

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

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

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

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

WHEREAS, a portion of Bingham County is included within and relies upon water supplies from the Blackfoot River drainage and a portion of the county is included within and relies upon water supplies from the Upper Snake River basin; and

WHEREAS, snow water equivalent (SWE) levels as of May 1 for the Upper Snake River drainage were above 90 percent of average but snow packs melted out several weeks early and stream flow volumes for the Snake River near Bingham County from June through September are forecasted to be only about 69 percent of normal; and

WHEREAS, SWE levels in the Blackfoot River Basin were only 76 percent and 43 percent of normal on April 1 and May 1 respectively, and stream flow volumes in the drainage are forecasted to be about 53 percent of normal; and

WHEREAS, the United States Drought Monitor Index shows Bingham County included within that portion of Eastern Idaho classified as moderate drought, and given that the drier than normal conditions within Bingham 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 Bingham 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 Bingham 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 28<sup>th</sup> day of June, 2013.

  
GARY STACKMAN  
Interim Director

APPROVED this 1 day of ~~June~~ <sup>July</sup>, 2013.

  
C.L. "BUTCH" OTTER  
Governor

**BINGHAM COUNTY  
RESOLUTION NO. 2013-16**

**A RESOLUTION DECLARING BINGHAM COUNTY A DISASTER AREA**

WHEREAS, there is a threat to life and property in Bingham County as the result of an apparent severe water shortage and;

WHEREAS, the area in Bingham County is affected, and;

WHEREAS, many residents of the County will be affected by such a shortage to a degree that may cause loss of crops and thereby create extreme financial hardship on said residents, and;

WHEREAS, Section §46-1011, Idaho Code, authorizes the Commissioners of the County of Bingham, Idaho to declare a local disaster emergency to authorize the furnishings of aid and assistance, there under;

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

1. A disaster emergency is hereby declared to exist within Bingham County created by a severe water shortage creating an imminent threat to property, public utilities, (etc.).
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 emergency assistance to supplement local efforts to protect, rehabilitate, and replace public property as well as to provide a coordinated multi-agency effort to mitigate, avert, and lessen the threat and impact of the disaster.

ADOPTED unanimously in open special session this 17<sup>th</sup> day of June, 2013.

BOARD OF COUNTY COMMISSIONERS

By: A. Ladd Carter  
A. Ladd Carter, Chairman

ATTEST:

Sara J. Staub  
Sara J. Staub  
Bingham County Clerk

Whitney Marwaring  
Whitney Marwaring, Commissioner

Mark R. Bair  
Mark R. Bair, Commissioner

