

MUNICIPAL APPLS FOR PERMIT

References

- Definitions 42-202B.
- 1996 Municipal Water Rights Act amended 42-202, 42-202B, 42-217, 42-219 & 42-222 for Reasonably Anticipated Future Needs (RAFN) applications.
- Appl. Memo #18 revised 10/19/2009 for non-RAFN filings.
- Appl. Memo #63 revised 6/15/1999 probably not useful anymore.
- Addendum 10/24/2000 to Appl. Memo #63 mostly ok for RAFN filings, consult supervisor.

Seeking Additional Information

- See *WR Form Letters/Municipal/ Non-RAFN*.
Example – Star Sewer & Water District 63-32644.

Municipal Provider Status – Seek Info if Needed

- See 42-202B(5).
- Person cannot be applicant.
- If status unclear, applicant should document work with IPUC/IDEQ for this.
- Condition #134 useful if not clear applicant is municipal provider yet.
Example – SunCor 63-31966.

Non-RAFN (Short-Term) vs. RAFN (Long-Term) Development – Seek Info if Needed

- Non-RAFN application – develop in maximum 5 years, see next page for processing.
- RAFN application – develop > 5 years.
Applicant status, M3 Eagle 63-32573 Order, see bottom of next page.
Requires planning horizon.
Requires population & other planning data.
Condition 109 used.
Condition #134 N/A.
Example – City of Nampa 63-33022.

Service Area – Seek Info if Needed

- Application must include current service area map.
- Map must be sufficiently detailed to create large POU in GIS layer.
- Applicant can provide electronic version.

Legal Notice

- Include standard ad remark from database for service area.
- Remark should replace PLS listing for POU to shorten the ad (Denise usually deletes PLS listing for municipal POU from Workflow ad).

Shape

- Use Large POU procedure.

NON-RAFN, INCORPORATED CITIES & THEIR PROVIDERS

Appl for Permit Information Needed

- Water Requirements – rate and volume parameters for the proposed development per Water Appropriation Rule 40.05.d.i.
- May require other Rule 40 info – water availability, injury etc.
- System Capacity & Demand – applicant should demonstrate existing municipal rights cannot meet existing demand plus additional short-term demand (for next 5 years).¹
- Service Area Map – map should be sufficient to create accurate GIS shape.
- Fire Protection – any portion of proposed rate intended solely for fire protection? Water rights not required for fire protection but can be included as separate use. Water intended solely for fire protection should be subtracted from municipal rate. May need to amend application.
- Application can be amended for RAFN if sufficient information provided. Advances priority.

Permit Approval

- Volume limit N/A unless required for particular reasons – limited source etc.
- Fire protection, if included, must be listed as separate use. Volume limit N/A.
- Condition #190 – proof of b.u. must include report showing new b.u. developed instead of just new POD.²
- Permit cannot be amended to RAFN.

NON-RAFN, ALL OTHER PROVIDERS

Appl for Permit Information Needed

- Same as above.
- Applicant more likely not to have existing municipal rights in this category, so “system capacity & demand” item probably N/A.
- Application can be amended for RAFN if sufficient information provided. Advances priority.

Permit Approval

- Requires municipal volume limit based on Rule 40.05.d.i information provided.
- Fire protection, if included, must be listed as separate use. Volume limit N/A.
- Condition #190 N/A unless applicant already has existing municipal right(s).
- Permit cannot be amended to RAFN municipal.

RAFN APPLICATIONS

Work with supervisor to obtain sufficient information for processing & possible approval.

Applicant status for RAFN: 1/25/2010 Amended Final Order 63-32573 M3 Eagle, applicant must (1) already be a municipal provider, (2) show there is a municipality within the proposed service area that will be served with municipal water, and (3) present evidence about planning horizon, population projections and other planning data of the municipality or municipalities to be served to establish the quantity of water that can be appropriated.

¹ Example of information showing additional right developed in excess of existing rights found in City of Garden City 63-11487, see document “letter supplying evidence.” Although used for licensing, the information submitted after proof was filed might be a good example useful in new applications.

² See footnote #1.