

2007 CUMULATIVE POCKET SUPPLEMENT

IDAHO CODE

Compiled Under the Supervision of the
Idaho Code Commission

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TITLES 42, 43

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or his agent to remove any obstruction from any stream channel, if such obstruction interferes with, or is likely to interfere with, the delivery of, or use of, water under any existing or vested water right, or water right permit. [1971, ch. 337, § 6, p. 1304; am. 2004, ch. 191, § 3, p. 601.]

Compiler's Notes. The words "this act" refer to S.L. 1971, ch. 337, as amended, compiled as §§ 42-3801 — 42-3810.

Section 4 of S.L. 2004, ch. 191 declared an emergency. Approved March 23, 2004.

Section 2 of S.L. 2004, ch. 191 is compiled as § 42-3802.

CHAPTER 39

WASTE DISPOSAL AND INJECTION WELLS

SECTION.
42-3902. Definitions.

42-3902. Definitions. — Whenever used in this chapter:

(1) "Aquifer" means any geologic formation that will yield water to a well in sufficient quantities to make production of water from the formation feasible for beneficial use, except when the water in such formation results solely from injection through a waste disposal and injection well.

(2) "Director" means the director of the department of water resources.

(3) "Drinking water source" means an aquifer which contains water having less than 10,000 mg/l total dissolved solids and has not been exempted from this designation by the director of the department of water resources.

(4) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gaseous or any other form or state.

(5) "Formation" means a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is mappable at the earth's surface or traceable in the subsurface.

(6) "Hazardous waste" means any fluid or combination of fluids, excluding radioactive wastes, which because of quantity, concentration or characteristics (physical, chemical or biological) may:

(a) Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible or incapacitating reversible illness; or

(b) Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties, but do not include solid or dissolved material in domestic sewage or solid or dissolved material in irrigation return flows.

(7) "Injection" means the subsurface emplacement of fluids.

(8) "Injection well" means any excavation or artificial opening into the ground which meets the following three (3) criteria:

(a) It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and

(b) It is deeper than its largest straight-line surface dimension; and

(c) It is used for or intended to be used for injection.

(9) "Irrigation waste water" means surplus water diverted for irrigation but not applied to crops or runoff of surplus water from the cropland as a result of irrigation.

(10) "Licensed driller" means any person holding a valid license to drill water wells in Idaho as provided and defined in section 42-238, Idaho Code.

(11) "Operate" means to allow fluids to enter an injection well by action or by inaction of the operator.

(12) "Operator" means any individual, group of individuals, partnership, company, corporation, municipality, county, state agency, taxing district or federal agency who operates or proposes to operate any injection well.

(13) "Owner" means any individual, group of individuals, partnership, company, corporation, municipality, county, state agency, taxing district, or federal agency owning land on which any injection well exists or is proposed to be constructed.

(14) "Radioactive material" means any material, solid, liquid or gas which emits radiation spontaneously.

(15) "Radioactive waste" means any fluid which contains radioactive material in concentrations which exceed those established for discharges to water by 10 CFR 20.

(16) "Shallow injection well" means an injection well which is less than or equal to eighteen (18) feet in vertical depth below land surface.

(17) "Sanitary waste" means any fluid generated through domestic activities, such as food preparation, cleaning and personal hygiene.

(18) "Surface runoff water" means runoff water from the natural ground surface and cropland. Runoff from urbanized areas, such as streets, parking lots, airports, and runoff from animal feedlots, agricultural processing facilities and similar facilities are not included within the scope of this term.

(19) "Waste disposal and injection well" means an injection well which is more than eighteen (18) feet in vertical depth below land surface. [1971, ch. 301, § 2, p. 1235; am. 1984, ch. 155, § 2, p. 370; am. 2001, ch. 103, § 84, p. 253; am. 2007, ch. 83, § 9, p. 221.]

Compiler's Notes. The 2007 amendment, by ch. 83, in subsection (15), deleted "in an unrestricted area" following "discharges to

water," and substituted "by 10 CFR 20" for "by the board of environmental quality under the provisions of chapter 30, title 39, Idaho Code."

CHAPTER 40

GEOHERMAL RESOURCES ACT

SECTION.

42-4003. Permits — Application — Fee — Exceptions.

42-4004. Processing of applications — Investigations — Hearings.

SECTION.

42-4005. Permit — Issuance — Sufficient security — Review — Appeal.

42-4003. Permits — Application — Fee — Exceptions. — (a) Any person who, as owner or operator, proposes to construct a well or to alter a well or to construct or to alter an injection well shall first apply to the director for a geothermal resource well permit. Such application shall set