

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79275**

This is to certify that: NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM, ID 83858

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
95-8639	AC/LICENSE	1/5/1990	1.000 cfs	376.0 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

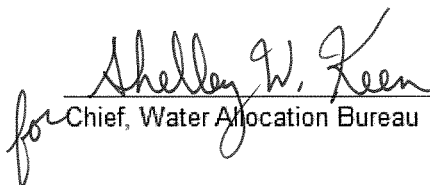
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
95-8639	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
95-8639	95-8639	1.000 cfs	376.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.000 cfs	376.0 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 21st day of May, 2015.


for Chief, Water Allocation Bureau

WATER RIGHT NO. 95-8639

As Modified by Transfer No. 79275

In accordance with the approval of Transfer No. 79275, Water Right No. 95-8639 is now described as follows:

Right Holder: NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM, ID 83858

Priority Date: 1/5/1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	1.000 cfs	376.0 af
			1.000 cfs	376.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNE	Sec 11 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWNE	Sec 11 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWNE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SWSE	Sec 15 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SWSW	Sec 2 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SWSW	Sec 2 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NESE	Sec 23 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NESE	Sec 23 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SWSE	Sec 23 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SWSE	Sec 23 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSW	Sec 24 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 23 Twp 51N Rge 05W KOOTENAI County
GROUND WATER	NESW	Sec 32 Twp 51N Rge 05W KOOTENAI County
GROUND WATER	SESW	Sec 32 Twp 51N Rge 05W KOOTENAI County
GROUND WATER	NWSE	Sec 18 Twp 52N Rge 03W KOOTENAI County
GROUND WATER	SENE	Sec 7 Twp 52N Rge 03W KOOTENAI County
GROUND WATER	SWNW	Sec 8 Twp 52N Rge 03W KOOTENAI County
GROUND WATER	SESE	Sec 17 Twp 52N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 17 Twp 52N Rge 04W KOOTENAI County
GROUND WATER	NENE	Sec 28 Twp 52N Rge 04W KOOTENAI County
GROUND WATER	NESE	Sec 28 Twp 52N Rge 04W KOOTENAI County
GROUND WATER	SENE	Sec 33 Twp 52N Rge 04W KOOTENAI County
GROUND WATER	NENE	Sec 6 Twp 52N Rge 04W KOOTENAI County
GROUND WATER	NENW	Sec 28 Twp 53N Rge 04W KOOTENAI County

CONDITIONS OF APPROVAL

1. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
2. Place of use is within the service area of North Kootenai Water District as provided for under Idaho law. The place of use is generally located within T51N, R3W, 4W and 5W; T52N, R3W and 4W; T53N, R3W, 4W and 5W.

Transfer No. 79275

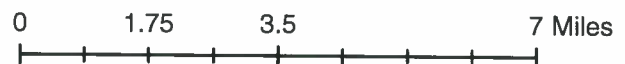
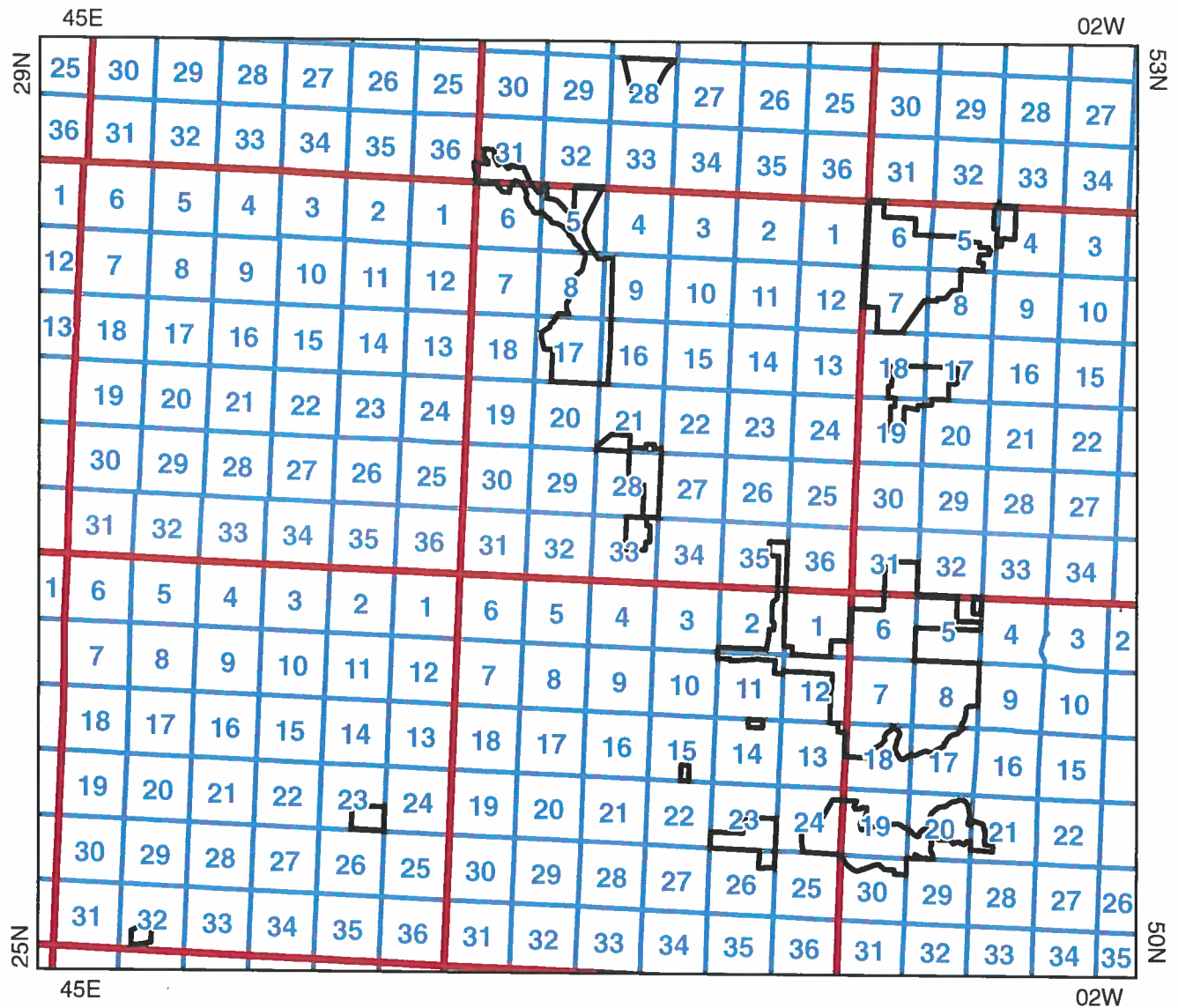
WATER RIGHT NO. 95-8639
As Modified by Transfer No. 79275

CONDITIONS OF APPROVAL

3. Rights 95-7138, 95-7231, 95-7713, 95-7763, 95-7827, 95-8522, 95-8639, 95-9199 and 95-9217 when combined shall not exceed a total diversion rate of 16.41 cfs.
4. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
5. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Attachment To Transfer No. 79275
95-8639

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 21, 2015

NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM ID 83858

Re: Transfer No: 79275
Water Right No(s): 95-8639

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

As requested, this approval adds one point of diversion to the points of diversion authorized on License 95-8639. It does not include or approve points of diversion that were added to the adjudication claim for Right 95-8639 as accomplished transfers pursuant to Idaho Code § 42-1425. The Department will evaluate and address the claimed accomplished transfers when it prepares its recommendations in the adjudication process.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)287-4951.

Sincerely,



for Pamela S Skaggs
Water Rights Supervisor

Enclosure

CC:

WELCH COMER ENGINEERS
KAREN OSTERODOCK
350 E KATHLEEN AVE
COEUR D ALENE ID 83815

GIVENS PURSLEY LLP
CHRISTOPHER H MEYER
PO BOX 2720
BOISE ID 83701

CERTIFICATE OF SERVICE

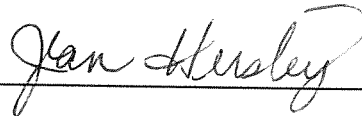
I hereby certify that on May 22, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79275
Water Right No(s): 95-8639

NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM ID 83858

WELCH COMER ENGINEERS
KAREN OSTERODOCK
350 E KATHLEEN AVE
COEUR D ALENE ID 83815

GIVENS PURSLEY LLP
CHRISTOPHER H MEYER
PO BOX 2720
BOISE ID 83701

A handwritten signature in cursive script, reading "Jean Hersley", is positioned above a horizontal line.

Jean Hersley
Technical Records Specialist 2

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSMITTAL

ATTN:	Ms. Pamela S. Skaggs	DATE:	March 12, 2015
TO:	Idaho Department of Water Resources	RE:	Conservation Plan
	PO Box 83720		
	Boise, ID 83720-0098	PRJ #:	11233

Items Transmitted: ☒ Mailed ☐ Delivered

Copies	Date	Description
1	03/2015	2015 Review for NKWD Conservation Plan

These Are Transmitted As Checked Below:

- | | | |
|--|--|--|
| ☐ For Approval | ☐ No Exceptions Taken | ☐ Rejected – See Remarks |
| ☒ For Your Use | ☐ Make Corrections Noted | ☐ Return ___ Corrected Prints |
| ☐ As Requested | ☐ Revise & Resubmit | ☐ _____ |
| ☐ For Your Review & Comment | ☐ Return After Loan To Us | |

Remarks:

Pamela-

Attached, please find the above referenced report. Let me know if you need anything else.

Thanks,

Karen Osterdock, P.E.

Copy To:

From: Karen J. Osterdock, P.E.



Skaggs, Pam

From: Mike Galante <mikeg@nkwsd.com>
Sent: Wednesday, March 11, 2015 11:29 AM
To: Skaggs, Pam
Subject: Conservation plan update

Pam,

You will be receiving a mailing early next week from Welch Comer Engineers, specifically from Karen Osterdock, P.E. that will contain the District's Conservation Plan Update. This is required by the Department to proceed with the review of Transfer of Water Right 79275.

Mike

Mike Galante
District Manager
North Kootenai Water & Sewer District
13649 N Meyer Rd.
Rathdrum, ID. 83858-4904
208-687-6593
www.nkwsd.com
mikeg@nkwsd.com

GIVENS PURSLEY^{LLP}
Attorneys and Counselors at Law

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P.O. Box 2720
Boise, ID 83701
Telephone: 208-388-1200
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Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
Jeff W. Bower
Preston N. Carter
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Thomas E. Dvorak
Jeffrey C. Fereday
Martin C. Hendrickson
Brian J. Holleran

Don E. Knickrehm
Neal A. Koskella
Debra K. Kristensen
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
Patrick J. Miller
L. Edward Miller
Judson B. Montgomery

Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Michael O. Roe
P. Mark Thompson
Jeffrey A. Warr
Robert B. White

Angela M. Reed, of counsel

Retired:
Kenneth L. Pursley
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

RECEIVED

MAR 06 2015

DEPARTMENT OF
WATER RESOURCES

March 6, 2015

Via Email and U.S. Mail

Mathew Weaver
Deputy Director
Idaho Department of Water Resources
The Idaho Water Center
322 E Front St
Boise ID 83702
mathew.weaver@idwr.idaho.gov

Shelley W. Keen
Water Right Section Manager
Idaho Department of Water Resources
The Idaho Water Center
322 E Front St
Boise ID 83702
shelley.keen@idwr.idaho.gov

Re: North Kootenai Water & Sewer District — Water Right Permits 95-9129,
95-9244, and 95-10019 and Transfer Application 79275

Dear Mat and Shelley:

My client, North Kootenai Water & Sewer District ("NKWD" or "District")¹ has had an extended correspondence with the Department on the subject of the above-captioned water right licenses and transfer.² That correspondence addresses NKWD's objection to the Department's reversal of longstanding policy and practice in two areas: (1) reversing its prior recognition of alternative points of diversion ("APODs") serving 13 ground water delivery system components across the District's service area and (2) reversing its prior recognition that NKWD is entitled to the same treatment as any other traditional municipal provider with respect to annual volume limits.

¹ As noted previously, NKWSD and NKWD are one and the same.

² Today's letter continues the discussion initiated by Daniel Nelson's letter of June 10, 2013 to Mike Galante, which was followed by my response dated July 10, 2013, our meeting at IDWR on February 13, 2014, my proposed license conditions dated February 14, 2014, Mike Galante's letter on SCADA telemetry dated April 2, 2014, Mike Galante's letter of May 27, 2014 dealing with the transfer, your letter of June 4, 2014, Mike Galante's letter of June 18, 2014 noting the need for additional time to respond, and my letter to Shelley Keen of August 8, 2014. For some reason, the August 8, 2014 letter does not appear on the Department's website.

SCANNED

MAR 12 2015

Mathew Weaver
Shelley W. Keen
March 6, 2015
Page 2 of 4

APODs

On January 27, 2015, NKWD submitted a public records request seeking guidance and precedent relevant to the Department's change in policy with respect to APODs. The Department's response demonstrates that there is no guidance or precedent (from either the Department or the Idaho Water Resource Board) supporting this policy change. Rather, it appears to be an *ad hoc* decision that arose solely in the context of NKWD's water rights.

It boils down to this. NKWD is a statutorily recognized governmental entity that provides municipal water to residents in the Hayden Lake area north of Coeur d'Alene. NKWD's service area is composed of 13 ground water delivery systems in close proximity to each other (in addition to two systems served by surface water). The fact that they are geographically distinct and not connected by pipes reflects NKWD's purpose and mission of providing municipal water to smaller communities that are not served by larger municipal systems. (Map enclosed.) In short, NKWD fills the interstices—a vital public role.

This municipal service is supported by ground water rights from a variety of wells all pumped from a common source, the Rathdrum Prairie Aquifer. The effect on the aquifer and on other water users is identical whether that water is pumped and used in one delivery system or another.³

As described in earlier communications, these systems, though not connected by pipes, are operated in a coordinated and centralized fashion through a single operations building employing a sophisticated SCADA electronic telemetry system that monitors and controls pumping from each point of diversion.⁴

The reason that APODs are needed is simple. The system is supported by a portfolio of water rights with a mix of priority dates. In the event of curtailment in time of shortage—or, for that matter, in the event of system failure or other emergency—it may be necessary for the District to operate with fewer than all its water rights. If that happens, the District needs the

³ The possibility of individual well interference is addressed and resolved by the proposed "APOD condition" that NKWD submitted on February 14, 2014. This is the same condition that was developed by IDWR, imposed on municipal water rights throughout the SRBA, and approved by the SRBA Court and the Idaho Supreme Court. *In Re SRBA*, Case No. 39576, Subcase Nos. 29-00271 *et al.* (Idaho, Fifth Judicial Dist., Nov. 9, 2009 and April 12, 2010) (Melanson, J.), *aff'd*, *City of Pocatello v. Idaho*, 152 Idaho 830, 275 P.3d 845 (2012) (Eisemann, J.) (upholding position of *amici curiae* regarding alternative points of diversion in City of Pocatello municipal water rights litigation).

⁴ To date, the SCADA system has been installed in 12 of the District's 15 delivery systems. The District's second proposed condition submitted on February 14, 2014 commits the District to expansion of the SCADA system to all of its delivery system components. NKWD will commit to extend the SCADA system to the remaining three systems if IDWR approves system-wide APODs.

SCANNED

MAR 12 2015

Mathew Weaver
Shelley W. Keen
March 6, 2015
Page 3 of 4

flexibility to distribute that water with maximum flexibility. For example, it might be necessary to move available water rights from system to system on a rotating daily basis.

Locking in the most senior rights to those systems that happen to have the oldest wells would make that impossible. Allowing some systems to continue to operate at full tilt, while shutting down others served by junior rights, would serve no useful purpose. It would result in the same draw on the resource and have the same impact on other water users as would a more equitable rotation system in which all of the District's customers shared the pain.

The Department's suggestion that sufficient flexibility can be achieved by splitting up the senior rights and transferring a piece of each right to each delivery system is a make-work project that creates new headaches and fails to solve the problem. Whatever division is made today may not fit the circumstances of the future. The District will be called upon periodically to re-transfer its entire portfolio to adjust to shifts in demographics and other factors. Given the pressing challenges faced by Idaho, this shuffling exercise hardly seems a useful undertaking for the Department or its customers. Nor can it be reconciled with the clear language of the 1996 Municipal Water Rights Act which recognizes a flexible, expanding, and unified service area covering the entire area that the provider "is authorized or obligated to serve." Idaho Code § 42-202B(9). In any event, this kludge of divvying up senior water rights does not meet the flexibility goal. If the District found it necessary, for instance, to rotate its senior rights on a daily or other basis, it would not be possible to transfer the rights back and forth with every shift in the lawn irrigation schedule.

Annual volume limits

The second area of contention is the Department's inexplicable decision to treat NKWD as a second class municipal water provider. As discussed extensively in prior correspondence, there is no basis under law and no good reason to allow municipalities and water utilities to obtain non-RAFN water rights based on installed capacity without an annual volume limit while refusing to do the same for NKWD. NKWD is a legislatively recognized public entity whose responsibility to serve municipal customers is no different from other traditional municipal providers. This departure from prior practice appears not to be based on water law, but on the Department's newfound distaste for economic development outside of city boundaries.

Request for meeting

The District's Board of Directors is, to say the least, frustrated that this debate has dragged on for years without resolution. This is all the more disappointing in light of the recognition by the Idaho Water Resource Board ("IWRB") of the importance of allowing Idaho water users—particularly in North Idaho—to establish and document the full extent of their water rights prior to inevitable conflict with out-of-state interests. Indeed, the IWRB has

SCANNED

MAR 12 2015

Mathew Weaver
Shelley W. Keen
March 6, 2015
Page 4 of 4

encouraged municipal providers in North Idaho to apply for long term RAFN water rights. An IWRB study conducted by the Idaho Water Resources Research Institute ("IWRRI") confirms that NKWD will be one of the largest growth entities in the next 30 years in Kootenai County.

The Board has instructed me to request a face-to-face meeting with you and, we would hope, the Director to see if some progress cannot be made in finding an accommodation. If that cannot be achieved, so be it. But we would like to try one more time before deciding what course of action to take.

The District's Manager, Mike Galante, will make himself available for such a meeting in Boise at your convenience. Our only block-out dates (through April) are March 16 and April 1, 8, 13-27. We each have a number of other appointments, but they can be changed to suit your schedule.

I look forward to hearing from you and remain optimistic that further discussion will bring us closer together.

Sincerely,



Christopher H. Meyer

Encl: Map of NKWD's service area

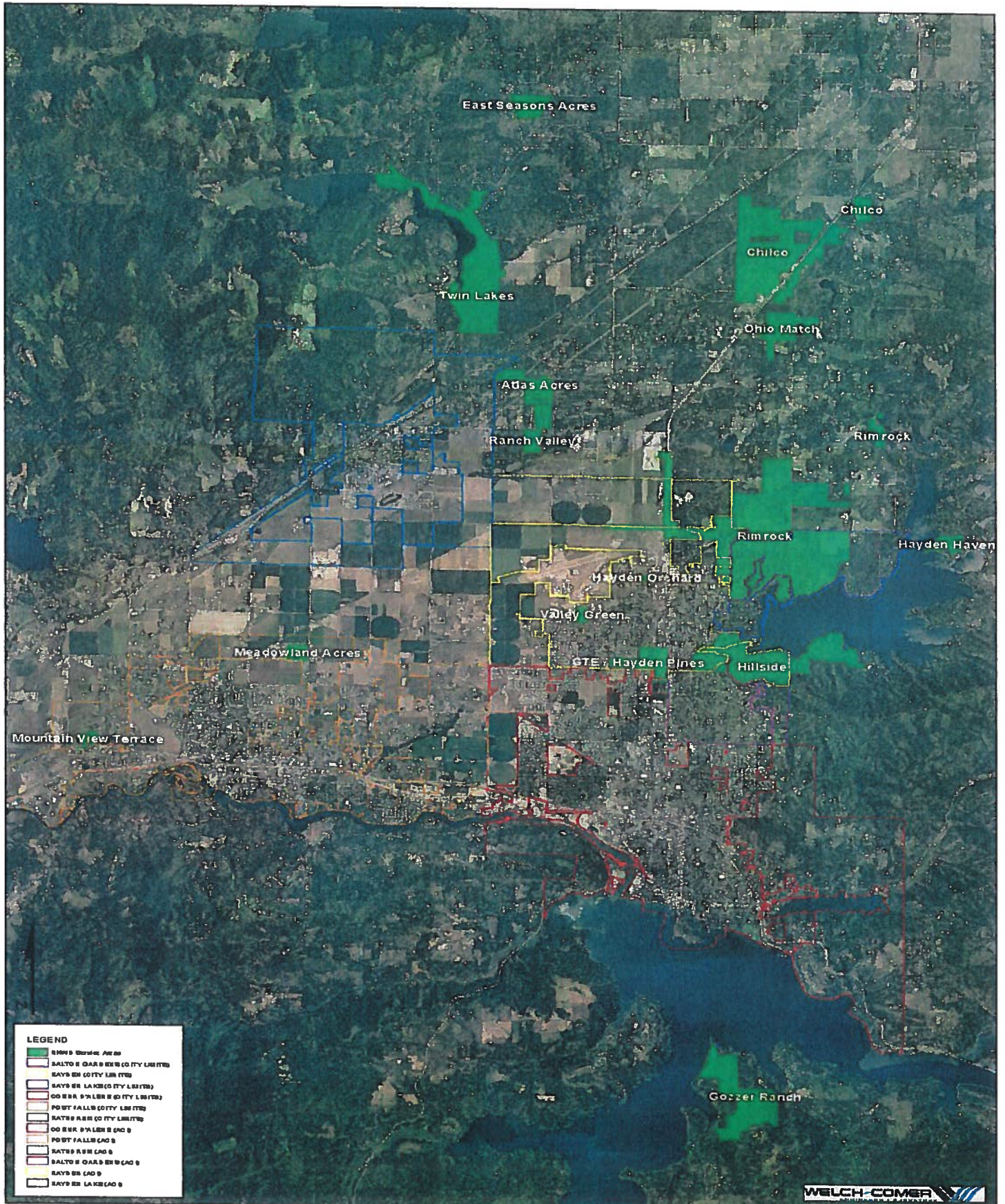
cc: Idaho Water Resource Board
Gary L. Spackman, Director, Idaho Department of Water Resources
Jeff Peppersack, Water Allocation Bureau Chief, Idaho Department of Water Resources
Carter Fritschle, Adjudication Section Manager, Idaho Department of Water Resources
Clive J. Strong, Natural Resources Division Chief, Office of the Attorney General
Garrick L. Baxter, Deputy Attorney General, Idaho Department of Water Resources
Keith E. Franklin, Northern Regional Manager, Idaho Department of Water Resources
Mark Solomon, Idaho Water Resources Research Institute
Mike Galante, District Manager, North Kootenai Water & Sewer District
Necia Maiani and Ashley Williams, Welch Comer Engineers

2383602_5 / 11556-2

SCANNED

MAR 12 2015

NKWD Service Area



SCANNED

MAR 12 2015

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 17 2015

STATE OF IDAHO, }
County of Kootenai, } ss.

Charrell White being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

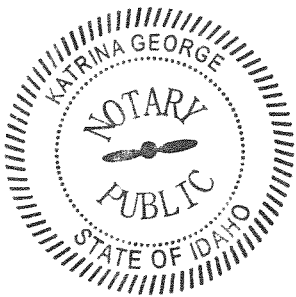
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for Two consecutive Weeks commencing on the 5 day of February 20 15, and ending on the 12 day of February 20 15, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Charrell White. On this 12 day of February in the year of 2015, before me, a Notary Public, personally appeared Charrell White, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Katrina George
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



DEPARTMENT OF WATER RESOURCES NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79275

NORTH KOOTENAI WATER DISTRICT, 13649 N MEYER RD, RATHDRUM, ID 83858; has filed Application No. 79275 for changes to the following water rights within KOOTENAI County(s): Right No(s). 95-8639; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Applicant proposes to add a new well to Right 95-8639 within the Rimrock system in SWSW, Section 2, T51N, R04W near an existing well on same lot. This is a re-advertisement to correct the township in the legal description.

For additional information concerning the property location, contact IDWR State Office at (208)287-4800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise, ID, 83270-0098 together with a protest fee of \$25.00 for each application on or before 2/23/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
LEGAL 3062
FEBRUARY 5, 12, 2015

MY COMMISSION EXPIRES 8/29/17

Jan 2-18-15

Hersley, Jean

From: White, Chantell [cwhite@cdapress.com]
Sent: Friday, January 30, 2015 9:54 AM
To: Hersley, Jean
Subject: Re: Readvertisement of Legal Notice
Attachments: CHANGE WATER RIGHT 79275.pdf

Thanks!

On Fri, Jan 30, 2015 at 8:31 AM, White, Chantell <cwhite@cdapress.com> wrote:
Received thank you!

On Fri, Jan 30, 2015 at 8:26 AM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. This is a re-advertisement to correct the township in the legal description.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to the Idaho Department of Water Resources State office, 322 E Front St, PO Box 83720, Boise, Idaho, 83720-0098 before 2/23/2015. Your cooperation is appreciated. If you have any questions, please contact me at (208) 287-4942. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

--

Thank you,
Chantell White
Coeur d'Alene Press Legals

Email: cwhite@cdapress.com
Phone: (208)664-8176

--

Thank you,
Chantell White
Coeur d'Alene Press Legals
Email: cwhite@cdapress.com
Phone: (208)664-8176



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 10, 2015

NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM ID 83858

RE: Application for Transfer of Water Right 79275
Right 95-8639

Dear Applicant:

On January 16, 2015 I mailed a letter requesting additional information necessary to comply with the Rathdrum Prairie Ground Water Management Area ground water management plan. A current water conservation plan for your municipal system associated with Right 95-8639 is required before we can complete processing of Transfer 79275.

Your request for additional time to gather the required data and submit the conservation plan was received on February 9, 2015. The request is reasonable and timely. As you noted processing has also been delayed until at least February 23, 2015 to allow for readvertisement of the application correcting an error in the original legal notice.

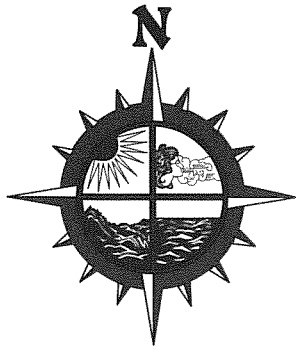
The Department will hold further processing of your application until **March 18, 2015** per your request. **After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.**

If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S. Skaggs
Water Rights Supervisor

SCANNED
FEB 09 2015



North Kootenai Water & Sewer District

13649 N. Meyer Rd. • Rathdrum, ID 83858
Phone: (208) 687-6593 • Fax: (208) 687-6597
www.nkwsd.com

RECEIVED
FEB 09 2015
DEPARTMENT OF
WATER RESOURCES

February 5, 2015

State of Idaho Department of Water Resources
322 E. Front St.
PO Box 83720
Boise, ID 83720-0098

Attn: Pamela S. Skaggs, Water Rights Supervisor

RE: NKWD Conservation Plan Update

Dear Ms. Skaggs,

Thank you for your letter dated January 16, 2015. I am writing you to request an additional 30 days, or until March 18th, to prepare the update of the District's Conservation Plan. The additional time requirement is needed to compile data and to have our engineering consultant review our goals with the Board of Directors for the District.

Couple this with the error in the legal description published in the Coeur d'Alene Press, it appears that we still have some time on the matter (Jean Hersley letter Jan. 30, 2015).

I appreciate your consideration in this matter, and look forward to your response.

Sincerely,

Mike Galante
District Manager

MG/dw

cc: Board of Directors, North Kootenai Water District
Necia Maiani, P.E., Welch Comer Engineering, 350 E Kathleen, Coeur d'Alene ID 83815
Brian Werst, Attorney, K & L Gates, 618 W Riverside Ave #300, Spokane WA 99201
File

RECEIVED

FEB 05 2015

DEPARTMENT OF
WATER RESOURCES

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Chantell White being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

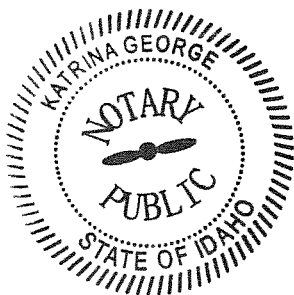
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for Two consecutive Weeks commencing on the 22 day of January 20 15, and ending on the 29 day of January 20 15, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Chantell White. On this 29 day of January in the year of 2015, before me, a Notary Public, personally appeared Chantell White, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Katrina George
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/17

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79275

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Applicant proposes to add a new well to Right 95-8639 within the Rimrock system in SWSW, Section 2, T5N, R04W near an existing well on same lot.

For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 2/2/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
LEGAL 2244
JANUARY 22, 29, 2015

Township Wrong.
re-advertise. Right 2-5-15



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 30, 2015

NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM ID 83858

RE: Transfer No. 79275
Water Right No(s). 95-8639

Dear Applicant(s):

The Department of Water Resources was notified the original legal notice published in the Coeur D Alene Press on January 22 and January 29 was incorrect. The township was listed as **T5N** instead of **T51N**.

A corrected legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 2/5/2015 and 2/12/2015. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist

CC: CHRISTOPHER H MEYER
MICHAEL C CREAMER
WELCH COMER ENGINEERS

Hersley, Jean

From: White, Chantell [cwhite@cdapress.com]
Sent: Friday, January 30, 2015 9:31 AM
To: Hersley, Jean
Subject: Re: Readvertisement of Legal Notice

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Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

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Chantell White
Coeur d'Alene Press Legals
Email: cwhite@cdapress.com
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GARY SPACKMAN, Director

Published on 2/5/2015 and 2/12/2015



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 16, 2015

NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM ID 83858

RE: Application for Transfer of Water Right 79275
Right 95-8639

Dear Applicant:

Transfer 70506 proposes change to a water right within the Rathdrum Prairie Ground Water Management Area and is subject to the requirements of the ground water management plan. A water conservation plan is required for all new water rights or changes to existing water rights held by municipal providers. I have found copies of your original plan from 2007 and a 2010 annual report. Please provide an updated, current conservation plan for your municipal system associated with Right 95-8639.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. **After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.**

The application is currently in the advertising period of processing and a prompt submittal of your plan will not delay processing. If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail, and I will be happy to assist you.

Sincerely,

A handwritten signature in cursive script that reads "Pamela S. Skaggs". The signature is written in dark ink and is positioned above the printed name and title.

Pamela S. Skaggs
Water Rights Supervisor