

Nelson, Dan

From: Saxton, Craig
Sent: Friday, May 18, 2018 2:03 PM
To: Peppersack, Jeff
Cc: Fritschle, Carter
Subject: RE: NKWD - Water Rights [IWOV-GPDMS.FID525891]
Attachments: (2018, 03-05)_CHM ltr to J Peppersack re changes to water rights(Craig's Comments).docx;
RE: North Kootenai Water and Sewer District - Possible Amendment of 95-7231 [IWOV-GPDMS.FID525891]

Jeff,

I have made recommendations for most of the NKWD rights already. I do have a couple of points that I would address that might be slightly different than Chris's expectations.

Adding an annual diversion volume to rights that didn't previously have a volume:

I did follow this practice, except where the license was issued or there was an administrative action that took place after November 12, 2008. Specifically this speaks to the requested addition of an annual volume to 95-9199 and 95-9271. I did not include an annual diversion volume on these recommendations. I figured that can be added during the transfer.

Disallowing claim 95-7235:

NKWD filed this claim so we could disallow it and take it off the books. Because it is a deferrable use, if it isn't claimed and disallowed, it will remain a valid water right. They are essentially arguing that the use described under 95-7235 is already authorized under 95-7231.

However, evidence indicates that 95-7235 represents a unique increment of beneficial use. If water is still being delivered to the POU described under 95-7235, then I think it is still a valid water right. Because NKWD delivers water to both the POU for 95-7235 and 95-7231 (they had the same delivery system at licensing and were only separated into two rights to resolve an argument), I think they can both be recommended under one right with the Jr. priority date. I contacted Chris Meyer on 4/12/18 and recommended he amend claim 95-7231 to claim the beneficial use of both rights on one claim. I have received acknowledgement that Chris received the e-mail, but I have not received response from NKWD or Chris Meyer as to what action, if any, they will take.

I have attached my e-mail to Chris with the full explanation.

Complete removal of combined use limits conditions:

I don't see any argument against Chris' logic to remove the identified combined use limits described on page 4 of his letter, but on 3 of the rights, these limits were added as post 2008 administrative actions and therefore I left those conditions on the associated rights. See attached letter.

I took the liberty of converting Chris' letter from a PDF to a Word document so I could easily add comments to his points and share it. I have attached that version (note that the conversation might not have been and EXACT conversion, so this is really just for taking notes).

Let me know if you have questions, concerns, or this isn't the information you were looking for.

Thanks,

Craig

From: Peppersack, Jeff

Sent: Friday, May 18, 2018 9:21 AM

To: Fritschle, Carter <Carter.Fritschle@idwr.idaho.gov>; Saxton, Craig <Craig.Saxton@idwr.idaho.gov>

Subject: FW: NKWD - Water Rights [IWOV-GPDMS.FID525891]

Carter and Craig,

I should have included you in this initial review since there are CSRBA components to consider. I need to send a response to Chris. Can you take a look and draft a specific response to anything that raises a concern? I've included my email to Chris summarizing prior discussion and agreement for reference.

Thanks,

Jeff

From: Peppersack, Jeff

Sent: Monday, March 05, 2018 4:13 PM

To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>

Subject: FW: NKWD - Water Rights [IWOV-GPDMS.FID525891]

Shelley,

Looks like this is in our court now. I assume Dan would be the starting point to review the submittal to see if IDWR agrees and can move forward.

Jeff

From: Lisa Hughes [<mailto:lisahughes@givenspursley.com>]

Sent: Monday, March 05, 2018 3:56 PM

To: Peppersack, Jeff <Jeff.Peppersack@idwr.idaho.gov>

Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; Fritschle, Carter <Carter.Fritschle@idwr.idaho.gov>; Saxton, Craig <Craig.Saxton@idwr.idaho.gov>; 'mikeg@nkwsd.com' <mikeg@nkwsd.com>; 'chrisd@nkwsd.com' <chrisd@nkwsd.com>; 'nmaiani@welchcomer.com' <nmaiani@welchcomer.com>; Christopher H Meyer <ChrisMeyer@givenspursley.com>

Subject: NKWD - Water Rights [IWOV-GPDMS.FID525891]

Jeff ~

Please see the attached correspondence from Chris Meyer, along with two excel spreadsheets. The original will be arriving via hand delivery today. Please contact Chris with questions or comments. Thank you.

Lisa Hughes, Legal Assistant
Michael C. Creamer • Christopher H. Meyer • W. Hugh O'Riordan • Michael P. Lawrence

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Attachments: CHM ltr to J Peppersack re changes to water rights.PDF; NKWD Spreadsheet - with proposed changes (3_5_2018).XLS; IDWR spreadsheet (3_22_2016)_ NKWD Ground Water Rights with proposed terms.XLSX; RE: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

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Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; Fritschle, Carter <Carter.Fritschle@idwr.idaho.gov>; Saxton, Craig <Craig.Saxton@idwr.idaho.gov>; 'mikeg@nkwsd.com' <mikeg@nkwsd.com>; 'chrisd@nkwsd.com' <chrisd@nkwsd.com>; 'nmaiani@welchcomer.com' <nmaiani@welchcomer.com>; Christopher H Meyer <ChrisMeyer@givenspursley.com>
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