

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF RESCINDING CURRENT
TEMPORARY FEE RULES AND PREPARING
NEW TEMPORARY FEE RULES TO BE
EFFECTIVE JULY 1, 2021

RESOLUTION TO PUBLISH THE IDAHO
WATER RESOURCE BOARD'S CURRENT
PENDING ADMINISTRATIVE FEE RULES AS
TEMPORARY FEE RULES EFFECTIVE
JULY 1, 2021

1 WHEREAS, the Idaho Water Resource Board ("IWRB") is the executive branch entity with
2 statutory oversight and authority over 12 chapters of Administrative Rules in IDAPA 37, including:
3 IDAPA 37.01.01 Rules of Procedure of the IDWR; IDAPA 37.02.01 Comprehensive State Water
4 Plan Rules; IDAPA 27.02.03 Water Supply Bank Rules; IDAPA 37.02.04 Shoshone Bannock Tribal
5 Water Supply Bank Rules; IDAPA 37.03.03 Rules and Minimum Standards for the Construction
6 and Use of Injection Wells; IDAPA 37.03.04 Drilling for Geothermal Resources Rules; IDAPA
7 37.03.05 Mines Tailing Impoundment Structures Rules; IDAPA 37.03.06 Safety of Dams Rules;
8 IDAPA 37.03.07 Stream Channel Alteration Rules; IDAPA 37.03.09 Well Construction Standards
9 and Rules; and IDAPA 37.03.10 Well Driller Licensing Rules; and

10 WHEREAS, the IWRB adopted its fee rules as temporary fee rules, effective *sine die* of the
11 2021 legislative session in its Resolution No. 06-2021 on March 2, 2021; and

12 WHEREAS, the 2021 Idaho House of Representatives ("House") has not adjourned *sine die*
13 and rather recessed on May 12, 2021, without the Idaho Legislature reauthorizing the IWRB's
14 administrative rules, or the House establishing a date certain that it would reconvene; and

15 WHEREAS, as a precautionary measure to ensure the continuity of administrative rules
16 and ensure that existing rules remain in effect in Fiscal Year 2022, the Division of Financial
17 Management acting on behalf of the Governor of Idaho has directed all agencies to adopt all
18 pending fee rules currently before the Legislature as temporary rules to be effective July 1, 2021;
19 and

20 WHEREAS, pursuant to Section 67-5226, Idaho Code, the Governor has found temporary
21 adoption of the IWRB's rules is appropriate to protect the public health, safety, and welfare of
22 the citizens of Idaho and confer a benefit on its citizens; and

23 WHEREAS, the IWRB's rules implement the duly enacted laws of the state of Idaho,
24 provide citizens with the detailed rules and standards for complying with those laws, and assist
25 in the orderly execution and enforcement of those laws; and

26 WHEREAS, the expiration of the IWRB's rules without due consideration and processes
27 would undermine the public health, safety and welfare of the citizens of Idaho and deprive them
28 of the benefit intended by these rules; and

29

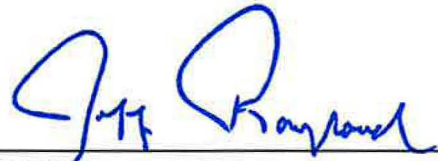
30 WHEREAS, the Governor has also found that the fee(s) or charge(s) imposed or increased
31 are justified and necessary to avoid immediate danger to the budget of the Idaho Department of
32 Water Resources, to the state budget, to necessary state functions and services, and to avoid
33 immediate danger of a potential violation of Idaho's constitutional requirement that it balance
34 its budget;

35 NOW, THEREFORE BE IT RESOLVED that the IWRB rescinds its existing temporary fee rules
36 effective July 1, 2021.

37 NOW, THEREFORE BE IT FURTHER RESOLVED that the IWRB adopts and authorizes the notice
38 and publication of the following fee rules as temporary rules to be effective July 1, 2021. This
39 approval and adoption is conditional and will only become effective if the rules previously
40 adopted by the IWRB as pending rules currently before the Idaho Legislature are not otherwise
41 effective upon *sine die* pursuant to Idaho Code sections 67-5291 and 67-5292.

- 42 • 37.01.01, *Rules of Procedure for the Idaho Department of Water Resources*
- 43 • 37.02.03, *Water Supply Bank Rules*
- 44 • 37.03.03, *Rules of Minimum Standards for the Construction & Use of Injection Wells*
- 45 • 37.03.04, *Drilling for Geothermal Resources Rules*
- 46 • 37.03.05, *Mines Tailings Impoundment Structures Rules*
- 47 • 37.03.06, *Safety of Dams Rules*
- 48 • 37.03.07, *Stream Channel Alteration Rules*
- 49 • 37.03.09, *Well Construction Standards and Rules*
- 50 • 37.03.10, *Well Driller Licensing Rules*

DATED this 15th day of June, 2021.



JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST



JO ANN COLE-HANSEN, Secretary
Idaho Water Resource Board