

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

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

**ORDER DECLARING  
DROUGHT EMERGENCY**

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

WHEREAS, Teton County is included within the Teton River drainage; and

WHEREAS, snow water equivalent (SWE) levels for drainages in and around Teton County have been between 48 and 77 percent of normal during May, 2013, with snow packs melting out several weeks early; and

WHEREAS, stream flow volumes in the area for the period May through July are forecasted to be about 78 percent of average; and

WHEREAS, the United States Drought Monitor Index shows Teton County included within that portion of Eastern Idaho classified as moderate drought; and

WHEREAS, there are little or no water storage facilities within Teton County and water users rely almost solely on natural stream flow supplies, and given that the drier than normal conditions within Teton 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 Teton 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 Teton 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, 2013, 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.

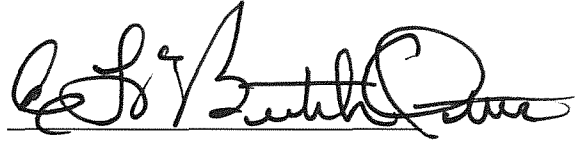
IT IS FURTHER HEREBY ORDERED that this order is effective upon approval of the Governor and expires on December 31, 2013, unless extended or terminated by order of the Director.

DATED this 4<sup>th</sup> day of June, 2013.



GARY SPACKMAN  
Interim Director

APPROVED this 4<sup>th</sup> day of June, 2013.



C. L. "BUTCH" OTTER  
Governor



**Board of County Commissioners**

May 28, 2013

Governor C.L. "Butch" Otter  
Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Dear Governor Otter,

On behalf of the agricultural and ranching community in Teton County, the Board of County Commissioners are seeking a "Declaration of Drought Emergency" for Teton County for 2013. This emergency declaration is requested due to severe weather conditions, including but not limited to, precipitation levels, early snow runoff, high winds and low snowpack levels.

At this date, the snow runoff at the lower elevation NRCS – SNOTEL sites are already gone and peaked over two weeks earlier than normal. High elevation sites still have some snow, but are running off earlier than normal and the snowpack levels are 50% of average. Averages are calculated on a 30 year average including 1981-2010. This would not be significant were it not for the current snow pack levels in the entire Henrys Fork, Teton Basin watershed stands at 53% of average according to NRCS SNOTEL. Timely rains may help, however precipitation patterns are nearly identical to last year according to the Grand Targhee SNOTEL site. As you may recall, last year, Teton County suffered a severe drought / frost disaster. This year, irrigators will likely experience an early end of their irrigation water, resulting in having to pay for additional water use or no water at all.

Enclosed is data from our local Soil Conservation District, Natural Resources Conservation Office, documenting snow runoff dates, precipitation, frost and daily temperatures. We look forward to a prompt and affirmative response to our situation.

Sincerely,

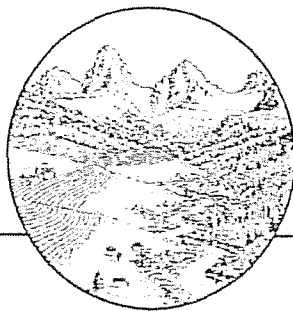
TETON COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Kelly Park, Chair

  
\_\_\_\_\_  
Sid Kunz

  
\_\_\_\_\_  
Kathy Rinaldi

cc: Stephen Goodson, Assistant for Energy and Natural Resources  
Lynn Bagley, Teton Soil Conservation District



May 24, 2013

Teton County Commissioners  
Kathy Rinaldi, Kelly Park and Sid Kunz  
Driggs, Idaho 83422

Dear Honorable Commissioners;

The Teton Soil Conservation District hereby requests that the Commission consider a drought declaration for Teton County.

Snow content levels for Teton County are currently at 53% of average percentile range for the Henrys Fork, Teton Basins. These percentiles indicate averages for a period from 1981 to 2010. One hundred (100) percent would indicate an average snow year for that 30 year period.

Snow runoff at the lower elevation sites are already melted and peaked 2 weeks early for the 2013 season. For example, Pine Creek Pass SNOTEL site reported runoff two full weeks ahead of schedule and has no snow at this time.

Some of the higher elevations sites still have some snow, but are consistent in running off 2 weeks earlier than average. For example Phillips Bench (South end of the County) is at 50% of average for this time of year.

Precipitation patterns are nearly identical to last year at the Grand Targhee SNOTEL site. Spring rains are following a consistent pattern with the readings last year. Although no one can predict summer rains and precipitation totals. As you may recall, Teton County suffered a drought/ frost disaster, if precipitation patterns follow the same path as last year Teton County will see significant crop loss.

Since Fremont County has already requested a drought disaster and Teton County is part of the same watershed basin. Teton SCD hereby requests a drought declaration for Teton County.

Thank you for considering this request. If you have questions or need additional information, please contact me at (208) 313-7560.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Bagley".

Lynn Bagley  
Chairman

Attachments:

Idaho Snowtel Current Snow Water Equivalents %  
Idaho Snowpack update report