

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

ORDER DECLARING
DROUGHT EMERGENCY

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

WHEREAS, Butte County is included within the Big Lost River and Little Lost River drainages; and

WHEREAS, drainages in and around Butte County are experiencing abnormally dry conditions due to below normal precipitation and snowpack levels. Although the peak snow water equivalent (SWE) level this year in the Big and Little Lost Basins reached 90 percent of the 1981-2010 average peak amount, but the SWE level in the Big Lost Basin is only 51 percent of normal as of May 10, 2013. The Little Lost Basin has held steady with an 80 percent of average SWE as of May 10. Year to date precipitation in both basins is 82 to 85 percent of normal as of May 10. The United States Drought Monitor Index shows Butte County included within that portion of Southern Idaho classified as abnormally dry. Streamflow volumes for the period May through July are forecasted to be about 60 percent of average for the Big Lost River below Mackay Reservoir and about 68 percent of average for the Little Lost River near Howe; 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 Butte 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 Butte 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 13th day of May, 2013.


GARY SPACKMAN
Director

APPROVED this 14th day of May, 2013.


C. L. "BUTCH" OTTER
Governor



BUTTE COUNTY COMMISSIONERS

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SETH E. BEAL
KENT CUMMINS
BRIAN HARRELL

April 29, 2013

GARY SPACKMAN, DIRECTOR
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83706

DROUGHT DISASTER DECLARATION FOR BUTTE COUNTY

As a result of discussions with area farmers, ranchers and local irrigation water users, the Butte County Board of Commissioners are requesting that Butte County be declared a drought emergency area pursuant to Section 42-222 A, Idaho Code.

As you may know, along with other counties, Butte County has been experiencing very dry weather conditions which are having a serious effect on local water supply. Water Masters in Water District #33 and #34 have expressed concerns about the critically low snow packs.

We respectfully request this declaration be made as soon as possible so that our local farmers and ranchers may take the necessary steps to ensure the survival of their livestock, business and crops.

Thank you for your consideration in the matter, please feel free to contact us if you have any questions or need further information.

Sincerely,

[Signature of Seth E. Beal]
Seth E. Beal, Chairman

[Signature of Kent Cummins]
Kent Cummins, Member

[Signature of Brian Harrell]
Brian Harrell, Member

ATTEST: [Signature of Trilby S. McAfee]
Trilby S. McAfee, Clerk

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