

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

ORDER DECLARING
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 Big Wood and Little Wood River basins as of April 6, 2015 were respectively 58 and 35 percent of normal, while water year to date precipitation levels in the two respective basins were only 79 and 69 percent of normal. Snow water equivalent and precipitation levels for the Snake River Basin above American Falls are 74 and 80 percent respectively, better than the Wood River basins but still 20 to 25 percent lower than normal; and

WHEREAS, given that April through September stream flow volume forecasts for the Big Wood River and Little Wood River range from only 15 to 43 percent of average, and about 72 percent of average for the Snake River at Heise; and

WHEREAS, the United States Drought Monitor Index on April 1, 2015, showed Blaine and Lincoln Counties included within that portion of Southern Idaho classified as moderate to severe 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 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, 2015, 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, 2015, unless extended or terminated by order of the Director.

DATED this 9th day of April, 2015.


GARY SPACKMAN
Director

APPROVED this 10th day of April, 2015.


C. L. "BUTCH" OTTER
Governor



THE BOARD OF BLAINE COUNTY COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300

HAILEY, IDAHO 83333

PHONE: (208) 788-5500 FAX: (208) 788-5569

www.blainecounty.org bcc@co.blaine.id.us

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

RECEIVED

MAR 25 2015

**DEPARTMENT OF
WATER RESOURCES**

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

March 24, 2015

RE: 2015 Drought Emergency Declaration for Blaine County

Dear Director Spackman,

In response to irrigator concerns, Watermaster Kevin Lakey's recommendation, the obvious warm, dry winter climate and evidence presented, the Blaine County Board of Commissioners requests you issue a Declaration of Drought Emergency for Blaine County for water year 2015.

As of last week, Big Wood River Basin snow water equivalent is 72 % of median and Water Year precipitation to date is 82 % of median. In the Little Wood River Basin, the numbers are 65% and 72% respectively. Magic Reservoir's water level is extremely low at 36% of capacity. Management is projecting about 60 days of irrigation. Due to low soil moisture conditions, irrigation is likely to start early.


Currently, we are every day breaking the daily record low flow at the U.S.G.S. Sportsman's Access gauge on Silver Creek. This has been the case almost daily since the water year began in October 2014. If this trend continues, which it seems likely to do, 2015 will set a new record low for Silver Creek total output. A 39-year record low flow at this gauge for Silver Creek total output was set in 2014.

All of these factors indicate a high probability of early downstream water 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,


Jacob Greenberg
Chairman


Angenie McCleary
Vice-Chairman


Lawrence Schoen
Commissioner

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

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APR 01 2015

**DEPARTMENT OF
WATER RESOURCES**

RECEIVED

MAR 30 2015

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

Disaster Declaration
Lincoln County, Idaho
2015-04

LINCOLN COUNTY

Recorded for:

LINCOLN COUNTY COMMISSIONERS

10:12:02 am 03-30-2015

0000-196070

No. Pages: 2

Fee: \$

BRENDA FARNWORTH

County Clerk

Deputy: CAROLE

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 (Approx. 73,639 acre feet as of March 23, 2015) will meet its maximum storage capacity; and,

WHEREAS, officials estimate that Magic Reservoir will only have sufficient water for irrigation for 55-70 days of 2015; 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 other appropriate Federal officials, make such declarations, and provide such assistance to Lincoln County as required and allowed, by law.

COPY

Adopted unanimously, in open session, this 23rd day of March, 2015, by those Commissioners subscribing their names hereto.


DATED this 26th day of March, 2015.


Roy E. Hubert, Chairman


Cresley McConnell, Commissioner


Rebecca Wood, Commissioner

Attested:


Brenda Farnworth, County Clerk

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