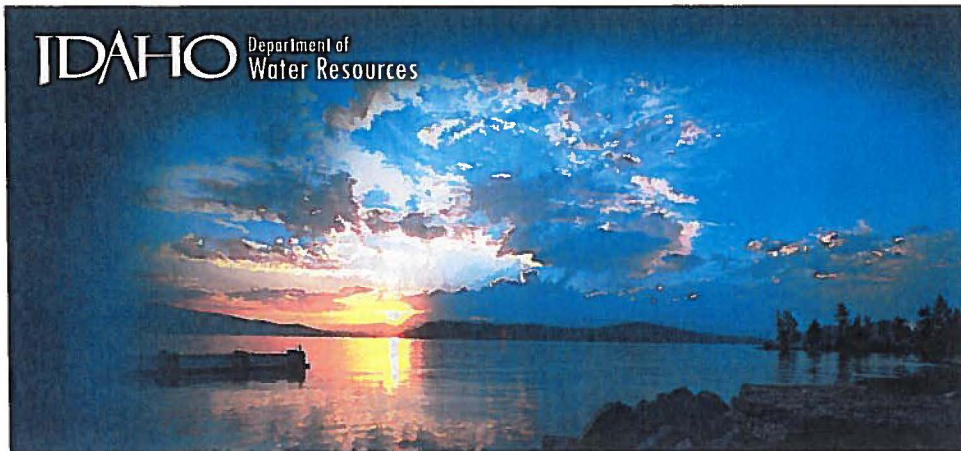




IDAHO Department of Water Resources

RAFN Municipal WRs

Presented by Mathew Weaver
May 23, 2012



IDAHO Department of Water Resources

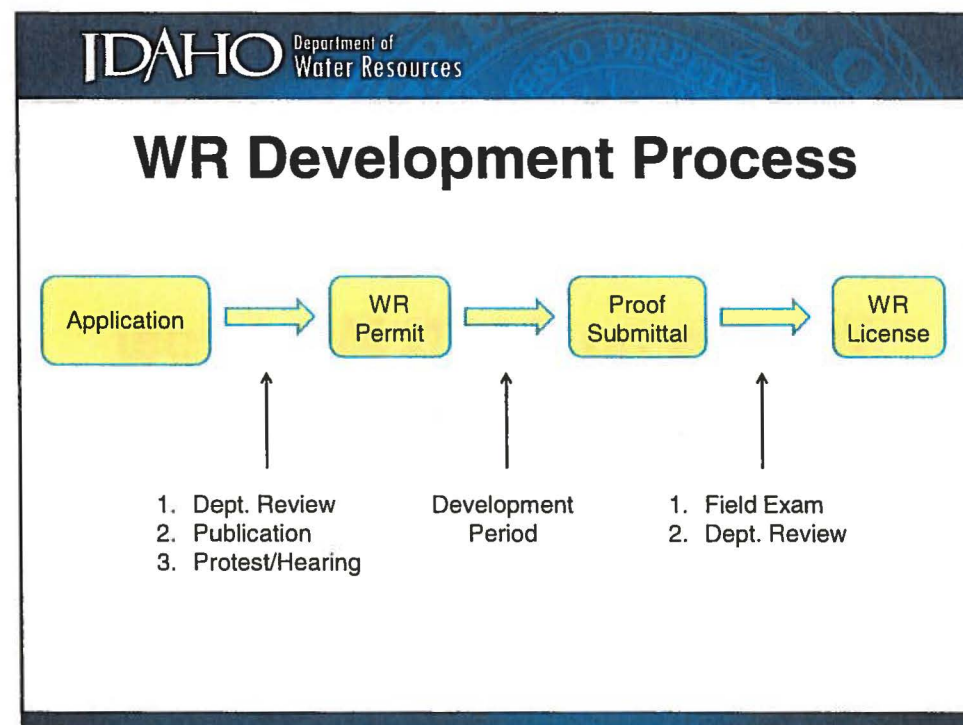
What is an RAFN Municipal Water Right?

IDAHO Department of Water Resources



I.C. §42-202B (5):

***“Reasonably anticipated future needs”** refers to the future uses of water by a municipal provider for municipal purposes within a service area which, on the basis of population and other planning data, are reasonably expected to be required within the planning horizon of each municipality within the service area not inconsistent with comprehensive land use plans approved by each municipality. Reasonably anticipated future needs shall not include uses of water within areas overlapped by conflicting comprehensive land use plans.*







Historic Recognition of Future Needs

1. Municipalities: maximum instantaneous diversion
2. Subdivisions: "stub in" rule



The Unique Thing About RAFNs...

IDAHO
Department of
Water Resources

Municipal Water Right Act: Title 42 Modified in 1996 to Recognize RAFN

- I.C. §42-202 – Application to Appropriate Water
- I.C. §42-202B – Definitions
- I.C. §42-217 – Proof of Application to Beneficial Use
- I.C. §42-219 – Issuance of License
- I.C. §42-222 – Change in Point of Diversion, Place of Use, Period of Use, or Nature of Use Under Established Rights

IDAHO
Department of
Water Resources

RAFN Guidance Material

1. Idaho Code
2. Administrative Rules - None
3. Administrative Memorandums
 - a. Application Processing 63 (RAFN)
 - b. Application Processing 18 (non-RAFN)

IDAHO
Department of
Water Resources

Elements of an RAFN WR

1. Municipal Provider Status
2. Service Area
3. Planning Horizon
4. Population Forecast
5. Future Water Demand

IDAHO
Department of
Water Resources

Municipal Provider

1. A municipality¹ that provides water for municipal purposes to its residents and other users within its service area. **(e.g. incorporated city)**
2. Any corporation or association holding a franchise to supply water for municipal purposes, or a political subdivision of the state of Idaho authorized to supply water for municipal purposes, and which does supply water, for municipal purposes to users within its service area. **(e.g. water and sewer districts, United Water Idaho)**
3. A corporation or association which supplies water for municipal purposes through a water system regulated by the State of Idaho as a "public water supply" as described in section 39-103(12), Idaho Code. **(e.g. Subdivision HOA)**

¹ "Municipality" means a city incorporated under section 50-102, Idaho Code, a county, or the state of Idaho acting through a department or institution.

IDAHO
Department of
Water Resources

Municipal Provider

Qualification standard for a municipal provider has been ruled upon by the Department.

*"The interim director interprets the verb [qualifies] to mean that the applicant must be a municipal provider as defined by Idaho Code 42-202B (5) at the time the application is considered by the Department."*¹

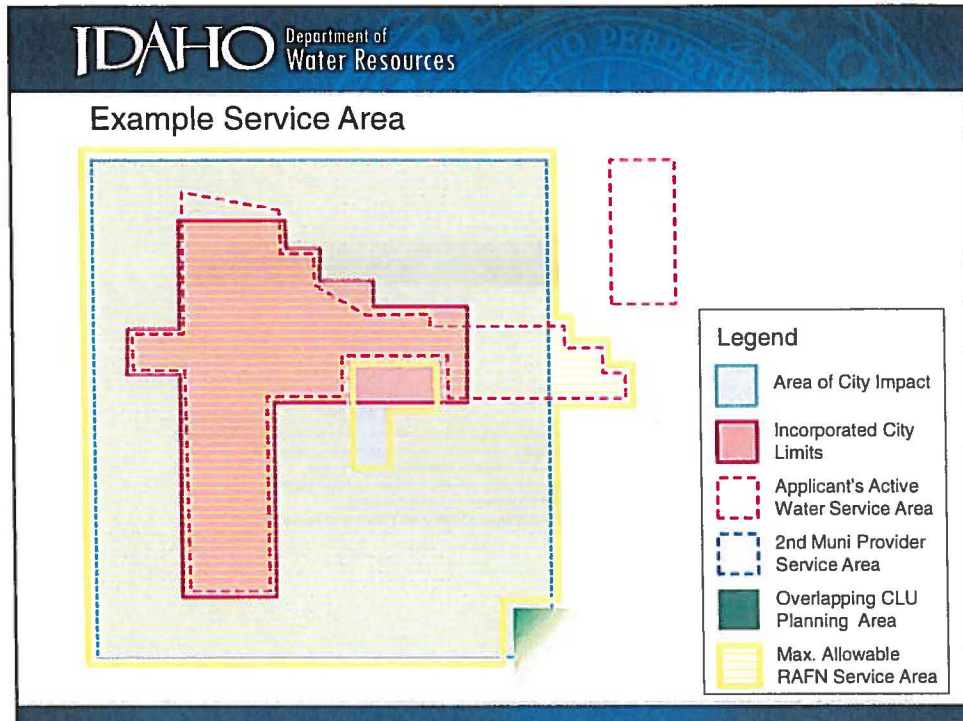
1 Amended Final Order, In the Matter of Application to Appropriate Water No. 63-32573 in the Name of M3 Eagle LLC, dated January 25, 2010.

IDAHO
Department of
Water Resources

Service Area

I.C. §42-202B (9):

"Service area" means that area within which a municipal provider is or becomes entitled or obligated to provide water for municipal purposes. For a municipality, the service area shall correspond to its **corporate limits, or other recognized boundaries, including changes therein after the permit or license is issued.** The service area for a municipality may also include areas outside its corporate limits, or other recognized boundaries, that are within the municipality's **established planning area** if the constructed delivery system for the area shares a **common water distribution system** with lands located within the corporate limits. For a municipal provider that is not a municipality, the service area shall correspond to the area that it is authorized or obligated to serve, including changes therein after the permit or license is issued.



IDAHO Department of Water Resources

Planning Horizon

I.C. §42-202B (7):

"Planning horizon" refers to the length of time that the department determines is **reasonable** for a municipal provider to hold water rights to meet reasonably anticipated future needs. The length of the planning horizon may vary according to the needs of the particular municipal provider.

Summary of Published Recommended Planning Horizons

Published Reference	Planning Horizon (years)
Fair 1971	10 - 50
Prasifka 1988	10 - 100
Dzurik 1996	< 50
Boumann 1998	< 50
Stephenson 2003	10 - 20
AWWA 2007	20 - 40

Fair, Gordon M. Elements of Water Supply and Wastewater Disposal, 2nd Edition. New York, U.S. John Wiley & Sons Inc. 1971
 Prasifka, David W. Current Trends in Water Supply Planning. New York, U.S. Van Nostrand Reinhold Company, 1988
 Dzurik, Andrew A. Water Resources Planning. Maryland, U.S. Rowman & Littlefield Publishers, Inc., 1996
 Boumann, Duane D. et al. Urban Water Management and Planning. United States. McGraw-Hill Companies, 1998
 Stephenson, David. Water Resources Management. The Netherlands. Krips the Print Force, 2003
 AWWA Water Resources Planning AWWA Manual MSO, 2nd Edition. American Water Works Association, 2007

**Summary of Actual Water Planning Documents
and their Respective Adopted Planning Horizon Periods**

Municipality	Planning Horizon (years)	Planning Document Type
Ada & Canyon Counties	25	IDWR Water Demand Study
City of Coeur d'Alene	20	Comprehensive Water Plan
City of Lewiston	20	Master Water Plan
City of Meridian	50	Master Water Plan
City of Nampa	20	Master Water Plan
City of Pocatello	10	Master Water Plan
City of Rexburg	50	2008 Water System Tech. Memo
City of Twin Falls	30	Water Supply Improvement Plan
Rathdrum Prairie Aq.	50	CAMP Water Demand Projections Study
Treasure Valley	50	CAMP Future Water Demand Study
United Water Idaho	55	Water Demand Study

IDAHO
Department of
Water Resources

Population Forecast

1. I.C. §42-202B (8) indicates that RAFN should be based on *"population and other planning data."*
2. Population forecast is critical to determining an RAFN value
3. Population forecast should be based on standard technical methods including regression, extrapolation, and cohort survival models.
4. Models must be evaluated in the current context of the community
5. Final population should coincide with the end of the planning horizon

IDAHO
Department of
Water Resources

Water Demand

1. Future projected water use by a community at the end of the planning horizon
2. Consider residential and non-residential water use
3. Per capita requirements method most common approach
4. Per capita use must be based on analysis of historical water use data
5. Alternative approach to forecasting water need is the "disaggregate requirements analysis"



Speculation?

Causes for Department Concern:

1. Long Planning Horizons (> 20 years)
2. Over Zealous Population Growth Projections
3. Lack of Historical Water Demand Data
4. Lack of Integrated Planning Efforts
5. Lack of Existing WR Portfolio Analysis
 - a. Including WRs of other relevant municipal providers

RAFN History:

2 water rights
6 permits
1 application (approval imminent)

Summary of WRs Identifying RAFN Use as of 5/17/2012

WR Number	Basis	Draft	Div. Rate (CFS)	Current Owner
37-20853	Decreed	N	0.13	STATE OF IDAHO
63-33022	License	Y	3.98	CITY OF NAMPA
95-9009	License	N	5.25	ROSS POINT WATER DIST
63-32835	Permit	N	5.00	CITY OF NAMPA
65-22357	Permit	N	8.60	TAMARACK RESORT LLC
65-23088	Permit	N	8.09	CITY OF FRUITLAND
98-7825	Permit	N	3.80	CITY OF BONNERS FERRY
98-7843	Permit	N	4.90	THREE MILE WATER DISTRICT
63-32573	Permit	Y	23.18	CITY OF EAGLE





Example RAFN License



Page 1

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-33022

Priority: March 31, 2008 Maximum Diversion Rate 4.50 CFS

It is hereby certified that CITY OF NAMPA
411 3RD ST S
Nampa ID 83651 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated March 31, 2008, and has submitted Proof of
Beneficial Use on November 30, 2010. An examination indicates water is diverted from

SOURCE
GROUND WATER

and a water right has been established as follows

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
MUNICIPAL	01/01 to 12/31	4.50 CFS

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER SE1/4 SW1/4 Sec 7 Twp 03N Rge 01W B M CANYON County

CONDITIONS OF APPROVAL

- After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.





Example RAFN License



Page 2

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-33022

- This right authorizes 4.50 cfs for reasonably anticipated future needs for a planning horizon that ends in 2030 within the service area pursuant to Chapter 2, Title 42, Idaho Code.
- The full system capacity necessary to provide water for the reasonably anticipated future needs authorized under this right must be constructed by the end of the designated planning horizon.
- That portion of this right authorized for reasonably anticipated future needs shall not be changed to a place of use outside the service area as defined in Section 42-202B, Idaho Code, or to a new purpose of use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this ____ day of _____, 2011

GARY SPACKMAN
Interim Director

RAFN Pros & Cons

PROS

- Reserve a secured source of water for long term potential future needs & growth
- Complete construction build-out during development period not required
- **One** (or a few) water right application processes vs. **Many**

CONS

- Detailed planning requirements
- Longer Department review & processing timeline
- Large target for protests

Questions & Discussions

