

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF PUBLISHING IDAHO  
WATER RESOURCE BOARD PROPOSED FEE  
RULES

RESOLUTION TO PUBLISH THE IDAHO  
WATER RESOURCE BOARD'S CURRENT  
TEMPORARY FEE RULES AS PROPOSED  
FEE RULES

1           WHEREAS, the Idaho Water Resource Board ("IWRB") is the executive branch entity with  
2 either sole or shared statutory oversight and authority over nine chapters of Administrative Fee  
3 Rules in IDAPA 37, including: IDAPA 37.01.01 Rules of Procedure of the IDWR; IDAPA 37.02.03  
4 Water Supply Bank Rules; IDAPA 37.03.03 Rules and Minimum Standards for the Construction  
5 and Use of Injection Wells; IDAPA 37.03.04 Drilling for Geothermal Resources Rules; IDAPA  
6 37.03.05 Mine Tailings Impoundment Structures Rules; IDAPA 37.03.06 Safety of Dams Rules;  
7 IDAPA 37.03.07 Stream Channel Alteration Rules; IDAPA 37.03.09 Well Construction Standards  
8 Rules; and IDAPA 37.03.10 Well Driller Licensing Rules; and  
9

10           WHEREAS, as a precautionary measure to ensure the continuity of administrative rules  
11 following the adjournment of the 2020 Legislative session, the IWRB adopted its Pending fee  
12 rules as temporary rules on February 19, 2020, to conditionally become effective in the event the  
13 2020 Idaho Legislature adjourned without reauthorizing its administrative fee rules; and  
14

15           WHEREAS, the Idaho 2020 Legislature adjourned *sine die* on March 20, 2020, without  
16 passing a concurrent resolution approving any of the IWRB's pending fee rules; and  
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18           WHEREAS, because the 2020 Legislature adjourned without passing a concurrent  
19 resolution approving any of the IWRB's fee rules, the IWRB's temporary fee rules adopted on  
20 February 19, 2020, became effective on March 20, 2020, and remain in effect until *sine die* of the  
21 2021 Legislative Session; and  
22

23           WHEREAS, the Division of Financial Management ("DFM") published the IWRB's  
24 temporary fee rules as Docket No. 37-0000-2000F, on April 15, 2020, in the Idaho Administrative  
25 Bulletin Vol. 20-4SE (pages 1961-2167); and  
26

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

31           WHEREAS, DFM will begin the process of re-publishing existing fee rules by IDAPA  
32 chapter, using current temporary rules to be published as proposed rules in a special edition of  
33 the Idaho Administrative Bulletin in September 2020; and  
34

35 WHEREAS, on July 30, 2020, DFM further directed all boards and commissions with vested  
36 rulemaking authority to follow their normal processes to advance temporary fee rules to  
37 proposed rules; and  
38

39 WHEREAS, the IWRB's rules implement the duly enacted laws of the state of Idaho,  
40 provide citizens with the detailed rules and standards for complying with those laws, and assist  
41 in the orderly execution and enforcement of those laws; and  
42

43 WHEREAS, the expiration of the IWRB's rules without due consideration and processes  
44 would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them  
45 of the benefit intended by these rules; and  
46

47 WHEREAS, the Governor has also found that the fee(s) or charge(s) imposed or increased  
48 are justified and necessary to avoid immediate danger to the budget of the Idaho Department of  
49 Water Resources, to the state budget, to necessary state functions, and services, and to avoid  
50 immediate danger of a potential violation of Idaho's constitutional requirement that it balance  
51 its budget;  
52

53 NOW, THEREFORE BE IT RESOLVED that the IWRB adopts the following fee rules as  
54 proposed rules and that they be adopted as published on April 15, 2020, in the Idaho  
55 Administrative Bulletin Vol. 20-4SE:

- 56 • 37.01.01, (*Rules of Procedure of the Idaho Department of Water Resources*);
  - 57 • 37.02.03, (*Water Supply Bank Rules*);
  - 58 • 37.03.03, (*Rules and Minimum Standards for the Construction and Use of Injection*  
59 *Wells*);
  - 60 • 37.03.04, (*Drilling for Geothermal Resources Rules*);
  - 61 • 37.03.05, (*Mine Tailings Impoundment Structures Rules*);
  - 62 • 37.03.06, (*Safety of Dams Rules*);
  - 63 • 37.03.07, (*Stream Channel Alteration Rules*);
  - 64 • 37.03.09, (*Well Construction Standards Rules*); and
  - 65 • 37.03.10, (*Well Driller Licensing Rules*).
- 66

67 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the notice and  
68 republication of the above referenced temporary fee rules as proposed rules.

DATED this 17<sup>th</sup> day of August, 2020.

  
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ROGER W. CHASE, Chairman  
Idaho Water Resource Board

ATTEST   
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VINCE ALBERDI, Secretary