

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.01 – ADJUDICATION RULES

DOCKET NO. 37-0301-2401

**NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING**

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 42-1805(8), Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows. Any additional meeting dates will be posted on IDWR’s website at: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/adjudication-rules/>.

PUBLIC MEETING Thursday, May 16, 2024 at 2:00 p.m. (MT)
In Person: Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 (Meeting to be held at IDWR Office Conference Rooms B, C & D, located on the 6th Floor of the University of Idaho Water Center)
To sign up for attendance via telephone/videoconference, Contact Lori Harris at 208-287-4909 or lori.harris@idwr.idaho.gov by May 15, 2024.
Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/adjudication-rules/.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must either attend the above-scheduled meeting or identify themselves to IDWR using the phone number or email address listed above in advance of the above-scheduled meeting.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

Should a reasonable number of persons respond to this notice, additional negotiated meetings may be scheduled and all scheduled meetings shall be posted and made accessible on IDWR’s website listed in this notice.

A lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, IDWR has sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rulemaking will review the “Adjudication Rules,” IDAPA 37.03.01. The Rule clarifies the minimum requirements for completing a notice of claim to a water right acquired under state law, establishes clear criteria for calculation of claim filing fees, sets clear criteria for refunding fees, and establishes criteria for rejecting incomplete claims, IDWR believes the regulatory measures in the Rule are necessary for the orderly, consistent, and efficient processing of adjudication claims filed in connection with any of the five separate active general stream adjudications within the state. IDWR is considering revising existing portions of the Adjudication Rules to be consistent with Idaho Code Title 42, Chapter 14 “Adjudication of Water Rights.” IDWR is also considering updating and clarifying definitions. During this rulemaking, general topics of discussion will be definitions, general information, required fees, refunds, claim requirements, and rejected claims.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact rulesinfo@idwr.idaho.gov or contact Erk Boe, IDWR Rules Review Officer at (208) 287-4800.

Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Water Resources’ website at the following web address: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/adjudication-rules/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments on topics covered during the May 16, 2024, meeting must be directed to the undersigned and must be delivered on or before May 31, 2024. Information regarding additional public comment opportunities will be posted on IDWR’s website listed above.

DATED this 1st day of April, 2024.

Erik Boe
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