

# IDAHO ADMINISTRATIVE BULLETIN

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February 2, 2000

Volume 00-2

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# Preface

*The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.*

*State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of a rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rulemaking activities.*

## **CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN**

*The Bulletin is cited by year and issue number. For example, Bulletin 98-1 refers to the first Bulletin issued in calendar year 1998, Bulletin 99-1 refers to the first Bulletin issued in calendar year 1999, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 1999 is cited as Volume 99-1. The December 1998 Bulletin is cited as Volume 98-12.*

## **RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE**

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are **not** printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rulemaking**, printed in each Bulletin.*

## **TYPES OF RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN**

*The state of Idaho administrative rulemaking process comprises five distinct activities; Proposed, Negotiated, Temporary, Pending, and Final rulemaking. In the majority of cases, the process begins with proposed rulemaking and ends with final rulemaking. The following is a brief explanation of each type of administrative rule.*

### **NEGOTIATED RULE**

*Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the content of the rule. Agencies are encouraged to proceed through this informal rulemaking whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the rulemaking to the temporary and/or proposed rule stage.*

### **PROPOSED RULE**

*A proposed rulemaking is an action by an agency in which the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a notice of proposed rulemaking in the Bulletin. The notice of proposed rulemaking must include:*

- a) the specific statutory authority for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

*As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.*

### **TEMPORARY RULE**

*Temporary rules may be adopted only when the governor finds that it is necessary for:*

- a) the protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit.*

*If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule.*

*A temporary rule expires at the conclusion of the next succeeding regular session of the legislature unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.*

*In cases where the text of the temporary rule is the same as that of the proposed rule, the rulemaking can be done concurrently as a temporary/proposed rule. State law requires that the text of a proposed or temporary rule be published in the Administrative Bulletin. Combining the rulemaking allows for a single publication of the text.*

*An agency may rescind a temporary rule that has been adopted and is in effect if the rule is being replaced by a new temporary rule or has been published concurrently with a proposed rulemaking that is being vacated.*

### **PENDING RULE**

*A pending rule is a rule that has been adopted by an agency under the regular rulemaking process and*

remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the Notice of Pending Rule. This includes:

- a) the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective; and
- d) an identification of any portion of the rule imposing or increasing a fee or charge.

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the Notice of Pending Rule is published.

### **FINAL RULE**

A final rule is a rule that has been adopted by an agency under the regular rulemaking process and is in effect.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that the agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution will be adopted rejecting, amending, or modifying the rule or any part thereof. A Notice of Final Rule must be published in the Idaho Administrative Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended, or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule which is final and effective may be applied retroactively, as provided in the rule.

### **AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, Ricks College Library, and Northwest Nazarene College Library.

### **SUBSCRIPTIONS AND DISTRIBUTION**

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone

(208) 332-1820.

*The Administrative Bulletin* is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

*The Administrative Code*, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

*Individual Rule Chapters and Individual Rulemaking Dockets*, are specific portions of the Bulletin and Administrative Code produced on demand.

*Internet Access* - The Administrative Code and Administrative Bulletin are available on the Internet at the following address:

<http://www.state.id.us/> - from Idaho Home Page select the Administrative Rules link.

**EDITOR'S NOTE:** All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 332-1820.

## **HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN**

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the "IDAPA" number. (The "IDAPA" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

### **IDAPA 38.05.01.060.02.c.ii.**

"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Subsection 060.02.c.

"ii." refers to Subsection 060.02.c.ii.

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## DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-9901). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

### "DOCKET NO. 38-0501-9901"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), "Rules of the Division of Purchasing" (Chapter 01).

"9901" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rulemaking action of the chapter published in calendar year 1999.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

**"(BREAK IN CONTINUITY OF SECTIONS)"**

## INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

**"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."**

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

**"...in accordance with IDAPA 38.05.01.201."**

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

**"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"**

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2000

| Volume No. | Monthly Issue of Bulletin | Closing Date for Agency Filing | Publication Date  |
|------------|---------------------------|--------------------------------|-------------------|
| 00-1       | January, 2000             | <b>*November 17, 1999</b>      | January 5, 2000   |
| 00-2       | February, 2000            | December 22, 1999              | February 2, 2000  |
| 00-3       | March, 2000               | January 19, 2000               | March 1, 2000     |
| 00-4       | April, 2000               | February 23, 2000              | April 5, 2000     |
| 00-5       | May, 2000                 | March 22, 2000                 | May 3, 2000       |
| 00-6       | June, 2000                | April 19, 2000                 | June 7, 2000      |
| 00-7       | July, 2000                | May 24, 2000                   | July 5, 2000      |
| 00-8       | August, 2000              | June 21, 2000                  | August 2, 2000    |
| 00-9       | September, 2000           | July 19, 2000                  | September 6, 2000 |
| 00-10      | October, 2000             | <b>**August 22, 2000</b>       | October 4, 2000   |
| 00-11      | November, 2000            | September 20, 2000             | November 1, 2000  |
| 00-12      | December, 2000            | October 25, 2000               | December 6, 2000  |

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2001

| Volume No. | Monthly Issue of Bulletin | Closing Date for Agency Filing | Publication Date  |
|------------|---------------------------|--------------------------------|-------------------|
| 01-1       | January, 2001             | <b>*November 15, 2000</b>      | January 3, 2001   |
| 01-2       | February, 2001            | December 20, 1999              | February 7, 2001  |
| 01-3       | March, 2001               | January 24, 2001               | March 7, 2001     |
| 01-4       | April, 2001               | February 21, 2001              | April 4, 2001     |
| 01-5       | May, 2001                 | March 21, 2001                 | May 2, 2001       |
| 01-6       | June, 2001                | April 18, 2001                 | June 6, 2001      |
| 01-7       | July, 2001                | May 23, 2001                   | July 4, 2001      |
| 01-8       | August, 2001              | June 20, 2001                  | August 1, 2001    |
| 01-9       | September, 2001           | July 18, 2001                  | September 5, 2001 |
| 01-10      | October, 2001             | <b>**August 22, 2001</b>       | October 3, 2001   |
| 01-11      | November, 2001            | September 19, 2001             | November 7, 2001  |
| 01-12      | December, 2001            | October 24, 2001               | December 5, 2001  |

*\*Last day to submit proposed rulemaking before moratorium begins.*

*\*\*Last day to submit proposed rules in order to complete rulemaking for review by legislature.*

## ALPHABETICAL INDEX OF AGENCY IDAPA AND ADMINISTRATIVE CODE VOLUME NUMBERS

| <u>IDAPA</u> | <u>AGENCY</u>  |
|--------------|--|
| 01           | Accountancy, Board of - Administrative Code Volume 1                             |
| 38           | Administration, Department of - Administrative Code Volume 8                     |
| 44           | Administrative Rules Coordinator, Office of the - Administrative Code Volume 8   |
| 02           | Agriculture, Idaho Department of - Administrative Code Volume 1                  |
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| 03           | Athletic Commission - Administrative Code Volume 1                               |
| 04           | Attorney General, Office of the - Administrative Code Volume 1                   |
| 53           | Barley Commission, Idaho - Administrative Code Volume 8                          |
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| 06           | Correction, Board of   |
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| 13           | Fish and Game, Department of - Administrative Code Volume 2                      |
| 14           | Geologists, Professional, Board of Registration, - Administrative Code Volume 2  |
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| 16           | Health and Welfare, Department of - Administrative Code Volumes 3, 4, 5          |
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| 17           | Industrial Commission - Administrative Code Volume 5                             |
| 18           | Insurance, Department of - Administrative Code Volume 6                          |
| 05           | Juvenile Corrections, Department of - Administrative Code Volume 1               |
| 09           | Labor, Idaho Department of - Administrative Code Volume 2                        |
| 20           | Lands, Department of - Administrative Code Volume 6                              |
| 11           | Law Enforcement, Department of - Administrative Code Volume 2                    |
| 30           | Library, Idaho State - Administrative Code Volume 7                              |
| 52           | Lottery Commission, Idaho State - Administrative Code Volume 8                   |
| 22           | Medicine, Board of - Administrative Code Volume 6                                |
| 23           | Nursing, Board of - Administrative Code Volume 6                                 |
| 24           | Occupational Licenses, Board of - Administrative Code Volume 6                   |
| 25           | Outfitters and Guides Licensing Board - Administrative Code Volume 7             |
| 50           | Pardons and Parole, Commission for - Administrative Code Volume 8                |
| 26           | Parks and Recreation, Department of - Administrative Code Volume 7               |
| 59           | PERSI - Public Employees Retirement System of Idaho - Administrative Code Vol. 8 |
| 27           | Pharmacy, Board of - Administrative Code Volume 7                                |
| 29           | Potato Commission, Idaho - Administrative Code Volume 7                          |
| 10           | Professional Engineers & Land Surveyors, Board of - Administrative Code Volume 2 |
| 32           | Public Works Contractors State Licenses Board - Administrative Code Volume 7     |
| 31           | Public Utilities Commission - Administrative Code Volume 7                       |
| 41           | Public Health Districts - Administrative Code Volume 8                           |
| 33           | Real Estate Commission - Administrative Code Volume 7                            |
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| 49           | Shorthand Reporters, Board of Certified, - Administrative Code Volume 8          |
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| 47           | Vocational Rehabilitation, Division of - Administrative Code Volume 8            |
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| 42           | Wheat Commission, Idaho - Administrative Code Volume 8                           |

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**  
**DOCKET NO. 16-0102-9704**

**NOTICE OF CORRECTION TO PENDING RULE**

**CORRECTION:** The following docket is being reprinted to correct an error made by the Office of Administrative Rules. The error was made in the January 7, 2000 Idaho Administrative Bulletin, Volume 00-1. Sections 140 and 150 were inadvertently omitted from Docket No. 16-0102-9704. The Sections have been promulgated as proposed rules. These Sections are being published here as they were originally submitted by DEQ as part of the pending rule.

**EFFECTIVE DATE:** This rule has been adopted by the Board of Health and Welfare (Board) and is now pending review by the 2000 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-fifth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

**AUTHORITY:** In compliance with Section 67-5228, Idaho Code, notice is hereby given that this agency and the Office of the Administrative Rules Coordinator, is making a correction to a pending rule. This action is authorized pursuant to Section 67-5228, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise statement regarding the correction being made:

Sections 140 and 150 were inadvertently omitted from Docket No. 16-0102-9704 during the proofing of the docket prior to publication of the January Bulletin, Volume 00-1. The Sections are being republished here as they were originally submitted by the agency.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this correction, contact Dennis Stevenson at (208) 332-1822.

Dated this 6th day of January, 2000.

Dennis Stevenson  
Office of the Administrative Rules Coordinator  
Department of Administration  
650 W. State St.  
P.O. Box 83720  
Boise, Idaho 83720-0011

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**IDAPA 16**  
**TITLE 01**  
**Chapter 02**

**WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**

**There are substantive changes to the Pending Rule.**

**Only Sections 140 and 150 of this docket are being reprinted.**

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-6, June 2, 1999, pages 68 through 233.

The text of the pending rule was published in the Idaho Administrative Bulletin, Volume 00-1, January 5, 2000, pages 98 through 103.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0102-9704**

**140. SOUTHWEST IDAHO BASIN.**

The waters found within the Southwest hydrologic basin are designated for use Surface waters found within the Southwest basin total nineteen (19) subbasins and are designated as follows: (7-1-93)( )

**01. Designated Uses Within Southwest Idaho Basin - Table D C.J. Strike Reservoir Subbasin.** The C.J. Strike Reservoir Subbasin, HUC 17050101, is comprised of twenty-six (26) water body units.

| Unit         | Waters   | Aquatic Life | Recreation | Other      |
|--------------|--|--------------|------------|------------|
| SW-1         | Snake River - Browns Creek to C.J. Strike Dam      | COLD         | PCR<br>SCR | DWS<br>SRW |
| <u>SW-2</u>  | <u>Dune's Lake</u>                                 |              |            |            |
| <u>SW-3</u>  | <u>Browns Creek - source to mouth</u>              |              |            |            |
| <u>SW-4</u>  | <u>West Fork Browns Creek - source to mouth</u>    |              |            |            |
| SW-5         | Snake River - Clover Creek to Browns Creek         | COLD         | PCR<br>SCR | DWS<br>SRW |
| <u>SW-6</u>  | <u>Sailor Creek - source to mouth</u>              |              |            |            |
| <u>SW-7</u>  | <u>Pot Hole Creek - source to mouth</u>            |              |            |            |
| <u>SW-8</u>  | <u>Deadman Creek - source to mouth</u>             |              |            |            |
| <u>SW-9</u>  | <u>Rosevear Gulch - source to mouth</u>            |              |            |            |
| <u>SW-10</u> | <u>King Hill Creek - source to mouth</u>           |              |            |            |
| <u>SW-11</u> | <u>West Fork King Hill Creek - source to mouth</u> |              |            |            |
| <u>SW-12</u> | <u>Little Canyon Creek - source to mouth</u>       |              |            |            |
| <u>SW-13</u> | <u>Alkali Creek - source to mouth</u>              |              |            |            |
| <u>SW-14</u> | <u>Cold Springs Creek - source to mouth</u>        |              |            |            |
| <u>SW-15</u> | <u>Ryegrass Creek - source to mouth</u>            |              |            |            |
| <u>SW-16</u> | <u>Bennett Creek - source to mouth</u>             |              |            |            |
| <u>SW-17</u> | <u>Hot Springs Reservoir</u>                       |              |            |            |

| Unit         | Waters   | Aquatic Life | Recreation | Other |
|--------------|--|--------------|------------|-------|
| <u>SW-18</u> | <u>Dive Creek - source to mouth</u>  |              |            |       |
| <u>SW-19</u> | <u>Rattlesnake Creek - source to mouth (T05S, R06E)</u>                            |              |            |       |
| <u>SW-20</u> | <u>Mountain Home Reservoir</u>   |              |            |       |
| <u>SW-21</u> | <u>Canyon Creek - Fraiser Reservoir Dam to mouth</u>                               |              |            |       |
| <u>SW-22</u> | <u>Fraiser Reservoir</u>   |              |            |       |
| <u>SW-23</u> | <u>Canyon Creek - confluence of Syrup and Long Tom Creeks to Fraiser Reservoir</u> |              |            |       |
| <u>SW-24</u> | <u>Long Tom Creek - source to mouth</u>  |              |            |       |
| <u>SW-25</u> | <u>Syrup Creek - source to mouth</u>   |              |            |       |
| <u>SW-26</u> | <u>Squaw Creek - source to mouth</u>   |              |            |       |

(7-1-93)( )

02. *No Change to this Subsection.*

( )

03. ~~Boise River - SWB-260.~~ That portion of the Boise River between Lucky Peak Dam and Diversion Dam is not protected for the use of salmonid spawning. **Middle Snake-Succor Subbasin.** The Middle Snake-Succor Subbasin, HUC 17050103, is comprised of twenty-six (26) water body units.

| Unit         | Waters  | Aquatic Life             | Recreation | Other      |
|--------------|---|--------------------------|------------|------------|
| SW-1         | Snake River - river mile 425 (T02N, R04W, Sec. 02) to Idaho/Oregon border | COLD                     | PCR        | DWS        |
| SW-2         | Succor Creek - Idaho/Oregon border to mouth                               | COLD<br>SS               | PCR<br>SCR |            |
| SW-3         | Succor Creek - source to Idaho/Oregon border                              | COLD<br>SS               | PCR<br>SCR |            |
| <u>SW-4</u>  | <u>McBride Creek - source to Idaho/Oregon border</u>                      |                          |            |            |
| <u>SW-5</u>  | <u>Jump Creek - source to mouth</u>                                       | <u>COLD</u>              | <u>PCR</u> |            |
| SW-6         | Snake River - C.J. Strike Dam to river mile 425 (T02N, R04W, Sec. 02)     | COLD                     | PCR<br>SCR | DWS<br>SRW |
| <u>SW-7</u>  | <u>Squaw Creek - source to mouth</u>                                      |                          |            |            |
| <u>SW-8</u>  | <u>Hardtrigger Creek - source to mouth</u>                                |                          |            |            |
| SW-9         | Reynolds Creek - source to mouth  | COLD<br>SS               | PCR<br>SCR |            |
| <u>SW-10</u> | <u>West Rabbit Creek - source to mouth</u>                                |                          |            |            |
| <u>SW-11</u> | <u>Rabbit Creek - source to mouth</u>                                     |                          |            |            |
| <u>SW-12</u> | <u>Sinker Creek - source to mouth</u>                                     | <u>COLD</u><br><u>SS</u> | <u>PCR</u> |            |
| <u>SW-13</u> | <u>Fossil Creek - source to mouth</u>                                     |                          |            |            |

| Unit  | Waters   | Aquatic Life             | Recreation | Other |
|-------|--|--------------------------|------------|-------|
| SW-14 | <u>Castle Creek - source to mouth</u>                                  | <u>COLD</u><br><u>SS</u> | <u>PCR</u> |       |
| SW-15 | <u>Catherine Creek - confluence of Hart and Picket Creeks to mouth</u> |                          |            |       |
| SW-16 | <u>Pickett Creek - source to mouth</u>                                 |                          |            |       |
| SW-17 | <u>Bates Creek - source to mouth</u>                                   |                          |            |       |
| SW-18 | <u>Hart Creek - source to mouth</u>                                    |                          |            |       |
| SW-19 | <u>Brown Creek - source to mouth</u>                                   |                          |            |       |
| SW-20 | <u>South Fork Castle Creek - source to mouth</u>                       |                          |            |       |
| SW-21 | <u>Birch Creek - source to mouth</u>                                   |                          |            |       |
| SW-22 | <u>McKeeth Wash - source to mouth</u>                                  |                          |            |       |
| SW-23 | <u>Vinson Wash - source to mouth</u>                                   |                          |            |       |
| SW-24 | <u>Shoofly Creek - source to mouth</u>                                 |                          |            |       |
| SW-25 | <u>Corder Creek - source to mouth</u>                                  |                          |            |       |
| SW-26 | <u>Rabbit Creek - source to mouth</u>                                  |                          |            |       |

(7-1-93)( )

- 04. *No Change to this Subsection.* ( )
- 05. *No Change to this Subsection.* ( )
- 06. *No Change to this Subsection.* ( )
- 07. *No Change to this Subsection.* ( )
- 08. *No Change to this Subsection.* ( )
- 09. *No Change to this Subsection.* ( )
- 10. *No Change to this Subsection.* ( )
- 11. *No Change to this Subsection.* ( )
- 12. *No Change to this Subsection.* ( )
- 13. *No Change to this Subsection.* ( )
- 14. *No Change to this Subsection.* ( )
- 15. *No Change to this Subsection.* ( )
- 16. **Payette Subbasin.** The Payette Subbasin, HUC 17050122, is comprised of twenty-one (21) water body units.

| Unit         | Waters   | Aquatic Life             | Recreation            | Other      |
|--------------|--|--------------------------|-----------------------|------------|
| SW-1         | Payette River - Black Canyon Reservoir Dam to mouth  | COLD<br>SS               | PCR<br><del>SCR</del> | DWS        |
| SW-2         | Black Canyon Reservoir   | COLD<br>SS               | PCR<br><del>SCR</del> | DWS<br>SRW |
| SW-3         | Payette River - confluence of the North Fork and South Fork Payette Rivers to Black Canyon Reservoir | COLD<br>SS               | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>SW-4</u>  | <u>Shafer Creek - source to mouth</u>  | <u>COLD</u><br><u>SS</u> | <u>PCR</u>            |            |
| <u>SW-5</u>  | <u>Harris Creek - source to mouth</u>  | <u>COLD</u><br><u>SS</u> | <u>PCR</u>            |            |
| <u>SW-6</u>  | <u>Porter Creek - source to mouth</u>  |                          |                       |            |
| <u>SW-7</u>  | <u>Hill Creek - source to mouth</u>  |                          |                       |            |
| SW-8         | South Fork Payette River - Middle Fork Payette River to mouth  | COLD<br>SS               | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>SW-9</u>  | <u>Deer Creek - source to mouth</u>  |                          |                       |            |
| SW-10        | Squaw Creek - source to mouth  | COLD<br>SS               | PCR<br><del>SCR</del> |            |
| <u>SW-11</u> | <u>Little Squaw Creek - source to mouth</u>  |                          |                       |            |
| <u>SW-12</u> | <u>Soldier Creek - source to mouth</u>   |                          |                       |            |
| <u>SW-13</u> | <u>Pine Creek - source to mouth</u>  |                          |                       |            |
| <u>SW-14</u> | <u>Second Fork Squaw Creek - source to mouth</u>   |                          |                       |            |
| <u>SW-15</u> | <u>Bissel Creek - source to mouth</u>  |                          |                       |            |
| <u>SW-16</u> | <u>Sand Hollow - source to mouth</u>   |                          |                       |            |
| <u>SW-17</u> | <u>Big Willow Creek - source to mouth</u>  | <u>COLD</u><br><u>SS</u> | <u>PCR</u>            |            |
| <u>SW-18</u> | <u>Little Willow Creek - Paddock Valley Reservoir Dam to mouth</u>                                   |                          |                       |            |
| <u>SW-19</u> | <u>Indian Creek - source to mouth</u>  |                          |                       |            |
| <u>SW-20</u> | <u>Paddock Valley Reservoir</u>  |                          |                       |            |
| <u>SW-21</u> | <u>Little Willow Creek - source to Paddock Valley Reservoir</u>                                      |                          |                       |            |

- ( )
17. *No Change to this Subsection.* ( )
18. *No Change to this Subsection.* ( )
19. *No Change to this Subsection.* ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. UPPER SNAKE BASIN.**

The waters found within the Upper Snake hydrologic basin are designated for use Surface waters found within the Upper Snake basin total twenty-three (23) subbasins and are designated as follows: (7-1-93)( )

- 01. *No Change to this Subsection.* ( )
- 02. *No Change to this Subsection.* ( )
- 03. *No Change to this Subsection.* ( )

**04. Upper Henrys Subbasin.** The Upper Henrys Subbasin, HUC 17040202, is comprised of fifty-five (55) water body units.

| Unit         | Waters  | Aquatic Life      | Recreation            | Other      |
|--------------|---|-------------------|-----------------------|------------|
| US-1         | Henrys Fork - <del>Rock Creek</del> <u>Warm River</u> to Ashton Reservoir <u>Dam</u>  | COLD<br>SS        | PCR<br><del>SCR</del> | DWS<br>SRW |
| US-42        | Warm River - Moose Creek to mouth   | COLD<br>SS        | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-3</u>  | <u>Moose Creek - source to mouth</u>  |                   |                       |            |
| US-44        | Warm River - Partridge Creek to Moose Creek   | COLD<br>SS        | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-5</u>  | <u>Partridge Creek - source to mouth</u>  |                   |                       |            |
| US-46        | Warm River - source to Partridge Creek  | COLD<br>SS        | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-7</u>  | <u>Robinson Creek - Rock Creek to mouth</u>   |                   |                       |            |
| <u>US-8</u>  | <u>Porcupine Creek - source to mouth</u>  | <u>COLD</u><br>SS | <u>SCR</u>            |            |
| <u>US-9</u>  | <u>Rock Creek - Wyoming Creek to mouth</u>  |                   |                       |            |
| <u>US-10</u> | <u>Wyoming Creek - Idaho/Wyoming border to mouth</u>                                  |                   |                       |            |
| <u>US-11</u> | <u>Rock Creek - source to Wyoming Creek</u>   |                   |                       |            |
| <u>US-12</u> | <u>Robinson Creek - Snow Creek to Rock Creek</u>                                      |                   |                       |            |
| <u>US-13</u> | <u>Robinson Creek - Idaho/Wyoming border and sources west of border to Snow Creek</u> |                   |                       |            |
| <u>US-14</u> | <u>Snow Creek - source to mouth</u>   |                   |                       |            |
| <u>US-15</u> | <u>Fish Creek - source to mouth</u>   |                   |                       |            |
| <u>US-16</u> | <u>North Fork Fish Creek - source to mouth</u>  |                   |                       |            |
| US-17        | Henrys Fork - Silver Lake to <del>Rock Creek</del> <u>Warm River</u>                  | COLD<br>SS        | PCR<br><del>SCR</del> | DWS<br>SRW |
| US-18        | Henrys Fork - Island Park Reservoir Dam to Silver Lake                                | COLD<br>SS        | PCR<br><del>SCR</del> | DWS<br>SRW |

| Unit         | Waters   | Aquatic Life             | Recreation            | Other      |
|--------------|--|--------------------------|-----------------------|------------|
| US-19        | Buffalo River - Elk Creek to mouth                         | COLD<br>SS               | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-20</u> | <u>Toms Creek - source to mouth</u>                        |                          |                       |            |
| US-21        | Buffalo River - source to Elk Creek                        | COLD<br>SS               | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-22</u> | <u>Elk Creek - source to mouth</u>                         |                          |                       |            |
| US-23        | Island Park Reservoir                                      | COLD<br>SS               | PCR<br><del>SCR</del> | DWS<br>SRW |
| US-24        | Henrys Fork - Big Springs to Island Park Reservoir         | COLD<br>SS               | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-25</u> | <u>Moose Creek - source to mouth</u>                       |                          |                       |            |
| <u>US-26</u> | <u>Thirsty Creek - Idaho/Montana border to mouth</u>       | <u>COLD</u><br><u>SS</u> | <u>SCR</u>            |            |
| US-27        | Henrys Lake Outlet - Henrys Lake <u>Dam</u> to Big Springs | COLD<br>SS               | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-28</u> | <u>Crooked Creek - source to mouth</u>                     |                          |                       |            |
| <u>US-29</u> | <u>Meadows Creek - source to mouth</u>                     |                          |                       |            |
| <u>US-30</u> | <u>Reas Pass Creek - source to mouth</u>                   |                          |                       |            |
| <u>US-31</u> | <u>Jones Creek - source to mouth</u>                       |                          |                       |            |
| <u>US-32</u> | <u>Jesse Creek - source to mouth</u>                       |                          |                       |            |
| <u>US-33</u> | <u>Twin Creek - source to mouth</u>                        |                          |                       |            |
| <u>US-34</u> | <u>Tygee Creek - source to mouth</u>                       |                          |                       |            |
| <u>US-35</u> | <u>Henrys Lake</u>   | <u>COLD</u>              | <u>SCR</u>            |            |
| <u>US-36</u> | <u>Howard Creek - source to mouth</u>                      | <u>COLD</u><br><u>SS</u> | <u>SCR</u>            |            |
| <u>US-37</u> | <u>Targhee Creek - source to mouth</u>                     | <u>COLD</u><br><u>SS</u> | <u>SCR</u>            |            |
| <u>US-38</u> | <u>Timber Creek - source to mouth</u>                      |                          |                       |            |
| <u>US-39</u> | <u>Duck Creek - source to mouth</u>                        | <u>COLD</u><br><u>SS</u> | <u>SCR</u>            |            |
| <u>US-40</u> | <u>Rock Creek - source to mouth</u>                        |                          |                       |            |
| <u>US-41</u> | <u>Hope Creek - source to mouth</u>                        |                          |                       |            |
| <u>US-42</u> | <u>Hotel Creek - source to mouth</u>                       | <u>COLD</u><br><u>SS</u> | <u>SCR</u>            |            |
| <u>US-43</u> | <u>Yale Creek - source to mouth</u>                        | <u>COLD</u><br><u>SS</u> | <u>SCR</u>            |            |
| <u>US-44</u> | <u>Blue Creek - source to mouth</u>                        |                          |                       |            |
| <u>US-45</u> | <u>Sheep Creek - source to mouth</u>                       |                          |                       |            |

| Unit         | Waters   | Aquatic Life             | Recreation | Other |
|--------------|--|--------------------------|------------|-------|
| <u>US-46</u> | <u>Icehouse Creek - source to Island Park Reservoir</u>              | <u>COLD</u><br><u>SS</u> | <u>SCR</u> |       |
| <u>US-47</u> | <u>Willow Creek - Sheridan Creek to Island Park Reservoir</u>        |                          |            |       |
| <u>US-48</u> | <u>Willow Creek - source to Sheridan Creek</u>                       |                          |            |       |
| <u>US-49</u> | <u>Myers Creek - source to mouth</u>                                 |                          |            |       |
| <u>US-50</u> | <u>Sheridan Creek - Kilgore Road (T13N, R41E, Sec. 07) to mouth</u>  | <u>COLD</u><br><u>SS</u> | <u>SCR</u> |       |
| <u>US-51</u> | <u>Sheridan Creek - source to Kilgore Road (T13N, R41E, Sec. 07)</u> | <u>COLD</u><br><u>SS</u> | <u>SCR</u> |       |
| <u>US-52</u> | <u>Sheridan Reservoir</u>  |                          |            |       |
| <u>US-53</u> | <u>Dry Creek - source to Sheridan Reservoir</u>                      |                          |            |       |
| <u>US-54</u> | <u>Silver Lake</u>   |                          |            |       |
| <u>US-55</u> | <u>Rattlesnake Creek - source to mouth</u>                           |                          |            |       |

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**05. Lower Henrys Subbasin.** The Lower Henrys Subbasin, HUC 17040203, is comprised of sixteen (16) water body units.

| Unit         | Waters   | Aquatic Life | Recreation            | Other      |
|--------------|--|--------------|-----------------------|------------|
| US-1         | Henrys Fork - Warm Slough to mouth   | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| US-2         | Henrys Fork - Falls River to Warm Slough   | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| US-3         | Falls River - Unnamed Tributary (T08N, R42E, Sec. 21) to mouth   | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-4</u>  | <u>Unnamed Tributary - source to mouth (T08N, R42E, Sec. 21)</u>   |              |                       |            |
| US-5         | Falls River - Conant Creek to Unnamed Tributary (T08N, R42E, Sec. 21)  | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-6</u>  | <u>Conant Creek - Squirrel Creek to mouth</u>  |              |                       |            |
| <u>US-7</u>  | <u>Conant Creek - Idaho/Wyoming border to Squirrel Creek</u>   |              |                       |            |
| <u>US-8</u>  | <u>Squirrel Creek - Idaho/Wyoming border to mouth</u>  |              |                       |            |
| US-9         | Falls River - Boone Creek to Conant Creek  | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-10</u> | <u>Boone Creek - Idaho/Wyoming border to mouth</u>   |              |                       |            |
| <u>US-11</u> | <u>Falls River - Idaho/Wyoming border to Boone Creek;</u><br><u>Boundary Creek - Idaho/Wyoming border (T12N, R46E, Sec. 06) to</u><br><u>Idaho/Wyoming border, (T12N, R46E, Sec. 31)</u> |              |                       |            |

| Unit         | Waters   | Aquatic Life | Recreation | Other      |
|--------------|--|--------------|------------|------------|
| US-12        | Henry's Fork - Ashton Reservoir Dam to Falls River | COLD<br>SS   | PCR<br>SCR | DWS<br>SRW |
| <u>US-13</u> | <u>Sand Creek - Pine Creek to mouth</u>            |              |            |            |
| <u>US-14</u> | <u>Pine Creek - source to mouth</u>                |              |            |            |
| <u>US-15</u> | <u>Sand Creek - source to Pine Creek</u>           |              |            |            |
| <u>US-16</u> | <u>Warm Slough - source to mouth</u>               |              |            |            |

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**06. Teton Subbasin.** The Teton Subbasin, HUC 17040204, is comprised of forty-four (44) water body units.

| Unit         | Waters  | Aquatic Life | Recreation | Other      |
|--------------|---|--------------|------------|------------|
| US-1         | South Fork Teton River - Teton River <u>Forks</u> to Henry's Fork                         | COLD<br>SS   | SCR        |            |
| US-2         | North Fork Teton River - <del>South Fork</del> Teton River <u>Forks</u> to Henry's Fork   | COLD<br>SS   | SCR        |            |
| US-3         | Teton River - Teton Dam to <del>North and South Fork</del> Teton Rivers <u>Forks</u>      | COLD<br>SS   | PCR<br>SCR | DWS<br>SRW |
| US-4         | Teton River - Canyon Creek to Teton Dam   | COLD<br>SS   | PCR<br>SCR | DWS<br>SRW |
| <u>US-5</u>  | <u>Moody Creek - Long Hollow Creek to mouth</u>   |              |            |            |
| <u>US-6</u>  | <u>Moody Creek - confluence of North and South Fork Moody Creeks to Long Hollow Creek</u> |              |            |            |
| <u>US-7</u>  | <u>South Fork Moody Creek - source to mouth</u>   |              |            |            |
| <u>US-8</u>  | <u>North Fork Moody Creek - source to mouth</u>   |              |            |            |
| <u>US-9</u>  | <u>Long Hollow Creek - source to mouth</u>  |              |            |            |
| <u>US-10</u> | <u>Tributaries to Canyon Creek Canal - source to mouth</u>                                |              |            |            |
| <u>US-11</u> | <u>Canyon Creek - Crooked Creek to mouth</u>  |              |            |            |
| <u>US-12</u> | <u>Canyon Creek - Warm Creek to Crooked Creek</u>   |              |            |            |
| <u>US-13</u> | <u>Canyon Creek - source to Warm Creek</u>  |              |            |            |
| <u>US-14</u> | <u>Calamity Creek - source to mouth</u>   |              |            |            |
| <u>US-15</u> | <u>Warm Creek - source to mouth</u>   |              |            |            |
| <u>US-16</u> | <u>Crooked Creek - source to mouth</u>  |              |            |            |
| US-17        | Teton River - Milk Creek to Canyon Creek  | COLD<br>SS   | PCR<br>SCR | DWS<br>SRW |
| <u>US-18</u> | <u>Milk Creek - source to mouth</u>   |              |            |            |
| US-19        | Teton River - Badger Creek to Milk Creek  | COLD<br>SS   | PCR<br>SCR | DWS<br>SRW |

| Unit         | Waters  | Aquatic Life | Recreation            | Other      |
|--------------|---|--------------|-----------------------|------------|
| US-20        | Teton River - Spring Creek to Badger Creek                                      | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| US-21        | Teton River - Mahogany Creek to Spring Creek                                    | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-22</u> | <u>Packsaddle Creek - source to mouth</u>                                       |              |                       |            |
| <u>US-23</u> | <u>Horseshoe Creek - source to mouth</u>  |              |                       |            |
| <u>US-24</u> | <u>Mahogany Creek - source to mouth</u>   |              |                       |            |
| US-25        | Teton River - Patterson Creek to Mahogany Creek                                 | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-26</u> | <u>Patterson Creek - source to mouth</u>  |              |                       |            |
| US-27        | Teton River - source to Patterson Creek   | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-28</u> | <u>Trail Creek - Moose Creek to mouth</u>                                       |              |                       |            |
| <u>US-29</u> | <u>Trail Creek - Idaho/Wyoming border to and including Moose Creek</u>          |              |                       |            |
| <u>US-30</u> | <u>Fox Creek - Idaho/Wyoming border to mouth</u>                                |              |                       |            |
| <u>US-31</u> | <u>Darby Creek - Idaho/Wyoming border to mouth</u>                              |              |                       |            |
| <u>US-32</u> | <u>Teton Creek - Idaho/Wyoming border to mouth</u>                              |              |                       |            |
| <u>US-33</u> | <u>Dry Creek - source to mouth</u>  |              |                       |            |
| <u>US-34</u> | <u>South Leigh Creek - Idaho/Wyoming border to mouth</u>                        |              |                       |            |
| <u>US-35</u> | <u>Spring Creek - North Leigh Creek to mouth</u>                                |              |                       |            |
| <u>US-36</u> | <u>North Leigh Creek - Idaho/Wyoming border to mouth</u>                        |              |                       |            |
| <u>US-37</u> | <u>Spring Creek - source to North Leigh Creek</u>                               |              |                       |            |
| <u>US-38</u> | <u>Badger Creek - confluence of North and South Fork Badger Creeks to mouth</u> |              |                       |            |
| <u>US-39</u> | <u>South Fork Badger Creek - source to mouth</u>                                |              |                       |            |
| <u>US-40</u> | <u>North Fork Badger Creek - source to mouth</u>                                |              |                       |            |
| <u>US-41</u> | <u>Bitch Creek - Swanner Creek to mouth</u>                                     |              |                       |            |
| <u>US-42</u> | <u>Swanner Creek - source to mouth</u>  |              |                       |            |
| <u>US-43</u> | <u>Horse Creek - source to mouth</u>  |              |                       |            |
| <u>US-44</u> | <u>Bitch Creek - source to Horse Creek</u>                                      |              |                       |            |

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07. *No Change to this Subsection.* ( )
08. *No Change to this Subsection.* ( )
09. **Blackfoot Subbasin.** The Blackfoot Subbasin, HUC 17040207, is comprised of thirty-one (31)

water body units.

| Unit         | Waters  | Aquatic Life | Recreation            | Other      |
|--------------|---|--------------|-----------------------|------------|
| US-1         | Blackfoot River - Fort Hall Main Canal diversion to mouth                       |              | SCR                   |            |
| US-2         | Blackfoot River - Blackfoot Reservoir Dam to Fort Hall Main Canal diversion     | COLD<br>SS   | PCR<br><del>SCR</del> |            |
| <u>US-3</u>  | <u>Garden Creek - source to mouth</u>   |              |                       |            |
| <u>US-4</u>  | <u>Wood Creek - source to mouth</u>   |              |                       |            |
| <u>US-5</u>  | <u>Grave Creek - source to mouth</u>  |              |                       |            |
| <u>US-6</u>  | <u>Corral Creek - source to mouth</u>   |              |                       |            |
| <u>US-7</u>  | <u>Grizzly Creek - source to mouth</u>  |              |                       |            |
| <u>US-8</u>  | <u>Thompson Creek - source to mouth</u>   |              |                       |            |
| US-9         | Blackfoot Reservoir   | COLD         | PCR<br><del>SCR</del> |            |
| US-10        | Blackfoot River - confluence of Lanes and Diamond Creeks to Blackfoot Reservoir | COLD<br>SS   | PCR<br><del>SCR</del> | DWS<br>SRW |
| <u>US-11</u> | <u>Trail Creek - source to mouth</u>  |              |                       |            |
| <u>US-12</u> | <u>Slug Creek - source to mouth</u>   |              |                       |            |
| <u>US-13</u> | <u>Dry Valley Creek - source to mouth</u>                                       |              |                       |            |
| <u>US-14</u> | <u>Maybe Creek - source to mouth</u>  |              |                       |            |
| <u>US-15</u> | <u>Mill Canyon - source to mouth</u>  |              |                       |            |
| <u>US-16</u> | <u>Diamond Creek - source to mouth</u>  |              |                       |            |
| <u>US-17</u> | <u>Timothy Creek - source to mouth</u>  |              |                       |            |
| <u>US-18</u> | <u>Lanes Creek - source to mouth</u>  |              |                       |            |
| <u>US-19</u> | <u>Bacon Creek - source to mouth</u>  |              |                       |            |
| <u>US-20</u> | <u>Browns Canyon Creek - source to mouth</u>                                    |              |                       |            |
| <u>US-21</u> | <u>Chippy Creek - source to mouth</u>   |              |                       |            |
| <u>US-22</u> | <u>Sheep Creek - source to mouth</u>  |              |                       |            |
| <u>US-23</u> | <u>Angus Creek - source to mouth</u>  |              |                       |            |
| <u>US-24</u> | <u>Wooley Valley - source to mouth</u>  |              |                       |            |
| <u>US-25</u> | <u>Meadow Creek - source to Blackfoot Reservoir</u>                             |              |                       |            |
| <u>US-26</u> | <u>Brush Creek - source to mouth</u>  |              |                       |            |
| <u>US-27</u> | <u>Rawlins Creek - source to mouth</u>  |              |                       |            |
| <u>US-28</u> | <u>Miner Creek - source to mouth</u>  |              |                       |            |
| <u>US-29</u> | <u>Cedar Creek - source to mouth</u>  |              |                       |            |
| <u>US-30</u> | <u>Wolverine Creek - source to mouth</u>  |              |                       |            |
| <u>US-31</u> | <u>Jones Creek - source to mouth</u>  |              |                       |            |

- ( )
10. *No Change to this Subsection.* ( )
11. *No Change to this Subsection.* ( )
12. *No Change to this Subsection.* ( )
13. *No Change to this Subsection.* ( )
14. *No Change to this Subsection.* ( )
15. *No Change to this Subsection.* ( )
16. *No Change to this Subsection.* ( )
17. *No Change to this Subsection.* ( )
18. *No Change to this Subsection.* ( )
19. *No Change to this Subsection.* ( )
20. *No Change to this Subsection.* ( )
21. *No Change to this Subsection.* ( )
22. *No Change to this Subsection.* ( )
23. *No Change to this Subsection.* ( )

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.04.11 - RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES**

**DOCKET NO. 16-0411-9902**

**NOTICE OF CORRECTION TO PENDING RULE**

**CORRECTION:** The following docket is being partially reprinted to correct an error. The error was made in the January 7, 2000 Idaho Administrative Bulletin, Volume 00-1 in the pending rule. The correction renumbers Section 811 through 814. The Sections have been promulgated as proposed rules.

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified 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 67-5228, Idaho Code, notice is hereby given that this agency has amended the pending rule. The action is authorized pursuant to Section(s) 39-4602, Idaho Code.

**DESCRIPTIVE SUMMARY:** Renumbering of Sections 810, 811 and 812 to Sections 811, 812, and 813, have been made because Section 810 of the rules were already in use. These corrections become incorporated in the pending rule upon this publication. The original text of the pending rules was published in the January 5, 2000 Administrative Bulletin, Volume 00-1, pages 266 through 268.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Paul Swatsenbarg at (208) 334-5512.

DATED this 12th day of January, 2000.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Legal Services Division  
450 West State Street - 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone  
(208) 332-7347 fax

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**IDAPA 16**  
**TITLE 04**  
**Chapter 11**

**RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES**

**There are substantive changes from the proposed and pending rule text.**

Only those sections that have changed from the original proposed and pending text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-10, October 6, 1999, pages 310 through 312.

The text of the pending rule was published in the Idaho Administrative Bulletin, Volume 00-1, January 5, 2000, pages 266 through 268.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0411-9902**

**811. INITIAL PRIOR AUTHORIZATION.**

Initial Intensive Behavioral Intervention services or consultation must be prior authorized by the Department. The DDA must submit evidence of each child's eligibility for Intensive Behavioral Intervention, the Implementation Plan, the number of hours of service requested, and the measurable outcomes expected as the result of the intervention.  
( )

**812. PROGRESS REPORTS, EVALUATION, AND CONTINUED PRIOR AUTHORIZATION.**

The provider must submit a report on the child's progress toward Intensive Behavioral Intervention outcomes to the Department every one hundred twenty (120) days and seek prior authorization for continuation or modification of services. On an annual basis, a multi disciplinary treatment team that includes at a minimum, the parent(s), staff psychologist and staff providing services to the child, will review current evaluations and make a recommendation for continuation or modification of the intervention.  
( )

**813. PARENT AND STAFF CONSULTATION.**

Professionals may provide consultation to parents and to other staff who provide therapy or care for the child in other disciplines to assure successful integration and transition from Intensive Behavioral Intervention to other therapies.  
( )

**814. -- 819. (RESERVED).**

**IDAPA 18 - DEPARTMENT OF INSURANCE**  
**18.01.30 - INDIVIDUAL ACCIDENT AND SICKNESS DISABILITY**  
**INSURANCE MINIMUM STANDARDS ACT**

**DOCKET NO. 18-0130-0001**

**NOTICE OF INTENT TO PROMULGATE RULES**  
**(NEGOTIATED RULEMAKING)**

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking authorized pursuant to Section(s) 41-211 and 41-4204, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a statement in non-technical language of the substance and purpose of the intended rulemaking and the principal issues involved:

Various disability carriers in the health market have expressed a desire to rewrite IDAPA 18.01.30, "Individual Accident and Sickness Disability Insurance Minimum Standards Act". The Department agrees that the current version of these rules should be amended. The Department intends to focus the revisions on allowable limitations and exclusions in policies (Subsection 011.06) and what constitutes a major medical plan (Section 017). The scope of any revisions or amendments may be broadened after the informal negotiated rulemaking process is begun.

The Department has not yet drafted proposed text for a revision to IDAPA 18.01.30, rather, the Department is soliciting comments from individual carriers and other interested persons regarding needed or recommended changes to IDAPA 18.01.30 and suggested language. The Department asks that all initial comments and suggestions be submitted no later than March 1, 2000. The Department anticipates drafting potential amendments to the rules after receipt of all comments and suggestions and distributing the revised language to only those parties who submit comments or otherwise express a desire to participate in the process by March 1, 2000.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning these proposed rules, contact Joan Krosch, Health Insurance Coordinator at (208) 334-4300.

Anyone may submit written comments or a notice of their desire to participate in the process regarding these rules. All written comments and data concerning this negotiated rulemaking shall be directed to the undersigned and must be received on or before March 1, 2000.

Dated this 22nd day of December, 1999.

Mary L. Hartung, Director  
Idaho Department of Insurance  
700 West State Street - 3rd Floor  
P.O. Box 83720  
Boise, ID 83720-0043  
Telephone No. (208) 334-4250

# Subjects Affected Index

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## **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

### **16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**

#### **Docket No. 16-0102-9704**

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### **16.04.11 - RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES**

#### **Docket No. 16-0411-9902**

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# Bulletin Summary of Proposed Rulemakings

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## **PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

There are no proposed rules being promulgated or published in this issue of the Bulletin.

Please refer to the Idaho Administrative Bulletin, **February 2, 2000, Volume 00-2** for notices and text of all rulemakings, public hearing schedules, governor's executives orders, and agency contact names.

**Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.**

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address: <http://www.state.id.us/> - from the State of Idaho Home Page select Administration Rules.

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