

LAW OFFICES
GIVENS PURSLEY LLP

MEMORANDUM

TO: Mathew Weaver, Deputy Director, IDWR
Shelley W. Keen, Section Manager, Water Right Permits, IDWR
Carter Fritschle, Section Manager, Adjudication, IDWR
Garrick L. Baxter, Deputy Attorney General, IDWR
Meghan Carter, Deputy Attorney General, IDWR

FROM: Christopher H. Meyer *Chu*

RE: Proposed condition language – North Kootenai Water District
Water Right Permit Nos. 95-9129, 95-9244, and 95-10019

DATE: February 14, 2014

Mike Galante and I would like to extend our sincere thanks to you for arranging the extended meeting to discuss the above-captioned rights yesterday. We were sorry that Mat Weaver was unable to attend, but we understand that he was detained in critical settlement talks on the Rangen Right.

We thought the meeting was productive. It is evidence of the value of the meaningful discussion and genuine give-and-take that has long been a hallmark of this Department.

When we left, we were assigned the task of proposing condition language dealing with the APOD matter. We propose two conditions for the Department's consideration. The first is the standard "APOD condition." The second is tailored to NKWD's unique situation whereby its wells and service areas, although remote, are integrated into a common monitoring system to facilitate system-wide operation.

Here are the conditions:

1. 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].

2. The right holder shall maintain an operational integrated data collection system that instantaneously reports to a central location relevant pumping and related information (including instantaneous rates and cumulative volumes) for each point of diversion authorized under this right. This system shall be fully operational for each point of diversion no later than December 31, 2014. The right holder shall allow physical access to the system at each point of diversion and at the central data monitoring location for inspection purposes by the Department. The right holder shall provide data collected by the system to the Department as directed by the Department.

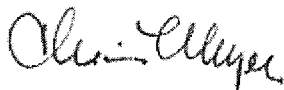
cc: Mike Galante, North Kootenai Water & Sewer District
Necia Maiani, Welch Comer Engineers
Brian M. Werst, K&L Gates

Keen, Shelley

From: Christopher H Meyer [ChrisMeyer@givenspursley.com]
Sent: Saturday, February 15, 2014 4:49 PM
To: Weaver, Mathew; Keen, Shelley; Fritschle, Carter; Baxter, Garrick; Carter, Meghan
Cc: 'Brian M Werst (brian.werst@klgates.com)'; Ruth Miller; Mike Galante (mikeg@nkwsd.com); Necia Maiani (nmaiani@welchcomer.com)
Subject: NKWD - Condition language [IWOV-GPDMS.FID525891]
Attachments: CHM memo - condition language.PDF

Ladies and gentlemen,

I am forwarding a memorandum I prepared yesterday following up on our Thursday meeting. I will send a hard copy by mail to Mat. Please let me know if anyone else would like a hard copy. Thanks again to each of you. I look forward to following up with you.



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