Idaho Association of Counties Webinar

Emergency Drought Declarations in Idaho

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IDAHO DEPARTMENT OF
WATER RESOURCES

Drought Declarations - Purpose

- **Temporary Water Right Changes**
- **Other Assistance?**
  - May help with eligibility for federal aid to local agricultural producers?

Legal Reference for State Declarations

- **Idaho Code § 42-222A (added in 1993)**
  - Upon declaration of drought emergency by IDWR Director & approval by Governor
    - Authorizes IDWR to allow temporary water right transfers or exchanges
      - Provides expedited but temporary change process
      - Order expires end of calendar year

Temporary Changes

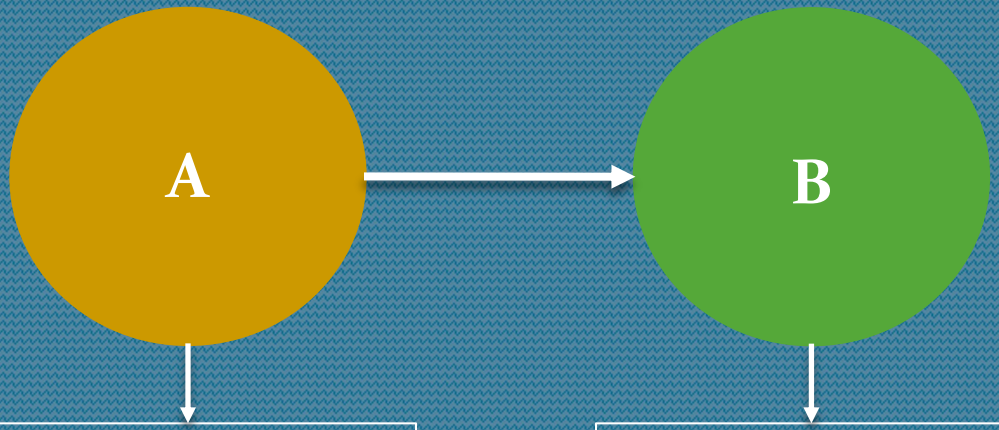
- Changes in point of diversion, place of use, purpose of use
- $50 application fee (IDWR application form)
- No advertising required
- Applicant assumes risks that change may cause injury or creates enlargement of use

Temporary Changes

- Changes are to provide a replacement water supply for existing uses that normally have a full supply except for drought
  - No new uses allowed
- Temp Change authorizations expire at end of year or irrigation season

Temporary Changes - Example

Temp change moves 1884 right from A to B to finish crop at B

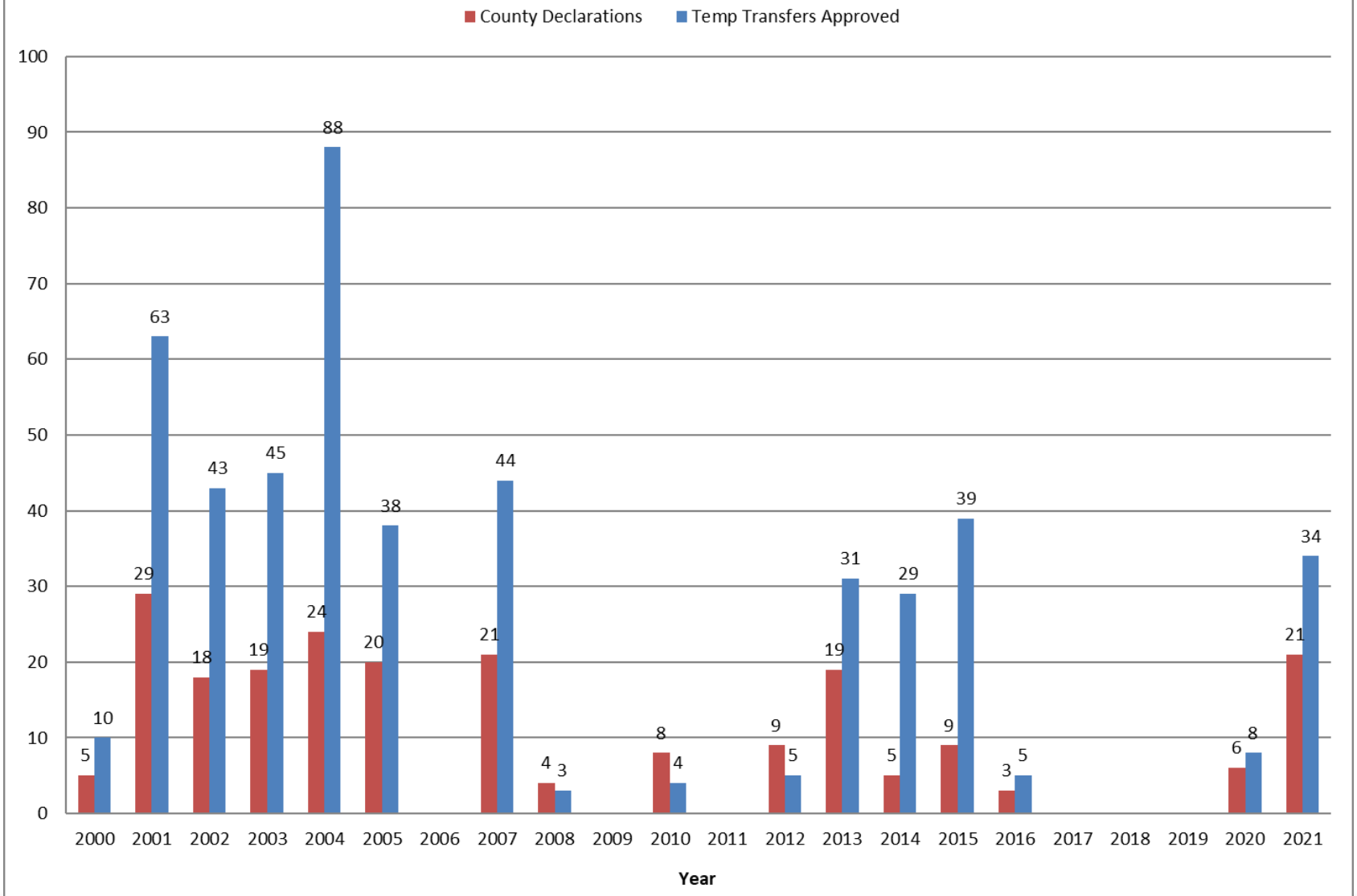


Field that is unused or planted in grain with 1884 priority surface water right

Field planted in alfalfa or potatoes with 1886 priority surface water right

1886 priority surface water right cut mid-July

County Drought Declarations and Temporary Changes by Year



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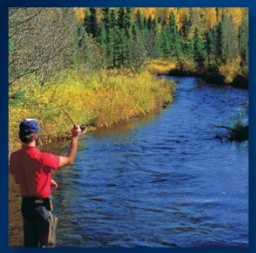

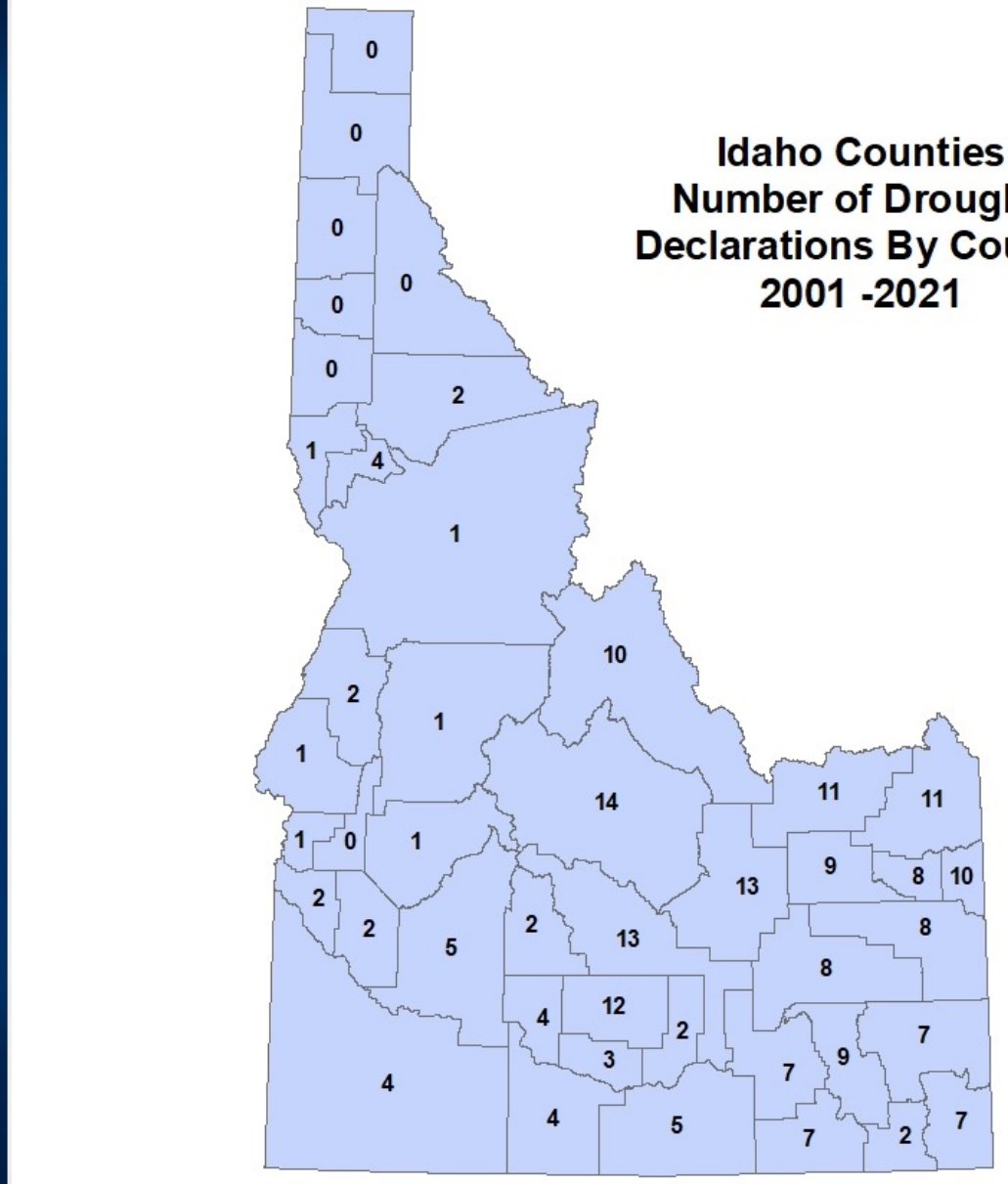

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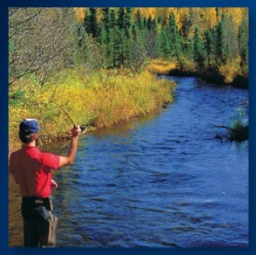
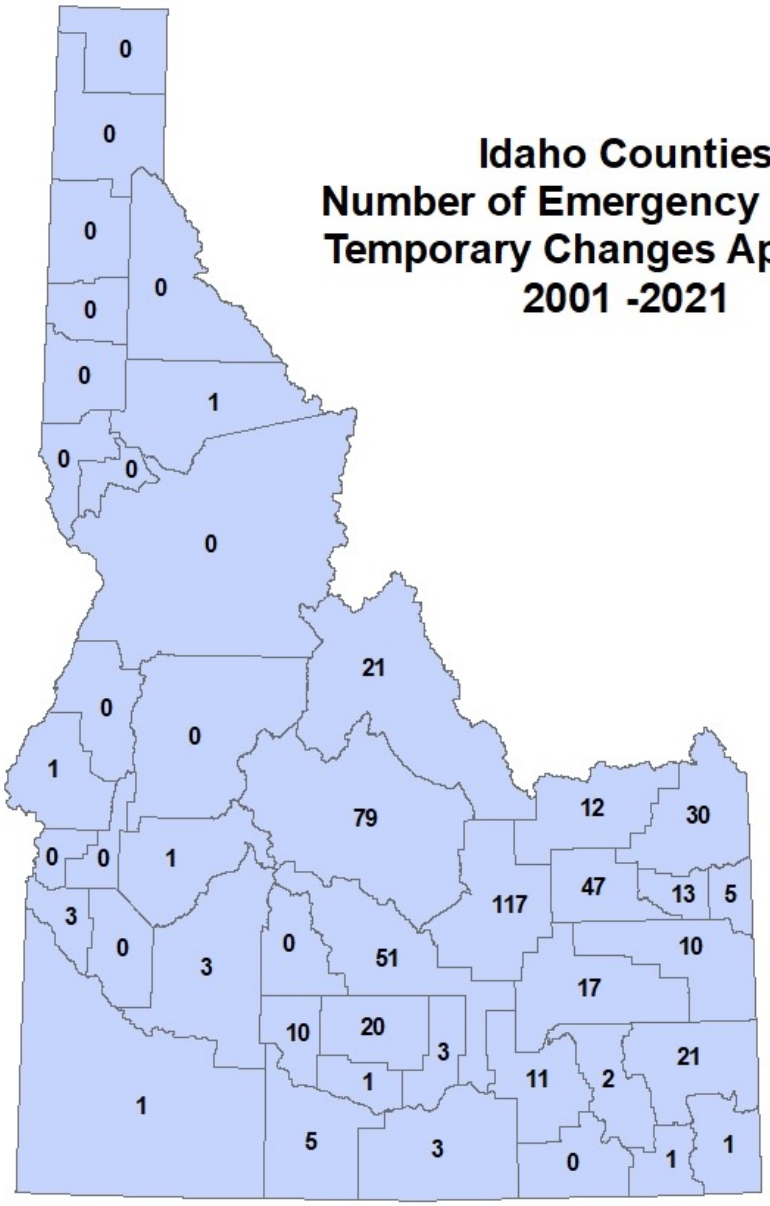
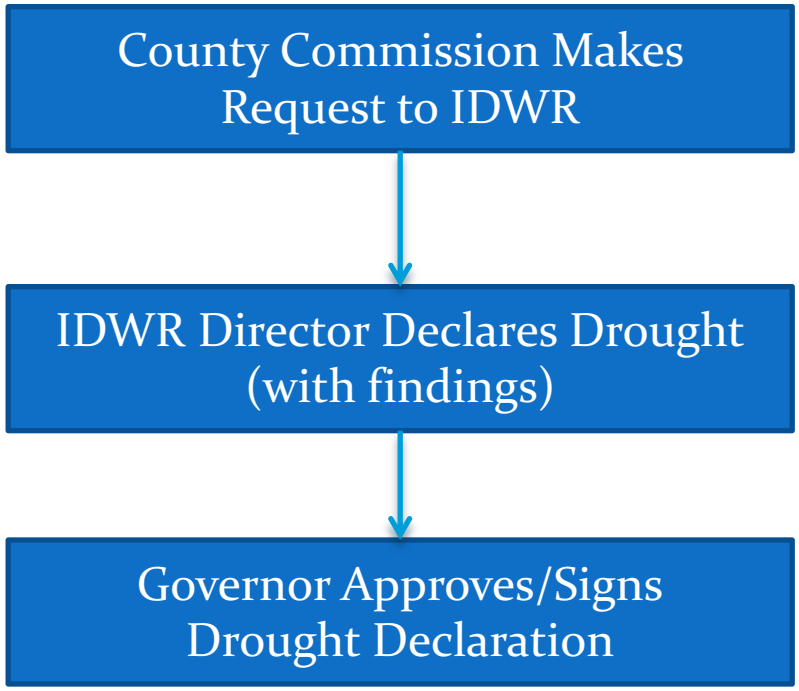


IDWR

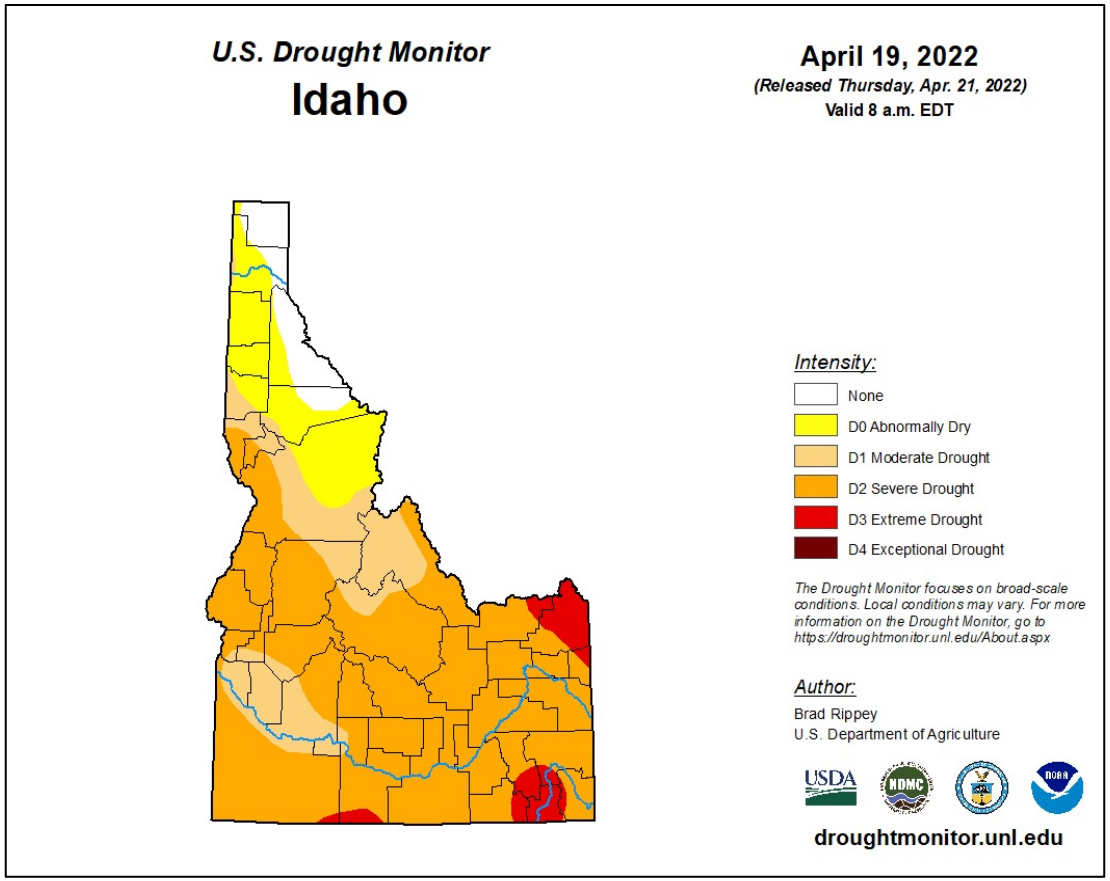


Normal Declaration Process:



2022 Proposed Declaration Process

- Governor's Office & IDWR propose one declaration now with input from Counties
- Based on drought conditions across state
- Area included: entire state south of the Salmon River (33 counties south of Idaho County)
- Ten counties have requested declarations



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