

Coalition for Positive Rural Impact

Supporting responsible rural growth

15192 Gate 7 Ridge Road Coeur d'Alene Idaho 83814 208.667.5004



November 26, 2007

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 29 2007
IDWR/North

RE: WATER PERMIT 95-9045 & Amendment Order

Greetings Mr. Haynes;

Please review the attached November 2, 2007 Spokesman Review newspaper article on the Black Rock "manmade fishing lake" proposed for the Black Rock North Subdivision. The aesthetic use and storage of water was specifically addressed in the above noted water amendment order conditions for approval. Therefore, I am somewhat surprised to see this recent article. Additionally, I have attached supplementary photos of other aesthetic water features currently at Black Rock.

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 Conditions under no 21. It states: 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 proposed for the Black Rock North site] and must reduce its storage to 6.5 acre feet or less within the Club Black Rock unless the permit holder obtains or identify other water rights it owns that authorize storage of water in the ponds.

Consequently, please review and respond or comment on the following:

1. Has Black Rock identified other water rights, which authorize additional water storage and/or changed other water rights, which authorizes additional storage? Additionally, what permit or identified water source is Black Rock using for the manmade lake?

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2. Has Black Rock identified where the 5.0 acre-feet of water storage for irrigation will be stored? [Per the order this shall not be stored in the Black Rock North Development.]
3. Where will the 1.5 acre-feet of water storage for fire protection be stored? [Per the order this shall not be stored in the Black Rock North Development.]
4. If the 6.5-acre feet will be commingled with water from Coeur d' Alene Lake, Black Rock is to provide a copy of the IDWR approved plan. Will the water be commingled? If so, has IDWR approved a plan?
5. What was the date of the final approval of amendment no. 72669?
6. Did Black Rock, and if so when, notify the Department of the two year construction period for diversion and use of water for construction purposes?
7. What means and methods are you utilizing to ensure that the permit holder is only using the water allocation from 3/15 to 11/15 for each year?

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The Black Rock well permit 95-9055 was recently under review at the Idaho Public Utilities Commission for possible regulation. Black Rock stated they were going to transfer this permit to the Black rock Homeowners Association. Has this transfer taken place?

Regarding permit 95-9055, please review and respond or comment on the following:

- Is Black Rock proposing to use their domestic wells (total diversion of 1.000 CFS) as a source of water for the ponds, waterfalls, manmade lake and other aesthetic water features?
- Per the CONDOTIONS OF USE on permit 95-9055, CONDITIONS OF APPROVAL 6. 103 The right holder shall not provide water diverted under this right for the irrigation of land. Does this irrigation condition preclude using the water for aesthetic purposes? Does this condition preclude using the water for aesthetic purposes, which have the potential to be utilized for irrigation?
- Per the CONDOTIONS OF USE on permit 95-9055, is there a measuring device on the wells? Per the CONDOTIONS OF USE, are the well volumes being reported? Do you have Well Drillers reports on the Black Rock wells? If so, I would like to request copies of these reports.

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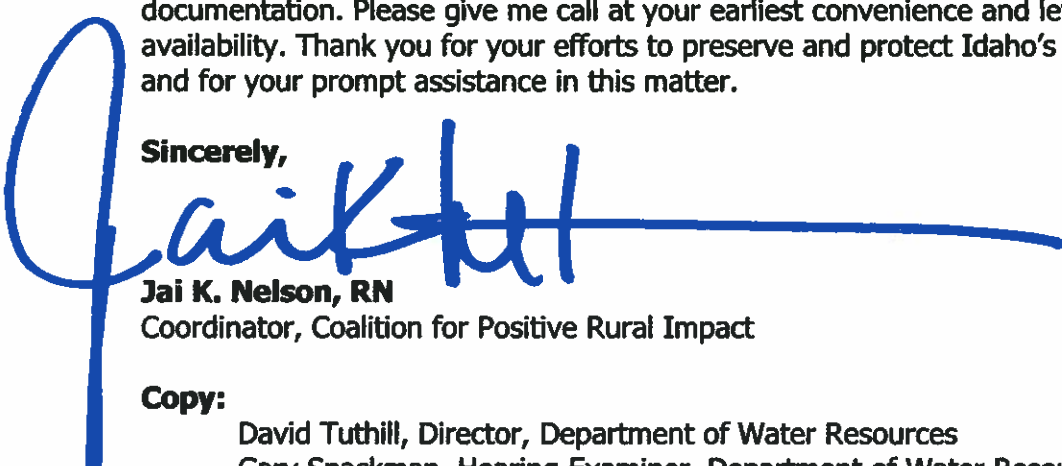
- I would like to know the exact current number of domestic hook-ups being utilized by the Club Black Rock development and the proposed number of domestic hook-ups proposed for the Black Rock North site and verification of adequate volume per IDAPA requirements. Of note, per the Kootenai County Building and Planning office the number of residential units in Club Black Rock has significantly *increased* since the original PUD approval. Please verify the current number with the Building and Planning office.

Per Idaho Statute 42-211, holders of water rights under Idaho law are ONLY authorized to change the place of use for their water right when doing so "would not result in diversion and use of more water than originally permitted and if the rights of others would not be adversely affected thereby." This may be a factor if domestic well water will be utilized for aesthetic purposes.

Idaho Statute 42-111 also speaks to municipal water used for domestic purposes and does NOT include commercial uses. I would argue that aesthetic water features on a golf course facility and a manmade fishing lake are commercial uses and should not be permitted as an addition to a domestic water right.

I would propose we have a meeting to review the above issues and any relevant documentation. Please give me call at your earliest convenience and let me know your availability. Thank you for your efforts to preserve and protect Idaho's public water resources and for your prompt assistance in this matter.

Sincerely,

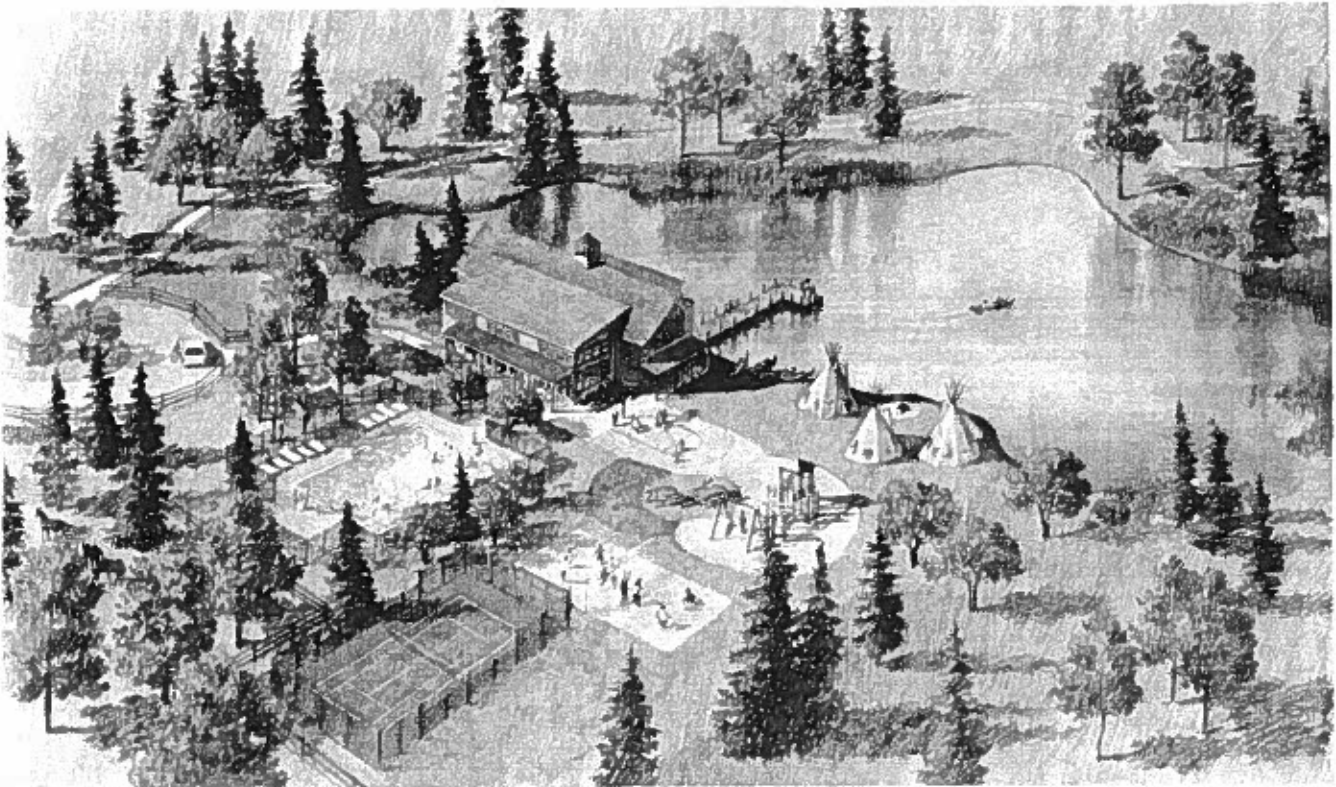

Jai K. Nelson, RN

Coordinator, Coalition for Positive Rural Impact

Copy:

David Tuthill, Director, Department of Water Resources
Gary Spackman, Hearing Examiner, Department of Water Resources
Kootenai Environmental Alliance, Barry Rosenberg, Executive Director
Arthur Macomber, Attorney
Scott Reed, Attorney
Clive Strong, Idaho Attorney General, Environmental Department

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Friday, November 2, 2007

Here's The Dirt

Littlest Black Rock members to get own camp, clubhouse

Melodie Little
Staff writer
November 2, 2007

Black Rock Development is building an exclusive camp for kids of parents who belong to The Club at Black Rock.

Kootenai Camp, a fantasyland for the young, will include a manmade fishing lake, a secret agent-like zip line that traverses the lake and outings that include scavenger hunts by boat and day trips to Silverwood Theme Park.

The camp will include tennis and basketball courts as well as volleyball. Kids can play video games at a clubhouse. The 5,300-square-foot clubhouse will also have an indoor climbing wall. Children at the day camp also can use an outdoor pool with a waterslide.

Meg Allendorf, marketing and communications manager for Black Rock Development, said the camp will offer teepees for overnight sleepovers.

The summer calendar of events will include weekly themes, she said, including water-oriented activities and nature trails. Some activities will be educational in nature.

"It's not just baby-sitting," Allendorf said.



Black Rock Development is building an exclusive camp for children of members of the Club at Black Rock. Courtesy of Black Rock Development (Courtesy of Black Rock Development)



golf course waterfalls
(3) 90' waterfalls on 1 hole.

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golf course w/waterfall



← waterfall

Entry pond ↗

This is
not your dad's
country club.

#1 Best New
Private Golf Course
by Golf Digest
for 2003.

**THE BEAUTY OF
BLACK ROCK RUNS DEEP, FROM ITS
CRYSTALLINE LAKE TO ITS ROLLING GREEN HILLS.**

Nestled inside a majestic forest, The Club at Black Rock is the first private golf community to overlook Lake Coeur d'Alene, considered one of the most beautiful lakes in the world by National Geographic. In this secluded setting, you can fly-fish, parasail, and water ski. Visit the charming, sophisticated village of Coeur d'Alene, Idaho. Or explore a wealth of other outdoor pursuits, just a short drive away. The golf course at Black Rock is equally glorious, and earned the title Best New Private Golf Course from Golf Digest.

Only a limited number of homesites will be made available. To learn more, call Black Rock at 208-755-5150. All the elements of a rewarding life are here.



208-755-5150

WWW.BLACKROCKIDAHO.COM



Obtain the Property Report or its equivalent, required by Federal and State law, and read it before signing anything. No Federal or State agency has judged the merits or value, if any, of this property.