

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 48

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO INJECTION WELLS; AMENDING SECTION 42-3908, IDAHO CODE, TO
2 PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL
3 REQUIRE GOOD AND SUFFICIENT SECURITY AS A CONDITION OF EVERY CLASS II
4 INJECTION WELL PERMIT, TO PROVIDE FOR THE FORM OF SECURITY, TO PROVIDE
5 THE BASIS FOR SECURITY, TO PROVIDE FOR THE AMOUNT OF SECURITY, TO PRO-
6 VIDE THAT THE SECURITY SHALL BE CONDITIONED UPON CERTAIN PERFORMANCE,
7 TO PROVIDE FOR THE DURATION OF THE SECURITY, TO PROVIDE THAT WELL DECOM-
8 MISSIONING SHALL INCLUDE CERTAIN RECLAMATION OF THE WELL SITE AND TO AU-
9 THORIZE ADDITIONAL SECURITY REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 42-3908, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 42-3908. PERMIT APPROVING CONSTRUCTION AND USE -- CONDITIONS -- RE-
15 JECTION OF APPLICATION. If the director of the department of water resources
16 determines the use of the proposed or existing injection well will not affect
17 the rights of others to use water for beneficial purposes shall issue a per-
18 mit approving the construction, modification or continued operation of such
19 well. Such permit shall contain conditions, if any, determined to be nec-
20 essary to protect the public interest in the ground water resource includ-
21 ing, but not limited to, the method and manner of operation of the injection
22 well, the period during which the injection well may be operated, a date when
23 such permit shall expire, and periodic reports to the department of water re-
24 sources of the quality and quantity of the fluids injected. No deep injec-
25 tion well or shallow injection well, as may be required by rules and regula-
26 tions adopted under this chapter, shall be used unless a valid permit is in
27 effect in accordance with this chapter.

28 The director shall require, as a condition of every class II injection
29 well permit, that every person who engages in the construction, modification
30 or operation of a well provides evidence of good and sufficient security in
31 the form of a bond, letter of credit or other surety acceptable to the direc-
32 tor that ensures that the applicant performs the duties required pursuant to
33 this chapter and properly decommission any well covered by such permit. Good
34 and sufficient security for each injection well shall be in the amount of ten
35 thousand dollars (\$10,000) plus one dollar (\$1.00) per foot of depth. The
36 security shall be conditioned upon the performance of the owner's or opera-
37 tor's duty to comply with the rules of the water resource board with respect
38 to the construction, modification, operation, plugging and decommissioning
39 of each well. The security shall remain in full force and effect until the
40 plugging and decommissioning of the well is approved by the director or the
41 security is released by the director. Well decommissioning shall include
42 reclamation of the well site so that the site is left in a stable, noneroding

1 condition with no impact to any ground water or surface water sources of the
2 state. The director may require additional security of an owner or operator
3 given sufficient reason, such as noncompliance, unusual conditions or other
4 circumstances that suggest a particular well has potential risk or liability
5 in excess of that normally expected.

6 If the director of the department of water resources determines the use
7 of the proposed or existing injection well will interfere or is interfering
8 with the right of the public to withdraw water for beneficial uses, and the
9 director finds there are no overriding needs existing to justify the use of
10 the injection well, the director may reject the application and forward no-
11 tice of such rejection to the owner or operator by certified mail.