

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 23 2008

IDWR/North

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Amendment of a Permit No. 95-9045 in the name of BlackRock Utilities, Inc.
2. Name of protestant Kootenai Environmental Alliance
3. Protestant's Representative for service (If different than protestant)
Barry Rosenberg
4. Service mailing address 408 Sherman Ave, Suite 301, PO Box 1598, Coeur d'Alene, ID 83816-1598
5. Service telephone no. (208) 667-9093
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Denial of the Amendment

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 23rd day of June, 2008.

Kootenai Environmental Alliance

Protestant

Barry Rosenberg

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
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FOR DEPARTMENT USE ONLY

Received by cm Date 6-23-08 Time _____

\$25.00 fee Received by cm # N019340 Date 6-23-08

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Basis of Protest

The requested Amendment of a Permit No. 95-9045 modifies the place, nature and period of use of the water right as described in the Amendment of Permit No. 95-9045 issued by IDWR on July 27, 2007, and therefore, abrogates the spirit, intent and expands the water rights of the Amended Permit, (7/27/07) and the settlement agreement with the Kootenai Environmental Alliance signed on August 4, 2006.

Lake Coeur d' Alene is a Critical Aquifer Recharge Area for the Rathdrum Prairie-Spokane Valley aquifer and the cumulative impacts of the proposed amendment combined with other pending applications and existing water rights may lead to a variety of ills, in violation of the local public interest.

Protestant reserves the right to raise additional issues as more information becomes available.

Barry Rosenberg

Barry Rosenberg

Kootenai Environmental Alliance

6-23-08

Protest of Amendment of a Permit
Black Rock Utilities
by Kootenai Environmental Alliance
June 23, 2008