



The Water Report™

Water Rights, Water Quality & Water Solutions in the West

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CONJUNCTIVE MANAGEMENT IN IDAHO

PUBLIC-PRIVATE PARTNERSHIPS & CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER

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Public-Private Partnerships can reduce development risks, provide more cost-effective and timely infrastructure delivery, offer the potential for better ongoing maintenance, and leverage limited public sector resources, all while maintaining the appropriate level of public control over the project. The National Council for Public-Private Partnerships, *Testing Tradition: Assessing the Added Value of Public-Private Partnerships*, 2012 (available at: www.ncppp.org/resources/papers/WhitePaper2012-FinalWeb.pdf).

INTRODUCTION

Application of water to a beneficial use has been a key to the development of the western United States. The primary source of supply was initially surface water but in recent decades the source for new development has shifted to ground water. For many years the impacts of ground water pumping on surface water supplies was ignored across the western United States. Today these conjunctive impacts are widely recognized technically, legally, and administratively. Idaho's experience with conjunctive impacts is one focus of this article.

How do we move forward with optimum water resource development given the recognition of these conjunctive impacts? A second focus of this article is the role public and private entities in Idaho can play by working together to achieve beneficial conjunctive management of interconnected surface and ground water resources in a manner that encourages, promotes and facilitates the optimum development and use of the state's water resources for the overall benefit of the state and its citizens. See *2012 Idaho State Water Plan*, Policy 1E, Idaho Water Resource Board, adopted November 28, 2012, (available at www.idwr.idaho.gov/waterboard/WaterPlanning/StateWaterPlanning/State_Planning.htm).

Fundamental to this discussion is the difference between the terms "conjunctive administration" and "conjunctive management." The former term is now commonly used to refer to the combined priority administration of water rights from hydraulically-connected surface and ground water resources by the Director of the Idaho Department of Water Resources. By contrast, the term conjunctive management is used to refer to "actions other than water rights administration that can be taken to optimize the benefits and value of Idaho's water resources" through maintenance of a sustainable supply in basins where there is a hydraulic connection between ground and surface waters. *Id.* These terms are further discussed below.

This article starts by reviewing legal considerations. It then addresses the significant role of water rights adjudication in Idaho; describes water distribution and delivery entities; provides applications of conjunctive considerations; discusses the role of the private sector in water resource development; suggests implementation of public-private partnerships in the Eastern Snake Plain; and finally offers some insights for the future.

Editor's Note: Conjunctive water administration and management in Idaho has been extensively covered in previous issues of *The Water Report* due to that state's active engagement with the issues. For additional background on Idaho's conjunctive use actions, see the following major articles: Rassier, *TWR* #10; Fereday, *TWR* #40; Budge, *TWR* #64; and Moon, *TWR* #86.