



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

January 6, 2017

ID SOLAR 1 LLC
C/O ORGIS ENERGY USA INC
800 BRICKELL AVE, STE 1100
MIAMI FL 33131

RE: Expiration of Water Supply Bank Rental Agreement for water rights: 63-31462, 63-31479

Renter,

This letter is to inform you that your rental agreement(s) to rent the above listed water rights from the Water Supply Bank (Bank) expired at the end of 2016.

Once the rental agreement concludes, any diversion or use of water under the rental agreement will no longer be authorized and, if occurring, may be subject to an enforcement action.

If you wish to rent water in the future, please download a rental application from: <http://idwr.idaho.gov>. You may submit rental applications on November 1 of the year prior to the intended use of rental water. **YOU ARE ENCOURAGED TO FILE AN APPLICATION AT LEAST 3 MONTHS PRIOR TO THE DATE YOU DESIRE TO USE RENTAL WATER.**

If you have any questions about this matter, please contact me at (208) 287-4918.

Sincerely,

A handwritten signature in black ink, appearing to read 'RB' with a long horizontal stroke extending to the right.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

DEC 18 2015

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

AMENDED

AMENDED

This is to certify that: **ID SOLAR 1 LLC**
ORGIS ENERGY USA INC
800 BRICKELL AV STE 1100
MIAMI FL 33131
(305) 560-7539
michael.chestone@orgisenergy.com

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

<u>Water Right</u>	<u>Rented Rate</u>	<u>Annual Rented Volume</u>
63-31479	0.30 CFS	67.5 AF
63-31462	0.37 CFS	83.3 AF
Combined		
Rental Totals:	0.67 CFS	150.8 AF*

***This rental is limited to the diversion of 117.3 AF due to a change in the nature of use.**

Term of Rental: December 1, 2015 to December 31, 2016

Rental Fee: \$5,127.20

The fee for rental of the above-described water is \$2,563.60 annually. Ten percent (\$256.36) will go to the Department for administrative costs, and the remainder will be paid to the lessor. The same distribution of fees will occur in 2016. The total payment of \$5,127.20 shall be received by the Department prior to diversion of the water.

Detailed water right specific limitations and conditions are attached.

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.



Signature of Renter

Lewis A. Reynolds
Manager

Printed Name and Title*

12-15-15

Date

Signature of Renter

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

SUPPORT DATA
IN FILE # 63-31462

Having determined that this agreement satisfies 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 conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By  Date 12/21/2015
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board



**WATER SUPPLY BANK RENTAL AGREEMENT
WATER RIGHT NO. 63-31479**

The 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 below:

Renter: ID SOLAR 1 LLC
ORGIS ENERGY USA INC
800 BRICKELL AV STE 1100
MIAMI FL 33131

Priority Date: 4/16/2002

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.30 CFS	67.5 AF
	Total:		0.30 CFS	67.5 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER SE¼SE¼ Sec. 10 Twp 01N Rge 01E ADA County
GROUND WATER SW¼NE¼ Sec. 10 Twp 01N Rge 01E ADA County

RENTER'S PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	10			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
01N	01E	11								X	X	X	X						

CONDITIONS OF WATER USE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
- 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.
- Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
- This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
- This rental agreement does not authorize the construction of a well.
- Use of water under this agreement shall not prejudice any pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor shall it prejudice any future rental agreement that may be made of the subject water right after this rental agreement expires.
- Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
- 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.

9. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
11. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
12. Industrial use is for dust abatement due to construction of a solar energy facility.
13. The following rights are diverted through the point of diversion in the SE1/4SE1/4: 63-7756.
14. The following rights are diverted through the point of diversion in the SW1/4NE1/4: 63-9184A.
15. The water rented under this agreement is appurtenant to irrigation of 15.0 acres.



**WATER SUPPLY BANK RENTAL AGREEMENT
WATER RIGHT NO. 63-31462**

The 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 below:

Renter: ID SOLAR 1 LLC
ORGIS ENERGY USA INC
800 BRICKELL AV STE 1100
MIAMI FL 33131

Priority Date: 12/29/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.37 CFS	83.3 AF
	Total:		0.37 CFS	83.3 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER SE¼SE¼ Sec. 10 Twp 01N Rge 01E ADA County
GROUND WATER SW¼NE¼ Sec. 10 Twp 01N Rge 01E ADA County

RENTER'S PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	10			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
01N	01E	11										X	X	X	X				

CONDITIONS OF WATER USE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
- 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.
- Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
- This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
- This rental agreement does not authorize the construction of a well.
- Use of water under this agreement shall not prejudice any pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor shall it prejudice any future rental agreement that may be made of the subject water right after this rental agreement expires.
- Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

8. 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.
9. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
12. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
13. Industrial use is for dust abatement due to construction of a solar energy facility.
14. The following rights are diverted through the point of diversion in the SE1/4SE1/4: 63-7756.
15. The following rights are diverted through the point of diversion in the SW1/4NE1/4: 63-9184A
16. The water rented under this agreement is appurtenant to irrigation of 18.5 acres.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 30 2015

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

AMENDED

DEPARTMENT OF WATER RESOURCES
Applicant: Solar 1, LLC

Is this application being submitted with a lease application as a lease/rental package? Yes No

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). 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.

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

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

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

Checked All Items as Either Attached (Yes) or Not Applicable (N/A)

YES

Completed *Application to Rent Water from the Board's 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
- 3E Authorization from the owner/operator of the rental point(s) of diversion
- 3G Water modeling to account for the impacts of the rental request
- 3J Documents justifying a need to rent water for irrigation at 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)

63-31462 63-31479

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant ID Solar 1, LLC
 Mailing Address 800 Brickell Ave, Suite 1100, Miami, FL, 33131
 Email Address Michael.Chestone@origisenergy.com Phone Number 305-560-7539

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 Michael Chestone Professional Title Director of Development
 Organization Origis Energy USA, Inc. Relationship to Applicant Parent Company
 Mailing Address 800 Brickell Ave, Suite 1100, Miami, FL, 33131
 Email Address michael.chestone@origisenergy.com Phone Number 305-560-7539

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 place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it Attachment 2.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it Attachment 3A:

The purpose of the rental is for construction purposes, more specifically, dust suppression. Anticipated rates: 0.6684 cfs (or 300 GPM). Water estimates are provided by historical consumption for similar project.

B. Enter the desired and/or minimum necessary 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)	Acres (if applicable) (Acre)
0.66840 CFS	45.37 AF	0.66840 CFS	45.37 AF	N/A AC

Sometimes water rights available for rent 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. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?
Oct. 15 th , 2015	Dec. 31, 2015	8 Months	<input checked="" type="checkbox"/> Yes, approve rental for all remaining future years. <input type="checkbox"/> No, return rental request if first year is unapprovable.

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.
 ** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Ground Water	1N	1E	10	NW	SE	SE	Ada	
Ground Water	1N	1E	10	SW	SW	NE	Ada	

The entry in this grid must match the map from item 2 on the application.

Not currently, but will at time of start

E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes No
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it Attachment 3E.

F. Do any POD(s) identified in Question 3D 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.

G. Has water modeling been provided with your rental request? Yes No
If yes, include as Attachment 3G. Otherwise please explain why modeling was not provided:

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

H. Specify the proposed beneficial use: Irrigation Commercial Industrial Municipal
 Groundwater Recharge Mining Stockwater Other: *Dust suppression (construction)*

I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1E	10			X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A
1N	1E	11										X	X	X	X				N/A
The entry in this grid must match the map from item 2 on the application.																		Total Acres (for irrigation)	N/A

J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A Yes No
If yes, explain the justification for this rate of flow and attach any supporting documents as Attachment 3J:

K. Do you own the land at the proposed rental place of use (POU)? *Not currently, but will at time of use* Yes No
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

L. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):

There is an existing well/area-site as well as irrigation piping. This piping will be spliced and routed overhead so as to fill water tanks. These tanks will drive around the property & spray down areas under active construction.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

None

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes No
If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the 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 with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Leased totals minus water actively engaged in rental agreement equals rental availability	Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)		Rate (CFS)	Vol. (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 that have been 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:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? 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, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:

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: Please see attachment 4B

- 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.

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.


Signature of Applicant

Michael Chestone
Printed Name of Applicant

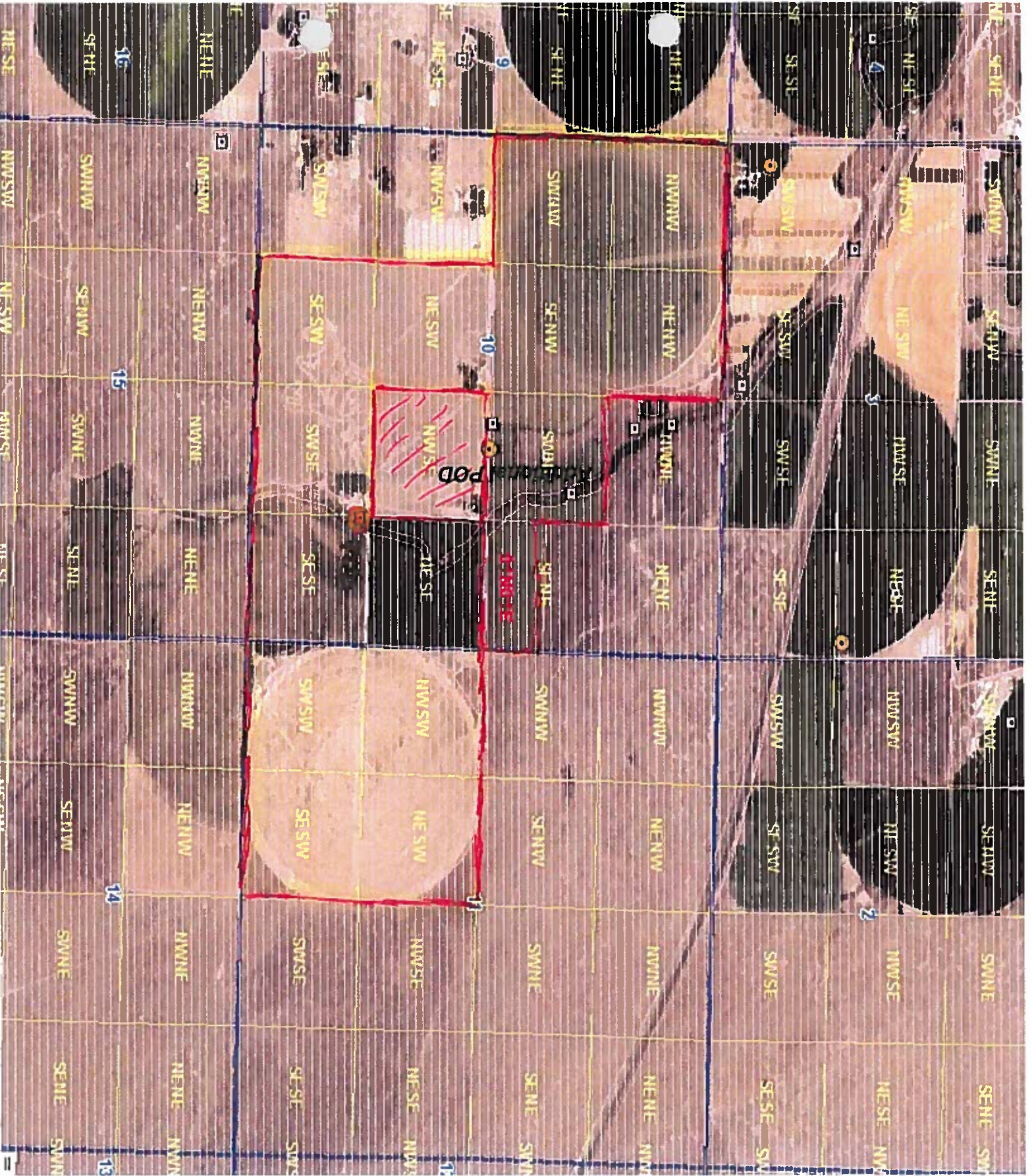
Oct. 1st, 2015
Date

Signature of Representative

Printed Name of Representative

Date

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



Attachment 4B

ID Solar 1, LLC. has several hundred acres under option to purchase, including water rights. The land, which is currently being used as agricultural land, will be used to construct a large solar power generating facility. Expecting closing on the real estate is October 15th, 2015, at which time, ID Solar 1 will also hold rights to the water. We will file a change of ownership as well as a transfer of use applications for the water after closing for the long-term use. The long-term use of the water will be for washing the solar panels and will require a very limited amount of water (up to ¾ of an acre foot per year).

In addition to the long-term use, the project will also require a separate and different temporary use during construction and that is why we are seeking a rental. Construction on the project is slated to begin immediately after closing of the real estate (October 15th). The large area of the project and soil conditions will require a significant amount of water for use during construction for dust suppression. We are seeking to utilize existing wells on the property that we are purchasing to supply this water. We will splice the irrigation piping and run a pipe overhead to fill water trucks. These water trucks will drive around the entirety of the field and spray water to help control dust during construction. Construction is expected to last from October 15th, 2015 through the end of June 2016.

ID Solar 1, LLC
Attn: Michael Chestone
800 Brickell Ave, Suite 1100
Miami, FL, 33131

October 1, 2015

RE: Water Rights for Anderson Property

Dear Michael-

As an authorized representative of Anderson Enterprises, Inc., the landowner of the parcels shown in the list below (the "Anderson Property"), I hereby authorize ID Solar 1, LLC. to apply to rent water from the Idaho Water Board's Water Supply Bank. Further, ID Solar 1, LLC. is hereby authorized to utilize the Anderson Property as the Place of Use for the aforementioned water.

Anderson Property

Covers seven parcels in Sec 3-1N-1E, Sec 10-1N-1E, and Sec 11-1N-1E, Ada County, Idaho:

- Parcel I (Tax Parcel S2103336400)
- Parcel II (Tax Parcel S2111233600)
- Parcel III (Tax Parcel S2110121000)
- Parcel IV (Tax Parcel S2110141900)
- Parcel V (Tax Parcel S2110130600)
- Parcel VI (Tax Parcel S2110223000)
- Parcel VII (Tax Parcel S2110212400)

Sincerely,



Boyd Anderson
Authorized Representative
Anderson Enterprises, Inc.

ID Solar 1, LLC
Attn: Michael Chestone
800 Brickell Ave, Suite 1100
Miami, FL, 33131

October 1, 2015

RE: Water Rights for Nicholson Property

Dear Michael-

As an authorized representative of Nicholson Property L.P. and as trustee of the Carl and Patty Nicholson Revocable Living Trust dated April 30, 2002, as amended, the landowner of the parcels shown in the list below (the "Nicholson Property"), I hereby authorize ID Solar 1, LLC. to apply to rent water from the Idaho Water Board's Water Supply Bank. Further, ID Solar 1, LLC. is hereby authorized to utilize the Nicholson Property as the Point of Diversion as well as the Place of Use for the aforementioned water.

Nicholson Property

Covers three parcels in Sec 10-1N-1E, and Sec 11-1N-1E, Ada County, Idaho:

Parcel #	Description:	Listed Owner:	Acres:
S2111300000	SW4 SEC 11 1N 1E	NICHOLSON PROPERTIES L P	160 +/-
S2110314800	PAR #4800 OF E2SW4 & S2SE4 SEC 10 1N 1E	NICHOLSON CARL & PATTY REVOCABLE TRUST	150 +/-
S2110410000	NE4SE4 SEC 10 1N 1E	NICHOLSON PROPERTIES L P	40 +/-

Sincerely,



Carl Nicholson
Authorized Representative

Nicholson Properties L.P.

Carl V. Nicholson, Trustee of the
Carl and Patty Nicholson
Revocable Living Trust dated
April 30, 2002, as amended

Having determined that this agreement satisfies 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 conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By  Date 11/16/2015
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board



**WATER SUPPLY BANK RENTAL AGREEMENT
WATER RIGHT NO. 63-31479**

The 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 below:

Renter: ID SOLAR 1 LLC
Entropy
14120 Ballantyne Corporate Place, Ste. 400
Charlotte, NC 28277

Priority Date: 4/16/2002

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.30 CFS	67.5 AF
	Total:		0.30 CFS	67.5 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER SE¼SE¼ Sec. 10 Twp 01N Rge 01E ADA County

RENTER'S PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	10			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
01N	01E	11								X	X	X	X						

CONDITIONS OF WATER USE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
- 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.
- Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
- This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
- This rental agreement does not authorize the construction of a well.
- Use of water under this agreement shall not prejudice any pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor shall it prejudice any future rental agreement that may be made of the subject water right after this rental agreement expires.
- Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
- 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.

9. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
11. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
12. Industrial use is for dust abatement due to construction of a solar energy facility.
13. The following rights are diverted through the point of diversion described above: 63-7756
14. The water rented under this agreement is appurtenant to irrigation of 15.0 acres



**WATER SUPPLY BANK RENTAL AGREEMENT
WATER RIGHT NO. 63-31462**

The 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 below:

Renter: ID SOLAR 1 LLC
Entropy
14120 Ballantyne Corporate Place, Ste. 400
Charlotte, NC 28277

Priority Date: 12/29/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.37 CFS	83.3 AF
	Total:		0.37 CFS	83.3 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER SE¼SE¼ Sec. 10 Twp 01N Rge 01E ADA County

RENTER'S PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	10			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
01N	01E	11										X	X	X	X				

CONDITIONS OF WATER USE

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 does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. This rental agreement does not authorize the construction of a well.
6. Use of water under this agreement shall not prejudice any pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor shall it prejudice any future rental agreement that may be made of the subject water right after this rental agreement expires.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
8. 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.

9. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
12. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
13. Industrial use is for dust abatement due to construction of a solar energy facility.
14. The following rights are diverted through the point of diversion described above: 63-7756
15. The water rented under this agreement is appurtenant to irrigation of 18.5 acres.



APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: ID Solar 1, LLC

Is this application being submitted with a lease application as a lease/rental package? Yes No

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). 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.

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

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

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

Checked All Items as Either Attached (Yes) or Not Applicable (N/A)

YES

Completed *Application to Rent Water from the Board's 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
- 3E Authorization from the owner/operator of the rental point(s) of diversion
- 3G Water modeling to account for the impacts of the rental request
- 3J Documents justifying a need to rent water for irrigation at 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)

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant ID Sabar 1, LLC
 Mailing Address 800 Brickell Ave, Suite 1100, Miami, FL, 33131
 Email Address Michael.chestone@origisenergy.com Phone Number 305-560-7539

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 Michael Chestone Professional Title Director of Development
 Organization Origis Energy USA, Inc. Relationship to Applicant Parent Company
 Mailing Address 800 Brickell Ave, Suite 1100, Miami, FL, 33131
 Email Address michael.chestone@origisenergy.com Phone Number 305-560-7539

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 place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it Attachment 2.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it Attachment 3A:

The purpose of the rental is for construction purposes, more specifically, dust suppression. Anticipated rates: 0.6684 cfs (or 300 GPM). Water estimates are provided by historical consumption for similar project.

B. Enter the desired and/or minimum necessary 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)	Acres (if applicable) (Acre)
<u>0.66840</u> CFS	<u>45.37</u> AF	<u>0.66840</u> CFS	<u>45.37</u> AF	<u>N/A</u> AC

Sometimes water rights available for rent 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. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?
<u>Oct. 15th, 2015</u>	<u>Dec 31, 2015</u>	<u>8 months</u>	<input checked="" type="checkbox"/> Yes, approve rental for all remaining future years. <input type="checkbox"/> No, return rental request if first year is unapprovable.

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.
 ** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Ground Water	1N	1E	10	NW	SE	SE	Ada	

The entry in this grid must match the map from item 2 on the application.

Not currently, but will at time of start

E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes No
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it Attachment 3E.

F. Do any POD(s) identified in Question 3D 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.

G. Has water modeling been provided with your rental request? Yes No
If yes, include as Attachment 3G. Otherwise please explain why modeling was not provided:

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

H. Specify the proposed beneficial use: Irrigation Commercial Industrial Municipal
 Groundwater Recharge Mining Stockwater Other: Dust suppression (construction)

I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1E	10			X	X	X	X	X	X	X	X	X	X	X	X	X	X	N/A
1N	1E	11												X	X	X	X		N/A
The entry in this grid must match the map from item 2 on the application.																		Total Acres (for irrigation)	N/A

J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A Yes No
If yes, explain the justification for this rate of flow and attach any supporting documents as Attachment 3J:

K. Do you own the land at the proposed rental place of use (POU)? *Not currently, but will at time of use* Yes No
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

L. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
There is an existing well on-site as well as irrigation piping. This piping will be spliced and routed overhead so as to fill water trucks. These trucks will drive around the property & spray down areas under active construction.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

None

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes No
If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the 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 with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Leased totals minus water actively engaged in rental agreement equals rental availability	Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)		Rate (CFS)	Vol. (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 that have been 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**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? 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, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:

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: Please see attachment 4B

- 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.

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.



Signature of Applicant

Michael Chestone

Printed Name of Applicant

Oct. 1st, 2015

Date

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 the Eastern Snake Plain Aquifer (ESPA) and other selected administrative areas: If your proposed rental falls within the boundaries of the ESPA or other selected administrative area (as explained below) you must identify specific water rights leased into the Bank to use for your rental. Item 4 of the rental application can be used for this purpose. Use the information below to determine whether modeling the potential impacts of your proposed rental is necessary. If you submit an application to rent water from within the ESPA and/or a special administrative area and it is determined that your rental request requires water modeling, 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 application proposes the use of a regulated water source within an 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 areas may include:

- A. Ground water within the Eastern Snake Plain Aquifer (ESPA);
- 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 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 within the same or adjacent model cells. If lease and rental POD(s) are separated by more than one model cell, however, groundwater modeling must be completed and 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 www.idwr.idaho.gov/AboutIDWR/legal.htm for information on 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 is authorized to divert 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 sufficiently hydraulically connected. The ground water and surface water sources must have a direct and immediate hydraulic connection (at least 50 percent of the total depletion must be detectable in the original source in one day). The existing POD and proposed 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.

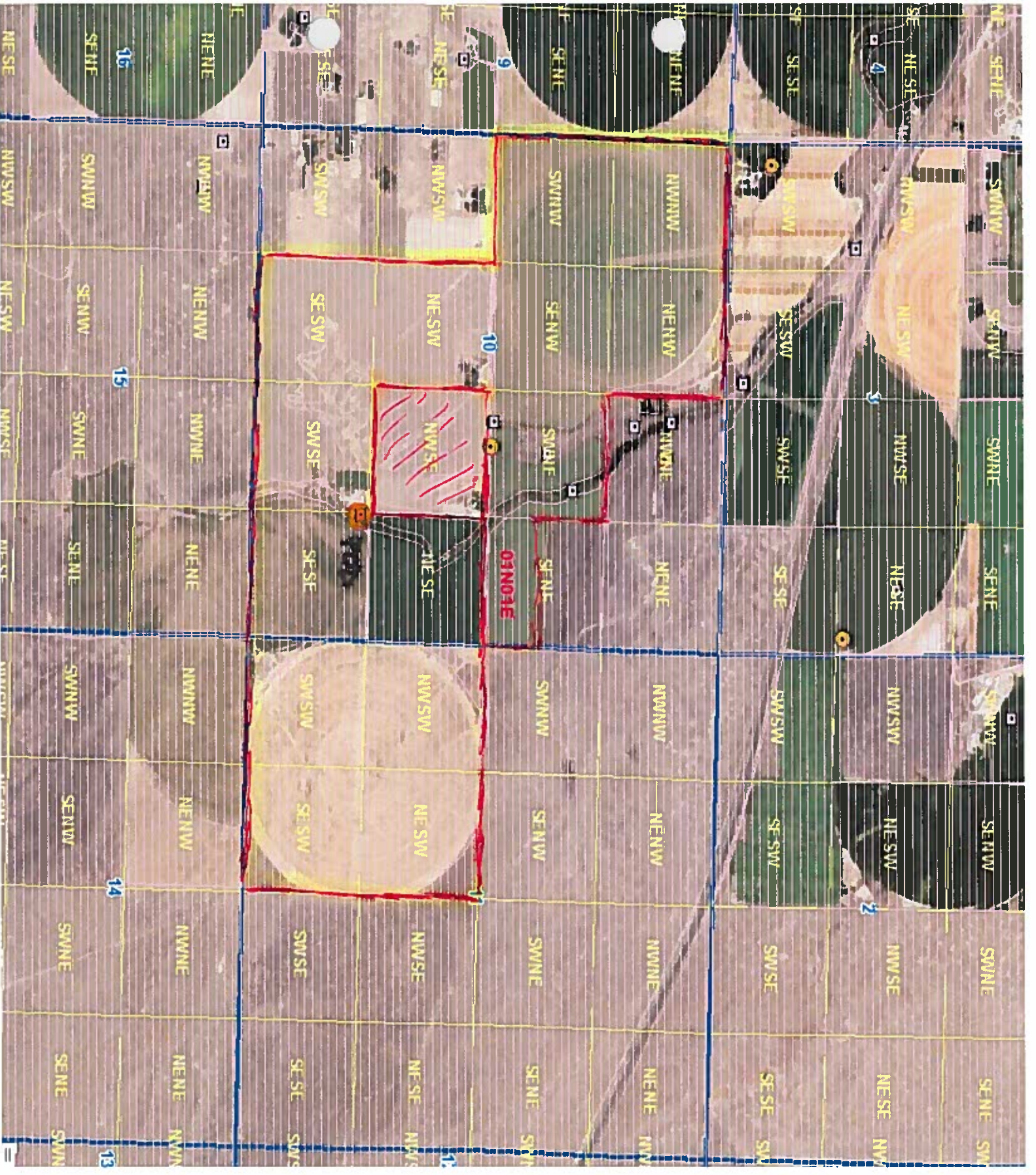
Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

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

Attachment 4B

ID Solar 1, LLC. has several hundred acres under option to purchase, including water rights. The land, which is currently being used as agricultural land, will be used to construct a large solar power generating facility. Expecting closing on the real estate is October 15th, 2015, at which time, ID Solar 1 will also hold rights to the water. We will file a change of ownership as well as a transfer of use applications for the water after closing for the long-term use. The long-term use of the water will be for washing the solar panels and will require a very limited amount of water (up to ¾ of an acre foot per year).

In addition to the long-term use, the project will also require a separate and different temporary use during construction and that is why we are seeking a rental. Construction on the project is slated to begin immediately after closing of the real estate (October 15th). The large area of the project and soil conditions will require a significant amount of water for use during construction for dust suppression. We are seeking to utilize existing wells on the property that we are purchasing to supply this water. We will splice the irrigation piping and run a pipe overhead to fill water trucks. These water trucks will drive around the entirety of the field and spray water to help control dust during construction. Construction is expected to last from October 15th, 2015 through the end of June 2016.



ID Solar 1, LLC
Attn: Michael Chestone
800 Brickell Ave, Suite 1100
Miami, FL, 33131

October 1, 2015

RE: Water Rights for Anderson Property

Dear Michael-

As an authorized representative of Anderson Enterprises, Inc., the landowner of the parcels shown in the list below (the "Anderson Property"), I hereby authorize ID Solar 1, LLC. to apply to rent water from the Idaho Water Board's Water Supply Bank. Further, ID Solar 1, LLC. is hereby authorized to utilize the Anderson Property as the Place of Use for the aforementioned water.

Anderson Property

Covers seven parcels in Sec 3-1N-1E, Sec 10-1N-1E, and Sec 11-1N-1E, Ada County, Idaho:

- Parcel I (Tax Parcel S2103336400)
- Parcel II (Tax Parcel S2111233600)
- Parcel III (Tax Parcel S2110121000)
- Parcel IV (Tax Parcel S2110141900)
- Parcel V (Tax Parcel S2110130600)
- Parcel VI (Tax Parcel S2110223000)
- Parcel VII (Tax Parcel S2110212400)

Sincerely,



Boyd Anderson
Authorized Representative
Anderson Enterprises, Inc.

ID Solar 1, LLC
Attn: Michael Chestone
800 Brickell Ave, Suite 1100
Miami, FL, 33131

October 1, 2015

RE: Water Rights for Nicholson Property

Dear Michael-

As an authorized representative of Nicholson Property L.P. and as trustee of the Carl and Patty Nicholson Revocable Living Trust dated April 30, 2002, as amended, the landowner of the parcels shown in the list below (the "Nicholson Property"), I hereby authorize ID Solar 1, LLC. to apply to rent water from the Idaho Water Board's Water Supply Bank. Further, ID Solar 1, LLC. is hereby authorized to utilize the Nicholson Property as the Point of Diversion as well as the Place of Use for the aforementioned water.

Nicholson Property

Covers three parcels in Sec 10-1N-1E, and Sec 11-1N-1E, Ada County, Idaho:

Parcel #	Description:	Listed Owner:	Acres:
S2111300000	SW4 SEC 11 1N 1E	NICHOLSON PROPERTIES L P	160 +/-
S2110314800	PAR #4800 OF E2SW4 & S2SE4 SEC 10 1N 1E	NICHOLSON CARL & PATTY REVOCABLE TRUST	150 +/-
S2110410000	NE4SE4 SEC 10 1N 1E	NICHOLSON PROPERTIES L P	40 +/-

Sincerely,



Carl Nicholson
Authorized Representative

Nicholson Properties L.P.

Carl V. Nicholson, Trustee of the
Carl and Patty Nicholson
Revocable Living Trust dated
April 30, 2002, as amended