

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A) **ORDER AUTHORIZING**
WATER RIGHT TC-37-83) **TEMPORARY CHANGE**
IN THE NAME OF ALTON HUYSER)

WHEREAS, a drought emergency has been declared for Lincoln County to allow administrative actions to lessen the severe impacts of the drought conditions in the County; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the Director of the Department of Water Resources ("Department") 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 or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on June 8, 2020, Alton Huyser ("applicant") submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, the applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right 37-10561A bearing a priority of 5/5/1884 is authorized only at the point of diversion described on the application or as otherwise approved in this order.
2. Right 37-10561A may be used in the place of use identified on the application, and the total number of acres authorized to be irrigated under this right for the remainder of the irrigation season is 99.8 acres on lands owned by T5 Ranch, LLC.
3. The use of right 37-10561A is limited to the historical use limitations locally imposed by the watermaster and may further be limited to account for additional conveyance loss in deliverance of this temporary change.
4. Rights 37-10561B, bearing a priority of 5/5/1884, and 37-59K, bearing a priority of 5/27/1899 (rights on the Alton and Paula Huyser Trust land), shall not be diverted for the remainder of the irrigation season.

5. This temporary change approval does not authorize construction of a new point of diversion on the Little Wood River.
6. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.
7. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
8. The applicant agrees to hold the Director and the State of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
9. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. To prevent injury to other water rights the Watermaster of Water District No. 37 is authorized to administer the temporary change approval. When this right and others appurtenant to the lands identified on the application are combined, no more than 0.02 cfs per acre may be diverted at any one time at the field headgate.
11. This temporary change approval expires on November 15, 2020 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 10th day of June, 2020.


Corey Skinner
Southern Region Manager


CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of June, 2020, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING TEMPORARY CHANGE** to the person(s) listed below:

**Documents Enclosed: Order Authorizing Temporary Change No. TC-37-83,
in the name of Alton Huyser; Water Right No. 37-10561A**

ALTON HUYSER
PO BOX 741
SHOSHONE ID 83352

KEVIN LAKEY, WATERMASTER
WATER DISTRICT 37
107 W 1ST ST
SHOSHONE ID 83352



Denise Maline
Administrative Assistant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 08 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon
declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Alton Huyser Phone (208) 280-3777
Mailing Address Box 741 Shoshone Id 83352 Email bigwoodfarm11c@gmail.com

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and explain the reason(s) they are needed. _____

see added sheet

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37 - 10561 A</u>	<u>5/5/1884</u>	<u>4.00</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
				to _____
				to _____
				to _____

2. Total amount of water being transferred 4.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Little Wood River tributary to Malad River

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
5S	19E	7		NE	NW	SE	Lincoln	Little Wood River	Brown 62

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	18E	13			16	16			Lot 2										
5S	19E	18					7.8		45	15									

Total Acres _____

6. General Information:

- a. Who owns the water right to be changed? See Added sheet
- b. Describe the arrangement allowing use of the right. " "
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
See Added sheet
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? See Added sheet
- f. Describe other water rights used for the same purpose. See Added sheet
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Signature of Applicant

Date

FOR DEPARTMENT USE ONLY

Received by HE/CS Date 6-8-2020 \$50 fee received by dm Receipt No. 5037964
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-37-83, and said application is hereby Approved, subject to the following limitations and conditions:

See attached order dated 6/10/2020

Temporary Change Expiration Date 11/15/2020

Signed this 10th day of June, 2020

For the Director

6/2/2020

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

A. PURPOSE OF TRANSFER

2. Describe the proposed changes and explain the reasons they are needed.

Diversion of water from the Little Wood River will be moved from the Huyser Farm diversions upstream to the T5 Ranch Little Wood River diversions to allow the T 5 ranch to continue irrigating after their more junior rights are curtailed by priority.

6. General Information:

a. Who owns the water right to be changed? Alton and Paula Huyser Trust

b. Describe the arrangement allowing use of the right. The Huyser Trust agrees to not use their water right in order to allow T5 to continue irrigating

c. Describe the affect on the land now irrigated if the change is approved pursuant to this application. The 311.6 acres under water rights 37-10561A and 37-10561B will be idled for the 2020 irrigation season.

d. Has the water right sought to be transferred been used this year? No

e. Absent the changes, how would the right be used for the remained of the year? In the expectation of a short water year, the water right could have been used on a short season crop.

f. Describe other water rights used for the same purpose. 37-10561B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT 37
107 WEST 1ST
SHOSHONE, IDAHO 83352
(208) 886-2451



Kevin Lakey
Watermaster

6/4/2020

To whom it may concern:

I have no concerns with water right 37-10561A being temporarily transferred from the Alton Huyser Farm to the T5 Ranch on the Little wood River. I realize there is 200 inches being transferred to 99.6 acres, and the flow volume possibly exceeds the acreage, but the excess water is needed to compensate for ditch loss.

A handwritten signature in cursive script that reads "Kevin Lakey".

Kevin Lakey
Water District 37

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2020

Water Right 37-59K

Owner Type **Name and Address**
Current Owner ALTON & PAULA HUYSER TRUST
 PO BOX 741
 SHOSHONE, ID 83352

Security Interest MICHELLE RICHER STENNETT
 PO BOX 475
 KETCHUM, ID 83340

Priority Date: 5/27/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	21.760 CFS	872.0 AF
	<u>Total Diversion</u>		21.760 CFS	872.0 AF

Source and Point(s) of Diversion

LITTLE WOOD RIVER	NWSWNW	Sec. 36, Twp 05S, Rge 17E, LINCOLN County(R)
LITTLE WOOD RIVER	SENENW	Sec. 36, Twp 05S, Rge 17E, LINCOLN County(R)
BIG WOOD RIVER	SWNENE	Sec. 19, Twp 03S, Rge 19E, LINCOLN County(I)
BIG WOOD RIVER	SENWSE	Sec. 25, Twp 04S, Rge 19E, LINCOLN County(I)
BIG WOOD RIVER	SWSENE	Sec. 30, Twp 02S, Rge 18E, BLAINE County

Place Of Use

IRRIGATION within LINCOLN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	25											8.5	2.1					10.6
05S	17E	26																2.8	2.8
05S	17E	35	36.0	0.2		27.0									26.0				89.2
05S	17E	36					21.0	33.0	39.0	39.0	37.0	40.0							209.0

POU Total Acres: 311.6

Conditions of Approval:

1. E53 USE OF THIS RIGHT WITH RIGHT NO. 37-10561B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 872 AF.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2020

3. E55 USE OF RIGHT NOS. 37-59K AND 37-10561B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 218 ACRES IN A SINGLE IRRIGATION SEASON.
4. USE OF RIGHT NOS. 37-59K, 37-10561A AND 37-10561B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 311.6 ACRES IN A SINGLE IRRIGATION SEASON.
5. X35 Rights 37-59K, 37-10561A and 37-10561B when combined shall not exceed a total diversion rate from all points of diversion of 21.76 cfs and a total annual maximum diversion volume of 1246.4 af at the field headgate.
6. This right is diverted from the Big Wood River via the Richfield Canal, then injected into the Jim Byrns Slough. The Slough runs into the Little Wood River. Pumps re-divert water from the Little Wood River to the place of use.
7. X56 The portion of Right 37-59K used for conveyance losses is 5.88 cfs (27%); 15.88 cfs can be rediverted from the Little Wood River.
8. X55 The right holder shall cease irrigation of 114.4 acres previously authorized under Rights 37-59K, 37-10561A and 37-10561B, and shall consolidate use of these rights on the remaining 311.6 acres.
9. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water Districts No. 37 and 37M.
11. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion, injection and re-diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. T07 The right holder shall accomplish the change authorized by transfer 70080 by August 18, 2005.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Comments:

1. JROBERTS 12/20/1994 AMENDED/TRANSFER
This claim was amended pursuant to approved Transfer No. 3985. jr
2. JROBERTS 12/29/1994 ADDRESS CHANGE
Amended claim was returned w/ address correction on envelope. jr
3. tfawcett 8/31/2004 Transfer 70080
Recommendation updated to reflect approved transfer.
4. amarshall 2/14/2008 Water Right
This water right record was updated by decree record from old RightID 36648 to new RightID 346552
5. mciscell 5/17/2012 POD
PODID 404480 correlated from SpatialDataID 362135 to SpatialDataID 305144
6. nvandyke 12/26/2012 Status Change
From: Skinner, Corey
Sent: Tuesday, December 18, 2012 11:03 AM
To: Van Dyke, Nick

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2020

Cc: Jones, Doug
Subject: Another Migration of Partial Decrees Request

Nick,

After the last one, you might start hating me about any time now. While trying to get another old transfer data entered into the new system, it was noted that the rights involved with the transfer have been decreed in the SRBA since the transfer was filed. All of the recommendations listed below are in the name of the Big Wood Canal Company and were all decreed in the SRBA on 11/29/2012.

Could you migrate the following recommendations to the water rights database...

37-13113 The recommendation indicates that it is a combination of old water right records 37-59, 37-121, 37-133B, 37-294, 37-641, 37-642, 37-672 and 37-675B. It appears that the referenced 37-59 record might actually be WR record 37-59F. The original SRBA claim for 37-13113 indicates that "131.7 cfs" of 37-59 was claimed. Summing the 131.7 cfs and the other diversion rates from the other water right records indicates a total diversion rate of 150.00 cfs, so it appears that this recommendation supersedes these records in their entirety.

Thanks,

Corey

7. djones 9/9/2014 Water Right
Status of many children of 37-59 were mistakenly changed to See Remarks 12/2012. Rights were claimed and decreed in SRBA. Status changed back to Active.

8. djones 9/9/2014 Water Right
Status of many children of 37-59 were mistakenly changed to See Remarks 12/2012. Rights were claimed and decreed in SRBA. Status changed back to Active.

9. tluke 8/13/2015 POD
PODID 404480 correlated from SpatialDataID 305144 to SpatialDataID 497314

Dates and Other Information

Decreed Date: 9/29/2006
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 37
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2020

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
21.760	1,246.4	311.6
37-10561A ,37-59K ,37-10561B		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.360	872.0	218.0
37-59K ,37-10561B		

SubCase:

N/A

Water Supply Bank:

N/A

6/11/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALTON & PAULA HUYSER TRUST PO BOX 741 SHOSHONE, ID 83352
Security Interest	MICHELLE RICHER STENNETT PO BOX 475 KETCHUM, ID 83340

Status: Active

Tributary
MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	4.000 CFS	832.0 AF
	Total Diversion		4.000 CFS	832.0 AF

LITTLE WOOD RIVER	NWSWNW	Sec. 36, Twp 05S, Rge 17E, LINCOLN County
LITTLE WOOD RIVER	SENENW	Sec. 36, Twp 05S, Rge 17E, LINCOLN County

IRRIGATION within LINCOLN County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	17E	25											8.5	2.1					10.6
05S	17E	26																2.8	2.8
05S	17E	35	36.0	0.2		27.0									26.0				89.2
05S	17E	36					21.0	33.0	39.0	39.0	37.0	40.0							209.0

POU Total Acres: 311.6

1.	P29	THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 37-699A & 37-700.
2.	E55	USE OF RIGHT NOS. 37-59K, 37-10561A AND 37-10561B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 311.6 ACRES IN A SINGLE IRRIGATION SEASON.
3.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2020

4. X27 This right is limited to the irrigation of 208 acres within the place of use described above in a single irrigation season.
5. X35 Rights 37-59K, 37-10561A and 37-10561B when combined shall not exceed a total diversion rate from all points of diversion of 21.76 cfs, and a total annual maximum diversion volume of 1246.4 af at the field headgate.
6. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
8. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. T07 The right holder shall accomplish the change authorized by transfer 70080 by August 18, 2005.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Comments:

1. MERRITT 12/21/1992 AMENDED CLAIM
PURSUANT TO TRANSFER 3987.
2. SSHERMAN 7/17/1996 ADDRESS CHANGE
ADDRESS CHANGE PURSUANT TO AMENDED CLAIM A37-00059K.
3. tfawcett 8/31/2004 transfer 70080
Recommendation updated to reflect approved transfer.
4. mciscell 5/17/2012 POD
PODID 274901 correlated from SpatialDataID 362135 to SpatialDataID 305144
5. tluke 8/13/2015 POD
PODID 274901 correlated from SpatialDataID 305144 to SpatialDataID 497314

Dates and Other Information

Decreed Date: 9/21/2006
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 37
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
21.760	1,246.4	311.6
37-10561A ,37-59K ,37-10561B		

SubCase:

N/A

Water Supply Bank:

N/A

6/11/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALTON & PAULA HUYSER TRUST PO BOX 741 SHOSHONE, ID 83352
Security Interest	MICHELLE RICHER STENNETT PO BOX 475 KETCHUM, ID 83340

Status: Active

Tributary
MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.200 CFS	872.0 AF
	Total Diversion		2.200 CFS	872.0 AF

LITTLE WOOD RIVER	SENENW	Sec. 36, Twp 05S, Rge 17E,	LINCOLN County
LITTLE WOOD RIVER	NWSWNW	Sec. 36, Twp 05S, Rge 17E,	LINCOLN County

IRRIGATION within LINCOLN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	25											8.5	2.1					10.6
05S	17E	26																2.8	2.8
05S	17E	35	36.0	0.2		27.0									26.0				89.2
05S	17E	36					21.0	33.0	39.0	39.0	37.0	40.0							209.0

POU Total Acres: 311.6

1.	E55	USE OF THIS RIGHT WITH RIGHT NO. 37-59K IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 218 ACRES IN A SINGLE IRRIGATION SEASON.
2.	P29	THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 37-698 & 37-699B.
3.	E53	USE OF THIS RIGHT WITH RIGHT NO. 37-59K IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 872 AF.
4.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5.		USE OF RIGHT NOS. 37-59K, 37-10561A AND 37-10561B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 311.6 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2020

6. X35 Rights 37-59K, 37-10561A and 37-10561B when combined shall not exceed a total diversion rate from all points of diversion of 21.76 cfs and a total annual maximum diversion volume of 1246.4 af at the field headgate.
7. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
9. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. T07 The right holder shall accomplish the change authorized by transfer 70080 by August 18, 2005.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Comments:

1. tfawcett 8/31/2004 transfer 70080
Recommendation updated to reflect approved transfer.
2. mciscell 5/17/2012 POD
PODID 587156 correlated from SpatialDataID 362135 to SpatialDataID 305144
3. tluke 8/13/2015 POD
PODID 587156 correlated from SpatialDataID 305144 to SpatialDataID 497314

Dates and Other Information

Decreed Date: 9/21/2006
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 37
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
21.760	1,246.4	311.6
37-10561A ,37-59K ,37-10561B		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.360	872.0	218.0
37-59K ,37-10561B		

SubCase:

N/A

Water Supply Bank:

N/A

**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 14 2020

GOVERNOR'S OFFICE
BOISE, IDAHO 83720



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

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

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.

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,

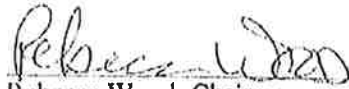
WHEREAS, Section 46-1011, Idaho Code, authorizes the Commission of Lincoln County to declare a local disaster emergency to authorize the furnishing of aid and assistance hereunder; and,

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