



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 37.03.09 - Well Construction Standards Rules (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 37-0309-2401)

Summary and Stated Reasons for the Rule

The Idaho Department of Water Resources submits notice of proposed rulemaking for the Well Construction Standards Rules, IDAPA 37.03.09. The Department states the proposed rulemaking is pursuant to the Zero-Based Regulation initiative, reduces the chapter by approximately 5.8%, and stems from a combination of IDWR analysis and stakeholder negotiation, commentary, and editing. The Department states the rule sets the procedure for drilling and constructing wells to prevent waste and contamination of Idaho's ground water resource. The proposed rule primarily removes unnecessary language, revises language for readability, and removes unnecessary provisions, when appropriate.

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, page 54. The Department states the rule establishes the collection of fees to file an application for drilling permits, as set forth in I.C. § 42-235. 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.