



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee

FROM: Legislative Drafter - Alli Olson

DATE: October 28, 2024

SUBJECT: Idaho Department of Water Resources

IDAPA 37.03.01 - Adjudication Rules (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 37-0301-2401)

Summary and Stated Reasons for the Rule

The Idaho Department of Water Resources submits notice of proposed rulemaking related to the Adjudication Rules, IDAPA 37.03.01. The Department states the proposed rulemaking is pursuant to the Zero-Based Regulation initiative and reduces the chapter by approximately 17%. The Department states the proposed changes clarify the minimum requirements for completing a notice of claim to a water right acquired under state law and establish clear criteria for calculating of claim filing fees, refunding fees, and for rejecting incomplete claims. The Department also states it believes these regulatory measures are necessary for the orderly, consistent, and efficient processing of adjudication claims filed in connection with any of the active general stream adjudications within Idaho. The proposed rule improves readability by removing unnecessary language and revising language.

Negotiated Rulemaking / Fiscal Impact

The Department states that negotiated rulemaking was conducted for the proposed rule and notice was published in the April 3, 2024, Idaho Administrative Bulletin, Vol. 24-4, pages 50-51. As a whole, the Department states they set the minimum requirements for completing a notice of a claim to a water right acquired under state law which includes establishing clear criteria for calculation of claim filing fees including flat fees, variable fees, and late fees, as set forth in Idaho Code § 42-2424. The Department also states that there is no fiscal impact to the General Fund.

Statutory Authority

The Department of Water Resources appears to have the authority to promulgate the proposed rule pursuant to Section 42-1805(8), Idaho Code.

cc: Idaho Department of Water Resources
Megan Jenkins

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.