



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 37.03.11 - Rules for Conjunctive Management of Surface and Ground Water Resources - Proposed Rule (Docket No. 37-0311-2401)

Summary and Stated Reasons for the Rule

The Idaho Department of Water Resources submits notice of proposed rulemaking related to the Rules for Conjunctive Management of Surface and Groundwater Resources, IDAPA 37.03.11. The Department states the proposed changes ensure continuity between the statute and rule. The applicable statute, Idaho Code § 42-233c, effective July 1, 2024, clarifies the area having a common groundwater supply for the Eastern Snake River Plain Aquifer. The proposed rule aligns itself with the statute by referring to the statute to define the ESPA.

Negotiated Rulemaking / Fiscal Impact

The Department states that negotiated rulemaking was not conducted given the change is necessary to align the rule with the statute. The Department also states that there are no fees associated with this rulemaking and that there is no fiscal impact to the General Fund.

Statutory Authority

The Department of Water Resources has 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 ***

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.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
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