

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

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

**ORDER DECLARING  
DROUGHT EMERGENCY**

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

WHEREAS, Bannock County is included almost entirely within and relies upon water supplies from the Portneuf River drainage and a portion of the county relies upon water supplies from the Upper Snake River; and

WHEREAS, snow water equivalent (SWE) levels in the Portneuf River drainage were only 70 percent of normal on May 1 and melted out several weeks early; and

WHEREAS stream flow volumes in the drainage from June through September are forecasted to be about 73 percent of normal, and stream levels and flows for the Portneuf River at Pocatello and Topaz are currently running about 40 and 68 percent of normal respectively; and

WHEREAS, 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 Bannock from June through September are forecasted to be only about 69 percent of normal; and

WHEREAS, the United States Drought Monitor Index shows Bannock County included within that portion of Eastern Idaho classified as moderate drought, and given that the drier than normal conditions within Bannock 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 Bannock 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 Bannock 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

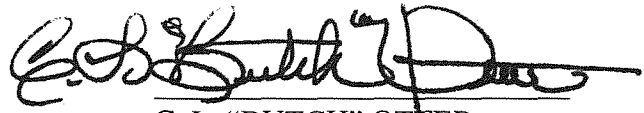
Director pursuant to the provisions of section 42-1701A(4), Idaho Code.

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 5<sup>th</sup> day of August, 2013.

  
GARY SPACKMAN  
Director

APPROVED this 5<sup>th</sup> day of August, 2013.

  
C. L. "BUTCH" OTTER  
Governor

# Bannock County Commissioners

5500 S 5<sup>th</sup> Avenue, Pocatello, Idaho 83204 Phone (208) 236-7210  
Fax (208) 232-2185



KARL E. ANDERSON  
CHAIRMAN  
COMMISSIONER 1ST DISTRICT  
POCATELLO, IDAHO

STEVE HADLEY  
COMMISSIONER 2ND DISTRICT  
POCATELLO, IDAHO

HOWARD MANWARING  
COMMISSIONER 3RD DISTRICT  
POCATELLO, IDAHO

August 24, 2013

RECEIVED

JUL 25 2013

DEPARTMENT OF  
WATER RESOURCES

Gary Spackman, Director  
Department of Water Resources  
P O Box 83720  
Boise, Id 83720

RE: 2013 Drought and Frost Disaster Declaration for Bannock County

Dear Mr. Spackman:

After consultation with area farmers, ranchers and irrigation water users, and in light of current drought conditions, the Bannock County Board of Commissioners requests that Bannock County be declared a drought and frost emergency area pursuant to Section 42-222A of the Idaho Code.

We request that this declaration be made as soon as possible to enable citizens of Bannock County to take positive action to ensure a successful growing season.

Thank you for your consideration in this matter.

Sincerely,

Board of Bannock County Commissioners

  
Karl E. Anderson, Chairman

  
Steve Hadley, Member

  
Howard Manwaring, Member