

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 182

RECEIVED

AUG 25 2017

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

GRAND VIEW PV SOLAR TWO LLC
PO BOX 2576
BOISE, ID 83701

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
61-2163	12/2/1963	GROUND WATER	0.01	2.7	0.6	0.017	4.50
Rental Totals			0.01	2.7	0.6	0.017	4.50

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2018

Annual Rental Fee:

2017: \$45.90
2018: \$54.00

The full fee for the rental of the above-described right(s) is \$45.90 per year for 2017 and \$54.00 for 2018. The rental fee includes an administrative fee of \$4.59 per year for years 2017 - 2018 and \$5.40 for 2018.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
INDUSTRIAL	0.01	2.0	NA
Combined Total	0.01	2.0	NA

** The authorized water usage reflects a reduction from the water right elements rented, to account for change in nature of use.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Grand View PV Solar Two LLC

By: CRE-Grandview Idaho LLC, its Manager

Keith Holst
Signature of Renter

Aug 21, 2017

Date

Keith Holst
Printed Name

Operations Committee Member
Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

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

Date 8/25/2017

Rental approved by IDWR As Wdr

Date 8-25-2017

WATER SUPPLY BANK RENTAL AGREEMENT No. 182

WATER USE DETAILS

LOCATION OF POINTS OF DIVERSION

GROUND WATER	NWNE	Sec. 32, Twp 04S, Rge 04E,	ELMORE County
GROUND WATER	SWNE	Sec. 32, Twp 04S, Rge 04E,	ELMORE County
GROUND WATER	NWSE	Sec. 32, Twp 04S, Rge 04E,	ELMORE County
(Rediversion)			
GROUND WATER	SWSE	Sec. 31, Twp 04S, Rge 04E,	ELMORE County

Beneficial Use	Diversion Rate	Volume
INDUSTRIAL	0.01 CFS	2.0 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To	Diversion Rate
61-2163	3/15	11/15	0.01 CFS

RENTERS PLACE OF USE: 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	
04S	04E	31																X	
04S	04E	32											X						
05S	04E	4										X	X						
05S	04E	5					X L3	X L4	X	X	X	X	X	X	X	X	X	X	
05S	04E	6	X L1	X L2	X	X									X	X	X	X	

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

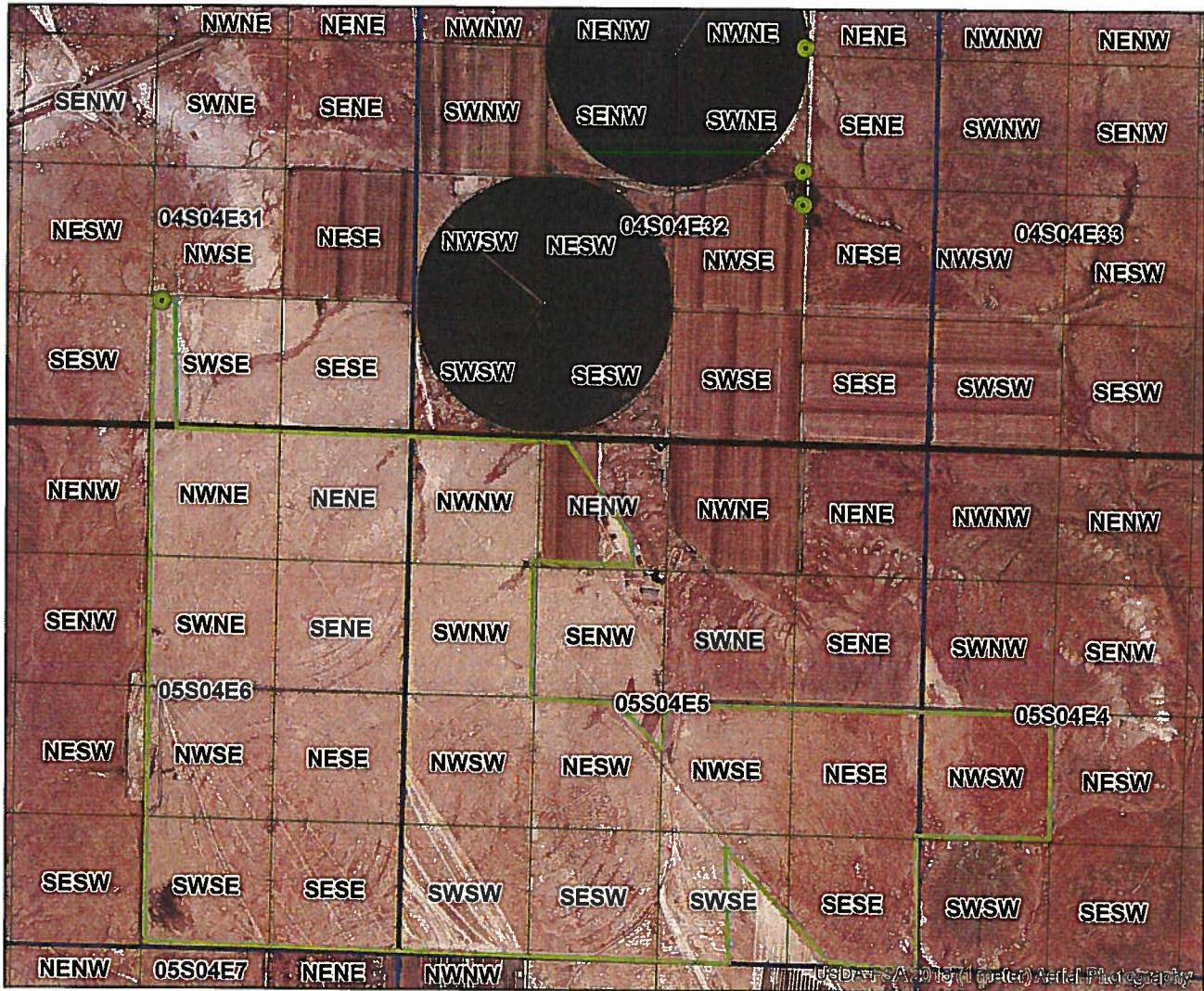
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
6. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.

8. The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
9. This rental agreement does not authorize the construction of a well.
10. This rental does not grant any right-of-way or easement on the property of another party.
11. The water rented under this agreement is appurtenant to irrigation of 0.6 acres.
11. Industrial use is for the maintenance of a Solar Energy Site.
12. The following rights are diverted through points of diversion described above: 61-7088 and 61-11747.

Idaho Water Resource Board
Water Supply Bank Rental Agreement No.182

Effective until December 31, 2018

This map depicts the rental place of use pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0  1 Miles

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
MAY 24 2017
DEPT OF WATER RESOURCESApplicant Name: Grand View PV Solar Two LLC

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST		
Check All Items as Either Attached (Yes) or Not Applicable (N/A)		
Yes		
	☒	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	☒	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes
2	☒	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	☐	☒ Detailed information on a proposed use of rental water
3F	☐	☒ Authorization from the owner/operator of the rental point(s) of diversion
3H	☒	☐ Water modeling to account for the impacts of the rental request
3J	☒	☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	☐	☒ Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	☐	☒ Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	☐	☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

61-2163

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Grand View PV Solar Two LLC

Mailing Address PO Box 2576 Boise Idaho 83701
Street City State Zip Code
 Email Address cre.notices@clenera.com Phone Number 208-639-3232

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
 If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Keith Holst Professional Title Operations Committee Member
 Organization CRE-Grandview Idaho LLC Relationship to Applicant Manager
 Mailing Address 1717 West Loop South Ste. 1800 Houston Texas 77027
 Email Address kholt@centcap.net Phone Number 713-554-1952

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental 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 irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

This property is a solar energy site. The water will be used to mix with vegetation control applications to help keep the site free of any weeds and other nuisance vegetation. Water will also be used to clean the solar site as needed.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
CFS	2 AF	CFS	2 AF	AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
05/01/2017	07/30/2017	☐ 1	☒ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

We will be using a water truck to transport the water from the POD to the POU.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
Pump	Well	None

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☐

If yes, include documented consent as Attachment 3F.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Industrial from: 05/15/17 (mm/dd) to: 5/15/2019 (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☒ Yes ☐ No ☐

If yes, justify the rate of flow and attach any supporting documents as Attachment 3J. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☐ No ☒

If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

N/A

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☐ No ☒

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

We will be renting a unusually low rate of water per acre compared to irrigation because the water will be used to spray for nuisance weeds, and wash solar panels (when needed)

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☒ No ☐

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

Instead of using the water to grow crops it will be used primarily to maintain ground coverage and keep nuisance vegetation away.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Signature of Applicant	Grand View PV Solar Two LLC By: CRE-Grandview Idaho LLC, its Manager	Date
	Keith Holst, its Operations Committee Member	May 24, 2017
Signature of Representative	Printed Name of Representative	Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

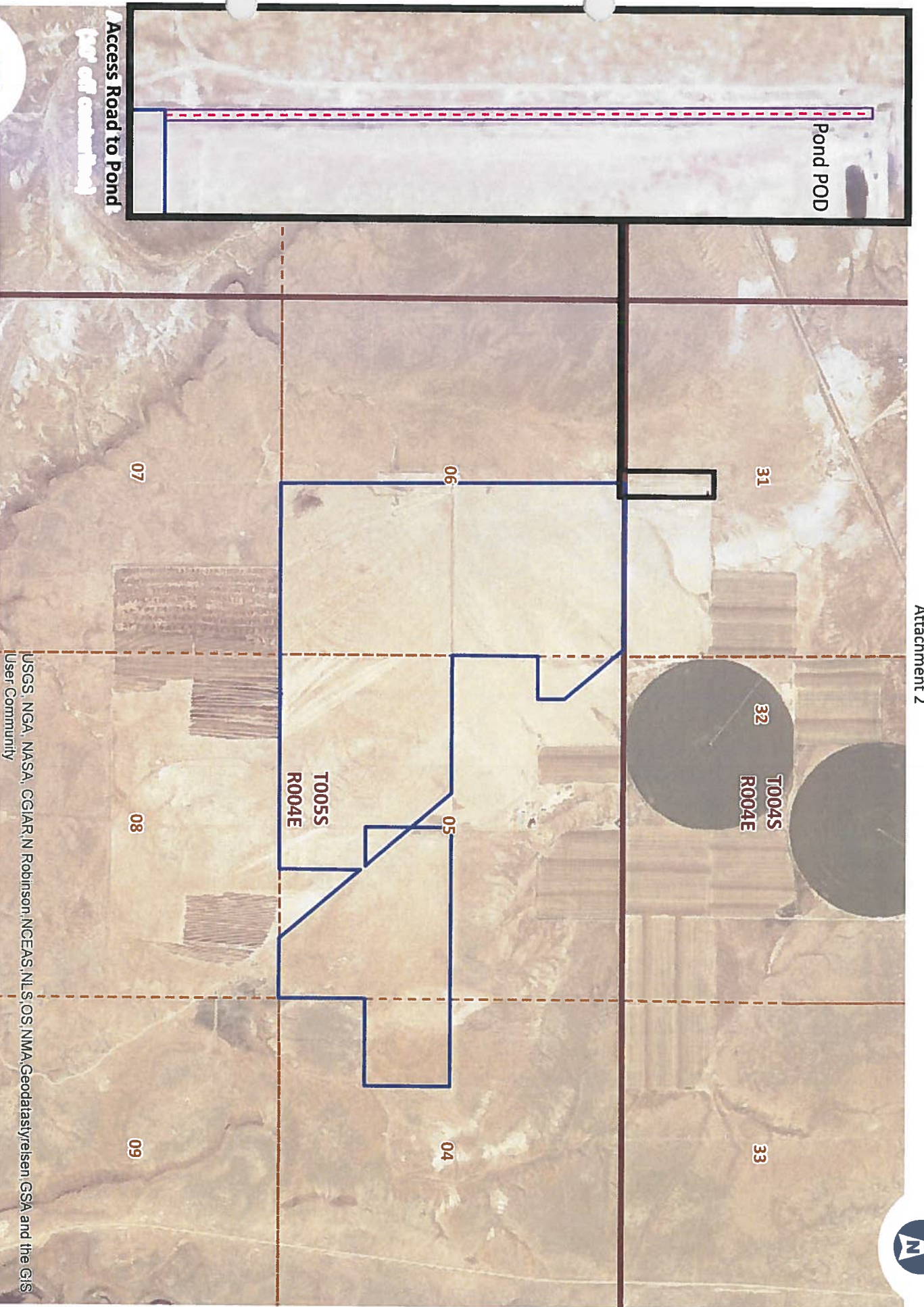
Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.



Attachment 3K

Date: April 25, 2017

To: State of Idaho Water Resource Board

From: Vic Conrad, Director Land, Water & Asset Recovery, J. R. Simplot Company

Re: Consent to use water from certain wells for maintenance of solar panels.

In accordance with the attached application to rent water from the Water Supply Bank, Grand View PV Solar Two, LLC ("Solar") has the consent of the J. R. Simplot Company to use water diverted from the following points of diversion located on land owned by the J. R. Simplot Company:

T.4S R.54E Section 32: SEWNNE
 SESWNE
 NENWSE

Water will be diverted from the above described points of diversion and transported to a holding pond located in the northwest corner of the SW¼SE¼ of Section 31 T. 4S Range 4E. Solar will pump the water from the holding pond into a truck, which will then deliver the water for use in cleaning solar panels situated on land Solar leases from Simplot.

Attached are copies of the Warranty Deed recorded in the official real property records of Elmore County, Idaho on December 30, 2013 as instrument no. 439835 and the Warranty Deed recorded in the official real property records of Elmore County, Idaho on February 12, 1990 as instrument no. 257482 to confirm the ownership of the above referenced points of diversion and holding pond location by the J. R. Simplot Company.

Instrument # 439835
ELMORE COUNTY, Idaho
Dec 30, 2013 3:43:31 pm
For: SIMPLOT
BARBARA STEELE, Recorder
J COLLINS, Deputy

Pages: 3
Fee: \$ 16.00

BARGAIN AND SALE DEED

EFFECTIVE the 31st day of August, 2013, GRANTOR, J.R. Simplot Self-Declaration of Revocable Trust, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District of the State of Idaho, Ada County, as No. 3T-788, whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey unto J. R. SIMPLOT COMPANY, a Nevada corporation, whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real estate located in Elmore County, State of Idaho:

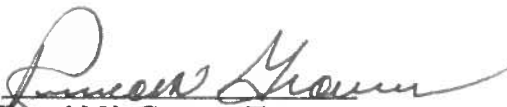
See Exhibit A attached hereto and made a part hereof

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument this 20th day of December, 2013.

J.R. Simplot Self-Declaration of Revocable Trust,
established by written instrument dated December 21,
1989, and registered in the Fourth Judicial District of the
State of Idaho, Ada County, as No. 3T-788

BY: 
Ronald N. Graves, Trustee

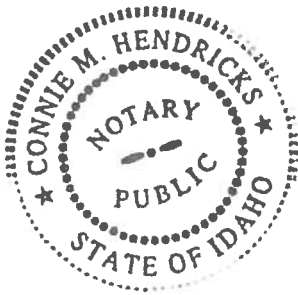
STATE OF IDAHO }

} SS.

COUNTY OF ADA }

On this 20th day of December, 2013, before me, the undersigned, personally appeared Ronald N. Graves, to me known to be the individual who executed the foregoing instrument as Trustee of the J.R. Simplot Self-Declaration of Revocable Trust, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District of the State of Idaho, Ada County, as No. 3T-788, for the uses and purposes therein mentioned, and on oath stated he was authorized to execute this instrument

WITNESS my hand and official seal the day and year first above written.



Notary Public in and for the State of Idaho

Residing at: Boise

Commission expires: 8/22/2014

EXHIBIT A

TRACT I:

Township 4 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 31: NE1/4SE1/4

Section 32: S1/2S1/2

Section 33: SW1/4SW1/4

Township 5 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 5: U.S. Government Lots 2 and 3

TRACT II:

Township 4 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 32: W1/2NE1/4, E1/2NW1/4, SW1/4NW1/4, N1/2SW1/4 and
NW1/4SE1/4

257482

st of 90-101
GUARANTY TITLE, INC.
 Time 2:53 P.M.
 Date February 12, 1990
 Book _____
 Page _____
RAMONA YRAZABAL
 By Merle L. Becker Deputy
 Fee \$9.00

WARRANTY DEED

GRANTOR, CARL E. NICHOLSON and BLANCHE NICHOLSON, husband and wife, of Meridian, County of Ada, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto J.R. SIMPLOT COMPANY, whose current address is 999 Main Street, Suite 1300, County of Ada, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in County of Elmore, State of Idaho:

TRACT I

TOWNSHIP 4 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 31: S $\frac{1}{2}$ SE $\frac{1}{2}$

TOWNSHIP 5 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 4: NW $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 5: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ AND LOT 4

SECTION 6: LOTS 1 AND 2

TRACT II

TOWNSHIP 5 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 6: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

SECTION 7: E $\frac{1}{2}$ NE $\frac{1}{4}$

SECTION 8: N $\frac{1}{2}$

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances, specifically including but not limited to all mineral rights, hydrocarbon rights, geothermal rights, grazing rights, water rights, and any and all additional rights SUBJECT TO reservations of mineral rights in the U.S. Government's patents on the property.

Grantors, for themselves, their heirs and assigns do hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the grantee, its successors, heirs and assigns forever against the lawful claims of all persons.

Thomas T. Nicholson and Carl V. Nicholson are executing this document as well in order to confirm that all water rights appurtenant to the premises are transferred to the Grantee.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their name to this instrument this 8 day of February, 1990.

Carl E. Nicholson
Carl E. Nicholson

Blanche Nicholson
Blanche Nicholson

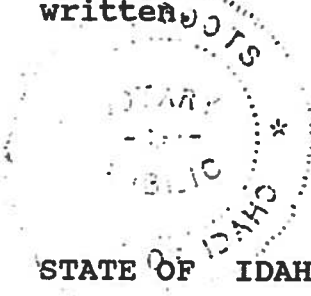
Thomas T. Nicholson
Thomas T. Nicholson

Carl V. Nicholson
Carl V. Nicholson

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared CARL E. NICHOLSON and BLANCHE NICHOLSON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

A circular notary seal for Linda K. Bort, Notary Public for Idaho, with the text "NOTARY PUBLIC" and "IDAHO" around the perimeter.

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared THOMAS T. NICHOLSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

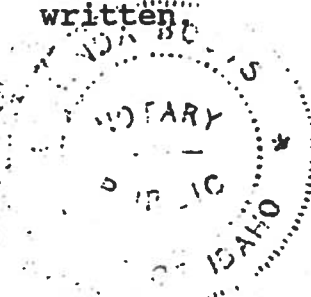
A circular notary seal for Linda K. Bort, Notary Public for Idaho, with the text "NOTARY PUBLIC" and "IDAHO" around the perimeter.

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared CARL V. NICHOLSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

A circular notary seal for Linda K. Bort, Notary Public for Idaho, with the text "NOTARY PUBLIC" and "IDAHO" around the perimeter.

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 28, 2017

GRAND VIEW PV SOLAR TWO LLC
PO BOX 2576
BOISE ID 83701

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 61-2163**

Dear Renter:

Please find enclosed a receipt in the amount of **\$45.90** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 2.0 acre-feet of water for industrial use during 2017. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$41.31 of the rental fee will be paid to the lessor(s) and 10% or \$4.59 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

For Water Supply Bank

Enclosures: Receipt No. C104039
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angie Grimm – IDWR Western Regional Office
Nick Miller – State Water District No. 161
Keith Holst – CRE Grandview Idaho LLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 15, 2017

GRAND VIEW PV SOLAR TWO LLC
PO BOX 2576
BOISE ID 83701

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR
WATER RIGHT 61-2163**

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

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on July 27, 2017. The signed agreement and rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$45.90 within ten (10) days of this letter to complete processing. Diversion and use of the water right is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

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

Sincerely,


For Water Supply Bank

c: Keith Holst – CRE Grandview Idaho LLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 27, 2017

GRAND VIEW PV SOLAR TWO LLC
PO BOX 2576
BOISE ID 83701

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 61-2163**

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$45.90 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 2.7 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$45.90 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$41.31 of the rental fee will be paid to the lessor(s) and 10% or \$4.59 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


John Judd
Water Supply Bank

Enclosure

c: IDWR Front Desk
Keith Holst – CRE Grandview Idaho LLC

MEMORANDUM FOR APPLICATION # 843

To: Water Right: 63-2163

From: Clay Webster

Date: 7/24/2017

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The department received this application to rent 2 af for industrial use to support weed control and cleaning of solar panels for Grand View PV Solar Two LLC. This proposes to divert from 3 existing wells (owned by JR Simplot Company) located in T04S, R54E, S32 SENWNE, SESWNE and NENWSE. The water will be transported through a ditch to a 15 ft long pipe to a pond to be loaded into a water truck to be used for the industrial use.

Since the intent of the rental is not to maintain water in the pond and since the water will be pumped through a pipe to the re-diversion point and then sucked from the pond to a truck, I see no reason to calculate seepage and evaporation for this rental.

$1332.0 \text{ af} / 296 \text{ acres} = 4.5 \text{ af per acre.}$

Change in nature of use was calculated using the water right authorized volume of 4.5 af/ acre and the standard consumptive volume of 3.5 af/ acre.

$0.6 \text{ acres} \times 3.5 \text{ af} = 2.1 \text{ af.}$

$3.09 \text{ cfs} / 296 \text{ acres} = 0.01 \text{ cfs}$

$0.01 \text{ cfs} \times 0.6 = 0.006 \text{ rounded to } 0.01 \text{ cfs.}$

AUTHORITY TO FILE: This application was signed by Keith Holst Operations Committee Member for CRE- Grandview Idaho LLC. According to the Idaho SOS website, they are a member of Grand View Solar Two LLC. The property at the wells and the POU belongs to JR Simplot Company. They provided a letter from Vic Conrad of JR Simplot Company authorizing them to utilize the wells and this land.

WATER RIGHT VALIDITY: 61-2163 was decreed in October 2000. It has been leased to the WSB entirely since 2005. I have no validity concerns.

INJURY TO OTHER WATER RIGHTS: Both the leased PODs and the rental PODs fall within the Mountain Home Ground Water Management Area.

ENLARGEMENT OF USE: The applicant will only be allowed to rent the consumptive volume to accommodate the change in nature of use. I have no other enlargement concerns.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 161. Comments will be requested from the watermaster.

Webster, Clay

From: Webster, Clay
Sent: Monday, July 24, 2017 9:25 AM
To: Miller, Nick
Subject: Regional and Watermaster Comments on WSB Rental Application 843 for Grand View PV Solar Two LLC
Attachments: Map.pdf; Rental Review Memo Application 843.docx

Nick,

We are currently processing this rental application. Do you have any concerns? Thanks.

Clay

Webster, Clay

From: Jason Raymond <jason.raymond@clenera.com>
Sent: Monday, July 24, 2017 8:35 AM
To: Webster, Clay
Subject: Re: Rental Application 843 for Grand View PV Solar Two LLC

Clay thanks for reaching out with these questions.

I haven't see the document from Vic, but one of the wells should be feeding the pond in my application. We are unable to hook directly up to the pump so we will need put the water in the pond then pump it out from there. The Simplot pump is to big for us to directly tie into, but there is about a 15' pipe going from the pump to the pond.

I would rent this water for as long as I can, I was told by Vic his lease agreement to the Water Bank was for 2 years so mine needed to reflect that. If I can go longer I will, but this water will only be used in the spring (about 1 acre foot) and the rest thru out the summer and fall if needed. If there is other water sources at this site that can be leased I would be open to those as well.

Fill free to reach out at any time with more comments.

Thanks,

Jason Raymond | Plant Operations Manager

Clēnera - Renewable Energy

800 W. Main St., Suite 900 | Boise, ID 83702

PO Box 2576 | Boise, Idaho 83701

Direct: 208-639-3232 ext. 117

Mobile: 801-710-4840

www.clenera.com

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On Fri, Jul 21, 2017 at 3:50 PM, Webster, Clay <Clay.Webster@idwr.idaho.gov> wrote:

Mr. Raymond,

I am currently processing the rental application that you submitted. I need to get some clarification on a few items. The document from Vic Conrad lists three wells currently owned by J.R. Simplot Company as the points of diversion. However, your application map shows a pond as the point of diversion. I will need an explanation of how the water will be conveyed from the wells to the pond. I also noted that the bottom of page two says that the request is for two years. Water is rented from the water supply bank for the calendar

years. This would make this rental for 2017 and 2018. On page three under section I. "Specify the desired season of use of water" you listed 05/15/17 to 05/15/2019. This section is for the season of use for the day/month starting work to the day/month ending work. Will this facility be used all year long? If so the season of use would be 01/01 to 12/31. I have found a water right that could be used for 2017 through 2019 if that is your intention with this rental. Thanks.

Sincerely,

Clay Webster

Water Resource Agent Sr.

clay.webster@idwr.idaho.gov

[208-287-4910](tel:208-287-4910)

Idaho Department of Water Resources (IDWR)

Keen, Shelley

From: Jason Raymond <jason.raymond@clenera.com>
Sent: Wednesday, May 24, 2017 1:46 PM
To: Keen, Shelley
Subject: Re: Application to Rent Water

Thank you,

Jason Raymond | Project Supervisor

Clēnera - Renewable Energy

800 W. Main St., Suite 900 | Boise, ID 83702

PO Box 2576 | Boise, Idaho 83701

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On Wed, May 24, 2017 at 1:45 PM, Keen, Shelley <Shelley.Keen@idwr.idaho.gov> wrote:

Jason,

I've printed out the rental application and forwarded it to our WSB staff for review. They'll let you know if we need any more information. If the application is complete, it will be processed in the order it was received.

Call or email if you have questions.

Regards,

Shelley

Shelley Keen

Water Rights Section Manager

Idaho Department of Water Resources

Shelley.Keen@idwr.idaho.gov

[208-287-4947](tel:208-287-4947)

From: Jason Raymond [mailto:jason.raymond@clenera.com]

Sent: Wednesday, May 24, 2017 12:02 PM

To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>

Subject: Application to Rent Water

Shelley,

Attached is our application to rent water on Simplot Land. I understand that Ron Parks had called you in the past letting you know that this was coming. I know our ideal time to process these has passed but hope this is a slam dunk for our 2 acre feet. Please let me know if anything else is needed and a timeline with your current workload.

Thanks,

Jason Raymond | Project Supervisor

Clēnera - *Renewable Energy*

800 W. Main St., Suite 900 | Boise, ID 83702

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