

## Nelson, Dan

---

**From:** Christopher H Meyer <ChrisMeyer@givenspursley.com>  
**Sent:** Saturday, March 17, 2018 12:36 PM  
**To:** Saxton, Craig  
**Cc:** Nelson, Dan; Lisa Hughes; Peppersack, Jeff; Keen, Shelley; Fritschle, Carter; Mike Galante (mikeg@nkwsd.com); Chris DeGroot (chrisd@nkwsd.com); Necia Maiani (nmaiani@welchcomer.com); Karen Osterdock (kosterdock@welchcomer.com); Ashley Williams  
**Subject:** RE: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]  
**Attachments:** Ltr - CHM to IDWR #9 (Peppersack) - changes to water rights.PDF

Craig, a thousand thanks to you for your quick work in turning these around.

These revised preliminary recommendations appear to be exactly what we asked for (as chronicled in your email below):

1. Adding the full, expanding municipal service area to four rights (95-168, 95-506, 95-2199, and 8936).
2. Correcting the quarter-quarter on the POD for two rights (95-168 and 95-8936).
3. Adding an annual volume limit of 724 AFA to two rights (95-9113 and 95-9216), which corresponds to 24/7 diversion of 1.00 cfs.

We concur with IDWR's recommendations on all other quantities and combined use limits on these rights.

I will ask Welch Comer to take a quick look just to make certain that you and I haven't missed anything.

But I think we are done with the recommendations for these six surface claims.

And we have agreed not to object to the disallowal of the one ground water claim included in this group (95-4027).

Because this pleasant milestone ties into the remaining follow-up as to other NKWD water rights addressed in my letter of 3/5/2018 to Jeff Peppersack (copy attached), I will copy him and others that were copied on that letter.

Great work moving forward. Thanks to you and everyone at IDWR.

-Chris

CHRISTOPHER H. MEYER

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**From:** Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]  
**Sent:** Friday, March 16, 2018 2:44 PM  
**To:** Christopher H Meyer <ChrisMeyer@givenspursley.com>  
**Subject:** RE: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

I think so. I was able to make all the changes you asked for. So short of some typo, I think we should be good with this group.

Have a good weekend.

c

**From:** Christopher H Meyer [mailto:ChrisMeyer@givenspursley.com]  
**Sent:** Friday, March 16, 2018 2:30 PM  
**To:** Saxton, Craig

**Cc:** Lisa Hughes ; Mike Galante ([mikeg@nkwsd.com](mailto:mikeg@nkwsd.com)) ; Chris DeGroot ([chrisd@nkwsd.com](mailto:chrisd@nkwsd.com)) ; Fritschle, Carter ; Necia Maiani ([nmaiani@welchcomer.com](mailto:nmaiani@welchcomer.com)) ; Ashley Williams ; Karen Osterdock ([kosterdock@welchcomer.com](mailto:kosterdock@welchcomer.com))  
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Thanks so much, Craig! I haven't opened these yet, but will soon.  
I take it we're basically on the same page??  
Best to you,

-Chris

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Chirs,

I have updated the preliminary recommendations for NKWD per the Notice of Error requests and our discussions by e-mail.

- I updated the place of use description for all rights to read:

Place of use is within North Kootenai Water District's municipal service area as provided for under Idaho law.

- I updated the Point of Diversion description on 95-168 and 95-8936 to the "SENW"
- I added a diversion volume of 724.0 AFY to 95-9113 and 95-9216

Please let me know if I missed anything or if you have any questions.

Thanks,  
Craig

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**Subject:** RE: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Wonderful. Thanks so much, Craig. Much appreciated.

-Chris

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**From:** Saxton, Craig [<mailto:Craig.Saxton@idwr.idaho.gov>]

**Sent:** Friday, March 2, 2018 12:23 PM

**To:** Christopher H Meyer <[ChrisMeyer@givenspursley.com](mailto:ChrisMeyer@givenspursley.com)>

**Cc:** Lisa Hughes <[lisahughes@givenspursley.com](mailto:lisahughes@givenspursley.com)>; Mike Galante ([mikeg@nkwsd.com](mailto:mikeg@nkwsd.com)) <[mikeg@nkwsd.com](mailto:mikeg@nkwsd.com)>; Chris DeGroot ([chrisd@nkwsd.com](mailto:chrisd@nkwsd.com)) <[chrisd@nkwsd.com](mailto:chrisd@nkwsd.com)>; Fritschle, Carter <[Carter.Fritschle@idwr.idaho.gov](mailto:Carter.Fritschle@idwr.idaho.gov)>; Necia Maiani ([nmaiani@welchcomer.com](mailto:nmaiani@welchcomer.com)) <[nmaiani@welchcomer.com](mailto:nmaiani@welchcomer.com)>; Ashley Williams <[awilliams@welchcomer.com](mailto:awilliams@welchcomer.com)>; Karen Osterdock ([kosterdock@welchcomer.com](mailto:kosterdock@welchcomer.com)) <[kosterdock@welchcomer.com](mailto:kosterdock@welchcomer.com)>

**Subject:** RE: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Chris,

I just wanted to drop you a short note to let you know that I received your e-mails and I will be moving forward to update the NKWD recommendations. At this time I don't see any reason we can't make the requested changes. I do not need you to formally resubmit a Notice of Error reply for me to add volumes to 95-9113 and 95-9246.

I will be back in touch with updated preliminary recommendations as soon as I can.

Thanks,

Craig

**From:** Christopher H Meyer [<mailto:ChrisMeyer@givenspursley.com>]

**Sent:** Friday, March 02, 2018 10:43 AM

**To:** Fritschle, Carter <[Carter.Fritschle@idwr.idaho.gov](mailto:Carter.Fritschle@idwr.idaho.gov)>

**Cc:** Lisa Hughes <[lisahughes@givenspursley.com](mailto:lisahughes@givenspursley.com)>; Saxton, Craig <[Craig.Saxton@idwr.idaho.gov](mailto:Craig.Saxton@idwr.idaho.gov)>; Mike Galante ([mikeg@nkwsd.com](mailto:mikeg@nkwsd.com)) <[mikeg@nkwsd.com](mailto:mikeg@nkwsd.com)>; Chris DeGroot ([chrisd@nkwsd.com](mailto:chrisd@nkwsd.com)) <[chrisd@nkwsd.com](mailto:chrisd@nkwsd.com)>; Necia Maiani ([nmaiani@welchcomer.com](mailto:nmaiani@welchcomer.com)) <[nmaiani@welchcomer.com](mailto:nmaiani@welchcomer.com)>; Ashley Williams <[awilliams@welchcomer.com](mailto:awilliams@welchcomer.com)>; Karen Osterdock ([kosterdock@welchcomer.com](mailto:kosterdock@welchcomer.com)) <[kosterdock@welchcomer.com](mailto:kosterdock@welchcomer.com)>

**Subject:** RE: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Excellent. Thanks much, Carter.

Craig, please let me know if it would be helpful for you and me to meet in Boise. I would be happy to stop by to discuss the CSRBA recommendations at a time convenient to you.

I have had one further thought since I submitted the Notice of Claim Replies on Wednesday. In discussions with other IDWR staff in recent months, I thought I had heard that IDWR would be recommending adding volume limits for all rights. In other words, rights that would otherwise have no prior express volume limit would receive an express volume limit based on diverting at the authorized rate 24/7. Upon reflection, I think this is a good idea. It eliminates any doubt about what the absence of an express volume limit means. And it makes the spreadsheets add up easier.

Accordingly (although I failed to call this out in the Replies submitted earlier this week), I think IDWR should consider adding an express volume of 723.98 AFA for Nos. 95-9113 and 95-9216 (both of which have an authorized diversion rate of 1.0 cfs). May we discuss this informally? Or would you prefer that I submit revised Replies for those two claims?

My best to you, Craig.

-Chris

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**Cc:** Lisa Hughes <[lisahughes@givenspursley.com](mailto:lisahughes@givenspursley.com)>; Saxton, Craig <[Craig.Saxton@idwr.idaho.gov](mailto:Craig.Saxton@idwr.idaho.gov)>  
**Subject:** RE: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Hello Chris,

The adjudication review of the North Kootenai Water and Sewer District claims is being handled by Craig Saxton in Boise.

You and your client are certainly welcome to attend the meetings in Coeur d'Alene next week; however, Craig will not be taking any files with him, so meeting with staff at the State Office in Boise will be the most efficient as we work towards finalizing the recommendations.

Thank you for your response.

Carter

**From:** Lisa Hughes [<mailto:lisahughes@givenspursley.com>]  
**Sent:** Wednesday, February 28, 2018 3:23 PM  
**To:** Fritschle, Carter <[Carter.Fritschle@idwr.idaho.gov](mailto:Carter.Fritschle@idwr.idaho.gov)>  
**Cc:** Christopher H Meyer <[ChrisMeyer@givenspursley.com](mailto:ChrisMeyer@givenspursley.com)>  
**Subject:** FW: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Mr. Fritschle ~

Please see the attached letter and attachment with the correct date. The original will be forthcoming via hand delivery.  
Thank you.

Lisa Hughes, Legal Assistant  
Michael C. Creamer ▪ Christopher H. Meyer ▪ W. Hugh O'Riordan  
GIVENS PURSLEY LLP  
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main 208-388-1200  
direct 208-388-1267  
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[lisahughes@givenspursley.com](mailto:lisahughes@givenspursley.com)  
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**From:** Lisa Hughes  
**Sent:** Wednesday, February 28, 2018 3:05 PM  
**To:** 'carter.fritschle@idwr.idaho.gov' <carter.fritschle@idwr.idaho.gov>  
**Cc:** Christopher H Meyer <chrismeyer@givenspursley.com>  
**Subject:** North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Please see the attached correspondence and attachments from Chris Meyer. The original will be hand delivered today. Please contact Chris with questions or comments. Thank you.

Lisa Hughes, Legal Assistant  
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GIVENS PURSLEY LLP  
601 W Bannock St, Boise, ID 83702  
main 208-388-1200  
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Wonderful. Thanks so much, Craig. Much appreciated.

-Chris

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**Subject:** FW: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Mr. Fritschle ~

Please see the attached letter and attachment with the correct date. The original will be forthcoming via hand delivery. Thank you.

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

GIVENS PURSLEY LLP  
601 W Bannock St, Boise, ID 83702  
main 208-388-1200  
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[lisahughes@givenspursley.com](mailto:lisahughes@givenspursley.com)  
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**Sent:** Wednesday, February 28, 2018 3:05 PM  
**To:** 'carter.fritschle@idwr.idaho.gov' <[carter.fritschle@idwr.idaho.gov](mailto:carter.fritschle@idwr.idaho.gov)>  
**Cc:** Christopher H Meyer <[chrismeyer@givenspursley.com](mailto:chrismeyer@givenspursley.com)>  
**Subject:** North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Please see the attached correspondence and attachments from Chris Meyer. The original will be hand delivered today. Please contact Chris with questions or comments. Thank you.

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

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## Nelson, Dan

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**From:** Keen, Shelley  
**Sent:** Tuesday, March 06, 2018 9:26 AM  
**To:** Nelson, Dan  
**Cc:** Peppersack, Jeff; Saxton, Craig  
**Subject:** FW: NKWD - Water Rights [IWOV-GPDMS.FID525891]  
**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

Dan,

As we discussed, please take time over the next week or two to evaluate the new submittal from Chris Meyer and:

- Make sure all the referenced water right files are updated with this information and other submittals that may not have made their way into each file.
- Determine where IDWR and NKWD agree to and if there are remaining areas of disagreement. Some of the water rights being discussed are CSRBA claims for ground water rights. Because IDWR has not finished its recommendations for those claims yet, you may need to coordinate with Craig Saxton. If NKWD files a transfer, the recommendations may have to wait until the transfer process is complete.
- Update spreadsheets as needed to document our progress and perspective.
- In a couple of weeks, schedule a meeting for you, me, Jeff, Craig, and Manuel to review your findings and discuss next steps.

As you are conducting your review, keep in mind the Director's conclusion that to avoid enlargement when APODs are recognized, each NKWD ground water right needs to have a volume limit based on the development that occurred during the development period in its original system. If each ground water right has a volume, we should then be able to create an accounting method that could be used in a curtailment.

Thanks.

Shelley

**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](mailto:Jeff.Peppersack@idwr.idaho.gov)>  
**Cc:** Keen, Shelley <[Shelley.Keen@idwr.idaho.gov](mailto:Shelley.Keen@idwr.idaho.gov)>; Nelson, Dan <[Dan.Nelson@idwr.idaho.gov](mailto:Dan.Nelson@idwr.idaho.gov)>; Fritschle, Carter <[Carter.Fritschle@idwr.idaho.gov](mailto:Carter.Fritschle@idwr.idaho.gov)>; Saxton, Craig <[Craig.Saxton@idwr.idaho.gov](mailto:Craig.Saxton@idwr.idaho.gov)>; 'mikeg@nkwsd.com' <[mikeg@nkwsd.com](mailto:mikeg@nkwsd.com)>; 'chrisd@nkwsd.com' <[chrisd@nkwsd.com](mailto: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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# NKWD Spreadsheet (combined use conditions to be eliminated)

Prepared by Chris Meyer, Givens Pursley

Water Right No.	Rate (cfs) on permit, license, or decree	Rate (cfs) on permit, license, or decree
95-07138	0.14	0.14
95-07231	0.08	
95-07713	0.04	0.04
95-07763	3.00	
95-07827	0.20	0.20
95-08522	0.61	0.61
95-08639	1.00	
95-09199	8.83	
95-09217	2.51	
<b>TOTAL</b>	16.41	0.99

## Nelson, Dan

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**From:** Fritschle, Carter  
**Sent:** Friday, March 02, 2018 10:48 AM  
**To:** Courtney, Andrea  
**Cc:** Saxton, Craig  
**Subject:** FW: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Andrea,

I am sorry that I forgot to include you in my response to Chris.

Carter

**From:** Christopher H Meyer [mailto:ChrisMeyer@givenspursley.com]  
**Sent:** Friday, March 02, 2018 10:43 AM  
**To:** Fritschle, Carter <Carter.Fritschle@idwr.idaho.gov>  
**Cc:** Lisa Hughes <lisahughes@givenspursley.com>; Saxton, Craig <Craig.Saxton@idwr.idaho.gov>; Mike Galante (mikeg@nkwsd.com) <mikeg@nkwsd.com>; Chris DeGroot (chrisd@nkwsd.com) <chrisd@nkwsd.com>; Necia Maiani (nmaiani@welchcomer.com) <nmaiani@welchcomer.com>; Ashley Williams <awilliams@welchcomer.com>; Karen Osterdock (kosterdock@welchcomer.com) <kosterdock@welchcomer.com>  
**Subject:** RE: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Excellent. Thanks much, Carter.

Craig, please let me know if it would be helpful for you and me to meet in Boise. I would be happy to stop by to discuss the CSRBA recommendations at a time convenient to you.

I have had one further thought since I submitted the Notice of Claim Replies on Wednesday. In discussions with other IDWR staff in recent months, I thought I had heard that IDWR would be recommending adding volume limits for all rights. In other words, rights that would otherwise have no prior express volume limit would receive an express volume limit based on diverting at the authorized rate 24/7. Upon reflection, I think this is a good idea. It eliminates any doubt about what the absence of an express volume limit means. And it makes the spreadsheets add up easier.

Accordingly (although I failed to call this out in the Replies submitted earlier this week), I think IDWR should consider adding an express volume of 723.98 AFA for Nos. 95-9113 and 95-9216 (both of which have an authorized diversion rate of 1.0 cfs). May we discuss this informally? Or would you prefer that I submit revised Replies for those two claims?

My best to you, Craig.

-Chris

CHRISTOPHER H. MEYER

GIVENS PURSLEY

[chrismeyer@givenspursley.com](mailto:chrismeyer@givenspursley.com) / [www.givenspursley.com](http://www.givenspursley.com)

**From:** Fritschle, Carter [mailto:Carter.Fritschle@idwr.idaho.gov]  
**Sent:** Friday, March 2, 2018 9:28 AM  
**To:** Christopher H Meyer <ChrisMeyer@givenspursley.com>

**Cc:** Lisa Hughes <[lisahughes@givenspursley.com](mailto:lisahughes@givenspursley.com)>; Saxton, Craig <[Craig.Saxton@idwr.idaho.gov](mailto:Craig.Saxton@idwr.idaho.gov)>  
**Subject:** RE: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Hello Chris,

The adjudication review of the North Kootenai Water and Sewer District claims is being handled by Craig Saxton in Boise.

You and your client are certainly welcome to attend the meetings in Coeur d'Alene next week; however, Craig will not be taking any files with him, so meeting with staff at the State Office in Boise will be the most efficient as we work towards finalizing the recommendations.

Thank you for your response.

Carter

**From:** Lisa Hughes [<mailto:lisahughes@givenspursley.com>]  
**Sent:** Wednesday, February 28, 2018 3:23 PM  
**To:** Fritschle, Carter <[Carter.Fritschle@idwr.idaho.gov](mailto:Carter.Fritschle@idwr.idaho.gov)>  
**Cc:** Christopher H Meyer <[ChrisMeyer@givenspursley.com](mailto:ChrisMeyer@givenspursley.com)>  
**Subject:** FW: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Mr. Fritschle ~

Please see the attached letter and attachment with the correct date. The original will be forthcoming via hand delivery. Thank you.

Lisa Hughes, Legal Assistant  
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**Cc:** Christopher H Meyer <[chrismeyer@givenspursley.com](mailto:chrismeyer@givenspursley.com)>  
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## Nelson, Dan

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**From:** Fritschle, Carter  
**Sent:** Thursday, March 01, 2018 7:02 AM  
**To:** Saxton, Craig  
**Subject:** FW: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]  
**Attachments:** CHM ltr to C Fritschle re notice of error replies.PDF

Here it is.

**From:** Lisa Hughes [mailto:[lisahughes@givenspursley.com](mailto:lisahughes@givenspursley.com)]  
**Sent:** Wednesday, February 28, 2018 3:23 PM  
**To:** Fritschle, Carter <[Carter.Fritschle@idwr.idaho.gov](mailto:Carter.Fritschle@idwr.idaho.gov)>  
**Cc:** Christopher H Meyer <[ChrisMeyer@givenspursley.com](mailto:ChrisMeyer@givenspursley.com)>  
**Subject:** FW: North Kootenai Water and Sewer District [IWOV-GPDMS.FID525891]

Mr. Fritschle ~

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