

IDAPA 37 - DEPARTMENT OF WATER RESOURCES

37.03.11 - RULES FOR CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER RESOURCES

DOCKET NO. 37-0311-1101

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 42-603, Idaho Code.

MEETING SCHEDULE: A public meeting(s) on the negotiated rulemaking will be held as follows:

March 9, 2011, 9:00 a.m.

**Idaho Department of Water Resources
322 East Front Street, Boise, Idaho
6th Floor Conference Room D**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Persons wishing to participate in the rule making process may attend the public meeting and may submit written comments to the Department by a date to be established.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11) address conjunctive administration of connected ground and surface water supplies. Part 50 of the rules (IDAPA 37.03.11.050) identifies the area on the Eastern Snake Plain Aquifer (ESPA) having a common ground water supply as that identified in a 1992 professional paper of the United States Geographic Services (USGS). Since 1992 considerable resources have been devoted to modeling the ESPA. Those modeling efforts involve identifying areas determined to have a common groundwater supply. The Department's current determination is different from the ESPA boundary identified in the 1992 USGS paper.

Clear Springs Foods filed a petition on November 2, 2010 for the Department to promulgate revisions to part 50. The Department determines that Rule 50 may not reflect current technical information. The Department should review the area of common ground water supply described in Rule 50 through negotiated rulemaking.

In the March 9, 2011 meeting: (1) Representatives of Clear Springs Foods will be given an opportunity to explain their rationale in petitioning for a rule change; (2) a schedule for receiving public comment will be established; and (3) one or more technical meetings where technical experts may discuss possible revisions will also be scheduled.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact: Richard M. Rigby 208-287-4839.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before the date established in the March 9, 2011.

DATED 20th day of January, 2011.

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