

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF A DECLARATION)
OF DROUGHT EMERGENCY FOR)
LEMHI COUNTY)
_____)

ORDER DECLARING
DROUGHT EMERGENCY

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

WHEREAS, Lemhi County is located within the Lemhi and Salmon River basins; and

WHEREAS, the United States Drought Monitor shows most of Lemhi County is considered abnormally dry; and

WHEREAS, the river basins in Lemhi County are experiencing abnormally dry conditions with the year's snow water and precipitation levels being well below normal. Specifically, the Moonshine SNOTEL station, located within Lemhi County and the Lemhi River basin, showed that the snow water equivalent was well below normal and snow melted approximately one month earlier than normal. Similar trends were seen at the other SNOTEL sites within the basins. Current stream flows within the county are below normal. The flows in the Lemhi River at Lemhi have been below the median since the beginning of June. Flows in the Salmon River at Salmon have been below the median flow since mid-July.

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 Lemhi 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 Lemhi County during the pendency of this declared drought emergency:

existing water right within Lemhi 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

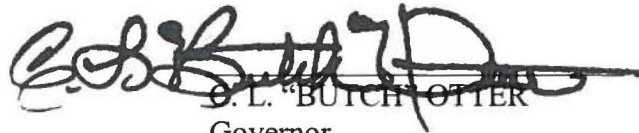
Governor and expires on December 31, 2012, unless extended or terminated by order of the Director.

DATED this 15th day of August, 2012.



GARY SPACKMAN
Director

APPROVED this 16th day of August, 2012.



O. 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

MEMO

To: Jeff Peppersack

From: Liz Cresto *LC*

Date: August 14, 2012

Subject: Hydrologic Data for Lemhi County

According to the USDA Drought Monitor, most of Lemhi County is considered abnormally dry. A small portion of the county along the Idaho/Montana border is classified as D1, or a moderate drought. Figure 1 below shows the areas within Lemhi County that are classified as a moderate drought and abnormally dry.

Lemhi County is located within the Lemhi and Salmon River Basins. There are five SNOTEL stations within the county. Figure 2 below illustrates that the Snow Water Equivalent¹ and the accumulated precipitation were below average at the Moonshine SNOTEL station. In addition the snow melted approximately a month earlier than normal. Similar trends were seen at the other SNOTEL sites within the basin.

Current stream flows within the county are below normal. As illustrated by figure 3, the flows on the Lemhi River at Lemhi have been below the median since the beginning of June. For the last week flows at the Lemhi River near Lemhi have been near normal. According to the Rick Sager, Lemhi River Water Master, because of the dry conditions the irrigators diverting above the gage shut off in order to provide water downstream. The natural inflow on the Lemhi River remains below the median despite the actual gage reading near Lemhi. In addition, current flows on the Salmon River are below the median flow and have been since mid- July (figure 4).

¹ The Snow Water Equivalent percent of average represents the current snow water equivalent found at selected SNOTEL sites in or near the basin compared to the average value for those sites on this day.

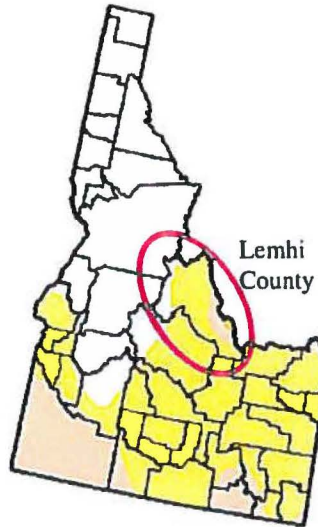
U.S. Drought Monitor

Idaho

August 7, 2012
Valid 7 a.m. EST

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 (07/31/2012 map)	38.72	61.28	13.91	0.18	0.00	0.00
3 Months Ago (05/08/2012 map)	67.02	12.98	0.00	0.00	0.00	0.00
Start of Calendar Year (12/27/2011 map)	48.80	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 (08/02/2011 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 9, 2012
Mark Svoboda, National Drought Mitigation Center

Figure 1: USDA Drought Monitor, August 7, 2012.

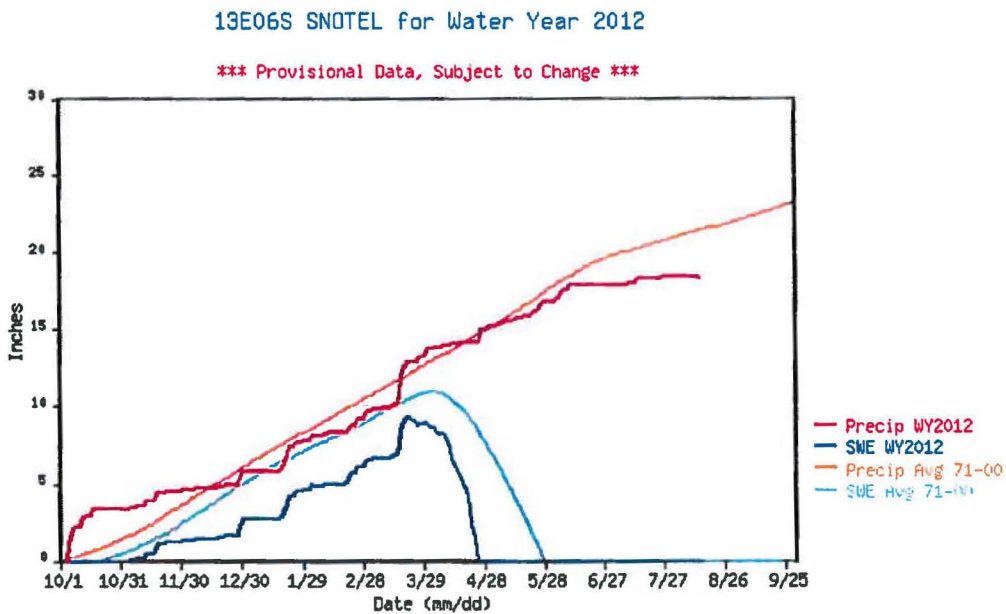


Figure 2: Moonshine SNOTEL site for water year 2012.

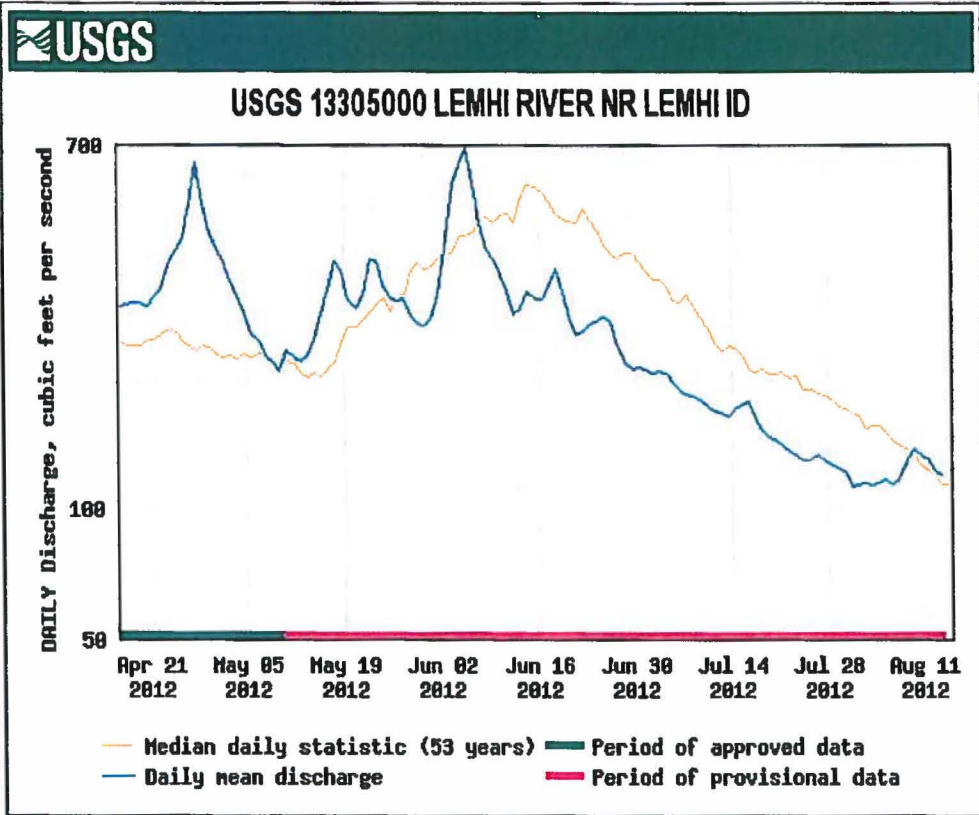


Figure 3: Discharge Lemhi River near Lemhi, 2012.

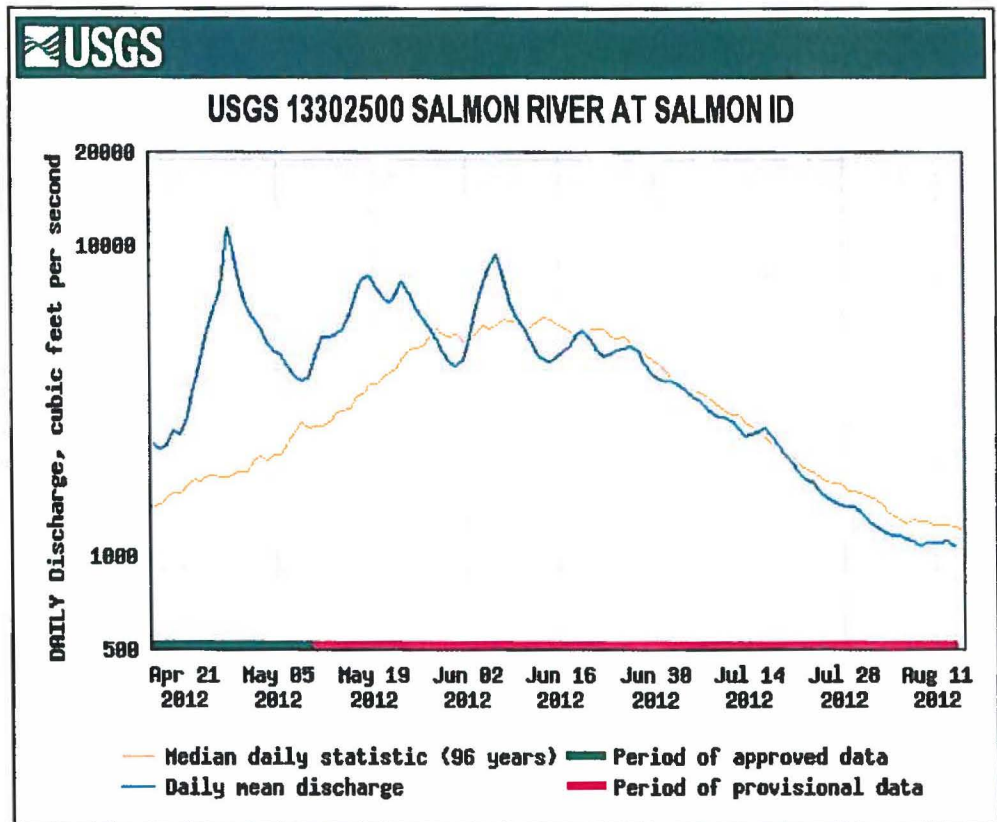


Figure 4: Discharge Salmon River at Salmon, ID, 2012.



**OFFICE OF THE COUNTY COMMISSIONERS
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467**

**Rick Snyder, Chairman
John Jakovac
R. E. Cope**

Phone: 208-756-2815

Fax: 208-756-8424

August 13, 2012

Governor C. L. "Butch" Otter
Statehouse, 2nd Floor
P.O. Box 83720
Boise, Idaho 83720-0034

Dear Governor Otter:

As you are aware, water levels in Lemhi County are at an extremely low level. Yearly precipitation is at less than five inches to date. Irrigation rights as early as 1916 are being shut down at this time.

We are currently experiencing a severe recurrence of the drought which has been ongoing for over a decade. Groundwater levels are dropping rapidly, and the soil contains very little moisture. Our agricultural industry is approaching a critical point.

With these factors in mind, the Lemhi County Board of Commissioners would like to request that you declare a drought emergency in Lemhi County.

Sincerely,

A handwritten signature in black ink that reads "Richard W. Snyder". The signature is written in a cursive style with a large, sweeping flourish at the end.

RESOLUTION 2012-14

WHEREAS, Lemhi County has received less than five inches of precipitation to date in the year 2012, and

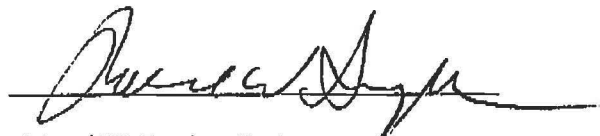
WHEREAS, water levels in streams that are sources for irrigation water in Lemhi County are dropping rapidly, and


WHEREAS, such irrigation water is necessary for agricultural production in the county, due to the arid climate of the region, and


WHEREAS, water rights dating to almost a century ago are now being deemed ineligible for diversion due to low water levels,

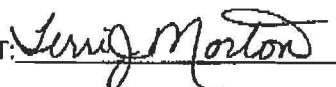
THEREFORE BE IT RESOLVED, that the Board of Commissioners do hereby request that the Governor of the State of Idaho declare Lemhi County to be a drought disaster area.

Passed and adopted this 13th day of August, 2012.


Richard W. Snyder, Chairman


John Jakovac


R. E. Cope

ATTEST:  Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 16, 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 Lemhi County

Dear Mr. Goodson:

Enclosed is an original order declaring a drought emergency for Lemhi County signed by Director Spackman for the Idaho Department of Water Resources. Also enclosed are copies of the County's request and the information IDWR has compiled to verify the drought, which are for your file or use. 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 black ink that reads "Deborah J. Gibson". The signature is written in a cursive style with a large, prominent 'D' and 'G'.

Deborah J. Gibson
Administrative Assistant to the Director