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**IDAPA 37
TITLE 03
Chapter 10**

37.03.10 - WELL DRILLER'S LICENSES RULES

000. LEGAL AUTHORITY (Rule 0).

The Idaho Water Resource Board adopts these rules under the authority provided by Section 42-238, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (Rule 1).

01. Title. (7-1-93)

02. Scope. These rules are applicable to all drillers in the state of Idaho and apply to drillers of water wells, monitoring wells and injection wells. The sections of Idaho Code dealing with well drillers and well construction were revised by the 1987 Legislature. This was the first major revision since 1967. The changes were made due to increased awareness of and concerns for the low temperature geothermal waters (eighty-five (85) Degrees F to two hundred twelve (212) Degrees F) that are abundant in Idaho. (7-1-93)

002. WRITTEN INTERPRETATION (Rule 2).

003. ADMINISTRATIVE APPEALS (Rule 3).

004. -- 009. (RESERVED).

010. DEFINITIONS (Rule 10).

Unless the context otherwise requires, the following definitions govern these rules. (7-1-93)

01. Active License. Any license in effect and good standing allowing the licensee to drill wells in Idaho. (7-1-93)

02. Area of Drilling Concern. An area designated by the Director in accordance with Section 42-238(7), Idaho Code. (7-1-93)

03. Board. The Idaho Water Resource Board. (7-1-93)

04. Bottom Hole Temperature. The temperature of the ground water encountered in the bottom of a well. (7-1-93)

05. Completed Well. Any well from which the well rig has been removed, unless written notice has been given to the Director by the well driller that he intends to return and do additional work on the well. (7-1-93)

06. Department. The Idaho Department of Water Resources. (7-1-93)

07. Director. The Director of the Idaho Department of Water Resources or his duly authorized representative. (7-1-93)

08. Domestic Purposes. Water for household use or livestock and water used for all other purposes including irrigation of up to one-half (1/2) acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day. (7-1-93)

09. Drilling Site. The location of the drill rig and immediate area where the rig and support equipment are set up to construct or modify a well. (7-1-93)

10. Firm. Any partnership, corporation, association or individual which drills or contracts to drill wells in the state of Idaho for compensation or otherwise. (7-1-93)

11. Geothermal Resource Well. Any well with a bottom hole temperature of two hundred twelve (212) degrees Fahrenheit or more. (7-1-93)
12. Injection Well. Any excavation or artificial opening in the ground which meets the following three criteria: (7-1-93)
 - a. It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point. (7-1-93)
 - b. It is deeper than its largest straight-line surface dimension. (7-1-93)
 - c. It is used for or intended to be used for subsurface emplacement of fluids. (7-1-93)
13. License. The authorization issued by the Department and required of a person or firm before drilling a well in the State of Idaho as set forth in Section 42-238, Idaho Code. (7-1-93)
14. Low Temperature Geothermal Resource Well. Any well with a bottom hole temperature greater than eighty-five (85) degrees Fahrenheit and less than two hundred twelve (212) degrees Fahrenheit. (7-1-93)
15. Monitoring Well. Any well more than eighteen (18) feet in vertical depth constructed to evaluate, observe or determine the quality, quantity, temperature, pressure or other characteristics of the ground water or aquifer. (7-1-93)
16. Official of a Firm. Any one of the following: (7-1-93)
 - a. An individual who is the sole owner of the firm; (7-1-93)
 - b. A designated partner in a partnership; or, (7-1-93)
 - c. An official of a corporation or association so designated by that firm. (7-1-93)
17. Operator. The employee of a firm at the drilling site causing the well to be drilled. (7-1-93)
18. Person. Any individual who drills or contracts to drill wells for hire or otherwise in Idaho; it is also a firm, partnership, corporation, association or other entity which drills or contracts to drill a well for hire or otherwise in Idaho. (7-1-93)
19. Well. An artificial excavation or opening in the ground more than eighteen (18) feet in vertical depth below land surface by which ground water of any temperature is sought or obtained. Well also means any waste disposal and injection well as defined by Section 42-3902(19), Idaho Code; and any test well, monitoring well, observation well or exploratory well more than eighteen (18) feet in vertical depth below land surface that is constructed to evaluate the ground water resource or to evaluate contamination of the resource. Well does not mean a hole drilled for mineral exploration, for oil and gas exploration for which a permit has been issued pursuant to Section 47-320, Idaho Code, for building or dam foundation dewatering, for foundation geotechnical evaluations, for the installation of standpipes or piezometers installed near dams, buildings or other construction sites for the sole purpose of measuring uplift forces (water elevations) or for the purpose of collecting soil samples above the water table. All holes not considered wells shall be constructed and abandoned in a manner to prevent waste and contamination. (7-1-93)
20. Well Driller. Any person who excavates or opens a well or wells for compensation or otherwise upon the land of the well driller or upon other lands. Well driller does not include those persons who construct a well on their own property for their own use without the aid of any power driven mechanical equipment. (7-1-93)
21. Well Drilling or Drilling. The act of constructing a new well or deepening or modifying an existing well by any percussion, rotary, boring, digging, jetting or augering method. (7-1-93)
22. Well Drilling Report or Well Log. A written report required by Section 42-238(3), Idaho Code, describing the construction of the well and other data as required on forms provided by the Department. (7-1-93)

23. Well Rig or Drill Rig. Any power driven percussion, rotary, boring, digging, jetting, or augering machine used in the construction of a well. (7-1-93)

011. -- 014. (RESERVED).

015. LICENSE REQUIREMENTS (Rule 15).

01. Individual and Firm Well Drilling License. The following provisions shall apply to all individuals and firms requesting a well drilling license. The firm must designate one or more officials of the firm to represent it in dealings with the Director. The official(s) of the firm will be responsible for the drilling of all wells under the firms license as it relates to Section 42-238, Idaho Code. (7-1-93)

a. The firm must have in its employ one or more individuals termed drilling supervisors who meet the requirements specified below. (7-1-93)

b. In the case of an individual, the individual is considered the firm official and drilling supervisor and must satisfy the requirements of both. (7-1-93)

c. The firm shall submit well drilling reports for all wells drilled by the firm, drilling supervisor and operators in the state of Idaho, which have not previously been submitted to the Director, unless it can be shown to the satisfaction of the Director that the information is not reasonably available. (7-1-93)

d. The firm shall file with the Director a surety or cash bond payable to the Director of the Idaho Department of Water Resources. The bond amount shall be specified by the Director in accordance with Rule 009. (7-1-93)

e. The firm and drilling supervisor(s) shall complete applications for a license. (7-1-93)

f. The drilling supervisor(s) must have been employed on a full time basis a minimum of thirty (30) months, under the supervision of a person holding a valid Idaho well driller's license, or its equivalent as determined by the Director, and must supply the Director with sufficient references and/or records to verify the experience. Experience drilling monitoring wells, geothermal wells or other related wells may be considered by the Director. Successful completion of classroom study in geology, well drilling, map reading, and other related subjects may be substituted for up to, but not exceeding, twelve (12) months of drilling experience. Applicants seeking credit for classroom study shall submit evidence of successful completion to the Director for evaluation. The Director will make such evaluation, and determine the number of months of substituted time allowable. (7-1-93)

g. The drilling supervisor(s) must obtain a satisfactory score on a written and/or oral examination administered by the Director. The written examination will be given by the Director at his offices on the first Monday of each month. In the event that the first Monday is a legal holiday, the written examination may be given on the second Monday. Oral examinations will be administered by the Director at locations and on dates to be established by the Director. The examinations may be given at additional times and locations as can be arranged by the Director. Re-examination will be given only after a thirty (30) day interval. The examination shall test the applicant's knowledge of the following: (7-1-93)

i. Idaho water law as it relates to the appropriation of ground water; (7-1-93)

ii. Land description by government lots, quarter-quarter, section, township and range; (7-1-93)

iii. Geologic material and proper names used in describing the material; (7-1-93)

iv. Idaho law covering well drilling and the rules relating to well drilling adopted by the Board; (7-1-93)

v. Ground-water geology, the occurrence, and movement of ground water, and the proper design, construction, and development of wells; (7-1-93)

- vi. The use of various types of well rigs and other well drilling equipment; and (7-1-93)
 - vii. Minimum standards for well construction adopted by the Board under the provisions of Section 42-238, Section 42-3913, and Section 42-4010, Idaho Code. (7-1-93)
 - h. The firm shall pay a twenty-five dollar (\$25) licensing fee. (7-1-93)
 - i. The firm shall provide the Director with a list of all well rigs used by the applicant including the make, model, type and other information as required by the Director. (7-1-93)
 - j. The firm must provide the Director with a current list of all persons employed as operators. Each operator must be qualified by the Director before the firm can initially be licensed. Additional operators employed after the firm is licensed must be qualified by the Director to be authorized to drill wells under the firm's license. Each operator qualified to drill under the firm's license will be issued a card by the Director, through the firm. The firm, drilling supervisor(s), and the operator will be held responsible for all wells drilled by the operator. To be relieved of the responsibility of wells drilled by the operator after termination of employment, the firm must notify the Director in writing of the operator's termination. (7-1-93)
02. Operators. An operator employed by a firm may become qualified in the following manner. (7-1-93)
- a. Submit a completed operator's information form. (7-1-93)
 - b. Obtain a satisfactory score on a written examination. The examination shall test the applicant's knowledge of the following: Idaho water law as it relates to the appropriation of ground water; Land description by quarter-quarter, section, township and range; Idaho law covering well drilling rules relating to well drilling; and, Minimum standards for well construction adopted by the Board under provisions of Section 42-238 and Section 42-3913, Idaho Code. (7-1-93)
03. General Operator and Firm Requirements. (7-1-93)
- a. The operator must be under the general supervision of a drilling supervisor. The drilling supervisor need not be present at all times during the drilling operations but must periodically provide supervision. (7-1-93)
 - b. The operator and the designated official of the firm must both sign the well drillers report required by Section 42-238(3), Idaho Code. (7-1-93)
 - c. An operator who has qualified himself to drill under the license of a firm can transfer that qualification to another firm at the request of the second firm without being required to take additional tests. (7-1-93)

016. -- 024. (RESERVED).

025. GENERAL REQUIREMENTS (Rule 25).

01. Well Drillers or Firms. All individual well drillers or firms licensed in the state are required to do the following: (7-1-93)
- a. Submit well drillers reports, acceptable to the Director, for each completed well on forms provided by the Department, within thirty (30) days following completion of the well. (7-1-93)
 - b. Complete each well in compliance with rules for well construction adopted by the Board and with any specific requirements for the well as required by the Director. Rules for well construction include construction and use of injection wells, drilling for geothermal resources, and well construction standards. (7-1-93)
 - c. Have a licensed well driller, drilling supervisor or permitted operator at the drilling site at all times when drilling, when setting casing, when grouting or when performing any operation which may affect minimum construction standards or the performance of the well. (7-1-93)

d. Have posted in a conspicuous place on the rig a metal plate provided by the Director or other identification identifying the number of the drilling license under which the well is being drilled. (7-1-93)

e. Submit to the Director letters or cards, as may be required, setting forth intentions to start construction on each new well. (7-1-93)

f. For a license to be valid there must always be an approved cash or surety bond, as defined in Rule 015, in effect. (7-1-93)

026. -- 029. (RESERVED).

030. RENEWAL OF LICENSE AND OPERATOR PERMIT (Rule 30)

01. Active License or Operator Permit. Each individual driller's license and each well drilling firm's license and their operator's permit cards, shall expire on June 30th of each year. The license may be renewed by submitting a license renewal application to the Department, accompanied by the ten dollar (\$10) renewal fee and a new bond or continuation certificate for an existing bond. Said application for renewal, the ten dollar (\$10) renewal fee, bond or evidence of bond, must be received by the Department no later than July 1st of said licensing year (July 1 to June 30). The Director may extend this deadline by sixty (60) days upon the showing of adequate reason why a driller was unable to renew on time. The individual well driller, or well drilling firm and operators, also must have complied with the requirements of Section 42-238, Idaho Code and with these rules. Any individual well driller, or drilling firm whose application for license renewal, bond or evidence of bond, and fee are not submitted to the Department by July 1st of each licensing year shall be required to obtain a license under the provisions of Rules 015.01 or 015.02 and 030.02.b. determines the need for re-examination. (7-1-93)

02. Inactive License or Operator Permit. (7-1-93)

a. Individuals or firms, requesting a license that have not maintained an active license must become licensed under the provisions of Rules 015.01 or 015.02. (7-1-93)

b. Drillers or operators who have not renewed their licenses or operator's permit for a period of two or more years may be subject to re-examination, as determined by the Director. (7-1-93)

031. -- 034. (RESERVED).

035. WELL DRILLER BOND (Rule 35).

01. Bond Requirements. Each well driller or firm shall submit a surety bond or cash bond in the amount of five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000) payable to the Director. (7-1-93)

a. Drillers or firms which do not construct wells in areas of drilling concern and do not construct wells that obtain or are likely to obtain water with a bottom hole temperature in excess of eighty-five (85) degrees Fahrenheit shall submit a bond in the amount of five thousand dollars (\$5,000). (7-1-93)

b. Drillers or firms which drill in areas of drilling concern or construct wells to obtain water with a bottom hole temperature of greater than eighty-five (85) degrees F shall submit a bond in an amount determined by the Director. The Director will consider the nature of the geology, the type of drilling equipment to be used and other pertinent factors in the determination of the bond amount. (7-1-93)

02. Cash Bond Retention. Cash bonds may be held by the Director for one year from the date the driller requests that the bond be released. Cash bonds shall be retained in financial institutions within the state of Idaho unless waived by the Director. (7-1-93)

036. -- 039. (RESERVED).

040. WELL DRILLERS COMMITTEE (Rule 40).

Selection and duties of a well drillers committee. The Director of the Department of Water Resources may, from time

to time, appoint a committee of well drillers from the list of those holding active licenses for the purpose of obtaining recommendations and views with regard to these rules, the minimum standards for well construction, and other matters. The committee members will serve on a voluntary basis. (7-1-93)

041. -- 044. (RESERVED).

045. PENALTIES AND ENFORCEMENT (Rule 45).

01. Penalties for Failure to Comply with Rules. (7-1-93)

a. Failure of the individual well driller or the well drilling firm to comply with any of the provisions of these rules is cause for revocation of an active license, or the refusal to renew a license. The submission of false or inaccurate information on a well driller report, application or other documents or failure to timely file a well driller's report to the Director by the individual well driller, well drilling firm, or operator is cause for revocation of, or refusal to renew, an active license and cause for the Director to seek a civil penalty pursuant to Section 42-238b., Idaho Code. Revocation of, or refusal to renew a license shall be determined by the Director of the Department of Water Resources only after fifteen (15) days notice to the well driller by certified mail, setting forth reasons therefore. (7-1-93)

b. Failure to submit the required well drilling reports or failure to comply with the minimum standards for well construction is cause for the Director to act against the bond. The bond may be used to secure the information for the drillers reports or to make corrections, or repairs to the wells so that they will comply with the minimum standards for well construction. (7-1-93)

c. Failure of a driller to have a copy of the drilling permit as required by Section 42-235, Idaho Code, at the drilling site or to have a verbal approval from the Department to drill the well is cause for the Department to issue a cease and desist order. This order may be made verbally but shall be followed up in writing. Failure of a driller to have a copy of the drilling permit at the drilling site or to have a verbal approval from the Department to drill the well is cause for revocation of, or refusal to renew, an active license and cause for the Director to seek a civil penalty pursuant to Section 42-238b., Idaho Code. (7-1-93)

d. A well driller violating any of the provisions of Section 42-238, Idaho Code, including the rules which are adopted pursuant thereto, shall be guilty of a misdemeanor, as provided in Section 42-237g, Idaho Code. (7-1-93)

e. A person found drilling or performing other operations as specified in Rule 025.01.c. without a licensed driller, drilling supervisor or permitted operator at the drilling site shall be ordered by the Department to cease and desist. This order may be made verbally, but shall be followed up in writing. (7-1-93)

f. If the license number and/or operator of a well rig cannot be identified, the Department may issue a cease and desist order. This order may be posted conspicuously on the rig if no person is present and it can be cancelled by the Department once proper identification is provided. (7-1-93)

g. Failure of a driller, person or firm to comply with subsections (2), (3), (4), (5) or (7) of Section 42-238, Idaho Code or any rules promulgated under the subsections or any order or permit conditions, shall be cause for the Director to commence administrative or civil enforcement action as specified in Section 42-238b, Idaho Code. (7-1-93)

02. The enforcement procedure for noncompliance with the standards of subsections (2), (3), (4), (5) and (7) of Section 42-238, Idaho Code and rules adopted thereunder will be as provided in Section 42-238b, Idaho Code. (7-1-93)

046. -- 999. (RESERVED).