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MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

COUNTY OF MISSOULA, NATIONAL
WILDLIFE FEDERATION, MONTANA
ENVIRONMENTAL INFORMATION
CENTER, MONTANA CHAPTER OF
THE SIERRA CLUB,

Plaintiffs,

v.

MONTANA DEPARTMENT OF
TRANSPORTATION, an agency of the
State of Montana, and JIM LYNCH, in
his capacity as Director of Montana
Department of Transportation,

Defendants,

IMPERIAL OIL RESOURCES
VENTURES LIMITED,

Defendant-Intervenor.

Cause No. DV-11-424

Hon. Ray J. Dayton

**THIRD AFFIDAVIT OF
KENNETH L. JOHNSON**

disassembly, the original 33 modules now consist of approximately 65 transport loads.


5. Imperial now has 115 remaining modules (in addition to the Lewiston modules) that require transportation and when reconfigured will comprise approximately 250 transport loads. Imperial has and will continue to incur significant costs associated with the reconfiguration of these modules to meet interstate highway height restrictions.

6. The U.S. Highway 12 route from Lewiston, Idaho to U.S. Highway 93 in Lolo, Montana to its intersection with Interstate 90 in Missoula remains a key part of Imperial's transportation plan for modules. Imperial has received favorable rulings in the Idaho contested case hearing and a decision is now before the Director of the Idaho Transportation Department which, if also favorable, would lead to Imperial receiving permits to use the Idaho portion of this route for modules.

7. In addition to the direct cost of reconfiguring the modules to meet interstate highway height restrictions, delay in delivering the modules to their destination in Canada has required the implementation of reassembly plans and revised construction plans that are also increasing costs to the overall project and with further delay could result in costs to Imperial that significantly exceed the module reconfiguration costs.

8. Imperial's preferred route remains the original KMTP route that has been proposed to MDT and for which all encroachment permits now have been issued. However, despite the significant increased cost, Imperial is prepared to accept a modified injunction that allows the transport of modules on Highway 12 and 93 to Interstate 90 in Montana.


DATED this 23 day of August, 2011.



Kenneth L. Johnson

On August 23, 2011, before me, Notary Public, personally appeared KENNETH L. JOHNSON, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.



Printed Name Michelle McDonald
NOTARY PUBLIC

Michelle McDonald
Barrister & Solicitor
Fluor Canada Ltd.
55 Sunpark Plaza SE
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CERTIFICATE OF SERVICE

I, the undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Imperial Oil Resources Ventures Limited, hereby certify that on this 23rd day of August, 2011, a copy of the foregoing document was served on the following persons by the following means:

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<u>1-10</u>	Mail
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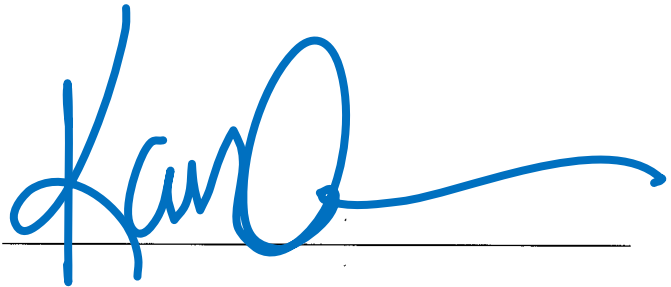
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Perce Tribe

A handwritten signature in blue ink, appearing to read "Ken", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.