

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Molly Stein

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

legal notice

of which the annexed is a printed copy, was published in the regular issue of said newspaper for *5* consecutive *Thursday* *weeks* commencing on the *12* day of *June*, 20*08* and ending on the *12* day of *June*, 20*08*, and such publication was made as often during said period as said newspaper was regularly issued.

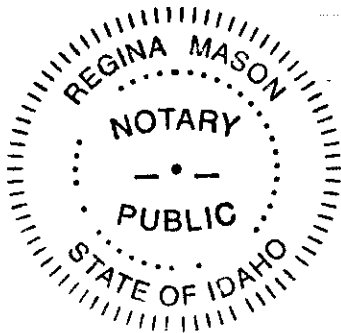
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this *12* day of *June* in the year of *2008*, before me, a Notary Public, personally appeared *Molly Stein*, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09



RECEIVED
JUN 16 2008
IDWR/North

*See reverse
for legal*

RECEIVED
JUN 16 2008
IDWR/North

The following application has been filed to amend Permit to Appropriate Water

95-9045

BLACK ROCK UTILITIES INC

PO BOX 3070

COEUR D'ALENE ID 83816

Purpose of amendment is to change place of use, nature of use and period of use.

Point of Diversion remains the same. Total diversion rate and diversion volume including storage volume remain unchanged at 369 AFA with no change to Municipal use which remains at 2.5 CFS, or 1,215 AFA. Irrigation use will be eliminated and replaced by aesthetic use.

Pt of Diversion L1(NENE) S16 T48N R04W KOOTENAI Co

Source COEUR D'ALENE LK tributary to SPOKANE RVR

Use: MUNICIPAL 01/01 To 12/31 2.5 CFS 1215 AFA

Use: MUNICIPAL STORAGE 01/01 to 12/31 369 AFA

Use: MUNICIPAL from STORAGE 01/01 to 12/31 369 AFA

Use: AESTHETIC STORAGE 01/01 to 12/31 209 AFA

Use: DIVERSION to STORAGE 01/01 to 12/31 2.46 CFS

Total Diversion: 2.5 CFS 1215 AFA

Date Filed: 04/28/2008

Place Of Use: AESTHETIC STORAGE

T48N R04W S16NWNW

T48N R04W S4 S1/2NW SW1/4

T48N R04W S5 S1/2NE

T48N R04W S8 NENE SE1/4

T48N R04W S9 NWNW NWSW SW1/2SW

Place Of Use MUNICIPAL STORAGE

T48N R04W S4 NESW NWSW SWSW SESW

T48N R04W S8 NWSE

Place Of Use: MUNICIPAL & MUNICIPAL FROM STORAGE

Remark: Municipal use is within service area of applicant.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 06/23/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Legal 2924

June 5, 12, 2008

See reverse for affidavit