



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

November 30, 2020

GIVENS PURSLEY LLP  
ATTN CHRISTOPHER MEYER  
PO BOX 2720  
BOISE ID 83701

RE: Amendments of Permit for North Kootenai Water District –  
Water Right Permits 95-9129, 95-9244, and 95-10019

Dear Mr. Meyer;

The Idaho Department of Water Resources (“Department”) sent you three Application for Amendment forms on October 22, 2020, for the above referenced Permits. The permit amendments are required to add the alternative points of diversion (“APODs”) and the service area for the entire North Kootenai Water District (NKWD).

On November 2, 2020, you sent an email including a letter (“Letter”) requesting confirmation “that the accounting system will be based on proportionate allocation as described above (and in Mr. Keen’s 9/6/2016 memo and Mr. Peppersack’s 10/12/2017 email).” *Letter* at 2. Later that day, the Letter was hand delivered to the Department with the \$300.00 fee for the three permit amendments. The permit amendments were to be sent separately.

The Department has not altered the accounting system from that described in Mr. Keen’s 9/6/2016 memo and Mr. Peppersack’s 10/12/17 email. The accounting system spreadsheet discussed in our earlier communications can be found at the following internet location:

<https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=95&Sequence=9129&SplitSuffix>

It is labeled as North Kootenai Water District – WR Accounting March 2016.

The accounting system spreadsheet was designed to proportionately allocate all of the water rights in the NKWD water right portfolio that include the APODs listed on the permit amendments. Specifically, the accounting system spreadsheet takes a proportionate share of each right based on the volume of water diverted each day to ensure that a portion of each water right is being accounted for in the daily deliveries of water through the NKWD system. For the accounting system to work as designed, NKWD needs to file water right transfer application(s) for any of its water rights that do not include the APODs listed on the permit amendments. To date, NKWD has yet to file the water right transfer application(s).

The Department has stated that we are open to reviewing any alternate accounting method if NKWD wishes to provide an alternative approach. . The Department does not want to limit the accounting system to a system that may or may not be adequate in the future, so we encourage NKWD to review the above spreadsheet and assist the Department in making adjustments prior to a time when curtailment may be an issue. Additionally, if NKWD does not file water right transfer application(s) to include all of the APODs on its other water rights, the Department will need to adjust the accounting system to accommodate those circumstances. In the meantime, the Department plans to store the most current accounting system spreadsheet in the location provided above so it is readily accessible by the Department and NKWD. I hope the above information helps answer the question you may have on the accounting system.

Unfortunately, as of the date of this letter, the Department has not received the signed permit amendments from NKWD. If I do not receive the permit amendments within fourteen (14) days, we must assume you are no longer interested in adding the APODs and increasing the service area for these three water rights. We will also be obligated to return the \$300 fee submitted for these permit amendments at that time. This would require the Department to license these permits as they were originally permitted. In case the permit amendment forms I sent you were misplaced, I have enclosed copies of the permit amendments with this letter.

If you have any questions, please contact me as soon as possible.

Respectfully,

A handwritten signature in blue ink, appearing to read "Daniel Nelson", followed by a long horizontal flourish.

Daniel Nelson

Water Right Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)