

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1068

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: ASH GROVE CEMENT CO
11011 CODY ST
OVERLAND PARK, KS 66210

RECEIVED
DEC 23 2019
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on November 26, 2019.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
29-10029	9/1/1928	PORTNEUF RIVER, tributary to SNAKE RIVER	0.31	Not Stated	0.0
29-4069	6/1/1937	GROUND WATER	0.67	485.0	0.0
29-7076	2/16/1972	GROUND WATER	0.04	29.0	0.0
29-7855	10/18/1988	GROUND WATER	0.67	438.5	0.0
Combined Lease Totals			1.69	952.5	0.0

SUPPORT DATA
IN FILE # 29-4069

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2020 to December 31, 2024. This Lease shall bind the parties and take effect when both parties have signed it.

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4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: ASH GROVE CEMENT CO
11011 CODY ST
OVERLAND PARK, KS 66210

By Kelly Packard
Title Terminal Manager
Date 12-17-19

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 01/09/20

Lease approved by IDWR Patton

Date 01/09/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 29-4069

GROUND WATER	SWSWSE	Sec. 21	Twp 07S	Rge 36E	BANNOCK County
GROUND WATER	SWSWSE	Sec. 21	Twp 07S	Rge 36E	BANNOCK County

Source and Location of Point(s) of Diversion for Water Right No(s): 29-7855

GROUND WATER	NENE	Sec. 28	Twp 07S	Rge 36E	BANNOCK County
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Source and Location of Point(s) of Diversion for Water Right No(s): 29-7076

GROUND WATER	NENENW	Sec. 28	Twp 07S	Rge 36E	BANNOCK County
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Source and Location of Point(s) of Diversion for Water Right No(s): 29-10029

PORTNEUF RIVER	SWSWSE	Sec. 21	Twp 07S	Rge 36E	BANNOCK County
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Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
29-4069	INDUSTRIAL	01/01	to	12/31	0.67 cfs	485.0 AF
29-7855	INDUSTRIAL	1/01	to	12/31	0.67 cfs	438.5 AF
29-7076	INDUSTRIAL	01/01	to	12/31	0.04 cfs	29.0 AF
29-10029	INDUSTRIAL	01/01	to	12/31	0.31 cfs	Not Stated
Totals:					1.69 cfs	952.5 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	21															X		0.0
07S	36E	28		X			X			X									0.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

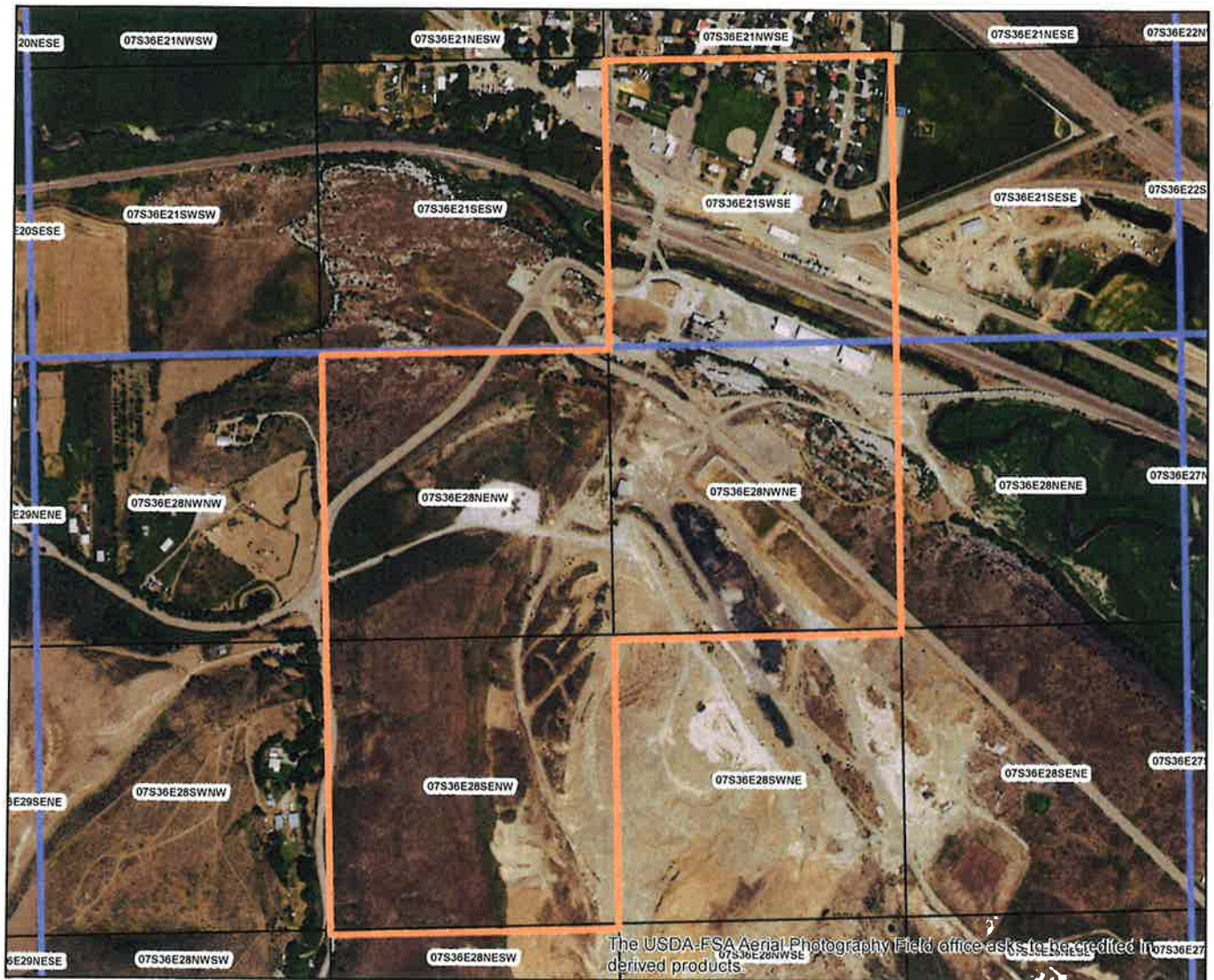
WATER SUPPLY BANK LEASE CONTRACT No. 1068

5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Water used under water right 29-7855 when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
13. When water used under water right 29-7855 is discharged into the natural channel, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality of water will not be impaired for other beneficial uses.
14. Industrial use is for a cement processing plant.
15. Use of water under water right 29-10029 may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29D.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1068

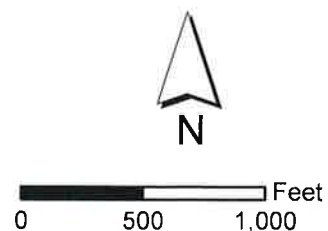
29-4069 & 29-10029
Effective until December 31, 2024

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

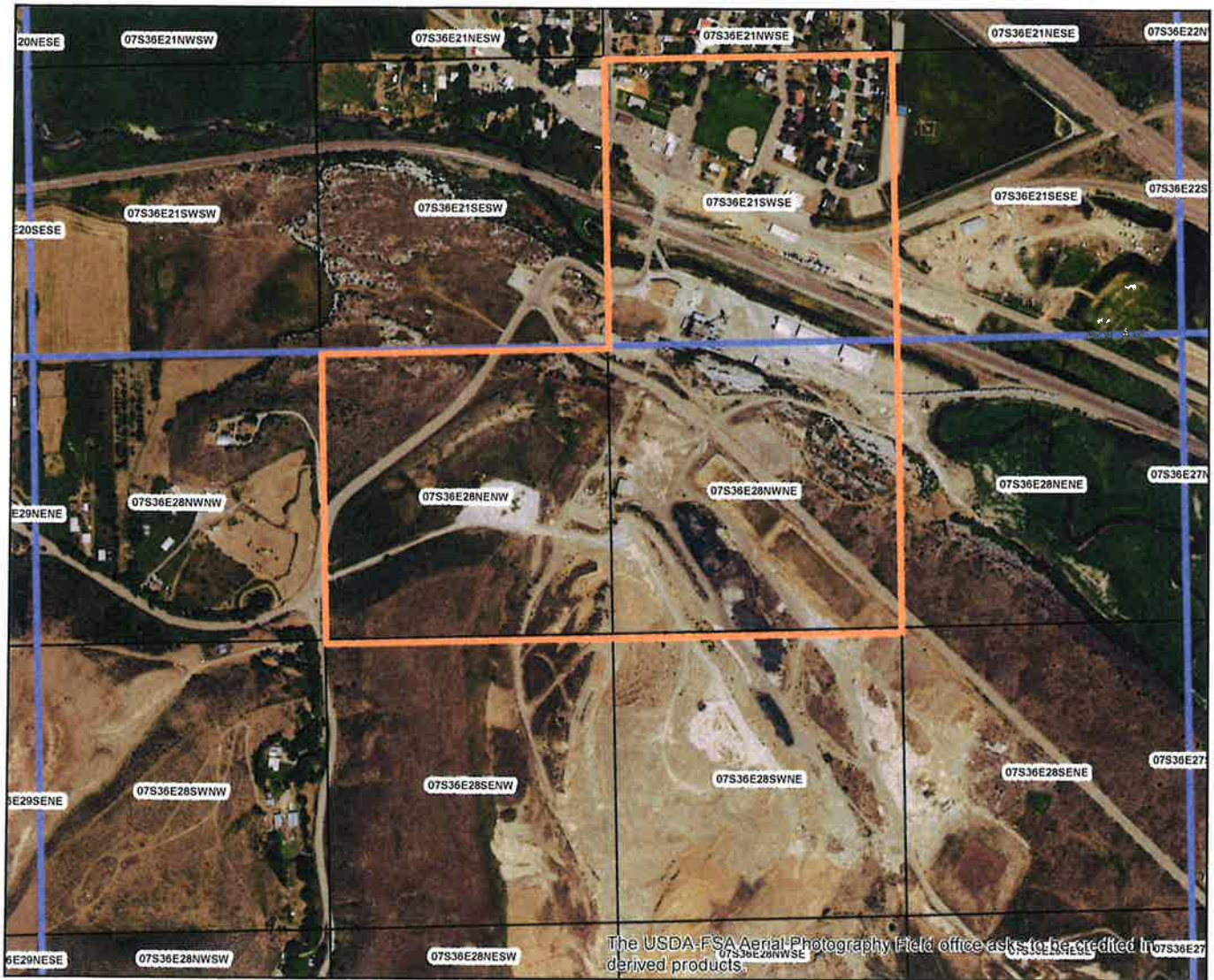
-  Approved Lease Place of Use
-  Township/Range
-  Sections
-  QQ



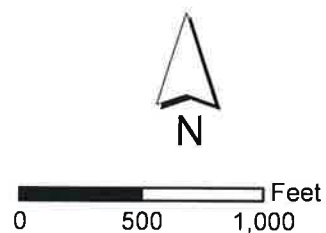
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1068

29-7076
Effective until December 31, 2024

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



-  Approved Lease Place of Use
-  Township/Range
-  Sections
-  QQ





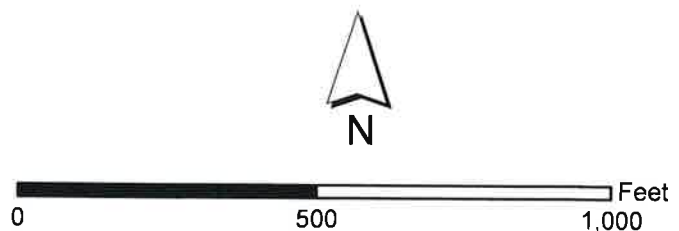
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1068

29-4069, 29-7076, 29-7588 & 29-10029
Effective until December 31, 2024

This map depicts the points of diversion pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



-  Approved Lease Point of Diversion
-  Township/Range
-  Sections
-  QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 26 2019

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Ash Grove Cement Company
(Select one owner - see item 1A on the application)Water Right No. 29-4069
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*.

Yes

Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.

Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.

Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

1A

Signatures and contact information for **all owners** of the water right to be leased or sold on this application.

1B

An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.

1C

*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).

1D



Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.

2



Description of a water right portion offered to the Water Supply Bank.

3



A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.

4A



Written consent from irrigation district or water delivery company.

4G

Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 500.00Received By: ASDate Received: 11/26/19 Receipt # C108015W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Ash Grove Cement Company

K497

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Ash Grove Cement Company
Mailing Address 11011 Cody Street, Overland Park, KS 66210
Street City State Zip Code
Email Address _____ Phone Number _____

- ☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.
OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☒ No ☐
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a Notice of Change in Water Right Ownership form along with the required documentation and fee (Attachment C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Kelly Packard Organization Ash Grove Cement Co.
Professional Title Terminal Mgr. Email Address kelly.packard@ashgrove.com
Mailing Address 230 Cement Rd, Teton, Idaho 83245 Phone Number 208-251-1351

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map Attachment 3.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

- B. Please provide a description of the current water diversion and delivery system.

Ground water wells

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

All of the following rights are being offered to the water Bank: 29-10029, 29-7076, 29-7855, and 29-4069.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☒ No ☐
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

Water will be provided by the City of Inkom

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right.

None - water has been in Bank the past 5 years.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☐

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☐.

If lease, specify the years when the use of water will be suspended: 2020 to 2024 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Acceptable payment is current rental rate or any other agreed upon rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant

Printed Name

Date

Kelly Packard

Kelly Packard

11-19-19

Signature of Authorized Representative

Printed Name

Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 10, 2020

ASH GROVE CEMENT CO
11011 CODY ST
OVERLAND PARK, KS 66210

**RE: WATER SUPPLY BANK LEASE CONTRACT 1068
FOR WATER RIGHTS 29-10029, 29-4069, 29-7076, 29-7855**

Dear Lessor:

Water rights **29-10029, 29-4069, 29-7076, 29-7855** were leased into the Water Supply Bank (Bank) as of January 1, 2020, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2024**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,



Amanda Vaibel
Water Supply Bank

Enclosure: Executed Lease Contract

c: Kelly Packard

WATER SUPPLY BANK
Lease Review Checklist
Applicant(s) Name: Ash Grove Cement Co

Memo Date: December 12, 2019

Water Right Number(s): 29-4069, 29-7076, 29-7855 & 29-10029

Reviewers Name: Jean

Quick Tools

Decreed year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	x		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right			
	All of right	x		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? (If no explain in comments or narrative)	x		
5	Authority to file			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity	x		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			2004 & 1997
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?	x		2015-2019
7	Injury to other water rights			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns			
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	No	
	Are there overlapping rights that need to be placed in the bank also?		x	
	Will the place of use continue to receive water? (if yes explain in comments)	x		City of Inkom
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?		x	
10	Have you contacted regional office and watermaster for comment/concerns?	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement (write in Comments)			3.5
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		x	

Narrative: The Department received the application for 29-4069 on Nov.. 26, 2019, and the applications for the other rights on Dec. 10, 2019. The application were signed by Kelly Packard, who is the Terminal Manager of the Ash Grove Cement Co. Authorization was given by Curtis D. Lesslie, Vice President of Environmental Affairs. Water rights 29-4069, 29-7076 & 29-10029 were decreed in 2004 and 29-7855 was licensed in 1997. According the the review of the applications in 2015, the water rights were put to beneficial use as recent as 2012. The data is with the WSB Lease application received on 9/15/2014. An email from Bruce Newell, V.P Manufacturing Services, stated the water was used in different ways. Water was used then pumped to a retention pond and evaporated. No water was discharged back to the river. Therefore, these right should be considered 100% consumptive. According to the applications, the plant will continue to operate with water from the City of Inkom. Water right 29-10029 is within WD 29D.



A CRH COMPANY

STRONG FOUNDATIONS. STRONG FUTURE.

December 11, 2019

Certified Mail: 7016 2140 0000 1305 6552

Jean Hersley
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: Ash Grove Cement Company – Inkom Idaho Terminal

Dear Ms. Hersley,

Effective December 11, 2019, please consider this authorization to delegate Mr. Kelly Packard, Terminal Manager of the Ash Grove Cement Company, as the duly authorized representative for all facility correspondence related to water rights sales or leases administered by the Idaho Water Resources Board.

I am the Vice-President of Environmental Affairs for Ash Grove Cement Company, responsible for all aspects of environmental compliance for the company.

Please confirm this request by responding in writing to me at the address that appears on this letterhead. If additional information is required, I can be reached at 913-319-6065.

Sincerely,

Curtis D. Lesslie
Vice President of Environmental Affairs
Ash Grove Cement Company

DIRECT 913-451-8900
FAX 913-451-8324

11011 CODY STREET
OVERLAND PARK, KS 66210

ASHGROVE.COM

Hersley, Jean

From: Lesslie, Curtis (Ash Grove) <curtis.lesslie@ashgrove.com>
Sent: Wednesday, December 11, 2019 3:52 PM
To: Hersley, Jean
Cc: Packard, Kelly (Ash Grove); Rhees, Brian; Daniel, Michael (Ash Grove); Walters, Lesa (Ash Grove); Nielson, Scott (Ash Grove)
Subject: RE: [EXT] WSB Lease Applications
Attachments: 2019 12 11 Water Right Delegation for Kelly Packard.pdf

Jean:

Please find attached a letter of delegation of authority for Kelly Packard to sign these applications on behalf of Ash Grove Cement Company. Please let me know if you need anything further on this matter.

Thanks for your help in getting these applications approved.

Curtis

Curtis Lesslie, PE
Vice President Environmental Affairs
Ash Grove Cement Company
A CRH COMPANY
11011 Cody Street
Overland Park, Kansas 66210

T 913-319-6065
C 785-550-6330
E Curtis.Lesslie@ashgrove.com

From: Packard, Kelly (Ash Grove) <kelly.packard@ashgrove.com>
Sent: Wednesday, December 11, 2019 3:25 PM
To: Lesslie, Curtis (Ash Grove) <curtis.lesslie@ashgrove.com>
Cc: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Fw: [EXT] WSB Lease Applications

Curtis:

Could you please file or have someone file the attached application with the Idaho Department of Water Resources for the following four water rights at the Inkom location? Bruce filed the applications the last time. A copy of a completed application is attached for reference. Each water right will need an application. Ash Grove has already paid the application fee of \$500.

I have submitted applications already for all the water rights. However, the State won't accept the applications because they don't have documentation granting me authority to sign as an official for the company.

We are running up to a deadline at the end of the month to file the applications.

The contact with the State is cc'd on this email.

Thanks

Kelly Packard
Terminal Manager

Ash Grove Cement Company
A CRH COMPANY
230 Cement Road
Inkom, Idaho 83245

O 208-637-9146
C 208-251-1351

www.ashgrove.com

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Wednesday, December 11, 2019 1:23 PM
To: Packard, Kelly (Ash Grove) <kelly.packard@ashgrove.com>
Subject: [EXT] WSB Lease Applications

Thank you for submitting the lease applications for the additional water rights. I have one more issue. The Department will need documentation that allows you to sign on behalf of the Ash Grove Cement Co. You are not listed on the Idaho Secretary of States webpage as a registered agent or officer or director of the Ash Grove Cement Co or any of the registered agents. Thank you.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

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RECEIVED

DEC 10 2019

DEPARTMENT OF
WATER RESOURCES

[EXT] WSB Lease Application for 29-4069

HJ Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Thu 12/5/2019 1:01 PM

Packard, Kelly (Ash Grove) ✓



Dear Lessor:

The Department of Water Resources received applications to Lease Water Rights 29-4069 from you on November 26, 2019. While I was reviewing the application, I noticed that on question 4C, which says, "Describe any other water right used for the same purpose at the same place of use as the water right being offered to the Bank." Your response was, "All of the following rights are being offered to the water Bank: 29-10029, 29-7076, 29-7855 and 29-4069." The Department only received the application to lease water right 29-4069 to the Bank. If you would like to place water rights 29-10029, 29-7076, 29-7855 in the Bank, the Department will need a separate application, with an original signature, for each right. Applications can be found on our web page: www.idwr.idaho.gov.

Because the Department cannot process the Application to lease this water right without the information requested, we will hold any action on your application pending receipt of the necessary information. If we do not receive the necessary information within **14 days** the application will be denied because they cannot be processed without the requested information.

If you have any questions or no longer have an interest in the water right, please contact me at (208) 287-4800.

Sincerely,

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

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Jean: Enclosed please find
requested applications.

Kelly Packard

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, December 05, 2019 1:01 PM
To: 'kelly.packard@ashgrove.com'
Subject: WSB Lease Application for 29-4069

Dear Lessor:

The Department of Water Resources received applications to Lease Water Rights 29-4069 from you on November 26, 2019. While I was reviewing the application, I noticed that on question 4C, which says, "*Describe any other water right used for the same purpose at the same place of use as the water right being offered to the Bank.*" Your response was, "*All of the following rights are being offered to the water Bank: 29-10029, 29-7076, 29-7855 and 29-4069.*" The Department only received the application to lease water right 29-4069 to the Bank. If you would like to place water rights 29-10029, 29-7076, 29-7855 in the Bank, the Department will need a separate application, with an original signature, for each right. Applications can be found on our web page: www.idwr.idaho.gov.

Because the Department cannot process the Application to lease this water right without the information requested, we will hold any action on your application pending receipt of the necessary information. If we do not receive the necessary information within **14 days** the application will be denied because they cannot be processed without the requested information.

If you have any questions or no longer have an interest in the water right, please contact me at (208) 287-4800.

Sincerely,

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*