

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 south-central portion of the state, including Butte and Custer Counties, is experiencing drought conditions due to below normal precipitation and snowpack levels. Specifically, total cumulative snow water equivalent levels in the Big Lost, Little Lost and Salmon River basins as of April 21, 2021 were respectively 47, 79 and 70 percent of median, while water year precipitation levels in the three respective basins as of April 21, 2021 were only 57, 69 and 73 percent of average; 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 49, 71 and 72 percent of average; and

WHEREAS, the Idaho National Resources Conservation Service office reports that agricultural water supply shortages may occur in the Big Lost and Little Lost basins when the Surface Water Supply Index (SWSI) values are less than 0.7 and 1.5 respectively; SWSI values reported for the Big Lost and Little Lost basins on April 1, 2021 were -2.4 and -1.1 respectively; and

WHEREAS, the United States Drought Monitor Index on April 15, 2021, showed Butte and Custer Counties included within that portion of south-central Idaho classified as moderate 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; 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, 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.

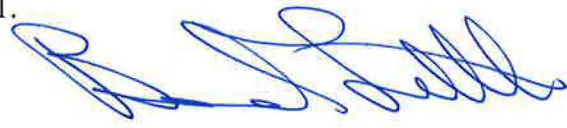
IT IS FURTHER HEREBY ORDERED that this order is effective upon approval of the Governor and expires on December 31, 2021, unless extended or terminated by order of the Director.

DATED this 21st day of April, 2021.



GARY SPACKMAN
Director

APPROVED this 23rd day of April, 2021.



Brad Little
Governor

Butte County
Resolution 2021-02
LOCAL DROUGHT EMERGENCY DECLARATION

WHEREAS, Idaho Code § 46-1011 allows a quorum of the Board of Butte County Commissioners to declare a local disaster emergency and

WHEREAS, Idaho Code § 46-1002(2) defines “disaster” as the 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) provides that an “emergency” includes the imminent threat of a “disaster” or condition threatening life or property which requires state emergency assistance to supplement local efforts to protect property or avert or lessen the threat of “disaster”; and

WHEREAS, Idaho Code § 42-222A grants the Director of the Department of Water Resources and the Governor of the State of Idaho authority to declare a drought emergency and authorize 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; and,

WHEREAS, drainages in and around Butte County are experiencing moderate to severe drought conditions as a result of lower than normal spring precipitation and a basin snow-pack between averaging 68% of normal in the Big Lost and Little Lost River drainage basins creating a potential shortage of irrigation water throughout the 2021 farming season; and

WHEREAS, the Natural Resources Conservation Services (NRCS) forecasts that stream flow volumes in the Big Lost River Basin between April and July 2021 are predicted to run at 50% of average resulting in the potential for an agricultural economic disaster.

BE IT THEREFORE RESOLVED, the Board of Butte County Commissioners does hereby declare:

That a drought emergency as defined in § 42-222A, Idaho Code, presently exists in Butte County; and

That this Local Drought Emergency Declaration shall expire on December 31, 2021 unless the Board of Butte County Commissioners expressly authorizes the continuance of such Declaration; and

That this Declaration shall promptly be filed with the Butte County Recorder’s Office; and


That prompt and general publicity shall be given by a press release notifying the public of the Declaration.

APPROVED AND ADOPTED this 22rd day of March, 2021

BOARD OF COUNTY COMMISSIONERS
BUTTE COUNTY, IDAHO



Chairman, Brian Harrell



Commissioner Wes Collins



Commissioner M.H. "Hootie" Langseth

ATTEST: SHELLY BLACKNER, CLERK

By: 
County Clerk

RECEIVED

APR 12 2021

DEPARTMENT OF
WATER RESOURCES

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

March 31, 2021

Honorable Brad Little
Governor of the State of Idaho
P.O. Box 83720
Boise, Idaho 83720

Dear Governor Little:

The Custer County Board of Commissioners has been apprised that a condition of drought exists for the year 2021 growing season.

If the present conditions continue, it could have an adverse affect on the economic condition of the county. As of March 10, 2021, the Mackay Reservoir is approximately 68.12% capacity and the snow pack levels on our major drainage's 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 respectfully 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
2021-03

WHEREAS, Idaho Code §46-1011 authorizes the Commission of Custer County to declare a local disaster emergency; and

WHEREAS, the current moisture conditions in Custer County are cause for serious concern as we begin another irrigation season with gravely inadequate water resources; and

WHEREAS, Idaho Code § 42-222A authorizes the Director of the Department of Water Resources and the Governor of the State of Idaho authority to declare a drought emergency and authorize temporary changes in the point of diversion, the place and purpose of use, and the purpose of use for valid existing water rights and temporary exchanges of water rights; and

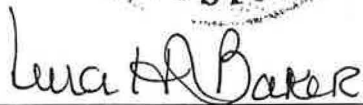
WHEREAS, drainage in and around Custer County are experiencing moderate to severe drought conditions as a result of lower-than-normal spring precipitation and low basin snow pack. The Big Lost River area is affected by the drought. Mackay Reservoir is at 68.12% of capacity. The snow pack is below normal. 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 70%, Banner Summit at 80%, and the Pahsimeroi drainage is below normal levels.

BE IT THERE RESOLVED, the Board of Custer County Commissioners deems it appropriate to order and declare that a local drought disaster emergency exists in Custer County. The Board further orders that the declaration of local drought disaster emergency shall remain in effect until the end of the 2021 irrigation season or until otherwise terminated by resolution of the Board.


APPROVED AND ADOPTED this 31st day of March, 2021.



Attest:



Lura H. Baker, Clerk


Wayne F. Butts, Chairman,
Board of Commissioners



Idaho SNOTEL Snowpack Update Report

Based on Mountain Data from NRCS SNOTEL Sites

Provisional data, subject to revision

Data based on the first reading of the day (typically 00:00) for Friday, March 12, 2021

Basin Site Name	Elev (ft)	Snow Water Equivalent				Percent of	
		Current (in)	Today's Median (in)	Median Peak (in)	Median Peak Date	Today's Median	Median Peak
NORTHERN PANHANDLE REGION							
Bear Mountain	5400	40.8	50.4	55.7	Apr 20	81	73
Bunchgrass Mdw	5000	21.3	22.7	27.5	Apr 12	94	77
Garver Creek	4250	8.4	8.7	9.2	Mar 28	97	91
Hawkins Lake	6450	19.0	20.5	26.0	May 03	93	73
Hidden Lake	5040	28.8	31.3 _C	35.5 _C	Apr 07	92	81
Mosquito Ridge	5260	25.3	30.8	32.4	Apr 07	82	78
Moyie Mountain	6037	-M	N/A	N/A	N/A	*	*
Myrtle Creek	3520	4.3	3.4 _R	5.0 _R	Feb 29	126	86
Quartz Peak	4700	20.7	19.7	20.5	Mar 07	105	101
Schweitzer Basin	6090	40.4	42.1	46.9	Mar 29	96	86
Basin Index (%)						91	81
COEUR D'ALENE-ST. JOE RIVER BASIN							
Humboldt Gulch	4250	18.7	9.8	10.1	Feb 23	191	185
Lookout	5190	22.0	25.5	26.6	Mar 27	86	83
Lost Lake	6110	44.6	46.7	53.8	Apr 16	96	83
Mica Creek	4510	22.8	21.3	21.7	Mar 18	107	105
Mosquito Ridge	5260	25.3	30.8	32.4	Apr 07	82	78
Sherwin	3200	10.8	8.4	9.2	Feb 28	129	117
Sunset	5540	18.2	19.5	21.9	Apr 12	93	83
Basin Index (%)						100	92
CLEARWATER BASIN							
Cool Creek	6280	39.6	38.8	44.8	May 05	102	88
Crater Meadows	5960	42.0	40.0	44.0	Apr 04	105	95
Elk Butte	5690	34.5	30.4	34.1	Apr 07	113	101
Hemlock Butte	5810	42.4	37.9	45.0	Apr 03	112	94
Hoodoo Basin	6050	31.1	34.0	40.1	Apr 18	91	78
Lolo Pass	5240	24.0	24.8	27.1	Apr 01	97	89
Lost Lake	6110	44.6	46.7	53.8	Apr 16	96	83
Moscow Mountain	4700	21.1	19.0 _C	19.1 _C	Mar 09	111	110
Mountain Meadows	6320	20.9	18.4	20.6	Apr 14	114	101
Nez Perce Camp	5650	16.0	12.1	13.1	Apr 04	132	122
Pierce R.S.	3080	10.5	N/A	N/A	N/A	*	*
Savage Pass	6190	23.1	22.5	24.5	Apr 05	103	94

Shanghi Summit	4600	28.8	22.0	22.2	Mar 20	131	130
Sherwin	3200	10.8	8.4	9.2	Feb 28	129	117
Twelvemile Creek	5600	16.1	14.7	14.9	Mar 17	110	108
Twin Lakes	6400	36.9	32.6	35.7	Apr 04	113	103
Basin Index (%)						107	96

SALMON BASIN

Banner Summit	7040	20.5	22.5	25.7	Mar 30	91	80
Bear Basin	5350	18.4	16.4	17.0	Apr 02	112	108
Big Creek Summit	6560	27.7	28.0	31.5	Apr 03	99	88
Brundage Reservoir	6250	27.3	23.7	26.7	Apr 16	115	102
Deadwood Summit	6860	30.5	35.4	40.1	Apr 15	86	76
Galena	7470	10.9	14.9	15.7	Apr 11	73	69
Galena Summit	8780	13.8	16.0	19.1	Apr 08	86	72
Lemhi Ridge	8100	9.0	8.5	10.6	Apr 14	106	85
Meadow Lake	9150	9.7	12.3	15.1	Apr 25	79	64
Mill Creek Summit	8800	12.2	16.7	19.6	Apr 22	73	62
Moonshine	7440	8.8	8.4	8.8	Mar 21	105	100
Moose Creek	6200	16.9	14.4	15.1	Mar 21	117	112
Morgan Creek	7600	7.3	9.5	10.4	Apr 02	77	70
Mountain Meadows	6320	20.9	18.4	20.6	Apr 14	114	101
Saddle Mtn.	7940	22.2	20.5	24.0	Apr 17	108	92
Schwartz Lake	8630	8.2	8.7 _C	11.8 _C	Apr 20	94	69
Secesh Summit	6540	26.7	27.4	31.8	Mar 30	97	84
Squaw Flat	6240	18.2	19.0	22.1	Apr 11	96	82
Vienna Mine	8960	23.2	26.9	32.0	Apr 26	86	72
West Branch	5560	23.2	20.2	21.2	Mar 29	115	109
Basin Index (%)						97	85

WEISER BASIN

Bear Saddle	6180	22.9	22.5	23.0	Mar 17	102	100
Squaw Flat	6240	18.2	19.0	22.1	Apr 11	96	82
Van Wyck	4920	7.8	9.8 _R	9.8 _R	Mar 12	80	80
West Branch	5560	23.2	20.2	21.2	Mar 29	115	109
Basin Index (%)						101	95

PAYETTE BASIN

Banner Summit	7040	20.5	22.5	25.7	Mar 30	91	80
Bear Basin	5350	18.4	16.4	17.0	Apr 02	112	108
Big Creek Summit	6560	27.7	28.0	31.5	Apr 03	99	88
Bogus Basin	6340	24.3	22.6 _C	26.2 _C	Apr 06	108	93
Brundage Reservoir	6250	27.3	23.7	26.7	Apr 16	115	102
Cozy Cove	5400	14.3	14.0	14.1	Mar 16	102	101
Deadwood Summit	6860	30.5	35.4	40.1	Apr 15	86	76
Jackson Peak	7070	23.2	23.4	27.2	Apr 07	99	85
Long Valley	4890	9.9	7.2 _R	7.3 _R	Mar 03	138	136
Secesh Summit	6540	26.7	27.4	31.8	Mar 30	97	84
Squaw Flat	6240	18.2	19.0	22.1	Apr 11	96	82
Van Wyck	4920	7.8			Mar 12	80	80