

**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 impacts of drought conditions in the county; and

WHEREAS, Bannock County is included almost entirely within the Portneuf River basin; and

WHEREAS, the United States Drought Monitor Index shows Bannock County included within that portion of Southern Idaho classified as abnormally dry and moderate drought; and

WHEREAS, drainages in and around Bannock County are experiencing abnormally dry conditions with the year's snow water and precipitation levels being well below normal. Specifically, the Wildhorse Divide and Sedgewick Peak Snotel sites, both located within Bannock County and the Portneuf River basin, showed that April snow water content was respectively only 44 percent and 67 percent of normal, while accumulated year to date precipitation at the two sites as of August 7, 2012 was respectively 79 percent and 84 percent of average. Total April 2012 snow water content for the Portneuf River basin was just 55 percent of normal while basin snowpacks melted out about a month early. Additionally, Portneuf River discharge at Pocatello on August 7 was only about 36 percent of normal, or about 53 cfs below average for this date. Also, local water district watermasters are reporting that water right priority cuts are well ahead of schedule or similar to other drought years, confirming high water demand due to high temperatures and lack of precipitation over the past two months; 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, 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 7<sup>th</sup> day of August, 2012.

*For*   
GARY SPACKMAN  
Interim Director

APPROVED this 11<sup>th</sup> day of August, 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 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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**MEMO**

**To:** Jeff Peppersack

**From:** Tim Luke *TJL*

**Date:** August 7, 2012

**Subject:** Hydrologic Data for Bannock County

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According to the USDA Drought Monitor, the southeastern and south central portion of Idaho is affected by abnormally dry conditions. The first image below shows that Bannock County is within that area of the state currently experiencing abnormally dry and moderate drought conditions.

Bannock County is located almost entirely within the Portneuf River basin. There are two Snotel snow course stations located within Bannock County and the Portneuf River Basin, including Wildhorse Divide and Sedgewick Peak. Figures 2 and 3 illustrate that the 2012 accumulated snow water equivalent and precipitation levels are considerably below the 30-year averages for the two sites. Total year to date precipitation at Wildhorse Divide and Sedgewick Peak as of August 7, 2012 is 79 and 84 percent of average respectively. April 2012 snow water content level at Wildhorse Divide and Sedgewick Peak was 44 percent and 67 percent of normal respectively. Total April 2012 snow water content for the Portneuf River basin was just 55 percent of normal. As shown in Figures 2 and 3, snowpack at the two Snotel sites melted out about a month early, a trend typical at most locations in Southern and Eastern Idaho. The early snowmelt and higher than normal temperatures during July and August has contributed to more limited water supplies and earlier water delivery curtailments.

Current stream flows and levels within Bannock County further indicate reduced water supply in response to recent high temperatures and dry conditions. Average discharge of the Portneuf River at Pocatello for August 7, 2012 is about 30 cfs, which is about 36 percent of normal or 53 cfs below average for this date. Several other gage stations further upstream in the basin are reporting discharge levels slightly below average. However, several local water district watermasters have reported making water right delivery cuts earlier with conditions similar to other drought years. Water supply in Bannock County will likely be stretched for the remaining irrigation season due to the early snow melt out, reduced stream flow levels, and limited storage water facilities in the area.

# U.S. Drought Monitor

July 31, 2012

Valid 7 a.m. EST

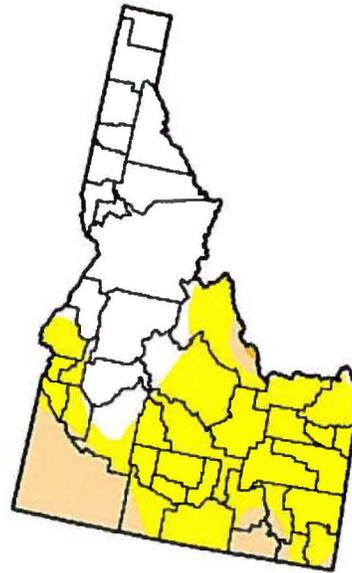
## Idaho

*Drought Conditions (Percent Area)*

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	38.72	61.28	13.91	0.18	0.00	0.00
Last Week (07/24/2012 map)	38.72	61.28	13.91	0.18	0.00	0.00
3 Months Ago (05/01/2012 map)	94.58	5.42	0.00	0.00	0.00	0.00
Start of Calendar Year (12/27/2011 map)	48.90	51.10	0.00	0.00	0.00	0.00
Start of Water Year (09/27/2011 map)	86.56	13.44	0.00	0.00	0.00	0.00
One Year Ago (07/26/2011 map)	100.00	0.00	0.00	0.00	0.00	0.00

Intensity:

- D0 Abnormally Dry
- D1 Drought - Moderate
- D2 Drought - Severe
- D3 Drought - Extreme
- D4 Drought - Exceptional



*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.*

<http://droughtmonitor.unl.edu>



**Released Thursday, August 2, 2012**  
**Mark Svoboda, National Drought Mitigation Center**

**Figure 1**

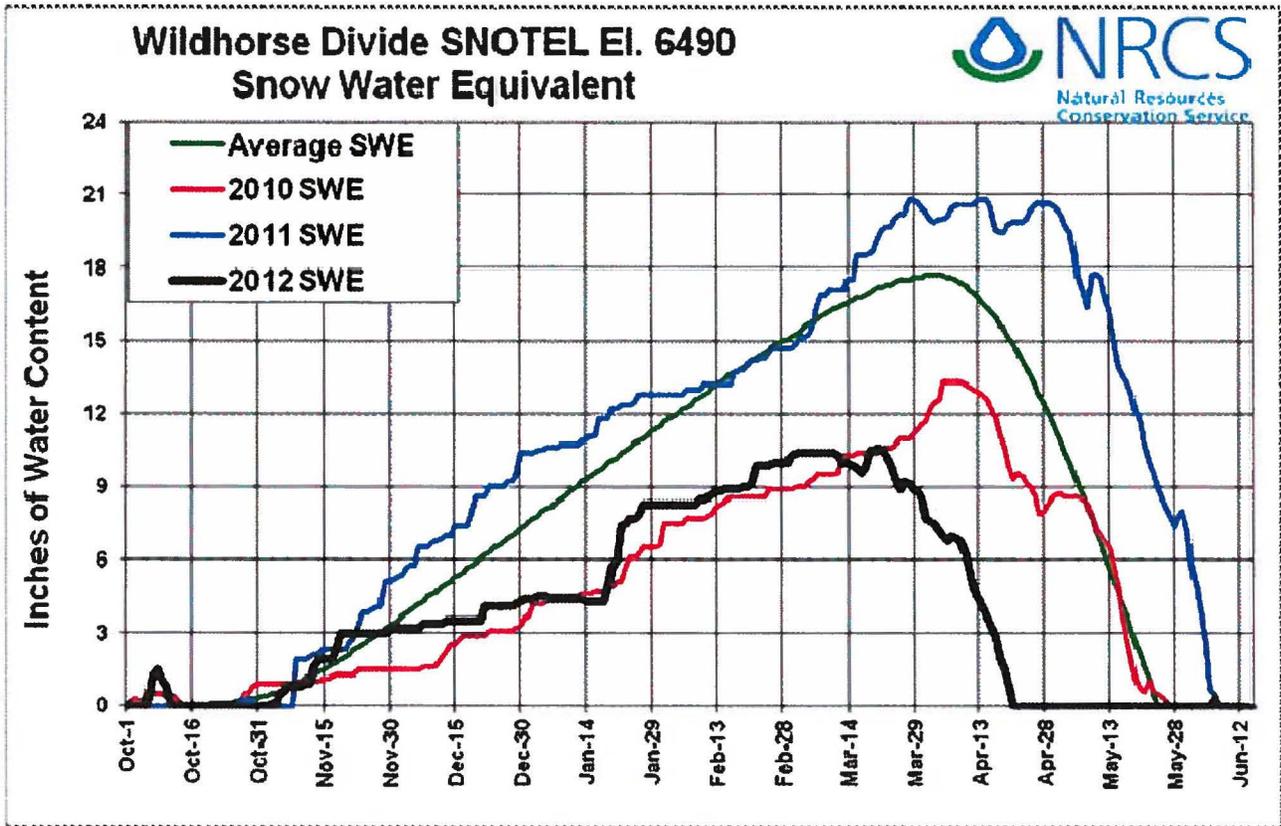


Figure 2. Wildhorse Divide Snotel Site for Water Year 2012

11G30S SNOTEL for Water Year 2012

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

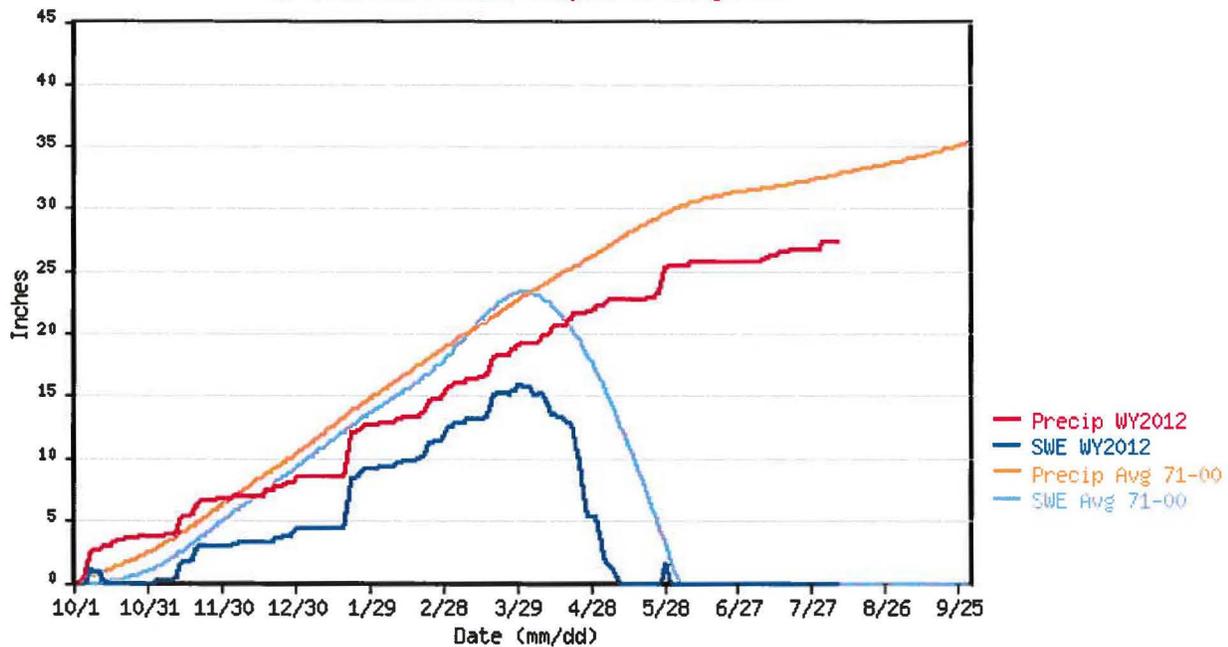


Figure 3. Sedgewick Peak Snotel Site for Water Year 2012

# Bannock County Commissioners

P.O. Box 4016 Pocatello, Idaho 83205-4016 Phone (208) 236-7211  
Fax# 236-7363



STEVE HADLEY  
CHAIRMAN  
COMMISSIONER 2ND DISTRICT  
POCATELLO, IDAHO

KARL E. ANDERSON  
COMMISSIONER 1ST DISTRICT  
POCATELLO, IDAHO

HOWARD MANWARING  
COMMISSIONER 3RD DISTRICT  
POCATELLO, IDAHO

August 1, 2012

RECEIVED  
AUG 06 2012  
DEPARTMENT OF  
WATER RESOURCES

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

RE: 2012 Drought and Frost Disaster Declaration for Bannock County

Dear Mr. Spackman:

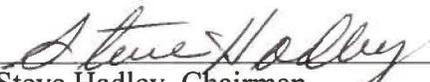
After consultation with area farmers, ranchers and irrigation water users, and in light of current drought conditions, the Bannock County Board of Commissioners requests that Bannock County be declared a drought and frost emergency area pursuant to Section 42-222A of the Idaho Code.

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

  
Steve Hadley, Chairman

  
Karl E. Anderson, Member

  
Howard Manwaring, Member



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 7, 2012

**HAND DELIVERED**

Stephen Goodson  
Special Assistant for Agriculture  
and Natural Resources  
Office of the Governor  
State Capitol  
Boise, Idaho

Re: Order Declaring Drought Emergency for Bannock County

Dear Mr. Goodson:

Enclosed is an original order declaring a drought emergency for Bannock County signed by Jeff Peppersack, who is authorized by Director Spackman to act on his behalf while he is on vacation. Also enclosed for your file are copies of the County's request and the information IDWR has compiled to verify the drought. IDWR respectfully requests that the Governor sign this order, if it meets with his approval.

Please call me at 287-4803 and I will pick up the Order after it is signed.

If I can be of any further assistance, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Deborah J. Gibson". The signature is written in a cursive, flowing style.

Deborah J. Gibson  
Administrative Assistant to the Director