

Update in progress 10/30/2014, see SL if questions until update done

RAFN MUNICIPAL PERMITS/RIGHTS

RAFN = “reasonably anticipated future needs” municipal approval based on population & planning data to establish a planning horizon beyond 5 years in which to achieve full beneficial use of water described by the approval.

RAFN was designed for “growing cities doctrine” to address long-term growth/planning concerns regarding reliable water rights protection for the future. This is an idea imported from Colorado.

Chris Meyer of Givens Pursley was/is “Mr. RAFN,” a chief architect of 1996 Municipal Water Rights Act for statutory changes authorizing these approvals. The other main architect was IDWR Director Karl Dreher. See Application Memo #63, including director’s 1999 letter for more insight into RAFN.

RAFN approval can include application for permit or application for transfer but not application for amendment of permit.

“Full completion of diversion works and beneficial use is not required during the development period of the permit, under specific conditions (Application Memo #18/Licensing Memo #1, 2009). However, RAFN permits still require proof to be filed within 5 years (maximum 10 years if extension approved). ¹

RAFN List in this folder summarizes statewide RAFN filings through mid 2012

- 37-20853 with 1974 priority, resulted from transfer 70087
- 63-32573 protested M3 development, final order with greatly reduced approval, appealed, assigned to City of Eagle, being reconsidered, remains protested
- 65-22357 Tamarack Resort, first Western Region approval (licensing doubtful?) ²
- 95-9009 first RAFN permit & license
- 98-7843 no RAFN conditions of approval, file confirms is RAFN.

United Water has pending protested **IMAP transfer package, about 110 rights, about 300 cfs.** ³ This proposal drove the advent of RAFN in Idaho.

Example of RAFN Rights – also see *RAFN Example* in this folder

Example #1, City of Nampa 63-33022: Applied for a small RAFN application several years ago. Permit issued late 2009. Proof with SPF field exam filed late 2010. Mat Weaver, now Deputy Director, was in WR Section then) reviewed documentation, see his 2012 memo. RAFN license issued by director 6/11/2012 (typo, says 2011, being corrected).

Example #2, Idaho City 63-33888, now most current example to use for processing methods. Applied for a small ground water RAFN application to supplement its Elk Creek rights most likely to be

¹ Conditions of approval cover disconnect between 5 years for proof vs. longer planning horizon for completion.

² Approved prior to 2010 order in M3 proceedings. M3 order would have precluded Tamarack RAFN approval. Financing etc. collapsed, project mostly incomplete, continued legal/financial problems, future uncertain.

³ Includes some amendment of permit applications. Permits being licensed & then will be treated as transfers.

curtailed in water district regulation in near future. SO & Western worked together to use this as RAFN processing training, will result in updates to Appl Memo #xx for RAFN guidelines. Permit approved late October 2014.