

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF A DECLARATION)
OF DROUGHT EMERGENCY FOR)
BUTTE AND CUSTER COUNTIES)
_____)

ORDER DECLARING
DROUGHT EMERGENCY

WHEREAS, the Board of County Commissioners for Butte County and the Board of County Commissioners for Custer 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, Custer County is included within the Big Lost, Little Lost and Salmon River drainages, and Butte County is included within the Big Lost and Little Lost River drainages; and

WHEREAS, the central and eastern portion of the state, including Butte and Custer Counties, is experiencing significant drought conditions due to below normal precipitation and snowpack levels. Specifically, total cumulative snowpack levels in the Big Lost, Little Lost and Salmon River drainages as of April 6, 2015 were respectively only 43, 63 and 68 percent of normal; and

WHEREAS, April through September stream flow volume forecasts for the Big Lost River near Mackay, the Little Lost River near Howe, and the Salmon River at Salmon are respectively estimated to be only 37, 54 and 63 percent of average; and

WHEREAS, the United States Drought Monitor Index on April 1, 2015, showed Butte and Custer Counties included within that portion of Southern Idaho classified as moderate to severe 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 Butte County and Custer 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 Butte and Custer 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, 2015, 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, 2015, unless extended or terminated by order of the Director.

DATED this 9th day of April, 2015.


GARY SPACKMAN
Director

APPROVED this 10th day of April, 2015.


C.L. "BUTCH" OTTER
Governor



BUTTE COUNTY COMMISSIONERS

COURTHOUSE
P.O. BOX 737
ARCO, IDAHO 83213
(208) 527-3021
FAX (208) 527-3295

SETH E. BEAL
BRIAN HARRELL
ROSE BERNAL

March 23, 2015

DEPARTMENT OF WATER RESOURCES
322 E. FRONT STREET
PO BOX 83720
BOISE, ID 83720-0098

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DEPARTMENT OF
WATER RESOURCES

DROUGHT DECLARATION FOR BUTTE COUNTY

As a result of discussions with area farmers, ranchers the Water Master and local irrigation water users, the Butte County Board of Commissioners are requesting that Butte County be declared a drought emergency area pursuant to Section 42-222A, Idaho Code.

As you may know, along with other counties, Butte County has been experiencing very dry weather conditions which are having a serious affect on local water supply.

We respectfully request this declaration be made as soon as possible so that our local farmers and ranchers may take the necessary steps to ensure the survival of their livestock, business and crops.

Thank you for your consideration in the matter, please feel free to contact us if you have any questions or need further information.

Sincerely,

Seth E. Beal, Chairman

Brian Harrell, Commissioner

Rose Bernal, Commissioner

ATTEST:

Shelly Shaffer, Clerk

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MAR 19 2015

DEPARTMENT OF
WATER RESOURCES

CUSTER COUNTY COMMISSIONERS
PO BOX 385
CHALLIS, ID 83226
(208) 879-2360
(208) 879-5246 (fax)

March 11, 2015

Honorable C.L. Otter
Governor of the State of Idaho
P.O. Box 83720-0034
Boise, Idaho 83720

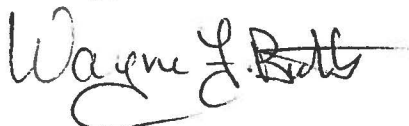
Dear Governor Otter:

The Custer County Board of Commissioners has been apprised that a condition of drought could exist for the year 2015 growing season.

If the present conditions continue, it could have an adverse affect on the economic condition of the county. As of February 24, 2015 the Mackay Reservoir is approximately 71% capacity. Snow pack levels on our major drainages are below normal. Ground water tables continue to suffer the drought impacts from previous years.

The Board unanimously has declared Custer County a Drought Disaster area and request that you concur and submit our request to the appropriate federal agency.

Sincerely,



Wayne F. Butts
Chairman

Cc: Tim Luke, Department of Water Resources

CUSTER COUNTY RESOLUTION
DISASTER DECLARATION FOR DROUGHT
2015- 0 2

The current moisture conditions in Custer County are cause for serious concern as we begin another irrigation season with gravely inadequate water resources; the Custer County board of Commissioners hereby declares Custer County to be a disaster area.

The Big Lost River area is affected by the drought. Mackay Reservoir is at 71% of capacity. The snow pack is below normal. The Lost River Irrigation District will not be able to deliver water to the southern end of the district.

The rest of Custer County is also being affected. Snow pack levels on our major drainage's are Morgan Creek at 91%, Banner Summit at 94%, and the Pahsimeroi drainage is below normal levels. Domestic wells continue to go dry in areas that had previously not been affected. Beyond the immediate needs of our farmers and ranchers we must consider the overall economic impact on our county.


The Board respectfully requests that the Honorable Governor C. L. Otter declare Custer County a drought area. And request that you submit our request to the appropriate state and federal agencies.

Passed by the Board of Commissioners of Custer County, Idaho, on March 9, 2015.
Those voting "aye": 3. Those voting "nay": .

Signed by the Chairman of the Board of Commissioners of Custer County, Idaho, on March 9, 2015.




Wayne F. Butts
Chairman, Board of Commissioners


Lura H. Baker, Clerk