

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR AMENDMENT 72669)
FOR PERMIT NO. 95-9045)
IN THE NAME OF BLACK ROCK UTILITIES, INC)
_____)

NOTICE OF CONFERENCE

On March 10, 2006, BLACK ROCK UTILITIES, INC filed with the Department of Water Resources (department) Application for Amendment of Permit No. 95-9045. The application was protested by COALITION FOR POSITIVE RURAL IMPACT AT ROCKFORD BAY, c/o Jai Nelson, Spokesperson, and by KOOTENAI ENVIRONMENTAL ALLIANCE c/o Barry Rosenberg, Executive Director. KOOTENAI ENVIRONMENTAL ALLIANCE has conditionally withdrawn their protest as of August 4, 2006.

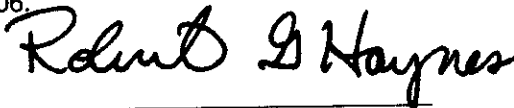
The department has scheduled the matter for conference &/or hearing on October 27, 2006 at 9:00 a.m. at the Department of Water Resources, 7600 Mineral Drive, Suite 100, Coeur d'Alene, ID. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference &/or hearing will be Robert Haynes, P.E.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within ten (10) days prior to the conference &/or hearing.

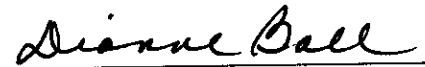
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 6th day of October, 2006.



Regional Manager

I hereby certify that on the 6th day of October, 2006, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:

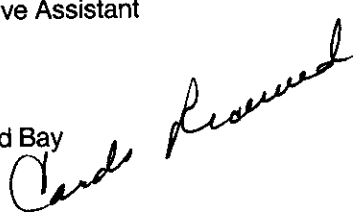


Administrative Assistant

Certified Mail

- ✓ Black Rock Utilities, Inc
- ✓ Coalition for Positive Rural Impact at Rockford Bay

Non-Certified Mail



CONFERENCE SCHEDULE

Northern Region

Location	Department of Water Resources 7600 Mineral Drive, Suite 100 Coeur d'Alene ID 83815
Date	October 27, 2006
9:00 A.M.	Amendment 72669 regarding Permit 95-9045 Black Rock Utilities, Inc.

CONFERENCE AND HEARING PROCEDURE APPLICATION FOR AMENDMENT

ISSUES

Section 42-211, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for amendment:

1. Will the proposed amendment injure other water rights?
2. Will the proposed amendment enlarge the use over that originally permitted?
3. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?

BURDEN OF PROOF

The applicant has the initial and ultimate burden of proof for issues 1 and 2 and must provide evidence for the department to evaluate these criteria.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director, rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration.

Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility, which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

SENDER COMPLETES THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Black Rock Utilities Inc
PO Box 3070
Coeur d'Alene ID 83816

2. Article Number

(Transfer from service label)

7004 2510 0000 4998 9497

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

D. Krudsen

☐ Agent☐ Addressee

B. Received by (Printed Name)

D. Krudsen

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

OCT 12 2006

IDWR/North

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER COMPLETES THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Coalition for Positive Rural
Impact @ Rockford Bay
to Jai Nelson
15192 Gate 7 Ridge Rd
Coeur d'Alene ID 83814

2. Article Number

(Transfer from service label)

7004 2510 0000 4998 9480

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Jai Nelson

☐ Agent☐ Addressee

B. Received by (Printed Name)

Jai Nelson

C. Date of Delivery

10-11-06

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☒ Yes☒ No

OCT 12 2006

IDWR/North

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes