

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF PUBLISHING IDAHO  
WATER RESOURCE BOARD OMNIBUS  
PROPOSED FEE AND NON-FEE RULES

RESOLUTION TO PUBLISH THE IDAHO  
WATER RESOURCE BOARD'S CURRENT  
TEMPORARY FEE AND NON-FEE RULES AS  
PROPOSED 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 ten chapters of Administrative Non-  
3 Fee and Fee Rules in IDAPA 37, including: IDAPA 37.01.01 Rules of Procedure of the IDWR; IDAPA  
4 37.02.03 Water Supply Bank Rules; IDAPA 37.02.01 Comprehensive State Water Plan Rules,  
5 IDAPA 37.02.04 Shoshone Bannock Tribal Water Supply Bank; IDAPA 37.03.03 Rules and  
6 Minimum Standards for the Construction and Use of Injection Wells; IDAPA 37.03.04 Drilling for  
7 Geothermal Resources Rules; IDAPA 37.03.05 Mine Tailings Impoundment Structures Rules;  
8 IDAPA 37.03.06 Safety of Dams Rules; IDAPA 37.03.07 Stream Channel Alteration Rules; IDAPA  
9 37.03.09 Well Construction Standards Rules; and IDAPA 37.03.10 Well Driller Licensing Rules; and  
10

11 WHEREAS, the IWRB initially adopted its fee rules as temporary fee rules, effective *sine*  
12 *die* of the 2021 legislative session in its Resolution No. 06-2021 on March 2, 2021; and

13 WHEREAS, the 2021 Idaho House of Representatives ("House") did not adjourn *sine die*  
14 and rather recessed on May 12, 2021, without the Idaho Legislature concurrently reauthorizing  
15 the IWRB's administrative rules, or the House establishing a date certain that it would reconvene;  
16 and

17 WHEREAS, as a precautionary measure to ensure the continuity of administrative rules  
18 and ensure that existing rules remain in effect in Fiscal Year 2022, the Division of Financial  
19 Management ("DFM"), acting on behalf of the Governor of Idaho, directed all agencies to adopt  
20 all pending fee rules submitted to the 2021 Legislature for review and all non-fee rules as  
21 temporary rules effective July 1, 2021; and

22 WHEREAS, the IWRB adopted its non-fee rules as temporary rules, effective July 1, 2021,  
23 in its Resolution No. 20-2021 on May 21, 2021; and

24 WHEREAS, the IWRB adopted its fee rules as temporary fee rules, effective July 1, 2021,  
25 in its Resolution No. 21-2021 on June 15, 2021; and

26 WHEREAS, DFM published the IWRB's temporary non-fee rules as Docket No. 37-0000-  
27 2100 and its fee rules as Docket No. 37-0000-2100F, on July 21, 2021, in the [Idaho Administrative](#)  
28 [Bulletin Vol. 21-7SE](#) (pages 4808-5039); and  
29

WHEREAS, DFM will begin the process of re-publishing the existing fee and non-fee rules by IDAPA chapter and will publish the now temporary rules as proposed rules in a special edition of the Idaho Administrative Bulletin on October 20, 2021; and

WHEREAS, on August 24, 2021, DFM directed all state executive agencies to adopt and publish their temporary rules (both fee and non-fee) as proposed rules, and later pending rules, and submit them for 2022 legislative review as an omnibus rulemaking; 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 process would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by the rules; and

WHEREAS, the Governor has found that the fee(s) or charge(s) imposed or increased in the fee rules 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 the state annually balance its budget.

NOW, THEREFORE BE IT RESOLVED that the IWRB adopts and authorizes the notice and publication of the following fee rules as proposed rules and that they be adopted as published on July 21, 2021, in the [Idaho Administrative Bulletin Vol. 21-7SE](#):

- 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*).

66 NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB adopts and authorizes the notice  
67 and publication of the following non-fee rule chapters as proposed rules.

- 68 • 37.02.01, *Comprehensive State Water Plan Rules*; and  
69 • 37.02.04, *Shoshone Bannock Tribal Water Supply Bank*.

70  
  
DATED this 17<sup>th</sup> day of September, 2021.

  
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JEFF RAYBOULD, Chairman  
Idaho Water Resource Board

ATTEST   
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JO ANN COLE-HANSEN, Secretary  
Idaho Water Resource Board

**BEFORE THE IDAHO WATER RESOURCE BOARD**

IN THE MATTER OF CLOUD SEEDING IN THE  
STATE OF IDAHO

RESOLUTION TO DEVELOP TEMPORARY  
AUTHORIZATION OF EXISTING CLOUD  
SEEDING PROGRAMS

1 WHEREAS, House Bill 266 (HB 266), passed and approved by the 2021 legislature, recognized  
2 that cloud seeding has provided a unique and innovative opportunity to support sustainable water  
3 supplies for the State of Idaho, and designated the Idaho Water Resource Board (IWRB) as the agency  
4 responsible for authorization of cloud seeding programs within the State; and  
5

6 WHEREAS, cloud seeding activities have occurred in the State of Idaho for several decades; and  
7

8 WHEREAS, HB266 requires the IWRB to authorize local or statewide cloud seeding programs that  
9 operate within the State of Idaho; and  
10

11 WHEREAS, existing cloud seeding programs planning to operate during the 2021-2022 cloud  
12 seeding season must obtain prior authorization from the IWRB; and  
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14 WHEREAS, to allow for the continued operation of existing cloud seeding programs for the  
15 upcoming season 2021-2022, the IWRB determined at its regular July meeting that it would provide a one-  
16 year authorization of existing cloud seeding programs while it considers a more comprehensive, and  
17 possible multi-year, authorization for subsequent years; and  
18

19 WHEREAS, to provide information for the IWRB's consideration of a one-year authorization of  
20 cloud seeding programs, IWRB staff requested a brief summary of program operations from  
21 representatives of the programs known to operate within the State of Idaho; and  
22

23 WHEREAS, cloud seeding program information was received for the High Country Resource  
24 Conservation and Development (HCRCD) Program, the Idaho Collaborative Cloud Seeding (Collaborative)  
25 Program, and the Idaho Power Company (IPC) Program; and  
26

27 WHEREAS, the HCRCD Program currently operates a manual ground generator program in the  
28 Upper Snake River Basin and has been in operation for over two decades. This program is operated by Let  
29 it Snow, Inc., and works in partnership with IPC to provide meteorological support; and  
30

31 WHEREAS, the Collaborative Program currently operates a comprehensive cloud program  
32 including remote ground generators and aircraft. This program operates in the Upper Snake River Basin,  
33 the Wood River Basin, and the Boise River basin, and has been in operation since 2009. Operations and  
34 meteorological support are provided by IPC; and  
35

36 WHEREAS, the IPC Program currently operates a comprehensive cloud seeding program including  
37 remote ground generators and aircraft. This program operates in the Payette River Basin and has been in  
38 operation since 2003. Operations and meteorological support are provided by IPC; and  
39

40 WHEREAS, the State of Utah currently operates a manual ground generator program in Northern



41 Utah, with generators located in the Goose Creek and Bear River Basin's of Idaho. Operations and  
42 meteorological support are provided by North American Weather Consultants.  
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44 NOW, THEREFORE BE IT RESOLVED that, the IWRB hereby approves a one-year authorization to  
45 operate cloud seeding activities for the HCRCDC Program.  
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47 BE IT FURTHER RESOLVED that, the IWRB hereby approves a one-year authorization to operate  
48 cloud seeding activities for the Collaborative Program.  
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50 BE IT FURTHER RESOLVED that, the IWRB hereby approves a one-year authorization to operate  
51 cloud seeding activities for the IPC Program.  
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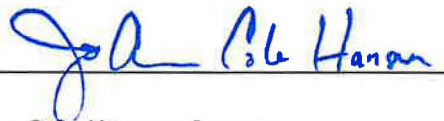
53 BE IT FURTHER RESOLVED that, the IWRB hereby approves a one-year authorization to operate  
54 cloud seeding activities for the State of Utah Program.

DATED this 17<sup>th</sup> day of September, 2021.



Jeff Raybould, Chairman  
Idaho Water Resource Board

ATTEST



Jo Ann Cole-Hansen, Secretary