



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 16, 2010

NORTH KOOTENAI WATER DISTRICT
PO BOX 2290
HAYDEN ID 83835

RE: Application for Transfer No.: 75350
Water Right No(s): 95-7763
Withdrawal of Application

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of the application for transfer referenced above. The withdrawal removes your application from any further consideration or action by the Department.

A refund request for your filing fee was submitted to our State Office in Boise.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Danni M Smith
Office Services Supervisor 1
Water Management Division

Ball, Dianne

From: Ball, Dianne
Sent: Monday, March 02, 2009 11:24 AM
To: Marston, Sascha
Cc: Davis, Eric; Franklin, Keith
Subject: Two refund requests
Attachments: Idaho Cedar Sales ID Timber.pdf; North Kootenai Wtr Dist.pdf

Good morning, Sascha:

Wishing you a blessed day filled with some sunshine – it appears our sunshine is going to be liquid today!

I have a request for refunds from two separate applicants. Documentation is attached. If you need the hard copies, please let me know, otherwise they will go back into our files.

1. Idaho Cedar Sales Receipt No. N018870 –in amount of \$100.00 – [They have withdrawn their application for permit.]
Please refund to:
IDAHO CEDAR SALES
ATTENTION: DAVE TAUGHER, GEN'L COUNSEL
IDAHO TIMBER CORPORATION
PO BOX 67
BOISE ID 83707
2. North Kootenai Water District Receipts No. N019361 in amounts of \$450.00, and N019362 in amount of \$180.00
[They have withdrawn two applications for transfers and one application for an amendment of a permit.]
Please refund to:
NORTH KOOTENAI WATER DISTRICT
ATTENTION: MIKE GALANTE, DIST. MANAGER
PO BOX 2290
HAYDEN ID 83835

If you have any questions, please call Eric Davis regarding the Idaho Cedar Sales matter, and Keith Franklin regarding the North Kootenai Water District matter.

Have a wonderful day,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

March 2, 2009

MEMO TO: TO DIANNE
FROM: KEITH
SUBJECT: REFUND OF APPLICATION FEES

North Kootenai Water District has withdrawn two applications for transfers and one application for an amendment to a permit and has requested a refund of the filing fees.

They asked for \$450.00 to be refunded, however, the actual amount they paid was \$630.00. The receipts and breakdowns are attached. I recommend the full amount of \$650.00 be refunded to North Kootenai.

If you have any questions, don't hesitate to give me a call.

Keith.

Transfer 96-8681 0.3685. \$ 250 ⁰⁰

Amendment 96-9134 \$ 50 ⁰⁰

Transfer 95-7763

\$ 330 ⁰⁰
\$ 630 ⁰⁰

Receipt # N019361

\$ 450 ⁰⁰

Receipt # N019362

\$ 180 ⁰⁰

\$ 630 ⁰⁰

Navigation Tools

Receipt Details for N019362

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/30/2008 12:28:10 PM	6/30/2008 2:18:48 PM	NORTHERN	\$180.00	Check
Payer	NORTH KOOTENAI WATER DISTRICT			
IPG Transaction ID	0			

Account Information:

Check Number:	11857
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Comment Balance of Fee-App for Transfer re 96-8681 \$130.
Fee for App for Amendment of 96-9134 \$50.

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$130.00	TRANSFERS	65105	0229	21		1155
\$50.00	AMENDMENTS	65105	0229	21		1155



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 8, 2009

Necia Maiani, P.E.
Welch/Comer Engineers
350 E Kathleen Ave.
Coeur d'Alene, ID 83815

Re: Application For Transfer of Water Right, 96-8681 North Kootenai Water District

Dear Necia:

The Idaho Department of Water Resources is returning the above said application for the following reasons:

The water right, 96-8681, appears to have been identified in error. Water right 96-8681 is for an irrigation right out of Sage Creek, which is still in the application stage since it was protested. The number for this right was also renumbered to 95-9638, due to Basin 95's boundary expansion for the up-coming North Idaho Adjudication.

I believe the water right you are trying to transfer is 95-8681, in the name of Gordon and Evelyn Sylte. This water right is currently in the permit stage and cannot be transferred.

The department is currently reviewing two transfer applications and one amendment to a permit for North Kootenai Water District. We've identified some problems with all three applications and I suggest we schedule a meeting to go over each one. Please give me a call at 762-2800 at your earliest convenience.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure`

COPY

TRANSMITTAL

ATTN:		DATE:	June 27, 2008
TO:	Idaho Dept. of Water Resources	RE:	Water Right Transfers
	7600 Mineral Drive, Ste. 100		
	Coeur d'Alene, ID 83815	PRJ #:	11228.20.0

Items Transmitted: ☒ Mailed ☐ Delivered

Copies	Date	Description
1	06-27-08	Check from North Kootenai Water District (\$450)
1	06-27-08	Application for Amendment of a Permit 96-9104 \$ 50 ⁰⁰
1	06-27-08	Application for Transfer of Water Right (95-7763) \$ 330 ⁰⁰
1	06-27-08	Application for Transfer of Water Right (96-8681) \$ 250 ⁰⁰
		Total Needed \$ 630 ⁰⁰
		Ch received \$ 450
		Still need \$ 180

EMER SUPPLY
HONEY SALLAD
Sylite

These Are Transmitted As Checked Below:

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

Remarks:

Copy To:
From: Karen J. Osterdock, E.I.T.

Navigation Tools

Receipt Details for N019361

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/30/2008 11:19:14 AM	6/30/2008 2:18:48 PM	NORTHERN	\$450.00	Check
Payer	NORTH KOOTENAI WATER DISTRICT			
IPG Transaction ID	0			

Account Information:

Check Number:	11836
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Comment Fee - App for Transfer re 95-7763 3.0 cfs - \$330.
PARTIAL FEE - App for Transfer re 96-8681 0.3 cfs

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$450.00	TRANSFERS	65105	0229	21		1155

Ball, Dianne

75350

From: Ball, Dianne
Sent: Monday, February 05, 2007 3:45 PM
To: Allen, Debbie
Cc: Franklin, Keith
Subject: Refund request re Receipt N018018 - North Kootenai Water Dist.

Good afternoon, Debbie,

Keith requested I ask you to refund \$330.00 receipted under No. N018018 on November 7, 2006 to:
North Kootenai Water District
PO Box 2290
Hayden, ID 83835

North Kootenai Water District wishes to withdraw their application for Transfer of WR 95-7763.

See attached copy of their letter of request, and receipt referenced.

If you have any questions, please call Keith or me at 208-762-2800.

Thanks, and have a great "rest of the day" and a marvelous evening.

Dianne



NKWaterDist-refun
d request.pdf...

Franklin, Keith

From: Maiani, Necia M [nmaiani@welchcomer.com]
Sent: Wednesday, January 14, 2009 1:58 PM
To: Franklin, Keith
Cc: Osterdock, Karen
Subject: RE: North Kootenai Water District Transfer Application

Thank you Keith for your assistance today, this was helpful. I will be discussing the strategy with the District and will then follow up with you on this. It may be about a week or two, before we get back to you with the withdrawal request and filing fee refund (assuming that is what the District decides is most appropriate).

Also in that timeframe we will resend the District Boundary shape file and points of diversion.

Thanks!

Necia Maiani, P.E.

Senior Project Manager

WELCH-COMER

208-664-9382

208-664-5946 (fax)

350 E. Kathleen Ave.

Coeur d'Alene, ID 83815

www.welchcomer.com

From: Franklin, Keith [mailto:Keith.Franklin@idwr.idaho.gov]
Sent: Wednesday, January 14, 2009 1:54 PM
To: Maiani, Necia M
Subject: North Kootenai Water District Transfer Application

Necia,

Attached is a form to withdraw a transfer application that North Kootenai Water District should use if they decide to do so.

North Kootenai Water District can also request to withdraw the amendment to water permit 96-9134 by a simple letter.

At the same time, they can also request a refund of the filing fees for both.

If you have any questions, feel free to give me a call.

Keith.

<<img-114141310.pdf>>

Franklin, Keith

From: Franklin, Keith
Sent: Wednesday, January 14, 2009 1:54 PM
To: 'Maiani, Necia M'
Subject: North Kootenai Water District Transfer Application

Attachments: img-114141310.pdf

Necia,

Attached is a form to withdraw a transfer application that North Kootenai Water District should use if they decide to do so.

North Kootenai Water District can also request to withdraw the amendment to water permit 96-9134 by a simple letter.

At the same time, they can also request a refund of the filing fees for both.

If you have any questions, feel free to give me a call.

Keith.



img-114141310.pdf
(23 KB)

RECEIVED

JUL 25 2008

TRANSMITTAL

IDWR

ATTN:	Keith E. Franklin	DATE:	7/24/08
TO:	Idaho Dept. of Water Resources	RE:	NKWD System Overview
	7600 Mineral Drive, Suite 100		
	Coeur d'Alene, ID 83815	PRJ #:	11228

Items Transmitted: ☐ Mailed ☒ Delivered

Copies	Date	Description
1	7/24/08	CD of North Kootenai Water District System Overview

These Are Transmitted As Checked Below:

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

Remarks:

Copy To:	From: Necia M. Maiani, P.E.
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RECEIVED
JUN 30 2008
IDWR/North

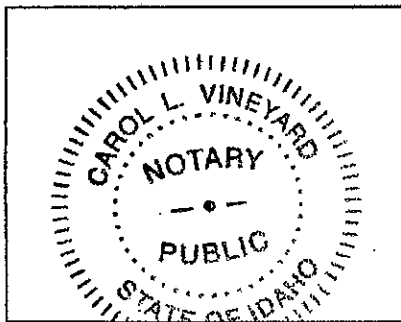
STATE OF IDAHO)

COUNTY OF Kootenai)

) ss.

I certify that I know or have satisfactory evidence that Thomas M Hill is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the Treasurer of East Seasons Acres Homeowners Assoc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 2/15/08



Carol L Vineyard

Notary Public

Print Name

Carol L Vineyard

My commission expires

7/23/2011

11228
EXST
Seasons
RECEIVED
JUN 30 2008
IDWR/North

AGREEMENT FOR ACQUISITION OF WATER FACILITIES

THIS AGREEMENT FOR ACQUISITION OF WATER FACILITIES ("Agreement") is entered into and effective as of March 23, 2005, by and between the NORTH KOOTENAI WATER DISTRICT, a municipal subdivision of the State of Idaho (the "District"), and East Seasons Acres Homeowners Association, Inc., ("Owner"), with reference to the following facts:

- A. Owner is presently the owner of a complete water system serving properties within the Seasons Acres Subdivision, including, without limitation, water rights, meters, pumps, well, reservoir, well lot, transmission lines and related facilities used in the delivery of water to its members and customers, hereinafter the ("Facilities"). As used in this Agreement, the term "Facilities" shall be deemed to include all right, title, and interest in and to all property, both real and personal, which are necessary for the ownership, operation, and maintenance of the Facilities for their intended purpose.
- B. District is the owner and operator of an extensive water system serving customers in the vicinity of Owner's facilities.
- C. District desires to acquire the Facilities so that they can become part of the water system operated by the District and Owner's members will receive water service from the District. Owner has agreed to convey the Facilities to the District, according to the terms and conditions of this Agreement.

NOW, THEREFORE, the parties agree as follows:

- 1. Conveyance of Facilities. Owner, being duly authorized by its members, hereby conveys and transfers to the District all of Owner's right, title, and interest in and to the Facilities as presently existing. The components of the Facilities are described more particularly in Exhibit A to this Agreement. Owner hereby warrants that title to all components of the Facilities is presently vested in the Owner and that the conveyance thereof is free of all encumbrances.
- 2. Consideration for Takeover. The consideration for the acquisition of the Facilities by the District is the assumption by the District of the obligation to operate and maintain the Facilities as part of the water system owned and operated by the District and make water for residential use available to the members of the Owner and

their successors in interest on the same basis as other residential customers of the District.

RECEIVED
JUN 30 2008
IDWR/North

3. Inspection of System; Warranty of Condition. The parties hereby acknowledge that the District and the District's agents, representative, and engineers have had access to the Facilities prior to the execution of this Agreement in order to conduct reasonable studies, tests, and inspections, and that all observed defects have been corrected to the District's satisfaction excepting the construction of the water reservoir as described in the annexation agreement between the members and the District. However, notwithstanding the District's ability and opportunity to inspect the Facilities, Owner recognizes that portions of the Facilities are not accessible for inspection purposes. Therefor, as a material part of the consideration for the District's agreement to assume responsibility for the Facilities, the Owner hereby specifically warrants: (i) that all parts of the Facilities are in good operating condition, excepting only reasonable wear and tear, and are free from known defects in materials and workmanship; (ii) that Owner has observed a systematic program of inspection and maintenance of all components of the Facilities during its operation; (iii) that the actual location and construction of the Facilities is accurately reflected on the as-built plans on file with the Idaho Department of Health and Welfare; and (iv) there are no liens, encumbrances or contractual obligations of any kind affecting any of the Facilities.

4. Miscellaneous and Procedural.

4.1 Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the District and the Owner, and their respective successors-in-interest with respect to the Facilities or this Agreement.

4.2 Attorney's Fees. If legal action is required or deemed necessary to interpret or enforce any of the provision of this Agreement, the prevailing party shall be entitle to recover its cost of suit, including a reasonable attorney's fee incurred in connection therewith.

4.3 Entire Agreement. This Agreement represents the entire understanding of the parties with respect to the acquisition of the Water Facilities, and any

modification hereof shall be in writing executed by both parties.

EXECUTED AND EFFECTIVE as of the date first above written.

OWNER

NORTH KOOTENAI WATER DISTRICT

EAST SEASONS ACRES HOMEOWNERS By:
ASSOCIATION, INC.

By James P. Meyer President

By: Nancy K Burton Secretary By:

STATE OF IDAHO }
 }ss.

County of Kootenai

On this _____ day of March, 2005, before me, a Notary Public in and for the State of Idaho, personally appeared ~~Linda Davis~~ and ~~Maimie Moore~~, known or identified to me to be the President and Secretary respectively, of the NORTH KOOTENAI WATER DISTRICT, a municipal corporation, and acknowledged to me that such municipal corporation executed the same.

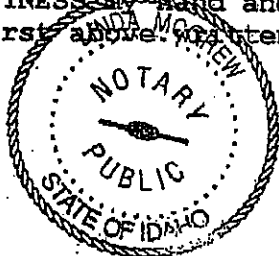
WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary Public for Idaho
Residing at _____
Commission Expires: _____

STATE OF IDAHO }
 } ss.
County of Kootenai }

On this 23 day of March, 2005, before me, a Notary Public in and for the State of Idaho, personally appeared Jessie C. Meyer, President - Nancy K. Burton - Secretary known or identified to me to be the President and Secretary respectively, of the EAST SEASONS ACRES HOMEOWNERS ASSOCIATION, INC., an Idaho not for profit corporation, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal hereto affixed the day and
year first above written.



Linda McHonor
Notary Public for Idaho
Residing at Rathdrum
Commission Expires 08/21/10