

**IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES**

**37.03.12 – WATER DISTRIBUTION RULES – WATER DISTRICT 34**

**DOCKET NO. 37-0312-2501**

**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 the Idaho Department of Water Resources (“IDWR”) intends to repeal and promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 42-1805(8), Idaho Code. 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 has been scheduled. Any additional meeting dates will be posted on IDWR’s website at: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/water-district-34-rules/>.

<b>*PUBLIC MEETING*</b> <b>Wednesday, April 23, 2025 at 1:00 p.m. (MT)</b>
<b>In Person:</b> <b>Idaho Dept. of Water Resources</b> <b>322 E Front St.</b> <b>Boise, ID 83720-0098</b> <b>(Meeting will be held in Room No. 162 on the 1st floor of the University of Idaho Water Center)</b>
<b>To sign up for attendance via telephone/videoconference,</b> <b>Contact <a href="mailto:rulesinfo@idwr.idaho.gov">rulesinfo@idwr.idaho.gov</a> or Erik Boe at 208-287-4800 by April 19, 2025.</b>
<b>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:</b> <a href="https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/water-district-34-rules/">https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/water-district-34-rules/</a>

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 either attend the above-scheduled meeting or identify themselves to IDWR using the phone number or email address listed above in advance of the above-scheduled meeting. 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.

Should a reasonable number of persons respond to this notice, additional negotiated meetings may be scheduled, and all scheduled meetings shall be posted and made accessible on IDWR’s website listed in this notice.

A lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, IDWR has sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

**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:

This rulemaking will review the “Idaho Department of Water Resources Water Distribution Rules – Water District 34,” IDAPA 37.03.12, consistent with [Executive Order 2020-01](#). These rules set procedures for the distribution of surface and ground water within Water District 34, the Big Lost River Basin, by the duly appointed watermaster pursuant to the provisions of Chapter 6, Title 42, Idaho Code, and applicable court decrees. IDWR reviewed these rules pursuant to the zero-based regulation process and is considering the re-promulgation of this chapter with minor modifications.

IDWR identified the following areas as potential changes from the existing rules:

- Removing unnecessary words.
- Making definitions consistent with other rules.
- Adding clarifying information.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact [rulesinfo@idwr.idaho.gov](mailto:rulesinfo@idwr.idaho.gov) or contact Erik Boe, IDWR Rules Review 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/water-district-34-rules/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments on topics covered during the April 23, 2025, meeting must be directed to the undersigned and must be delivered on or before May 9, 2025. Information regarding any additional public comment opportunities will be posted on IDWR’s website listed above.

DATED this 1st day of April, 2025.

Erik Boe, Water Compliance Bureau Chief, Rules Regulation Officer  
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