

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

IN THE MATTER OF A DECLARATION)	
OF DROUGHT EMERGENCY FOR)	ORDER DECLARING
LEMHI COUNTY)	DROUGHT EMERGENCY
_____)	

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

WHEREAS, Lemhi County is included within and relies upon water supplies from the Upper Salmon Salmon River basin; and

WHEREAS, snow water equivalent (SWE) levels as of May 1 for the Upper Salmon River basin were about 83 percent of average but five consecutive months of below average precipitation and early melting of snow packs left June 1 SWE levels at only 48 percent of normal for the basin; and

WHEREAS stream flow volume for the Salmon River at Salmon in Lemhi County from June through September is forecasted to be only 59 percent of normal; and

WHEREAS, the United States Drought Monitor Index shows Lemhi County included within that portion of Central and Eastern Idaho classified as moderate to severe drought; 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 Lemhi 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 Lemhi 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.

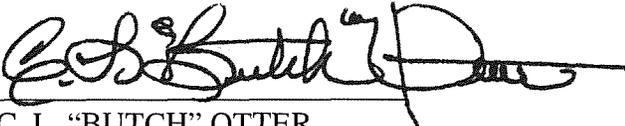
IT IS FURTHER HEREBY ORDERED that this order is effective upon approval of the Governor and expires on December 31, 2013, unless extended or terminated by order of the Director.

DATED this 25 day of July, 2013.


For

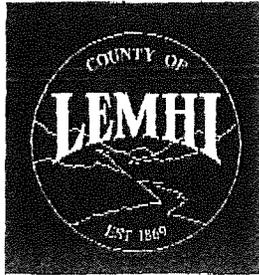
GARY SPACKMAN
Director

APPROVED this 25th day of July, 2013.



C. L. "BUTCH" OTTER
Governor

Archived



**OFFICE OF THE COUNTY COMMISSIONERS
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467**

**John Jakovac, Chairman
R. E. Cope
Richard W. Snyder**

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July 22, 2013

Governor Butch Otter
Statehouse , 2nd Floor
P O Box 83720
Boise, ID 83720-0034

Dear Governor Otter:

As you are aware, water levels in Lemhi County are at an extremely low level. Yearly precipitation is at less than four inches to date. Irrigators are now under regulations, curtailing the rights to divert water for irrigation.

We are currently experiencing a severe continuation of the drought which has been ongoing for a decade. Groundwater levels are dropping rapidly, and the soil contains very little moisture.

With these factors in mind, the Lemhi county Board of Commissioners would like to request that you declare a drought emergency in Lemhi County.

Sincerely yours,

John Jakovac
Chairman

RESOLUTION 2013-6

WHEREAS, Lemhi County has received less than four inches of precipitation to date in the year 2013, and

WHEREAS, water levels in streams that are sources for irrigation water in Lemhi County are dropping rapidly, and

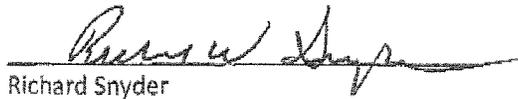
WHEREAS, such irrigation water is necessary for agricultural production in the county, due to the arid climate of the region, and

WHEREAS, water rights dating to almost a century ago are now being deemed ineligible for diversion due to low water levels,

THEREFORE BE IT RESOLVED, that the Board of Commissioners do hereby request that the Governor of the State of Idaho declare Lemhi County to be a drought disaster area.

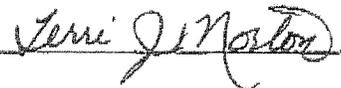
Passed and adopted this 22nd day of July, 2013.



John Jakovac, Chairman

Richard Snyder

R. E. Cope

ATTEST:  Clerk