

IDAPA 37 - IDAHO DEPARTMENT OF WATER RESOURCES

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

DOCKET NO. 37-0311-1101

(SECOND) 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. This negotiated rulemaking action is authorized pursuant to Section 42-603, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be by teleconference as follows:

Thursday, May 29, 2014 -- 1:30 p.m. MDT

**Idaho Department of Water Resources
6th Floor Conference Room B
322 East Front Street
Boise, Idaho 83702**

METHOD OF PARTICIPATION: Persons wishing to participate in the rule making process may attend the public meeting by phone or in person and may submit written comments to the Department by a date to be established. Interested parties may contact the department for the teleconference number and pass code.

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 identified in a 1992 professional paper of the United State Geographic Services (USGS).

Clear Springs Foods filed a petition on November 2, 2010 for the Department to promulgate revisions to part 50. The Department determined that Rule 50 did not reflect current technical information and commenced negotiated rulemaking proceedings in January of 2011. Multiple public meetings were held. However, due to ongoing work related to the ESPA model and issues related to delivery calls pending before the Department, the Director stayed the rulemaking proceedings in August of 2011. The Director has now determined that the rulemaking proceedings should be restarted. This 2nd notice is intended to notify the public that the Director is continuing the negotiated rulemaking process. The meeting on May 29, 2014 is for the purpose of providing background information and to set a path forward. Additional public meetings will be scheduled.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact: Richard M. Rigby at (208) 287-4839. Materials pertaining to the negotiated rulemaking can be found on the Department's web site at the following web address: www.idwr.idaho.gov.

All written comments must be directed to the undersigned and must be delivered on or before the date established at the May 29, 2014 meeting.

DATED this 4th day of April, 2014.

Richard M. Rigby, Senior Advisor
Idaho Department of Water Resources
322 East Front Street

P.O. Box 83720
Boise, Idaho 83720
Phone: (208) 287-4839; Fax: (208) 287-6700