



**Terri Kondoff**  
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 28, 2024

**SUBJECT:** Idaho Department of Water Resources

IDAPA 37.03.03 - Rules and Minimum Standards for the Construction and Use of Injection Wells (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 37-0303-2301)

#### Summary and Stated Reasons for the Rule

The Idaho Department of Water Resources submits notice of proposed rulemaking for the Rules and Minimum Standards for the Construction and Use of Injection Wells, IDAPA 37.03.03. The Department states the proposed rulemaking is pursuant to the Zero-Based Regulation initiative, reduces the chapter by approximately 14.5%, and stems from a combination of IDWR analysis and stakeholder negotiation, commentary, and editing. The Department states the rules establish minimum standards and criteria for construction and abandonment of Class V deep and shallow injection wells within Idaho and the injection of fluids to such wells. 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 5, 2023, Idaho Administrative Bulletin, Vol. 23-4, pages 68-69. The Department states the rule establishes the collection of fee(s) to file a notice of application set forth in I.C. §§ 42-3905(1) and (2). 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.