



**Terri Kondeff**  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

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

**FROM:** Legislative Drafter - Alli Olson

**DATE:** October 25, 2024

**SUBJECT:** Idaho Department of Water Resources

IDAPA 37.03.02 - Beneficial Use Examination Rules (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 37-0302-2401)

#### **Summary and Stated Reasons for the Rule**

The Idaho Department of Water Resources submits notice of proposed rulemaking related to the Beneficial Use Examination Rules, IDAPA 37.03.02. The Department states the proposed rulemaking is pursuant to the Zero-Based Regulation initiative, reduces the chapter by approximately 17%, and stems from a combination of IDWR analysis and stakeholder negotiation and comments. The proposed rule changes improve 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 52-53. These rules relate to fees but do not appear to change the fee structure. The Department states the rules governs the certification of water right examiners, the filing of proof of beneficial use, and beneficial use examination reports as well as the collection of fee for the same pursuant to §§ 42-217, 42-217a, 42-218a, and 42-221K Idaho Code. 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

\*\*\* PLEASE NOTE \*\*\*

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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.