

Jai
Nelson



15192 Gate 7 Ridge Road Coeur d'Alene, Idaho 83814 Cellular: 208.660.3214

November 14, 2009

Department of Water Resources of the State of Idaho
Attn.: Robert G. Haynes, Regional Manager
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

RECEIVED

NOV 17 2009

IDWR/North

RE: Black Rock Utilities Water Permit 95-9045

Greetings Mr. Haynes;

Nearly two years ago, on **November 26, 2007**, I wrote a letter to you which included a copy of a November 2, 2007 Spokesman Review newspaper article featuring the "manmade fishing lake" at the Black Rock North Subdivision.

In the letter, I noted the aesthetic use of water and storage of water was specifically addressed in Black Rock's water amendment order conditions for approval and wrote the following:

Per the order, there is to be NO stored water at the Black Rock North Development site and ONLY 6.5 acre-feet or less of stored water at the Club at Black Rock site. Specifically, per the Order, Black Rock is limited to 5.0 acre-feet of water storage for irrigation and this water must be stored in a reservoir from which water for irrigation is pumped and delivered. Additionally, Black Rock is limited to 1.5 acre-feet for fire protection.

Per the Order Condition 21: The holder of permit 95-9045 must NOT store additional water in the Black Rock North Development under this approval [note: the manmade lake is on the Black Rock North site] and must reduce its storage to 6.5 acre feet or less within the Club Black Rock.

On **July 16, 2008**, I again wrote a letter to you referencing these same issues along with a July 15, 2008 article from the North Idaho Business Journal, which illustrated Black Rock's noncompliance with the order. In this letter I noted:

Per IDWR, the final approval of Amendment 72669 for Permit 95-9045 was June 19, 2007. Per the order within one year of the final approval the right holder must limit the storage to the amount required by the order.

Consequently, I am requesting the Idaho Department of Water Resources, as the governing body to preserve and protect Idaho's public water resources, take immediate regulatory compliance action regarding the requirements of this order.

Furthermore, I am requesting you require a site visit to Black Rock and Black Rock North immediately to review compliance and implementation of the order. As the spokesperson for the Protestants I am requesting to be included as a member of the site visit team. I would also request staff from the Kootenai Environmental Alliance be invited and included.

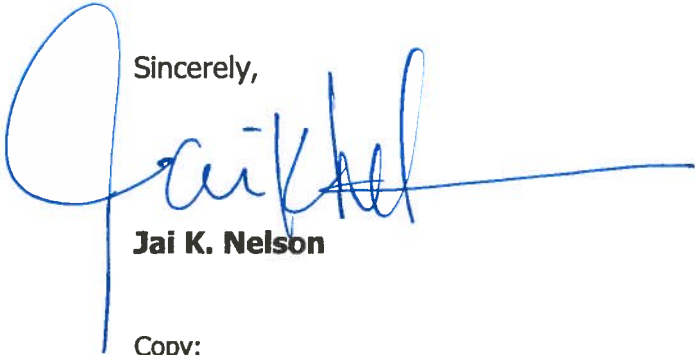
On March 26, 2009 I wrote another letter to you requesting information on the water bank lease, noting:

At the February 25, 2009 hearing Kyle Capps, of Black Rock Utilities, stated the water bank lease had not been renewed for 2009. Has the lease been renewed and if so, on what date was it approved? Additionally, I would like to know the status of the investigation of non-permitted water storage and irrigation usage.

Today's letter is a long overdue follow-up to all of the prior letters. Since my March letter we have had numerous phone conversations concerning an investigation for legal compliance of any non-permitted water storage and irrigation usage by Black Rock Utilities (The last conversation was on October 21, 2009.) Yet, this matter remains unresolved. Therefore, I am requesting this matter be determined in thirty (30) days.

Please investigate any potential violations of requirements and conditions of the Preliminary Order in this case and take appropriate action for any illegal diversion(s) and storage of water per Idaho Statute 42-351 with appropriate penalties per Idaho Statute 42-1701b.

Sincerely,



Jai K. Nelson

Copy:

Department of Water Resources of the State of Idaho
Gary Spackman, Hearing Examiner

P.O. Box 83720
Boise, Idaho 83720-0098

Kootenai Environmental Alliance
Terry Harris, Executive Director
PO Box 1598
Coeur d'Alene, ID 83816-1598

January 31, 2007

Department of Water Resources of the State of Idaho
David Tuthill, Director
P.O. Box 83720
Boise, Idaho 83720-0098

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FEB 05 2007
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Greetings Mr. Tuthill;

Thank you for speaking with me today regarding my petition for a water moratorium for the Coeur d' Alene Region.

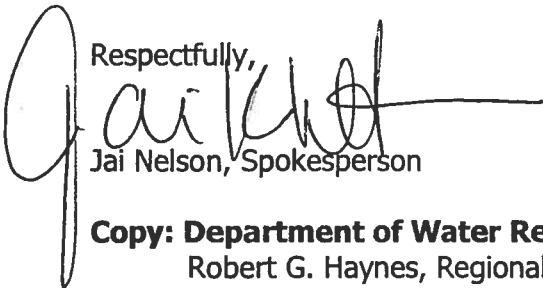
I am resubmitting my request omitting the reference to the Black Rock Utilities permit, as this is only one of numerous permits which have caused a concern and I believe this will clarify my moratorium request.

To reiterate my chief concern, I believe it is vital that a data bank be compiled before any more action is taken on permits in this area. It is our argument that because no agency knows the cumulative amount of water being withdrawn from Coeur d' Alene Lake and how large developments impact Coeur d' Alene Lake with erosion and contaminates it is absolutely imperative to develop a comprehensive water budget and pollutants study.

It is our belief that water quality, water consumption and environmental impact must be predetermined in order to allow for logical and rationale permit allocations and approvals by Department of Water Resources of the State of Idaho (IDWR).

Thank you for your thoughtful consideration on this important matter

Respectfully,



Jai Nelson, Spokesperson

Copy: Department of Water Resources of the State of Idaho
Robert G. Haynes, Regional Supervisor
7600 Mineral Drive, Suite 100
Coeur d' Alene, ID 83814

Coalition for Positive Rural Impact at Rockford and Loffs Bay
15192 Gate 7 Ridge Road • Coeur d' Alene, ID 83814 • 208-667-5004

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November 16, 2007

Department of Water Resources of the State of Idaho

David Tuthill, Director

P.O. Box 83720

Boise, Idaho 83720-0098

RE: WATER PERMIT MORATORIUM

Greetings Mr. Tuthill;

On January 20, 2007 The Coalition for Positive Rural Impact at Rockford Bay and Loffs Bay respectfully requested a **WATER MORATORIUM** regarding any and all water permits and water permit amendment application action by the Coeur d' Alene regional office related to the withdrawal of water from Coeur d' Alene Lake, along with its inflows and outflows.

The Moratorium request is based on the argument that extensive research needs to be complied before any further action is taken on water permits in this area. As currently no agency knows the cumulative amount of water being withdrawn from Coeur d' Alene Lake. The request noted that water quality, water consumption and environmental impact needs to be predetermined in order to allow for logical and justified permit allocations and approvals by the Department of Water Resources of the State of Idaho (IDWR).

Furthermore, the Moratorium requests an analysis of all withdrawals of water from Coeur d' Alene Lake, along with its inflows and outflows, to allow time for a definitive qualitative and quantitative study to be undertaken and completed. This study would act as a foundation for all pending and future water permit action to see if a surface or ground water withdrawal would potentially injure other water rights and if so would provide proof or evidence to that end. In addition, the Moratorium document noted extensive concerns of how large developments possibly impact Coeur d' Alene Lake with erosion, storm water and contaminates. Therefore, it is absolutely imperative to develop a comprehensive water budget and pollutants study in order to develop the *minimum* research for a baseline data bank.

In a subsequent conversation, you noted IDWR would respond to the moratorium request within "weeks, not months". Additionally, you noted the request has been a catalyst for Department engineers to confront the challenges of the North Idaho water permit process. Early last spring the Departments engineering staff was "assembling information on area water supplies" and you noted that you intended to respond to the moratorium request "promptly".

It has now been *over* ten months and I have yet to have a response to the Moratorium request!

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It is my understanding that permits continue to be processed and allocated with no scientific rationale, baseline data or future projection statistical information. What type of documentation then, are the allocations based on? How can these permits be rational, responsible, legal or ethical without justification?

This Moratorium request, the water adjudication process and water permit allocations are getting a tremendous amount of press in North Idaho. Therefore, please address my request as soon as possible or let me know why you are unable to do so.

Thank you for your prompt assistance in this matter.

Sincerely,



Jai K. Nelson, RN

Coordinator, Coalition for Positive Rural Impact at Rockford Bay and Loffs Bay

Copy:

Department of Water Resources of the State of Idaho
Attn.: Robert G. Haynes, Regional Supervisor
7600 Mineral Drive, Suite 100
Coeur d' Alene, ID 83814

Kootenai Environmental Alliance
Attn.: Barry Rosenberg
PO Box 1598
Coeur d' Alene, ID 83816-1598

15192 Gate 7 Ridge Road Coeur d'Alene, ID 83814 208.667.5004

REQUEST FOR WATER MORATORIUM

CERTIFICATE OF SERVICE

RECEIVED
FEB 05 2007
IDWR/North

I hereby certify that I served the foregoing **REQUEST FOR A WATER PERMIT MORATORIUM [SECOND NOTICE]** addressed to the person(s) as shown below on the date set forth below at the Department of Water Resources of the State of Idaho by the following method or methods:

[X] By mailing full, true and correct copies thereof, in sealed, first-class postage-prepaid envelopes, addressed to the person(s) as shown below, the last know address of the person(s) with the United States Post Office at Coeur d' Alene, Idaho on the date set forth below.

Department of Water Resources of the State of Idaho

David Tuthill, Director

P.O. Box 83720

Boise, Idaho 83720-0098

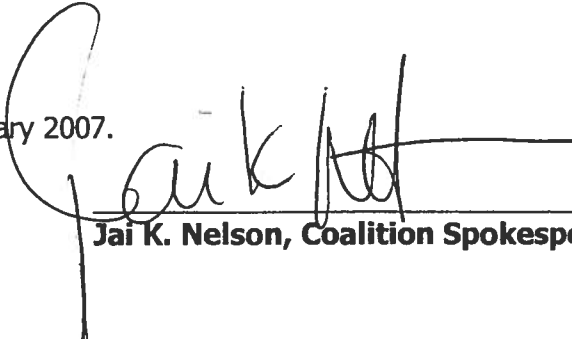
Department of Water Resources of the State of Idaho

Robert G. Haynes, Regional Supervisor

7600 Mineral Drive, Suite 100

Coeur d' Alene, ID 83814

Dated this 2th day of February 2007.


Jai K. Nelson, Coalition Spokesperson