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DEPARTMENT OF
WATER RESOURCES

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March 5, 2018

Via hand delivery and email

Jeff Peppersack
Chief, Water Allocation Bureau
Idaho Department of Water Resources
The Idaho Water Center
322 E Front St
Boise, ID 83702
jeff.peppersack@idwr.idaho.gov

Re: North Kootenai Water and Sewer District (NKWD)

Dear Jeff:

I am addressing this letter to you, because my last communication on behalf of the District on these overarching issues was with you. I will also copy Messrs. Keen, Nelson, Fritschle, and Saxton, all of whom have been involved in these discussions.

Thanks to each of you for the good progress we have made sorting out NKWD's water rights. This letter documents that progress and describes anticipated further steps.

I. CSRBA PRELIMINARY REPORT OF 2/9/2018 (SIX SURFACE WATER AND ONE GROUND WATER)

On 2/9/2018, the Director issued a Preliminary Director's Report addressing seven of NKWD's water rights (Nos. 95-168, 95-506, 95-2199, 95-4027, 95-8936, 95-9113, and 95-9216). This included six surface water rights that were recommended for approval and one ground water right that was recommended for disallowal. On 2/28/2018, I submitted Notice of Error Replies on behalf of NKWD for those seven rights.

NKWD concurred with each of the recommendations except: (1) a technical error in identifying the POD on two rights and (2) a suggestion that four of the rights should have a system-wide POU. NKWD did not contest the recommendation for disallowal of No. 95-4027.

By email on 3/2/2018, I communicated with Craig Saxton suggesting that, in addition to the corrections identified in the Replies, IDWR should impose an express volume limit of 723.98 AFA on Water Right Nos. 95-9133 and 95-9216 (corresponding to diversion of the authorized rate of 1.00 cfs 24/7). Those rights are now preliminarily recommended with no annual volume. The purpose of the 723.98 AFA limit is simply to avoid any confusion over what the absence of a volume limit means, and to provide consistency with NKWD's other water rights which have volume limits.

II. LATE CLAIM FOR NO. 95-7235 FOR GROUND WATER

On 11/21/2017, NKWD filed a late claim for Water Right No. 95-7235. This right is redundant with No. 95-7231, and their priority dates are virtually identical. By filing this claim, NKWD is not seeking additional diversion authority over and above what is authorized under No. 95-7231. Rather, NKWD is seeking to resolve the redundancy and to eliminate the combined use limit on the two rights.

III. PERMIT NO. 95-12599 FOR GROUND WATER

In prior discussions with IDWR staff, we have agreed that permit No. 95-12599 does not need to be addressed at this time. Proof is not due until 2021. No CSRBA claim has been filed for this permit. This permit will not be included in the applications for amendment of permit discussed below.

IV. REMAINING 13 LICENSES AND 3 PERMITS FOR GROUND WATER

For some time, NKWD has been in discussions with IDWR regarding the remaining 13 licenses (95-2144, 95-2205, 95-7138, 95-7185, 95-7231, 95-7271, 95-7713, 95-7763, 95-7827, 95-8522, 95-8639, 95-9199, and 95-9217) and 3 permits (95-9199, 95-9244, and 95-10019). By this letter, NKWD confirms its agreement to the elements and conditions proposed by IDWR for licensing and/or CSRBA recommendations on each of these.

When you and I last communicated (our meeting on 10/11/2017 and in follow-up emails on 10/12/2017) it was my understanding that the Department will not recommend APODs in the CSRBA for wells serving physically disconnected systems, unless the APODs are already recognized on the right. However, I understand that the Department will entertain applications for transfer and/or amendment of permit to add system-wide APODs across the municipal service area. Accordingly, NKWD intends to submit a set of such applications covering each of these rights and permits.

These applications will also address other issues that we have explored and resolved with IDWR staff over the last few years.

Many of these are captured in a spreadsheet given to me on 3/22/2016 by Shelley Keen and Dan Brown (the "IDWR Spreadsheet"). It displays proposed terms for licensing of permits and proposed recommendations for all 18 NKWD ground water rights. That IDWR Spreadsheet is largely up-to-date, but a few changes have been discussed since it was prepared.

In order to efficiently summarize all of the water right elements and conditions, I am enclosing an updated spreadsheet that displays NKWD's entire portfolio of water rights (the "NKWD Spreadsheet").

Where changes are sought from the current decree, permit, or license, the NKWD Spreadsheet shows two (or in some cases three) columns for each element or condition; they are labeled: "(Original)," "(Current)," and "(New)." The "Original" column shows the quantity displayed on the permit, license, decree, or statutory claim. If the right has been preliminarily recommended, the "Current" column displays that recommendation. If the right has not been preliminarily recommended, the "Current" column corresponds to the permit or license. The "New" column displays the desired water right element or condition after transfer, amendment, and/or CSRBA decree.

Each item for which a change is sought is highlighted in yellow. I understand from Craig Saxton that the changes we have sought in the CSRBA preliminary recommendations for surface water rights are acceptable to IDWR. The discussion below focuses on the ground water permits and licenses (for which CSRBA preliminary recommendations have not yet been issued).

No unquantified annual volumes

In a prior communication, I understood IDWR to say that each right would have a stated annual volume. For rights that previously had no stated annual volume, the annual volume would be listed as the quantity corresponding to pumping the authorized diversion rate 24/7. NKWD believes this is a good idea.

Retain one existing set of combined use limits on rate and volume

One set of combined use limits for diversion rate and volume is now included for two decreed rights (Nos. 95-506 and 95-2199). They set a combined diversion rate of 0.60 cfs and a combined volume of 54.2 AFA.¹ This has the effect of giving No. 95-2199 no incremental

¹ The combined volume limit is stated as 54.19 AFA in the summary on IDWR's website. The preliminary recommendation listed this as 54.20 AFA. The latter correctly reflects the sum of the two express volume limits.

diversion rate, but allowing the full increment of volume. NKWD is not seeking any change in these limits.

Remove two existing sets combined use limits on rate

Two sets of combined use limits for diversion rate are included in existing licenses for ground water rights. Nos. 95-7138, 95-7713, 95-7827, and 95-8522 are limited to a combined rate of 0.99 cfs. Nos. 95-7138, 95-7231, 95-7713, 95-7763, 95-7827, 95-8522, 95-8639, 95-9199, and 95-9217 are limited to a combined rate of 16.41 cfs. In each case, these equate to the sum of the authorized diversion rates, thus imposing no additional constraint. I cannot find an explanation in the water right files for why these combined use limits were added. NKWD proposes eliminating them, which will simplify accounting.

Add new combined use limit on volume

As noted in the IDWR Spreadsheet, IDWR will impose a combined use limit on right Nos. 95-9129, 95-9199, 95-9217, 95-9244, and 95-10019 of 8,211.00 AFA, whose effect is to give Nos. 95-9129, 95-9244, and 95-10019 zero incremental volume.²

NKWD agrees to this new combined use limit, which is reflected in the NKWD Spreadsheet.

Quantity

The NKWD Spreadsheet adopts the proposed diversion rate and volume quantities set out in the IDWR Spreadsheet (including the new annual volume limit of 66.0 AFA on No. 95-7271), with the following exceptions:

1. The IDWR Spreadsheet lists 0.0 AFA for Nos. 95-9129, 95-9244, and 95-10019. I changed this to the number that corresponds to pumping the authorized rate 24/7. This volume is academic, however, due to the new combined use limit on volume discussed above.
2. My notes for No. 95-10019 show that IDWR is still considering what diversion rate should apply to this right. I listed 0.20 cfs, as stated on the permit.
3. The permit for No. 95-9129 displays a rate of 0.95 cfs. The IDWR Spreadsheet shows a reduction to 0.20 cfs. My notes show that in subsequent discussions with IDWR, we agreed the number should be 0.53 cfs.

² The IDWR Spreadsheet does not actually quantify the combined use limit. I have quantified it as 8,211.00 AFA, based on the sum of the authorized volumes for Nos. 95-9199 and 95-9217.

Effective maximum rate, sustained rate, and volume

The NKWD Spreadsheet contains three purely informational columns labeled “Effective Max Rate (cfs),” “Effective Sustained Rate (cfs),” and “Effective Annual Volume (AFA).”

The Effective Max Rate is the authorized rate adjusted downward by any applicable combined use limit on rate. The total Effective Max Rate for all surface and ground water (25.70 cfs, excluding No. 95-12599) reflects this maximum instantaneous diversion rate that could be achieved by diverting all water rights at once. However, this number is not sustainable, because it does not reflect annual volume limits and combined use limits on volume.

The effective annual volume is the express annual volume (which in some cases equals the volume corresponding to 24/7 diversion) adjusted downward by any applicable combined use limit.

The Effective Sustained Rate is the diversion rate that could be achieved by diverting the effective annual volume 24/7 (i.e., the effective annual volume divided by 723.9775). The total Effective Sustained Rate (17.52 cfs, excluding No. 95-12599) reflects the total diversion rate that could be sustained throughout the year if all rights were diverted at a rate that spreads the effective annual volume evenly throughout the year.

In the case of NKWD’s ground water rights and permits, the total Effective Max Rate is the same as the sum of the authorized diversion rates. In contrast, the total Effective Sustained Rate is considerably lower. This reflects the effect of (1) ten ground water licenses that have individual annual volume limits and (2) three ground water permits that will be licensed with combined annual volume limits resulting in zero incremental volume.

For NKWD’s surface water rights, the total Effective Max Rate is less than the sum of authorized diversion rates due to a combined volume limit on No. 95-2199. And the total Effective Sustained Rate is even lower due to individual annual limits on Nos. 95-168, 95-506, and 95-2199. The combined volume limit on Nos. 95-506 and 95-2199 has no effect on the ability to divert, but serves to clarify that some additional volume may be pumped by No. 95-2199 notwithstanding the combined rate limit. This explains the seemingly anomalous situation that the Effective Sustained Rate (0.01 cfs) is higher than the Effective Max Rate for No. 95-2199 (0.00 cfs).

These numbers are solely informational (i.e., irrelevant) for purposes of the CSRBA and any transfers or amendments of permit. However, as noted below, the Effective Max Rate and/or Effective Sustainable Rate may be relevant to the RAFN permit application.

Municipal purpose of use

Each of NKWD’s rights are recommended, licensed, or permitted as municipal rights

except for three licenses: Nos. 95-2144, 95-7231, and 95-7763. The IDWR Spreadsheet indicates that the Department intends these to be recommended with a municipal purpose. NKWD agrees, as is reflected in the NKWD Spreadsheet.

Place of use

NKWD proposes listing the place of use as NKWD's municipal place of use for all of its water rights. We believe this is consistent with the Department's view.

APODs

NKWD seeks 26 APODs for each of its ground water rights and permits. This corresponds to the 25 APODs listed for No. 95-12599, plus the site for a new well that NKWD intends to drill within the next year.

RAFN Application

NKWD filed its RAFN application on 12/11/2014. This application has been on hold, and has not been advertised. NKWD now requests that the original application, with a single service area and system-wide APODs, be put back on the front burner.

As you may recall, the RAFN application seeks an appropriation of 32.00 cfs. This is based on a projected ground water demand of 45.33 cfs.³ At the time the application was submitted, NKWD based its gap analysis on seven ground water licenses held in its name (Nos. 95-7138, 95-7713, 95-7827, 95-8522, 95-8639, 95-9199, and 95-9217), which authorize diversion of 13.33 cfs). Thus, the gap (and basis of the quantity to be appropriated) was: $45.33 - 13.33 = 32.00$ cfs.

Given the uncertainty as to the total quantity of NKWD's ground water portfolio, NKWD proposed a global combined use condition on all of its existing ground water rights and permits limiting the total diversion rate to 45.33 cfs. This would have the practical effect of reducing the incremental authorization for the RAFN appropriation to offset any diversion authorization that is obtained by NKWD in the licensing and/or CSRBA process.

It is now apparent that NKWD's ground water portfolio is likely to authorize diversions substantially greater than 13.33 cfs. If NKWD's ground water rights are licensed and/or decreed with the quantities and conditions set out in the NKWD spreadsheet, NKWD's total Effective

³ The RAFN ground water permit application is based only on ground water rights and ground water demand. Unlike other municipal providers whose ground and surface water supplies serve the same customers, areas served by NKWD's ground and surface water systems are distinct and identifiable. Hence, future ground water demand may be forecast independent of surface water demand. NKWD is not, at this time, seeking any RAFN appropriation for those areas served by surface water.

Jeff Peppersack
March 5, 2018
Page 7 of 8

Max Rate for ground water (excluding No. 95-12599) will be 22.30 cfs, and its total Effective Sustained Rate will be 15.31 cfs.⁴

The Department will need to determine which of these is the proper measure of the portfolio for gap analysis purposes. If it were to employ the total Effective Max Rate of 22.30 cfs, that would yield the following gap: $45.33 - 22.30 = 23.03$ cfs. (If it determines that the total Effective Sustained Rate is the proper measure for purposes of the gap analysis, the gap would be somewhat larger, 30.02 cfs, but still less than 32.00 cfs.)

NKWD assumes that once the gap is determined (at the end of the RAFN application process), that number will be the quantity that would be authorized for the new permit (again, subject to a global combined rate limit to protect against any enlargement under No. 95-12599).

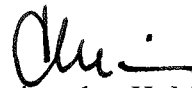
Accordingly, the NKWD Spreadsheet tentatively lists 23.03 cfs (rather than 32.00 cfs) as the quantity that may be approved for the new permit. As displayed in the NKWD Spreadsheet, if that amount were permitted, it would nearly double the size of the total Effective Max Rate for all ground and surface water rights (excluding No. 95-12599) from 25.70 cfs to 48.73 cfs.

None of this gap analysis needs to be addressed by the Department at this time. I include it in this letter solely for informational purposes, and to put NKWD's portfolio in context.

Conclusion

I wish to thank and commend everyone on IDWR's staff who has assisted NKWD in better understanding the Department's policies and allowing the District's portfolio of water rights to move forward through the administrative and judicial process. We look forward to continued cooperation.

Sincerely,



Christopher H. Meyer

Encl: NKWD Spreadsheet
IDWR Spreadsheet
(an Excel version of the spreadsheets will also be sent by email)

⁴ These totals exclude Permit No. 95-12599, for which proof is not due until 2021. This non-RAFN permit could be licensed for anything between zero and 5.48 cfs. It is unknown how the Department will approach licensing of this permit once the RAFN application is approved. In any event, any authorized diversions under No. 95-12599 will be captured and addressed by the global combined use condition.

Jeff Peppersack
March 5, 2018
Page 8 of 8

cc: Shelley W. Keen, Water Right Section Manager, IDWR
Daniel A. Nelson, Staff Hydrogeologist, IDWR
Carter Fritschle, Adjudication Section Manager, IDWR
Craig L. Saxton, Senior Water Resource Agent, IDWR
Mike Galante, District Manager, North Kootenai Water & Sewer District
Chris DeGroot, North Kootenai Water & Sewer District
Necia Maiani, Welch Comer Engineers

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Pink = Surface water
 Green = Ground water
 Yellow = Change sought
 Grey = Expected disallowed

NKWD Spreadsheet

Proposed Transfers, Amendments, and CSRBA Recommendations

By Chris Meyer, Givens Pursley
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Water Right No.	Source	Basis	CSRBA Status	Priority	(Current) Purpose	(New) Purpose	(Original) Rate (cfs)	(Current) Rate (cfs)	(New) Rate (cfs)	(Current) Combined Use Rate Limit (cfs)	(Current) Rights Subject to Combined Use Rate	(New) Combined Use Rate Limit (cfs)	(New) Rights Subject to Combined Use Rate	Effective Max Rate (cfs)	Effective Sustained Rate (cfs)	(Current) Express Annual Volume (AFA)	(New) Express Annual Volume (AFA)	(New) 24/7 Volume (for comparison) (AFA)	(Current) Combined Use Volume (AF)	(Current) Rights Subject to Combined Use Volume	(New) Combined Use Volume (AF)	(New) Rights Subject to Combined Use Volume	Effective Annual Volume (AFA)	Period of Use	(Current) POD(s)	(New) POD(s)	(Current) POU	(New) POU	Combined Use Notes	(New) Other Changes Sought
95-01168	Surface: Hayden Lake	Decree	Claimed, Prelim R. (2/9/2018)	3/5/1951	Municipal	Municipal	0.70	0.70	0.70					0.70	0.03	19.95	19.95	506.78					19.95		Raw water intake	Raw water intake	Hayden Haven	NKWD's municipal service area		POD = SENW
95-05066	Surface: Hayden Lake	Decree	Claimed, Prelim R. (2/9/2018)	6/1/1957	Municipal	Municipal	0.60	0.60	0.60	0.60	95-506 95-2199	0.60	95-506 95-2199	0.60	0.06	44.50	44.50	434.30	54.20	95-505 95-2199	54.20	95-505 95-2199	44.50		Raw water intake	Raw water intake	Hayden Haven	NKWD's municipal service area	The combined rate limit appears in the license of No. 95-2199; it means that right 95-2199 may divert no additional rate. The combined volume is the sum of the two volumes and thus not a constraint. It serves to clarify that additional volume may be pumped, despite the rate limit. See note for No. 95-505.	
95-02199	Surface: Hayden Lake	Decree	Claimed, Prelim R. (2/9/2018)	2/2/1967	Municipal	Municipal	0.34	0.34	0.34	0.60	95-506 95-2199	0.60	95-506 95-2199	0.00	0.01	9.69	9.70	246.15	54.20	95-505 95-2199	54.20	95-505 95-2199	9.69	1/1 to 12/31	Raw water intake	Raw water intake	Hayden Haven	NKWD's municipal service area		
95-08936	Surface: Hayden Lake	License	Claimed, Prelim R. (2/9/2018)	3/3/1996	Municipal	Municipal	0.10	0.10	0.10					0.10	0.10	72.30	72.30	72.40					72.30		Raw water intake	Raw water intake	Hayden Haven	NKWD's municipal service area		POD = SENW
95-05113	Surface: Lake Coeur d'Alene	License	Claimed, Prelim R. (2/9/2018)	10/26/2001	Municipal	Municipal	1.00	1.00	1.00					1.00	1.00		723.98	723.98					723.98		Raw water intake	Raw water intake	NKWD's municipal service area	NKWD's municipal service area		
95-03216	Surface: Lake Coeur d'Alene	License	Claimed, Prelim R. (2/9/2018)	1/21/2004	Municipal	Municipal	1.00	1.00	1.00					1.00	1.00		723.98	723.98					723.98	1/1 to 12/31	Raw water intake	Raw water intake	NKWD's municipal service area	NKWD's municipal service area		
TOTAL Surface Water							3.74	3.74	3.74					3.40	2.20								1,594.40							
95-07235	Ground water	License	Late claim	1/8/1973	Domestic	Domestic	0.04	0.04	0.00				N/A		0.00	1.20	0.00	0.00					0.00	1/1 to 12/31	1 well	1 well	40-acre tract	N/A	We filed a late claim for this right held by Rodney Fisher solely to have it disallowed, and to eliminate combined use limit with 95-7231. See CHM memo 9/1/2016.	
TOTAL Rodney Fisher ground water right anticipated to be disallowed							0.04	0.04	0.00					0.00	0.00								0.00							
95-02144	Ground water	License	Claimed	10/22/1962	Domestic (license); Municipal (claim)	Municipal	0.65	0.65	0.65					0.65	0.04	30.00	30.00	470.59					30.00		1 well (license); 25 wells (claim)	26 APODs	"No POUs found for this right."	NKWD's municipal service area		
95-02205	Ground water	License	Claimed	2/21/1967	Municipal	Municipal	0.29	0.29	0.29					0.29	0.04	30.00	30.00	209.95					30.00		1 well (license)	26 APODs	4 OQs in 2 section	NKWD's municipal service area		
95-04027	Ground water	Statutory claim	Claimed	9/1/1963	Municipal	N/A	1.20	0.00	0.00					0.00	0.00		N/A	0.00					0.00		1 well (statutory claim)	N/A	"No POU found for this right."	N/A	NKWD is not contesting the disallow of this claim (whose priority date post-dates the mandatory permitting requirement).	
95-07138	Ground water	License	Claimed	3/25/1971	Municipal	Municipal	0.14	0.14	0.14	0.99 and 16.41	95-7138 95-7713 95-7827 95-8522 also: 95-7138 95-7231 95-7713 95-7763 95-7827 95-8522 95-8639 95-9199 95-9217	None	None	0.14	0.08	60.60	60.60	101.36					60.60	1/1 to 12/31	20 wells (Transfer 70394)	26 APODs	Service area of NKWD which is "generally located" within named sections.	NKWD's municipal service area	The old combined use rate 0.99 cfs is the sum of the four rights, thus no constraint; it should be removed. The old combined use rate for 16.41 cfs is the sum of the nine rights, thus no constraint; it should be removed.	
95-07185	Ground water	License	Claimed	4/3/1972	Municipal	Municipal	1.39	1.39	1.39					1.39	0.86	624.00	624.00	1,006.33					624.00		1 well (license)	26 APODs	24 OQs in 2 sections.	NKWD's municipal service area		
95-07231	Ground water	License	Claimed	2/23/1973	Domestic (license); Municipal (claim)	Municipal	0.08	0.08	0.08	0.08 and 16.41	95-7231 95-7235 also: 95-7138 95-7231 95-7713 95-7763 95-7827 95-8522 95-8639 95-9199 95-9217	None	None	0.08	0.02	15.60	15.60	57.92					15.60	1/1 to 12/31	1 well (license); 25 wells (claim)	26 APODs	1 QQ in 1 section (license); Area served by NKWD (claim).	NKWD's municipal service area	The old combined use rate 0.99 cfs is the sum of the four rights, thus no constraint; it should be removed. The old combined use rate for 16.41 cfs is the sum of the nine rights, thus no constraint; it should be removed.	
95-07271	Ground water	License	Claimed	4/3/1973	Municipal	Municipal	0.83	0.83	0.83					0.83	0.09		66.00	600.90					66.00		1 well (license)	26 APODs	"No POUs found for this right."	NKWD's municipal service area		
95-07713	Ground water	License	Claimed	3/30/1977	Municipal	Municipal	0.04	0.04	0.04	0.99 and 16.41	95-7138 95-7713 95-7827 95-8522 and: 95-7138 95-7231 95-7713 95-7763 95-7827 95-8522 95-8639 95-9199 95-9217	None	None	0.04	0.04	29.00	29.00	28.96					29.00	1/1 to 12/31	20 wells (Transfer 70394)	26 APODs	Service area of NKWD which is "generally located" within named sections.	NKWD's municipal service area	The old combined use rate 0.99 cfs is the sum of the four rights, thus no constraint; it should be removed. The old combined use rate for 16.41 cfs is the sum of the nine rights, thus no constraint; it should be removed.	
95-07763	Ground water	License	Claimed	8/29/1977	Domestic (license); Municipal (claim)	Municipal	3.00	3.00	3.00	16.41	95-7138 95-7231 95-7713 95-7827 95-8522 95-8639 95-9199 95-9217	None	None	3.00	1.59	1,148.40	1,148.40	2,171.93					1,148.40	1/1 to 12/31	1 well (license); 25 wells (claim)	26 APODs	Honeysuckle Hills, et al. (37 OQs in 5 sections) (license); Area served by NKWD (claim).	NKWD's municipal service area	The old combined use rate for 16.41 cfs is the sum of the nine rights, thus no constraint; it should be removed.	

Pink = Surface water
 Green = Ground water
 Yellow = Change sought
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NKWD Spreadsheet Proposed Transfers, Amendments, and CSRBA Recommendations

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Water Right No.	Source	Basis	CSRBA Status	Priority	(Current) Purpose	(New) Purpose	(Original) Rate (cfs)	(Current) Rate (cfs)	(New) Rate (cfs)	(Current) Combined Use Rate Limit (cfs)	(Current) Rights Subject to Combined Use Rate	(New) Combined Use Rate Limit (cfs)	(New) Rights Subject to Combined Use Rate	Effective Max Rate (cfs)	Effective Sustained Rate (cfs)	(Current) Express Annual Volume (AFA)	(New) Express Annual Volume (AFA)	(New) 247 Volume (for comparison) (AFA)	(Current) Combined Use Volume (AF)	(Current) Rights Subject to Combined Use Volume	(New) Combined Use Volume (AF)	(New) Rights Subject to Combined Use Volume	Effective Annual Volume (AFA)	Period of Use	(Current) POD(s)	(New) POD(s)	(Current) POU	(New) POU	Combined Use Notes	(New) Other Changes Sought
95-07827	Ground water	License	Claimed	3/29/1978	Municipal	Municipal	0.20	0.20	0.20	0.99 and 16.41	95-7138 95-7713 95-7827 95-8522 and: 95-7138 95-7231 95-7713 95-7763 95-7827 95-8522 95-8639 95-9199 95-9217	None	None	0.20	0.08	55.20	55.20	144.80				55.20	1/1 to 12/31	20 wells (Transfer 70394)	26 APODs	Area served by NKW D.	NKW D's municipal service area	The old combined use rate 0.99 cfs is the sum of the four rights, thus no constraint; it should be removed. The old combined use rate for 16.41 cfs is the sum of the nine rights, thus no constraint; it should be removed.		
95-08522	Ground water	License	Claimed	8/20/1986	Municipal	Municipal	0.61	0.61	0.61	0.99 and 16.41	95-7138 95-7713 95-7827 95-8522 and: 95-7138 95-7231 95-7713 95-7763 95-7827 95-8522 95-8639 95-9199 95-9217	None	None	0.61	0.61	441.00	441.00	441.03				441.00	1/1 to 12/31	20 wells (Transfer 70394)	26 APODs	Service area of NKW D which is "generally located" within named sections.	NKW D's municipal service area	The old combined use rate 0.99 cfs is the sum of the four rights, thus no constraint; it should be removed. The old combined use rate for 16.41 cfs is the sum of the nine rights, thus no constraint; it should be removed.		
95-08639	Ground water	License	Claimed	1/5/1990	Municipal	Municipal	1.00	1.00	1.00	16.41	95-7138 95-7231 95-7713 95-7827 95-8522 95-8639 95-9199 95-9217	None	None	1.00	0.52	376.00	376.00	723.98				376.00	1/1 to 12/31	25 wells (claim) 23 wells (license) 20 wells (amended permit) 1 well (permit)	26 APODs	Service area of NKW D which is "generally located" within named sections.	NKW D's municipal service area	The old combined use rate for 16.41 cfs is the sum of the nine rights, thus no constraint; it should be removed.		
95-09129	Ground water	Permit	Late claim.	6/13/2008	Municipal	Municipal	0.95	0.95	0.53					0.53	0.00		383.71	383.71		8,211.00	95-0129 95-0199 95-9217 95-9244 95-10019	0.00	1/1 to 12/31	1 well	26 APODs	Area served by Sytle Development LLC generally within named sections.	NKW D's municipal service area	We filed a late claim when it was discovered that this was not a post-commencement right. This combined use volume corresponds to the sum of 95-0199 and 95-9217. The others get zero incremental volume.		
95-09199	Ground water	License	Claimed	3/3/2003	Municipal	Municipal	8.83	8.83	8.83	16.41	95-7138 95-7231 95-7713 95-7827 95-8522 95-8639 95-9199 95-9217	None	None	8.83	8.83		6,392.72	6,392.72		8,211.00	95-0129 95-0199 95-9217 95-9244 95-10019	6,392.72	1/1 to 12/31	23 wells (license); 25 wells (claim).	26 APODs	Service area of NKW D which is "generally located" within named sections.	NKW D's municipal service area	The new combined use volume of 1,818 corresponds to the sum of 95-0199 and 95-9217. The others get zero incremental volume. The old combined use rate for 16.41 cfs is the sum of the nine rights, thus no constraint; it should be removed.		
95-09217	Ground water	License	Claimed	1/22/2004	Municipal	Municipal	2.51	2.51	2.51	16.41	95-7138 95-7231 95-7713 95-7827 95-8522 95-8639 95-9199 95-9217	None	None	2.51	2.51		1,818.00	1,817.18		8,211.00	95-0129 95-0199 95-9217 95-9244 95-10019	1,818.00	1/1 to 12/31	23 wells (license); 25 wells (claim).	26 APODs	Service area of NKW D which is "generally located" within named sections.	NKW D's municipal service area	The new combined use volume of 1,818 corresponds to the sum of 95-0199 and 95-9217. The others get zero incremental volume. The old combined use rate for 16.41 cfs is the sum of the nine rights, thus no constraint; it should be removed.		
95-09244	Ground water	Permit	Not Claimed	8/27/2004	Municipal	Municipal	2.00	2.00	2.00					2.00	0.00		1,447.96	1,447.96		8,211.00	95-0129 95-0199 95-9217 95-9244 95-10019	0.00	1/1 to 12/31	21 wells (permit)	26 APODs	Service area of NKW D which is "generally located" within named sections.	NKW D's municipal service area	The new combined use volume corresponds to the sum of 95-0199 and 95-9217. The others get zero incremental volume.		
95-10019	Ground water	Permit	Not Claimed	5/6/2003	Municipal	Municipal	0.20	0.20	0.20					0.20	0.00		144.80	144.80		8,211.00	95-0129 95-0199 95-9217 95-9244 95-10019	0.00	1/1 to 12/31	23 wells (permit amendment)	26 APODs	Area served by NKW SD.	NKW D's municipal service area	Per CHM memo of 9/7/2017, DWR is still re-thinking the diversion rate, but it will likely be close to the permitted 0.2 cfs. This combined use volume corresponds to the sum of 95-0199 and 95-9217. The others get zero incremental volume.		
95-12599	Ground water	Permit	Not Claimed	5/17/2010	Municipal	Municipal	5.48	5.48	5.48					5.48	5.48			3,967.40					3,967.40	1/1 to 12/31	25 wells (permit)	25 wells (permit)	Area served by NKW D.		This permit is not up for licensing until 2021.	
TOTAL - Ground Water							20.40	28.20	27.78					27.78	20.79			20,112.06						15,054.52						
TOTAL - Ground Water (without permit 95-12599)							23.92	22.72	22.30					22.30	15.31			16,144.70						11,087.12						
SUBTOTAL - Licenses held in name of NKWD (per RAFN app)							13.33	13.33	13.33					13.33	12.67			9,650.62						9,173.12						
GRAND TOTAL - Surface + Ground Water							33.14	31.94	31.52					31.18	23.00			20,112.09						16,648.91						
GRAND TOTAL - Surface + Ground Water (without permit 95-12599)							27.66	26.46	26.04					25.70	17.52			16,144.70						12,681.52						
Anticipated RAFN permit quantity (based on one analysis below using Effective Max Rate):														23.03	23.03			16,673.20						16,673.20						
TOTAL - Ground Water + RAFN (without permit 95-12599)														45.33	38.34			32,817.90						27,760.32						
GRAND TOTAL - Surface + Ground Water + RAFN (without permit 95-12599)														48.73	40.55			32,817.90						29,354.72						
RAFN Gap Analysis (cfs)																														
RAFN full buildout peak around water demand projection:														7 Licenses	Max	Effective														
Current GW portfolio without permit 95-12599 (based on either 7 licenses, Effective Max Rate, or Effective Sustained Rate):														45.33	45.33	45.33														
Gap between future demand and current portfolio (excluding permit 95-12599):														13.33	22.30	15.31														
														32.00	23.03	30.02														

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	
TOTAL	16.41	0.99

File Name	NKWD Ground Water Rights with Proposed Volumes.xlsx
Date Created	22-Mar-16
Created By	Dan Nelson and Shelley Keen of IDWR

Worksheets

Introduction
NKWD GW Rights
Explanations

This workbook was created by IDWR to present a proposal for recommending/licensing North Kootenai Water District ground water rights with all of NKWD's wells listed as points of diversion, even though NKWD's water systems are not interconnected. To prevent enlargement that could result from the proposed POD changes, this proposal includes a volume limit on each water right. The "NKWD GW Rights" worksheet in this workbook shows the proposed volume limit for each right and how it was determined. The "Explanations" worksheet provides some additional information about how the proposed volumes were determined for three permits that need to be licensed.

IDWR Spreadsheet NKWD ground water rights

3/22/2016
Page 1 of 2

Basin	Sequence	Basis	Claimed in CSRBA?	Source	Priority Date	Water Use List	APODs already?	Diversion Rate on Record	Proposed Diversion Rate for Decree or License	Current Volume Limit on Record	Proposed Volume Limit for Decree or License	Basis for Proposed Volume	Notes	Original System	Original Subdivision Name
sho	2144	License	Yes	GROUND WATER	10/22/1962	MUNICIPAL	No	0.650	0.650	30.0	30.0	License	This license was originally for a 101 unit mobile home park.	Howard Waterworks Inc.	Hayden Haven Water Co.
95	4027	Statutory Claim	Yes	GROUND WATER	9/1/1963	MUNICIPAL	No	1.200	0.000			Will not be recommended in CSRBA. Violation of mandatory permit requirement.	This is a statutory claim that covers 50 homes within the general location of existing water right licenses 95-2205 and 95-7185. I am assuming these rights are covered by the existing water rights and add no new volume or rate to the system. The back file has a transfer memo and letter stating that no information is available to prove that this statutory claim was developed prior to the mandatory permit date.		
95	2205	License	Yes	GROUND WATER	2/21/1967	MUNICIPAL	No	0.290	0.290	30.0	30.0	License	The volume for this right was calculated based on the meter reading for one year from the well. The number of homes was never determined in the water right file, but water right 95-7271 is combined with this right for 80 homes. The claim shows a place of use of all of their properties. Water right 95-7185 covered the same properties, and provided a full 1.2 afa per Lot, However, I am inclined to believe that 95-7185 provided an additional 520 units.	Washington Water Power Co	Avondale on Hayden
95	7138	License	Yes	GROUND WATER	3/25/1971	MUNICIPAL	Yes -- 2004 Transfer	0.140	0.140	60.6	60.6	License	This right was originally licensed for 101 lot mobile home park. From what I can tell, the park was annexed into the city water system, and the well were sold to North Kootenai Water District. A transfer was later filed that allowed the water to be used throughout their service area. The volume per home seems reasonable, because there is generally very little irrigation involved with a mobile home park.	Idaho Contractors Inc.	Hayden Pines Mobile Plaza
95	7185	License	Yes	GROUND WATER	4/3/1972	MUNICIPAL	No	1.390	1.390	624.0	624.0	License	This right overlaps water right 95-2205 and 95-7271. The number of homes was never determined in the water right file 95-2205, but water right 95-7271 is combined with this right for 80 homes. The claim shows a place of use of all of their properties. Water right 95-2205 and 95-7185 covered the same properties, and provided a full 1.2 afa per acre, However, I am inclined to believe that 95-7185 provided an additional 520 units.	Washington Water Power Co	Avondale on Hayden
95	7231	License	Yes	GROUND WATER	2/23/1973	MUNICIPAL	No	0.080	0.080	15.6	15.6	License	This right was licensed for 1.2 afa per home for 13 homes.	Ranch Valley Water Association	Ranch Valley Water Association
95	7271	License	Yes	GROUND WATER	4/3/1973	MUNICIPAL	No	0.830	0.830		66.0	Historical use in the original system.	This permit was filed as a municipal right, so no volume was included on the license. The field exam shows that this right was for a new well to support or be a backup well for the well described in 95-2205. Both field exams for 95-2205 and 95-7271 show a total number of homes of 80 homes. Water right 95-7185 covered the same properties, and provided a full 1.2 af per home/lot, However, it appears as though 95-7185 provided water for an additional 520 units in the same development. The Volume for right 95-7271 when calculated using the diversion rate could supply 600.9 af, but 80 homes generally would only use 96 af (1.2 X 80= 96). Water right 95-2205 already provides 30 af, so this claim should be limited to 66 af (80 homes X 1.2 af/home = 96 homes - 30 af from 95-2205 = 66 af) to prevent enlargement.		Avondale on Hayden
95	7713	License	Yes	GROUND WATER	3/30/1977	MUNICIPAL	Yes -- 2004 Transfer	0.040	0.040	29.0	29.0	License	Ohio Match Estates	Hayden Pines Water Co	
95	7763	License	Yes	GROUND WATER	8/29/1977	MUNICIPAL	No	3.000	3.000	1,148.4	1148.4	License	Water rights 95-506 and 95-2199 were decreed for Honeysuckle Hills subdivision from Hayden Lake. Water Right 95-7763 was later filed to supply ground water to the same subdivision. Water right 95-7763 provides a full 1.2 af for the 95 homes in Honeysuckle subdivision plus additional water to 3 other subdivisions. No additional water would be needed for the Honeysuckle subdivision or the other three subdivisions, since they were fully allocated at 1.2 af per home.	Honeysuckle Hills	Honeysuckle Hills, Woodland Heights, Hayden Estates, and Chalet
95	7827	License	Yes	GROUND WATER	3/29/1978	MUNICIPAL	Yes -- 2004 Transfer	0.200	0.200	55.2	55.2	License	Right was licensed at 1.2 af per home for 46 homes.	Hayden Pines Water Co	Chilco Estates / Haden Pines

IDWR Spreadsheet NKWD ground water rights

3/22/2016

Page 2 of 2

Basin	Sequence	Basin	Claimed in CSRBA?	Source	Priority Date	Water Use List	APODs already?	Diversion Rate on Record	Proposed Diversion Rate for Decree or License	Current Volume Limit on Record	Proposed Volume Limit for Decree or License	Basis for Proposed Volume	Notes	Original System	Original Subdivision Name
95	8522	License	Yes	GROUND WATER	8/20/1986	MUNICIPAL	Yes -- 2004 Transfer	0.610	0.610	441.6	441.6	License	This right is for 500 homes at 0.6 af per home + 119 acres of irrigation and 4 commercial establishments. The entire volume appears to have been accounted for in this right. This right is in addition to 95-2144.		Hayden Haven Water Co.
95	8639	License	Yes	GROUND WATER	1/5/1990	MUNICIPAL	Yes -- by 2010 License and 2015 Transfer	1.000	1.000	376.0	376.0	License	This water right was licensed as a municipal water right without any discussion as to how the volume was determined. I was unable to determine how the volume was calculated for this license, other than the recommendation from the certified water right examiner.		Hayden Pines Water Company
95	9199	License	Yes	GROUND WATER	3/3/2003	MUNICIPAL	Yes -- by 2010 License	8.830	8.830		6393.0	Constant diversion all year at authorized rate.	This license covers the entire place of use for North Kootenai Water District from APODs. It was licensed as a municipal right with an open-ended volume. The proposed volume is equal to the maximum potential for the open-ended volume.		North Kootenai Water District
95	10019	Permit with Draft License	No	GROUND WATER	5/6/2003	MUNICIPAL	Yes -- by 2010 Amendment of Permit	0.200	0.040		0.0	No additional volume. Rate only.	This permit was originally issued for East Seasons Acres subdivision. A field report was submitted and reviewed, and it was originally determined that the diversion rate should be limited to 0.04 cfs based on the measured flow and the volume should be limited to 18 af. However, water right 95-9199 includes the points of diversion and place of use for this subdivision, and it has already been licensed with an earlier priority date and a volume exceeding NKWD's historic annual use. Therefore, the only increment of beneficial use added by this permit is the rate.		East Seasons Acres
95	9217	License	Yes	GROUND WATER	1/22/2004	MUNICIPAL	Yes -- by 2010 License	2.510	2.510		1818.0	Constant diversion all year at authorized rate.	This license covers the entire place of use for North Kootenai Water District from APODs. It was licensed as a municipal right with an open-ended volume. The proposed volume is equal to the maximum potential for the open-ended volume.		North Kootenai Water District
95	9244	Permit with Draft License	No	GROUND WATER	8/27/2004	MUNICIPAL	Yes -- by Permit	2.000	2.000		0.0	No additional volume. Rate only.	Permit 95-9244 has a condition limiting it to the additional increment of beneficial use established during the development period. Since all the volume used by NKWD can be covered by its existing water rights, including Right 95-9199 and 95-9217, this right adds no volume to the overall beneficial use. Therefore, it should be limited to rate only.		North Kootenai Water District
95	9129	Permit with Draft License	No	GROUND WATER	6/13/2008	MUNICIPAL	No	0.950	0.200		0.0	No additional volume. Rate only.	This permit was originally issued for Selkirk Meadows subdivision. A field report was submitted and reviewed, and it was originally determined that the diversion rate should be limited to 0.20 cfs based on the measured flow and the volume should be limited to 51.6 af. However, water rights 95-9199 and 95-9217 include the points of diversion and place of use for this subdivision, and they have already been licensed with an earlier priority date and a volume exceeding NKWD's historic annual use. Therefore, the only increment of beneficial use added by this permit is the rate.		Selkirk Meadows.
95	12599	Permit with Draft License	No	GROUND WATER	5/17/2010	MUNICIPAL		5.480			Still a permit.	Proof not due until 2021.	Proof was withdrawn and a request for an extension of time to submit proof was approved extending the date that proof of beneficial use is due to 2021. There will be no determination of beneficial use until proof of beneficial use is submitted.		North Kootenai Water District
							TOTALS	29.400	21.81	2,810.4	11,087.4				

The highest number of system connections reported by NKWD was in fiscal year 2009/2010 -- 4,090 connections using 1,743.3 AFY or 0.4 AFY per connection. The maximum annual volume reported was in 2006/2007, which showed 2,283 AFY, or 0.6 AFY per lot for 3,522 lots. As proposed, water rights 95-2144, 95-2205, 95-7138, 95-7185, 95-7231, 95-7271, 95-7713, 95-7763, 95-7827, 95-8522, 95-9639, 95-9199, and 95-9217 would provide 11,087 AF, which exceeds the use for the taxlots served at the time that beneficial use was filed on the three permits (95-9129, 95-9244, and 95-10019). Therefore, permits 95-9129, 95-9244, and 95-10019 do not add additional increments of beneficial use in terms of volume, and they should be licensed for diversion rates only. Volume should be addressed in a condition limiting the combined annual volume to amount already licensed under previous water rights.