Rev. 07/13

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IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79275

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) North Kootenai Water District

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☑ * Completed Application for Transfer of Water Right form, Part 1.
- ☑ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☑ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☑ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☑ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☑ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☑ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☑ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☑ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☑ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☑ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☑ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☑ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☑ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☑ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☑ ☐ #9 Other. Please describe: A. Description of Diversion Works; B. Points of Diversion

Rev. 07/13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) North Kootenai Water District Phone (208) 687-6593

Mailing address 13649 N Meyer Road Rathdrum, ID 83858 Email contactus@nkwsd.com

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Karen Osterodock, P.E. (Welch Comer Engineers) Phone (208) 664-9382

Mailing address 350 E Kathleen Ave. Coeur d'Alene, ID 83815 Email kosterdock@welchcomer.com

☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☑ Send original correspondence to the applicant and copies to the representative.

☑ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Michael R Galanti — Signature of Applicant or Authorized Representative

MICHAEL R GALANTI DIST. MGR — Print Name and Title if applicable

4/16/14 — Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☑ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2.**

The District intends to construct a production well (Lancaster 5) on the Rimrock Water System to serve as a back-up source in order to meet current IDEQ IDAPA regulations. The third well will be located at the same well site as Lancaster 3 and 4.

Rev. 07/13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑	☐	95-8639	1.00	Municipal	01/01 to 12/31	Groundwater
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 1.00 cfs and/or 376 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.00 cubic feet per second and/or 376 acre-feet per annum.

3. Point(s) of Diversion: Refer to Attachment 9B: Points of Diversion

☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☑ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
See attached Description of Diversion Works (Attachment #9A)

b. Who owns the property at the point(s) of diversion? North Kootenai Water District

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Not applicable

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Not applicable

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Not applicable

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
95-7138, 95-7713, 95-7827, 95-8522, 95-9199, 95-9217, 95-7763, 95-7231, 95-10019, 95-9129, 95-9244, 95-12599, 95-2144, 95-2205, 95-4027, 95-7185, 95-7271

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐ ☑ undergone a period of five or more consecutive years of non-use,
☐ ☑ currently leased to the Water Supply Bank,
☐ ☑ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☑ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:
Not applicable

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: ____________

1. amount ____________ (cfs/ac-ft) for ____________________ purposes from __________ to __________
   amount ____________ (cfs/ac-ft) for ____________________ purposes from __________ to __________
   amount ____________ (cfs/ac-ft) for ____________________ purposes from __________ to __________
   amount ____________ (cfs/ac-ft) for ____________________ purposes from __________ to __________
   amount ____________ (cfs/ac-ft) for ____________________ purposes from __________ to __________
   amount ____________ (cfs/ac-ft) for ____________________ purposes from __________ to __________
   amount ____________ (cfs/ac-ft) for ____________________ purposes from __________ to __________
   amount ____________ (cfs/ac-ft) for ____________________ purposes from __________ to __________

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																		Total Acres (for irrigation use)		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☑ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.** If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

Not applicable

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Transfer contains _____ pages and _____ attachments.

Received by [illegible] Date 4/16/14 Preliminary check by _____ Date _____

Fee paid $500.00 Date 4/16/14 Receipted by [illegible] Receipt # N030384

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

42-222 POD
07/2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s) ☑ Add diversion point(s) ☐ Ownership change

1. **APPLICANT(S)** North Kootenai Water District Phone (208) 687-6593
2. **MAILING ADDRESS** 13649 N Meyer Road City Rathdrum

State ID Zip 83858 Email contactus@nkwsd.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 95-8639

☑ Attach a copy of the water right(s) as recorded, available at *www.idwr.idaho.gov, Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 1.00 (diversion rate) cubic feet per second and/or 376 (storage volume) acre-feet per annum.

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at *www.idwr.idaho.gov, Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
Refer to Attachment 9B: Points of Diversion									

Transfer No. _____

6. **GENERAL INFORMATION**

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Refer to attached Description of Diversion System (Attachment #9A).

b. Who owns the property at the point(s) of diversion? North Kootenai Water District
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Not applicable

c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes	No	
☐	☑	undergone a period of five or more consecutive years of non-use,
☐	☑	currently leased to the Water Supply Bank,
☐	☑	currently used in a mitigation plan limiting the use of water under the right(s), or
☐	☑	currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe Not applicable

7. **MAP** – ☑ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool,* available at *http://maps.idwr.idaho.gov/TransferApplicationLayouts/* provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent	Print name and title if applicable	Date
[signature]	MICHAEL R GALANTE DISTRICT MGR.	4/16/14
Signature of applicant or authorized agent	Print name and title if applicable	Date

9. **FEE** - ☑ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at *www.idwr.idaho.gov, Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid _____ Date _____ Receipted by _____ Receipt # _____

Preliminary review completed by _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 95-8639

Current Owner: NORTH KOOTENAI WATER DISTRICT

Priority Date: 1/5/1990

Origin: Adjudication Claim

Status: Active

Basis: License

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
MUNICIPAL	01/01 to 12/31	1 CFS	376 AF
	Total Diversion	1 CFS	376 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 2,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NW1/4NE1/4	Sec. 11,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NW1/4NE1/4	Sec. 11,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NW1/4NE1/4	Sec. 14,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	SW1/4SE1/4	Sec. 15,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NE1/4SE1/4	Sec. 23,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NE1/4SE1/4	Sec. 23,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NE1/4SE1/4	Sec. 23,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	SW1/4SE1/4	Sec. 23,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	SW1/4SE1/4	Sec. 23,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NW1/4SW1/4	Sec. 24,	Twp 51N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	SE1/4SE1/4	Sec. 23,	Twp 51N,	Rge 05W B.M.
KOOTENAI County				
GROUND WATER	NE1/4SW1/4	Sec. 32,	Twp 51N,	Rge 05W B.M.
KOOTENAI County				

GROUND WATER	SE1/4SW1/4	Sec. 32,	Twp 51N,	Rge 05W B.M.
KOOTENAI County				
GROUND WATER	SE1/4NE1/4	Sec. 7,	Twp 52N,	Rge 03W B.M.
KOOTENAI County				
GROUND WATER	SW1/4NW1/4	Sec. 8,	Twp 52N,	Rge 03W B.M.
KOOTENAI County				
GROUND WATER	NW1/4SW1/4	Sec. 17,	Twp 52N,	Rge 03W B.M.
KOOTENAI County				
GROUND WATER	NW1/4SE1/4	Sec. 18,	Twp 52N,	Rge 03W B.M.
KOOTENAI County				
GROUND WATER	NE1/4NE1/4	Sec. 6,	Twp 52N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	SE1/4SE1/4	Sec. 17,	Twp 52N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	SE1/4SE1/4	Sec. 17,	Twp 52N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NE1/4NE1/4	Sec. 28,	Twp 52N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NE1/4SE1/4	Sec. 28,	Twp 52N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	SE1/4NE1/4	Sec. 33,	Twp 52N,	Rge 04W B.M.
KOOTENAI County				
GROUND WATER	NE1/4NW1/4	Sec. 28,	Twp 53N,	Rge 04W B.M.
KOOTENAI County				

Place of Use

MUNICIPAL Within KOOTENAI County

T51N R03W S5	Lot 1	NENE	T51N R03W S5	Lot 2	NWNE
T51N R03W S5		SWNE	T51N R03W S5		SENE
T51N R03W S5	Lot 3	NENW	T51N R03W S5	Lot 4	NWNW
T51N R03W S5		SWNW	T51N R03W S5		SENW
T51N R03W S5		SWSW	T51N R03W S6	Lot 1	NENE
T51N R03W S6	Lot 2	NWNE	T51N R03W S6		SWNE
T51N R03W S6		SENE	T51N R03W S6	Lot 3	NENW
T51N R03W S6	Lot 4	NWNW	T51N R03W S6	Lot 5	SWNW
T51N R03W S6		SENW	T51N R03W S6		NESW
T51N R03W S6	Lot 6	NWSW	T51N R03W S6	Lot 7	SWSW
T51N R03W S6		SESW	T51N R03W S6		NESE
T51N R03W S6		NWSE	T51N R03W S6		SWSE
T51N R03W S6		SESE	T51N R03W S7		NENE
T51N R03W S7		NWNE	T51N R03W S7		SWNE
T51N R03W S7		SENE	T51N R03W S7		NENW
T51N R03W S7	Lot 1	NWNW	T51N R03W S7	Lot 2	SWNW
T51N R03W S7		SENW	T51N R03W S7		NESW
T51N R03W S7	Lot 3	NWSW	T51N R03W S7	Lot 4	SWSW
T51N R03W S7		SESW	T51N R03W S7		NESE
T51N R03W S7		NWSE	T51N R03W S7		SWSE

Page _____ of _____

T51N R03W S7		SESE	T51N R03W S8		NENE
T51N R03W S8		NWNE	T51N R03W S8		SWNE
T51N R03W S8		SENE	T51N R03W S8		NENW
T51N R03W S8		NWNW	T51N R03W S8		SWNW
T51N R03W S8		SENW	T51N R03W S8		NESW
T51N R03W S8		NWSW	T51N R03W S8		SWSW
T51N R03W S8		SESW	T51N R03W S8		NESE
T51N R03W S8		NWSE	T51N R03W S8		SWSE
T51N R03W S8	Lot 1	SESE	T51N R03W S17	Lot 2	NWNE
T51N R03W S17	Lot 3	NENW	T51N R03W S17		NWNW
T51N R03W S17	Lot 4	SWNW	T51N R03W S17	Lot 3	SENW
T51N R03W S18		NENE	T51N R03W S18	Lot 8	NWNE
T51N R03W S18	Lot 7	SWNE	T51N R03W S18	Lot 9	SENE
T51N R03W S18		NENW	T51N R03W S18	Lot 1	NWNW
T51N R03W S18	Lot 2	SWNW	T51N R03W S18		SENW
T51N R03W S18		NESW	T51N R03W S18	Lot 3	NWSW
T51N R03W S19	Lot 1	NWNW	T51N R03W S19	Lot 2	SWNW
T51N R03W S19	Lot 2	SENW	T51N R03W S19	Lot 5	NESW
T51N R03W S19	Lot 3	NWSW	T51N R03W S19	Lot 4	SWSW
T51N R03W S19		SESW	T51N R03W S19	Lot 7	NESE
T51N R03W S19	Lot 6	NWSE	T51N R03W S19		SWSE
T51N R03W S19		SESE	T51N R03W S20	Lot 1	NENE
T51N R03W S20	Lot 2	NWNE	T51N R03W S20	Lot 2	SWNE
T51N R03W S20	Lot 4	SENE	T51N R03W S20	Lot 3	SENW
T51N R03W S20	Lot 5	NESW	T51N R03W S20	Lot 6	NWSW
T51N R03W S20	Lot 7	SWSW	T51N R03W S20		SESW
T51N R03W S20		NESE	T51N R03W S20		NWSE
T51N R03W S21	Lot 4	SWNW	T51N R03W S21	Lot 3	NESW
T51N R03W S21	Lot 4	NWSW	T51N R03W S21		SWSW
T51N R03W S21		SESW	T51N R03W S29	Lot 1	NWNW
T51N R03W S30		NENE	T51N R03W S30		NWNE
T51N R03W S30		SENE	T51N R03W S30		NENW
T51N R03W S30	Lot 1	NWNW	T51N R04W S1		SWSW
T51N R04W S1		SESW	T51N R04W S1		NESE
T51N R04W S1		SWSE	T51N R04W S1		SESE
T51N R04W S2	Lot 1	NENE	T51N R04W S2		SENE
T51N R04W S2		SWSW	T51N R04W S2		SESW
T51N R04W S2		NESE	T51N R04W S2		SWSE
T51N R04W S2		SESE	T51N R04W S10		NENE
T51N R04W S11		NENE	T51N R04W S11		NWNE
T51N R04W S11		SENE	T51N R04W S11		NENW
T51N R04W S11		NWNW	T51N R04W S12		NENE
T51N R04W S12		NWNE	T51N R04W S12		SWNE
T51N R04W S12		SENE	T51N R04W S12		NENW
T51N R04W S12		NWNW	T51N R04W S12		SWNW
T51N R04W S12		SENW	T51N R04W S12		NESE
T51N R04W S12		NWSE	T51N R04W S12		SWSE
T51N R04W S12		SESE	T51N R04W S13		NENE

T51N R04W S13		SENE	T51N R04W S14		NWNE
T51N R04W S15		SWSE	T51N R04W S23		NESW
T51N R04W S23		SWSW	T51N R04W S23		SESW
T51N R04W S23		NESE	T51N R04W S23		NWSE
T51N R04W S23		SWSE	T51N R04W S23		SESE
T51N R04W S24		NENE	T51N R04W S24		SWNE
T51N R04W S24		SENE	T51N R04W S24		NESW
T51N R04W S24		SESW	T51N R04W S24		NESE
T51N R04W S24		NWSE	T51N R04W S24		SWSE
T51N R04W S24		SESE	T51N R04W S26		NENE
T51N R04W S26		NWNE	T51N R04W S26		SENE
T51N R05W S23		NESW	T51N R05W S23		SESW
T51N R05W S23		NESE	T51N R05W S23		NWSE
T51N R05W S23		SWSE	T51N R05W S23		SESE
T51N R05W S32		NESW	T51N R05W S32		NWSW
T51N R05W S32		SWSW	T51N R05W S32		SESW
T52N R03W S4	Lot 3	NENW	T52N R03W S4	Lot 4	NWNW
T52N R03W S4	Lot 5	SWNW	T52N R03W S4		SENW
T52N R03W S4	Lot 6	NWSW	T52N R03W S5	Lot 1	NENE
T52N R03W S5		SENE	T52N R03W S5		SWNW
T52N R03W S5		SENW	T52N R03W S5		NESW
T52N R03W S5		NWSW	T52N R03W S5		SWSW
T52N R03W S5		SESW	T52N R03W S5		NESE
T52N R03W S5		NWSE	T52N R03W S5		SWSE
T52N R03W S5		SESE	T52N R03W S6	Lot 2	NWNE
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T52N R03W S6	Lot 5	SWNW	T52N R03W S6		SENW
T52N R03W S6		NESW	T52N R03W S6	Lot 6	NWSW
T52N R03W S6	Lot 7	SWSW	T52N R03W S6	Lot 7	SWSW
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T52N R03W S7	Lot 2	SWNW	T52N R03W S7		SENW
T52N R03W S7		NESW	T52N R03W S7	Lot 3	NWSW
T52N R03W S7	Lot 4	SWSW	T52N R03W S7		SESW
T52N R03W S7		NESE	T52N R03W S7		NWSE
T52N R03W S7		SWSE	T52N R03W S7		SESE
T52N R03W S8		NENW	T52N R03W S8		NWNW
T52N R03W S8		SWNW	T52N R03W S8		SENW
T52N R03W S17		SENW	T52N R03W S17		NESW
T52N R03W S17		NWSW	T52N R03W S17		SWSW

T52N R03W S17		SESW	T52N R03W S17		NWSE
T52N R03W S18		NESW	T52N R03W S18		SESW
T52N R03W S18		NESE	T52N R03W S18		NWSE
T52N R03W S18		SWSE	T52N R03W S18		SESE
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T52N R03W S19		SWNE	T52N R03W S19		NENW
T52N R03W S19		SENW	T52N R03W S20		NWNW
T52N R03W S31		SWNE	T52N R03W S31		NESW
T52N R03W S31		SESW	T52N R03W S31		NESE
T52N R03W S31		NWSE	T52N R03W S31		SWSE
T52N R03W S31		SESE	T52N R03W S32		SWSW
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T52N R04W S5	Lot 1	NENE	T52N R04W S5	Lot 2	NWNE
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T52N R04W S5	Lot 7	NESW	T52N R04W S5	Lot 6	NWSW
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T52N R04W S6	Lot 1	NENE	T52N R04W S6		NWNE
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T52N R04W S6		NENW	T52N R04W S6	Lot 2	NENW
T52N R04W S6	Lot 3	NWNW	T52N R04W S8		
T52N R04W S8	Lot 1	NENE	T52N R04W S8	Lot 1	NWNE
T52N R04W S8		SWNE	T52N R04W S8	Lot 2	SWNE
T52N R04W S8	Lot 2	SENE	T52N R04W S8		SENW
T52N R04W S8		NESW	T52N R04W S8		SESW
T52N R04W S8		SESW	T52N R04W S8	Lot 3	NESE
T52N R04W S8		NWSE	T52N R04W S8	Lot 3	NWSE
T52N R04W S8		SWSE	T52N R04W S8	Lot 4	SWSE
T52N R04W S8		SESE	T52N R04W S9		NWNW
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T52N R04W S9		SWSW	T52N R04W S16		NWNW
T52N R04W S16		SWNW	T52N R04W S16		NWSW
T52N R04W S16		SWSW	T52N R04W S17		
T52N R04W S17		NENE	T52N R04W S17	Lot 1	NWNE
T52N R04W S17		SWNE	T52N R04W S17		SENE
T52N R04W S17		NENW	T52N R04W S17	Lot 1	NENW
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T52N R04W S17		SWNW	T52N R04W S17		SENW
T52N R04W S17	Lot 2	SENW	T52N R04W S17		NESW
T52N R04W S17		NWSW	T52N R04W S17		SESW
T52N R04W S17		NESE	T52N R04W S17		NWSE
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T52N R04W S21		SWSW	T52N R04W S21		SESW
T52N R04W S21		SWSE	T52N R04W S21		SESE
T52N R04W S22		SWSW	T52N R04W S27		NWNW

Page _____ of _____

T52N	R04W	S27		SWNW	T52N	R04W	S27		NWSW
T52N	R04W	S27		SWSW	T52N	R04W	S28		NENE
T52N	R04W	S28		NWNE	T52N	R04W	S28		SWNE
T52N	R04W	S28		SENE	T52N	R04W	S28		NESE
T52N	R04W	S28		SESE	T52N	R04W	S33		NENE
T52N	R04W	S33		NWNE	T52N	R04W	S33		SWNE
T52N	R04W	S33		SENE	T52N	R04W	S35		SWNE
T52N	R04W	S35		SENE	T52N	R04W	S35		NESE
T52N	R04W	S35		SESE	T52N	R05W	S1	Lot 1	NENE
T53N	R03W	S31	Lot 4	SWSW	T53N	R03W	S32		SESE
T53N	R03W	S33		SWSW	T53N	R04W	S28		NENE
T53N	R04W	S28		NWNE	T53N	R04W	S28		SWNE
T53N	R04W	S28		SENE	T53N	R04W	S28		NENW
T53N	R04W	S28		NWNW	T53N	R04W	S28		SWNW
T53N	R04W	S28		SENW	T53N	R04W	S28		NESW
T53N	R04W	S28		NWSE	T53N	R04W	S31		NESW
T53N	R04W	S31	Lot 3	NWSW	T53N	R04W	S31		SWSW
T53N	R04W	S31		SWSW	T53N	R04W	S31		SWSW
T53N	R04W	S31	Lot 4	SWSW	T53N	R04W	S31		SESW
T53N	R04W	S31		SESW	T53N	R04W	S31		SESW
T53N	R04W	S31	Lot 5	SESW	T53N	R04W	S31	Lot 6	SESW
T53N	R04W	S31		NWSE	T53N	R04W	S31		SWSE
T53N	R04W	S31		SWSE	T53N	R04W	S31	Lot 7	SWSE
T53N	R04W	S31		SESE	T53N	R05W	S36	Lot 1	NESE
T53N	R05W	S36	Lot 1	SESE					

Attachment 9A: Description of Diversion Works

System	Well	Depth of Well	Diameter of Casing (inch)	Tag Number	Drill Date	Drilling Firm	Owner at Time of Drilling
Ohio Match	Ohio Match 1	235	6	#D0010243	6/27/1999	United Drilling Inc	NKWD
	Ohio Match 2	Unknown					
Hillside	Finucane	Unknown	16				
	Hayden Well 1	350	16		10/24/1977	Holman Drilling Corp	Honeysuckle Hills Assoc.
	Hayden Well 2	380	20	#D0054618	9/10/2008	Boart Longyear	NKWD
GTE/ Hayden Pines	Hayden Pines	330	6	#D0041569	7/23/1971	Holman Drilling Corp	Hayden Pines Water Co.
	GTE 1	367	16		9/24/1977	Holman Drilling Corp	Hayden Pines Water Co.
	GTE 2	Unknown					
Twin Lakes	Tree Farm 1	Unknown			2/19/1975	Carmon Development	Twin Lakes Estates
	Tree Farm 2	Unknown		#D0051936	5/29/2007	H2O Well Service, Inc	NKWD
	Echo Beach	355	8			Holman Drilling Corp	Charles T. Howard
Rimrock	Lancaster 1	408	16		1/28/1980	Holman Drilling Corp	Hayden Pines Water Co.
	Lancaster 2	408	10		4/2/1990	H2O Well Service, Inc	Hayden Pines Water Co.
	Lancaster 3	383	16	#D0022244	4/26/2002	Holt Drilling Inc	NKWD
	Lancaster 5 (proposed)	To Be Drilled					
Hayden Orchards	Hayden Orchard	380	8		7/7/1977	Holman Drilling Corp	Hayden Pines Water Co.
Chilco	Chilco 1	136	10		4/12/1978	Holman Drilling Corp	Charles A. Ford
	Chilco 2	147	12	#D0013463	7/25/2000	H2O Well Service, Inc	NKWD
Atlas Acres	Atlas	308	8		6/6/1978	Holman Drilling Corp	Joe. R. Acuff
	Sylte Well	Unknown		#D0028350	6/3/2003	Bronson Water Wells	Sylte Development LLC
Mountain View	Elk Street	Unknown					
	Echo Street	Unknown					
Meadowland Acres	Meadowland Acres	Unknown					
Valley Green	Valley Green	390	8		1/1/1977	Associated Well Drillers	Eborale Realty, Inc.
East Seasons Acres	East Seasons Acres	Unknown					
Ranch Valley	Ranch Valley	Unknown					

Note: North Kootenai Water District owns and operates the above groundwater systems. Refer to Attachment #7a for a map showing all of the service areas (POU) as well as a map of the Rimrock system showing where the proposed Lancaster 5 well will be drilled.

Attachment 9B: Points of Diversion									
System	PWS Number	Well	DEQ Identification Number	Well Drilling Permit Number	1/4 1/4	Section	Township	Range	County
Ohio Match	1280127	Ohio Match 1	EO #005184	#D0010243	NWSE	18	52N	03W	Kootenai
		Ohio Match 2			NWSW	17	52N	03W	Kootenai
Hillside	1280095	Finucane	EO #005170		NWSW	24	51N	04W	Kootenai
		Hayden Well 1	EO #005169		NESE	23	51N	04W	Kootenai
		Hayden Well 2	NA		NESE	23	51N	04W	Kootenai
GTE/Hayden Pines	1280257	Hayden Pines	EO #005168	#D0041569	NESE	23	51N	04W	Kootenai
		GTE 1	EO #009196		SWSE	23	51N	04W	Kootenai
		GTE 2	EO #005172		SWSE	23	51N	04W	Kootenai
Twin Lakes	1280099	Tree Farm 1	EO #005190		SESE	17	52N	04W	Kootenai
		Tree Farm 2	EO #005191	#D0051936	SESE	17	52N	04W	Kootenai
		Echo Beach	EO #005192		NENE Lt 1	6	52N	04W	Kootenai
Rimrock	1280009	Lancaster 1	EO #005154		NWNWNE	11	51N	04W	Kootenai
		Lancaster 2	EO #009193		NWNE	11	51N	04W	Kootenai
		Lancaster 3	EO #009199	#D0022244	SWSW	2	51N	04W	Kootenai
		Lancaster 5 (proposed)			SWSW	2	51N	04W	Kootenai
Hayden Orchards	1280088	Hayden Orchard	EO #005171		NWNE	14	51N	04W	Kootenai
Chilco	1280048	Chilco 1	EO #005189		SWNW	8	52N	03W	Kootenai
		Chilco 2	EO #005186	#D0013463	SWNW	8	52N	03W	Kootenai
Atlas Acres	1280005	Atlas Acres	EO #005155		NESE	28	52N	04W	Kootenai
		Sylte Well	EO #009200	#D0028350	NENE	28	52N	04W	Kootenai
Mountain View	1280123	Elk Street	EO #005195		SESW	32	51N	05W	Kootenai
		Echo Street	EO #005194		NESW	32	51N	05W	Kootenai
Meadowland Acres	1280277	Meadowland Acres	EO #009114		SESE	23	51N	05W	Kootenai
Valley Green	1280195	Valley Green	EO #005166		SWSE Lt. 7	15	51N	04W	Kootenai
East Seasons Acres	1280278	East Seasons Acres	EO #009103		NENW	28	53N	04W	Kootenai
Ranch Valley	1280151	Ranch Valley	EO #009217		SENE	33	52N	04W	Kootenai

East Seasons Acres
Highway 54
Brunner Rd
Chilco
Twin Lakes
Ohio Match
Ohio Match Rd
Highway 41
Highway 95
Rimrock Rd
Atlas Acres
Highway 53
Atlas Rd
Ranch Valley
Rimrock
Lancaster Rd
Hayden Orchard
Valley Green
Meadowland Acres
Prairie Ave
GTE/Hayden Pines
Hillside
Mountain View Terrace
Interstate 90

Water Service Areas (Place of Use)
Section Lines
Points of Diversion (Wells)

0 0.425 0.85 1.7 2.55 3.4 Miles

WELCH-COMER ENGINEERS | SURVEYORS
www.welchcomer.com
350 E. Kathleen Ave.
Coeur d'Alene, ID
83815
208-664-9382
(toll free)
877-815-5672
(fax) 208-664-5946

North Kootenai Water District

Service Areas
Place of Use Overview; Groundwater Source

Attachment #7a

SOURCES:
Kootenai County GIS Department
North Kootenai Water District

PROJECT NO.....41125
CREATED BY.....AW
FILENAME.....DistrictOverview_wells&sections_11x17
DATE.....04/16/14

Lancaster Well 3

Lancaster Well 4

Proposed Lancaster Well 5

Lancaster Well 1

Hayden Orchard Well

POD

Water Service Areas

Qtr Qtr Sections

North Kootenai Water District

Rimrock

Attachment #7a

0 1,000 2,000 4,000 6,000 8,000 Feet

SOURCES:
Kootenai County GIS Department
North Kootenai Water District
USDA-FSA Aerial Photography Field Office

PROJECT NO.....41125
CREATED BY.....AW
FILENAME.....RimrockQtrQtrSec_11x17.mxd
DATE.....04/15/14

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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 12, 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 has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 1/22/2015 and 1/29/2015. 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 II

c: CHRISTOPHER H MEYER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE, ID 83701-2720

MICHAEL C CREAMER
GIVENS PURSLEY LLP
277 N 6TH ST STE 200
PO BOX 2720
BOISE, ID 83701-2720

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

Hersley, Jean

From: Hersley, Jean
Sent: Monday, January 12, 2015 9:28 AM
To: 'PPLEW@CDAPRESS.COM'
Cc: 'LEGALS@CDAPRESS.COM'
Subject: Legal Notice
Attachments: Legal Notice.docx

Attached is the corrected version of the Legal Notice for Transfer 79275 submitted a few minutes ago. Sorry for the confusion.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

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, T5N, R04W near an existing well on same lot.

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 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

Published on 1/22/2015 and 1/29/2015

Hersley, Jean

From: Hersley, Jean
Sent: Monday, January 12, 2015 9:23 AM
To: 'LEGALS@CDAPRESS.COM'
Cc: 'PPLEW@CDAPRESS.COM'
Subject: Legal Notice
Attachments: Legal Notice.docx

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.

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 2/2/2015. 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

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, 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

Published on 1/22/2015 and 1/29/2015

MEMORANDUM

Date: January 9, 2015

To: Transfer 79275

From: Pam Skaggs

Re: Legal Notice Remarks

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.

Skaggs, Pam

From: Skaggs, Pam
Sent: Friday, January 09, 2015 1:22 PM
To: Goodwin, Chad; Davis, Eric
Cc: Fritschle, Carter; Keen, Shelley
Subject: Transfer Application 79275 for North Kootenai Water District - AJ Claim 95-8639
Attachments: 79275 NKWD-Draft Approval.rtf

Hi All,

Pending Transfer Application 79275 for North Kootenai Water District is currently being prepared for advertisement.

This application includes **Adjudication Right 95-8639**.

Please provide any comments about the proposed new well & draft conditions (see attached draft approval)

Contact me if you have any questions regarding the proposed transfer.

Pam Skaggs

Pam Skaggs
Water Rights Supervisor
(208) 287-4951

MEMORANDUM

Date: January 9, 2015

To: Transfer 79275

From: Pam Skaggs

Re: Review & Evaluation of Sufficiency of Information

Authority to File: The transfer application was filed by the current right holder both in water rights and per the Northern Idaho adjudication claim filed. The application was signed by Michael R Galante, District Manager of North Kootenai Water District, per current check of their website and confirmed by IDWR staff.

Water Right Validity: Proposed transferred Right 95-8639 was licensed in January 2010 based on a May 2009 field exam by a certified water right examiner from Welch-Comer and subsequently claimed in the Northern Idaho Adjudication (NIA) in March 2010. The right is valid and has been claimed in the NIA.

Injury to Other Water Rights: This transfer adds an additional new well to an already existing system for municipal use. No apparent injury will occur with the addition of this new well.

Enlargement of Use: The new well will be limited to 1.00 cfs diversion in total per the authorized rate of Right 95-8639 and transfer fee paid. Other rights part of this municipal system were not included in the transfer and may not be diverted from the new well under approval of this transfer.

Local Public Interest: It is in the public interest to approve this transfer and provide municipal water within the service area.

Beneficial Use/Conservation of Water Resources: This transfer enables continued diversion and delivery of municipal water to North Kootenai Water District users.

Effect on Economy the Local Area: The additional well will provide water to the local community creating a positive effect on the local economy.

Effect on Agricultural Base of the Local Area: No change will occur through this transfer.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

GIVENS PURSLEY LLP
Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
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Don E. Knickrehm
Neal A. Koskella
Debora K. Kristensen
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Emily L. McClure
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Deborah E. Nelson
W. Hugh O'Riordan, LLM.
Angela M. Reed
P. Mark Thompson
Jeffrey A. Warr
Robert B. White

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

August 8, 2014

Shelley W. Keen
Water Right Section Manager
Idaho Department of Water Resources
PO Box 83720
Boise ID 83720-0098
shelley.keen@idwr.idaho.gov

RECEIVED
AUG 12 2014
DEPARTMENT OF
WATER RESOURCES

Re: Water Right Permits 95-9129, 95-9244, and 95-10019 and Transfer Application 79275

Dear Shelley:

This responds to your letter of June 4, 2014 ("*June 4 Letter*") addressed to Mike Galante, Manager of the North Kootenai Water and Sewer District ("NKWSD").[1] Thank you for providing us additional time to respond.

Two issues are presented. Both reflect troubling reversals of departmental policy regarding municipal providers. The first is whether municipal providers like NKWSD may secure alternative points of diversion ("APODs") across discrete distribution systems drawing out of the same aquifer source and operated with an integrated, system-wide supervisory control and data acquisition ("SCADA") system. The second issue is whether municipal providers like NKWSD that serve customers predominantly in unincorporated areas are entitled to the same treatment as municipal providers serving customers in cities.

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 telemetry dated April 2, 2014, Mike Galante's letter of May 27, 2014 dealing

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

with the transfer, your letter of June 4, 2014, and Mike Galante's letter of June 18, 2014 noting the need for additional time to respond.

Let me begin by noting the one small area of progress and agreement. Your letter acknowledges that NKWSD qualifies as a municipal provider under Idaho Code § 42-202B(5)(b). *June 4 Letter* at 1.

The significance of falling under subsection (b) is that NKWSD is a municipal provider but not a "municipality," which makes inapplicable the provision in section 42-202B(9) limiting a municipality's service area outside the city limits to areas served by a common water distribution system. Instead, as you now agree, a different portion of section 42-202B(9) applies, which recognizes a single, flexible service area encompassing everything that the provider "is authorized or obligated to serve."[2] Thus, we now agree that the Municipal Water Rights Act of 1996 ("1996 Act") provides for a single, growing service area that includes all of NKWSD's discrete (but nearby) distribution systems as they evolve.[3]

From there, however, your letter takes a turn that I believe is inconsistent with recognition of a single, combined service area. You say that the Department can no longer allow NKWSD to secure system-wide APODs in different delivery systems.

You acknowledge that the Department has issued many such system-wide APODs for NKWSD's municipal water rights (Nos. 95-7827, 95-8522, 95-7713, 95-7138, 95-8639, 95-9199, 95-9217, 95-9129, 95-9244, 95-10019, and 95-12599), a practice that was consistently followed for over a decade. Despite this, your letter concludes that "the authorization of its APODs is not consistent with longstanding IDWR practice." *June 4 Letter* at 2. This is a non-sequitur.

Nor is there a basis for your suggestion that the Department approved the APODs "under the impression that the systems would be integrated." To the contrary, these APODs were approved for licenses following field exams. The Department was fully aware of what it was doing. Until recently, the Department recognized the benefits and basic logic of allowing APODs where wells draw on a common source to serve a common service area—even if parts of it are not plumbed together. The action now proposed by the Department reflects a fundamental change in policy, which you should at least acknowledge. We suggest that the change is unwise and unwarranted, and we urge you to reconsider.

You have acknowledged that the Legislature has mandated a single, expanding service area corresponding to the area that NKWSD "is authorized or obligated to serve." Idaho Code

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[2] You conclude: "IDWR concurs that the service area for each of the three licenses, when they are issued, should be the NKWSD's generally described service area, including all its discrete components located across the Rathdrum Prairie." *June 4 Letter* at 2.

[3] You also noted that the service area for the Sylte right (No. 95-9129) needs to be amended. Thank you for offering to draft a proposed amendment to make its place of use correspond to the entire service area.

§ 42-202B(9). You have recognized that NKWSD's wells "all withdraw water from a single source, the Rathdrum Prairie aquifer." *June 4 Letter* at 2. You acknowledged that "NKWSD uses electronic telemetry and a SCADA (integrated data collection) system to monitor real-time diversion from each of its wells." *June 4 Letter* at 3.

At our meeting on February 13, 2014, we explained that while NKWSD is not a city, it operates just like any other traditional municipal provider. Its goal and obligation—mandated by the Legislature—is to serve all comers, and to treat all customers equally and fairly. In times of shortage, it is not acceptable simply to shut down water service to those served by the newest distribution systems. The only responsible thing to do is to share the burden among all customers, presumably by placing water restrictions across the board while allowing everyone at least some water service. That can only be accomplished by allowing the more senior water rights to be shifted about as the need arises. That is what APODs are for. That is why, for over a decade, the Department has encouraged their use.

Your suggesting that this can be accomplished instead by dividing up each water right and transferring a fraction of it to served each water distribution system is ludicrous. The whole point of APODs is to allow flexibility. How are we supposed to know today exactly what portion of each right might be needed to serve each part of NKWSD's constantly changing and growing collection of distribution systems? Even if this could be accomplished (presumably with the help of a crystal ball), it would need to be revised constantly as the system morphs over time. The administrative burden this would place on both the water user and the Department would be enormous. And pointless. This is the opposite of what the Legislature had in mind when it enacted the 1996 Act.[4]

Yet you conclude that NKWDS should be denied the flexibility of using its most senior water rights to divert water from whichever wells it determines appropriate to enable it to respond to curtailment situations. What good is a single service area including all distribution systems if the provider cannot get its most senior rights to where they are needed? Denying the use of APODs undermines the Legislature's express mandate for a single, flexible service area. We are, frankly, at a loss to understand why this Administration appears so consistently hostile to implementation of the 1996 Act.

Your letter notes that after our meeting—which seemed to be heading toward a sensible solution—you discussed the situation with your colleagues, who raised four new concerns. You do not say who these colleagues are. One wonders why you would not first share those concerns with us, so that we might have an opportunity to respond, before announcing a decision. In any event, I will take this opportunity to respond now. I hope it is not too late.

This was the first concern:

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[4] Indeed, it is conceivable that a response to a curtailment of junior rights could involve moving senior water rights from well to well on a daily or even hourly basis.

> *Recognizing that a water right may be used only in a single water system is one of the essential ways individual water rights are distinguished from each other. Allowing the use of a single water right in unconnected systems may make it very difficult for IDWR to track the "movement" of the water right and to regulate it in a way that will prevent enlargement and injury to other water right holders. While NKWSD's extensive SCADA system could theoretically allow for the necessary regulation during a curtailment, IDWR is reluctant to set a precedent that might lead to regulation difficulties with others over large areas of Idaho.*

This concern is misplaced. In a curtailment context, there is no need for IDWR to track "movement" of a municipal provider's water rights in order to prevent injury and enlargement.[5] When a provider installs a sophisticated SCADA system and makes the results transparently available to the Department, the Department's job is made remarkably simple. You look at the total authorized diversion under water rights that have not been curtailed, and confirm that the amount diverted does not exceed that number.

One would think the state-of-the-art monitoring service NKWSD is able to provide through its SCADA system is just the thing the Department would want to encourage. We are at a loss to comprehend why this is a precedent you fear.

The second concern was:

> *Water rights are limited by volume as well as by diversion rate. Among NKWSD's water rights are some with volume limits and some without volume limits. If APODs are authorized on all those rights, how would the water rights with volume limits be regulated? With APODs, pumped volumes could almost always be attributed to one or more of the rights without volume limits, which could lead to enlargement of use.*

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[5] Individual well interference disputes or restrictions based on management areas covering only a portion of a provider's service area are a different matter. In such cases, the Department may need to look at individual water rights and their respective priority dates in order to protect water rights held by others that are senior to approval of the APODs. This is an issue that the Department used to understand quite well. It developed "APOD condition language" in the context of accomplished transfer claims in the Snake River Basin Adjudication. The condition retained the original priority and quantity information for purposes of administration in well interference disputes and management area restrictions, while allowing free movement of water rights among APODs in the context of region-wide curtailment. I and other clients of mine supported the Department in that effort, filing an amicus brief in support of the Department's position when it was challenged by the City of Pocatello. We prevailed. *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) (Eismann, J.). NKWSD has agreed (see my letter of February 14, 2014) to that very language here.

Every municipal provider with which I am familiar has APODs covering a mixed bag of water rights. Some have volume limits; others do not. In other words, if this is a problem, it is not unique to NKWSD, and it has nothing to do with separate delivery systems. Do you intend to reverse course on every municipality in Idaho?

You should not reverse course, because there is nothing to fix. Administering a mix of water rights (with and without stated volume limitations) is not difficult. The fact is, every water right has an annual volume limit. For those that are not stated on the face of the right, the volume limit is the volume produced by pumping at the authorized rate 24 hours a day for 365 days. Thus, if administration were called for, the Department would simply total up the authorized annual volume limits for all non-curtailed rights that may be used interchangeably through APODs. That number could then be compared—on an ongoing basis—with the diversion record, which is readily available to the Department through NKWSD's SCADA system. If the annual volume is reached, NKWSD would be prohibited from pumping any more. It seems that this Administration is fixated on thinking up problems that are really nothing more than excuses to deny municipal providers the ability to operate efficiently.

The third concern was:

> *In a time of curtailment, is it appropriate for the oversight agency to employ and trust the right holder's monitoring system, as opposed to being in the field observing actual curtailment?*

This is an astonishing statement. For the Department to suggest that it cannot trust a political subdivision of the State of Idaho to honestly report its water use is offensive. Sadly, statements of this kind appear to be reflective of this Administration's general distrust of municipal providers and its reluctance to embrace the goals of the 1996 Act.

The same goes for private entities. The Department ought not operate from the premise that any of its customers (as water users used to be known) cannot be trusted to report of their water usage. This is certainly not how EPA or the DEQ operate. Those agencies rely extensively on self-reporting of environmental monitoring data.

Ronald Reagan employed the Russian proverb "doveryai no proveryai" (trust, but verify). That is appropriate here. The Department can and should take steps to verify that data reported is accurate. When we met with you on February 13, 2014, Mike Galante made clear that NKWSD would provide the Department unfettered to its SCADA system. If NKWSD or any other water user were to misreport water usage, the Department should throw the book at them. But it is fundamentally wrong to deny APOD flexibility based on the presumption of guilt.

Moreover, what do you mean by suggesting that the Department should be "in the field observing actual curtailment"? A municipal provider is not farm, where you simply look to see if a field is irrigated or not. One cannot tell how much municipal water is being used by wandering around the city or looking at satellite imagery. In times of administration, municipal

providers will take a variety of steps to reduce demand. The whole purpose of having APODs is to allow the municipal provider maximum flexibility during such times. For example, the provider might choose to put all of its customers on a rotation system, giving everyone some water for particular purposes on particular days or time of day. It is the provider's job to enforce any water use restrictions that might be imposed. All the Department need do is look at the bottom line: Is the total pumping, as shown by the SCADA data, within the authorized amount? The flexibility that APODs provide to the provider also simplifies enforcement for the Department. This is a win-win situation. The current Administration's opposition to APODs does not appear to be rational, but rather appears to be reflective of a fundamental disinterest in working with municipal providers.

The fourth concern was:

> *In 1996 the Idaho Legislature amended the Idaho Code to provide opportunity for municipal water providers to establish water rights for reasonably anticipated future needs. At that time, the legislature could also have explicitly given municipal providers the opportunity to establish APODs, but it did not do so.*

Do you really believe that the absence of reference to APODs in the 1996 Act means that the Department lacks authority to recognize them? If so, the Department also lacks authority to approve APODs for any other municipal provider. It would mean that the Department's recommendations for APODs for municipal providers throughout the Snake River Basin Adjudication was unlawful. And it ignores the Idaho Supreme Court's approval of APODs for municipal providers in *City of Pocatello v. Idaho* (see footnote 5 at page **Error! Bookmark not defined.**).

The 1996 Act did many things. But it did not attempt to address every water rights issue under the sun. It left some things in place, including the Department's authority to use common sense in the administration of water rights. If the Department wishes to reverse course on APODs, so be it. But such an about-face cannot be justified on the basis of the 1996 Act's silence on the subject of APODs.

Turning to the second issue, your letter confirms the Department's change in direction on the issue of annual volume limits.

Before going further, let me be clear that we have no quarrel with volume limits on non-municipal water rights, initially issued with volume limits, that have been acquired by NKWSD. Our concern is with water appropriated by NKWSD for municipal purposes.

The Department's past practice, as you know, has been to issue non-RAFN (reasonably anticipated future needs) municipal water rights to NKWSD without an annual volume limit, just as it does for all other traditional municipal water providers. This is in contrast to the Department's practice of including a volume limit on non-RAFN water rights issued to

developers and homeowner associations. In other words, the Department has always treated water and sewer districts—which are political subdivisions of the State—like municipalities, not like private developers and associations.

I have reviewed with Department's guidance on this subject over the years.[6] While there are some references to municipal water rights being for cities, the special treatment (diversion rate based on installed capacity and no volume limit) is usually described more generally in terms of applying to municipal water rights. Nothing in the guidance specifically says that the same treatment should not be accorded to municipal providers serving inside and outside of incorporated areas.[7]

And why should there be any difference? Development occurs and populations grow both inside and outside of cities. Municipal providers serving customers outside of cities have the same goals and obligations as those serving customers inside cities. Indeed, many (including NKWSD) serve both inside and outside of city limits. Divvying up water rights based on service inside and outside municipal boundaries and adopting distinct licensing and administration protocols for each is a pointless and expensive exercise. It is certainly not mandated by the 1996 Act which reinforces that there is no distinction. For example, the act includes counties—which provide services primarily to areas outside of city limits—within the statutory definition of "municipality." Idaho Code § 42-202B(5)(b).

Nothing in the 1996 Act, the common law, or common sense mandates drawing the distinction the Department has recently seized on. To the contrary, for decades the Department recognized that entities serving unincorporated areas such as NKWSD are entitled to hold municipal rights (as opposed to the domestic and irrigation rights historically granted to developers and homeowners associations). In short, the Department has long provided special treatment to traditional municipal providers, and has long recognized that this includes entities that provide municipal water service to customers outside city limits.

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[6] "The growth of a city should be recognized in recommending the rate of diversion for which a license is issued. Therefore, normally the rate of diversion recommended should be that of the capacity of the system unless it exceeds the permitted amount. The annual use in 'acre feet per year' should be omitted from the license for municipal use." A. Kenneth Dunn, *Administrator's Memorandum – Licensing Procedures* at 1 (Apr. 7, 1975). "A municipal right should not be limited by volume. . . . These three preferences allow the city to increase water use under an existing right." Norman Young, *Administrator's Memorandum – Definition of Municipal* (Nov. 5, 1979). "In the past, municipal water right holders generally already utilized the benefits offered by the amended code sections [the 1996 Act], since the department has issued municipal water rights which provide for future development up to the volume of water capable of being produced by the installed diverting works." L. Glen Saxton, *Memorandum – Water Rights for Municipal Use* at 1 (Mar. 18, 1998).

[7] From time to time, the Department and the Attorney General's office have looked at the authority of cities to serve customers outside of city limits. But that is an issue involving the scope of authority of granted to cities by the Constitution and statute. It is not a water rights issue, as such. And it has no applicability to a water and sewer district that is plainly authorized to serve unincorporated areas.

The fact that the Department now seeks to make it more difficult for those serving unincorporated areas to obtain long-term water rights appears to be based more on the current Administration's policy preferences regarding land use planning. With all due respect, land use planning is not the Department's job. The Legislature, in enacting statutory authorizations for water and sewer districts, has determined that entities like NKWSD should be in the business of providing municipal water to unincorporated areas.

If Idaho is to continue to grow, and to protect its water supplies on a long-term basis from its thirsty neighbors, it is essential that we work together to facilitate efficient delivery of water by all municipal providers, consistent with the Prior Appropriation Doctrine.

Obviously, we are far apart on the issues outlined above. I remain hopeful, nonetheless, that further dialog may enable us to better understand each other's position. Although I believe the Department's indicated change in policy is unwarranted, I have no doubt that it is offered in good faith. We have worked together on so many things in the past, including litigation on which we mutually prevailed in the Idaho Supreme Court this week.[8] I am confident that we share the same ultimate goals, even if we do not see eye-to-eye just yet on how to get there.

If you would be willing, my client and I would like to meet with you again on this subject. If we cannot make further progress, we will have to grapple with where to go next. But I do not think we should give up just yet.

Sincerely,



Christopher H. Meyer

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[8] *A&B Irrigation Dist. v. State*, 2014 WL 3810591 (Idaho, Aug. 4, 2014) (single fill rule—Basin-wide Issue No. 17). In addition to the Pocatello litigation mentioned above, we have pulled together on the following cases, all of which achieved successful results: *American Falls Reservoir Dist. No. 2 v. Idaho Dep't of Water Resources*, 143 Idaho 862, 154 P.3d 433 (2007) (conjunctive management of ground and surface water); *Chisholm v. Idaho Department of Water Resources*, 142 Idaho 159, 125 P.3d 515 (2005) (Burdick, J.) (water rights—local public interest); *State v. Hagerman Water Right Owners, Inc.*, 130 Idaho 727, 947 P.2d 400 (1997) (partial forfeiture water rights case); *Fremont-Madison Irrigation Dist. v. Idaho Ground Water Appropriators, Inc.*, 129 Idaho 454, 926 P.2d 1301 (1996) (interpretation of water right amnesty statute); *State, ex rel. Higginson v. United States*, 128 Idaho 246, 912 P.2d 614 (1995) (constitutionality of Snake River Basin Adjudication legislation). I mention these because it pains me to find myself and my client at loggerheads with the Department. This is not where I would expect to find us.

cc: Gary L. Spackman, Director, Idaho Department of Water Resources
Mathew Weaver, Deputy 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
Mike Galante, District Manager, North Kootenai Water & Sewer District
Necia Maiani, Welch Comer Engineers

2140044_10 / 11556-2

Keen, Shelley 95-8639

From: Keen, Shelley
Sent: Tuesday, June 24, 2014 9:18 AM
To: 'mikeg@nkwsd.com'
Subject: NKWSD Water Rights

Mike,

I got your letter indicating you're on vacation. I'll look forward to hearing from you again on July 18, 2014, or so.

Sorry about the delay in getting my letter to you. I will make sure IDWR has NKWSD's address updated in the water right records.

Have a great vacation.

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

SCANNED
JUN 2

North Kootenai Water & Sewer District

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

RECEIVED
JUN 23 2014
DEPARTMENT OF
WATER RESOURCES

June 18, 2014

Shelley Keen
Water Rights Section Manager
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: June 4, 2014 Letter

Dear Mr. Keen,

Thank you for your explanation of our water rights permits. My response to your letter will be forthcoming. Due to several circumstances I did not receive this letter in a timely manner to enable adequate time for a response by your date of July 4th.

Please note that your letter was delayed due to an incorrect mailing address. Please address all correspondence to:

North Kootenai Water & Sewer District
13649 N. Meyer Rd.
Rathdrum, ID 83858

Our legal counsel, Chris Meyer, did not receive a copy as indicated on your original. In addition, both Chris and I will be taking some much needed vacation time between June 20th and July 6th. I'm requesting that you accept my apologies for the delay, but I will have a response written for you by July 18th.

Thank you Shelley for your consideration in this matter.

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
Chris Meyer, Givens Pursley LLP, PO Box 2720, Boise ID 83701
File

SCANNED
JUN 24 2014

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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 4, 2014

NORTH KOOTENAI WATER AND SEWER DISTRICT
ATTN MIKE GALANTE
PO BOX 2290
HAYDEN ID 83835

RE: Water Right Permits 95-9129, 95-9244, and 95-10019 and Transfer Application 79275

Dear Mr. Galante:

Thank you again for meeting with me, Garrick Baxter, Carter Fritschle, and Meghan Carter in February to discuss the licensing of Water Right Permits 95-9129, 95-9244, and 95-10019. As you indicated in your April 2, 2014, letter to me, I felt like the discussion was positive. I am writing today to continue our discussion and also to open a dialogue about a matter discovered in IDWR's evaluation of the transfer application recently filed by North Kootenai Water and Sewer District (NKWSD). I apologize for not writing earlier.

I will address the licensing matters first, then the transfer application.

LICENSING

When we met on February 13, 2014, we discussed a range of issues and options, including the possibility of using NKWSD's integrated monitoring system (SCADA) as a means to monitor and possibly regulate NKWSD's diversion of water in accordance with its water rights. Since that meeting, IDWR has received Chris Meyer's memo dated February 14, 2014, and your letter of April 2, 2014. Recently, I have had opportunity to discuss NKWSD's water right situation with my colleagues within IDWR. Our discussions centered on the same four water right elements – water use, place of use description, authorized points of diversion, and annual diversion volume limit – that you and I discussed in our February meeting. I will address each of these elements below.

Water Use

NKWSD requests that all of its new water right licenses be for municipal use. IDWR agrees that NKWSD qualifies as a municipal provider under Idaho Code § 42-202B(5)(b). In fact, each of the three permits -- 95-9129, 95-9244, and 95-10019 – is already for municipal use. IDWR proposes to issue water right licenses for municipal use as well.

Place of Use Description

SCANNED
JUN 05 2014

Idaho Code § 42-202B (9) states:

> For a municipal provider that is not a municipality, the service area shall correspond to the

area that it is authorized to serve, including changes therein after the permit or license is issued.

Based on this statute, the service areas for most of the NKWSD's water rights and permits have already been made consistent through the water right permitting, licensing, and transfer processes. They generally say:

> Place of use is within the service area served by the public water supply system of North Kootenai Water District.

IDWR concurs that the service area for each of the three licenses, when they are issued, should be the NKWSD's generally described service area, including all its discrete components located across the Rathdrum Prairie. Because Permit 95-9129 is still limited to the Sylte Development LLC place of use, NKWSD will have to request that the permit be amended to authorize the entire service area before the right can be licensed that way. IDWR will draft the proposed amendment and present it to the NKWSD for submittal.

Authorized Points of Diversion

The point of diversion question received the most discussion time in our meeting. Because it is very difficult to administer a single water right from separate, distinct water systems, IDWR normally requires separate applications and issues separate permits and licenses for separate water diversion/delivery systems. In contrast, NKWSD wants its water right licenses issued with all of its wells as alternative points of diversion (APODs) so that it has options for responding to a curtailment order. As you explained when we met in February, during a curtailment NKWSD would rather reduce use among all its customers than have some customers curtailed while others experience no regulation at all. NKWSD's request is part of an ongoing trend. In recent years, more and more municipal providers have sought to establish multiple wells as APODs on the water rights used in their municipal water systems. IDWR has approved many such proposals. What distinguishes NKWSD's proposal from others, however, is that NKWSD manages 15 separate water systems spread far apart.

In the past, IDWR has authorized APODs for NKWSD. In 2004, a water right transfer on four of NKWSD's water rights -- 95-7827, 95-8522, 95-7713, and 95-7138 -- authorized each of the rights to be diverted from any of NKWSD's wells, even though the systems are not all physically connected. The Department allowed this change via the transfer either under the impression that the systems would be integrated or under the impression that the flexibility in the service area also applies to points of diversion, given that they all withdraw water from a single source, the Rathdrum Prairie aquifer. Full integration of NKWSD's water systems has not happened in the intervening years. Three newer water right licenses – 95-8639, 95-9199, and 95-9217 -- also have most or all of the NKWSD wells authorized as points of diversion, and in 2010, the Department approved an amendment for Permit 95-10019 to include all of the NKWSD's wells as APODs. Because NKWSD's water systems are not all interconnected, the authorization of its APODs is not consistent with longstanding IDWR practice.

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In our meeting we recognized that NKWSD could achieve some "cross-leveling" of its priority dates among its water systems by transferring pieces of more senior water rights to systems with junior rights, and vice-versa. However, you expressed concern that the number of water rights and water systems involved would make such an effort a complicated and expensive record-keeping exercise for you and for IDWR.

During our meeting, you also explained that NKWSD uses electronic telemetry and a SCADA (integrated data collection) system to monitor real-time diversions from each of its wells, except for four. The remaining four will be connected to the SCADA system by the end of this calendar year. While we were talking about APODs, it occurred to us that if all PODs are included, it might be possible to use the SCADA system to monitor and enforce a curtailment, if necessary. We speculated that if it had access to the SCADA system, IDWR could observe the total instantaneous diversion from all NKWSD's water systems to ensure that it does not exceed the sum of the rates for the rights remaining in priority. I felt this possibility was worthy of discussion, and we spent quite a bit of time on it.

Shortly after our meeting, Chris Meyer sent IDWR a draft condition that he believes IDWR could employ on each NKWSD water right to require access to the SCADA system for water right administration purposes. In addition, Chris also proposed employing IDWR's standard APOD condition on NKDW water rights:

> To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at [name of well] located in [quarter-quarter description].

A few weeks later, IDWR received your letter and a sample of the data collected through the monitoring system.

Following our discussion, I discussed extensively with my colleagues the idea of using NKWSD's SCADA system as the virtual connection between distinct water systems, thus providing the basis for APODs on NKWSD's water rights. Many of my colleagues expressed serious reservations that had not fully occurred to me during our discussion. The concerns included:

- Recognizing that a water right may be used only in a single water system is one of the essential ways individual water rights are distinguished from each other. Allowing the use of a single water right in unconnected systems may make it very difficult for IDWR to track the "movement" of the water right and to regulate it in a way that will prevent enlargement and injury to other water right holders. While NKWSD's extensive SCADA system could theoretically allow for the necessary regulation during a curtailment, IDWR is reluctant to set a precedent that might lead to regulation difficulties with others over large areas of Idaho.

- Water rights are limited by volume as well as by diversion rate. Among NKWSD's water rights are some with volume limits and some without volume limits. If APODs are authorized on all those rights, how would the water rights with volume limits be regulated?

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With APODs, pumped volumes could almost always be attributed to one or more of the rights without volume limits, which could lead to enlargement in use.

- In a time of curtailment, is it appropriate for the oversight agency to employ and trust the right holder's monitoring system, as opposed to being in the field observing actual curtailment?

- In 1996 the Idaho Legislature amended the Idaho Code to provide opportunity for municipal water providers to establish water rights for reasonably anticipated future needs. At that time, the legislature could also have explicitly given municipal providers the opportunity to establish APODs, but it did not do so.

Given these reservations, IDWR is not inclined to provide further authorizations for APODs that represent water systems not connected to each other. Therefore, the licensing choices for NKWSD's PODs are:

- Use each permit to cover the beneficial use produced from just one diversion and delivery system. This choice seems appropriate for Permit 95-9129 because it was originally permitted to cover a specific water system with a discrete place of use. Covering more than was intended by the permit would result in enlargement. This option also seems appropriate for Permit 95-10019. Prior to being amended, it was for a specific water system, and it has a small diversion rate. This approach might not work as well for Permit 95-9244, which has a relatively large diversion rate and which has always had a long list of APODs.

- Split each right into multiple separate water right licenses, one for each system. As noted above, this option would not likely work for Permit 95-9129 or for Permit 95-10019. As for Permits 95-9244, its larger diversion rate, many points of diversion, and broad service area may allow it to be split more easily.

IDWR is willing to work with NKWSD to determine how these options might best be applied for each permit.

Annual Volume Limit

The volume limit for a permit is usually implied by the beneficial use. The actual numerical limit is usually added by IDWR at licensing when the beneficial use is confirmed. In most cases, municipal water rights for incorporated municipalities and water purveyors serving incorporated municipalities do not get annual volume limits because of common law practices allowing for appropriation of water and acquisition of water rights for some long-term growth. This common law practice is sometimes termed the Growing Communities Doctrine. Municipal water rights for providers not serving municipalities do not benefit from the Growing Communities Doctrine, and they have annual volume limits. For them, even when the service area is changed via amendment or transfer to serve a municipality, the implied or actual annual volume limit is retained to prevent enlargement of the right.

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Because Permits 95-9129 and 95-10019 were not originally permitted to serve a municipality, they must be licensed with volume limits to prevent enlargement. The volume limits will be based on the actual use of water during the authorized development period for the water system or systems to be covered by the licenses. As for Permit 95-9244, its permitted service area, the NKWSD's service area, is mostly outside municipal boundaries, but a small part is within municipal boundaries. Because of this duality, it was not initially clear what approach should be taken regarding an annual volume limit. However, at this point it seems like the decision regarding the authorized points of diversion will provide the answer. If the permit becomes a license or licenses for water systems not serving municipalities, volume limits will be required. If the permit is used to license water systems serving Hayden and/or Hayden Lake, then an annual diversion volume will not be required.

As I indicated above, IDWR is willing to discuss how each of the three permits should be licensed. In order to open the discussion, IDWR suggests the licenses be drafted as follows:

95-9129 (Originally issued to Sylte Development Company for Selkirk Meadows Subdivision)

- The water use will be Municipal.
- The place of use will be the service area for the NKWSD.
- The points of diversion will be limited to the wells supplying water to the Selkirk Meadows Subdivision system (AKA Atlas Acres System).
- The annual diversion volume limit will be based on the average daily demand for the 48 lots in the Selkirk Meadows Subdivision. (960 gpd x 365 days x 48 lots) / 325850 gallons per af = 51.6 acre feet per year.
- Based on Attachment 5 of the beneficial use field report submitted by Welch Comer in 2011, the two system wells have diversion capacities of 0.18 cfs and 0.53 cfs, for a total of 0.71 cfs. However, in her June 11, 2008, letter regarding Permit 95-9129, Necia Maiani estimated a peak day demand of 1.83 gpm per connection. For 48 connections, that would be 0.20 cfs. Since 0.20 cfs apparently represents the actual beneficial use, it will be the diversion rate on the draft license.

95-10019 (Originally permitted to East Seasons Acres Homeowner's Association for East Seasons Acres Subdivision)

- The water use will be Municipal.
- The place of use will be the service area for the NKWSD.
- The point of diversion will be limited to the well supplying water to the East Seasons Acres Subdivision system.
- The annual diversion volume limit will be based on the average daily demand for the 48 lots in the East Seasons Acres Subdivision. (731 gpd x 365 days x 22 lots) / 325850 gallons per af = 18 acre feet per year.
- The diversion rate will be 0.04 cfs based on the measured flow rate in Attachment 5 of the beneficial use field report submitted by Necia Maiani in 2011.

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95-9244 (Permitted to NKWSD for its entire service area)

NKWSD filed this water right to increase its overall diversion rate and volume across its many water systems. The best option for this permit may be to split it into multiple licenses for the individual systems where beneficial use was established in addition to the existing water rights.

For each license:

- The water use will be Municipal.
- The place of use will be the service area for the NKWSD.
- The points of diversion will be limited to the wells supplying water to the individual system being covered.
- The diversion rate and volume will vary for each split of this water right based on the system and water use for each split.

TRANSFER

IDWR is also reviewing Transfer Application 79275, which proposes to add a single new point of diversion to Water Right 95-8639. While I was composing this letter, IDWR received your May 27, 2014, providing additional background about the need for the transfer.

Water Right 95-8639 already has 23 APODs or 26 APODs, depending on whether you are looking at the water right license or the adjudication claim, respectively. Simply adding an additional point of diversion to the right would perpetuate the number of APODs for unconnected water systems. The proposed new well will actually be connected to NKWSD's Rimrock system, which employs three existing points of diversion. In order to relate this water right to a single system, IDWR proposes to include only the Rimrock system points of diversion (AKA Lancaster 1, 3, 4, and 5) on the approval, should it be granted. As an alternative, NKWSD could designate a portion of the 1.00 cfs water right to be limited to the Rimrock system, and the water right would be split in the transfer.

NKSWD may also consider adding other water rights with PODs on the Rimrock system to the transfer application so that they all authorize the use of the new POD. In addition to Right 95-8639, the water rights involved could be all or portions of 95-7138, 95-7713, 95-7827, 95-8522, 95-9199, and 95-9217. As with Right 95-8639, the points of diversion authorized on the rights, or portions of rights, in the transfer would be only those for the Rimrock system.

SUMMARY

I will look forward to hearing from you soon on these matters. If I have not heard from you by July 4, 2014, IDWR will move forward with the licensing of Rights 95-9129 and 95-10019 as described above. IDWR will also process Transfer Application 79275 with the intent of limiting the points of diversion to the Lancaster wells in the Rimrock system. IDWR will also review Permit 95-9244 and make a licensing suggestion at that time.

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I would also be glad to discuss ideas regarding any other transfers that may be needed to distribute NKWSD's water rights among its water systems.

Respectfully,

Shelley Keen
Water Rights Section Manager

cc: Chris Meyer
Keith Franklin

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JUN 05 2014

North Kootenai Water & Sewer District

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

RECEIVED
MAY 30 2014
DEPARTMENT OF
WATER RESOURCES

May 27, 2014

Mr. Keith Franklin
Idaho Department of Water Resources
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Re: NKWD Water Right 95-8639

Dear Mr. Franklin:

This letter is prepared in regard to the above referenced water right and recent transfer application. I am writing to provide additional background information about the purpose and need for the transfer.

As we have discussed, North Kootenai Water District (District) is adding a new point of diversion on the Rimrock Water System. This water system currently has three active points of diversion known as Lancaster 1, Lancaster 3, and Lancaster 4. The District suffered severe damage to the Lancaster 1 source in 2013 which significantly reduced the well's pumping capacity and quality. Thus, it has become necessary for the District to replace Lancaster 1 with a new well, Lancaster 5. The District will maintain Lancaster 1 as an emergency backup source.

In order to allow drilling of Lancaster 5 to commence, the District filed a transfer application on Water Right 95-8639 to add the Lancaster 5 point of diversion. This application was submitted to you on April 16, 2014.

As you know, the District's long range objective is to make all of its points of diversion available on all of its water rights as alternative points of diversion. However, there has been some contention on the subject of alternative points of diversion in connection with the licensing of other rights (Nos. 95 9129, 95 9244, and 95 10019) now pending before the Department. Accordingly, in order to expedite approval of the transfer application, the District has filed a transfer application simply adding the Lancaster 5 point of diversion to the existing points of diversion for No. 95-8639. Once the dust has settled, the District may seek one or more additional transfers to achieve more comprehensive alternative points of diversion authority for this and other water rights. Likewise, the District may seek authority regarding reasonably anticipated future needs. Right now, however, the objective is to keep things as simple as possible in order to obtain timely approval of the pending transfer application.

Please let me know if there is anything further I may provide to assist the Department in processing this transfer application. I am happy to respond to any questions or comments you may have.

Sincerely,

Mike Galante
District Manager

cc: Board of Directors, North Kootenai Water District
Shelley Keen, Section Manager, Water Right Permits, IDWR, PO Box 83720, Boise ID 83820-0098
Necia Maiani, P.E., Welch Comer Engineering, 350 E Kathleen, Coeur d'Alene ID 83815
Christopher H. Meyer, Givens Pursley LLP, PO Box 2720, Boise ID 83701
Brian Werst, Attorney, K & L Gates, 618 W Riverside Ave #300, Spokane WA 99201
File

SCANNED
JUN 05 2014

MEMORANDUM

TO: Shelley Keen
FROM: Pam Skaggs
SUBJECT: Transfer 79275 North Kootenai Water District Questions
DATE: 05-28-2014

An initial review of the transfer application during data entry raised some questions that need to be addressed prior to processing. North Kootenai Water District (NKWD) has 17 active adjudication and water right records from a ground water source. There were 23 authorized points of diversion (PODs) identified under 2009 licensing exam and 2010 license for water right 95-8639 as part of a large combined system. Many of the PODs reflect multiple rights associated with each POD depending upon when the rights were developed and licensed.

Transfer applications require a list of all the water rights for use in a common system of diversion and distribution which is also not clear. The application does include Attachment 9A, a table identifying "groundwater systems" owned and operated by NKWD, but not how they are connected.

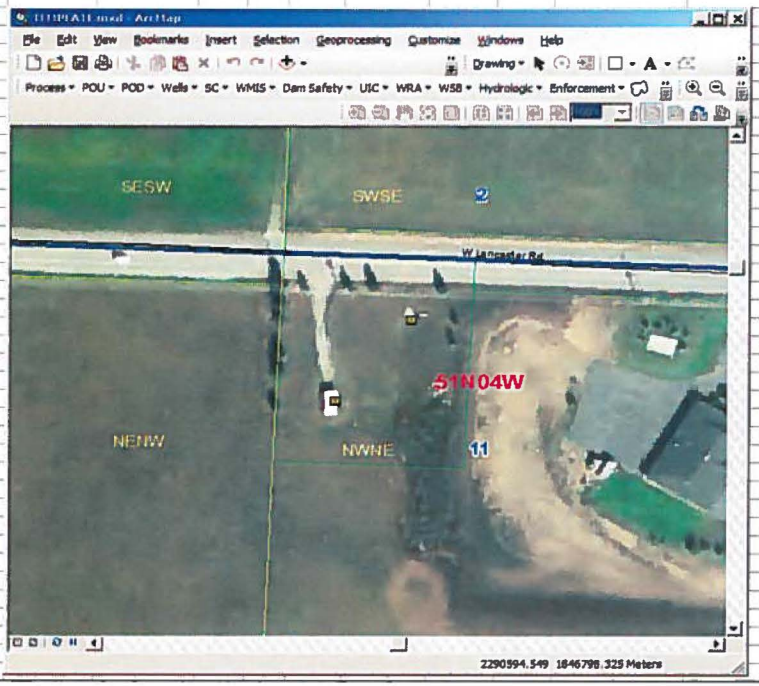
The transfer application requirements also include submitting a map identifying the distribution system details that would clarify this matter; however the application map only identifies the POD and POU locations without the details of how the system is interconnected. The place of use (POU) for NKWD is divided into several separate and distinct areas related to specific distribution systems. It is unclear how these systems are interconnected to the larger system described under Right 95-8639 and proposed under this transfer.

The application proposes adding a single well to Right 95-8639, but there are differences between the adjudication claim record and the water right license record related to PODs of this right:

- 23 PODs authorized under the license
- Claim identifies 3 additional POD descriptions & drops one license POD description
    - Added 2nd well in NESE, S23, T51N, R4W at 52 W Honeysuckle Ave for a total of 3 PODs in this QQ
    - SENE, S7, T52N, R3W is an additional POD description that spatial data information shows as Well #2 Chilco Service Area instead of two wells in SWNW, S8, T52N, R3W correcting historical use due to better technology
    - NWSW, S17, T52N, R3W added on claim is located on private lot with no associated water right
- Transfer proposes to add a new well in SWSW, S2, T51N, R4W as proposed Lancaster 5 well of Rimrock system.

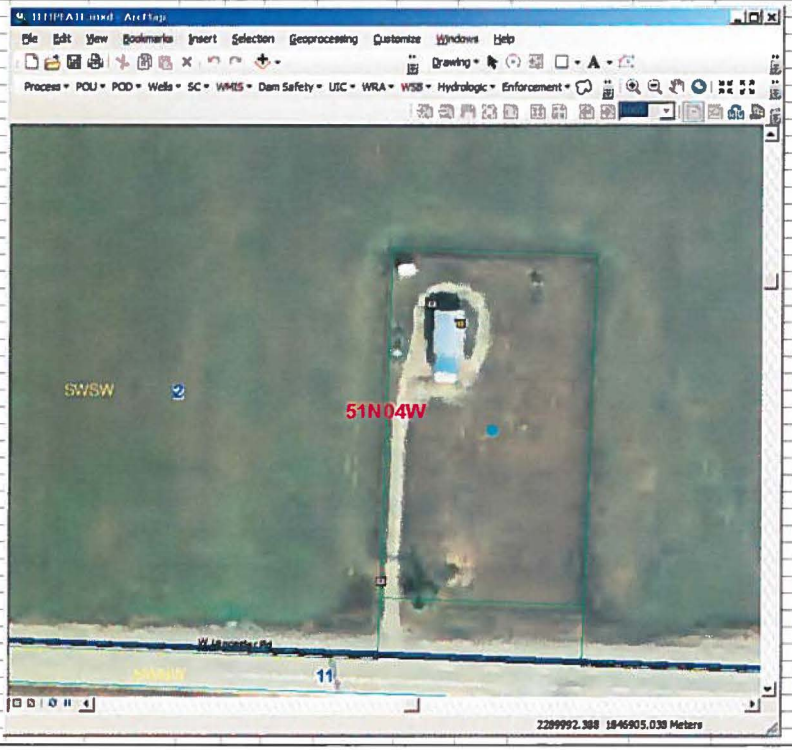
The Transfer Application identifies a total of 26 PODs to be authorized under this right if approved. The changes identified from the license could be included as part of the transfer updates assuming other questions noted above are answered and the transfer advertising includes all changes proposed. Other processing questions such as access to private lands for PODs, diversion limits to all new wells and/or fees will be addressed as processing continues.

Basin	Sequen	Process	Basis	Status	Draft	RightID	Priority Date	Diversion Rate	Volume	Source List	Water Use	Current Owner	Well #1 (South)	Well #2 (North)	Total # Authorized Wells	Total # Authorized Wells		
95	2144	Claim	License	Active		645822	10/22/1962	0.650	30.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25	1 on WR	
95	2205	Claim	License	Active		645453	2/21/1967	0.290	30.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25	1 on WR	
95	4027	Claim	Statutory Claim	Active		645749	9/1/1963	1.200		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25	1 on WR	
95	7138	Water Right	License	Active	N	567165	3/25/1971	0.140	60.6	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X	20	20	T# 70394	2004
95	7138	Claim	License	Active		639100	3/25/1971	0.140	60.6	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25		
95	7185	Claim	License	Active		645752	4/3/1972	1.390	624.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25	1 on WR	
95	7231	Claim	License	Active		645813	2/23/1973	0.080	15.6	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25	1 on WR	
95	7271	Claim	License	Active		645753	4/3/1973	0.830		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25	1 on WR	
95	7713	Water Right	License	Active	N	567164	3/30/1977	0.040	29.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		20	T# 70394	2004
95	7713	Claim	License	Active		639101	3/30/1977	0.040	29.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25		
95	7763	Claim	License	Active		645816	8/29/1977	3.000	1,148.4	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25	1 on WR	
95	7827	Water Right	License	Active	N	567135	3/29/1978	0.200	55.2	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		20	T# 70394	2004
95	7827	Claim	License	Active		639099	3/29/1978	0.200	55.2	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25		
95	8522	Water Right	License	Active	N	567163	8/20/1986	0.610	441.6	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		20	T# 70394	2004
95	8522	Claim	License	Active		639098	8/20/1986	0.610	441.6	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25		
95	8639	Water Right	License	Active	N	625378	1/5/1990	1.000	376.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		23	License	2010
95	8639	Claim	License	Active		639097	1/5/1990	1.000	376.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25		
95	9199	Water Right	License	Active	N	625822	3/3/2003	8.830		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		23	License	2010
95	9199	Claim	License	Active		639095	3/3/2003	8.830		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25		
95	9217	Water Right	License	Active	N	624345	1/22/2004	2.510		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		23	License	2010
95	9217	Claim	License	Active		639094	1/22/2004	2.510		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X	X		25		
95	9244	Water Right	License	Active	Y	642845	8/27/2004	2.000		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT		X		24	21 on Permit	
95	10019	Water Right	License	Active	Y	642821	5/6/2003	0.200		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT		X		24	23 on Permit	
95	12599	Water Right	License	Active	Y	642863	5/17/2010	5.480		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT		X		24	25 on Permit	



Basin	Sequen	Process	Basis	Status	Draft	RightID	Priority Date	Diversion Rate	Volume	Source List	Water Use	Current Owner	North Well (pink)	South Well (pink)	Existing Claim & Transfer (orange)	Proposed New Well-Transfer (blue)	Total # Authorized Wells		
95	2144	Claim	License	Active		645822	10/22/1962	0.650	30.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT			X		25	1 on WR	
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95	7138	Water Right	License	Active	N	567165	3/25/1971	0.140	60.6	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X-N				20	T# 70394	2004
95	7138	Claim	License	Active		639100	3/25/1971	0.140	60.6	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT			X		25		
95	7185	Claim	License	Active		645752	4/3/1972	1.390	624.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT			X		25	1 on WR	
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95	7271	Claim	License	Active		645753	4/3/1973	0.830		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT			X		25	1 on WR	
95	7713	Water Right	License	Active	N	567164	3/30/1977	0.040	29.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT	X-N				20	T# 70394	2004
95	7713	Claim	License	Active		639101	3/30/1977	0.040	29.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT			X		25		
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95	8522	Claim	License	Active		639098	8/20/1986	0.610	441.6	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT			X		25		
95	8639	Water Right	License	Active	N	625378	1/5/1990	1.000	376.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT		X-S	X	X	23	License	2010
95	8639	Claim	License	Active		639097	1/5/1990	1.000	376.0	GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT			X		25		
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95	9199	Claim	License	Active		639095	3/3/2003	8.830		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT			X		25		
95	9217	Water Right	License	Active	N	624345	1/22/2004	2.510		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT		X-S			23	License	2010
95	9217	Claim	License	Active		639094	1/22/2004	2.510		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT			X		25		
95	9244	Water Right	License	Active	Y	642845	8/27/2004	2.000		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT		X-S (2)			24	21 on Permit	
95	10019	Water Right	License	Active	Y	642821	5/6/2003	0.200		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT		X-S (2)			24	23 on Permit	
95	12599	Water Right	License	Active	Y	642863	5/17/2010	5.480		GROUND WATER	MUNICIPAL	NORTH KOOTENAI WATER DISTRICT		X-S (2)			24	25 on Permit	

Same tax lot-1347 W Lancaster Rd



Skaggs, Pam

From: Fritschle, Carter
Sent: Monday, April 28, 2014 8:28 AM
To: Skaggs, Pam; Franklin, Keith
Cc: Goodwin, Chad
Subject: RE: North Kootenai Water District Transfer 79275 - Add POD to AJ Claim 95-8639

The "deadline" for recognizing accomplished transfers in the NIA is 1/1/2006. It appears that the field exam for 95-8639 was completed in 2009. Therefore we must recommend the claim as it was licensed, or as transferred after it was licensed.

From: Skaggs, Pam
Sent: Thursday, April 24, 2014 11:29 AM
To: Franklin, Keith
Cc: Fritschle, Carter; Goodwin, Chad
Subject: RE: North Kootenai Water District Transfer 79275 - Add POD to AJ Claim 95-8639

Keith,

Your welcome. We are a team here at IDWR. I moved forward using the Adjudication Claim of 95-8639 licensed in 2010, but have noticed a couple of items on the Claim that I am hoping you can help me address.

There are 23 PODs on the WR and 25 on the Claim (2 added) and what appears to be a correction per GIS review of one well. I have identified these in the attached proof report. They can of course modify and add PODs to their right through the Claim as an accomplished transfer or through this transfer action, but I wanted to make sure that these changes were accurate and acceptable for AJ review and recommendations of all NKWD. **I am requesting Adjudication comment from either Carter or Chad through this email**.

I am completing the transfer data entry etc & preparing the application for advertising in the meantime.

Pam

Pam Skaggs
Water Rights Supervisor
(208) 287-4951

From: Franklin, Keith
Sent: Thursday, April 24, 2014 10:16 AM
To: Skaggs, Pam
Cc: Keen, Shelley
Subject: North Kootenai Transfer 79275

Pam,
Thank you for processing the transfer for North Kootenai. I know you had to take time away from other pressing things to get it data entered and your efforts are much appreciated. You made a lot of friends with the applicant.
Thanks again.
Keith.

IDAHO DEPARTMENT OF WATER RESOURCES 4/24/2014

Adjudication Claim 95-8639

Owner Type	**Name and Address**
Current Owner	NORTH KOOTENAI WATER DISTRICT 13649 N MEYER RD RATHDRUM, ID 83858 (208)687-6597

Priority Date: 1/5/1990
Basis: License
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
MUNICIPAL	01/01	12/31	1.000 CFS	376.0 AF
	Total Diversion		1.000 CFS	376.0 AF

Source and Point(s) of Diversion

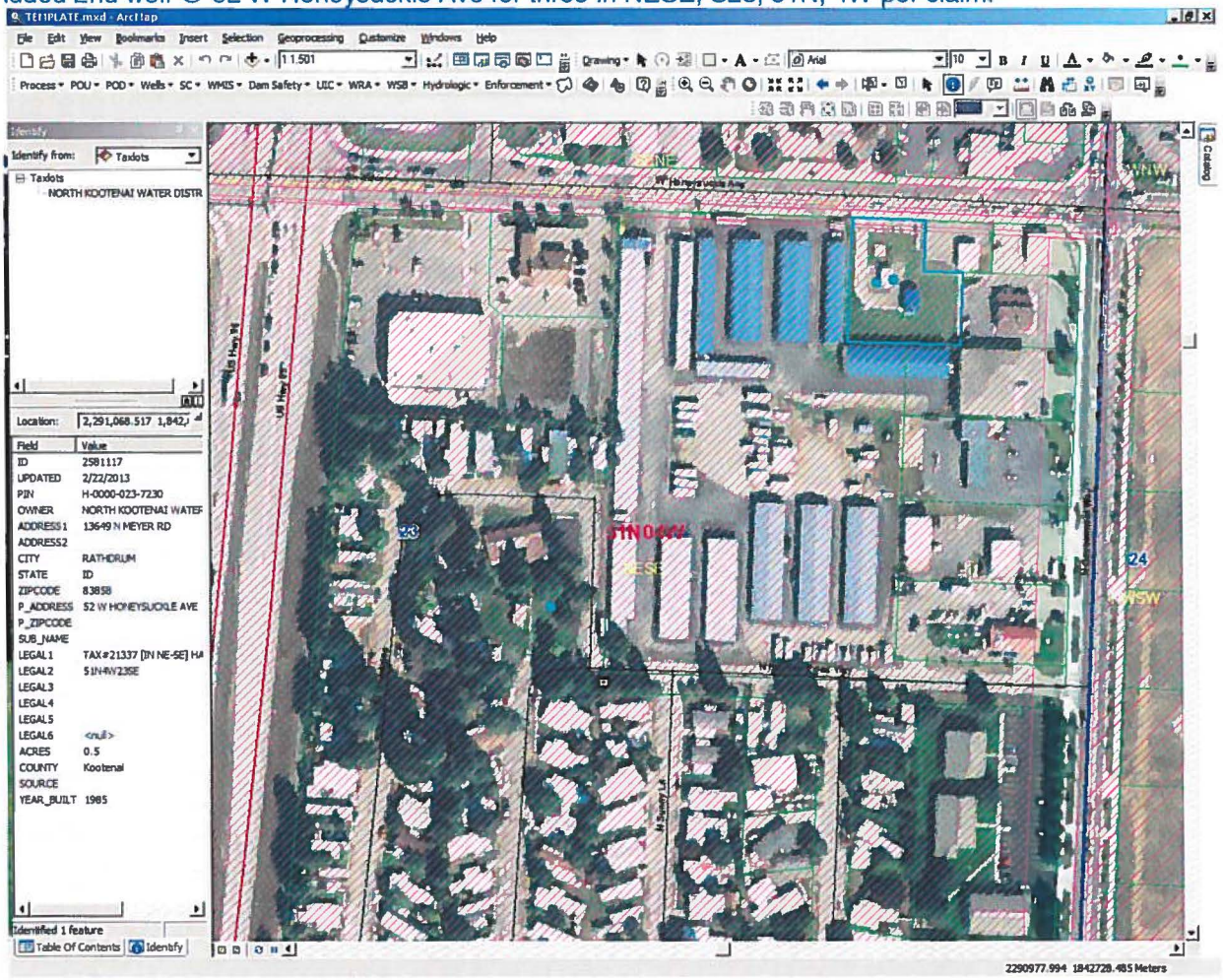
GROUND WATER Proposed added by Transfer	SWSW	Sec. 2, Twp 51N, Rge 04W,	KOOTENAI County
GROUND WATER	SWSW	Sec. 2, Twp 51N, Rge 04W,	KOOTENAI County
GROUND WATER	NWNE	Sec. 11, Twp 51N, Rge 04W,	KOOTENAI County
GROUND WATER	NWNE	Sec. 11, Twp 51N, Rge 04W,	KOOTENAI County
GROUND WATER	NWNE	Sec. 14, Twp 51N, Rge 04W,	KOOTENAI County
GROUND WATER Sub. not Govt. Lot 7 on WR	SWSE	Sec. 15, 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 **Added 2nd well on Claim @ 52 W Honeysuckle Ave for 3 in this QQ**	NESE	Sec. 23, Twp 51N, Rge 04W, (See ArcMap #1 at bottom of report)	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 Correction from SWNW, S8 Same GIS shape as WR record	SENE	Sec. 7, Twp 52N, Rge 03W, (See ArcMap #2 at bottom of report)	KOOTENAI County
GROUND WATER	SWNW	Sec. 8, Twp 52N, Rge 03W,	KOOTENAI County
GROUND WATER **Added well on Claim.** Private lot owned by David Daniels@ 19980 N Glacial Ridge St. No WR for this POD.	NWSW	Sec. 17, Twp 52N, Rge 03W, (See ArcMap #3 at bottom of report)	KOOTENAI County
GROUND WATER	NWSE	Sec. 18, Twp 52N, Rge 03W,	KOOTENAI County
GROUND WATER Sub. not Govt. Lot 1 on WR	NENE	Sec. 6, Twp 52N, Rge 04W,	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	NENW	Sec. 28, Twp 53N, Rge 04W,	KOOTENAI County

*Highlighted PLS locations match WR License 95-8639

Attachment to 4-24-14 email.

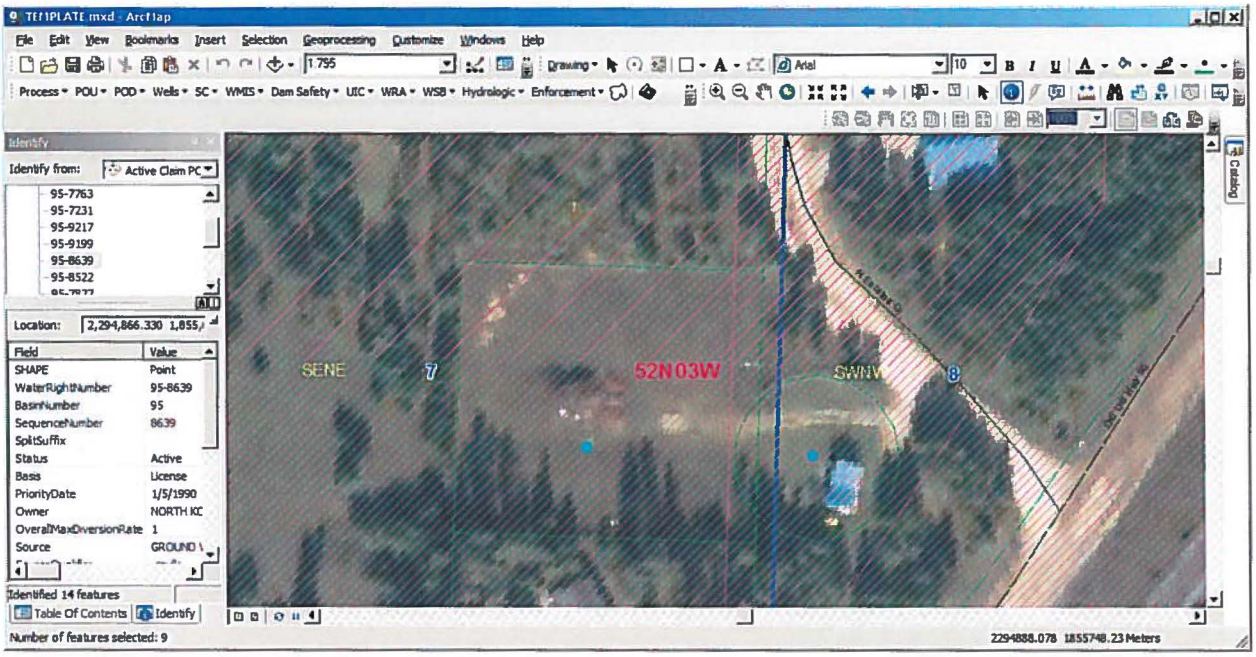
Place Of Use
MUNICIPAL
Large POU not Displayed
Conditions of Approval:
Comments:
Dates and Other Information
Claim Received Date: 3/24/2010
Mitigation Plan: False
Combined Use Limits
N/A
SubCase:
N/A
Water Supply Bank:
N/A

ArcMap #1
Added 2nd well @ 52 W Honeysuckle Ave for three in NESE, S23, 51N, 4W per claim.



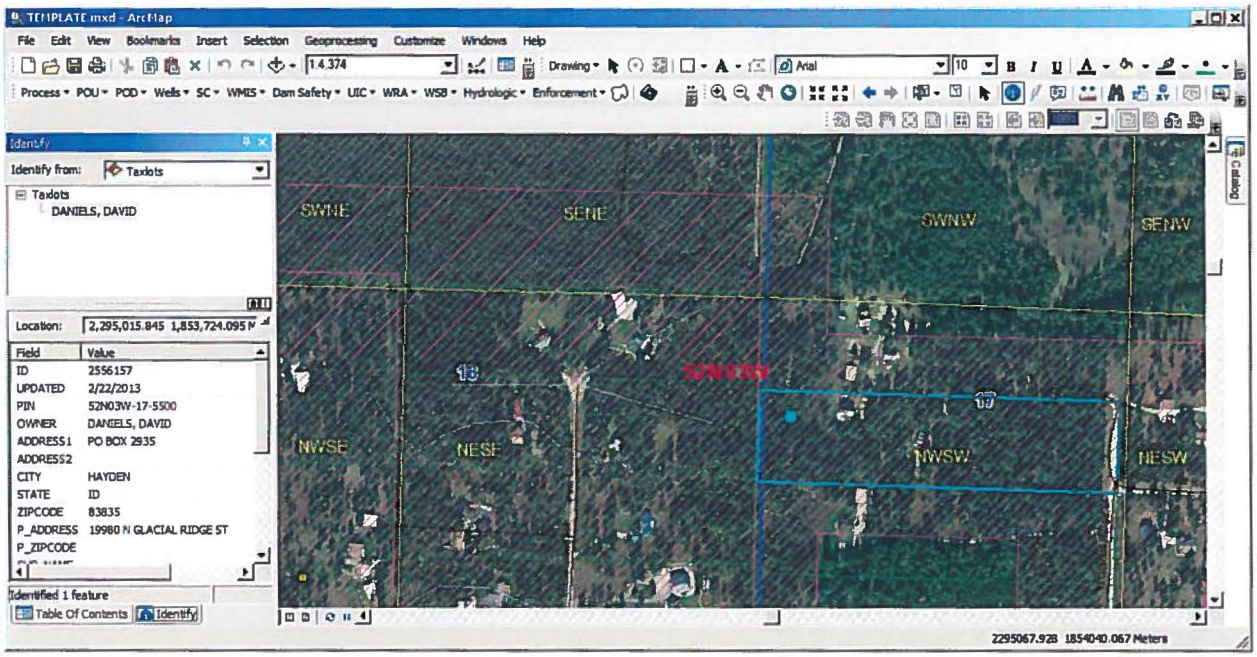
ArcMap #2

Correction from two PODs in SWNW, S8 to one & one in SENE, S7. Same GIS shapes as WR record.



ArcMap #3

Added well on Claim. Private lot owned by David Daniels @ 19980 N Glacial Ridge St.
No WR for this POD per GIS or Info Search.



NORTH KOOTENAI WATER & SEWER DISTRICT

North Kootenai Water District
13649 N. Meyer Road, Rathdrum ID 83858
208-687-6593 (ph) 208-687-6597 (fax)

**In the Event Of An Emergency, Please Call:
208-687-6593, then press 03**

ABOUT NORTH KOOTENAI WATER & SEWER DISTRICT

About North Kootenai Water District

A Board of Directors, elected by members of the water district, operates North Kootenai Water District. Each Board Member is elected to a six-year term.

2013 Board Meeting Schedule

The Board of Directors meet the first and third Thursday of each month (except holidays), at 12:30 p.m., in the office of the District located at 13649 North Meyer Road, Rathdrum ID 83858.

Board Members

- Tom Crimmins, Director/President
- Alanna Brooks, Director/Secretary
- Jack Hern, Director/Treasurer
- Curt Carney, Director
- Shirley Stoller, Director/Vice President

The members of the Board are elected, or appointed, for six year terms which will expire as follows:

- Curt Carney.....05/19
- Tom Crimmins.....05/19
- Shirley Stoller.....05/19
- Alanna Grimm.....05/15
- Jack Hern.....05/15

Office Staff

- Mike Galante, District Manager
- Debbie Wilson, Office Supervisor
- Robin Potts, Customer Service Specialist II
- Angie Richards, Receptionist

Field Staff

Water Dept.:

- Brad White, Field Supervisor
- Jessie Camburn, Field Lead Man
- Nate Ferguson, Equipment Operator I
- Jared Felton, Pump House Maint/GIS Tech I
- PJ Lockler, Construction Maintenance I
- Kyle McCormick, Construction Maintenance I

Wastewater Dept.:

- Dan Messier, Field Supervisor

Electrical Dept:

- Jesse Nichols, Senior Journeyman Electrician

MIKE GALANTE
District Manager

North Kootenai Water & Sewer District
13649 N. Meyer Rd.
Rathdrum, ID 83858
Phone: (208) 687-6593
Fax: (208) 687-6597
E-Mail: mikeg@nkwsd.com
www.nkwsd.com

CONTACT INFORMATION

North Kootenai Water District
13649 N. Meyer Rd., Rathdrum, ID

Phone: 208-687-6593
Fax: 208-687-6597

Office Hours: Mon - Fri
7:30 a.m. - 4:00 p.m.

Skaggs, Pam

From: Keen, Shelley
Sent: Wednesday, April 23, 2014 7:46 AM
To: Steading, Natalie
Cc: Franklin, Keith; Skaggs, Pam
Subject: RE: North Kootenai Water

Natalie,

I gave NKWD's transfer application to Pam Skaggs, who will get it reviewed and processed. By copy of this email, I'll ask Pam to let you know as soon as she's looked it over.

Shelley

From: Steading, Natalie
Sent: Tuesday, April 22, 2014 3:05 PM
To: Keen, Shelley
Subject: North Kootenai Water

Hi Shelley,

I was wondering what the status was on the North Kootenai Water & Sewer District's water right permit (if it was approved or if I should keep holding on to their drilling application).

Thanks!

Natalie Steading
Idaho Dept. of Water Resources, Northern
7600 N Mineral Drive, Ste 100
Coeur d'Alene, ID 83815
Ph. (208) 762-2800
Fax (208) 762-2819

Receipted on page 6 of transfer do Eric 4/16/14

RECEIVED
APR 16 2014
IDWR / NORTH

WELCH-COMER ENGINEERS | SURVEYORS

www.welchcomer.com

208-664-9382
877-815-5672 (toll free)
208-664-5946 (fax)

350 E. Kathleen Ave.
Coeur d'Alene, ID 83815

TRANSMITTAL

ATTN:	Mr. Eric Davis	**DATE:**	April 16, 2014
TO:	IDWR	**RE:**	NKWSD Lancaster Well No. 5
	PO Box 83720		
	Boise, ID 83720-0098	**PRJ #:**	41170

Items Transmitted: ☐ Mailed ☒ Delivered

Copies	Date	Description
1	04/2014	Application for Transfer
1	04/2014	Check #34958 for $500.00 Transfer fee

These Are Transmitted As Checked Below:

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

Remarks:

Hi Eric –

Attached is the completed Application for Transfer, should you have any questions, please do not hesitate to contact us.

Thanks,

Lina

Copy To:	From: Lina Swearingen, Project Administrator

\\Nas-01\projects\K41\41170 Lancaster Well #5-Well Drilling\IDWRtrans041614.docx