WHEREAS, Clark County is experiencing severely restricted water supplies available for the current irrigation season, as demonstrated by hydrologic data for the Crab Creek Snowtel site in Clark County that show the snow water content is 15 percent of average; and

WHEREAS, the Clark County Board of Commissioners have requested declaration of a drought emergency to allow administrative actions to lessen the severe impacts of the drought conditions in the county; 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

WHEREAS, the existing Amended Moratorium Order of the Director of the Department of Water Resources, dated April 30, 1993, applicable to the Eastern Snake River Plain Area, including Clark County, does not prohibit the processing or approval of applications for transfer of existing water rights;

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 Clark 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 Clark 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, 2002, 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, the diversion works of the water delivery system 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, 2002, unless extended or terminated by order of the Director.

DATED this 17th day of May, 2002.

KARL J. DREHER
Director

APPROVED this 17th day of May, 2002.

DIRK KEMPTHORNE
Governor