

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

ORDER DECLARING
DROUGHT EMERGENCY

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

WHEREAS, Lincoln County is included within the Big Wood River and Little Wood River drainages; and

WHEREAS, the south central portion of the state, including Lincoln County, is experiencing drought conditions due to below normal precipitation and snowpack levels. Specifically, overall snow water equivalent (SWE) rates this year in the Big Wood and Little Wood Basins on May 1 was respectively just 56 and 12 percent of median. Year to date precipitation levels in the Big Wood and Little Wood Basins was respectively about 64 and 57 percent of average as of May 18.

WHEREAS, May through September stream flow volume forecasts for the Big Wood River below Magic Dam and the Little Wood River near Carey are respectively estimated to be only 14 and 34 percent of average; and

WHEREAS, the United States Drought Monitor Index on May 14, 2020, showed Lincoln County included within that portion of south-central Idaho classified as abnormally dry to moderate drought; 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 Lincoln 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 Lincoln 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, 2020, 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, 2020, unless extended or terminated by order of the Director.

DATED this 20th day of May, 2020.


GARY SPACKMAN
Director

APPROVED this 26th day of May, 2020.


Brad Little
Governor

RECEIVED

MAY 18 2020

DEPARTMENT OF
WATER RESOURCES



Brad Little
GOVERNOR

Submitting Your Request
E-MAIL to proclamations@gov.idaho.gov
FAX to (208) 334-3454
MAIL TO:
Office of the Governor
P.O. Box 83720
Boise, ID 83720

PROCLAMATION REQUEST FORM

5/6/2020
Today's date: Brenda Farnworth
Sole point of contact:
208-886-7641
Phone number: b.farnworth@lincolncountyid.us
E-mail address:
111 W 1st St. Ste C, Shoshone ID 83352
Mailing address to send proclamation:

PROCLAMATION DETAILS

Organization or individual requesting:

Lincoln County

Name of Proclamation (i.e. Energy Awareness Month or Human Rights Day)

Disaster Declaration

Date(s) to be proclaimed:

Year 2020

Purpose of proclamation:

Drought conditions exist in Lincoln County and the commissioners would like to assist farmers in receiving grants or ability to access insurance funds and have flexible water uses.

****A COMPLETE DRAFT** of the proposed proclamation needs to accompany this proclamation request form in order for it to be considered and processed. To view previous proclamations issued by the Governor as guidance in drafting your proclamation, visit the Proclamations Archive on Governor Otter's Web site. Also, be sure to check the Proclamation Policy for guidelines.

Signing ceremony requested (circle one)? Yes ☒ No

If Yes, please complete a scheduling request form and submit to the Governor's Office along with this form. Signing ceremonies are granted on a limited basis. In most cases, the proclamation will be mailed to the sole point of contact or it may be picked up in the Governor's Office.

Proclamation Policy:

1. Proclamations are limited to non-commercial, non-profit efforts, which have definite local activities in Idaho. In other words, national organizations, groups, or activities that desire a proclamation must have an in-state sponsor to be considered by the Governor's Office.
2. Your request must be submitted three (3) weeks prior to the date you wish to receive the document.
3. Recurring requests must be filed yearly. Proclamations do not have a standing order.
4. If you feel the media may have an interest in your proclamation, it is your responsibility to contact media outlets.
5. A proclamation does not indicate or imply the Governor's support for any given issue or project.
6. Not all requests for proclamations can be issued due to the volume and nature of the requests.
7. No proclamation or portion of a proclamation may be used as part of a paid advertisement without written permission from the Governor's Office.
8. The Governor reserves the right to deny, without comment, any proclamation request received by his office.

RECEIVED

MAY 18 2020

DEPARTMENT OF
WATER RESOURCES

Disaster Declaration
Lincoln County, Idaho
2020-07



WHEREAS, there is a threat to property in Lincoln County as the result of drought throughout the Big and Little Wood River drainages; and,

WHEREAS, there is a high probability of significant crop loss due to lack of water; and

WHEREAS, the MRCS April 1 Water Supply Outlook Report predicted that our April to July water supply would be 25% of average; and,

WHEREAS, decreed water on the Big Wood River below Magic Reservoir is already being curtailed due to extremely low inflow levels into Magic Reservoir. These curtailments are some of the earliest on record; and

WHEREAS, decreed water on the Little Wood River is also being curtailed at the earliest dates on record; and

WHEREAS, there was good carry over in the Magic Reservoir from 2019, but record low precipitation since February 1st has caused Magic Reservoir deliveries to likely be shut off sometime around the middle of August; and

WHEREAS, in a local disaster emergency as defined in Section 46-1003, Idaho Code, is in existence in Lincoln County due to the imminent threat to property; and,

WHEREAS, Section 46-1011, Idaho Code, authorizes the Commission of Lincoln County to declare a local disaster emergency to authorize the furnishing of aid and assistance hereunder; and,

NOW, THEREFORE, be it resolved and declared by the Lincoln County, Idaho, Board of Commissioners, as follows:

1. A disaster emergency exists within Lincoln County, created by an imminent threat of property, agricultural land, and infrastructure damage and/or loss;
2. Such disaster requires State and Federal emergency assistance to supplement local efforts to protect such property and to coordinate a multi-agency effort to mitigate, to avert, and to lessen the impact of such potential drought and other threats;
3. The Lincoln County Board of Commissioners requests that the Governor of the State of Idaho as well as other appropriate State agencies and officials, together with other appropriate Federal officials, make such declarations, and provide such assistance to Lincoln County as required and allowed, by law.

Adopted unanimously, in open session, this 4th day of May, 2020, by those Commissioners subscribing their names hereto.


DATED this 4th day of May, 2020.


Rebecca Wood, Chairman


Roy E Hubert, Commissioner


Rick Ellis, Commissioner

Attested:


Brenda Farnworth, County Clerk

Cc: Governor Brad Little
Kevin Lakey, Dept. of Water Resources
David Stephenson, Big Wood Canal Company
Lincoln County Extension Office
Agricultural Stabilization Office, Jerome