

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

IN THE MATTER OF A DECLARATION )  
OF DROUGHT EMERGENCY FOR )  
CASSIA AND TWIN FALLS COUNTIES )  
\_\_\_\_\_ )

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

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

WHEREAS, portions of Cassia County are located within Raft River, Goose Creek and Trapper Creek drainages, and portions of Twin Falls County are included within Salmon Falls Creek, Rock Creek and Dry Creek drainages, and irrigation water supplies in portions of both counties are also dependent on water supply conditions in the Upper Snake River basin; and

WHEREAS, the southern portion of the state, including Cassia and Twin Falls Counties, is experiencing severe to extreme drought conditions due to below normal snowpack and precipitation levels. Specifically, total cumulative snow water equivalent (SWE) levels in the Raft River, Goose and Trapper Creek, and Salmon Falls Creek drainages as of April 1 were 96 percent, 95 percent and 96 percent of median, respectively, but above average temperatures and below normal precipitation during April reduced May 1 SWE levels to only 61 percent, 48 percent and 55 percent of median, respectively; and

WHEREAS, water year to date precipitation levels as of July 1 in the Raft River, Goose and Trapper Creek, and Salmon Falls Creek drainages were only 70 percent, 69 percent and 70 percent of average, respectively; and

WHEREAS, cumulative snow water equivalent levels for the Snake River Basin above American Falls as of April 1, 2021 were 91 percent of median, but above average temperatures and below normal precipitation during April reduced May 1 SWE levels to only 75% of median while water year precipitation levels as of July 1 in the Upper Snake River drainage above American Falls were 76% of average; and

WHEREAS, June through September stream flow volume forecasts for Goose Creek above Trapper Creek near Oakley is 33 percent of average, Trapper Creek near Oakley is 70 percent of average, Salmon Falls Creek near San Jacinto is 23 percent of average, and the Snake River at Neeley is only 17 percent of average; and

WHEREAS, as of July 8, 2021 the United States Drought Monitor Index showed Cassia and Twin Falls Counties within that portion of Southern Idaho classified as severe to extreme 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; 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 Cassia County and Twin Falls 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 Cassia and Twin Falls Counties 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, 2021, 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, 2021, unless extended or terminated by order of the Director.

DATED this 14<sup>th</sup> day of July, 2021.

  
\_\_\_\_\_  
Gary Spackman  
Director

APPROVED this 20<sup>th</sup> day of July, 2021.

  
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Brad Little  
Governor

CERTIFIED

Recorded at Request of  
Cassia County, Idaho

**Instrument # 2021003589**  
BURLEY, CASSIA, IDAHO  
7-12-2021 12:37:47 PM No. of Pages: 2  
Recorded for : CASSIA COUNTY COMMISSIONERS  
JOSEPH LARSEN Fee: 0.00 EU  
Ex-Officio Recorder Deputy  
Index to: RESOLUTION

(This area for Recorder's use only.)

**BEFORE THE BOARD OF COMMISSIONERS  
FOR CASSIA COUNTY, IDAHO**

**RESOLUTION NO. 2021-013**

**A RESOLUTION DECLARING A LOCAL EMERGENCY DROUGHT  
IN CASSIA COUNTY, IDAHO, AND ESTABLISHING AN  
EFFECTIVE DATE AND AN EXPIRATION DATE FOR SAID LOCAL  
EMERGENCY.**

WHEREAS, Idaho Code § 46-1011 provides that the governing board of a political subdivision can declare and continue a local disaster emergency; and

WHEREAS, Idaho Code § 46-1002(2) defines "Disaster" to mean the "... occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause ..."; and

WHEREAS, Idaho Code § 46-1002(3) defines "Emergency" to mean the "... occurrence or imminent threat of a disaster or condition threatening life or property that requires state emergency assistance to supplement local efforts to save lives and protect property or to avert or lessen the threat of a disaster."; and

WHEREAS, Cassia County, Idaho is a political subdivision of the State of Idaho; and

WHEREAS, Cassia County is presently experiencing the occurrence of severe drought conditions that pose the imminent threat of widespread or severe damage, injury or loss of property; and

WHEREAS, such drought conditions threaten crops and other property in Cassia County; and

WHEREAS, the drought conditions in Cassia County are sufficiently severe that state emergency assistance is required to supplement local efforts to protect property and avert or lessen the threat of disaster; and

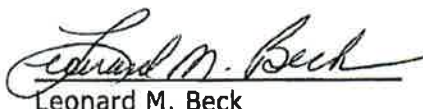
WHEREAS, Idaho Code §42-222A authorizes the Director of the Department of Water Resources and the Governor of the State of Idaho to declare a drought emergency for an area, which allows temporary changes to the use of water rights in accordance with Idaho Code;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for Cassia County, Idaho, as follows:

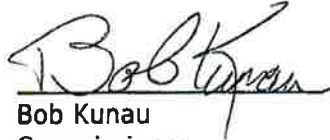
1. That the current drought in Cassia County, Idaho be, and hereby is, declared a local disaster emergency; and
2. That this local drought emergency declaration shall begin when this Resolution is signed, and shall expire on December 31, 2021, unless otherwise terminated or extended by further resolution of the Board; and
3. That this Resolution declaring a local drought emergency shall promptly be filed with the Recorder's Office of Cassia County, Idaho; and
4. That this Resolution declaring a local drought emergency shall be given prompt, and general publicity by providing a copy of such to local media as a press release and by posting on the Cassia County website; and
5. That a copy of this Resolution shall be provided to the Director of the Department of Water Resources and to the Governor's Office, with the Board of Commissioner's request that the Department of Water Resources and the Governor of the State of Idaho declare a drought emergency for Cassia County, Idaho, and take such administrative actions as are available and as are necessary to lessen the severe impacts of drought conditions in Cassia County, Idaho.

APPROVED AND ADOPTED this 12<sup>th</sup> day of July, 2021.

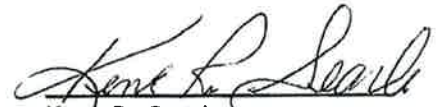
BOARD OF COMMISSIONERS  
FOR CASSIA COUNTY, IDAHO



Leonard M. Beck  
Chair



Bob Kunau  
Commissioner



Kent R. Searle  
Commissioner

ATTEST:

Joseph W. Larsen, Clerk

By:   
Deputy Clerk



State of Idaho }  
County of Cassia } ss

I hereby certify that the foregoing instrument is a full, true  
and correct copy of the original as  
recorded in this office.

Dated 7-12-2021

  
Clerk of the District Court, Ex-officio Auditor  
and Recorder, Cassia County, Idaho

By:   
Deputy

**RESOLUTION NO. 2021-034**

**A Resolution Declaring a Drought Emergency in Twin Falls County**

Whereas Twin Falls County is currently experiencing severe drought conditions; and

Whereas drought conditions threaten crops and property in the County; and

Whereas Idaho Code § 46-1011 authorizes the Board of County Commissioners to declare a local disaster emergency; and

Whereas the drought conditions in Twin Falls County are so severe that State emergency assistance is required to supplement local efforts to protect property and lessen the threat of disaster; and

Whereas Idaho Code § 42-222A authorizes the Director of the Department of Water Resources and the Governor of the State of Idaho to declare a drought emergency for an area which allows temporary changes to the use of water rights in accordance with Idaho Code:

Now, therefore, be it Resolved by the Twin Falls County Board of Commissioners that the current drought in Twin Falls County is hereby declared a local disaster emergency and that this emergency will remain in effect until the end of the 2021 irrigation season or until otherwise terminated by resolution of the Board; and

That the Board hereby requests that the Director of the Department of Water Resources and the Governor of the State of Idaho declare a drought emergency for Twin Falls County and take administrative actions to lessen the severe impacts of drought conditions in Twin Falls County.

Approved and adopted this 8<sup>th</sup> day of July, 2021.


TWIN FALLS COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Jaek Johnson, Chairman

  
\_\_\_\_\_  
Don Hall, Commissioner

  
\_\_\_\_\_  
Brent Reinke, Commissioner

ATTEST:

  
\_\_\_\_\_  
Kristina Glascock, Clerk