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SENT VIA EMAIL TO: rulesinfo@idwr.idaho.gov

Mr. Matt Weaver
IDWR Rules Review Office
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720

Dear Mr. Weaver:

The Idaho Department of Water Resources (Department or IDWR) has initiated a review of rules pertaining to Mine Tailings Impoundments (IDAPA 37.03.05) and Safety of Dams (IDAPA 37.03.06). This review is being conducted as required by Governor Little's Executive Order 2020-01 on Zero-Based Regulation. The J.R. Simplot Company (Simplot) has several mine tailing impoundments in Idaho; thus, this rulemaking is of direct interest to the company.

The Department has proposed merging the rules pertaining to mine tailings impoundments and dam safety into one combined rule. Besides, merging the two separate rules, other changes are proposed for the regulation of mine tailings impoundments.

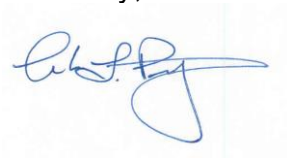
Simplot recommends that the Department **not combine** the two existing rules into a single rule. There are sufficient significant differences between tailings impoundments and other types of impoundments (dams) that it is best to not combine them into a common set of regulations.

After the Department makes a decision as to whether to continue with a combined rule or whether to return to having separate rules, Simplot will provide detailed comments on the technical and other changes that are being proposed for the regulation of mine tailings impoundments.

Simplot is also supportive of the comments provided by the Idaho Mining Association.

We appreciate this opportunity to provide these comments.

Sincerely,



Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

