WHEREAS, the Idaho Water Resource Board ("IWRB") is the executive branch entity with either sole or shared statutory oversight and authority over nine chapters of Administrative Fee Rules in IDAPA 37, including: IDAPA 37.01.01 Rules of Procedure of the IDWR; IDAPA 37.02.03 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 Mine Tailings 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 Rules; and IDAPA 37.03.10 Well Driller Licensing Rules; and

WHEREAS, the Idaho 2020 Legislature adjourned sine die on March 20, 2020, without passing a concurrent resolution approving any of the IWRB’s pending fee rules; and

WHEREAS, because the 2020 Legislature adjourned without passing a concurrent resolution approving any of the IWRB’s fee rules, the IWRB’s temporary fee rules adopted on February 19, 2020, became effective on March 20, 2020, and remain in effect until sine die of the 2021 Legislative Session; and

WHEREAS, the Division of Financial Management ("DFM") published the IWRB’s temporary fee rules as Docket No. 37-0000-2000F, on April 15, 2020, in the Idaho Administrative Bulletin Vol. 20-4SE (pages 1961-2167); and

WHEREAS, on July 30, 2020, DFM directed all state executive agencies to take their temporary fee rules proposed, and later pending, and submit them for 2021 legislative review as an omnibus fee rulemaking; and

WHEREAS, DFM will begin the process of re-publishing existing fee rules by IDAPA chapter, using current temporary rules to be published as proposed rules in a special edition of the Idaho Administrative Bulletin in September 2020; and
WHEREAS, on July 30, 2020, DFM further directed all boards and commissions with vested rulemaking authority to follow their normal processes to advance temporary fee rules to proposed rules; 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 the following fee rules as proposed rules and that they be adopted as published on April 15, 2020, in the Idaho Administrative Bulletin Vol. 20-4SE:

- 37.01.01, (Rules of Procedure of the Idaho Department of Water Resources);
- 37.02.03, (Water Supply Bank Rules);
- 37.03.03, (Rules and Minimum Standards for the Construction and Use of Injection Wells);
- 37.03.04, (Drilling for Geothermal Resources Rules);
- 37.03.05, (Mine Tailings Impoundment Structures Rules);
- 37.03.06, (Safety of Dams Rules);
- 37.03.07, (Stream Channel Alteration Rules);
- 37.03.09, (Well Construction Standards Rules); and
- 37.03.10, (Well Driller Licensing Rules).

NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the notice and republication of the above referenced temporary fee rules as proposed rules.
DATED this 17th day of August, 2020.

ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST
VINCE ALBERDI, Secretary