

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

IN THE MATTER OF A DECLARATION )  
OF DROUGHT EMERGENCY FOR )  
IDAHO COUNTIES LOCATED SOUTH )  
OF THE SALMON RIVER )

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

WHEREAS, the United States Drought Monitor map<sup>1</sup> published on April 21, 2022 classified drought intensity of all Idaho counties south of the Salmon River as moderate to extreme drought, with most counties classified as severe drought; and

WHEREAS, portions of the Salmon River basin and all river basins in Idaho south of the Salmon River are experiencing drought due to below normal snowpack conditions and low water supply. Specifically, total cumulative snow water equivalent (SWE) levels in these basins as of April 1, 2022, ranged from 50 to 78 percent of median.<sup>2</sup> The April to September streamflow forecasts for most locations south of the Salmon River are between 25 and 75 percent of median.<sup>3</sup> As of April 1, 2022, storage in most reservoirs serving the southern half of Idaho were between 20 to 65 percent of capacity, increasing the chance that many reservoirs will not fill; and

WHEREAS, between March 21 and April 21, 2022, the Board of County Commissioners for ten counties<sup>4</sup> in southern Idaho requested the Governor and the Director of the Idaho Department of Water Resources (“Director”) declare a drought emergency for each county to allow administrative actions to lessen severe impacts of drought conditions in each county; and

WHEREAS, Idaho Code § 42-222A, states that, upon declaration of a drought emergency for an area designated by the Director and approved by the Governor, the Director is authorized to allow temporary changes in the point of diversion, place of use, and 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 Idaho Code § 42-222A; now,

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1 The United States Drought Monitor is jointly produced by the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln, the United States Department of Agriculture, and the National Oceanic and Atmosphere Administration. Map courtesy of NDMC. <https://droughtmonitor.unl.edu/>

2 Basin SWE as reported by the Natural Resources Conservation Services (NRCS) Snow Telemetry (SNOTEL) Data Collection Network.

<https://www.nrcs.usda.gov/wps/portal/wcc/home/aboutUs/monitoringPrograms/automatedSnowMonitoring/>

3 April 1, 2022, 50% Exceedance Probability Adjusted Volume Runoff forecasts as reported by the NRCS National Water and Climate Center. <https://www.nrcs.usda.gov/wps/portal/nrcs/main/id/snow/waterproducts/forecasts/>

4 The ten counties are Blaine, Bonneville, Butte, Cassia, Clark, Custer, Fremont, Gooding, Jefferson, and Lincoln.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to the authority of the Director provided in Idaho Code § 42-222A, a drought emergency for purposes of Idaho Code § 42-222A, is hereby declared for the following Idaho counties located south of the Salmon River (“Declared Drought Counties”), as listed below in Table 1., and included in an Idaho county map in Attachment A of this order. Idaho County and all counties north of Idaho County are excluded from the declaration of a drought emergency.

Table 1. Idaho's Declared Drought Counties as of April 28, 2022:

<u>Declared Drought Counties</u>			
Ada	Camas	Gem	Owyhee
Adams	Canyon	Gooding	Payette
Bannock	Caribou	Jefferson	Power
Bear Lake	Cassia	Jerome	Teton
Bingham	Clark	Lemhi	Twin Falls
Blaine	Custer	Lincoln	Valley
Boise	Elmore	Madison	Washington
Bonneville	Franklin	Minidoka	
Butte	Fremont	Oneida	

IT IS FURTHER HEREBY ORDERED that, pursuant to this declared drought emergency and the provisions of Idaho Code § 42-222A, the following procedures and requirements shall apply to the filing, processing, and approval of any application for temporary change to an existing water right within the Declared Drought 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 Idaho Codes § 42-211, 42-222(1) or 42-240, 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 water 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, 2022, 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 water 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 supply 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 from the Director for a temporary change pursuant to this order and the provisions of Idaho Code § 42-222A, may request a hearing pursuant to Idaho Code § 42-1701A(3), and may seek judicial review of the final order of the Director pursuant to the provisions of Idaho Code § 42-1701A(4).

IT IS FURTHER HEREBY ORDERED that this order is effective upon approval of the Governor and expires on December 31, 2022, unless extended or terminated by order of the Director.

DATED this 28<sup>th</sup> day of April 2022.

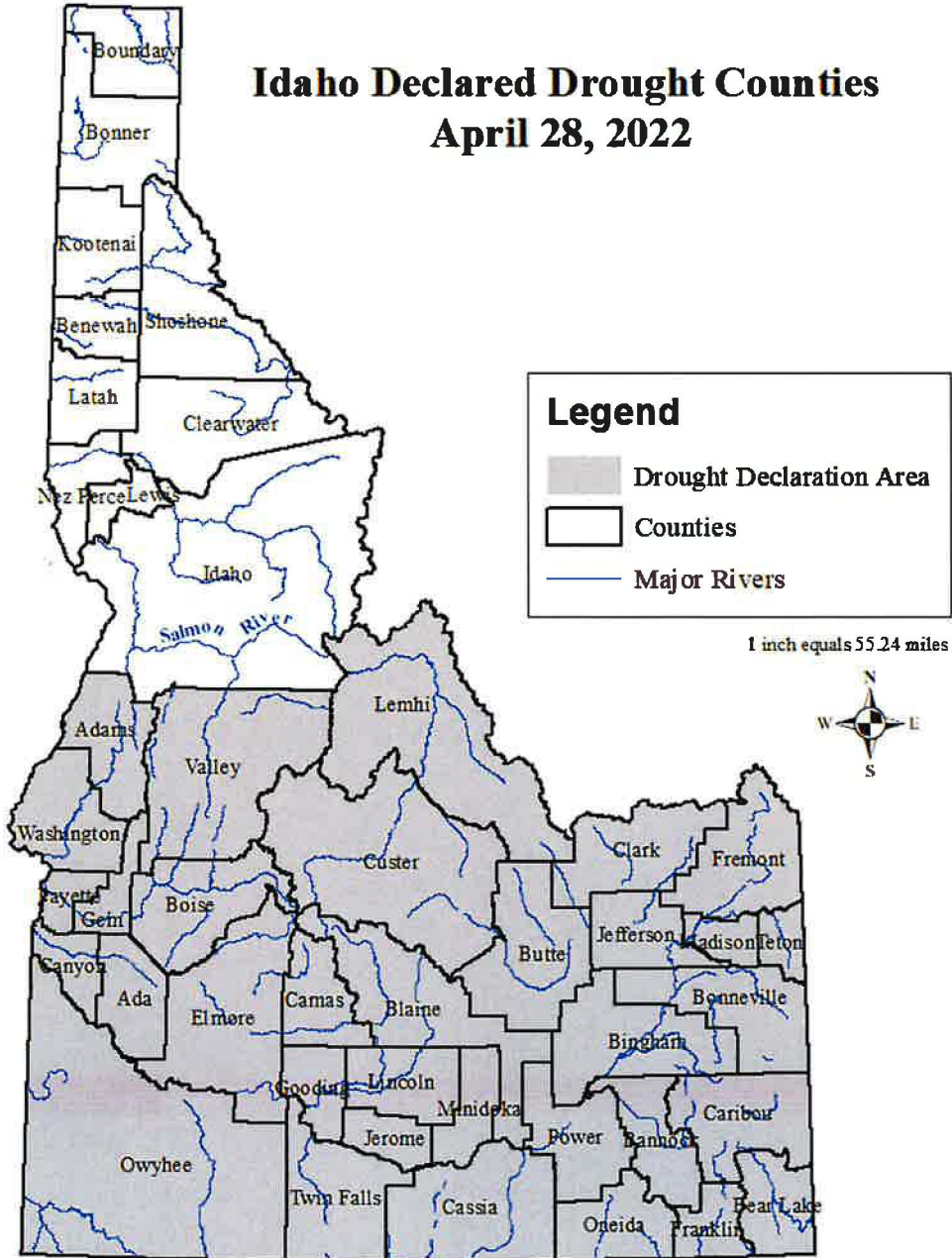
  
GARY SPACKMAN  
Director

APPROVED this 28<sup>th</sup> day of April 2022.

  
BRAD LITTLE  
Governor

ATTACHMENT A

DECLARED DROUGHT COUNTIES



Idaho Department of Water Resources: April 27, 2022

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