

## IDAPA 37 – DEPARTMENT OF WATER RESOURCES

### Water Allocation Bureau

#### 37.03.10 – Well Driller Licensing Rules

##### **Who does this rule apply to?**

*All individuals and companies drilling or contracting to drill wells.*

##### **What is the purpose of this rule?**

*These rules establish the requirements and procedures for obtaining and renewing authorization to drill wells in the state of Idaho. The rules also establish the requirements and procedures for obtaining authorization to operate drilling equipment under the supervision of a licensed driller. The licensing rules are applicable to all individuals and companies drilling or contracting to drill wells. The rules also implement the application licensing fees set forth in Idaho Code Section 42-238.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute passed by the Idaho Legislature:*

- [Section 42-238, Idaho Code](#) – Well Drillers’ Licenses and Operator Permits

##### **Who do I contact for more information on this rule?**

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## 37.03.10 – WELL DRILLER LICENSING RULES

### 000. LEGAL AUTHORITY (RULE 0).

The Idaho Water Resource Board adopts these rules under the authority provided by Section 42-238, Idaho Code. (7-1-21)T

### 001. TITLE AND SCOPE (RULE 1).

01. **Title.** The title of this chapter is “Well Driller Licensing Rules.” (7-1-21)T

02. **Scope.** These rules establish the requirements and procedures for obtaining and renewing authorization to drill wells in the state of Idaho. The rules also establish the requirements and procedures for obtaining authorization to operate drilling equipment under the supervision of a licensed driller. The licensing rules are applicable to all individuals and companies drilling or contracting to drill wells. (7-1-21)T

### 002. OTHER AUTHORITIES REMAIN APPLICABLE (RULE 2).

Nothing in these rules limits the director’s authority to take alternative or additional actions relating to the licensing of well drillers and permitting of operators as provided by Idaho law. (7-1-21)T

### 003. -- 009. (RESERVED)

### 010. DEFINITIONS (RULE 10).

Unless the context otherwise requires, the following definitions govern these rules. (7-1-21)T

01. **Abandonment.** See Decommissioned Well. (7-1-21)T

02. **Adequate Supervision.** Inspection and observation of each drilling operation and the associated drilling site by the licensed driller that has responsible charge during the critical phases of drilling to assure compliance with well construction standards and drilling permit conditions. (7-1-21)T

03. **Applicant.** An individual that submits to the department a complete application for a license or operator’s permit or a company that submits a complete application for a license. (7-1-21)T

04. **Area of Drilling Concern.** An area designated by the director in accordance with Section 42-238, Idaho Code, within which special drilling procedures and equipment are needed to prevent waste or contamination of the ground water. (7-1-21)T

05. **Auxiliary Equipment.** Powered equipment, other than the drill rig, used for grouting, installing or advancing casing, welding casings and screens, and other tasks necessary for drilling a well. (7-1-21)T

06. **Board.** The Idaho Water Resource Board. (7-1-21)T

07. **Bond.** A cash or surety bond obtained by a licensed driller or company payable to the director to provide funding for abandonment or repair should the driller fail to comply with well construction standards, and to allow information to be collected concerning the drilling of the well if the driller fails to submit a timely, accurate driller’s report. (7-1-21)T

08. **Bottom Hole Temperature of an Existing or Proposed Well.** The temperature of the ground water encountered in the bottom of a well or borehole. (7-1-21)T

09. **Company.** A firm, co-partnership, corporation or association licensed in accordance with these rules to drill or contract to drill wells. (7-1-21)T

10. **Compliance History.** An applicant’s record of compliance with the laws and rules of Idaho and other states relating to drilling of wells. The record includes, but is not limited to, the applicant’s record of obtaining and complying with drilling permits; filing accurate and complete well driller’s reports on time; adhering to well construction standards and other rules relating to drilling; and the number, nature and resolution of violations of laws, rules and conditions on licenses, operator’s permits and drilling permits. (7-1-21)T

11. **Continuing Education.** Education or training pertinent to the drilling industry and the construction, modification or decommissioning of wells. (7-1-21)T

12. **Continuing Education Committee (CEC).** A committee whose purpose is to review and approve

- activities related to continuing education credit. (7-1-21)T
- 13. Credit Unit.** The unit of measurement for continuing education requirements. (7-1-21)T
- 14. Critical Phases of Drilling.** Drilling tasks that require the added experience of a licensed driller to assure completion of the well in accordance with the well construction standards and conditions of drilling permits. These tasks include, but are not limited to, placement of required casings and seals, testing of casings and seals, and resolving problems such as casing or joint failures, heaving formations, lost circulation, and encountering high pressure or high temperature water. (7-1-21)T
- 15. Decommissioned (Abandoned) Well.** Any well which has been permanently removed from service and filled or plugged in accordance with these rules so as to meet the intent of these rules. A properly decommissioned well will not: (7-1-21)T
- a.** Produce or accept fluids; (7-1-21)T
  - b.** Serve as a conduit for the movement of contaminants inside or outside the well casing; or (7-1-21)T
  - c.** Allow the movement of surface or ground water into unsaturated zones, into another aquifer, or between aquifers. (7-1-21)T
- 16. Department.** The Idaho Department of Water Resources. (7-1-21)T
- 17. Director.** The director of the Idaho Department of Water Resources or his duly authorized representative. (7-1-21)T
- 18. Drilling or Well Drilling.** The act of constructing a new well, or modifying, changing the construction, or decommissioning an existing well. (7-1-21)T
- 19. Drilling Permit.** Authorization by the department to drill a well as provided in Section 42-235, Idaho Code. (7-1-21)T
- 20. Drilling Site.** The location of the drill rig and immediate area where the drill rig and auxiliary equipment are set up to drill a well. (7-1-21)T
- 21. Global Positioning System (GPS).** A global navigational receiver unit and satellite system used to triangulate a geographic position. (7-1-21)T
- 22. License.** A certificate issued by the director to an individual or a company upon meeting the requirements of Section 42-238, Idaho Code, and these rules authorizing the drilling of wells permitted in accordance with Section 42-235, Idaho Code. (7-1-21)T
- 23. Licensed Driller.** An individual having a license to drill wells and is authorized and required to supervise operators in the state of Idaho. (7-1-21)T
- 24. Modify.** To deepen a well, increase or decrease the diameter of the casing or the well bore, install a liner, place a screen, perforate existing casing or liners, alter the seal between the casing and the well bore, or alter the well to not meet well construction standards. (7-1-21)T
- 25. Operator.** An individual holding either a class I or class II operator's permit issued in accordance with these rules. (7-1-21)T
- 26. Operator's Permit.** A certificate issued by the director upon meeting the requirements of Section 42-238, Idaho Code, and these rules allowing the holder to operate a drill rig as provided in these rules. (7-1-21)T
- 27. Principal Driller.** A licensed driller in responsible charge of a company's drilling activities, which

has been designated the principal driller by the company with the department. (7-1-21)T

**28. Responsible Charge.** The responsibility for direction and control of a drilling operation to meet the requirements of these rules including, but not limited to, the following activities: (7-1-21)T

**a.** Contracting to drill a well; (7-1-21)T

**b.** Coordinate with property owner to locate a well to comply with applicable well construction standards; (7-1-21)T

**c.** Setting up drilling equipment at the drilling site; (7-1-21)T

**d.** Drilling operations; and (7-1-21)T

**e.** Testing the adequacy of casing and seal; (7-1-21)T

**f.** Properly completing the well. (7-1-21)T

**29. Start Card.** An expedited drilling permit process for the construction of cold water Single Family residential wells. (7-1-21)T

**30. 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. The depth of a well is determined by measuring the maximum vertical distance between the land surface and the deepest portion of the well. Any water encountered in the well is considered to be obtained for the purpose of these rules. Well also means any waste disposal and injection well as defined by Section 42-3902, Idaho Code. (7-1-21)T

**31. Well Construction Standards.** IDAPA 37.03.09, "Well Construction Standards Rules," adopted by the board. (7-1-21)T

**32. Well Driller's Report or Driller's Report.** A report required by Section 42-238, Idaho Code, describing drilling of the well and supplying information required on forms provided by the department. (7-1-21)T

**33. Well Log.** A diary maintained at the drilling site consistent with Section 42-238, Idaho Code. (7-1-21)T

**34. Well Rig or Drill Rig.** Any power-driven percussion, rotary, boring, digging, jetting, or augering machine used in the drilling of a well. (7-1-21)T

**011. -- 019. (RESERVED)**

**020. APPLICABILITY OF LICENSING REQUIREMENTS (RULE 20).**

**01. Licensing Requirements.** A well shall only be drilled by or under the responsible charge of a licensed driller except that a property owner, who is not licensed, can construct a well on his property for his own use without the aid of power-driven mechanical equipment. (7-1-21)T

**02. Driller to Have Responsible Charge of Other Workers.** A licensed driller shall have responsible charge of all others engaged in a well drilling operation. (7-1-21)T

**03. Operators to Have Permits.** An individual assisting a licensed driller whose duties include operation of a drill rig or auxiliary equipment shall possess an operator's permit as provided in these rules. If the driller is not present at the well site at all times that drilling operations are being conducted, one or more of those operating the equipment in the driller's absence shall have a class II operator's permit. The driller shall provide adequate supervision of class II operators. An individual having a class I operator permit shall be supervised by a licensed driller or a class II operator at all times when operating the drill rig or auxiliary equipment. (7-1-21)T

**04. Laborer Exempted.** An individual whose duties at the drilling site do not include operation of the

drill rig or auxiliary equipment at any time is not required to have either a driller's license or an operator's permit. (7-1-21)T

**05. Company to be Licensed.** No company shall drill or contract to drill a well or wells unless the company has been issued a license and has employed a principal driller as described in accordance with these rules. (7-1-21)T

**06. Drillers to Decommission (Abandon) Wells.** Only licensed drillers may decommission (abandon) wells, except that wells may be decommissioned (abandoned) by the owner after receiving a specific waiver from the Director. (7-1-21)T

**021. CONSTRUCTION AND USE OF HOLES THAT ARE NOT WELLS (RULE 21).**

**01. When a License Is Not Required.** A person drilling a hole that does not meet the definition of a well does not need a driller's license or operator's permit. (7-1-21)T

**02. Holes Not Defined as Wells.** The following list describes the types of holes that are not wells for purposes of these rules: (7-1-21)T

**a.** Holes with total depth less than eighteen (18) feet. (7-1-21)T

**b.** Holes for collecting soil or rock samples, determining geologic properties, or mineral exploration or extraction, including gravel pits. (7-1-21)T

**c.** Holes for oil and gas exploration for which a permit has been issued pursuant to Section 47-320, Idaho Code. (7-1-21)T

**d.** Holes for constructing building foundations or de-watering building or dam foundation excavations. (7-1-21)T

**e.** Holes for the installation of standpipes or piezometers to monitor the saturation of dam embankments or foundations or to measure uplift forces on buildings, dams and other structures. (7-1-21)T

**03. Converting a Hole Not Constructed as a Well for Use as a Well.** A hole that was not constructed as a well by or under the responsible charge of a driller, if subsequently converted to obtain water, to monitor water quantity or quality, or to dispose of water or other fluids, shall be reconstructed by a driller to comply with well construction standards and drilling permit conditions. The owner shall obtain a drilling permit, a water right or other approval if needed, and have the hole inspected and modified by a licensed driller as necessary to meet well construction standards. The driller shall file a driller's report for the well. (7-1-21)T

**022. -- 029. (RESERVED)**

**030. OBTAINING A LICENSE FOR AN INDIVIDUAL DRILLER (RULE 30).**

**01. Application Requirements.** An individual desiring a license shall file with the department a completed application on a form provided by the department accompanied by the following: (7-1-21)T

**a.** The application fee required by Section 42-238, Idaho Code. (7-1-21)T

**b.** Written documentation of drilling experience, compliance history, and the names and addresses of three (3) references to confirm the applicant's drilling experience. (7-1-21)T

**c.** A list of all drill rigs used by or under the responsible charge of the applicant providing the make, model, and type. (7-1-21)T

**d.** The names and addresses of all licensed drillers and permitted operators that will work under the responsible charge of the applicant. (7-1-21)T

**02. Experience Requirements.** (7-1-21)T

**a.** An applicant shall have a minimum of twenty-four (24) months of drilling experience. An applicant will be credited with one (1) month of drilling experience for each one hundred sixty (160) hours of employment as a driller or operator, or the equivalent, as determined by the director. Experience drilling monitoring wells, geothermal wells or other cased wells will be credited as experience by the Director if the equipment and drilling methods are applicable to water well construction. (7-1-21)T

**b.** An applicant for driller's license shall submit evidence to establish that the applicant, as an operator or driller, has successfully constructed a sufficient number of wells within the preceding twenty-four (24) months to demonstrate competency. Evidence of this experience can be demonstrated by the submission of driller's reports bearing the applicant's signature, well reports upon which the driller having responsible charge attests that the applicant drilled the wells or other documentation acceptable to the director. (7-1-21)T

**c.** Twelve (12) of the twenty-four (24) months drilling experience must have occurred within the five (5) year period immediately preceding the filing of the application. (7-1-21)T

**d.** 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. The director will determine the number of months of classroom study, up to twelve (12), to be credited as experience. (7-1-21)T

**03. Examination.** An applicant determined by the director to have adequate experience and an acceptable compliance history, as confirmed by references acceptable to the director, is eligible to take a written examination. The examination may include separate sections and shall test the applicant's knowledge of the following: (7-1-21)T

**a.** Idaho statutes and rules relating to appropriation and use of ground water, well drilling, construction and use of injection wells and geothermal wells, and well driller licensing under the provisions of Title 42, Idaho Code. (7-1-21)T

**b.** Land description by government lot, quarter-quarter, section, township and range, and the use of portable GPS units. (7-1-21)T

**c.** Geologic material identification including the use of correct terminology in describing the geologic material. (7-1-21)T

**d.** Well construction principles relating to the proper design, construction, development, and abandonment of wells. (7-1-21)T

**e.** The occurrence, nature, and movement of ground water. (7-1-21)T

**f.** The use of various types of drill rigs and auxiliary equipment. (7-1-21)T

**031. OBTAINING A LICENSE FOR A COMPANY (RULE 31).**

**01. Application Requirements.** A company shall file with the department a complete application for a company license upon a form provided by the department to be accompanied by the following: (7-1-21)T

**a.** The names and addresses of three (3) persons not affiliated with the company, whom the department can contact for information regarding the company's past well drilling operations, if any, and related business activities. (7-1-21)T

**b.** A complete record of the compliance history of the company and the owners and employees of the company. (7-1-21)T

**c.** Designation of a principal driller who shall be a full time employee of the company and shall drill wells only for the company. A licensed driller who renders only occasional, part-time or consulting drilling services

to or for a company may not be designated as the principal driller. (7-1-21)T

**d.** The names and addresses of drillers and operators presently employed. (7-1-21)T

**e.** A list of all drill rigs and other related equipment owned or used by the company providing the make, model, and type. (7-1-21)T

**02. Application Processing.** Applications received under this rule will be processed in accordance with Rule 33. (7-1-21)T

**032. OBTAINING AN OPERATOR'S PERMIT (RULE 32).**

**01. Application for Class I Operator's Permit.** A licensed driller or company proposing to employ a class I operator shall submit a completed application on a form provided by the director. The application shall: (7-1-21)T

**a.** Be accompanied by the fee required by Section 42-238, Idaho Code. (7-1-21)T

**b.** Be signed by the individual seeking the operator's permit and the licensed driller or principal driller of the company proposing to employ the operator. (7-1-21)T

**02. Application for Class II Operator's Permit.** A licensed driller or company proposing to employ an individual who does not currently hold a class II operator's permit shall submit the following: (7-1-21)T

**a.** A completed application on a form provided by the department. (7-1-21)T

**b.** The fee required by Section 42-238, Idaho Code. No fee is required if the applicant is presently permitted as a class I operator, but the expiration date of the permit when converted to a class II operator's permit will remain as originally issued. (7-1-21)T

**c.** Documentation that the operator has successfully constructed a sufficient number of wells, or has constructed wells for a sufficient length of time, or a combination of both to demonstrate competency. (7-1-21)T

**03. Written Examination.** An examination is not required for a class I operator's permit. An otherwise qualified applicant for a class II operator's permit shall obtain a satisfactory score on an examination as provided in Rule 34. The examination may be comprised of separate sections and shall test the applicant's knowledge of the following: (7-1-21)T

**a.** Idaho statutes and rules relating to appropriation and use of ground water, well drilling, construction and use of injection wells and geothermal wells, and well driller licensing under the provisions of Title 42, Idaho Code. (7-1-21)T

**b.** Land description by government lot, quarter-quarter, section, township, and range, and the use of portable GPS units. (7-1-21)T

**c.** Geologic material identification including the use of correct terminology in describing geologic material. (7-1-21)T

**d.** Well drilling principles relating to proper design, construction, development, and abandonment of wells. (7-1-21)T

**e.** The occurrence, nature, and movement of ground water. (7-1-21)T

**04. Operator Drills Only for Licensed Driller or Company.** An operator shall only drill for the licensed driller or company approved by the director. If an operator changes employment to another licensed driller or company, an application for an operator's permit shall be filed as provided in this rule. (7-1-21)T



**05. Processing an Application for Operator's Permit.** The department will process an application for operator's permit in accordance with Rule 33. (7-1-21)T

**033. PROCESSING APPLICATION FOR A DRILLER'S LICENSE OR OPERATOR'S PERMIT (RULE 33).**

**01. Incomplete Application.** If an application is incomplete, not properly signed, or does not include the information required by these rules, the department will advise the applicant in writing of the deficiency. If the deficiencies are not satisfied within ninety (90) days of sending the notice of the deficiency, the application will be void. The application fee is not refundable. (7-1-21)T

**02. Issuance of License.** If the director, upon review of the application, determines that an applicant for license is qualified and the driller has subsequently taken and passed an examination, a notice will be sent to the applicant requesting a bond in an amount determined in accordance with Rule 60 be filed with the department. Upon receipt of a satisfactory bond, the director will issue a license to the applicant. (7-1-21)T

**03. Issuance of Operator's Permits.** If the director determines that an applicant is qualified and has passed an examination, if required, the department will mail a notice and operator's permit card to the principal driller on behalf of the applicant. (7-1-21)T

**04. Driller's License or Operator's Permit Issued With Conditions or Denial of License or Operator's Permit.** The Director may issue a license or operator's permit with specific conditions or limitations based on the applicant's experience and compliance history. The Director may refuse to issue or renew a driller's license permanently or for a designated period of time if the driller has previously constructed wells improperly or constructed a well without a valid driller's license. If the Director determines that the applicant is not qualified, the Director will deny the application. Notice of a denied application or a conditioned license or operator's permit will be given to the applicant in accordance with IDAPA 37.01.01, "Rules of Procedure of the Idaho Department of Water Resources." (7-1-21)T

**034. EXAMINATION PROCEDURES (RULE 34).**

**01. Written Examination.** Written examinations will be offered at department offices on the first Monday of each quarter. If the first Monday is a legal holiday, written examination will be offered on the first Tuesday. Re-examination may be taken at a regularly scheduled examination date during a following quarter and shall be scheduled with the department office originally testing the applicant. (7-1-21)T

**02. Oral Examination.** Successful passage of an oral examination may satisfy all or a part of the written testing requirements under the following circumstances: (7-1-21)T

**a.** The applicant requests an oral rather than a written examination and shows cause acceptable to the director why the examination should be oral rather than written. Applicants desiring to take the examination orally shall request that an oral examination be scheduled allowing at least fifteen (15) days to set an examination date. (7-1-21)T

**b.** The director determines that because of the applicant's compliance history, additional testing is needed to determine the applicant's qualifications. (7-1-21)T

**03. Examination Scoring.** The applicant shall pass each section of the examination with a score of seventy percent (70%) or higher. (7-1-21)T

**04. Assistance Must Be Authorized.** The use of written materials, equipment or other individuals to assist an applicant during an examination is prohibited unless specifically authorized by the department. An applicant receiving unauthorized assistance during an examination may be disqualified and the application may be rejected. An application filed by a disqualified applicant will not be processed for a period of up to one (1) year from the time of disqualification. (7-1-21)T

**035. EXPIRATION AND RENEWAL OF LICENSE (RULE 35).**

**01. Expiration of Licenses.** All licenses expire at the end of the licensing period for which they are issued. The licensing period begins April 1 and ends March 31 of the second year following issuance. (7-1-21)T

**02. Renewal Application.** A license may be renewed by submitting a license renewal application including the following: (7-1-21)T

**a.** A completed application on a form provided by the department. An application to renew a license for an individual licensed driller shall be signed by the individual and an application to renew a license for a company shall be signed by the principal driller. (7-1-21)T

**b.** The renewal fee required by Section 42-238, Idaho Code. (7-1-21)T

**c.** A new bond or continuation certificate for an existing bond covering the licensed driller or company. (7-1-21)T

**d.** If the application is for renewal of a license held by an individual, the application shall include verification that the applicant has obtained the required continuing education credits. (7-1-21)T

**03. Continuing Education Requirements.** Fourteen (14) credit units are required for renewal of a license for an individual for any licensing period beginning on or after April 1, 2011. (7-1-21)T

**04. Welding Competency.** A driller that has been issued a Notice of Violation for welding that does not comply with the well construction standards may be required to obtain a certificate of welding competency from the American Welding Society or similar organization. (7-1-21)T

**036. EXPIRATION AND RENEWAL OF AN OPERATOR'S PERMIT (RULE 36).**

**01. Expiration of Operator's Permits.** Class I and class II operator's permits shall expire on March 31 of the same year that the license of the licensed driller and company employing the operator expires. (7-1-21)T

**02. Renewal Application.** An operator's permit may be renewed by submitting to the department an application for renewal including the following: (7-1-21)T

**a.** A completed application on a form provided by the department. The operator seeking renewal and the driller under whose responsible charge the operator works shall sign the form. (7-1-21)T

**b.** The renewal fee required by Section 42-238, Idaho Code. (7-1-21)T

**c.** For renewal of a class II operator's permit, verification of the required continuing education credit units. (7-1-21)T

**03. Continuing Education Required for Renewals.** Fourteen (14) credit units are required for renewal of a class II operator's permit for a licensing period beginning on or after April 1, 2011. (7-1-21)T

**04. Welding Competency.** An operator's work that has resulted in a Notice of Violation for welding that does not comply with the Well Construction Standards may be required to obtain a certificate of welding competency from the American Welding Society or similar organization. (7-1-21)T

**037. PROCESSING APPLICATION TO RENEW LICENSE OR OPERATOR'S PERMIT (RULE 37).**

**01. Processing Applications for Renewal.** Applications for renewal will be processed in the order received by the department. The department shall receive a complete application for renewal no later than March 15 to assure that the license or operator's permit will remain in force without interruption. If the director determines that the application is complete and the applicant is qualified, the license or operator's permit will be renewed for the period ending on March 31 of the second year after approval of the renewal. (7-1-21)T

**02. Regulatory Compliance Required for Renewals.** A license or operator's permit will not be

renewed if the applicant has not submitted all required driller's reports, applications for drilling permits, fees, agreed civil penalties, has not complied with all orders requiring repair or abandonment of improperly constructed wells or is not otherwise in compliance with Sections 42-235 and 42-238, Idaho Code, and the applicable rules. (7-1-21)T

**03. Compliance History.** If the Director determines that the applicant has exhibited an unacceptable compliance history, the Director may deny renewal, refuse renewal for a specified time, or renew with conditions, including but not limited to an increased bond amount. (7-1-21)T

**04. Renewal of Expired Licenses or Operator's Permits.** A license or an operator's permit which has expired or otherwise not been in effect for a period not exceeding three (3) years shall be renewed in accordance with the requirements of Rule 35 or Rule 36 as appropriate. An applicant for renewal shall provide verification of earned credit units required for the entire period since the license or class II operator's permit was last issued. If a license or operator's permit has been expired or otherwise not effective for a period of more than three (3) years, an application for a new license shall be submitted in accordance with Rule 30 for an individual license, Rule 31 for a company or Rule 32 for an operator's permit. The director may waive the examination requirement if the applicant has been previously licensed or permitted in the state of Idaho. (7-1-21)T

**05. Reuse of Identification Numbers.** The identification number assigned to a license by the department will not be reused if the license has been expired or otherwise not in effect for three (3) years or more except, at the director's discretion, the number may be reissued to the original owner. (7-1-21)T

**06. Condition or Denial of an Application for Renewal.** If the Director determines that the applicant has not or cannot fully comply with these rules, a license or operator's permit may be issued with conditions. If the Director determines that the applicant is not qualified, the Director will deny the application. When there are documented violations of well drilling laws and/or rules, including well construction standards, the Director may consult with the Driller's Advisory Committee, created in accordance with Rule 80, prior to making a decision to issue a conditional license or operator's permit or to deny an application based on the applicant's compliance history. Notice of a denied application or a conditioned license will be given as provided in IDAPA 37.01.01, "Rules of Procedure of the Idaho Department of Water Resources." (7-1-21)T

**038. -- 049. (RESERVED)**

**050. DUTIES AND RESPONSIBILITIES OF DRILLERS, COMPANIES AND OPERATORS (RULE 50).**

**01. Licensed Drillers and Principal Drillers.** All licensed drillers and principal drillers shall: (7-1-21)T

**a.** Allow drilling only by those authorized by and under the supervision required by these rules and according to any conditions of the license or permit. (7-1-21)T

**b.** Complete each well in compliance with IDAPA 37.03.09, "Well Construction Standards Rules," and drilling permit conditions. (7-1-21)T

**c.** Have a valid cash or surety bond in effect, as defined in Rule 60. (7-1-21)T

**d.** Have the license number displayed in a conspicuous place on the drill rig using a metal identification plate provided by the department or other permanent marking approved by the director. The displayed license number shall represent the company or individual driller license under which the well is being drilled. One plate will be issued upon initial licensure with replacement and additional plates available for a fee. (7-1-21)T

**e.** Keep current the department's list of operators and drillers employed by the licensed driller or company, including current addresses for the company, drillers, and operators. The licensed driller or principal driller shall be held responsible for all drilling activity of a driller or operator under their supervision until such notification has been submitted in writing to the department that the driller or operator is no longer employed by the licensed driller or company. (7-1-21)T

**f.** Have at the drilling site the driller's license and drilling permit or other written authorization from

the director to drill the well. (7-1-21)T

**g.** Only drill wells in contaminated areas identified by the department or in areas of drilling concern so designated by the department with specific written authorization of the director. Verbal authorizations to drill and pre-approved drilling permits (start cards) do not authorize drilling in these areas. (7-1-21)T

**h.** Only drill a public drinking water supply well, as defined in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," low temperature geothermal resource or geothermal resource well with specific written authorization from the director. Verbal authorizations and start card permits (start cards) are not authorized for these uses. (7-1-21)T

**i.** Monitor and record bottom-hole temperature in areas where low temperature geothermal resources are known or suspected or when the well is being constructed pursuant to IDAPA 37.03.09, Rule 30, as a low temperature geothermal resource well. Bottom-hole temperature of every well being constructed pursuant to IDAPA 37.03.09, Rule 30, must be measured, recorded, and reported on the well drillers report. (7-1-21)T

**j.** Maintain a daily well log at the drilling site acceptable to the department and as required by Section 42-238(11), Idaho Code. Pertinent data required to be recorded on the daily log must include information sufficient to complete a well drillers report acceptable to the Director. The driller shall retain the well log for at least one (1) year after the driller's report is submitted to the department. (7-1-21)T

**k.** Submit driller's reports, acceptable to the Director, on forms approved by the department within thirty (30) days following removal of the drill rig from the drilling site at completion of the well. Driller's reports shall be prepared from information recorded on the daily well log. Driller's reports returned to the driller due to deficiencies must be corrected and returned to the department within thirty (30) days of mailing by the department. (7-1-21)T

**l.** Attach a well tag supplied by the department to every well drilled for which a drilling permit is required. The tag shall be affixed permanently to the casing, or other permanent object attached to the well, by a method approved by the Director prior to removing the well rig from the drilling site. (7-1-21)T

**m.** Cause all drilling activity under the supervision of the driller to cease when the driller's license expires, becomes invalid, or is suspended or revoked. (7-1-21)T

**02. Companies.** Companies shall: (7-1-21)T

**a.** Have a principal driller designated with the department at all times. (7-1-21)T

**b.** Notify the department within ten (10) days of the principal driller leaving employment with the company. The company's license shall immediately become void and of no effect when the principal driller leaves employment with the company and shall remain so until the department has been notified in writing that a new principal driller has been employed and designated by the company. Failure to designate a principal driller within ninety (90) days of the departure of the designated principal driller is cause for the director to take action to cancel the company's license. (7-1-21)T

**c.** Maintain a bond in force at all time as required in Rule 60. (7-1-21)T

**03. Operators.** Operators shall: (7-1-21)T

**a.** Have in their possession a valid operator's permit while drilling wells. (7-1-21)T

**b.** Only drill wells as authorized by the operator's permit. (7-1-21)T

**c.** Maintain a complete and accurate well log at the drilling site. (7-1-21)T

**d.** Co-sign with the driller a driller's report upon completion of the well. (7-1-21)T

**051. -- 059. (RESERVED)**

**060. BONDING (RULE 60).**

**01. Bonding Requirements.** Each licensed driller or company shall submit a surety bond or cash bond in an amount determined by the director, within the limits of 42-238, Idaho Code, for each driller employed by the company, payable to the director for the licensing period. (7-1-21)T

**a.** A company shall have a bond, which covers the drilling activities of each driller and operator employed by the company. If the licensed driller drills wells as an individual and not for a company, a separate bond must be filed with the director. (7-1-21)T

**b.** Drillers proposing to drill wells in an area of drilling concern, monitoring wells, public water supply wells, or wells to obtain or likely to encounter water with a bottom hole temperature greater than eighty-five (85) degrees Fahrenheit, shall submit an upgraded bond, in an amount determined by the director, at the time the drilling permit application is processed. Drillers anticipating drilling such wells may, instead, submit adequate bonding at the time of driller license application or renewal. (7-1-21)T

**c.** The amount of the bond, within the limits prescribed in Section 42-238, Idaho Code, will be determined by the director based on the applicant's compliance history, the size and depth of wells the applicant proposes to construct and is authorized to drill, the complexity of the wells, the resource to be recovered, the area of operation of the applicant, the number of drillers and operators employed by a company, and other relevant factors. (7-1-21)T

**d.** All bonds and continuation certificates must be on forms provided or approved by the department. (7-1-21)T

**02. Cash Bonds. (7-1-21)T**

**a.** Acceptable Cash Bonds. Cash bonds shall be in a separate account readily accessible to the director for use as provided in these rules. The director will review cash bond proposals made by an applicant. Cash bonds shall be retained in financial institutions within the state of Idaho unless waived by the director. (7-1-21)T

**b.** Retention. The director will hold cash bonds for two (2) years from the date the driller requests that the bond be released unless replaced by another bond or the director determines that all wells drilled by the driller satisfy well construction standards. The release of a cash bond must be requested in writing. (7-1-21)T

**03. License Void Without Bond.** If the issuing company cancels a bond, the bond expires or otherwise becomes non-effective during the term of a license, the license shall immediately become void and of no further effect until an adequate replacement bond is received by the department. (7-1-21)T

**061. -- 069. (RESERVED)**

**070. CONTINUING EDUCATION (RULE 70).**

**01. Requirements.** Every licensed driller or permitted operator must have earned at the time of renewal the applicable number of credit units required by these rules. The credit units shall have been obtained during the licensing period preceding the application for renewal. (7-1-21)T

**02. Earning Credit Units.** Credit units may be earned for time spent in attendance at workshops, seminars, short courses, and other educational opportunities devoted to drilling or related subjects acceptable to the Director and approved by the continuing education committee (CEC) and in compliance with the CEC guidelines. These may include completion of college courses, correspondence courses, videotaped courses, and other endeavors such as authoring appropriate publications. (7-1-21)T

**03. Documentation.** Documentation to support credit units claimed is the responsibility of the licensed driller and permitted operator. Records required include but are not limited to: (7-1-21)T

a. A log showing the type of activity claimed, sponsoring organization, duration, instructor's name, and credit units. (7-1-21)T

b. Attendance verification records in the form of completion certificates or other official documents providing evidence of attendance and completion. (7-1-21)T

**04. Submittal and Maintenance of Records.** Copies of continuing education records for the preceding license period shall be submitted with applications to renew licenses or permits. These records shall be maintained for a period of three (3) years and shall be available for review by the department at the request of the director. (7-1-21)T

**05. Insufficient Credit Units.** If at the time of renewal, the applicant is unable to provide verification of the required credit units, the director will deny renewal of the driller's license or operator's permit, except as otherwise provided in the following: (7-1-21)T

a. The director may withhold action on an application for renewal for a period not to exceed ninety (90) days to allow the applicant to provide verification of the required credit units. The applicant is not authorized to drill until the verification is provided and the renewal is issued. (7-1-21)T

b. The director may exempt an applicant from all or part of the continuing education requirements if the applicant served on active duty in the armed forces of the United States for one hundred twenty (120) consecutive days or more during the licensing period prior to filing the application for renewal; or the applicant suffered physical disability, serious illness, or other extenuating circumstances that prevented the applicant from earning the required units. (7-1-21)T

c. A licensed driller or operator who has chosen to allow his license or permit to expire or otherwise become of no effect shall be exempt from continuing education requirements unless an application for renewal is filed less than three (3) years after the license or permit expired or otherwise became of no effect. (7-1-21)T

**06. Out-of-State Residents.** The continuing education requirements for a non-resident applicant for a license or operator's permit shall be the same as for resident applicants. (7-1-21)T

**07. Responsibility for Education Development and Implementation.** The Idaho Ground Water Association (IGWA) is delegated responsibility to develop and implement a program for continuing education for review and approval by the director. (7-1-21)T

**071. CONTINUING EDUCATION COMMITTEE CONTINGENCY PLAN (RULE 71).** Should the memorandum of understanding (MOU) and/or the contract between the department and the IGWA be breached, revoked, or not renewed, the CEC shall be organized and administered by the department. (7-1-21)T

**072. -- 079. (RESERVED)**

**080. DRILLER'S ADVISORY COMMITTEE (RULE 80).**

**01. Selection and Duties.** The Director may appoint a driller's advisory committee from the list of drillers holding valid licenses. The Director will solicit appointment recommendations from the IGWA and other licensed drillers. The Director will determine the term of appointment for members of the committee. The committee shall provide recommendations and suggestions concerning revision of these rules, the minimum standards for well construction, significant violations and other matters regarding well drilling. The committee members shall serve on a voluntary basis without compensation. The department will hold meetings at the discretion of the Director. (7-1-21)T

**02. Reimbursement.** Travel costs shall be paid to members of the advisory committee for travel and per diem and for costs associated with attendance of advisory committee meetings held by the department. Reimbursement shall be based on existing department policy covering travel and per diem expenses. (7-1-21)T

**081. -- 089. (RESERVED)**

**090. ENFORCEMENT (RULE 90).**

**01. Violations.** Violations of these rules or Sections 42-235 or 42-238, Idaho Code, will be enforced as provided in Sections 42-238 and 42-1701B, Idaho Code. (7-1-21)T

**02. Enforcement Policy.** An administrative policy providing guidelines for enforcement shall be published and maintained by department staff. A copy of the enforcement guidelines is available upon request at no charge. (7-1-21)T

**091. -- 999. (RESERVED)**

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