

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

IN THE MATTER OF A DECLARATION)
OF DROUGHT EMERGENCY FOR) **ORDER DECLARING**
BLAINE AND LINCOLN COUNTIES) **DROUGHT EMERGENCY**
_____)

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

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

WHEREAS, Lincoln County is included within the Big Wood River and Little Wood River drainages, and irrigation water supplies in Lincoln County are also dependent on water supply conditions in the Upper Snake River basin; and

WHEREAS, the south-central portion of the state, including Blaine and Lincoln Counties, is experiencing moderate to severe drought conditions due to below normal snowpack and precipitation levels. Specifically, total cumulative snow water equivalent levels in the Little Wood and Big Wood River basins as of April 21, 2014 were respectively 52 and 89 percent of normal, while water year to date precipitation levels in the two respective basins were only 69 and 80 percent of normal; and

WHEREAS, given that April through July stream flow volume forecasts for the Little Wood River and Big Wood River range from 45 to 65 percent of average, the Natural Resources Conservation Service predicts that “water supplies will be marginally adequate for the Little Wood River basin” while “shortages on the order of 100,000 acre-feet are possible in the Big Wood basin”¹; and

WHEREAS, the United States Drought Monitor Index shows Blaine and Lincoln Counties included within that portion of Southern Idaho classified as abnormally dry to severe drought;

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

¹ NRCS Idaho Water Supply Outlook Report, April 1, 2014.

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 and Lincoln 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 and Lincoln Counties 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, 2014, 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, 2014, unless extended or terminated by order of the Director.

DATED this 23rd day of April, 2014.


GARY SPACKMAN
Director

APPROVED this 24th day of April, 2014.


C. L. "BUTCH" OTTER
Governor



THE BOARD OF BLAINE COUNTY COMMISSIONERS

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

RECEIVED

APR 10 2014

DEPARTMENT OF
WATER RESOURCES

Gary Spackman
Director, Idaho Department of Water Resources
P.O. Box 83720
Boise, Id 83720-0098
Via E-mail

April 8, 2014

RE: 2014 Drought Emergency Declaration for Blaine County

Dear Director Spackman,

In response to irrigator concerns and a number of technical factors, the Blaine County Board of Commissioners requests you consider issuing a Declaration of Drought Emergency for Blaine County for water year 2014. The Board has consulted on this matter with District 37 Watermaster Kevin Lakey.

In the Big Wood River (BWR) basin currently, snow water equivalent is 85% of mid-April peak and there is very little to no low elevation snow. Little Wood River (LWR) snow water equivalent is 54% of average, also with little to no low elevation snowpack. BWR streamflows are projected to be only 65% of seasonal averages. In addition to these current low water indicators, the Magic Reservoir water level is extremely low. Shutoff is predicted at this time to occur mid-summer. This undoubtedly will result in early downstream calls, negatively affecting both Silver Creek/LWR and BWR irrigators.

An early drought emergency declaration will enable our local water jurisdictions to be prepared to address the needs of their water users more effectively. It will also enable our local water users to plan and take the steps necessary to ensure the most efficient possible management of their operations this season.

As always, the Board of County Commissioners appreciates your efforts and diligence in addressing our significant water use issues.

With kind regards,

Lawrence Schoen Jacob Greenberg Angenie McCleary
Chairman Vice-Chairman Commissioner

cc: Governor Otter; A Merritt, IDWR; K Lakey, Watermaster
(Hard copy to follow)

Disaster Declaration
Lincoln County, Idaho

RECEIVED

MAR 27 2014

OFFICE OF THE GOVERNOR

Whereas, there is a threat to property in Lincoln County as the result of drought throughout the Big and Little Wood River drainages: and,

Whereas, there is a high probability of significant crop loss due to animal and insect infestation: and,

Whereas, there is a low probability that Magic Reservoir at 68,783 acre feet will meet its maximum storage capacity; and,

Whereas, officials estimate that Magic Reservoir will only have sufficient water for irrigation for 70-90 days of 2014; and,

Whereas, in a local disaster emergency as defined in section 46-1003, Idaho Code, is in existence in Lincoln County due to the imminent threat to property; and,

Whereas, Section 46-1011, Idaho Code, authorizes the Commission of Lincoln County to declare a local disaster emergency to authorize the furnishing of aid and assistance hereunder, and,

Now, therefore, be it resolved and declared by the Lincoln County, Idaho, Board of Commissioners, as follows:

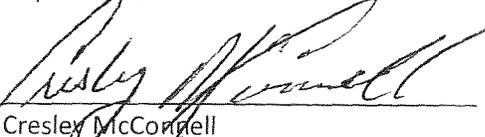
1. A disaster emergency exists within Lincoln County, created by an imminent threat of property, agricultural land, and infrastructure damage and/or loss;
2. Such disaster requires State and Federal emergency assistance to supplement local efforts to protect such property and to coordinate a multi-agency effort to mitigate, to avert, and to lessen the impact of such potential drought and other threats;
3. The Lincoln County Board of Commissioners requests that the Governor of the State of Idaho as well as other appropriate State agencies and officials, together with together appropriate Federal Officials, make such declarations, and provide such assistance to Lincoln County as required and allowed, by law.
4. Adopted unanimously, in open session this 24th day of March 2014, by those Commissioners subscribing their names hereto.
5. Dated this 24th day of March 2014.



Marsha Hiatt, Chairman



Roy Hubert



Suzanne McConnell

LINCOLN COUNTY

Recorded for:

LINCOLN COUNTY COMMISSIONERS

2:45:29 pm 03-24-2014

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No. Pages: 1

Fee: \$

SUZANNE MCCONNELL

County Clerk

Deputy: CAROLE

Cc: Governor C.L. "Butch" Otter
Karl Dreher, Dept. of Water Resources
Big Wood Canal
Lincoln County Extension Office
Agricultural Stabilization Office (Jerome)