

IDAHO DEPARTMENT OF WATER RESOURCES
Request for Waiver of Administrative Rules for Well Construction Standards

Instructions

The Idaho Well Construction Standards Rules (IDAPA 37.03.09) contain provisions for waiver of the minimum well construction requirements; ***“in unique cases where the Director concludes that the ground water resources will be protected from waste and contamination and the public health and safety are not compromised...”*** The waiver provisions are outlined in Rule 25.02. as follows:

- a. To request a waiver the well driller and well owner must:
 - i. Jointly submit a detailed plan and written request identifying a specific rule or rules proposed to be waived. Additionally, the plan must detail the well construction process that will be employed in lieu of complete rule compliance.
 - ii. Prior to submittal, the well driller and well owner must sign the plan and written request; and
 - iii. Submit the plan and request to the Department.

The provided form (“Request for Waiver of Administrative Rules for Well Construction Standards”) must be submitted when requesting a waiver and ***prior to construction or completion of the well.*** Completing and submitting the form satisfies the information required under item a.ii above. Please attach additional sheets for well schematics and other supporting information as required under item a.i above. Requests for waiver will only be considered in conjunction with an approved drilling permit or an application for a drilling permit. Requests for waiver will be considered on a case by case basis after evaluation by the Department. The Department will respond to a request within 10 business days as provided by Rule. Requests may be submitted by fax, email, USPS mail or hand delivered to the Department.

The Department may request additional information from the well driller or well owner prior to processing the request for waiver. The Department may require specific measures, in addition to those being proposed, as a condition of approval of the request for waiver or the associated drilling permit. A waiver may be void if any approval conditions are not satisfied.

Completion of the well prior to receiving approval of the request by the Department may be sufficient grounds to deny or void the request. A request for waiver may be denied if justification for the waiver is insufficient or if the Department concludes that the proposed alternative construction is less protective of the ground water resource than the required standards.

Well ID Tag No. _____

Idaho Department of Water Resources
Request for Waiver of Administrative Rules for Well Construction Standards

This request is made pursuant to IDAPA 37.03.09, Rule 025.02, for a waiver of specific minimum construction requirements identified below. This request is specific to a well to be constructed for _____ (the legal well owner) and associated with the tag number listed above. This request is made jointly by the licensed well driller and the well owner. The well driller and well owner hereby acknowledge that they concur with this request and understand they are ultimately responsible for completing the well as proposed and as approved. Approval of this request only implies that the construction plan as proposed appears to meet the intent of the Rules in protecting the groundwater from waste and contamination. Approval of this request is not an endorsement that the alternative approach to completion of the well is preferable or an improvement over the standard currently required under the Rules. Approval does not constitute a waiver of any other well construction standard(s) not identified on this request. The following Rule(s) are requested to be waived:

- 1) _____
- 2) _____
- 3) _____

(Identify specific Rule(s) by number from IDAPA 37.03.09)

Purpose of request: _____

Describe additional safeguards being proposed to accommodate for variance from the required standard. **(Well completion diagram required. Please attach to this application).**

By signing below, the well driller and well owner acknowledge that they have discussed the associated risks and benefits of this proposal, are ultimately responsible for the proper construction of this well, and are in agreement with this request.

Well Driller _____ Date _____
Signature Required

Well Owner _____ Date _____
Signature Required

Action of the Department

IDWR Official _____ Date _____
Signature and title

Approved Denied