

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR) PERMIT #63-32175 IN THE NAME OF) CONSOLIDATED CONCRETE CO. INC.) _____)	PRELIMINARY ORDER VOIDING APPLICATION
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FINDINGS OF FACT

1. On May 15, 1992, IDWR placed a "Hold" on the processing of new ground water appropriations in the Boise River Basin.

2. On August 23, 2005, Consolidated Concrete Co. Inc. filed application for permit #63-32175 with the Idaho Department of Water Resources (IDWR) seeking ground water for irrigation beneficial use.

3. In early January 2008, IDWR again resumed processing of new ground water appropriations in the Boise Basin. On September 19, 2008, IDWR sent Consolidated Concrete Co. Inc. a letter requesting their intent for processing the application for permit. A response was required within 30 days from the letter date.

5. To date, IDWR has not received a response from Consolidated Concrete Co. Inc.

CONCLUSIONS OF LAW

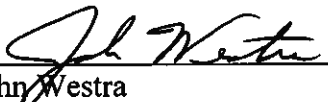
1. Idaho Code (IC)§ 42-204 and the Rules and Regulations of IDWR state that if an applicant does not submit requested information to IDWR within thirty (30) days of the date of request, IDWR may void the application. Water Appropriation Rule #35 also requires applicants to provide written notification to IDWR of changes in the applicant's name or address.

2. Consolidated Concrete Co. Inc. failed or refused to provide IDWR the requested information. The application should be voided.

ORDER

IT IS HEREBY ORDERED that Application for Permit #63-32175 in the name of Consolidated Concrete Co. Inc. be VOIDED.

Dated this 3rd day of November, 2008

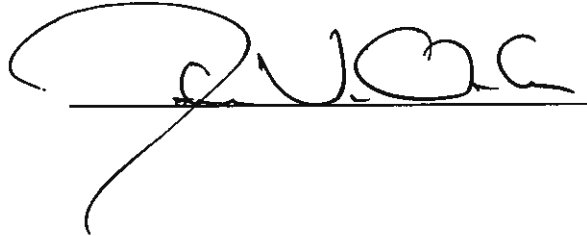


John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

Nov. 3, 2008

I hereby certify that on Oct. 5, 2008 I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

A handwritten signature in black ink, appearing to be "J. J. J.", written over a horizontal line.

Application for Permit #63-32175

Consolidated Concrete Co. Inc.
6469 Aspen St
Garden City, ID 83714

Ident. No. 63-32175

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

AUG 23 2005

To appropriate the public waters of the State of Idaho

1. Name of Applicant * Idaho Consolidated Concrete Co. Inc. Phone (208) 939-0000
Mailing address P. O. Box 9225 Boise, ID 83707 PO Box 789, Eagle ID 83616
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 4 N Range 3 W Sec. 17 in the SW $\frac{1}{4}$,
NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., Canyon County;
additional points of diversion if any: NW1/4SE1/4NW1/4 Sec. 17, T 4 N, R 3 W Gov. Lot 3 Canyon County
4. Water will be used for the following purposes: Industrial
Amount 0.278 cfs for Concrete Batching purposes from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.278 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 2 water wells, 8 inch diameter,
depth to be determined based upon available groundwater.
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
c. Proposed well diameter is 8 inches; proposed depth of well is 500 feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? N/A; Drilling firm _____;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
5 years *
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW. N/A
b. Stockwatering; list number and kind of livestock. N/A
c. Municipal; show name of municipality. N/A
d. Domestic; show number of households. N/A
e. Other; describe fully. CONCRETE BATCHING, DUST SUPPRESSION, TRUCK WASH OUT.

Data Base update
* See letter 11/18/08 JFW

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4 N	3 W	17					I												
4 N	3 W	17							I										

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Look Lane L. L. C. - Consolidated Concrete Co. Inc.

b. Who owns the land to be irrigated or place of use? Same as above

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: The applicant owns additional water rights used for irrigation purposes as part of Seidenberd Irrigation District within the Look Lane L. L. C. property.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Bonnie Short UP
Signature of Applicant (and title, if applicable)

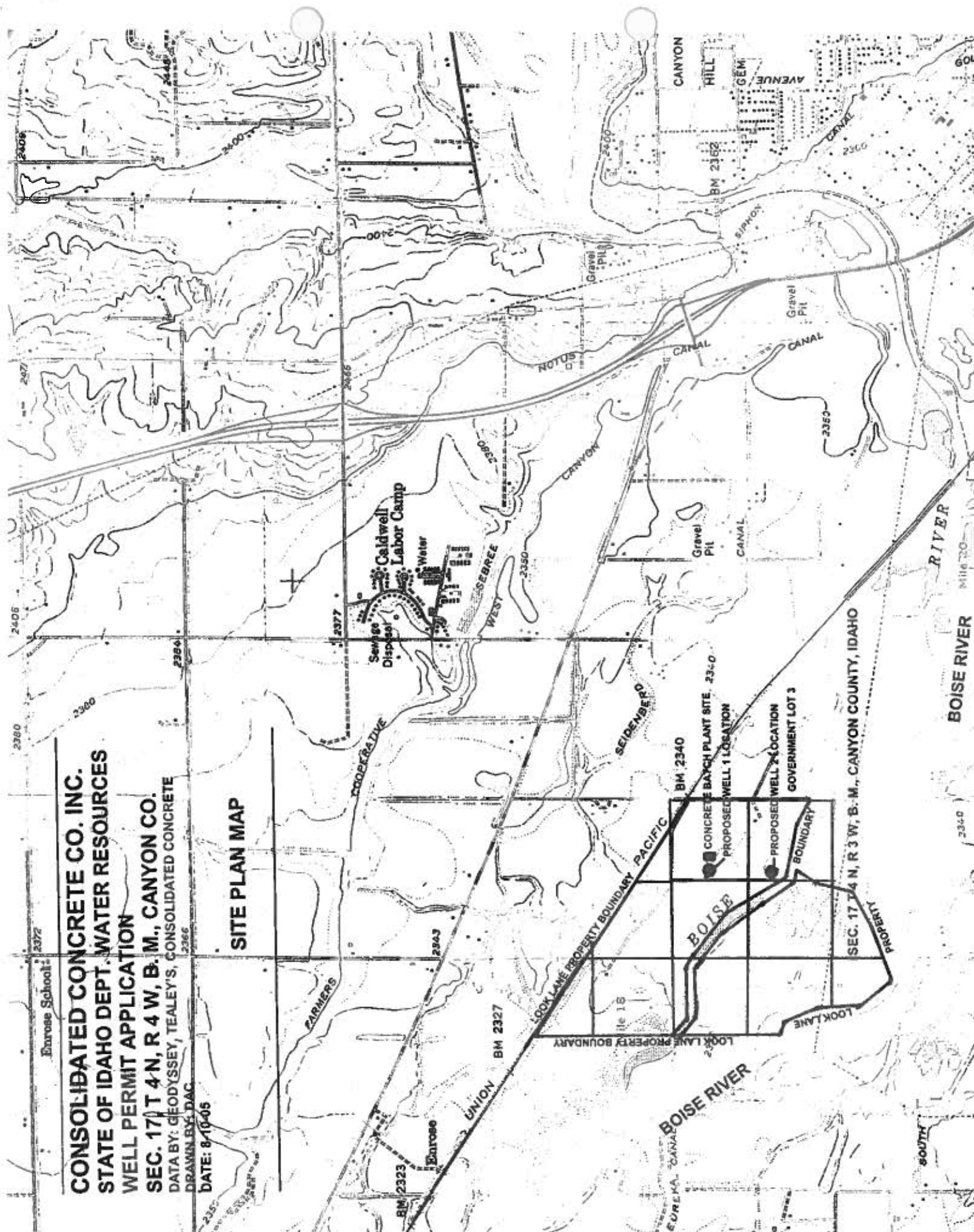
Received by [Signature] Date 8/23/05 Time 10:00am Preliminary check by JFW
 Fee \$ 250.00 Received by [Signature] # W033314 Date 08/23/05
 Publication prepared by DB Date 12-9-08 Published in PRESS TRIBUNE
 Publication approved DATE: Date 1 DECEMBER 18 & 25, 2008

CONSOLIDATED CONCRETE CO. INC.
STATE OF IDAHO DEPT. WATER RESOURCES
WELL PERMIT APPLICATION

SEC. 17 T 4 N, R 4 W, B. M., CANYON CO.
DATA BY: GEODYSSEY, TEALEY'S, CONSOLIDATED CONCRETE
DRAWN BY: DAC

DATE: 8-10-05

SITE PLAN MAP



63-32175

Consolidated Concrete Company Inc.

Letter of Intent

Application For Permit

RECEIVED

AUG 23 2005

WATER RESOURCES
WESTERN REGION

Introduction

Consolidated Concrete Inc. submits an State of Idaho Department of Water Resources Application For Permit for two commercial wells located within NW1/4Sec. 17, T 4 N, R 3 W, B. M., Canyon County, Idaho. The purpose of the application is to drill two wells to provide commercial water for a new Concrete Batch Plant located to the east of Well Location 1 (See Site Plan Map). The Concrete Batch Plant requires water to make concrete as part of the concrete batching process. The components of concrete are sand, gravel, cement, and water. The average truck load of concrete requires up to 300 gallons of water. The water is placed in the truck with the other components and is mixed together by rotation of the truck drum to make a concrete batch. In addition, the concrete truck requires water to wash off cement dust, and aggregate prior to leaving the site. The other anticipated commercial water use is water for dust abatement on gravel roads, and washing out of concrete truck drums upon return from concrete deliveries. The total anticipated commercial water required is approximately 7,500 gallons per hour, the average work day is 10 hours, 365 days per year.

Reason For Application

Look Lane L. L. C. purchased the property known as the Look Lane Facility in early 2005. Look Lane L. C. is a gravel mining company, but also crushes gravel, produces gravel products for retail sale, produces asphalt products, and produces concrete products. Look Lane L. L. C. is made up of Consolidated Concrete Co. Inc., Summit Stone Inc., and Mike's Sand and Gravel Inc. Consolidated Concrete Co. Inc. produces concrete products; Summit Stone crushes rock and produces asphalt products; and Mike's Sand and Gravel produces crushed gravel products. The three entities make up Look Lane L. L. C.

Look Lane L. L. C. owns 205 shares of surface water rights from the Seidenberd Irrigation District. The diversion point is from the West Canyon Farmer's Cooperative Canal in Sec. 16, T 4 N, R 3 W. The surface water rights encompass approximately 205 acres of the Look Lane L. L. C. property north of the Boise River, with a separate water right for 106 acres of surface diversion to irrigate the south island area. The surface water use is irrigated row crops currently alfalfa (120 acres); corn (83 acres); and irrigated pasture (20 acres). The surface water rights are utilized for irrigation of row crops at the present time, but the gravel extraction process will ultimately change the water use with time from surface irrigation use to permanent ponds within the Look Lane L. L.C. facility. The total area to be turned into ponds is approximately 118 acres within the north part of the Look Lane L. L. C. property, and 83 acres within the southern, or island part of the property.

Look Lane L. L. C. and Consolidated Concrete Co. Inc. require water for commercial uses for gravel crushing, water suppression, and concrete batching. Consolidated Concrete Co. requires the new commercial water right because of the following factors relating to the existing surface water rights within the property.

1. Consolidated Concrete Co. Inc. produces concrete that meets State of Idaho Transportation Department specification. The State of Idaho Transportation Department specification requires that water used for concrete batching meet the following requirements:

- A. Concrete water can be from any municipal drinking water supply, water from other sources may be used, provided it is reasonably clear and free from oil and contains less than 1,000 parts per million of chlorides and less than 1,000 parts per million of sulfates.

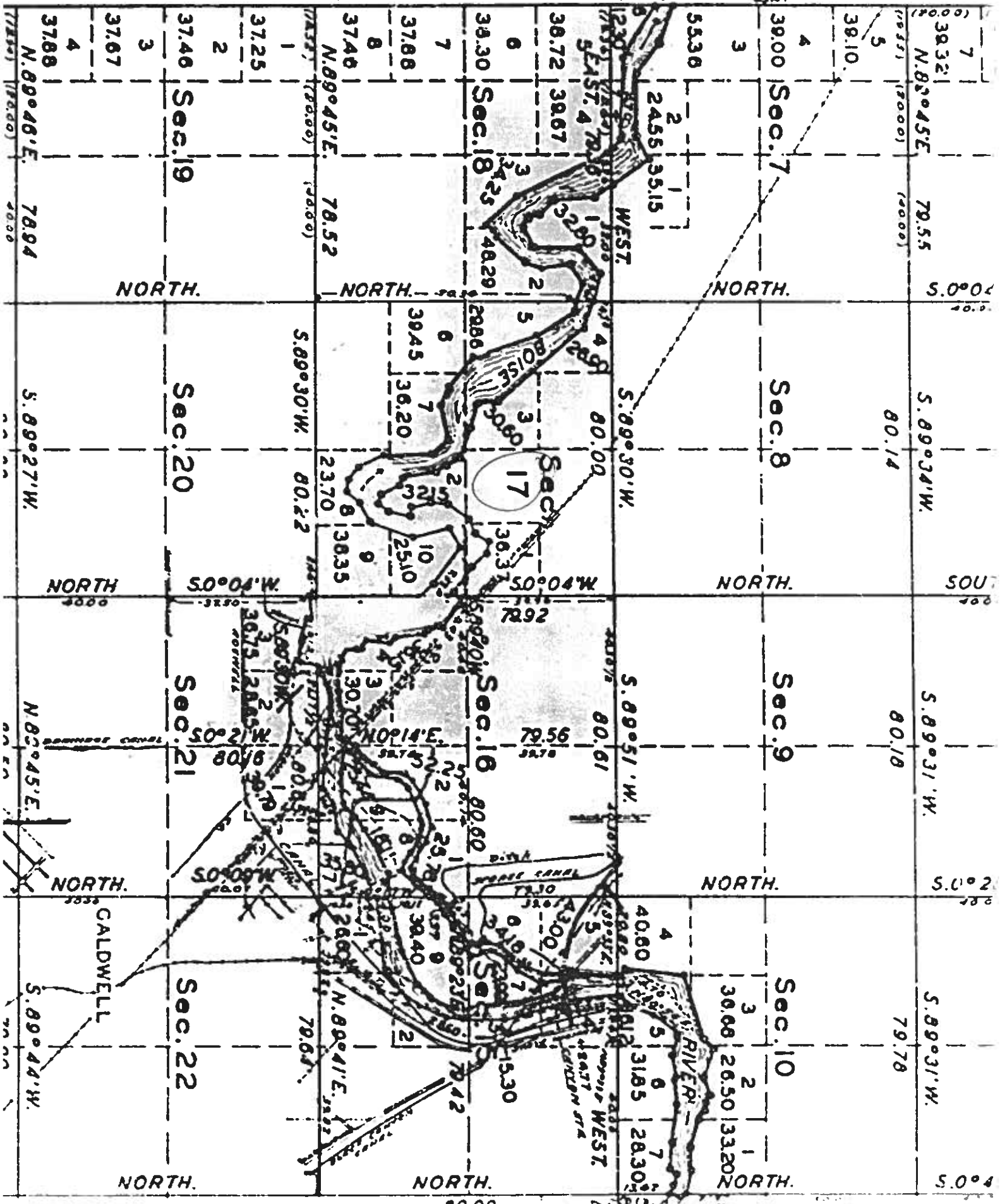
Water from the existing surface water rights is marginal in terms of clarity and chloride and sulfate content. The use of surface irrigation water for a commercial use is not allowed as of this time due to the water moratorium for commercial water uses in the Boise River Basin.

2. Concrete water must be in the temperature range of 50-55°F. Water exceeding that temperature can only be used if ice is added to reduce the concrete mix temperature down to the temperature range defined. Cement and water produce Calcium Hydroxide as an exothermic reaction that releases heat. The truck mixing further increases the concrete temperature as Calcium Hydroxide is produced from the water and cement. The ideal concrete placing temperature is in the 70-75° range. The concrete water should be 50-60°F range to make the concrete operation viable in terms of economics.

Water from the existing surface water rights exceeds the 50-55° range required. The surface water canals within the property range in the 70-75° range, and the water is not deliverable throughout the year, just during the irrigation season. Use of the surface irrigation water is precluded due to the surface water temperature, the seasonal availability, and the existing water rights which precludes the use.

Consolidated Concrete Co. Inc. requests the commercial water right application because there is no feasible alternative with the existing water rights within the property. The applicant does have available surface water rights from the Look Lane L. L. C. property to allow for mitigation of the proposed commercial well source, should it be necessary. Consolidated Concrete Co. Inc. has operated a concrete batch facility in Boise Idaho since 1975. The preceding company produced concrete at the site dating back to the late 1950's. The proposed commercial water right is for an expansion of the existing business to the Look Lane L. L. C. The expansion includes a new concrete batch plant, trucks, and employees.

441



Buffington, Denise

From: Buffington, Denise
Sent: Tuesday, December 09, 2008 11:06 AM
To: legals@idahopress.com
Subject: Legal Notices
Attachments: Canyon County Ads - Cover Letter.RTF; 63-32175 Ad.RTF; 63-32491 Ad.RTF; 63-32569 Ad.RTF

Attached please find (3) legal notices being submitted for advertising. Please contact me immediately if you are not able to publish the ads on the dates listed.

Thank you,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

12/9/2008

December 09, 2008

Legal Notice Department
PRESS-TRIBUNE
PO BOX 9399
NAMPA ID 83652

RE: Application for Permit No. 63-32175, 63-32491 & 63-32569

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/05/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-32175

IDAHO CONCRETE COMPANY
2755 E STATE ST
PO BOX 789
EAGLE ID 83616

Point(s) of Diversion SWNENW S17 T04N R03W CANYON County Source GROUND WATER

Point(s) of Diversion L3 (NWSENW) S17 T04N R03W CANYON County Source GROUND WATER

Use: INDUSTRIAL 01/01 To 12/31 0.28 CFS

Total Diversion: 0.28 CFS

Date Filed: 08/23/2005

Place Of Use: INDUSTRIAL

T04N R03W S17 NENW SENW Lot 3

Remark: Water bearing zone to be appropriated is from 300 to 500 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/05/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on December 18th & 25th, 2008

IDAHO CONCRETE
C O M P A N Y

RECEIVED
NOV 18 2008
WATER RESOURCES
WESTERN REGION

P.O. Box 789 ♦ 2755 E. State Street ♦ Eagle, Idaho 83616
Phone (208) 939-6831 ♦ Phone (208) 939-6866 ♦ Fax (208) 939-2151

November 18, 2008

Mr. John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

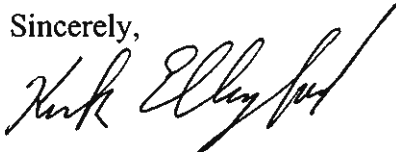
Re: Application # 63-32175

Dear Mr. Westra:

Idaho Concrete Company, Inc., purchased Consolidated Concrete Company in October of 2006. We would like to proceed with the application for water use development as outlined in the application. Additionally, we respectfully request an extension of the time frame for drilling wells from one year to five years.

Thank you for your help and your patience in this matter.

Sincerely,



Kirk Ellingford
Aggregate Manager

KE/dm



STAKER PARSON

COMPANIES

CORPORATE PROFILE

Revised 6/4/06

BUSINESS OVERVIEW:

Staker & Parson Companies is the Intermountain region's largest provider of sand & rock products, ready-mix concrete, asphalt, paving, construction, earthwork, and hauling.

OWNERSHIP:

Staker & Parson Companies is affiliated with the Oldcastle Materials Group and Dublin, Ireland, based CRH plc.

ANNUAL PRODUCTION:

Sand & Rock Products 14M Tons; Ready Mix Concrete 2.7M Cubic Yds; Asphalt: 2.8M tons.

ANNUAL SALES:

\$490 Million (unlimited contract dollar bonding limit).

NUMBER OF EMPLOYEES:

2000+

PLACE OF BUSINESS:

Headquarters in Ogden, Utah. Branch offices in Utah, Idaho, & Oregon

OFFICERS:

John W. Parson	Chief Executive Officer/President
Randy Anderson	Vice President—Aggregates and Northern Utah Asphalt & Construction
Ron Criss	Vice President—Operations, Klamath Pacific
Paul Glauser	Vice President—HR, Safety, & Environment/Oil Terminal
Rod Griffiths	Vice President—Equipment
John Grunenwald	Vice President—Idaho Concrete Company
Bob Hurren	Vice President—Northern Utah Ready Mix
Chris Kinnerseley	Vice President—Safety & Risk Management
Mike Kurz	Vice President—Salt Lake Area Asphalt & Construction
Garry Mattson	Vice President—Idaho Sand & Gravel Co.
Scott Parson	Vice President—Salt Lake Area Ready Mix/Marketing
Doug Peterson	Vice President—Finance
Darrell Whitney	Vice President—Western Rock Products
J. Rocky Woodruff	Chief Financial Officer

BANK & TRADE REFERENCES:

Wells Fargo Bank 3602 Washington Blvd. Ogden, UT 84401 (801) 399-9881	Western States Equip. P.O. Box 55 Boise, ID 83709 (208) 884-2367	Ash Grove Cement Company P.O. Box 240 Portland, OR 97207 (503) 293-2333
Hafers, Inc. 1563 S. 300 W. P.O. Box 26067 Salt Lake City, UT 84126 (801) 487-6474	Commercial Tire P.O. Box 191010 Boise, ID 83719 (208) 322-4177	Wheeler 4901 W. 2100 S. SLC, UT 84120 (801) 974-0511

CONTRACTOR'S LICENSES:

Utah—Contractors License
Idaho—Public Works Contractor's License AAA
Nevada—General Engineering Contractor's License
Wyoming—Highway Department Contractor Pre-qualification (no license required)
Oregon
California

BONDING & INSURANCE:

BONDING
Marsh USA
Attn: Tina Davis
60 E. South Temple
Salt Lake City, UT 84111
(800) 574-7444

INSURANCE
Liberty Mutual
Attn: Judy Balazentis
One PPG Place, Suite 2700
Pittsburgh, PA 15222-5409
(800) 222-8890

FEDERAL TAX ID NUMBER: 87-0674587

OPERATING UNITS: Staker & Parson Companies

2350 S 1900 W, West Haven, UT 84401
PO Box 3429, Ogden, UT 84409
Phone: (801) 731-1111
Fax: (801) 731-8800
www.jbparson.com

Jack B. Parson Companies

2350 S 1900 W, West Haven, UT 84401
PO Box 3429, Ogden, UT 84409
Phone: (801) 731-1111
Fax: (801) 731-8800
www.jbparson.com

JBP Pocatello

10200 Batiste Road, P.O. Box 4002, Pocatello, ID 83205
Phone: (208) 232-5796
Fax: (208) 234-1545
www.bannockpaving.com

Idaho Concrete Company

2755 East State Street, P.O. Box 789 Eagle, ID 83616
Phone: (208) 459-6311
Fax: (208) 455-2061
www.idahoconcrete.com

Idaho Sand & Gravel, Co.

924 Sugar Ave., P.O. Box 1310, Nampa, ID 83653-1310
Phone: (208) 466-5001
Fax: (208) 466-5166
www.idahosand.com

Klamath Pacific Company

2918 Edison Ave., Klamath Falls, OR 97603
Phone: (541) 884-6184
Fax: (541) 884-7017
www.klamathpacific.com

Western Rock Products

820 North 1080 East, St. George, Utah 84770
Phone: (435) 628-4384
Fax: (435) 628-1248
www.westernrock.com

PURCHASING REQUIREMENTS: Purchase orders required on all purchases.

CANCELLATION, CONTINUATION, OR AMENDMENT OF CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly)

2002 MAY -2 PM 2:23

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-507 and 53-508, Idaho Code, the undersigned gives notice of the action(s) indicated below:

1. The assumed business name is: Idaho Concrete Company
2. The assumed business name was filed with the Secretary of State's Office on 03-01-2000 as file number D - 33597
3. ☐ Cancellation. The persons who filed the certificate no longer claim an interest in the above assumed business name and cancel the certificate in its entirety.
4. ☐ Continuation. The persons who filed the certificate continue use of the above assumed business name for another 5 years (may be filed up to 6 months prior to the lapse date).
5. ☐ The assumed business name is amended to: _____
6. ☒ The true names and business addresses of the entity or individuals doing business under the assumed business name are amended as follow:

Add: Delete:

Name:

Address:

☒☐Staker & Parson Companies2350 South 1900 West
Ogden, UT 84401-3216☐☒OldCastle MMG, Inc.

"

"

☐☐

7. ☐ The type of business is amended to read:

☐

Retail Trade

☐

Manufacturing

☐

Transportation and Public Utilities

☐

Wholesale Trade

☐

Agriculture

☐

Finance, Insurance, and Real Estate

☐

Services

☐

Construction

☐

Mining

8. ☐ The name and address to which future correspondence should be addressed is changed to read:

9. Name and address for this acknowledgment copy is:

Douglas B. Petersonc/o Staker & Parson CompaniesP.O. Box 3429Ogden, UT 84409-1429Signature: Douglas B. PetersonPrinted Name: DOUGLAS B. PETERSONCapacity: CFO. TREASURER

(see instruction # 10 on back of form)

Secretary of State use only

s:\corp\forms\lab\forms\amendabn.bn.m6
Revised 01/2001

IDAHO SECRETARY OF STATE
05/06/2002 05:00
CK: 159577 CT: 159934 BH: 463721
10 10.00 = 10.00 ASSUM AMEN # 6



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[\[New Search \]](#) [\[Back to Summary \]](#)

CONSOLIDATED CONCRETE CO.

PO BOX 9225
BOISE, ID 83707

Type of Business: CORPORATION, GENERAL BUSINESS**Status:** ADMIN DISSOLVED, ADMIN DISSLV 09 Mar 2007**State of Origin:** IDAHO**Date of** 01 Dec 1993**Origination/Authorization:****Current Registered Agent:** JOSEPH KUEBLER
6469 N ASPEN
BOISE, ID 83714**Organizational ID / Filing Number:** C104173**Number of Authorized Stock Shares:** 100000**Date of Last Annual Report:** 02 Dec 2005

Original Filing:

[\[Help Me Print/View TIFF \]](#)**Filed 01 Dec 1993** INCORPORATION [View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)

Amendments:

[\[Help Me Print/View TIFF \]](#)

Annual Reports:

[\[Help Me Print/View TIFF \]](#)

Report for year 2005	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2004	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2003	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2002	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2001	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2000	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1999	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)

Report for year 1998	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1997	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1996	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1995	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1994	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1994	MISCELLANEOUS	View Image (PDF format) View Image (TIFF format)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

RECEIVED

NOV 18 2008

WATER RESOURCES
WESTERN REGION

Response Form

Name of Applicant **CONSOLIDATED CONCRETE CO**
Address **6469 ASPEN ST**
GARDEN CITY ID 83714

Application No. **63-32175**

*Idaho Concrete Co.
P.O. Box 789
Eagle Id 83616*

(Please read carefully and mark)

☒ Yes, I intend to proceed with the water use development outlined in the application. I retain full possessory interest in the listed point of diversion and place of use locations on the application. I request the Department continue processing the application. Please describe on the back, updates or changes needed on your application.

(Please fill in)

The estimated (well) water bearing zone will be:

300 ft to 500 ft below the ground surface.

☐ No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho.

Signed this 17 day of NOV. 2008

Applicant Signature *Kirk Elting Ford*

Printed Applicant Name KIRK ELTING FORD

Return Form to: J. Westra
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 3, 2008

Consolidated Concrete Co Inc.
6469 Aspen St
Garden City ID 83714

RE: Preliminary Order in the Matter of Application for Permit #63-32175

Dear Applicant:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Westra', is written over a horizontal line.

John Westra, Manager
Western Regional Office

Enclosures

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



FIRST CLASS

63-32175

IDAHO DEPARTMENT OF WATER RESOURCES

2738 Airport Way
Boise, ID 83705-5082
(208) 334-2190

TO

CONSOLIDATED CONCRETE CO INC
PO BOX 9225
BOISE ID 83707

CONS225 X837072001 1307 07 09/24/08
RETURN TO SENDER
:CONSOLIDATED CONCRETE CO
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
RETURN TO SENDER

6469 Aspen St.
Garden City, ID

83714.



sent again 10/1/08 w/ updated response sheet.

RECEIVED

SEP 26 2008

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

September 19, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Consolidated Concrete Co Inc.
PO Box 9225
Boise ID 83707

RE: Held Application for Permit #63-32175--Filed 08/23/05

Dear Applicant:

As you aware, the above referenced application for permit located in the Boise River Basin has been held by our agency due to concerns about declining aquifer levels and lack of technical data to evaluate conditions. A ground water study has been completed, and now provides modeling for projecting future groundwater availability in the valley. Our agency is again processing held applications as staff resources are available.

Attached is a proof profile of your application as submitted to our agency. Please check carefully the specifics on the application. **You must still have possessory interest-ownership in the listed point of diversion and place of use land locations for processing consideration.**

We are asking for you to convey your intentions regarding this application by completing the attached response form. *Please respond to the following:*

- If you desire to develop the water use, and wish our agency to complete the processing of your application, please mark the *YES* response, provide any updates/changes needed, and list the water bearing zone for the well source.

OR

-Mark the *NO* response to withdraw the application. The application will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.

-Sign, date, and return the response. Response forms need to returned to this office no later than 30 days of this letter date. The application will be order void after 30 days if no response is received.

Should you have questions about further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager Western Region

Enclosure: Proof Report, Response Sheet



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 5, 2005

CONSOLIDATED CONCRETE CO INC
C/O DAVE COCKRUM PG
GEODYSEY GEOLOGICAL CONSULTANTS
PO BOX 6203
BOISE ID 83707-6203

Re: Application for Permit No. 63-32175

Dear Mr. Cockrum:

Your client's application for permit to appropriate ground water for a consumptive use was received on August 23, 2005. Processing of the application must be delayed as explained in this letter.

Due to continued drought and to protect existing water rights and water supplies, the Idaho Department of Water Resources (IDWR) declared a moratorium in 1992 against approval of new consumptive uses of public water, regardless of source. The moratorium was lifted in 1995, but application processing was subsequently suspended pending technical data necessary to fully evaluate such applications. At this time, IDWR cannot estimate when processing of applications such as your client's will resume. The situation is not expected to change in the foreseeable future.

Meanwhile an application for a surface water source in the Boise River basin downstream from the Star Bridge could be processed. Unlike ground water, surface water in that portion of the basin is available for new appropriations.

This office will hold Application No. 63-32175 and will resume processing as soon as possible based on the above considerations. Delays related to department actions do not affect the date of priority or seniority of an application. You will be informed of any changes with respect to your client's application.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information.

Sincerely,

A handwritten signature in black ink that reads "Steve Lester". The signature is written in a cursive, flowing style.

Steve Lester
Water Rights Supervisor

CONVERSATION MEMORANDUM

DATE 9/16/05

FILE Consolidated Concrete
Application

NAME OF PARTY Dave Cockrum

EMPLOYEE J. Westra

RE: Meeting with Mr. Cockrum - Options for water from
Sources. - New Concrete Batch plant.

Steve Lester and I met with Mr. Cockrum to discuss options for the new plant. The application for groundwater will be held under the Boise Basin Moratorium. Pumping seepage from the pits is considered groundwater also. Filing a transfer to move existing water rights would also be held until the expiration of the SRBA objection period in Canyon Co. (late 2006). The best option could be to apply for surface water directly from the Boise River. Mr. Cockrum agreed to confer with the company owners. Would like to hear application for groundwater on hold.

11/13/08 ~~Kirk Ellingford~~ Kirk Ellingford, Idaho Concrete FAX 939-2151
- FAXed file contents Phone 573-5922.

- Received void order, interested in processing the application will let me know shortly - can withdraw void.

Need water bearing zone, written request to process, & statement concerning purchase of consolidated concrete.

536-5165

Geodysey
Geological Consultants
P. O. Box 6203
Boise, ID 83707-6203

RECEIVED

AUG 23 2005

WATER RESOURCES
WESTERN REGION

Mr. John Westra
Southwest Area Director
State of Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
AUG 23 2005
WATER RESOURCES
WESTERN REGION

August 15, 2005

RE: Consolidated Concrete Application For Permit for Commercial Well

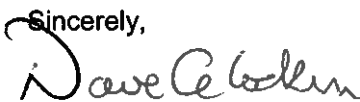
Dear Mr. Westra:

Consolidated Concrete Co. Inc. submits the enclosed Application for Permit for two commercial wells located in NW1/4 Sec. 17, T 4 N, R 3 W, approximately 2 miles west of Caldwell, Idaho on U. S. Highway 20-26 then south on Look Lane. The proposed Concrete Batch Plant is a new plant. The Look Lane L. L. C. facility is a newly permitted sand and gravel mine.

The proposed commercial wells would be limited to domestic use until the moratorium is lifted for Basin 63. Consolidated Concrete Co. Inc. would like to drill the wells at the present time for commercial purposes, but limit the consumptive use of the water to a domestic use as required by State of Idaho regulation. The wells are proposed to be utilized for domestic purposes immediately, and would subsequently utilize the water for commercial purposes as soon as the moratorium is lifted.

Please find the enclosed Letter of Intent, Application, and processing fee check in the amount of \$250.00. If there are any questions or if any further information is required, please contact Dave Cockrum at 336-5165. Consolidated Concrete Co. Inc. would like to begin construction of the concrete batch plant as soon as possible so your timely attention to this application would be appreciated.

Sincerely,


Dave A. Cockrum, PG

Agent for Consolidated Concrete Co. Inc.