experiencing continuing drought since January 2013; and

Whereas, the resources of Lewis County are insufficient to provide adequate economic recovery within the affected areas of drought in Lewis County and to adequately respond and recover from the effects of said emergency, and that emergency assistance from state and other governmental agencies is required to supplement local efforts to avert or lessen the threat of economic losses; and

Whereas, the Board of Commissioners of Lewis County has the authority to declare a local disaster emergency pursuant to and consistent with Title 46, Chapter 10, Idaho Code; and

Whereas, the Board of Commissioners of Lewis County find that it is necessary to declare that a local emergency now exists by reason of said drought for the purpose of implementing local and/or intergovernmental disaster emergency plans and to authorize the furnishing and receipt of aid and assistance thereunder and as may be available from state and federal governmental agencies;

NOW, THEREFORE, it is hereby RESOLVED and DECLARED by the Board of Commissioners of Lewis County, Idaho, as follows:

1. A local emergency now exists in Lewis County by reason of economic loss due to the continuing drought in Lewis County.
2. Lewis County hereby requests that the Governor of the State of Idaho, and all appropriate state agencies, to;
  - a. Provide all available aid and assistance to Lewis County to respond and recover from said local economic emergency; and;
  - b. Request and coordinate with all federal agencies for the provision and federal aid and assistance to Lewis County to respond and recover from said local economic emergency.

This declaration of a local economic emergency shall remain in effect until revoked by the Board of Commissioners.

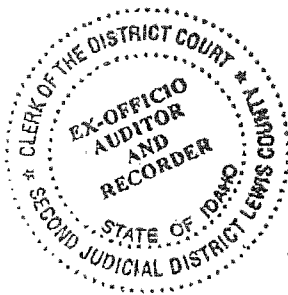
DATED this 19<sup>th</sup> day of August, 2013.

LEWIS COUNTY

By: Carroll A. Keith  
Carroll A. Keith,  
Chairman

By: Don Davis  
Don Davis, Member

By: Greg Johnson  
Greg Johnson, Member



Nicole Kinzer  
Nicole Kinzer, Deputy Clerk