

# ADMINISTRATIVE MEMORANDUMS INDEX

As of January 21, 2016

*Please note that these Administrative Memorandums will include many memos that have become outdated due to changes in rules, statutes or current Department policy. Some memos have been amended or superseded by others, and some may no longer be applicable.*

<b>MISCELLANEOUS</b>			
<b>No.</b>	<b>Title</b>	<b>Signed</b>	<b>Amended or Superseded</b>
1.	<a href="#"><u>Data Processing</u></a>	<b>12-31-87</b>	
2.	<a href="#"><u>Delegation of Duties and Responsibilities</u></a> (Supersedes Memo of 10-6-87)(Also see A.M. #4)	10-3-88	8-31-92 <b>6-15-10</b>
3.	<a href="#"><u>Receptionist Relief</u></a>	2-18-88	8-31-09 7-3-12 <b>5-6-14</b>
4.	<a href="#"><u>Delegation of Duties and Responsibilities</u></a> (Supersedes Memo of 10-6-87)(Also see A.M. #2)	10-3-88	8-31-92 <b>6-15-10</b>
5.	<a href="#"><u>FERC Routing</u></a>	<b>1-27-89</b>	
6.	<a href="#"><u>Purchasing Policies and Procedures</u></a>	<b>9-11-89</b>	
7.	<a href="#"><u>Injection Well Permitting, Division of Responsibility</u></a>	<b>3-18-91</b>	
8.	<a href="#"><u>Low Temperature Geothermal Wells</u></a>	<b>4-29-91</b>	
9.	<a href="#"><u>Firearms Badges and Threatening Situations</u></a>	<b>7-31-92</b>	
10.	<a href="#"><u>Indexing of Precedential Agency Orders</u></a>	<b>7-21-93</b>	
11.	<a href="#"><u>Availability of Agency Guidance Documents</u></a>	<b>5-9-95</b>	
12.	<a href="#"><u>Entry Upon Private Property for Routine (Non-Enforcement) Investigations and Data Collection</u></a>	<b>9-16-03</b>	
13.	<a href="#"><u>Guidelines for Communication with Outside Attorneys</u></a>	<b>4-25-05</b>	
14.	<a href="#"><u>Water Level Measurement Equipment Disinfection Procedure</u></a>	<b>9-17-06</b>	
15.	<a href="#"><u>Multiple Pumps in a Single Well for Domestic Purposes</u></a>	<b>6-4-07</b>	
16.	<a href="#"><u>Crop consumptive Use Data for Water Right Review</u></a>	<b>2-11-08</b>	
17.	<a href="#"><u>Water Administration Division Reorganization</u></a>	<b>6-25-08</b>	
18.	<a href="#"><u>Temporary Delegation of Division Administrator(s) Duties Described in IDWR Policy Documents</u></a>	<b>6-16-10</b>	



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

Memorandum to: Staff  
From : R. Keith Higginson *RKH*  
Date : December 31, 1987 Misc Memo No. 1  
Subject : Data Processing

It seems necessary to me that a data processing plan and policy be developed for the Department which takes into consideration the needs of the various Divisions, Bureaus and Sections. It is my observation that each office unit has equipped itself with computer hardware based on the availability of funding (federal or state) and the public support for the program of that unit.

What is needed is a comprehensive plan and policy on the acquisition and management of data processing equipment to assure that what we have fills the needs of all units of the office.

I will not approve further purchases of PC or VAX equipment without an overall plan for the department.

Responsibility for development of such plan rests with the Data Processing Section of the Support Services Bureau. All other units of the office are to cooperate with them in this effort. The planning effort should include at least the following elements:

- 1) A hardware inventory to itemize all available equipment.
- 2) A utilization survey to detail the extent to which present equipment is being used.
- 3) A needs survey to detail those computer services not being met. (This might become known as the wish list)
- 4) A review of all presently-utilized contract services to detail the length of service contracts, purpose for the contract and the continued need.

Future requests for purchases of equipment will be made through the Data Processing Section and no purchases will be approved without review and concurrence of Rob Spofford and John Hammond.

## MEMORANDUM

To: Regional Managers and Bureau Chiefs

From: Gary Spackman

Date: June 7, 2010



RE: Delegation of Duties and Responsibilities (Supersedes Memo of August 31, 1992)

The purpose of this memorandum is to provide guidance to Bureau Chiefs and Regional Managers on duties critical to the department's mission that for organizational efficiency are hereby delegated to be performed by them. This signature authority is delegated based on my confidence that these front line managers will properly consider the issue and when appropriate seek advice regarding any legal and policy impacts that may precipitate from their action. Bureau Chiefs and Regional Managers are authorized to further delegate the approval action of specific, routine activities to staff members that have demonstrated the institutional knowledge and experience to act within applicable Idaho Code and Rules and established department practices and policies. Such re-delegation to staff shall be done in writing with a copy the respective Bureau Chief. The State Office shall continue to provide centralized oversight to maintain consistency in Department programs. Therefore any re-delegation of centrally managed activities will require concurrence of the respective Bureau Chief. For non-routine approvals, Region staff shall coordinate their review with the State Office prior to approval or prior to forwarding to the State Office for final action.

Should you need clarification on the expected level of performance and time line for completion, I am available to provide further guidance to your specific questions. In addition, please advise me when the nature of potential matters or unique circumstances may lead to an action that I should be aware of and/or potentially advise executive state officials. Tasks not specifically designated are not delegated. Division Administrators may act to retain sole authority for any duties delegated herein.

<b>General Administrative Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgrs</b>	<b>Designated staff</b>
In state travel authorization	X	X		
Authorize purchase request for less than \$500.	X	X		
Contracts (any monetary amount)	X	X		
Memoranda of Agreements (MOAs)	X	X		

<b>Technical Services Bureau Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
Cooperative Agreements	X	X		
Landowner Access Agreements	X	X		
Maintenance Agreements	X	X		X
License Agreements	X	X		X

<b>Water Rights Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
Water Right (WR) Transfer Approvals	X	X	X	X
WR Permits	X	X	X	X
WR Permit Amendments	X	X	X	X
WR Licenses	X	X	X	X
Temporary Appropriations & Changes	X	X	X	X
Preliminary Orders for WR Matters that are Uncontested or Contested but no Hearings have been Conducted.	X	X	X	X
Water Supply Bank Approvals	X		X	X
Water Exchange Approvals	X	X	X	X
Extensions of Time for Filing Proofs of Beneficial Use	X		X	X
Extensions of Time to Avoid Forfeiture	X	X	X	X
WR Lapse Notices	X		X	X

<b>Water Distribution Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
WR Notices of Violation	X	X	X	X
WR Consent Orders	X	X	X	X
Preliminary Orders for Water Distribution Matters that are Uncontested or Contested but no Hearings have been Conducted.	X	X	X	X

<b>Adjudication Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
Transmittal of Director's Adjudication Reports	X	X	X	
Other notices or affidavits the statutes may require the director to file with the court in an adjudication	X	X	X	
Requests for refund of adjudication filing fees	X	X	X	X
Extensions of Time to File Notice of Claim	X	X	X	X
Supplemental Director's Reports (Rule 706 Report).	X	X	X	X
SF5, NAP or NCAPS	X	X	X	X

<b>Stream Channel Alteration Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
Approval of Stream Channel Alteration (SCA) one stop permits	X	X	X	X
Approval of SCA Minimum Standard Permits	X	X	X	X
Approval of SCA Non-Minimum Standard Permits	X	X	X	X
Issue Emergency SCA Permits	X	X	X	X
Issue Emergency SCA Waiver	X	X	X	X
Official state comment letters on Section 404 & Section 10 Public Notices	X	X	X	X
SCA denials of any type	X	X	X	X
SCA Cease and Desist Orders	X	X	X	X
Issuance of SCA Warnings	X	X	X	X
Issuance of SCA Citations	X	X	X	X
Issue SCA Notice of Violation	X	X	X	X

<b>Flood Control District Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
Appointment (or re-appointment) of commissioners (FCD Officers)	X	X		

<b>Dam Safety Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
Approval of applications for construction or enlargement of a new or existing dam	X		X	
Approval of applications for non-regulated barriers/undersized dams	X	X	X	
Approval of plans and specifications for construction or enlargement of a new or existing dam	X		X	
Approval of plans and specifications for repair or modification of existing dams	X		X	
Issue renewal of Certificates of Approval and storage authorization for low hazard dams	X	X	X	
Issue renewal of Certificates of Approval and storage authorization for significant and high hazard dams	X		X	
Preliminary Orders to release water from unsafe dams	X	X	X	
Preliminary Orders to revoke Certificates of Approval or storage authorization.	X		X	
Removal of dam from inventory	X		X	
Any commitment of department funds to protect public safety in a dam safety emergency	X	X	X	

<b>Well Construction &amp; Driller Licensing Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
Issue driller license	X		X	
Issue operator permit	X		X	
Preliminary Order to repair or abandon well	X	X	X	
Release of driller's bond	X			
Waiver of minimum standards	X	X	X	X
Approve drilling permit		X		X
Issue Notice of Violation	X	X	X	
Release well owner's LTG bond	X			

<b>Injection Well Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
Approval of "5A7" new injection well applications <50GPM	X		X	X
Approval of "5A7" new injection well applications >50GPM	X			
Approval of all non- "5A7" new injection well applications	X			
Approval of continued use of injection well	X			
Preliminary Orders to close or restrict use of injection well	X	X	X	
Preliminary Well Abandonment Orders	X	X	X	
Waiver of minimum well construction standards	X	X	X	X
Issue well construction Notice of Violation	X	X	X	X

<b>Geothermal Well Activity</b>	<b>Bureau Ch</b>	<b>Region Mgrs</b>	<b>State Ofc Section Mgr</b>	<b>Designated staff</b>
Approval and construction of new geothermal wells (all types)	X			
Approval of abandonment of existing wells of all types	X	X	X	
Preliminary Orders for closure of well or to restrict their use	X	X	X	
Approval of notice of intent for geothermal holes	X	X	X	
Issue Notice of Violation	X	X	X	X

ADMINISTRATOR'S  
MEMORANDUM

TO: Department Staff

FROM: Norman C. Young *ncy*

Misc. Memo No. 5

DATE: January 27, 1989

The department continuously receives copies of FERC notices which are used by the department to follow the progress of FERC filings. In July of 1985, I issued a memorandum detailing the process for routing of these documents. This memo supersedes the memorandum dated July 29, 1985.

When the department receives a notice from FERC, the receptionist should determine whether or not the notice pertains to a project in the State of Idaho. If it does, the receptionist should xerox three copies of the front page of the notice. The original document should be routed to Rick Sterling for filing. The three copies should be sent to the following: (1) Water Planning Bureau, (2) Water Allocation Bureau, and (3) The lead Department Attorney. The groups listed above may designate a person within the group to evaluate the notice.

If a department employee wants to review the entire FERC notice, he can obtain the notice from Rick Sterling. The respective bureaus are responsible for implementing a routing process that will prompt appropriate action by department personnel.



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
 Phone: (208) 327-7900 FAX: (208) 327-7866

**RECEIVED**  
 CECIL D. ANDRUS  
 GOVERNOR  
 R. KEITH HIGGINSON  
 DIRECTOR  
 MAR 26 1991

TO: Regional Managers  
 FROM: Norman C. Young *Ncy*  
 RE: Injection well permitting, division of responsibilities  
 DATE: March 18, 1991

Department of Water Resources  
 Western Regional Office

Misc No. 7

The general methodology for permitting injection wells in Idaho is outlined in the Idaho Code and the Rules and Regulations. Outlined below is a summary of the division of responsibilities between the State and Regional offices of IDWR in the permitting process for new Class V (a) wells:

**STATE OFFICE RESPONSIBILITIES**

**REGIONAL OFFICE RESPONSIBILITIES**

Receive application from Region and request additional information, as necessary

Receive application and fee

Review application for completeness; forward to State Office

Prepare legal notice and advertise application; send file copy to Region

Maintain copy of application and file for public inspection

Receive and investigate public comment

Assist in investigation of public comment

Conduct public fact-finding hearing, if necessary

Attend public fact-finding hearing, if necessary

Prepare draft permit and legal notice, and advertise

Maintain copy of draft permit and file for public inspection

Receive and investigate public comment

Assist in investigation of public comment

Conduct public fact-finding hearing, if necessary

Attend public fact-finding hearing, if necessary

Issue permit

Attend Board hearing, if appealed

Attend Board hearing, if appealed

MEMORANDUM

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For Class V(a) permit renewals for existing wells, the procedure is similar, except that the application is not advertised, and the period of public comment starts after the issuance of a draft permit.

For Class V(c) wells (closed loop heap exchange wells), the procedure is similar to Class V(a) renewals, except that the draft permit is advertised with a press release rather than a legal notice.

The State office may also modify these procedures when necessary to accommodate unforeseen circumstances, within the guidelines of the Rules and Regulations. Notification of variance will be made to the Region when this is necessary.



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

Mark

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

ADMINISTRATOR'S MEMORANDUM

TO: Regional Offices  
Resource Protection Bureau

DATE: April 29, 1991

FROM: Norman C. Young *NY*

RE: LOW TEMPERATURE GEOTHERMAL WELLS Miscellaneous Memo: #8

The Department has the responsibility of managing the low temperature geothermal water so that it is utilized primarily for its heat value. Exemptions for a use of low temperature geothermal water, for a purpose that does not utilize the heat, may be granted.

There are three reasons for granting an exemption:

- 1) there is no feasible alternative use of the resource,
- 2) there is no economically viable alternative source of cold water,
- 3) the exemption is in the public interest,

The exemptions should be requested using the attached form with the final action on the request made by the Division Administrator.

A bond is also required for drilling, re-drilling, modifying or deepening any low temperature geothermal well. The bond is necessary to insure that funds are available to repair a well that was drilled in a faulty manner or that encounters high pressure. The bonds are to remain in effect for one year or until released in writing by the director. There are areas where low temperature geothermal water occurs due to the depth of the wells, with the temperature increasing linearly with the depth, and where there is minimal increase in pressure. The required bond may be removed immediately upon satisfactory completion of the well if no significant pressure is found. The final decision for the removal of the bond will be made by the Division Administrator.

There may be areas where the department has sufficient history of previously drilled wells that the bond requirement can be waived or removed before it is obtained. This waiver is given also by the Division Administrator.

Most requests for waivers of the use of water for a non-heat purpose and of the bond requirement, should occur when the driller files his drilling prospectus and therefore final action should be taken by the department before the drilling is begun.

ADMINISTRATIVE MEMORANDUM

MISCELLANEOUS NO. 10

TO: ALL DEPARTMENT HEARING OFFICERS AND REGIONAL MANAGERS

FROM: NORM YOUNG *NY*

DATE: JULY 21, 1993

SUBJECT: INDEXING OF PRECEDENTIAL AGENCY ORDERS

The amended Administrative Procedures Act effective 7/1/93 requires the Department to have on file, at the state office and each regional office, an index of all final written agency orders that the agency intends to rely on as precedent. These orders are to be indexed both by name and subject.

Following is a short summary of how to use the attached subject index.

1. Roman Numerals I - IX of the index determine the "main subject". Therefore, you will first need to determine if the information you are seeking pertains to a: New application, amendment, transfer, exchange, unique use, voided permits, instream flows, cease & desist orders, IWRB orders, extensions of time or well drillers.

2. The second step is to determine the sub-category of the main subjects listed above. These are listed in the table of contents under letters A -D.

3. In some cases, you will need to take the process one more step by determining the specific issue being addressed. These issues are listed under numbers 1 - 6 of the table of contents.

Here is an example:

You wish to locate any precedential agency orders issued in reference to a new application for surface water. The application is being protested because of potential impact on other water rights.

1. First determine the "main subject." i.e. New Application.
2. Determine the sub-category. i.e. Surface Water.
3. Determine the specific issue being addressed. i.e. Impact on other water rights.

- I. New Applications
- B. Surface Water
2. Impact on Other Water Rights

(These are found on page 12)

On page 12 of the index is a short narrative of each precedential

order issued that addresses this topic. Should you wish to look at the entire order, it can be obtained from the water right file.

The indexes will need to be maintained and updated as each precedential agency order is issued. The hearing officer is responsible for writing a short synopsis or narrative of the issues and principles after the Department issues a final order. The narrative should also include the key words such as the main subject, sub-category, and specific issue being addressed as described above. This narrative should be forwarded to the Water Allocations Bureau Chief who will decide on its "precedence" to the agency. If a determination is made to include it in the index, the narrative will then be forwarded to Karen Gustafson who will add it to the index and make copies of the appropriate pages to forward to the regional offices. The Precedential Agency Order Index will be maintained in the same manner as the Administrative Memorandum Index.

The indexes are to be on file for public use. However, during the compilation process, we have found that the indexes can also be a useful tool for Department Hearing Officers to use to obtain orders or specific language to use when preparing another order in reference to the same subject.

Attachments to the Memorandum to Regional Offices Only:  
Initial Subject Index of Precedential Agency Orders  
Initial Name Index of Precedential Agency Orders

State Office Index can be found in Karen Gustafson's office

NAME INDEX OF PRECEDENTIAL AGENCY ORDERS

Anthony, George	51-07128A
Bloch, Thomas	63-11297
Bruneau Buckaroo Coop Ditch	51-00004B
Connolly, Wallace	63-11505
Dept of Fish & Game	63-11705
Dobson, Steve et al	65-03104
Enright, Lee	37-00863
Faulkner Land & Livestock	37-08005
Gardiner, Nathan	43-02409
James, Larry	63-08825
Matthews, Ennis B	45-00087B
Pisces Investment Inc	36-08356
Rim Ranches	63-11551 and 63-11474
Roundy, William and Barbara	31-02319 and 31-02320
Ruhter, Devon	47-07524
Schwendiman, David/Val et al	22-07484
Seefried, William	34-07171
Simonson, Von N	13-07451
Spillet, James Juan	41-00013 and 41-00008

SUBJECT INDEX OF PRECEDENTIAL AGENCY ORDERS

I. New Applications . . . . . - 1 -  
    A. General . . . . . - 1 -  
        1. Voiding Applications . . . . . - 1 -  
  
Pages 2 -10 are RESERVED for future reference . . . . . - 2 -  
    B. Surface Water . . . . . - 11 -  
        1. Sufficiency of Water Supply . . . . . - 11 -  
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        2. Enlargement . . . . . - 62 -  
        3. Impact on Other Rights . . . . . - 63 -  
        4. Public Interest . . . . . - 64 -  
        5. Conservation of Water . . . . . - 65 -  
  
Pages 66 - 70 are RESERVED for future reference . . . . . - 66 -

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IV.	Exchanges . . . . .	- 81 -
A.	Surface Water . . . . .	- 81 -
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B.	Ground Water . . . . .	- 91 -
	Pages 92 - 100 are RESERVED for future reference . . . . .	- 92 -
V.	Unique Uses . . . . .	- 101 -
A.	Fish Propagation . . . . .	- 101 -
B.	Power . . . . .	- 102 -
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D.	Industrial and Commercial . . . . .	- 104 -
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**MEMORANDUM**

**To:** Regional Offices  
Adjudication Bureau  
Water Allocation Bureau  
Resource Protection Bureau

Administrative Memorandum  
Miscellaneous No. 11

**From:** Norman C. Young *NCY*

**RE:** AVAILABILITY OF AGENCY GUIDANCE DOCUMENTS

**Date:** May 9, 1995

Section 67-5250, Idaho Code, provides that each agency shall index all guidance documents by subject. It also provides that the index and agency guidance documents shall be available for public inspection and copying at cost in the main office and regional offices of each agency.

"Agency guidance" means all written documents, other than rules, orders and pre-decisional material that are intended to guide agency actions affecting the rights and interests of persons outside the agency. "Agency guidance" shall include memoranda, manuals, policy statements, interpretations of law or rules and material that are of general applicability, whether prepared by the agency alone or jointly with other persons.

Typical information used by the department for "agency guidance" includes but is not limited to the following compilations:

1. Administrator's memorandums issued through the years in connection with various programs.
  - a. Many of these memorandums have either been superceded by promulgated rules, by changed statutes or changed procedures.
  - b. Julie Yarbrough has an up-to-date index for Administrator's Memorandums related to Resource Protection Bureau programs and Water Allocation Bureau programs. She will provide a copy of the index upon request.
2. SCA Protection Specialist Handbook - Vols. 1 and 2.
3. Field Examiner's Handbook.
4. Adjudication Claim Investigation Handbook.
5. Watermaster Handbook - March 1993.

In order to comply with Section 67-5250, Idaho Code, please inventory the types of guidance documents that are available for public inspection and use within the regional offices and other appropriate work units of Water Management Division. If your files are not complete, please seek and obtain the missing information and make sure it is available for public inspection and copying.

# ADMINISTRATOR'S MEMORANDUM

MISCELLANEOUS NO. 12

**TO:** Employees, Contractors and Other Representatives of the Idaho Department of Water Resources

**FROM:** *MS* L. Glen Saxton, Administrator, Water Management Division

**RE:** ENTRY UPON PRIVATE PROPERTY FOR ROUTINE (NON-ENFORCEMENT) INVESTIGATIONS AND DATA COLLECTION

**DATE:** September 16, 2003

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The Idaho Department of Water Resources ("IDWR") has responsibility for various programs that require entering private property to make investigations and collect data. This memorandum provides guidance on exercising the authority provided by state law for representatives of IDWR to enter private property for purposes of data collection and other non-enforcement related investigations.

Several statutes provide authority for the Director and employees of IDWR to enter upon private land to perform IDWR's statutory duties:

1. Idaho Code § 42-1701(5) authorizes the director and/or employees of the department of water resources to "make reasonable entry upon any lands in the state for the purpose of making investigations and surveys, or for other purposes necessary to carry out the duties imposed by law." (emphasis added).
2. Idaho Code § 42-709(3) authorizes the district hydrographer and assistants to "make reasonable entry upon any lands in the state for the purpose of making water measurements or in direct support of making water measurements." (emphasis added).
3. Idaho Code § 42-237a(d) authorizes the director in administering and enforcing the provisions of the Ground Water Act to "go upon all lands, both

public and private, for the purpose of inspecting wells, pumps, casings, pipes, and fittings, including wells used or claimed to be used for domestic purposes.”

A deputy attorney general previously described the authority of the Director and IDWR employees to enter private land as follows:

I would conclude that generally the agents of the director may freely enter the property of others in the pursuit of their duty for the department. However, please note that the legislature has said that the director must make “reasonable entry” in the pursuit of his duty. I interpret this to mean that when possible the agents of the department should make contact with the land owner and inform him of the intent and request permission to enter upon his property to perform their duties.

Informal guidance letter by Robert M. MacConnell, Deputy Attorney General, September 22, 1976.

#### **GUIDANCE TO EMPLOYEES AND OTHER REPRESENTATIVES OF IDWR**

The common sense guidance in Mr. MacConnell’s letter is still appropriate. Accordingly, employees of IDWR, water districts, measurement districts, and those persons performing work under contract with IDWR (herein collectively called “IDWR representatives”) are to comply with the following guidance:

1. Reasonable efforts should be made to obtain the permission of the owner, operator or other representative of the person controlling the property (herein called the “owner”). When asking the owner for permission, IDWR representatives should not aggressively assert that they have legal authority to enter without the owner’s permission. If permission is refused, the determination that it is necessary and appropriate to assert the Director’s statutory authority and the appropriate process to gain entry will be deferred to IDWR administration (see Paragraph 7).
2. When acting for IDWR, only enter private lands when necessary to carry out the departmental duties for which you have responsibility. If you do not know whether a parcel of land is privately owned, assume that it is until information is available to show it is publicly owned.
3. Whenever practical, make an appointment by either writing or telephoning the owner in advance of traveling to the site. If consultation with the owner is not needed during the field inspection, permission may be obtained to make the inspection without the owner in

attendance. If the project involves visiting a number of sites in an area, a press release should be made in addition to making appointments with the owners.

4. If you did not make an appointment, locate the owner or the person in charge to explain the purpose of your visit. Request permission to access the property to perform the investigation or other activity. In locating the owner or person in charge, it is reasonable to use roads, walkways, or other facilities that would normally be used by visitors to the property.

5. Do not enter any residence or other closed-in building without the permission of the owner. If you have reason to believe that the owner is in a building but you are not able to get his/her attention, wait outside, try to locate other representatives of the owner, or call on the telephone.

6. If a reasonable effort has been made to contact the owner, but he/she cannot be located, enter private property to make an inspection or other activity only if:

a. You have arranged in advance with the owner to do so without the owner being present; or

b. You are merely collecting information about parameters such as point of diversion, place of use, or meter readings and do not need to enter a building or other area for which the owner has an expectation of privacy (such as the area near a residence, areas near to animals that may be disturbed or fields or other areas clearly marked as closed to entry); and

c. The property is not marked with signs forbidding entry or you have not otherwise been told not to enter the property. Idaho Code § 18-7008 provides that fence posts painted orange (red seems also to be used in some areas) is a recognized way of posting property against trespass.

7. If entry to the property is denied, request permission to come back at a more convenient time. If the owner still refuses, thank him/her for the time spent with you and leave promptly on as good of terms as possible. Make a note of the time, date and reason given for denial, and report the information to your supervisor or the regional manager. The division administrator, and the department's deputy attorney general, then must be consulted in order to determine whether IDWR should exercise its statutory authority to access the property.

8. Miscellaneous:

a. This memorandum does not apply to investigations for the purpose of verifying that a violation of the law has occurred or to investigations related to enforcement of ongoing violations.

b. The guidance above does not apply to entry of property on Indian reservations. Contact IDWR's deputy attorney general for specific guidance when entry is needed on reservation lands.

c. The guidance above can be altered for routine visits to a site (such as measuring or monitoring of water diversions or water levels in a district or observation well network) by making advance arrangements with the owner for the use of appropriate ingress/egress routes, the obtaining of necessary keys, etc. The guidance is not intended to require additional contact with the owner before continuing existing routine monitoring programs.

d. As part of each visit during which the owner is not present, the IDWR representative should leave a dated business card at the site to confirm for the owner that entry was made as prearranged. Often the owner will appreciate a note conveying the results of the measurement or other activity.

e. Contact should be made with the appropriate officials responsible for managing state or federal lands and facilities prior to entering for investigation purposes.

f. IDWR representatives should carry and display to the owner a photo ID card issued by IDWR and should leave a business card with the owner. The representative should be prepared to put the owner in contact with his/her supervisor or other IDWR official that can confirm the validity of the request to enter the property.

g. If brought to the attention of IDWR representatives, IDWR representatives should be cognizant of concerns relative to spreading animal disease (such as hoof and mouth disease) and plant diseases (such as late blight). Equipment, boots, and clothing may need to be sanitized appropriately. If an outbreak is known to be occurring, specific guidance should be sought from IDWR management prior to commencing field work in the area. Do not enter feedlots, milking barns, or row crop fields without specific permission from the owner. Stay on clearly traveled roads and paths unless otherwise directed by the owner.

h. IDWR representatives should not cause damage to property or inconvenience the owner. When reading meters or making other inspections, IDWR representatives should not turn on or off, adjust or modify any pumping or other equipment. Close all gates that you have opened, pump house doors or covers, and return any meter/pipe insulation to the position found to minimize effects of freezing in the winter or other adverse weather conditions.

## Administrator's Memorandum

To: IDWR Staff

From: L. Glen Saxton   
Administrator  
Water Management Division

Miscellaneous Memo #13

Date: April 25, 2005

Re: **Guidelines for Communication with Outside Attorneys**

IDWR staff are often contacted by outside attorneys. As IDWR is and will be involved in litigation, including judicial cases and contested administrative proceedings, there is a need for guidelines regarding when staff should contact the appropriate Deputy Attorney General assigned to IDWR prior to providing a response, access to files, or other information.

There are three basic questions to ask yourself prior to speaking with an outside attorney:

1. Is the matter to be discussed currently in litigation?
2. Is the matter to be discussed the subject of potential litigation?
3. Is the matter to be discussed a routine matter, not the subject of current or potential litigation?

### **I. What to do if contacted on a matter currently in litigation.**

- If the discussion concerns a matter that is currently in litigation, you should not discuss it with opposing counsel. Respectfully and courteously inform the individual that you cannot do so. Direct the outside attorney to the appropriate Deputy Attorney General and inform the Deputy Attorney General of the contact.
- If you are involved in negotiations on a SRBA subcase, inform the assigned Deputy Attorney General of the negotiations and defer to the Deputy's discretion regarding his or her involvement in the negotiations.
- If the matter you are being contacted about is more than a procedural matter, in other words discussing the merits of the case, involve the Deputy Attorney General.

**II. What to do if contacted on a matter that is likely to be the subject of litigation.**

- Seek advice from a Deputy Attorney General prior to responding.
- If it is not possible to seek the advice of counsel, respectfully and politely say that you cannot speak on the issue at this time.
- For the SRBA, if you suspect at the pre-investigation phase that an issue is going to be litigated, involve your Deputy Attorney General in the discussions.
- Think before you respond! Remember what you say may be used against the agency in the future.

**III. What to do if contacted by an attorney on a routine matter, not the subject of current or potential litigation.**

- Use your best judgment. Refer the attorney to the appropriate Deputy Attorney General on issues that are not routine.
- If during the discussion a matter is raised that is currently in litigation or that is the subject of potential litigation, please follow the guidelines under sections I and II above.

**These guidelines are general in nature.** It may be more difficult for the staff working on the SRBA to identify matters in "litigation" or the potential subject of litigation because the SRBA is itself an ongoing lawsuit. In general, follow these guidelines and when in doubt contact an IDWR Deputy Attorney General and discuss the concerns.

# ADMINISTRATIVE MEMORANDUM

Miscellaneous Memo No. 14

TO: Water Management and Planning & Technical Services Divisions  
From: <sup>Dm</sup> Dave Tuthill and Hal Anderson  
RE: Water Level Measurement Equipment Disinfection Procedure  
Date: September 7, 2006

In an effort to ensure that no source water contamination occurs during the collection of water level measurement data, all IDWR employees engaged in measurement of water levels in wells will follow the guidance on equipment disinfection contained in USGS Handbook for Water Resources Investigations (Book 9, Chapter A3), copy attached to this memorandum.



Water Resources--Office of Water Quality

# National Field Manual for the Collection of Water-Quality Data



Techniques of Water-Resources Investigations  
Book 9  
Handbooks for Water-Resources Investigations

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## Foreword

The mission of the Water Resources Discipline of the U.S. Geological Survey (USGS) is to provide the information and understanding needed for wise management of the Nation's water resources. Inherent in this mission is the responsibility to collect data that accurately describe the physical, chemical, and biological attributes of water systems. These data are used for environmental and resource assessments by the USGS, other government agencies and scientific organizations, and the general public. Reliable and quality-assured data are essential to the credibility and impartiality of the water-resources appraisals carried out by the USGS.

The development and use of a *National Field Manual* is necessary to achieve consistency in the scientific methods and procedures used, to document those methods and procedures, and to maintain technical expertise. USGS field personnel use this manual to ensure that the data collected are of the quality required to fulfill our mission.

(signed)

Robert M. Hirsch  
Associate Director for Water

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*[Return to Water Quality Information Pages](#)*  
*Maintainer: Office of Water Quality*  
*Webversion by: Genevieve Comfort*  
*Last Modified: 11Sept03 imc*

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**Techniques of Water-Resources Investigations**

**Book 9**  
**Handbooks for Water-Resources Investigations**

**National Field Manual**  
**for the Collection of**  
**Water-Quality Data**



**Chapter A3.**  
**CLEANING OF**  
**EQUIPMENT FOR**  
**WATER SAMPLING**

*Revised 2004*  
*Edited by Franceska D. Wilde*



*When cleaning the flowthrough chamber:*

1. Clean the flowthrough chamber in the workplace laboratory with detergent solution and rinse thoroughly with tap water, followed by DIW. **Do not use acid solution or methanol.**
  2. If the flowthrough chamber needs to be field cleaned, remove measurement sensors and clean with a dilute detergent solution; rinse thoroughly with tap water followed by DIW. If using the flowthrough cell of a multiparameter instrument, follow the manufacturer's instructions for cleaning the cell
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### 3.3.7 RADON SAMPLER

*To clean radon samplers:*

1. Soak radon samplers in a detergent solution for 10 minutes.
  2. Rinse thoroughly with tap water to remove detergent residue, followed by three to five rinses with DIW.
  3. Air dry the radon sampler and store in doubled plastic bags. **Do not use methanol on radon sampling equipment.**
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### 3.3.8 WELL TAPES

Always inspect and clean well tapes after each use. Procedure 1 below describes general cleaning instructions for electric and steel tapes that are used to measure water levels in monitor or observation wells that do not have fecal contamination. Procedure 2 below describes disinfection instructions for well tapes that are used to measure water levels in wells susceptible to fecal contamination, including public-supply and domestic wells.

- ▶ Before using these procedures, check with the well owner or wellfield project manager to determine whether site restrictions would be compromised by the use of any of the cleaning substances described.
- ▶ Check the instructions provided by the manufacturer before using a cleaning or disinfection agent on your electric tape other than laboratory detergent and water.
- ▶ The term "electric tape" is used here to include the sensor and other wetted parts of electronic instruments that are used to measure water levels in wells.
- ▶ Spread clean plastic sheeting on the surface over which the tape will be cleaned, to prevent the tape from contacting the ground or other potential sources of contamination.

**PROCEDURE 1.** This cleaning procedure contains two options for cleaning well tapes used in monitor or observation wells **that are not susceptible to fecal contamination**, and therefore do not require disinfection. Option A is the standard procedure for cleaning well tapes when no oily substance is present on the water table. Option B describes how to clean oil residues from the well tape. Inspect the well tape before starting the cleaning procedure to determine whether Option A or Option B should be used.

***Option A: Cleaning an electric or steel tape where no oily residue is noticeable on the tape:***

When using an electric tape and sensor equipment, follow the manufacturer's instructions for equipment care and cleaning. Steps 1 through 3 can be used in the absence of manufacturer's instructions.

1. Wash the tape with a nonphosphate, 0.1- to 2-percent laboratory detergent solution (for example, Liqui-Nox<sup>8</sup>), using a soft cloth or a soft brush.
2. Rinse the tape thoroughly with DIW or tap water to remove all traces of the detergent solution.

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<sup>8</sup>Liqui-Nox and Detergent 8 are products of Alconox, Inc. Reference to these products is for descriptive purposes only and does not imply endorsement by the U.S. Geological Survey.

3. Dry the electric or steel tape with a clean, soft cloth, and rewind the tape onto the reel. Place the tape into a clean plastic bag for transport and storage.

**Recommendation:** If the tape will be stored for a month or more, put a drying agent such as a silica-gel packet into the plastic bag before sealing the bag.

***Option B: Cleaning an electric or steel tape that is coated with oil:***

When cleaning an electric tape, check with the manufacturer before exposing the tape to a solvent. This procedure should be carried out away from the well site.

1. Wearing solvent-resistant disposable gloves, prepare a nonphosphate, laboratory detergent solution (for example, 10-percent Liqui-Nox or 3-percent Detergent 8).
2. Use a soft brush, a clean terry cloth, or a sponge that is saturated with the detergent solution to remove oil from the wetted portion of the tape.
3. If an oily residue persists, use a clean cloth wetted with a solvent (such as a 10-percent naphtha solution or a 70-percent ethanol, methanol, or acetone solution) and wipe down the oily portions of the tape. Allow the tape to air dry in a well-ventilated area.
4. Using tap water or DIW, thoroughly rinse the detergent from the tape, and then dry the tape with a clean cloth.
5. Rewind the tape onto the reel and place it into a clean plastic bag for storage and transport.

**Recommendation:** If the tape will be stored for a month or more, put a drying agent such as a silica-gel packet into the plastic bag before sealing the bag.

**Caution:** Solvents mentioned above are flammable, explosive, and produce noxious fumes. Store these solvents in appropriate solvent-resistant containers that can be tightly capped and that are clearly labeled with its contents and hazards. A Material Safety Data Sheet (MSDS) must be displayed in the vicinity where the solvent is stored. Always wear disposable, solvent-resistant (for example, nitrile) gloves when working with solvents or other chemical substances. Do not leave the solvent in the sun or in a hot vehicle.

**PROCEDURE 2.** A well tape should be disinfected when it is being used to measure water levels in public-supply or domestic wells, or in wells susceptible to fecal contamination from other human or animal operations. **Begin Procedure 2 with a well tape that has been cleaned with a detergent solution, as described above in Procedure 1.**

*Disinfecting an electric or steel tape:*

1. Select a disinfectant: either a chlorine bleach solution (described below) or a methyl or ethyl alcohol solution. If using bleach, prepare a dilute 50 mg/L (0.005 percent) solution of common household chlorine bleach (1 mL of bleach to 900 mL water<sup>9</sup>). **If using an electric tape, check with the manufacturer before exposing the tape and related equipment to a solvent.**
  - a. Label a polyethylene sample bottle as "Well-Tape Disinfectant" and record the date of preparation, using an indelible marker. The bleach solution should be prepared fresh for each day of use (NFM 7.3).
  - b. Fill the bottle with the dilute disinfectant solution. Cap the bottle tightly, and double-bag it in a ziplock plastic bag for transport.
2. At the well site, put on disposable gloves. Wet a clean cloth with the disinfectant solution and use it to wipe down the section of the tape that was submerged in the well water.
3. Rinse the tape thoroughly with DIW or tap water. Using another clean cloth, wet and wipe the surface of the well tape through the entire chalked and wetted sections of the tape. Be thorough when rinsing bleach solution from a well tape; prolonged exposure of the tape to chlorine bleach can damage the tape.
4. Using a clean dry cloth, dry the steel tape thoroughly to prevent it from rusting.
5. Rewind the tape onto the reel and place it into a clean plastic bag for storage and transport.

**Recommendation:** If the tape will be stored for a month or more, put a drying agent such as a silica-gel packet into the plastic bag before sealing the bag.

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<sup>9</sup>Prepare a 0.02 percent (200 mg/L) solution if pH is less than 6 or greater than 8 (NFM 7.3)

## ADMINISTRATOR'S MEMORANDUM

To: Water Management Division

Miscellaneous Memorandum #15

From: Gary Spackman *Gary*

Date: June 4, 2007

Re: **Multiple Pumps in a Single Well for Domestic Purposes**

This memorandum explains the Department's standards for considering an application for drilling permit to drill a single well in which multiple pumps will be placed, and where each pump is intended to supply an individual domestic ground water use as defined in Idaho Code § 42-111.

### Regulatory Authorization

Idaho Code § 42-235 states:

Prior to beginning construction of any well, or changing the construction of any well, the driller or well owner shall obtain a permit from the director of the department of water resource to protect the public health, safety and welfare and the environment, and to prevent the waste of water or mixture of water from different aquifers. There shall be a seventy-five dollar (\$75.00) charge for the permit if the well is to be used for domestic or monitoring purposes. If the well is to be used for other than domestic or monitoring purposes, the charge for the permit shall be two hundred dollars (\$200).

Idaho Code § 42-111 defines whether the well proposed by the drilling permit application is "to be used for domestic . . . purposes." Section 42-111 defines "domestic purposes" as:

- a) The use of water for homes, organization camps, public campgrounds livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000 gallons per day.) or
- b) Any other uses, if the total use does not exceed a diversion rate of four one-hundreds (0.04) cubic feet per second and a diversion volume of twenty five hundred gallons per day."

Domestic purposes or uses do not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments unless the use meets the diversion rate and volume limitations listed in part b, above.

Idaho Code § 42-227 provides that the use of wells for domestic purposes will not be subject to water right application and permit requirements.

The Idaho Code does not expressly state whether a single well with multiple pumps in the well providing water to separate uses, each of which would qualify as a domestic use, is a well drilled for “domestic purposes.”

The Department will interpret an application for drilling permit to construct a single well that will house separate pumps and associated separate delivery systems as an application to drill a well for domestic purposes provided each individual pump and delivery system satisfies the limitations of Idaho Code § 42-111.

Applicants seeking a drilling permit for a domestic well that will house more than one pump must obtain written approval from the Department to construct the well (Start cards cannot be used as the drilling permit for these wells).

Idaho Well Construction Rules establish minimum construction standards to prevent the waste and contamination of water. Installation of multiple pumps in a well elevates the possibility of violation of the standards. For instance, multiple holes in the casing for pitless adaptors and electrical supply for each pump may compromise well seals or the integrity of the well casing.

The Department will not authorize installation of more than two pumps in an individual well unless the users petition the Department for approval and are able to document that:

1. The multiple pumps will not create a waste or contaminant the ground water.
2. The multiple pumps will not compromise the well construction and/or the well casing.
3. The use of the well for multiple users does not violate Idaho Department of Environmental Quality standards for public drinking water systems.

**Drilling Permit Conditions:**

The following Permit Conditions should be part of any drilling permit where two pumps will be installed in a single well for two separate domestic water users as described above.

- 1) The permit holder assumes the risk that uses of ground water through multiple, independent diversion and delivery systems installed in the well may not each be recognized as separate domestic uses.
- 2) No more than two users may divert water from this well.
- 3) Each user must have their own pump, pitless adaptor, and power source. Each domestic use is limited to the use as defined under Section 42-111a, *Idaho Code*.
- 4) Each user is limited to irrigation of one half (1/2) acre of lawn and garden.
- 5) DEQ and the local Heath District prohibit cross connection between private wells and dwellings supplied by public water systems. If the water users plan to connect the private shared well to their homes, the homeowners must disconnect from the public water system.
- 6) Connecting to this well does not relieve one of any charges that may be levied by the public water system.
- 7) The Department of Water Resources holds the applicant or property owner upon whose property the well resides responsible for upkeep and maintenance of the well.
- 8) Any disputes regarding the use of the well, maintenance of the well or pumps, easements or access to the well are civil matters between the well users.

*Note – If the use is does not qualify for domestic purposes under Idaho Code § 42-111(1)(a), conditions 3 and 4 would be modified to limit diversion from each system to 0.04 cfs and 2500 gpd.*

## ADMINISTRATOR'S MEMORANDUM

Miscellaneous Memo No. 16

To: Regional Offices  
Water Allocation Bureau  
Adjudication Bureau

From: Gary Spackman 

Re: **CROP CONSUMPTIVE USE DATA FOR WATER RIGHT REVIEW**

Date: February 11, 2008

A University of Idaho report entitled, *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho*, dated September, 2006 was prepared by Richard G. Allen and Clarence W. Robison under contract with IDWR. The report indicates that "[t]he ET and net irrigation water requirement calculations are intended for use in design and management of irrigation systems, for water rights management and consumptive water rights transfers and for hydrologic studies." The data in the report includes water consumption estimates for agricultural crops, a number of native plant systems, and open water systems. Data from the report is available online at the following:

<http://www.kimberly.uidaho.edu/ETIdaho/>

In the past, IDWR has used crop water use data developed as part of the University of Idaho report entitled, *Estimating Consumptive Irrigation Requirements for Crops in Idaho*, dated August, 1983, prepared by R.G. Allen and C.E. Brockway for water right analysis. Data from the 1983 report has been used to support water right transfer applications to change nature of use and water right permit applications requiring mitigation to compensate for potential injury. The 1983 data has also been used in the estimation of irrigation diversion requirements for adjudication claim and water right permit application review. The 1983 data has also been used for review of mitigation plans associated with water right delivery calls under conjunctive management rules, consent agreements associated with water right violations, and other analyses related to water use or water measurement.

The 2006 report indicates that "[t]hese ET calculations supersede calculations previously made for Idaho by Allen and Brockway (1983)." IDWR will no longer accept or prepare new water use estimates (for water right analysis) based on the 1983 Allen and Brockway data.

This memo does not preclude use of other reasonable water use data if used appropriately or if designated as acceptable by statute or other IDWR rule or policy.

## MEMORANDUM

To: IDWR Supervisory Staff  
From: Gary Spackman *Gary S*  
Date: June 16, 2010

RE: Temporary Delegation of Division Administrator(s) duties described in IDWR Policy Documents

Current IDWR policies regarding matters such as employee conduct, alternative work schedules, leave, purchasing, training, moving expenses, overtime hours for covered employees, and travel often require review and approval by a Division Administrator. A link to those policies and others describing approval requirements by a Division Administrator is available under the "Employee Resources" section on WENET.

Because the Division Administrator positions in the Department are currently vacant and will remain vacant for some time, I hereby delegate authority for Division Administrator level functions required in current IDWR policies referenced above to Bureau Chiefs and Region Managers for matters within their areas of responsibility. This will ensure that the business of the Department can continue in an efficient manner until the Division Administrator positions can be filled.

Managers should adhere to current policies in carrying out those duties and should consult with the Financial Manager and/or Human Resources Manager if there are questions. In addition, any capital outlay purchase request should be coordinated with the Financial Manager and further consultation with me if necessary. All adverse actions to an IDWR employee or other matters of a sensitive nature should be approved only after appropriate coordination with the Human Resources Manager and further consultation with me if necessary.

This memo does not delegate authority to hire employees. My approval is required to fill existing or new positions in the Department.