

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1642

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

LESSOR: JERVOIS MINING USA LTD
1309 S CHALLIS ST
SALMON, ID 83467-5453

RECEIVED
JAN 31 2023
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 December 08, 2022.
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)
75-7073	11/23/1976	BUCKTAIL CREEK, tributary to DEER CREEK	1.0	Not Stated	NA
Combined Lease Totals			1.0	Not Stated	NA

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, 2023 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.
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.

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WATER SUPPLY BANK LEASE CONTRACT No. 1642

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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MAR 15 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1642

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

LESSOR: JERVOIS MINING USA LTD
1309 S CHALLIS ST
SALMON, ID 83467-5453

By Counting Buzard
Title Environmental Superintendent
Date 01/24/2023

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 2/21/23

Lease approved by IDWR HP

Date 2/21/23

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MAR 15 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1642

**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): 75-7073

BUCKTAIL CREEK SESE Sec. 17 Twp 21N Rge 18E LEMHI County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
75-7073	MINING	1/01	to	12/31	1.0 cfs	Not Stated
Totals:					1.0 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: MINING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	18E	8			X	X													0.0

Total Acres: 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.
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.

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APR 5 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1642

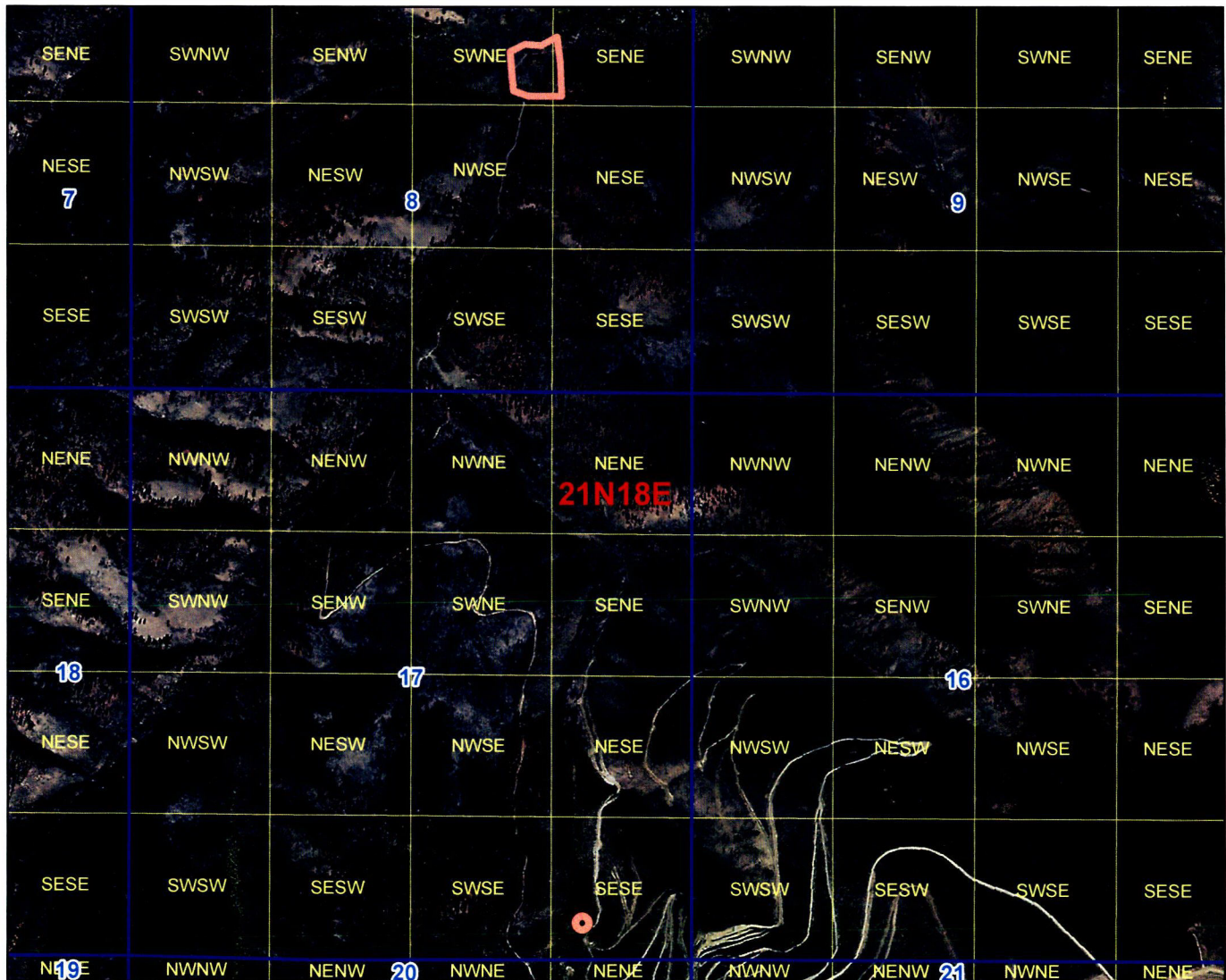
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into 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. The issuance of this right does not grant any right-of-way or easement across the land of another.
13. The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.

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MAR 15 2023

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1642

75-7073
Effective until December 31, 2027

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

QQ



0 0.5 1 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 08 2022

DEPARTMENT OF
WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

Designated Applicant Jervois Mining USA Limited

(Select one owner – see item 1A on the application)

Water Right No. 75-7073

(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 <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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 <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ <u>250</u>	Received By: <u>KM</u>	Date Received: <u>12.8.22</u>	Receipt # <u>C114840</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Formation Capital Corp.</u>	

2525

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MAR 15 2023

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 Jervois Mining USA Limited

Mailing Address 1309 S Challis St, Salmon, ID 83467

Street City State Zip Code

Email Address courtney.burgard@jervoisglobal.com

Phone Number 207-756-4578

☒ 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 1C).

- 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 _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☒ 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**.

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Page 2

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.
Portable pump with intake pipe in Bucktail Creek
- 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. 75-13977 - Groundwater right for storage in two holding ponds located at the same mining operation.
- 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.
- 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. Water right 75-7073 was leased to the IDWR Water Supply Bank for the last 5 years and was not used by Jervois Mining USA.
- 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.

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MAR 15 2023 Page 3

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 ☒?

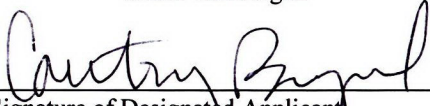
If lease, specify the years when the use of water will be suspended: 1/1/23 to 1/1/28 (maximum lease period 5 calendar years).
(Year) (Year)

- 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.
Current rental 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

Courtney Burgard
Printed Name

12/1/2022
Date

Signature of Authorized Representative

Printed Name

Date

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

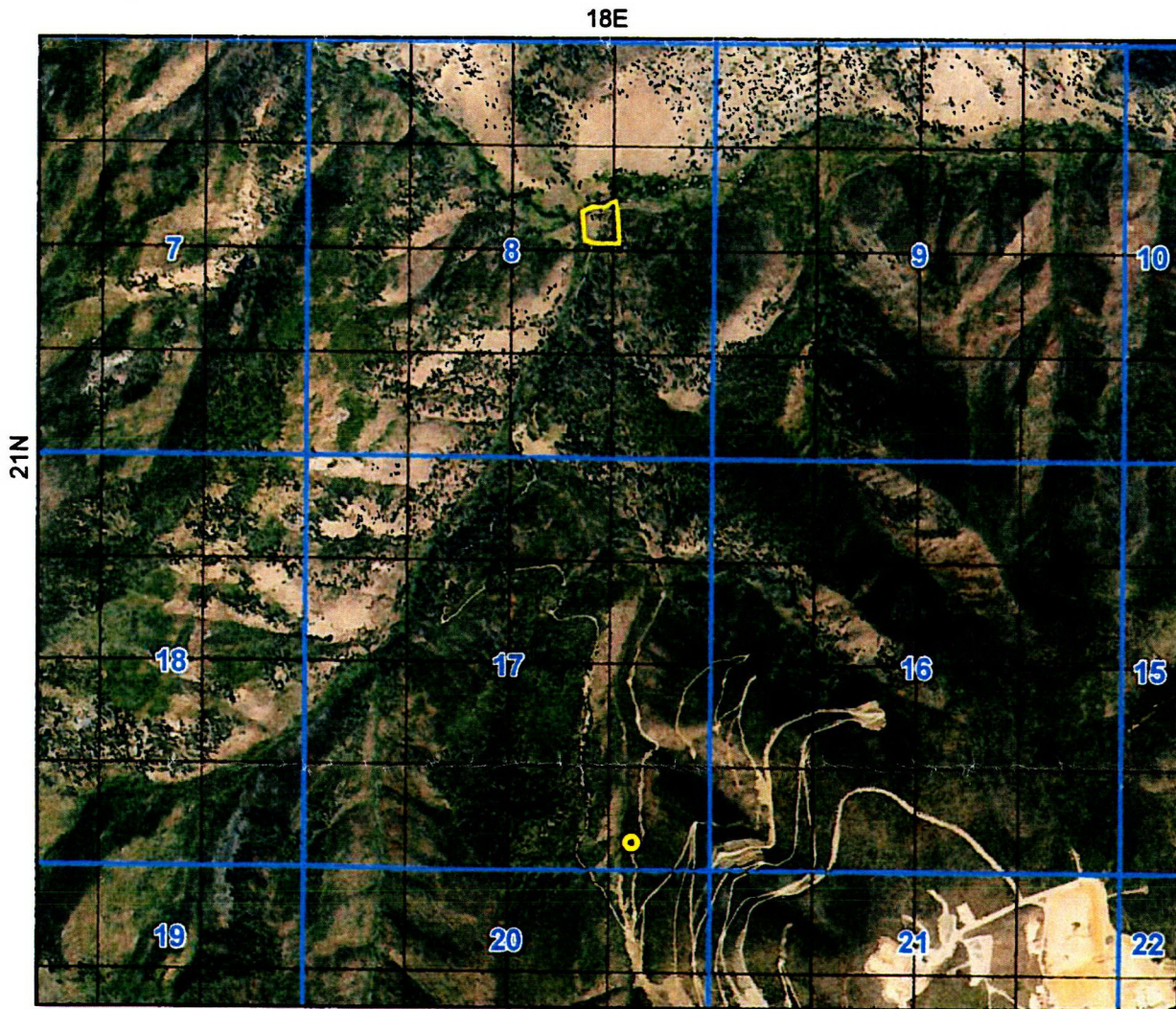
State of Idaho
Department of Water Resources

Attachment 3, 75-7073

Water Right
75-7073

MINING

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.275 0.55 1.1 Miles



SEARCHED
MAR 15 2023

WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: Jan

Received Date

12/8/2022

Desired Lease Duration

2023-2027

Lease / Rental Package

Y

(N)

If yes, Renter Name:

Application # 2525 Contract # 1642

WR#s		#
		75-7073
#		#
#		#
#		#
#		#
#		#
#		#
#		#

Applicant Authorized?

(Y) / N

Multiple owners, Attach 1A included?

Y / N (NA)

If portion is offered, Attach 2 included?

Y / N (NA)

Map of POU and POD?

(Y) / N NA

POD Consent (if required)?

Y / N (NA)

Application Complete?

(Y) / N

Minimum checklist in data base?

☒

Request for additional information letter sent:

Y NA

Stacked Water Rights Need to be Leased?

☐

WSB Action Request for deficiencies

☐

If checked, list water rights:

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)

CC

Original

Designated

Applicant: Jervois Mining USA Limited

☐

☐

EMAIL:

Attorney:

☐

☐

EMAIL:

Consultants

Name:

☐

Comments:

prev #683

Watermaster: David Graybill

☐

Delivery Entity:

☐

Water District: 170

☐

Ground Water District:

☐

Region: Eastern

☐

Other:

☐

☐

Address:

PO-2008

Bank 2008-2013

2013-2017

2018-2022

HG 3.5

Call up Date: 2-3-23

DO NOT SCAN



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 22, 2023

JERVOIS MINING USA LTD
1309 S CHALLIS ST
SALMON ID 83467-5453

RE: WATER SUPPLY BANK LEASE CONTRACT 1642 FOR WATER RIGHT 75-70763

Dear Lessor:

Water right(s) **75-7073** was/were leased into the Water Supply Bank (Bank) as of January 1, 2023, 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 right(s) was automatically released from the Bank on **December 31, 2027**. A water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. The five-year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

If you have questions regarding this matter, please contact this office at [bank @idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region Office
Water District No. 170

SCANNED
MAR 15 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 18, 2023

JERVOIS MINING USA LTD
1309 ASCHALLIS ST
SALMON ID 83467-5453

**RE: APPLICATION TO LEASE WATER RIGHTS 75-7073 TO THE WATER SUPPLY BANK
CONTRACT 1642**

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2027**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"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."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

SCANNED
MAR 15 2023



RECEIVED

JAN 18 2023

DEPARTMENT OF
WATER RESOURCES

January 16, 2023

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

RE: Application for Water Supply Bank Lease for 75-7073

Ms. Hersley,

The purpose of this letter is to authorize Courtney Burgard, Environmental Superintendent at Idaho Cobalt Operations, to sign the application for a Water Supply Bank Lease for water right 75-7073 on behalf of Jervois Mining USA Limited.

If you require any additional information, please let me know. I can be reached at matt.lengerich@jervoisglobal.com.

Regards,

A handwritten signature in black ink, appearing to read "Matt Lengerich", written over a horizontal line.

Matthew Lengerich
Executive General Manager, Mining
Jervois Mining USA

Hersley, Jean

From: Courtney Burgard <courtney.burgard@jervoisglobal.com>
Sent: Wednesday, January 18, 2023 7:41 AM
To: Hersley, Jean
Subject: RE: Water Supply Bank Lease for 75-7073
Attachments: 011823 WSB Lease Application Signature Authorization_JRV.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good Morning Jean,

Attached please find the required letter authorizing my signature on the lease application. If you require anything further, please let me know.

Thanks,

Courtney Burgard
Mob: +1 406 672 3533

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, January 17, 2023 12:55 PM
To: Courtney Burgard <courtney.burgard@jervoisglobal.com>
Subject: RE: Water Supply Bank Lease for 75-7073

CAUTION: This email originated from outside your organization. Check you recognize the sender's email address. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you.



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

From: Courtney Burgard <courtney.burgard@jervoisglobal.com>
Sent: Friday, January 13, 2023 5:00 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: Water Supply Bank Lease for 75-7073

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Jean,

I apologize for the delay. Our GM (Matt L on your list) has not been able to be in Salmon since the holidays. He is returning next week and I should have something to you by Tuesday.

Thanks,

Courtney Burgard

Mob: +1 406 672 3533

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Sent: Tuesday, January 10, 2023 2:22 PM

To: Courtney Burgard <courtney.burgard@jervoisglobal.com>

Subject: RE: Water Supply Bank Lease for 75-7073

CAUTION: This email originated from outside your organization. Check you recognize the sender's email address. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Still waiting on the documentation that gives you permission to sign on behalf of Jervois Mining USA Limited. The lease contracts are ready to go out.



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

From: Courtney Burgard <courtney.burgard@jervoisglobal.com>

Sent: Tuesday, December 27, 2022 9:41 AM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Subject: RE: Water Supply Bank Lease for 75-7073

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Will do. I can have Matthew get something this week. Thank you for clarifying.

Thanks,

Courtney Burgard

Mob: +1 406 672 3533

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, December 27, 2022 9:40 AM
To: Courtney Burgard <courtney.burgard@jervoisglobal.com>
Subject: RE: Water Supply Bank Lease for 75-7073

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The letter should come from Matthew Lengerich, Kenneth Klassen or Bryce Crocker. They are listed as officers on the Nevada SOS page.



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

From: Courtney Burgard <courtney.burgard@jervoisglobal.com>
Sent: Tuesday, December 27, 2022 9:16 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: Water Supply Bank Lease for 75-7073

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good Morning Jean,

Is there an IDWR form we need to complete or do you need a letter? The previous application in 2018 was signed by Shana Hilton – can she create the letter?

Thanks,

Courtney Burgard
Mob: +1 406 672 3533

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, December 27, 2022 8:53 AM
To: Courtney Burgard <courtney.burgard@jervoisglobal.com>
Subject: Water Supply Bank Lease for 75-7073

CAUTION: This email originated from outside your organization. Check you recognize the sender's email address. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am in the process of reviewing [REDACTED] application to lease water right 75-70 [REDACTED] to the Water Supply Bank. The Department will need documentation that allows Courtney Burgard to sign the application on behalf of Jervois Mining USA Limited. Please provide the documentation within 30 days or the Department will return your application unprocessed. Thank you.



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

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, December 27, 2022 11:00 AM
To: Cefalo, James; Graybill, David
Subject: WSB Lease for Jervois Mining
Attachments: Lease - Template 2022.pdf; Lease Contract - 1642.docx; Lease Application Review Checklist July 2017.xls

This water right has been in the Bank since it was decreed in 2008. Please let me know if you have any comments or concerns. Thank you.



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

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, December 27, 2022 8:53 AM
To: 'courtney.burgard@jervoisglobal.com'
Subject: Water Supply Bank Lease for 75-7073

I am in the process of reviewing the application to lease water right 75-7073 to the Water Supply Bank. The Department will need documentation that allows Courtney Burgard to sign the application on behalf of Jervois Mining USA Limited. Please provide the documentation within 30 days or the Department will return your application unprocessed. Thank you.



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

WATER SUPPLY BANK
Lease Review Checklist
Applicant(s) Name: Jervois Mining USA Limited

Memo Date: December 27, 2022

Water Right Number(s): 75-7073

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)			2008
	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		since 2008
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		x	
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	
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		170
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	
13	Narrative: The Department received this application on December 8, 2022. The applicant wishes to place the entire right in the Bank. This right was decreed in 2008 and has been in the Bank since then. There are no issues with forfeiture. Will ask WD 170 and Eastern Region for comments.			

SCANNED
MAR 15 2023

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

JERVOIS MINING USA LIMITED

Entity Number:

C5947-1988

Entity Type:

Domestic Corporation (78)

Entity Status:

Active

Formation Date:

07/26/1988

NV Business ID:

NV19881021843

Termination Date:

Perpetual

Annual Report Due Date:

7/31/2023

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

C T CORPORATION SYSTEM

Status:

SCANNED
MAR 15 2023

Active

CRA Agent Entity Type:

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

NV20191497453

Office or Position:

Jurisdiction:

DELAWARE

Street Address:

701 S CARSON ST STE 200, Carson City, NV, 89701, USA

Mailing Address:

Individual with Authority to Act:

MATTHEW TAYLOR

Fictitious Website or Domain Name:

OFFICER INFORMATION

☐ **VIEW HISTORICAL DATA**

Title	Name	Address	Last Updated	Status
Other/	Matthew Lengerich	1309 S. Challis Street, Salmon, ID, 83467, USA	07/29/2022	Active
President	Kenneth Klassen	1309 S. Challis Street, Salmon, ID, 83467, USA	06/04/2020	Active
Secretary	Kenneth Klassen	1309 S. Challis Street, Salmon, ID, 83467, USA	06/04/2020	Active
Treasurer	Kenneth Klassen	1309 S. Challis Street, Salmon, ID, 83467, USA	06/04/2020	Active
Director	Bryce Crocker	1309 S. Challis Street, Salmon, ID, 83467, USA	06/04/2020	Active

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CURRENT SHARES

Class/Series

Type

Share Number

Value

Authorized

25,000

1.000000000000

Page 1 of 1, records 1 to 1 of 1

Number of No Par Value Shares:

0

Total Authorized Capital:

25,000

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