

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

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

**ORDER DECLARING  
DROUGHT EMERGENCY**

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

WHEREAS, Oneida County is included within the Malad River and Deep Creek drainages; and

WHEREAS, drainages in and around Oneida County are experiencing abnormally dry conditions with the year's snow water and precipitation levels being well below normal. Specifically, the Oxford Spring Snotel site, located in the eastern part of the county near Malad City and within the Malad River drainage, showed that April snow water content was only 33 percent of average and the water year precipitation through July 9, 2012 was 17 percent below normal.

WHEREAS, there are little or no storage facilities within Oneida County and many water users rely almost solely on natural stream flow supplies, and given that the below normal precipitation levels within Oneida 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 Oneida 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 Oneida 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, 2012, 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, 2012, unless extended or terminated by order of the Director.

DATED this 13<sup>th</sup> day of July, 2012.



GARY SPACKMAN  
Interim Director

APPROVED this 16<sup>th</sup> day of July, 2012.



C. L. "BUTCH" OTTER  
Governor



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

July 18, 2012

Oneida County Commission  
10 Court Street  
Malad City, ID 83252

**Re: Drought Declaration for 2012**

Dear County Commissioners:

On July 16, 2012, your request for a Declaration of Drought Emergency was approved. Enclosed is a copy of the official order declaring a drought emergency for Oneida County. To view related documents and additional information, visit the Idaho Department of Water Resources (IDWR) website at <http://www.idwr.idaho.gov/News/drought/drought.htm>.

Please direct questions regarding this order to either Tim Luke at 208-287-4800 or the IDWR Eastern Region Office at 208-525-7161.

Sincerely,

Sarah Garceau  
Technical Records Specialist  
Water Distribution Section

Enclosure

cc: IDWR Eastern Region Office



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

## MEMO

To: Jeff Peppersack

From: Tim Luke *TL*

Date: July 9, 2012

Subject: Hydrologic Data for Oneida County

According to the USDA Drought Monitor, the southeastern portion of Idaho is affected by abnormally dry conditions. The first image below shows that Oneida County is within that area of the state currently experiencing abnormally dry conditions. Oneida County has no stream flow stations to depict continuing dry conditions, but the extent of the moisture deficit is illustrated by the second graphic of accumulated observed and average precipitation for the Oxford Spring Snotel site, located northeast of Malad City along the mountain range dividing the Malad basin from the Bear River basin. The year to date precipitation (through July 9, 2012) is 83 percent of normal. The April 2012 snow water content at the Oxford Spring Snotel site was only 33 percent of normal.

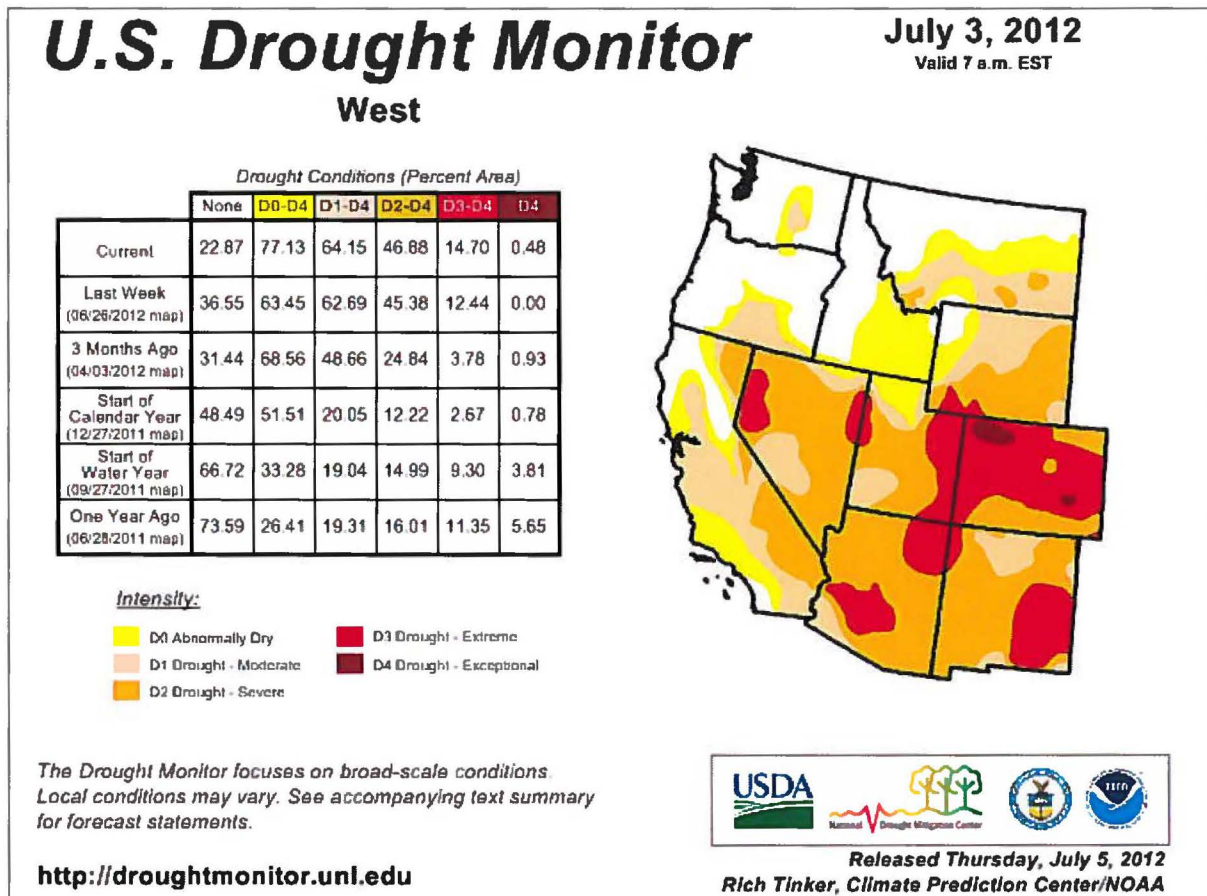


Figure 1



12G18S SNOTEL as of 07/09/2012

\*\*\* Provisional Data, Subject to Change \*\*\*

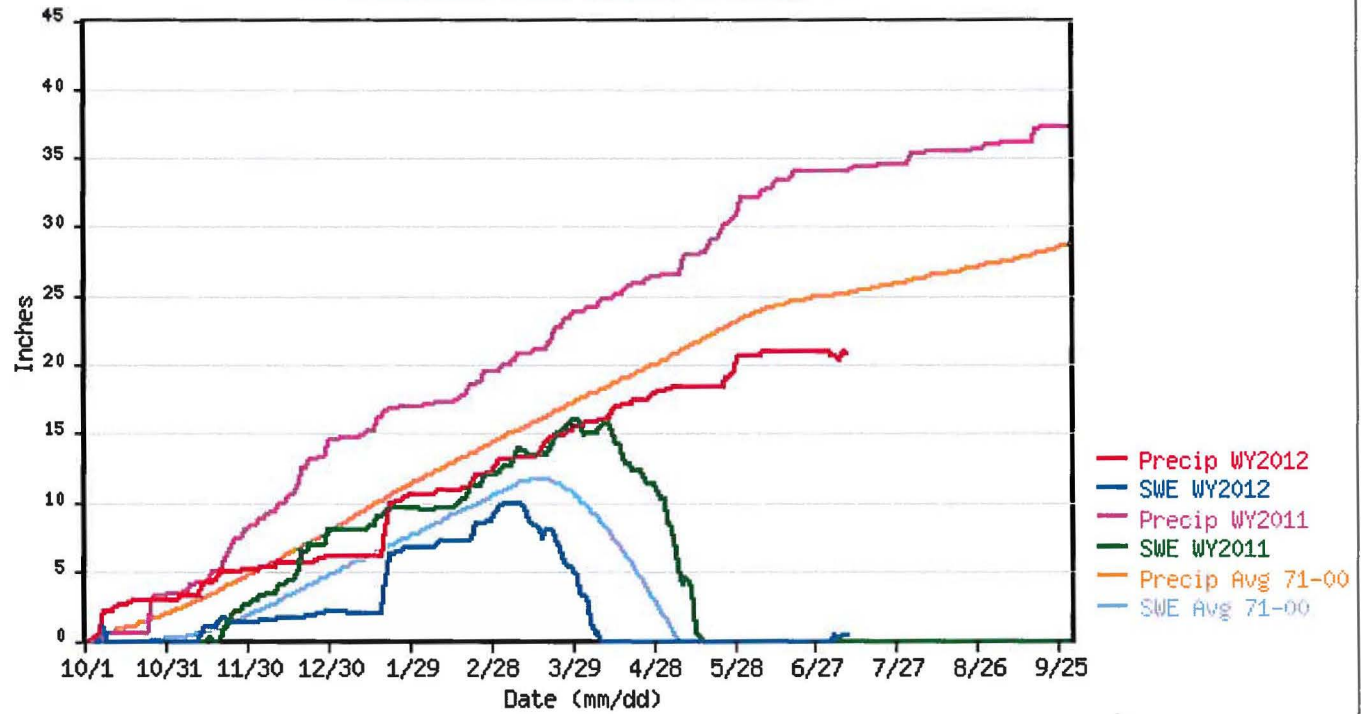


Figure 2. Oxford Spring Snotel Site for Water Year 2012

(4)

34621

IDWR Received 7/6/12  
By email.

Oneida Co. Commission  
Max C. Firth  
Dale F. Tubbs  
Cecil C. Sweeten



State of Idaho  
10 Court Street  
Malad City, Idaho 83252

Matthew L. Colton  
Clerk, Auditor & Recorder

RECEIVED  
JUL 02 2012

OFFICE OF THE GOVERNOR

June 28, 2012

To: the Honorable Governor C.L. Otter

Dear Sir

It has been requested, by the Oneida County Board of County Commissioners, that I send you this letter in an effort to keep you informed on the current situations in Oneida County. As you are well aware, the weather has had an adverse effect on most of our great Nation.

Here in Oneida County we are not immune from these same problems and our farmers and ranchers have, in fact, already suffered from late spring frost and the lack of moisture. This topic was addressed in a regular meeting of the Oneida BOCC on June 25th, 2012, and as a result the Commissioners have signed a resolution stating the current adverse conditions that are present in our county and declaring Oneida County a drought area. A Copy of this resolution has been included with this letter for your review.

Thank you for all the good work that you do for the Great State of Idaho.

Sincerely

A handwritten signature in cursive script that reads "Matthew L. Colton".

Matthew L. Colton  
Oneida County Clerk

**RESOLUTION NO. 2012-06-02**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ONEIDA COUNTY, STATE OF IDAHO, DECLARING ONEIDA COUNTY, IDAHO AS A DROUGHT AREA.**

**WHEREAS**, Oneida County is largely an agriculturally based county and a significant number of its citizens derive their livelihood in and / or from agriculturally related activities; and

**WHEREAS**, the Board of Oneida County Commissioners recognizes that, following a significant period of insufficient water, the shortage of water in Oneida County is extremely serious and becomes more critical each day due to the lack of winter snow and seasonal rain; and

**WHEREAS**, the Board of Oneida County Commissioners recognizes that a substantial portion of farm and ranch land in Oneida County is being adversely affected by the current drought and significant damage is being done to crops and animals; and

**WHEREAS**, the Board of Oneida County Commissioners recognizes a need for the preservation of order, public health and safety, and the protection of property as it relates to the citizens of Oneida County;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ONEIDA COUNTY**, as follows:

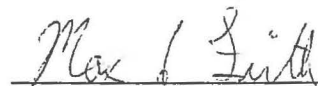
1. The Board of Oneida County Commissioners declare that an emergency situation exists, and the same is hereby declared, as to the imminent disaster facing Oneida County from the continued drought in Oneida County, Idaho; and
2. Oneida County, Idaho is hereby declared a drought area; and
3. All resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency; and



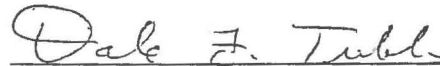
4. The invalidity or unenforceability of any provision of this Resolution shall not affect the remaining provisions.

5. This Resolution shall be in full force and effect from and after its passage and approval, as provided by law.


**PASSED, ADOPTED AND APPROVED** by the Board of County Commissioners of Oneida County, State of Idaho, this 25<sup>th</sup> day of June, 2012.



MAX C. FIRTH, Chairman  
Board of Oneida County Commissioners

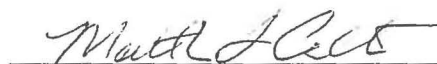


DALE F. TUBBS, Member  
Board of Oneida County Commissioners



CECIL C. SWEETEN, Member  
Board of Oneida County Commissioners

**ATTEST:**



MATTHEW LON COLTON,  
Oneida County Clerk