

## PETITION FOR RECONSIDERATION

RECEIVED

AUG 19 2011

IDWR / NORTH

August 19, 2011

To: Keith Franklin

Idaho Department of Water Resources

From: Kyle Capps

Black Rock Utilities, Inc.-Manager

18168 Kimberlite Drive

Coeur d' Alene, ID 83814

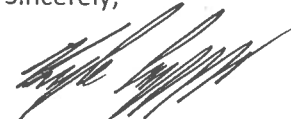
Re: Water Right License 95-9055

I am writing this petition for reconsideration for water right license 95-9055. In reviewing the license that was signed and sealed by the Idaho Department of Water Resources on August 5, 2011, it appears that a portion of the place of use as submitted in the licensing exam was inadvertently omitted from the license. Specifically, the portion of the place of use missing from the issued license is 49N 04W Section 33 SWSW (government lot 4).

Additionally, the mailing address for Black Rock Utilities has been changed. The new mailing address is that listed above. Please update department records and forward all correspondence regarding Black Rock Utilities to the new address.

Thank you for your attention to these matters. If you require additional information you may contact me, or Scott King who completed and submitted the licensing examination report.

Sincerely,



Kyle Capps

Black Rock Utilities-manager

208-755-4744

State of Idaho  
Department of Water Resources  
**Water Right License**

95-9055

Water Service Area Boundary for Black Rock Utilities Inc  
August 01, 2011



Water Service Area Boundary

-  Townships
-  PLS Sections
-  Quarter Quarters



State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 95-09055

Priority: November 13, 2000

Maximum Diversion Rate: 1.00 CFS

It is hereby certified that BLACK ROCK UTILITIES INC  
KYLE CAPPS, CGCS  
PO BOX 3070

COEUR D'ALENE ID 83816 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 13, 2000; and has submitted Proof of Beneficial Use on July 15, 2011. An examination indicates that the works have a diversion capacity of 1 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

**BENEFICIAL USE**

MUNICIPAL

**PERIOD OF USE**

01/01 to 12/31

**DIVERSION RATE**

1.00 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER L2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) Sec. 16, Twp 48N, Rge 04W, B.M. KOOTENAI County

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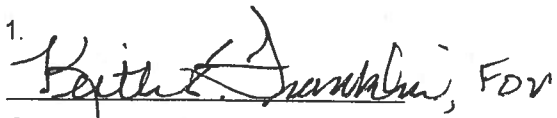
GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 16, Twp 48N, Rge 04W, B.M. KOOTENAI County

**CONDITIONS OF APPROVAL**

1. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
4. Place of use is within the area served by the public water supply system of Black Rock Utilities LLC. The place of use is generally located within Sections 4,5,8,9,16,17, Township 48N, Range 04W.
5. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 5 day of August, 2011.

  
GARY SPACKMAN  
Interim Director