

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

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

WHEREAS, Clark County is included within the Camas Creek, Beaver Creek, Medicine Lodge Creek and Birch Creek drainages; and

WHEREAS, snow water equivalent (SWE) levels for drainages in and around Clark County have been between 50 and 60 percent of normal during May, 2013, and stream flow volumes in the area for the period May through July are forecasted to be about 54 percent of average; and

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

WHEREAS, there are little or no water storage facilities within Clark County and water users rely almost solely on natural stream flow supplies, and given that the drier than normal conditions within Clark 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 Clark 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 Clark County during the pendency of this declared drought emergency:

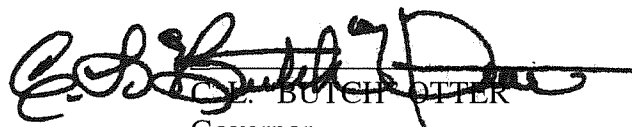
1. An application for a temporary change to an existing water right shall be made upon forms provided by the department and shall be accompanied by an application fee of fifty dollars (\$50.00) per application.
2. The Director is not required to publish notice of the proposed change pursuant to the provisions 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 29th day of May, 2013.


GARY SPACKMAN
Interim Director

APPROVED this 29th day of May, 2013.


E. J. BUTCHER
Governor

RECEIVED

MAY 28 2013

DEPARTMENT OF
WATER RESOURCES

**CLARK COUNTY IDAHO
BOARD OF COUNTY COMMISSIONERS**

P. O. BOX 205 * 320 W. MAIN

DUBOIS ID 83423

(208) 374-5304

May 13, 2013

The Honorable Governor Butch Otter
P.O. 83720
Boise, ID 83720-0034

Dear Governor Otter:

After consultation with area farmers, ranchers, the water master, and local water users, the Clark County Board of Commissioners requests that Clark County be declared a drought emergency area pursuant to Sections 42-222A, 46-1002, and 46-1011 Idaho Code.


As you may know, along with other counties Clark County has been experiencing very dry weather conditions, which has resulted in serious affects to water supplies, grazing lands, and farm crops.

We respectfully request this declaration be made as soon as possible to enable the citizens of Clark County to take necessary steps to ensure survival of their crops and livestock.

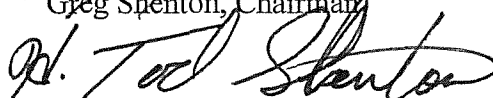
Attached is our resolution declaring Clark County a disaster area due to drought conditions.

Thank you for your consideration in this matter. If you have any questions, please feel free to contact us.

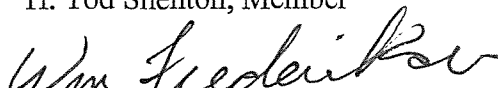
Sincerely,



Greg Shenton, Chairman



H. Tod Shenton, Member



William Frederiksen, Member

Enclosure

cc:

Gary Spackman
Department of Water Resources
322 E. Front Street
Boise, ID 20-0098

Col. Brad Richy
Idaho Bureau of Homeland Security Director
4040 W. Guard Street Bldg. #600
Boise, ID 83705

Lisa Eaton
Farm Service Agency
210 South 5th West
Rigby, ID 83442

Russ Kerr
Civil Defense Director
Clark County
P.O. Box 205
Dubois, ID 83423

Idaho State Office
Farm Service Agency
9173 W. Barnes Dr.
Suite B
Boise, ID 83709

CLARK COUNTY, IDAHO
RESOLUTION NO. 13-07

Whereas, there is a threat to life and property in Clark County as the result of drought conditions, and

Whereas, Clark County has been experiencing very dry weather conditions which is having a serious effect on local water supplies, farm crops, and grazing lands, and

Whereas, a local disaster emergency as defined in Section 46-1002, and 46-1011 Idaho Code, is in existence in Clark County, due to the imminent threat to life and property created by existing and potential drought conditions; and

Whereas, Section 42-222A, Idaho Code, allows the director of the department of water resources to allow temporary changes of point of diversion, upon declaration of a drought emergency, approved by the governor, and

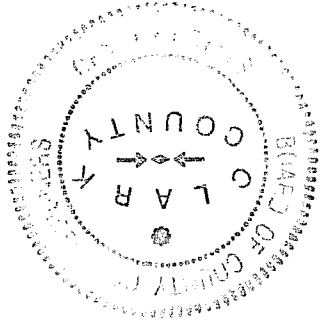
Whereas, Section 46-1011, Idaho Code, authorizes the Commissioners of the County of Clark, Idaho to declare a local disaster emergency to authorize the furnishing of aid and assistance, thereunder;

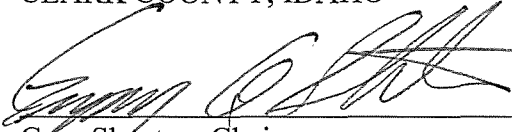
NOW, THEREFORE, be it resolved and declared by the Clark County, Idaho, Board of Commissioners, as follows:

1. A disaster emergency is hereby declared to exist within Clark County, created by existing and potential drought conditions, creating an imminent threat to property; and
2. These conditions require the activation of the response and recovery aspects of all applicable local disaster emergency plans; and
3. Such disaster may require State and Federal emergency assistance to supplement local efforts to protect, rehabilitate and replace public property and to provide a coordinated multi-agency effort to mitigate, avert and lessen the threat and impact of the disaster; and
4. The time period for said disaster declaration shall be in place until conditions change, or the end of the calendar year.

Adopted unanimously in open session this 13th day of May 2013, by those commissioners subscribing their names hereto.

COUNTY BOARD OF COMMISSIONERS
CLARK COUNTY, IDAHO

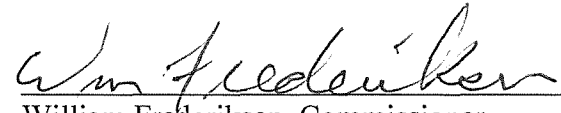




Greg Shenton, Chairman



Tod Shenton, Commissioner



William Frederiksen, Commissioner

ATTEST:



Velvet Killian, Clerk

