

Bar 13 Ranch Limited Partnership
c/o Ross Goddard
PO Box 11
Tendoy, Idaho 83468

RECEIVED

OCT 18 2013

Department of Water Resources
Eastern Region

October 9, 2013

Idaho Department of Water Resources
900 Skyline Dr, Suite A
Idaho Falls, Idaho 83402-1718

RE: Transfer Application 74-222

Dear Water Resources:

Please review the enclosed documents in response to your September 24th letter in which you suggested amending the transfer application.

I have signed the amended application and thank you for preparing it. I did not find any language in 74-222 partial decree that linked it to the other water rights. Your amended application seems correct to me.

In regard to documents that resolve any issues regarding forfeiture, I am including signed Affidavits of myself and Rick Sager. In addition, I have included the Drought Emergency Declarations for those years that are on record in the Department website. Some of the years are missing on the website. Since 2000, I have always diverted Pattee Creek water and used on the lands decreed for use, except that there have been many years when the water just dried up.

I am not attempting to increase acreage allowed but I would like to have a permissive use on any of my lands within the already existing decrees. By doing that, I can irrigate lands where the water will reach and dry up those that it won't reach. I don't believe any other downstream users could be adversely affected by my choice. Perhaps I need to withdraw this application and substitute another that simply allows an increase in permissive use but does not increase the acreages allowed. I believe the Department can include language that states this as a condition of the decree.

I will await your response before doing anything further.

Sincerely,



Ross Goddard

AFFIDAVIT OF RICK SAGER

The undersigned, Rick Sager, being duly sworn, hereby deposes and says:

1. I am of legal age working as the Watermaster for Water District 74, and currently reside at 985 Hwy 28, Salmon, Idaho 83467.

2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

3. I have personally observed Pattee Creek stream-flows when performing my normal duties in administering water rights within District 74; and

That I have not observed any excess flows available for other users downstream of The Bar 13 Ranch Limited Partnership diversion; and

That the Lemhi Valley has been in drought conditions for the past 10-years or more and there are lands within the valley that are not irrigated because of the lack of sufficient water.

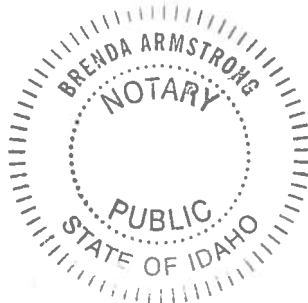
Dated: Oct 15, 13

Rick Sager
Rick Sager

STATE OF IDAHO)
 : ss.
County of Lemhi)

Subscribed and sworn (or affirmed) before me this 15 day of October, 2013, the undersigned Notary Public, personally appeared Rick Sager, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.



Brenda Armstrong
Notary Public for Idaho

Residing at SALMON ID
Commission Expires: 3/18/2017

AFFIDAVIT OF ROSS K. GODDARD

The undersigned, Ross K. Goddard, being duly sworn, hereby deposes and says:

1. I am 60 years of age, am working as an Owner/Operator of the Bar 13 Limited Partnership, and currently reside at PO Box 11, Tendoy, Idaho 83468.

2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

3. In the matter of Water Right Transfer Application before the Idaho Department of Water Resources for Water Right 74-222, 74-224, and 74-225 by Bar 13 Ranch Limited Partnership, I have applied the decreed amounts in their entirety, when available, to the lands appurtenant thereof for a period of time from the year 2000 to present; and

That the source of the above described water rights (Pattee Creek), has experienced periods of below normal waterflows, dating from 1999 to present; and

That I have personal knowledge that Lemhi County has been included in those counties of Idaho declared to have drought emergency conditions in the years 2003, 2004, 2005, 2007, 2012, and 2013; and

That the above specified water rights, when available, have been used to beneficial use as provided by Idaho Statute in each year since 2000 to present date; and

That it is my understanding that forfeiture of a water right, or any portion thereof, can not be declared when circumstances beyond my control, such as drought conditions, are present.

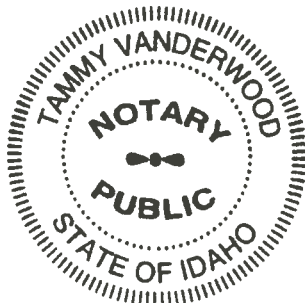
Dated: 10/16/13


Ross K. Goddard

STATE OF IDAHO)
 : ss.
County of Lemhi)

Subscribed and sworn (or affirmed) before me this 16 day of OCTOBER 2013, the undersigned Notary Public, personally appeared Ross K. Goddard, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.




Notary Public for Idaho

Residing at 1304 TAFT AVE
Commission Expires: 4/25/19

2003

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

IN THE MATTER OF A DECLARATION) OF DROUGHT EMERGENCY FOR) LEMHI COUNTY) _____)	ORDER DECLARING DROUGHT EMERGENCY
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WHEREAS, Lemhi County is experiencing severely restricted water supplies available for the current irrigation season as demonstrated by this year's April through July streamflow volume of the Salmon River at 80 per cent of average, which follows the 2002 streamflow at 68 per cent of average and the 2001 streamflow at 39 per cent of average; and

WHEREAS, the Lemhi County Commissioners have requested declaration of a drought emergency 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 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

WHEREAS, the existing Amended Moratorium Order of the Director dated April 30, 1993 applicable to the Salmon River drainage does not prohibit the processing or approval of applications for transfer of existing water rights;

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 Lemhi County, Idaho.

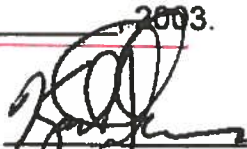
IT IS FURTHER HEREBY ORDERED that pursuant to this declared drought emergency and the provisions of section 42-222A, Idaho Code, the following procedures and requirements shall apply to the filing, processing, and approval of any application for a temporary change to an existing water right within Lemhi 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.

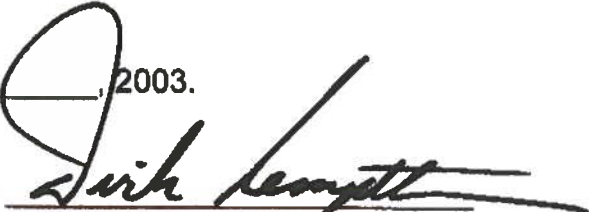
2. The Director is not required to publish notice of the proposed change pursuant to the provisions of section 42-211, 42-222(1), or 42-240, Idaho Code, and is not required to make findings as provided in said sections. A temporary change may be approved upon completion of the application form, payment 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, 2003, 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.
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, 2003, unless extended or terminated by order of the Director.

DATED this 23rd day of July, 2003.


KARL J. DREHER
Director

APPROVED this 24th day of July, 2003.


DIRK KEMPTHORNE
Governor

RECEIVED

MAY 07 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES ^{Department of Water Resources}
OF THE STATE OF IDAHO 2004

IN THE MATTER OF A DECLARATION)
OF DROUGHT EMERGENCY FOR)
LEMHI COUNTY)

**ORDER DECLARING
DROUGHT EMERGENCY**

WHEREAS, Lemhi County water right holders depend on the Salmon and Lemhi basins for their surface and ground water sources. These basins have continually had a shortage of precipitation beginning with the 2000 water year, and this deficit has impacted many aspects of the hydrologic system; and

WHEREAS, the long-term record of climatic and hydrologic conditions for the Salmon River in Custer County and portions of Lemhi County as compared to this year's April through July forecasted streamflow volume in the Salmon River shows that his year's streamflow is 64 per cent of average; and

WHEREAS, the Lemhi County Commissioners have requested declaration of a drought emergency 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 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

WHEREAS, the existing Amended Moratorium Order of the Director dated April 30, 1993 applicable to the Salmon River drainage does not prohibit the processing or approval of applications for transfer of existing water rights;

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 Lemhi 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 Lemhi 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, 2004, 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.
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, 2004, unless extended or terminated by order of the Director.

DATED this 5th day of May, 2004.



KARL J. DREHER
Director

APPROVED this 5 day of May, 2004.



DIRK KEMPTHORNE
Governor

2005

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

IN THE MATTER OF A DECLARATION)
OF DROUGHT EMERGENCY FOR)
LEMHI COUNTY)
_____)

**ORDER DECLARING
DROUGHT EMERGENCY**

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

WHEREAS, 2005 will be the sixth consecutive year of below normal streamflows in the Salmon and Lemhi River Basins; and

WHEREAS, according to the May 1 forecast, the Lemhi River near the Lemhi gage is expected to yield only 54 percent of the average water volume in 2005; and

WHEREAS, the Salmon River at Salmon is expected to yield flows about 58 percent of average water volume in 2005; 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

WHEREAS, the existing Amended Moratorium Order of the Director dated April 30, 1993 applicable to the Salmon River drainage does not prohibit the processing or approval of applications for transfer of existing water rights;

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 Lemhi 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 Lemhi 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, 2005, 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.
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, 2005, unless extended or terminated by order of the Director.

DATED this 17th day of May, 2005.


KARL J. DREHER
Director

APPROVED this 19th day of May, 2005.


~~MARK KEMPTHORNE~~
~~Governor~~

James F. Risich
Acting Governor

2007

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

IN THE MATTER OF A DECLARATION)
OF DROUGHT EMERGENCY FOR)
LEMHI COUNTY)
_____)

**ORDER DECLARING
DROUGHT EMERGENCY**

WHEREAS, the Lemhi County Commissioners requested that the Governor declare a drought emergency for Lemhi County. The Director of the Department of Water Resources reviewed the hydrologic conditions to determine if administrative action would be necessary to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, 2007 is expected to be a year of below normal streamflows in the Lemhi River and Salmon River Basins due to below average snowpack; and

WHEREAS, according to the April 6 forecast, the Lemhi River at Lemhi is expected to yield flows about 64 percent of the average water volume in 2007; and

WHEREAS, the Salmon River at Salmon is expected to yield flows about 76 percent of average water volume in 2007; 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 Lemhi 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 Lemhi County during the pendency of this declared drought emergency:

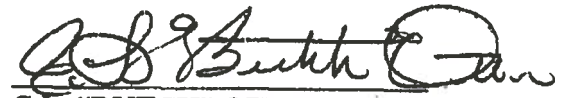
1. An application for a temporary change to an existing water right shall be made upon forms provided by the department and shall be accompanied by an application fee of fifty dollars (\$50.00) per application.
2. The Director is not required to publish notice of the proposed change pursuant to the provisions 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, 2007, 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.
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, 2007, unless extended or terminated by order of the Director.

DATED this 7th day of May, 2007.


DAVID R. TUTHILL, JR.
Director

APPROVED this 15th day of May, 2007.


CL "BUTCH" OTTER
Governor

2012

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

IN THE MATTER OF A DECLARATION)
OF DROUGHT EMERGENCY FOR)
LEMHI COUNTY)
_____)

**ORDER DECLARING
DROUGHT EMERGENCY**

WHEREAS, the Board of County Commissioners for Lemhi County has requested that the Governor and the Director of the Idaho Department of Water Resources declare a drought emergency for Lemhi County to allow administrative actions to lessen the impacts of drought conditions in the county; and

WHEREAS, Lemhi County is located within the Lemhi and Salmon River basins; and

WHEREAS, the United States Drought Monitor shows most of Lemhi County is considered abnormally dry; and

WHEREAS, the river basins in Lemhi County are experiencing abnormally dry conditions with the year's snow water and precipitation levels being well below normal. Specifically, the Moonshine SNOTEL station, located within Lemhi County and the Lemhi River basin, showed that the snow water equivalent was well below normal and snow melted approximately one month earlier than normal. Similar trends were seen at the other SNOTEL sites within the basins. Current stream flows within the county are below normal. The flows in the Lemhi River at Lemhi have been below the median since the beginning of June. Flows in the Salmon River at Salmon have been below the median flow since mid-July.

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 Lemhi 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 Lemhi County during the pendency of this declared drought emergency:

existing water right within Lemhi 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, 2012, 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, 2012, unless extended or terminated by order of the Director.

DATED this 15th day of August, 2012.



GARY SHACKMAN
Director

APPROVED this 16th day of August, 2012.



G.L. BUTCHER
Governor

2013

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

IN THE MATTER OF A DECLARATION)
OF DROUGHT EMERGENCY FOR)
LEMHI COUNTY)
_____)

**ORDER DECLARING
DROUGHT EMERGENCY**

WHEREAS, the Board of County Commissioners for Lemhi County has requested that the Governor and the Director of the Idaho Department of Water Resources declare a drought emergency for Lemhi County to allow administrative actions to lessen the impacts of drought conditions in the county; and

WHEREAS, Lemhi County is included within and relies upon water supplies from the Upper Salmon River basin; and

WHEREAS, snow water equivalent (SWE) levels as of May 1 for the Upper Salmon River basin were about 83 percent of average but five consecutive months of below average precipitation and early melting of snow packs left June 1 SWE levels at only 48 percent of normal for the basin; and

WHEREAS stream flow volume for the Salmon River at Salmon in Lemhi County from June through September is forecasted to be only 59 percent of normal; and

WHEREAS, the United States Drought Monitor Index shows Lemhi County included within that portion of Central and Eastern 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 Lemhi 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 Lemhi County during the pendency of this declared drought

emergency:

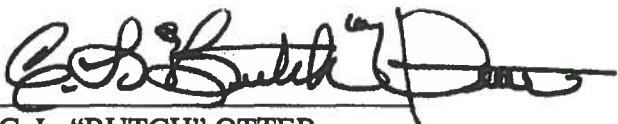
1. An application for a temporary change to an existing water right shall be made upon forms provided by the department and shall be accompanied by an application fee of fifty dollars (\$50.00) per application.
2. The Director is not required to publish notice of the proposed change pursuant to the provisions 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, 2013, 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, 2013, unless extended or terminated by order of the Director.

DATED this 25 day of July, 2013.


For
GARY SPACKMAN
Director

APPROVED this 25th day of July, 2013.


C. L. "BUTCH" OTTER
Governor