

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

1 WHEREAS, the Idaho Water Resource Board ("IWRB") is the executive branch entity with
2 statutory oversight and authority over 12 chapters of Administrative Rules in IDAPA 37, including:
3 IDAPA 37.01.01 Rules of Procedure of the IDWR; IDAPA 37.02.01 Comprehensive State Water
4 Plan Rules; IDAPA 27.02.03 Water Supply Bank Rules; IDAPA 37.02.04 Shoshone Bannock Tribal
5 Water Supply Bank Rules; IDAPA 37.03.03 Rules and Minimum Standards for the Construction
6 and Use of Injection Wells; IDAPA 37.03.04 Drilling for Geothermal Resources Rules; IDAPA
7 37.03.05 Mines Tailing Impoundment Structures Rules; IDAPA 37.03.06 Safety of Dams Rules;
8 IDAPA 37.03.07 Stream Channel Alteration Rules; IDAPA 37.03.09 Well Construction Standards
9 and Rules; and IDAPA 37.03.10 Well Driller Licensing Rules; and
10

11 WHEREAS, as a precautionary measure to ensure the continuity of administrative rules
12 following the adjournment of the 2020 Legislative session, the Division of Financial Management
13 acting on behalf of the Governor of Idaho has directed all agencies to adopt all pending rules
14 currently before the Legislature as temporary rules; and
15

16 WHEREAS, pursuant to Section 67-5226, Idaho Code, the Governor has found temporary
17 adoption of the IWRB's rules is appropriate to protect the public health, safety, and welfare of
18 the citizens of Idaho and confer a benefit on its citizens; and
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20 WHEREAS, the IWRB's rules implement the duly enacted laws of the state of Idaho,
21 provide citizens with the detailed rules and standards for complying with those laws, and assist
22 in the orderly execution and enforcement of those laws; and
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24 WHEREAS, the expiration of the IWRB's rules without due consideration and processes
25 would undermine the public health, safety and welfare of the citizens of Idaho and deprive them
26 of the benefit intended by these rules; and
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28 WHEREAS, the Governor has also found that the fee(s) or charge(s) imposed or increased
29 are justified and necessary to avoid immediate danger to the budget of the Idaho Department of
30 Water Resources, to the state budget, to necessary state functions and services, and to avoid
31 immediate danger of a potential violation of Idaho's constitutional requirement that it balance
32 its budget;
33

34 NOW, THEREFORE BE IT RESOLVED that the IWRB adopts and authorizes the notice and
35 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