BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF PREPARING TEMPORARY RULES FOR POST-SINE DIE IN THE EVENT THE 2020 LEGISLATIVE SESSION ADJOURNS WITHOUT AUTHORIZATION OF CURRENT PENDING ADMINISTRATIVE RULES

RESOLUTION TO PUBLISH THE IDAHO WATER RESOURCE BOARD’S CURRENT PENDING ADMINISTRATIVE RULES AS TEMPORARY RULES

WHEREAS, the Idaho Water Resource Board ("IWRB") is the executive branch entity with statutory oversight and authority over 12 chapters of Administrative Rules in IDAPA 37, including:

IDAPA 37.01.01 Rules of Procedure of the IDWR; IDAPA 37.02.01 Comprehensive State Water Plan Rules; IDAPA 27.02.03 Water Supply Bank Rules; IDAPA 37.02.04 Shoshone Bannock Tribal Water Supply Bank Rules; IDAPA 37.03.03 Rules and Minimum Standards for the Construction and Use of Injection Wells; IDAPA 37.03.04 Drilling for Geothermal Resources Rules; IDAPA 37.03.05 Mines Tailing Impoundment Structures Rules; IDAPA 37.03.06 Safety of Dams Rules; IDAPA 37.03.07 Stream Channel Alteration Rules; IDAPA 37.03.09 Well Construction Standards and Rules; and IDAPA 37.03.10 Well Driller Licensing Rules; and

WHEREAS, as a precautionary measure to ensure the continuity of administrative rules following the adjournment of the 2020 Legislative session, the Division of Financial Management acting on behalf of the Governor of Idaho has directed all agencies to adopt all pending rules currently before the Legislature as temporary rules; and

WHEREAS, pursuant to Section 67-5226, Idaho Code, the Governor has found temporary adoption of the IWRB’s rules is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens; and

WHEREAS, the IWRB’s rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws; and

WHEREAS, the expiration of the IWRB’s rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules; and

WHEREAS, the Governor has also found that the fee(s) or charge(s) imposed or increased are justified and necessary to avoid immediate danger to the budget of the Idaho Department of Water Resources, to the state budget, to necessary state functions and services, and to avoid immediate danger of a potential violation of Idaho’s constitutional requirement that it balance its budget;

NOW, THEREFORE BE IT RESOLVED that the IWRB adopts and authorizes the notice and publication of the following fee rules as temporary rules to be effective upon sine die of the 2020
session of the Idaho Legislature. This approval and adoption is conditional and will only become effective if the rules previously adopted by the IWRB as pending rules currently before the Idaho Legislature are not otherwise effective upon sine die pursuant to Idaho Code sections 67-5291 and 67-5292.

- 37.01.01, (Rules of Procedure for the Idaho Department of Water Resources)
- 37.02.03, (Water Supply Bank Rules)
- 37.03.03, (Rules of Minimum Standards for the Construction & Use of Injection Wells) –
  all rules except rules: 010.07, 010.15, 010.29, 010.30, 010.40, 010.48.a, 010.48.b,
  010.49.e, 010.54, 010.56, 010.69, 010.70, 010.75, 010.90, 010.91, 010.92, 010.101, 025,
  040.02.b, 040.02.d, and 045.
- 37.03.04, (Drilling for Geothermal Resources Rules) – all rules except rules: 025.03.a,
  025.03.b, and 025.03.c.
- 37.03.05, (Mines Tailings Impoundment Structures Rules)
- 37.03.06, (Safety of Dams Rules)
- 37.03.07, (Stream Channel Alteration Rules)
- 37.03.09, (Well Construction Standards and Rules)
- 37.03.10, (Well Driller Licensing Rules) – all rules except parts of rules: 035.03 and
  036.03.

NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB adopts and authorizes the notice and publication of the following non-fee rules as temporary rules to be effective upon sine die of the 2020 session of the Idaho Legislature. This approval and adoption is conditional and will only become effective if the rules previously adopted by the IWRB as pending rules currently before the Idaho Legislature are not otherwise effective upon sine die pursuant to Idaho Code sections 67-5291 and 67-5292.

- 37.02.01, (Comprehensive State Water Plan Rules)
- 37.02.03, (Shoshone Bannock Tribal Water Supply Bank Rules)
DATED this 19 day of February, 2020.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST
VINCE ALBERDI, Secretary