

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 95-9244

Priority: August 27, 2004

Maximum Diversion Rate: 2.00 CFS

Maximum Diversion Volume: 1,450 AF

It is hereby certified that:

NORTH KOOTENAI WATER DISTRICT 13649 N MEYER RD RATHDRUM ID 83858-4904

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 27, 2004, and has submitted Proof of Beneficial Use on June 21, 2011. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	2.00 CFS	1,450 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SW1/4	Sec. 2,	Twp 51N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW1/4SW1/4	Sec. 2,	Twp 51N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW1/4SW1/4	Sec. 2,	Twp 51N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NW1/4NE1/4	Sec. 14,	Twp 51N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW1/4SE1/4	Sec. 15,	Twp 51N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NE1/4SE1/4	Sec. 23,	Twp 51N,	Rge 04W, B.M.	KOOTENAI County
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GROUND WATER	SW1/4SE1/4	Sec. 23,	Twp 51N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW1/4SE1/4	Sec. 23,	Twp 51N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NW1/4SW1/4	Sec. 24,	Twp 51N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SE1/4SE1/4	Sec. 23,	Twp 51N,	Rge 05W, B.M.	KOOTENAI County
GROUND WATER	NE1/4SW1/4	Sec. 32,	Twp 51N,	Rge 05W, B.M.	KOOTENAI County
GROUND WATER	SE1/4SW1/4	Sec. 32,	Twp 51N,	Rge 05W, B.M.	KOOTENAI County
GROUND WATER	SE1/4NE1/4	Sec. 7,	Twp 52N,	Rge 03W, B.M.	KOOTENAI County
GROUND WATER	SW1/4NW1/4	Sec. 8,	Twp 52N,	Rge 03W, B.M.	KOOTENAI County
GROUND WATER	NW1/4SE1/4	Sec. 18,	Twp 52N,	Rge 03W, B.M.	KOOTENAI County
GROUND WATER	NW1/4SE1/4	Sec. 18,	Twp 52N,	Rge 03W, B.M.	KOOTENAI County
GROUND WATER	NE1/4NE1/4	Sec. 6,	Twp 52N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SE1/4SE1/4	Sec. 17,	Twp 52N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SE1/4SE1/4	Sec. 17,	Twp 52N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SE1/4SE1/4	Sec. 17,	Twp 52N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NE1/4NE1/4	Sec. 28,	Twp 52N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NE1/4SE1/4	Sec. 28,	Twp 52N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SE1/4NE1/4	Sec. 33,	Twp 52N,	Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NE1/4NW1/4	Sec. 28,	Twp 53N,	Rge 04W, B.M.	KOOTENAI County

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 95-9244

Conditions of Approval

1. The source of water for this right is limited to the Rathdrum Prairie Aquifer.
2. Place of use is within the service area of North Kootenai Water District as provided for under Idaho law. The place of use is generally located within T49N R3W, T50N R4W, T51N R3W, T51N R4W, T51N R5W, T52N R3W, T52N R4W, T53N R3W, T53N R4W, and T53N R5W.
3. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
4. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the RPGWMA management plan approved by the director, including its conservation goals.
5. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
6. The right holder shall maintain an operational integrated data collection and reporting system that instantaneously reports to a central location relevant pumping and related information, including instantaneous flow rates and cumulative volumes, for each point of diversion authorized under this right. The right holder shall allow the Department and the watermaster with responsibility for administration of this right physical access to view the data collection system at each point of diversion and at the central data monitoring location for regulatory and compliance purposes.
7. The right holder shall maintain records of the maximum daily diversion rate and the total volume of water diverted each day from each point of diversion for this water right for at least the most recent five years. The right holder shall report the water diversion data to the Department as instructed by the Department. The right holder shall report the first 12 months of data, from the date of approval of this license, to the Department within 30 days of the completion of the 12 month period, and shall submit further reports upon request by the Department.
8. When notified by the Department or by a watermaster with responsibility for administration of this right that curtailment by priority is required, the right holder shall cease diverting water pursuant to this right. To accomplish the curtailment, the right holder shall, under the supervision and direction of the Department and the watermaster, use its integrated data collection and reporting system with the accounting system approved by the Department to ensure that the water being diverted does not exceed the authorized diversion rates and volumes for its water rights that remain in priority.
9. If the Department determines use of the right holder's integrated data collection and reporting system with the accounting system is ineffective for administration by priority, the Department may issue an order reducing the points of diversion to one or more of the integrated water systems operated by the right holder. If the Department issues such an order, the right holder shall be entitled to a hearing pursuant to Idaho Code § 42-1701A.

State of Idaho
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10. Noncompliance with any condition of this right is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
11. Rights 95-2144, 95-2205, 95-7138, 95-7185, 95-7231, 95-7271, 95-7713, 95-7763, 95-7827, 95-8522, 95-9639, 95-9129, 95-9199, 95-9217, 95-9244, and 95-10019 when combined shall not exceed a total annual maximum diversion volume of 11,100 af.
12. This right does not grant any right-of-way or easement across the land of another.
13. State endowment land within the municipal service area shall not be considered part of the place of use for this water right absent an express agreement between the Idaho Department of Lands and the municipal provider recorded with the Idaho Department of Water Resources.
14. The diversion and use of water described in this order is subject to additional conditions and limitations agreed to by both Sierra Club/Protestants, and the water right holder under a separate agreement to which the Department is not a party and which is independently enforceable by a court of law. A copy of the separate agreement shall be available in the water right record maintained by the Department.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 5th day of FEBRUARY, 20 21.



ANGELA GRIMM

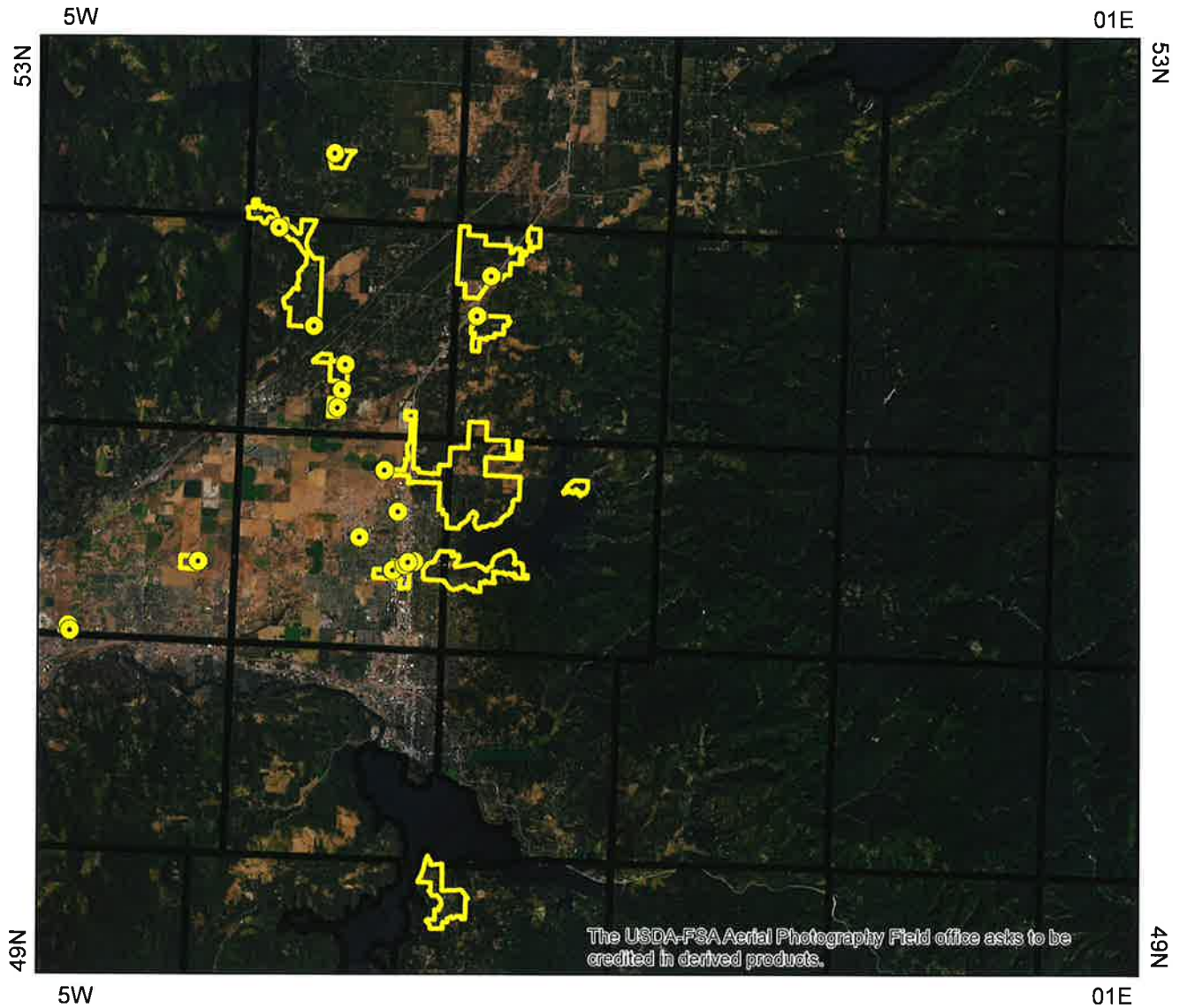
Water Rights Section Manager

North Kootenai Water District

Attachment to Water Right License

95-9244

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 3.25 6.5 13 Miles

- Point of Diversion
- Water Service Area Boundary
- Townships



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 95-09244

RECEIVED

DEC 07 2020

DEPARTMENT OF
WATER RESOURCES

Priority: August 27, 2004

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume: 1,450 AF

Comes now

NORTH KOOTENAI WATER DISTRICT 13649 N MEYER RD RATHDRUM ID 83858

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 95-09244, and requests that the permit be changed as follows:

SOURCE: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>DIVERSION VOLUME</u>
MUNICIPAL	01/01 to 12/31	2.00 CFS	1,450 AF

LOCATION OF POINT(S) OF DIVERSION:

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GROUND WATER	NE1/4NW1/4	Sec. 28,	Twp 53N,	Rge 04W, B.M.	KOOTENAI County

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 4th day of December, 2020.

Oliver Clayton for NKWSO
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 95-09244

FOR DEPARTMENT USE ONLY

Preliminary check by AD Fee = \$ 100.00 Received by KM # C109442 Date 11/2/2020

* FEE
RECEIVED
BEFORE
FORM.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 95-09244 with the following:

Conditions of Approval

1. The source of water for this right is limited to the Rathdrum Prairie Aquifer.
2. Place of use is within the service area of North Kootenai Water District as provided for under Idaho law. The place of use is generally located within T49N R3W, T50N R4W, T51N R3W, T51N R4W, T51N R5W, T52N R3W, T52N R4W, T53N R3W, T53N R4W, and T53N R5W.
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State of Idaho
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APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 95-09244

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14. The diversion and use of water described in this order is subject to additional conditions and limitations agreed to by both Sierra Club/Protestants, and the water right holder under a separate agreement to which the Department is not a party and which is independently enforceable by a court of law. A copy of the separate agreement shall be available in the water right record maintained by the Department.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 5th day of FEBRUARY, 2021.



ANGELA GRIMM

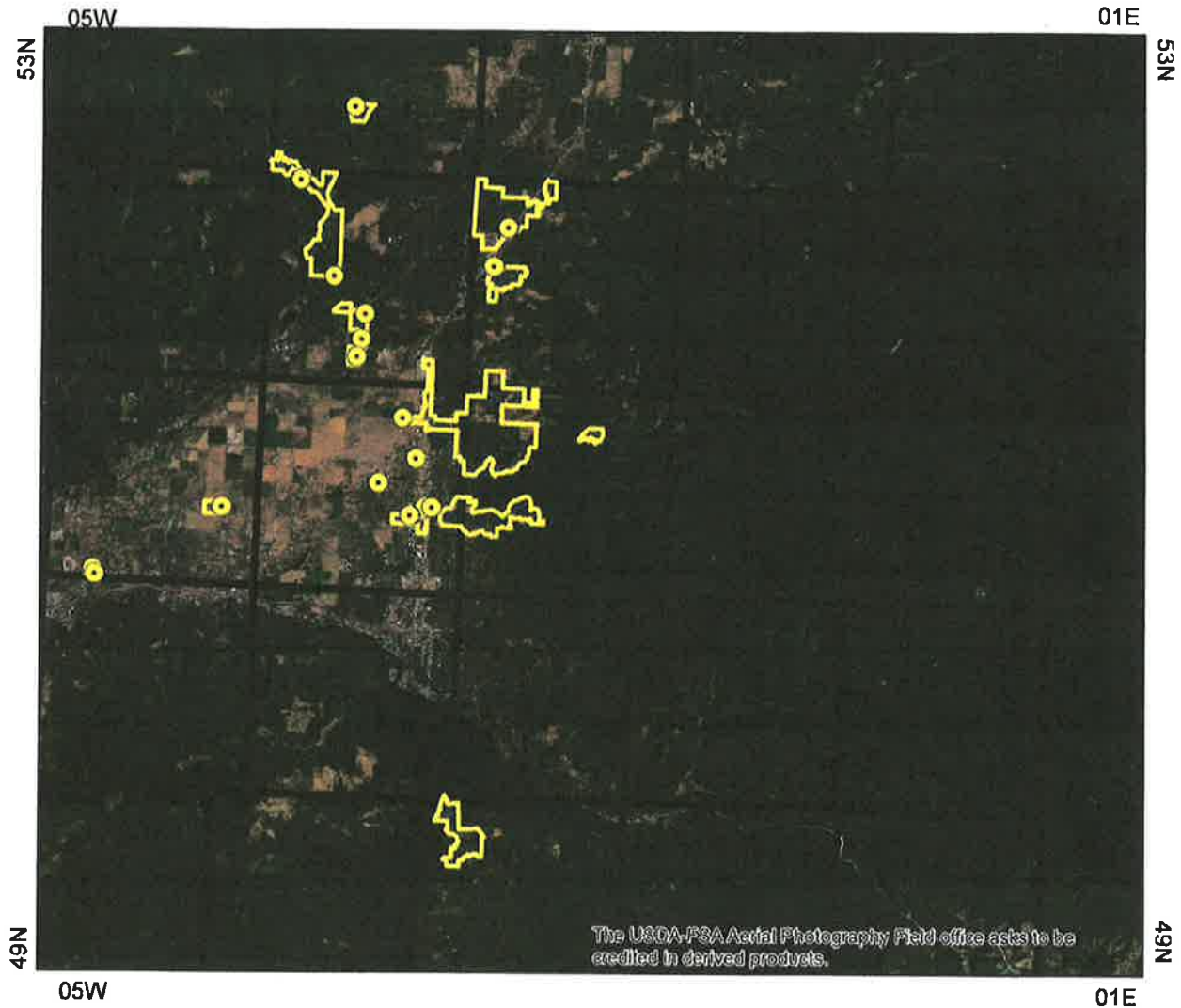
Water Rights Section Manager

North Kootenai Water District

Attachment for Application to Amend a Permit

95-9244

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0 3.25 6.5 13 Miles

- Point of Diversion
- Water Service Area Boundary
- Townships





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

February 8, 2021

NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM ID 83858-4904

RE: License No. 95-9244

Issuance of License

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

Angela Grimm
Water Rights Section Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2021, I served a true and correct copy of Water Right License No. 95-9244 by U.S. Mail, postage prepaid, to the following:

NORTH KOOTENAI WATER DISTRICT (Current Owner)
13649 N MEYER RD
RATHDRUM ID 83858-4904

CHRISTOPHER H MEYER (Attorney) – *via email*
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720



Debbi Judd
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.