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DEPARTMENT OF
WATER RESOURCES

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December 4, 2020

Daniel A. Nelson
Water Right Analyst 3
Idaho Department of Water Resources
322 E Front Street
Boise, ID 83702

Re: North Kootenai Water and Sewer District –
Licensing of Permit Nos. 95-9129, 95-9244, and 95-10019

Dear Dan:

Thank you for your helpful letter of 11/30/2020 in response to my letter to you of 11/2/2020. I was pleased to see your confirmation that the accounting system allocating water diversions proportionately among APODs remains in place.

I am enclosing the signed "Applications for Amendment (For Licensing Purposes)" for the above-captioned water rights. I had thought these had been sent to you with my last letter, but I now see that I failed to include them. I also enclose a Special Power of Attorney authorizing me to sign these applications on behalf of NKWSD.

Thank you for taking my call this morning. We agreed as follows:

1. NKWSD's engineers (Welch Comer) will review the IDWR accounting spreadsheet to confirm that NKWSD can provide the data necessary to make that accounting work in the event of administration/regulation of water rights. If we see a need for any change to the spreadsheet or accounting system, we will let you know. But I am not expecting that to be the case.

Daniel A. Nelson
December 4, 2020
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2. You clarified that the current spreadsheet is premised on the assumption that all NKWSD ground water rights will be APODs at the time of administration. Accordingly, in order for the spreadsheet to function as currently designed, NKWSD will need to obtain what I call a "global transfer" that expands APOD authority to all of its ground water rights. NKWSD had expected to do this at some point, probably after the processing of the RAFN application is completed. You pointed out that this timing decision is up to NKWSD, but that in the event system-wide APODs are not in place when and if administration is imposed, the spreadsheet would need to be modified. We understand that risk, and appreciate your calling that out. I anticipate that we will be having further discussions about timing of a global transfer application shortly, once the dust settles on the licensing of these rights and we move forward with the RAFN application.

Accordingly, please proceed with the licensing of these rights. You already have our check in the amount of \$300.00 to cover the fee for each of the three licensing amendments.

Once again, let me conclude by thanking you and each of the members of IDWR's staff who have worked so hard over the years to help us through this process. We very much look forward to continued cooperation, and pledge our cooperation as well.

Sincerely,



Christopher H. Meyer

Encl: Three Applications for Amendment (For Licensing Purposes) for Nos. 95-9129, 95-9244, and 95-10019

Special power of authority authorizing me to execute the applications

cc: Shelley Keen, Doug Jones, Angela Grimm, Manuel Rauhut, and Craig Saxton, IDWR
Jessie Camburn, District Manager, NKWSD
Robin Potts, Administrative Assistant, NKWSD
Necia Maiani and Ashley Williams, Welch Comer Engineers
Brian M. Werst, Witherspoon Brajcich McPhee, PLLC (corporate counsel)

**SPECIAL POWER OF ATTORNEY
FOR WATER RIGHTS
(NORTH KOOTENAI WATER AND SEWER DISTRICT)**

North Kootenai Water and Sewer District (the "District"), located in Rathdrum, Idaho, hereby appoints the attorneys of Givens Pursley LLP, 601 West Bannock Street, P.O. Box 2720, Boise, Idaho, 83701 as its true and lawful attorneys for the purpose of signing on its behalf all forms, pleadings, and other documents respecting water rights of the District for submission to the Idaho Department of Water Resources, the Idaho Water Supply Bank, and/or any Court undertaking an adjudication or judicial review of water rights held by the District.

This special power of attorney does not include the authority to convey water rights or any other property owned by the District.

All may rely on such authority. I am authorized to grant this Special Power of Attorney binding on the District. This Special Power of Attorney shall be effective until revoked in writing by the District.

For purposes of the exercise of the powers herein granted, the facsimile or pdf signature of said attorneys shall be lawful and binding and any person may rely upon such facsimile or pdf signature as if it were an original.

IN WITNESS WHEREOF, the undersigned has executed this Special Power of Attorney effective as of the date noted.

Dated: June 19, 2018



Chris de Groot
District Manager
North Kootenai Water and Sewer District

ACKNOWLEDGMENT

State of Idaho)
) ss.
County of Kootenai)

On this 19 day of June, 2018, before me, the undersigned, a notary public in and for said county and state, personally appeared Chris de Groot, known or identified to me to be the District Manager for the North Kootenai Water and Sewer District located in Rathdrum, Idaho, the entity that executed the above instrument, and acknowledged to me that he executed the foregoing instrument on behalf of the North Kootenai Water and Sewer District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Deborah A. Wilson
Notary Public for North Kootenai Water District
Residing at Kootenai Crest
My Commission Expires 03-13-2021