



Water Rights 101 and Strategic Planning for Municipalities

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What's on tap

- Overview of Water Law Basics
- Municipal Preferences and Incentives
- Water Supply Challenges and Opportunities



Water Law Basics

- Western water law concepts
 - Prior appropriation doctrine
 - State implementation
 - IDWR
 - OWRD
 - DOE



What is a water right?

- Key elements
 - Priority date
 - Rate/volume
 - Source
 - Season
 - Terms/conditions



Permits and Certificates

- Permit = initial authorization to develop the system and make beneficial use
- Certificate = final approval/vested rights



Use it or lose it

- General rule = water rights subject to forfeiture/relinquishment after 5 or more years of non-use
- Municipal water rights have special protection



Changes to Existing Rights

- “Transfer” or “Change” process
- Types of changes
 - Place of use
 - Character of use
 - Point of diversion/appropriation
- Standard = “injury” to other rights



Getting New Water Rights

- Application process
- Standard of review = public interest
- General considerations
 - Water availability
 - Ground water/surface water impacts
 - Instream flow protection
 - ESA issues



Municipal Preferences & Incentives

Existing water rights

- Forfeiture protection
- Place of use flexibility
- Extended development period
- Relaxed requirements for certification
- Emergency use authorizations
- System redundancy



Preferences and incentives (con't)

Future Planning / New Water Rights

- Reservations of water
- “Growing communities” doctrine
- Partnership Opportunities
 - Intergovernmental agreements
 - Public/private partnerships



Strategic Planning

- Challenges and Opportunities



Challenges

- “Global” Issues
 - Tribal claims and priority
 - Federal regulation
 - Climate change / drought
 - Increased regulation / distribution
 - Water availability / source limits
 - Increased costs / reduced budgets



Opportunities

- Using municipal preferences to your full advantage
 - Inventory all rights
 - Be aware of flexibility options
 - Learn/know what other states are doing



Opportunities...

- Developing new sources
 - Federal reservoir reauthorizatoin
 - New storage / AR & ASR options
 - Re-use / reclaimed water
 - Conservation – “saved water”



Opportunities...

- Developing new models for water management
 - Conjunctive use
 - Seasonal trades / mitigation for new rights
 - Regional coalitions / intergovernmental cooperation
 - Public / private partnerships



Conclusion

- Unique challenges
- Unique opportunities
- Learn from each other – add new tools



Questions??

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