

**IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES  
IDAHO WATER RESOURCE BOARD**

**37.03.06 – SAFETY OF DAMS RULES**

**DOCKET NO. 37-0306-2201 (NEW CHAPTER, FEE RULE)**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized pursuant to §§ 42-1710 and 42-1714, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule establishes acceptable standards for the construction of new and existing regulated dams and to establish guidelines for the inspection and safety evaluation of new or existing dams. The rules apply to all new dams, to existing dams to be enlarged, altered, or repaired, and maintenance of certain existing dams, as specifically provided in the rules.

The pending rule incorporates amendments to the definition and regulation of hazard classification, changes to seismic analyses requirements for new and existing dams, changes to emergency action plan requirements, changes to construction requirements for new dams, and removal of Rule 65 *Dams Storing Tailings and Water*.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2022, Idaho [Administrative Bulletin, Vol. 22-10, pages 894–908](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

This rule establishes the collection of a fee to review plans, drawings, and specifications pertaining to the construction, enlargement, alteration, or repair of regulated dams.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mathew Weaver at [mathew.weaver@idwr.idaho.gov](mailto:mathew.weaver@idwr.idaho.gov), (208) 287-4800.

DATED this      day of November 2022.

Gary Spackman, Director  
Idaho Department of Water Resources  
322 E. Front Street  
PO Box 83720  
Boise, ID 83720

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Phone: (208) 287-4800