

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

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

**ORDER DECLARING**  
**DROUGHT EMERGENCY**

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

WHEREAS, Fremont County is included within the Henrys Fork and Falls River drainages; and

WHEREAS, drainages in and around Fremont County are experiencing abnormally dry conditions with the year's snow packs having melted out about three to four weeks earlier than normal. The United States Drought Monitor Index shows Fremont County included within that portion of eastern and southern Idaho classified as abnormally dry or moderate drought. As of August 22, 2012, the United States Department of Agriculture designated Fremont County and several other eastern Idaho counties as primary natural disaster areas due to damages and losses caused by drought, excessive heat and high winds that have persisted throughout the summer; 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 Fremont 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 Fremont 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 21<sup>st</sup> day of September, 2012.

  
GARY SPACKMAN  
Director

APPROVED this 24<sup>th</sup> day of September, 2012.

  
C. L. "BUTCH" OTTER  
Governor



## State of Idaho

### DEPARTMENT OF WATER RESOURCES


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## MEMO

**To:** Gary Spackman

**From:** Tim Luke 

**Date:** September 20, 2012

**Subject:** Hydrologic Data for Fremont County – Fremont County Drought Declaration

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This memo summarizes hydrologic conditions in the Henrys Fork and Falls River drainages and is prepared in response to a request for drought emergency declaration from the Fremont County Commission dated September 4, 2012.

According to the USDA Drought Monitor, the eastern portion of Idaho is affected by abnormally dry conditions. The first image below shows that Fremont County is currently experiencing abnormally dry and moderate drought conditions.

Fremont County is located within the Henrys Fork River and Falls River drainages. There are two Snotel snow course sites within the Henrys Fork drainage and Fremont County. Figures 2 and 3 show accumulated 2012 water year snow water equivalent and precipitation levels respectively for the White Elephant and Island Park Snotel sites. Although accumulated water year precipitation and snow water equivalent levels have been at or near average, the graphs clearly illustrate that the snow pack melted off about three to four weeks earlier than normal. The Henrys Fork-Falls River basin wide snow pack was about 90 percent of average on April 1 but only 74 percent of average on May 1.

As of August 22, 2012, the United States Department of Agriculture designated Fremont County and several other eastern Idaho counties as a primary natural disaster area due to damages and losses caused by drought, excessive heat and high winds that have persisted throughout the summer.

Figure 1

# U.S. Drought Monitor

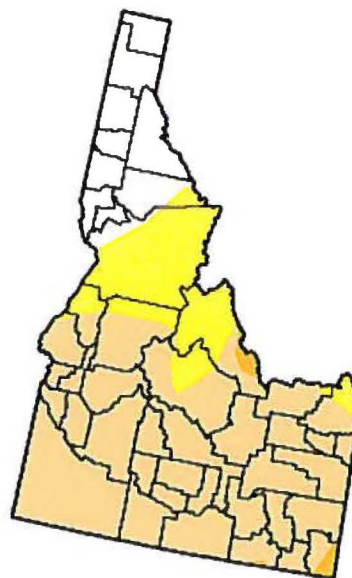
## Idaho

September 18, 2012  
Valid 7 a.m. EST

	Drought Conditions (Percent Area)					
	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	15.76	84.24	66.42	1.23	0.00	0.00
Last Week (09/11/2012 map)	15.72	84.28	66.18	1.21	0.00	0.00
3 Months Ago (06/19/2012 map)	79.86	20.14	0.01	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 (09/13/2011 map)	100.00	0.00	0.00	0.00	0.00	0.00

Intensity:

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



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, September 20, 2012  
David Smeral, Western Regional Climate Center



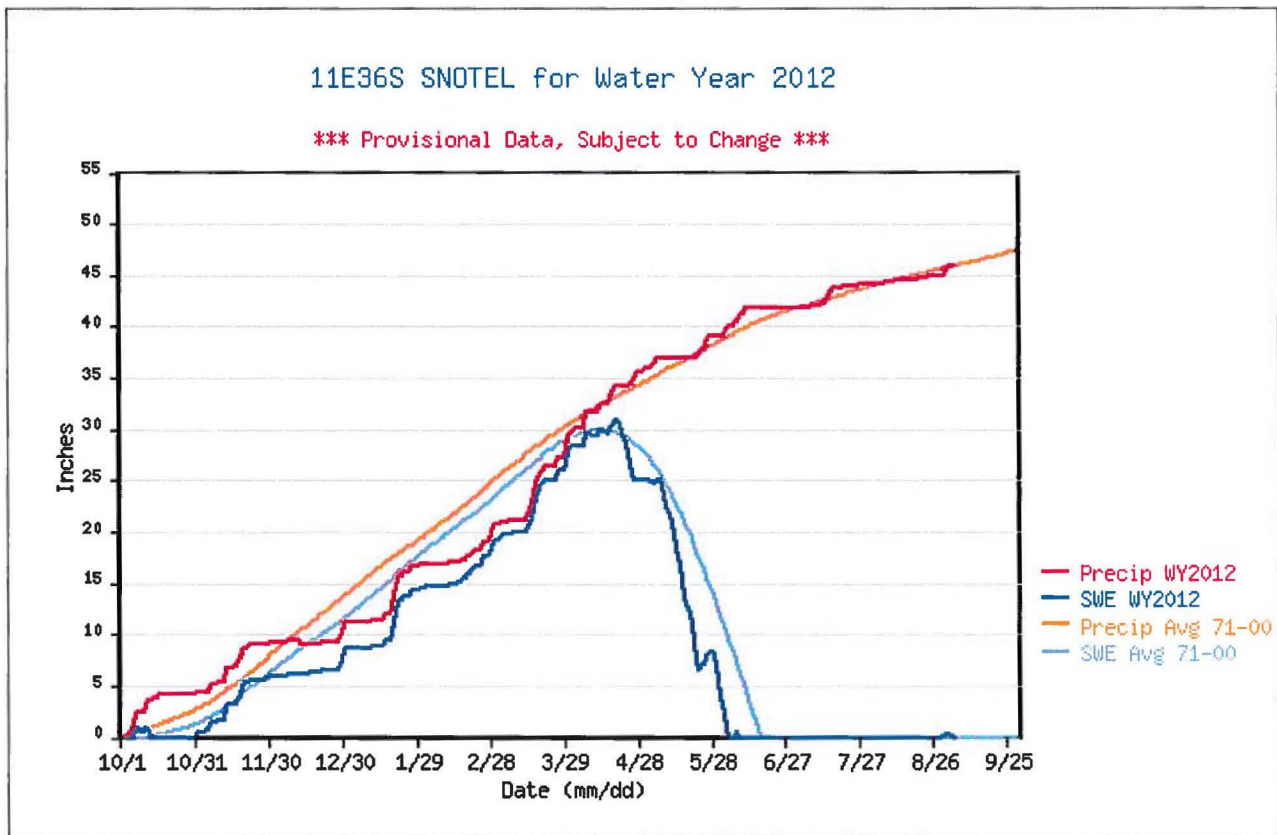


Figure 2. White Elephant Snotel Site for Water Year 2012

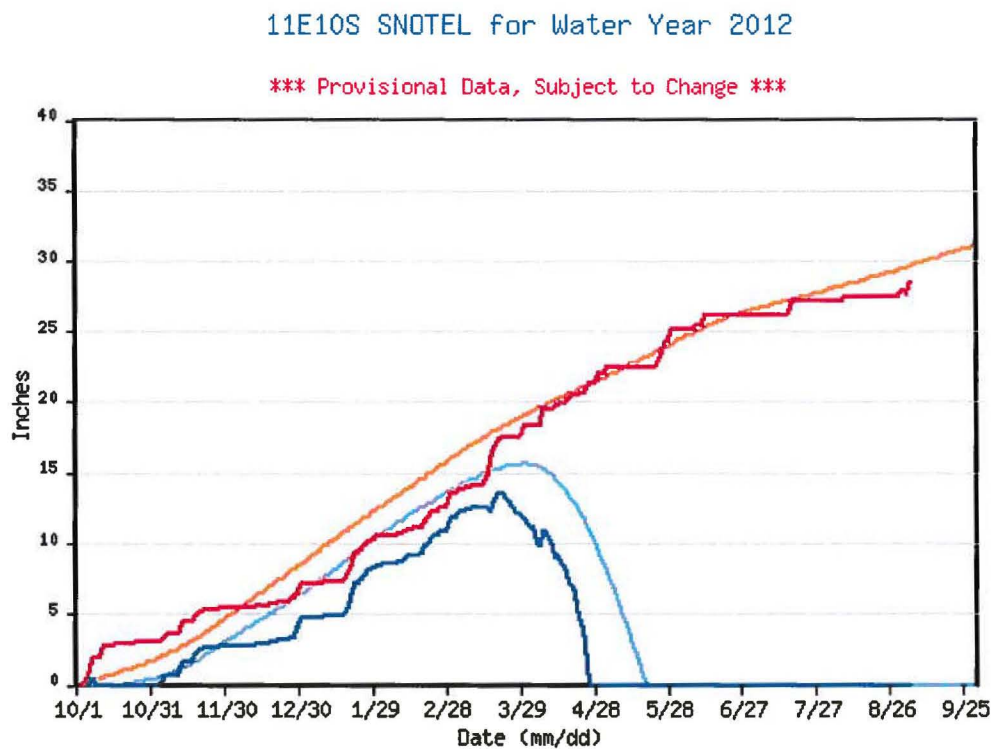


Figure 3. Island Park Snotel Site for Water Year 2012