



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 22, 2020

NORTH KOOTENAI WATER AND SEWER DISTRICT
C/O CHRISTOPHER H. MEYER
PO BOX 2720
BOISE ID 83701

RE: Water Right Permit Nos. 95-9129, 95-9244, and 95-10019

Dear Permit Holder:

The Idaho Department of Water Resources (Department) is reviewing the permits referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The Department is preparing to issue water right licenses for Water Right Permit Nos. 95-9129, 95-9244, and 95-10019.

North Kootenai Water and Sewer District (NKWSD) requested that all of its points of diversion be included on these three water right permits. The Department concludes the requested changes are consistent with NKWSD's water use, enlargement of the rights can be prevented and administration by priority can occur with water use data collected via NKWSD's SCADA system and input into an accounting system approved by the Department.

The enclosed Application for Amendment forms depict the elements of the water right as they will appear on the licenses when issued. Please review each amendment form carefully. If you concur with the information presented, please sign and return the forms with the \$100.00 filing fee for each amendment for a total of \$300.00 within 14 days.

In a letter dated August 16, 2019, Mr. Meyer asked two questions, which are addressed below:

- Q1.) Is it necessary to resolve the accounting issue now? Perhaps that is an issue that could be taken up if and when administration of water rights is undertaken.

- A 1.) The Department's conclusion that the additional PODs will not result in enlargement depends on the implementation of an accounting system that tracks the use of water under each NKWSD water right diverted from the shared PODs. It is imperative that we have a workable system in place to properly administer NKWSD's water rights before administration becomes necessary.
- Q2.) Do I understand correctly that the enlargement concern is based on the addition of APODs to an existing water right permit, which has operated for some time without APODs? If so, may I assume that this accounting method would not apply to future water rights that are acquired with APODs from the outset?
- A2.) For proper administration, all NKWSD water rights with shared PODs, including future new water rights, must be in the accounting system. Historically, the more senior water rights have been relied upon each day while the junior water rights have provided additional increments of beneficial use when needed. Having all the water rights with shared PODs in the accounting system prevents enlargement of the junior rights by continuing the practice of daily reliance on the senior water rights. If a water right cannot be curtailed by shutting off its PODs because the PODs are shared by water rights with different priority dates, then its use or curtailment must be tracked in the accounting system. Water rights that do not share points of diversion with other rights, if any such rights are established in the future, need not be in the accounting system because administration will occur by shutting off the POD when the right is not in priority.

If you have any further questions, please don't hesitate to contact me.

Sincerely,



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Enclosure(s): Three Applications for Amendment with maps