Rathdrum Prairie Aquifer
Future Water Demand

Appendix A: RPA RAFN SERVICE AREA MEMORANDUM OF UNDERSTANDING
Memorandum of Understanding

Between

City of Post Falls, City of Rathdrum, Avondale Irrigation District, East Greenacres Irrigation District, Greenferry Water and Sewer District, Hauser Lake Water Association, Hayden Lake Irrigation District, North Kootenai Water and Sewer District, Remington Recreational Water and Sewer District, and Ross Point Water District

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the above named Rathdrum Prairie Aquifer municipal water providers to assign service areas in support of applications for Reasonably Anticipate Future Need (RAFN) water rights.

Background

42-202 Idaho Code permits municipal providers of water to apply for RAFN water rights to support future municipal development within projected service areas. Idaho Code §42-202B (9) defines the service area for a municipality as follows:

"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.

At the request of Rathdrum Prairie Aquifer (RPA) municipal water providers, the Idaho Water Resources Board authorized a contract between Idaho Department of Water Resources and the Idaho Water Resources Research Institute (IWRRI) to conduct research and mediate service area boundaries necessary to support possible RAFN applications from providers withdrawing water from the RPA. Agreement on provision of service for all identified overlap areas was reached on November 11, 2014.

Purpose

The purpose of this MOU is to satisfy the requirements of Idaho Code §42-202B (9) by creating a common future service area planning document for municipal water providers withdrawing water from the RPA. This MOU will establish municipal water provider service areas for the 30-year planning period requested by the signatory providers as basis for anticipated RAFN applications. The service areas are generally described on the maps in Appendix A. Specific areas of overlap between an incorporated city’s Area of City Impact planning boundary and other municipal providers’ service areas, and the agreements reached through the mediation process as to who will provide service to those areas, are more specifically described as follows:

City of Rathdrum/East Greenacres Irrigation District

East Greenacres will provide water service to the area generally described as the SW corner of Rathdrum’s Area of City Impact (ACI) and the NE corner of East Greenacres service area north of Wyoming Ave, south of Lancaster Rd and east of Highway 53. RAFN Service Area Mediation Report included as Appendix B describes terms of service agreed to by both parties.

City of Post Falls/East Greenacres Irrigation District

East Greenacres will provide water service to all areas within district boundaries in the City of Post Falls, within district boundaries in the City of Post Falls ACI, and in East Greenacres future service area generally described as
west of the existing district boundary, north of West Seltice Way, south of Highway 53, and east of the Idaho state line.

City of Post Falls/Hayden Lake Irrigation District
Hayden Lake will provide water service to the triangle area within the City of Post Falls ACI generally described as south of W. Prairie Ave, west of N. Huetter Rd, east of N. Meyer Rd, and northeast of the railroad track.

City of Post Falls/Ross Point Water District
Ross Point will provide water service to all areas within its district boundaries in the City of Post Falls, within district boundaries in the City of Post Falls ACI, and in the area generally described as north of the existing district boundary and bounded by a line that runs north on Meyer Rd, west on Hayden Ave, north on Highway 41, west on Wyoming Ave, south on N. Greensferry Rd to the RR tracks, and west to the boundary of East Greenacres Irrigation District.

City of Rathdrum/Avondale Irrigation District:
No overlap. RAFN Service Area Mediation Report included as Appendix C describes terms of service agreed to by both parties.

Future service areas described in Appendix A for Greenferry, Hauser Lake, North Kootenai and Remington do not overlap with any other known RAFN applicants current or future planning boundaries or service areas. The area bounded by N. Huetter Road on the east, N. Meyer Road on the west, W. Hayden Avenue on the south, and W. Emmanuel Avenue on the north is excluded from adjoining Avondale or Hayden Lake’s RAFN service areas by mutual agreement as described in Appendix D.

**Duration**
This MOU shall become effective upon signature by the authorized officials of the municipal providers. This MOU is at-will and may be modified by mutual consent of those signatory providers whose service areas adjoin the area to be modified. The duration of this MOU shall be the same as the provider requested 30-year planning horizon for the IWRRI RAFN research. This MOU shall end on December 31, 2044.
Municipal Water Provider Future Service Area MOU Signature Page

City of Post Falls: signature, title
Date: 12/3/14

City of Rathdrum: signature, title
Date: 12/11/14

Avondale Irrigation District: signature, title
Date: 12/3/2014

East Greenacres Irrigation District: signature, title
Date: 11-24-14

Greeley Water and Sewer District: signature, title
Date: 12/1/2014

Hauser Lake Water Association: signature, title
Date: 12/18/14

Hayden Lake Irrigation District: signature, title
Date: 12/3/14

North Kootenai Water and Sewer District: signature, title
Date: 11/24/14

Remington Rec. Water and Sewer District: signature, title
Date: 02/1/2014

Ross Point Water District: signature, title
Date: 11-24-14
Appendix A: Municipal Water Provider Future Service Area Maps
To:  Brett Boyer, City of Rathdrum  
Ron Wilson, East Greenacres Irrigation District

Re:  RAFN Service Area Mediator’s Report

This memo memorializes the discussions, findings and agreements resulting from IWRRI mediation of an overlap in projected future municipal water provider service areas between the City of Rathdrum (Rathdrum) and East Greenacres Irrigation District (EGID). Authorized representatives of EGID and Rathdrum met separately with the IWRRI mediator on September 8, 2014, October 23, 2014, and October 30, 2014 to discuss resolution of the service area overlap. The area in question is generally described as the SW corner of Rathdrum’s Area of City Impact (ACI) and the NE corner of EGID’s service area. See map below. Each party has had an opportunity to review and comment on this report. No changes were requested.

Findings:

- 42-202(B) Idaho Code restricts type (a) municipal provider (incorporated city) Reasonably Anticipated Future Need (RAFN) service areas to the area included within a planning boundary adopted through public process such as an Area of City Impact.
- 42-202(B) Idaho Code restricts type (b) and (c) municipal providers (water associations, irrigation districts, etc.) RAFN service areas to those areas that such providers are “authorized or obligated” to serve.
- The overlap area is inside Rathdrum’s current Area of City Impact planning boundary.
- The overlap area is within EGID’s federally designated service area.
- EGID currently provides water service in the overlap area.
- Rathdrum does not currently provide water service in the overlap area.
- Rathdrum prefers that Rathdrum provide all city services within city limits, including water service.

Agreements:

- Rathdrum agrees that the overlap area is within EGID’s service area.
- Rathdrum recognizes EGID’s authorization to serve water in the subject area.
• EGID recognizes Rathdrum’s exercise of planning and zoning powers in the subject area.
• EGID recognizes the responsibility of Rathdrum to provide city services other than water in the subject area upon annexation by Rathdrum.
• EGID agrees that it will in good faith enter into negotiations with Rathdrum to provide a mechanism for curtailment of EGID water service to an EGID water customer who is delinquent on payment of their Rathdrum utility bill.

Sincerely

Mark Solomon
To: Brett Boyer, City of Rathdrum  
Bob Chandler, Avondale Irrigation District  

Re: RAFN Service Area Mediation Report  

This memo memorializes the discussions, findings and agreements resulting from IWRRI mediation of an overlap in projected future municipal water provider service areas between the City of Rathdrum (Rathdrum) and Avondale Irrigation District (Avondale). Authorized representatives of Rathdrum and Avondale met to discuss resolution of the service area overlap with the IWRRI mediator on October 23, 2014 and October 28, 2014. The area in question is generally described as west of Heutter Ave., east of Highway 41, and southeast of the railroad tracks. See map below. Each party has had an opportunity to review and comment on this report. No changes were requested.

Findings:

- 42-202(B) Idaho Code restricts type (a) municipal provider (incorporated city) Reasonably Anticipated Future Need (RAFN) service areas to the area included within a planning boundary adopted through public process such as an Area of City Impact.
- 42-202(B) Idaho Code restricts type (b) and (c) municipal providers (water associations, irrigation districts, etc.) RAFN service areas to those areas that such providers are “authorized or obligated” to serve.
- The overlap area is outside Rathdrum’s current Area of City Impact planning boundary.
- Avondale has a signed letter of commitment from the majority landowner in the overlap area requesting that Avondale provide water service to his property at such time that it is developed.

Agreements:

- Rathdrum agrees that the overlap area is outside its current ACI.
- Rathdrum recognizes Avondale’s authorization to serve water in the subject area as evidenced by the letter of commitment from the majority landowner.
- Rathdrum prefers that Avondale not include the subject area in Avondale’s service area.
- Rathdrum prefers that Rathdrum provide all city services within city limits, including water service.
- Avondale recognizes the potential for the subject area to be included in Rathdrum’s ACI and/or to be annexed into Rathdrum prior to extension of Avondale water service to the subject area.
• Avondale is willing to negotiate transfer of RAFN water rights that may accrue to the subject property to Rathdrum in the event that the subject area is included in Rathdrum’s ACI and/or is annexed into Rathdrum prior to extension of Avondale water service to the subject area.
• Rathdrum recognizes that Avondale may extend water service in the subject area prior to the subject areas inclusion in Rathdrum’s ACI or annexation into Rathdrum.
• Avondale agrees that if it extends water service to the subject area and that the subject area is subsequently annexed into Rathdrum, that it will in good faith enter into negotiations with Rathdrum to provide a mechanism for curtailment of Avondale water service to an Avondale customer who is delinquent on payment of their Rathdrum utility bill.

Sincerely

Mark Solomon
November 5, 2014

To: Alan Miller, Hayden Lake Irrigation District
   Bob Chandler, Avondale Irrigation District

Re: RAFN Service Area Mediator’s Report

This memo memorializes the discussions, findings and agreements resulting from IWRRI mediation of an overlap in projected future municipal water provider service areas between Hayden Lake Irrigation District (Hayden) and Avondale Irrigation District (Avondale). Authorized representatives of Hayden and Avondale met with the IWRRI mediator on September 9, 2014 to discuss resolution of the service area overlap. The area in question is generally described as bounded by N. Huetter Road on the east, N. Meyer Road on the west, W. Hayden Avenue on the south, and W. Emmanuel Avenue on the north, otherwise known as the Happy Trails subdivision. See map below. Each party has had an opportunity to review and comment on this report. No changes were requested.

Findings:

- 42-202(B) Idaho Code restricts type (b) and (c) municipal providers (water associations, irrigation districts, etc.) RAFN service areas to those areas that such providers are “authorized or obligated” to serve.
- The overlap area is not within either Hayden’s or Avondale’s current service area.
- Water service in the subject area is currently provided by individual private wells.
- Neither Hayden or Avondale has a letter or other instrument from landowners in the subject area requesting water service or annexation.
Agreements:

- Hayden and Avondale withdraw the subject area from their respective projected service areas until such time as either entity secures letters of commitment or other instruments from subject area landowners expressing desire for provision of water service.

Sincerely,

[Signature]

Mark Solomon