



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee

**FROM:** Principal Legislative Research Analyst - Katharine Gerrity

**DATE:** October 6, 2014

**SUBJECT:** Idaho Department of Water Resources

IDAPA 37.03.11 - Rules for Conjunctive Management of Surface and Ground Water Resources - Proposed Rule (Docket No. 37-0311-1101)

The Idaho Department of Water Resources submits notice of proposed rule at IDAPA 37.03.11 - Rules for Conjunctive Management of Surface and Ground Water Resources. According to the department, Clear Springs Foods filed a petition on November 2, 2010, for the department to promulgate revisions to Rule 50. The department states that it determined that the rule did not reflect current technical information and commenced negotiated rulemaking proceedings in January of 2011. The department notes that due to ongoing work related to the ESPA model and issues related to delivery calls pending before it, rulemaking was stayed in August of 2011. The negotiated rulemaking process was restarted in May of 2014. The department states that following numerous public hearings and review of comments, it decided to repeal the rule because it is no longer necessary, and administrative hearings and deliberations associated with individual delivery calls is the proper venue to address which ground water rights should be subject to administration under a delivery call.

As noted, negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 42-603 and 42-1805(8), Idaho Code.

cc: Department of Water Resources  
Kimi White