

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES
37.02.04 – SHOSHONE BANNOCK TRIBAL WATER SUPPLY BANK RULES
DOCKET NO. 37-0204-2501

NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 42-1762, Idaho Code, and Article 7.3 of the 1990 Fort Hall Indian Water Rights Agreement. This action is consistent with Executive Order 2020-01: Zero-Based Regulation, which directs agencies to review all administrative rules over the five-year period of 2021-2025 (completing review no later than Idaho Legislature sine die 2026).

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

PUBLIC MEETING Wednesday, May 14, 2025 at 1:30 p.m. (MT)
In Person: Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 (Meeting to be held at IDWR Office Conference Room D, located on the 6th Floor of the University of Idaho Water Center)
To sign up for attendance via telephone/videoconference, Contact rulesinfo@idwr.idaho.gov or Mary Condon at (208) 287-4800 by May 7, 2025.
Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/tribal-WSB-rules/.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Attend the above-scheduled meeting in-person or identify themselves to IDWR using the phone number or email address listed above in advance of the above-scheduled meeting for a meeting link. Any changes or additional meeting dates will be posted on IDWR's website at <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/tribal-WSB-rules/>.

Upon conclusion of negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact IDWR or, if IDWR chooses, the summary may be posted on IDWR's website listed above.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

**IDAHO DEPARTMENT OF WATER RESOURCES
Shoshone Bannock Tribal Water Supply Bank Rules**

**Docket No. 37-0204-2501
ZBR Negotiated Rulemaking**

This rulemaking will review the “Shoshone Bannock Tribal Water Supply Bank Rules,” IDAPA 37.02.04, consistent with [Executive Order 2020-01](#). The Shoshone Bannock Water Bank Rules govern the operation of the Tribes Water Bank for the lease and rental of their contracted storage outside the boundaries of the Reservation. The intent of the Rule is to uphold the Tribes’ right to market their contracted storage to be put to beneficial use, to provide a source of water supplies, provide a source of Tribal funding for improving water user facilities and efficiencies, and to provide the continuation of good-faith cooperation among parties of the 1990 Fort Hall Agreement. The rule changes are intended to perform a comprehensive review of this chapter to streamline or simplify this rule language.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact rulesinfo@idwr.idaho.gov or contact Erik Boe, IDWR Rules Regulation Officer at (208) 287-4800. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the IDWR website at the following web address: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/tribal-WSB-rules/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 4, 2025.

DATED this 1st day of April, 2025.

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