

# PURCHASE EXISTING WATER RIGHTS

FEBRUARY 2018



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## THREE TYPES CAN BE ACQUIRED

- **DCMI** – DOMESTIC, COMMERCIAL, MUNICIPAL, INDUSTRIAL
- **SURFACE** WATER RIGHTS (IRRIGATION)
- **GROUND** WATER RIGHTS

# ACQUIRING RIGHTS FOR DCMI

- DOMESTIC AND LIVESTOCK, 42-227 EXEMPTED FROM PERMIT REQUIREMENTS
  - 42-111a, OBTAIN A WELL PERMIT, LIMITED TO 13,000 GPD, ½ ACRE IRRIGATION
- COMMERCIAL, ALSO LIMITED EXEMPTION
  - 42-111b, OBTAIN A WELL PERMIT, LIMITED TO 0.04 CFS (18 GPM) & 2,500 GPD
- MUNICIPAL
  - ENCOURAGED TO FILE REASONABLE ANTICIPATED FUTURE NEEDS (RAFN)
  - GROUND WATER AVAILABILITY?
- INDUSTRIAL
  - CONSUMPTIVE VS NON-CONSUMPTIVE
    - CONSUMPTIVE WILL REQUIRE MITIGATION
  - NON-CONSUMPTIVE WILL REQUIRE DETAILED ANALYSIS



# SURFACE WATER RIGHTS

- IRRIGATION DISTRICT
  - STRICTLY LIMITED BY CODE, AREA OF DISTRICT, PHILOSOPHY OF DISTRICT
- CANAL COMPANY
  - LIMITED TO SERVICE AREA
  - PRICE LIMITED BY LIMITED POTENTIAL BUYERS
  - GENERALLY HAVE BEEN 10% VALUE OF GROUNDWATER RIGHTS
  - \$400 TO \$600 PER ACRE
  - REQUIRES WILLING SELLER



# GROUND WATER

- MOST VALUABLE
  - CAN BE MOVED BEYOND BOUNDARIES OF IRRIGATION DISTRICTS AND CANAL COMPANIES
  - CAN BE LIMITED TO BASIN AREA
- MOST ARE “IRRIGATION” WATER RIGHTS...LATE 1940s TO LATE 1980s
  - CAN BE CONVERTED TO OTHER USES THROUGH IDWR TRANSFER PROCESS
- JUNIOR TO SURFACE WATER RIGHTS
  - SUBJECT TO PRIORITY ADMINISTRATION
  - MAY REQUIRE MITIGATION FOR CONTINUED USE



# GROUND WATER (continued)

- PORTABILITY

- FOR EASTERN SNAKE PLAIN AQUIFER, REQUIRES COMPUTER MODELING TO DETERMINE EFFECTS ON SNAKE RIVER REACHES
  - CANNOT EXCEED 2 AF/TRIMESTER OR 10% MORE DEPLETION THAN ORIGINAL
  - CAN BE BLENDED WITH MULTIPLE WATER RIGHTS TO OFFSET NEGATIVE EFFECTS
- FOR SMALLER AMOUNTS (5 ACRES)...USUALLY NOT A PROBLEM
- FOR LARGE AMOUNTS...CAN BE CHALLENGING
  - FIND OFFSETTING WATER RIGHT
  - UNDERSTAND MODELING



## GROUND WATER (continued)

- OTHER BASINS
  - CURRENTLY, NO MODELING REQUIRED
  - MAY REQUIRE TECHNICAL ANALYSIS IF LARGE OR IS PROTESTED

# GROUND WATER VALUE

**GWR = VALUE OF IRRIGATED LAND – VALUE OF NON IRRIGATED LAND**

- SCENIC AREAS EXCEPTED (IE. Sun Valley, Teton Basin)
- SUPPLY AND DEMAND
- SUBJECT TO AG CONDITIONS
- SELL \$4,000 TO \$5,000 PER ACRE
- BUY \$6,000 TO \$8,000 PER ACRE





# QUESTIONS?

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