

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

ORDER DECLARING
DROUGHT EMERGENCY

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

WHEREAS, Blaine County is included within the Big Wood River and Little Wood River drainages; and

WHEREAS, drainages in and around Blaine County are experiencing abnormally dry conditions due to below normal precipitation and snowpack levels. Specifically, the peak snow water equivalent (SWE) level this year in the Big and Little Wood Basins reached 80 percent of the 1981-2010 average peak amount. As of May 9, the SWE held steady in the Big Wood Basin at 80 percent of normal but dropped to 37 percent of normal in the Little Wood Basin. Year to date precipitation in both basins was about 85% percent of normal as of May 9. Magic Reservoir, located on the Big Wood River, was filled to only 43 percent of average on May 1. The United States Drought Monitor Index shows Blaine County included within that portion of Southern Idaho classified as abnormally dry. Additionally, stream levels and flows are currently running well below normal, from 12 to 64 percent of average. Local water district watermasters are reporting that water right priority cuts are currently ahead of schedule or anticipated to be well ahead of schedule during the coming irrigation season; 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 Blaine 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 Blaine 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.

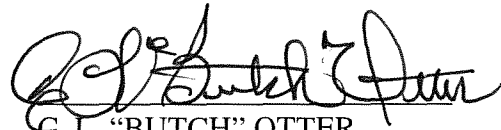
IT IS FURTHER HEREBY ORDERED that this order is effective upon approval of the Governor and expires on December 31, 2013, unless extended or terminated by order of the Director.

DATED this 10th day of May, 2013.

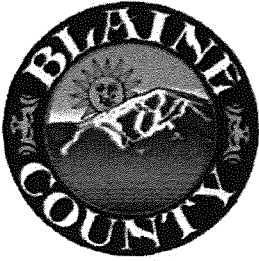


GARY SPACKMAN
Director

APPROVED this 14th day of May, 2013.



C. L. "BUTCH" OTTER
Governor



THE BOARD OF BLAINE COUNTY COMMISSIONERS

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Lawrence Schoen, Chairman * Angenie McCleary, Vice-Chairman * Jacob Greenberg, Commissioner

The Honorable Governor Butch Otter
P.O. Box 83720
Boise, Idaho 83720-0034
Via E-mail

May 6, 2013

RE: 2013 Drought Disaster Declaration for Blaine County

Dear Governor Otter:

In response to irrigator concerns and in light of current water supply and cold, dry climate conditions, the Blaine County Board of Commissioners requests you consider issuing a Declaration of Drought Emergency for Blaine County for the remainder of water year 2013. Poor snowpack and adverse weather have put much of Blaine County in drought conditions very early this year.

This information has been provided by District 37/37M Watermaster Kevin Lakey:

...water levels on the Big Wood River are already at record lows, with the dam at the Glendale Bridge already in place. ...snowpack levels on the Big Wood River are currently only around 80% of average. ...Magic Reservoir is currently 43% of average storage capacity. When Magic runs out early, Silver Creek irrigators are affected, because decrees on Silver Creek are kept whole by the return flows out of Magic into the lower Little Wood/Silver Creek. Magic is estimated to run out in early July.

When this occurs, only the most senior rights on Silver Creek will remain in use. The Watermaster also reports very early (April 23) curtailment of junior (1901) Big Wood rights. Fish Creek Reservoir tract is already at 60% distribution of its most senior rights, priority date 1883. This means those irrigators need to redistribute their water now.

A drought declaration will allow our local water jurisdictions to be able and prepared to address the needs of their water users more effectively, in light of this critical situation. We respectfully request this declaration be made as soon as possible so that our local farmers and ranchers may be able to plan and take steps necessary to ensure the best possible management of their operations this season.

The Board of County Commissioners thanks you and your office for your efforts and diligence in addressing our significant water issues. Here's hoping for rain in the near future.

With kind regards,

Handwritten signature of Lawrence Schoen.

Lawrence Schoen
Chairman

Handwritten signature of Angenie McCleary.

Angenie McCleary
Vice-Chairman

Handwritten signature of Jacob Greenberg.

Jacob Greenberg
Commissioner

cc: G Spackman, IDWR; K Lakey, Watermaster
(Hard copy to follow)