

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

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

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

WHEREAS, Caribou County is included within a portion of the Bear River basin, and within portions of the Blackfoot River and Portneuf River drainages which are tributary to the Snake River; and

WHEREAS, snow water equivalent (SWE) levels as of May 1 for the Bear River Basin were about 91 percent of average but five months of below average precipitation during the water year and a dry spring left June 1 SWE levels at only 59 percent of normal for the basin at the Idaho-Utah border; and

WHEREAS, snow water equivalent (SWE) levels as of May 1 for the Blackfoot and Portneuf River drainages were respectively only 43 and 70 percent of average but completely melted out by June 1; and

WHEREAS stream flow volume for the Bear River Basin at Stewart Dam near Montpelier from June through September is forecasted to be only 19 percent of normal; and

WHEREAS stream flow volume for the Portneuf River at Topaz from June through September is forecasted to be only 30 percent of normal; and

WHEREAS, stream levels and flows for the Blackfoot River above the Blackfoot Reservoir in Caribou County are currently running about 50 to 60 percent of normal; and

WHEREAS, the United States Drought Monitor Index shows Caribou County included within that portion of Southeastern Idaho classified as moderate 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 Caribou 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 Caribou County during the pendency of this declared drought emergency:

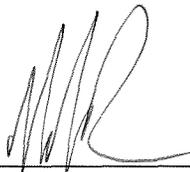
1. An application for a temporary change to an existing water right shall be made upon forms provided by the department and shall be accompanied by an application fee of fifty dollars (\$50.00) per application.
2. The Director is not required to publish notice of the proposed change pursuant to the provisions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

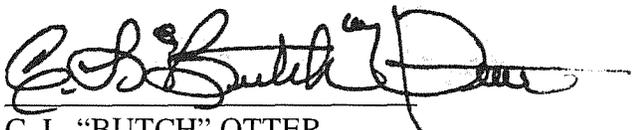
6. Any applicant for a temporary change who is aggrieved by a denial of the Director for a temporary change pursuant to this order and the provisions of section 42-222A, Idaho Code, may request a hearing pursuant to section 42-1701A(3), Idaho Code, and may seek judicial review of the final order of the 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



Caribou County Commissioners

P.O. Box 775
Soda Springs, Idaho 83276
(208) 547-4324

RECEIVED

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DEPARTMENT OF
WATER RESOURCES

MARK MATHEWS
Commissioner District #3

EARL SOMSEN, Chairman
Commissioner District #2

PHIL CHRISTENSEN
Commissioner District #1

June 22, 2013

Idaho Dept. of Water Resources
Attn: David Tuthill – Director
322 East Front St.
P O Box 83720
Boise ID 83720-0098

Dear Mr. Tuthill:

The County Commissioners of Caribou County have recently been informed of the adverse effects this year's weather is having on dry land crops and the range land used for livestock grazing, here in the County. Our ranchers and farmers constituents are very concerned for their livelihood this year.

With the killing frosts we had in early June, very low snow pack in the mountains and the mountain streams drying up, the crop lands in Caribou County are in great need of help.

The Board of County Commissioners met in regular session, discussed the severity of the situation and determined that action needs to be taken. We respectfully request that Caribou County be considered in a drought emergency.

It is important to us as a commission, that the local farmers, ranchers and others be considered during these continuing weather conditions this year. Any help or consideration you can give this matter would be appreciated.

A letter of request to our local USDA office in Soda Springs, would furnish you with specific information about the crop and weather situation in the county, as they are continually tracking these kinds of problems.

Sincerely,

A handwritten signature in cursive script that reads "Earl Somsen".

Earl Somsen
Caribou County Commissioner Chairman

cc: Governor C.L. "Butch" Otter
Senator John Tippetts
Representative Mark Gibbs
Representative Tom Loertscher
USDA Soda Springs – Chad Bybee