

DE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 08 2015

Notice of Change in Water Right Ownership

WATER RESOURCES
WESTERN REGION

holders of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
78-7150B	Yes ☒ <i>not split</i>		Yes ☐		Yes ☐
78-7154	Yes ☐		Yes ☐		Yes ☐
78-7188	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Sithe Energies/El Dorado Hydro
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Elk Creek Hydro, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- One Tech Drive, Suite 220 Attn: General Counsel Andover MA 01810
Mailing address City State ZIP
- (978) 296-6822 megan.beauregard@enel.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: March 27, 2015

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.

SUPPORT DATA

7. This form must be signed and submitted with the following **REQUIRED** items: IN FILE # 78-7150B
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

8. Signature: [Signature] Vice President 5/5/15
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ _____ _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 5/8/15 Receipt No. W043080 Receipt Amt. \$150⁰⁰
 Approved by [Signature] Processed by [Signature] Date 6/8/15 **SCANNED**

JUN 08 2015

RECEIVED

MAY 08 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
78-7254	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: El Dorado Hydro
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Elk Creek Hydro, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|--|----------------------------------|-----------|--------------|
| <u>One Tech Drive, Suite 220 Attn: General Counsel</u> | <u>Andover</u> | <u>MA</u> | <u>01810</u> |
| Mailing address | City | State | ZIP |
| <u>(978) 296-6822</u> | <u>megan.beauregard@enel.com</u> | | |
| Telephone | Email | | |
4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: March 27, 2015
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
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 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
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 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

8. Signature: [Signature] Vice President 5/5/15
Signature of new owner/claimant Title, if applicable Date

Signature: _____ _____ _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only

Received by [Signature] Date 5/8/15 Receipt No. W043080 Receipt Amt. \$25⁰⁰
Approved by [Signature] Processed by [Signature] Date 6/8/15

JUN 08 2015

Record and return to:

Michael B. Peisner, Esq.
Curtis Thaxter LLC
P.O. Box 7320
Portland, ME 04112-7320

THIS INSTRUMENT FILED
FOR RECORD BY STEWART
TITLE COMPANY AS AN
ACCOMMODATION ONLY. IT
HAS NOT BEEN EXAMINED
AS TO ITS EFFECTS UPON
THE TITLE.

Instrument # 498846

IDAHO COUNTY, IDAHO
03-27-2016 01:24:00 PM No. of Pages: 2
Recorded for: STEWART TITLE - EMERALD OFFICE
Kathy M Ackerman Fee: \$13.00
Ex-Officio Recorder Deputy: DST

ASSIGNMENT OF EASEMENT AND LEASEHOLD INTEREST

KNOW THAT El Dorado Hydro, a California general partnership ("Assignor"), in consideration of One Hundred and No/100 (\$100.00) Dollars; and other good and valuable consideration paid by Elk Creek Hydro, LLC, a limited liability company organized and existing under the laws of the State of Delaware ("Assignee"), hereby assigns unto Assignee all of its right, title and interest created by a certain Deed Granting Estate for Years and Easement Appurtenant, made by James B. Howell, Josephine Howell, Clifton A. Powell, Roberta G. Powell, Jerry Lausmann and Donnis O. Lausmann as grantors and Elk Creek Hydro-Electric Partners, recorded June 5, 1985 as Instrument Number 320146 and assigned to El Dorado Hydro by an Assignment of Lease and Assumption Agreement recorded November 24, 1986, as Instrument Number 332023 (the "Lease"), covering premises described as follows:

Parcel 1:

ELK CREEK HYDROELECTRIC PROJECT DIVERSION

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 23: A tract of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ more particularly described as follows:

Commencing at the North 1/16th corner between Sections 22 and 23,

Thence S.89°25'27"E., 1854.221 feet;

Thence N.21°22'18"E., 118.601 feet;

Thence N.48°12'14"E., 750.222 feet to the TRUE POINT OF BEGINNING of said intake parcel;

Thence East 220 feet;

Thence South 140 feet;

Thence West 220 feet;

Thence North 140 feet back to the POINT OF BEGINNING.

ELK CREEK HYDROELECTRIC PROJECT POWERHOUSE

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 27: A tract of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:

Commencing at the 1/16th corner common to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27;

Thence N.00°34'17"W., 80 feet to the TRUE POINT OF BEGINNING of said powerhouse parcel;

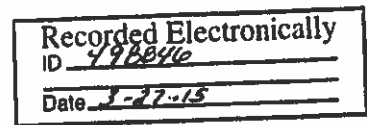
Thence N.00°34'17"W., 140 feet;

Thence East 130 feet;

Thence South 140 feet;

Thence West 130 feet, back to the TRUE POINT OF BEGINNING.

THIS INSTRUMENT FILED
FOR RECORD BY STEWART
TITLE COMPANY AS AN
ACCOMMODATION ONLY. IT
HAS NOT BEEN EXAMINED
AS TO ITS AFFECTS UPON
THE TITLE



Record and return to:

Michael B. Peisner, Esq.
Curtis Thaxter LLC
P.O. Box 7320
Portland, ME 04112-7320

Electronically recorded — Do not
remove the county stamped first
page as it is now incorporated as
part of the original document.

ASSIGNMENT OF EASEMENT AND LEASEHOLD INTEREST

KNOW THAT El Dorado Hydro, a California general partnership ("Assignor"), in consideration of One Hundred and No/100 (\$100.00) Dollars; and other good and valuable consideration paid by Elk Creek Hydro, LLC, a limited liability company organized and existing under the laws of the State of Delaware ("Assignee"), hereby assigns unto Assignee all of its right, title and interest created by a certain Deed Granting Estate for Years and Easement Appurtenant, made by James B. Howell, Josephine Howell, Clifton A. Powell, Roberta G. Powell, Jerry Lausmann and Donnis O. Lausmann as grantors and Elk Creek Hydro-Electric Partners, recorded June 5, 1985 as Instrument Number 320146 and assigned to El Dorado Hydro by an Assignment of Lease and Assumption Agreement recorded November 24, 1986, as Instrument Number 332023 (the "Lease"), covering premises described as follows:

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Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 23: A tract of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ more particularly described as follows:

Commencing at the North 1/16th corner between Sections 22 and 23,

Thence S.89°25'27"E., 1854.221 feet;

Thence N.21°22'18"E., 118.601 feet;

Thence N.46°12'14"E., 750.222 feet to the TRUE POINT OF BEGINNING of said intake parcel;

Thence East 220 feet;

Thence South 140 feet;

Thence West 220 feet;

Thence North 140 feet back to the POINT OF BEGINNING.

ELK CREEK HYDROELECTRIC PROJECT POWERHOUSE

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 27: A tract of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:

Commencing at the 1/16th corner common to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27;

Thence N.00°34'17"W., 80 feet to the TRUE POINT OF BEGINNING of said powerhouse parcel;

Thence N.00°34'17"W., 140 feet;

Thence East 130 feet;

Thence South 140 feet;

Thence West 130 feet, back to the TRUE POINT OF BEGINNING.

Parcel 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS
Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 23: To 4000 foot elevation
Section 26: To 4000 foot elevation

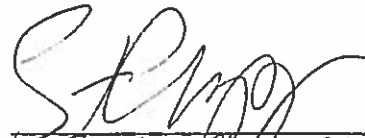
AN EXCLUSIVE EASEMENT FOR HYDROELECTRIC PROJECT PIPELINE
Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 23: A 50 foot strip of land for said pipeline being in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Section 26: A 50 foot strip of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Section 27: a 50 foot strip of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$.

together with said premises therein described and the improvements thereon, with the appurtenances.

TO HAVE AND TO HOLD the same unto the assignee, its successors and assigns, subject to the covenants, conditions, and provisions of said Lease.

IN WITNESS WHEREOF, the assignor has hereunto set its hand this 27 day of March, 2015.

EL DORADO HYDRO



By: Stephen Champagne
Its: ERP

STATE OF Massachusetts

) SS.:

COUNTY OF Essex

On the 27 day of March, in the year 2015, before me, the undersigned, personally appeared Stephen Champagne, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Megan Beauregard
Notary Public

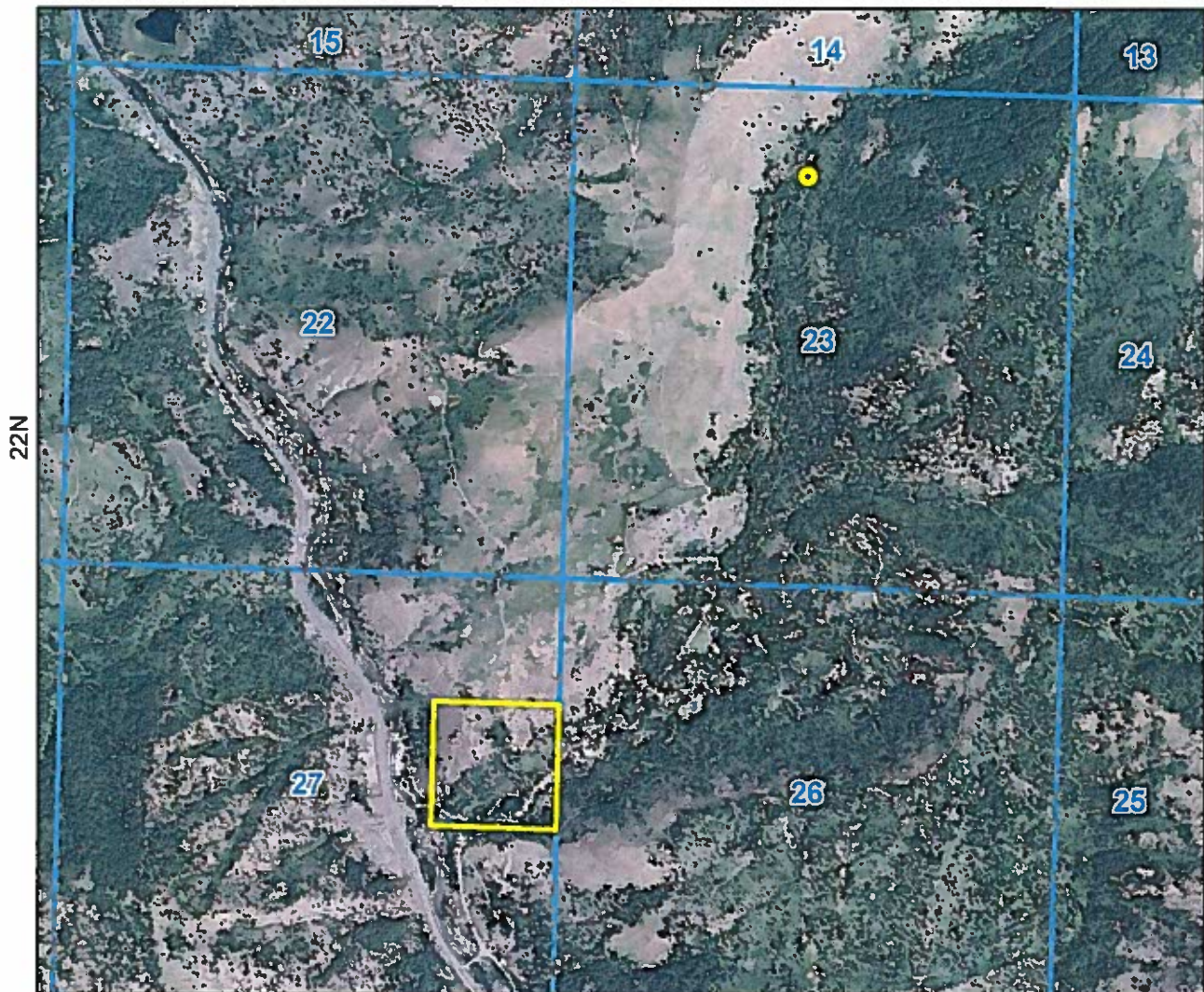
State of Idaho
Department of Water Resources

Water Right 78-7150B

POWER

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

01E



0 0.225 0.45 0.9 Miles

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

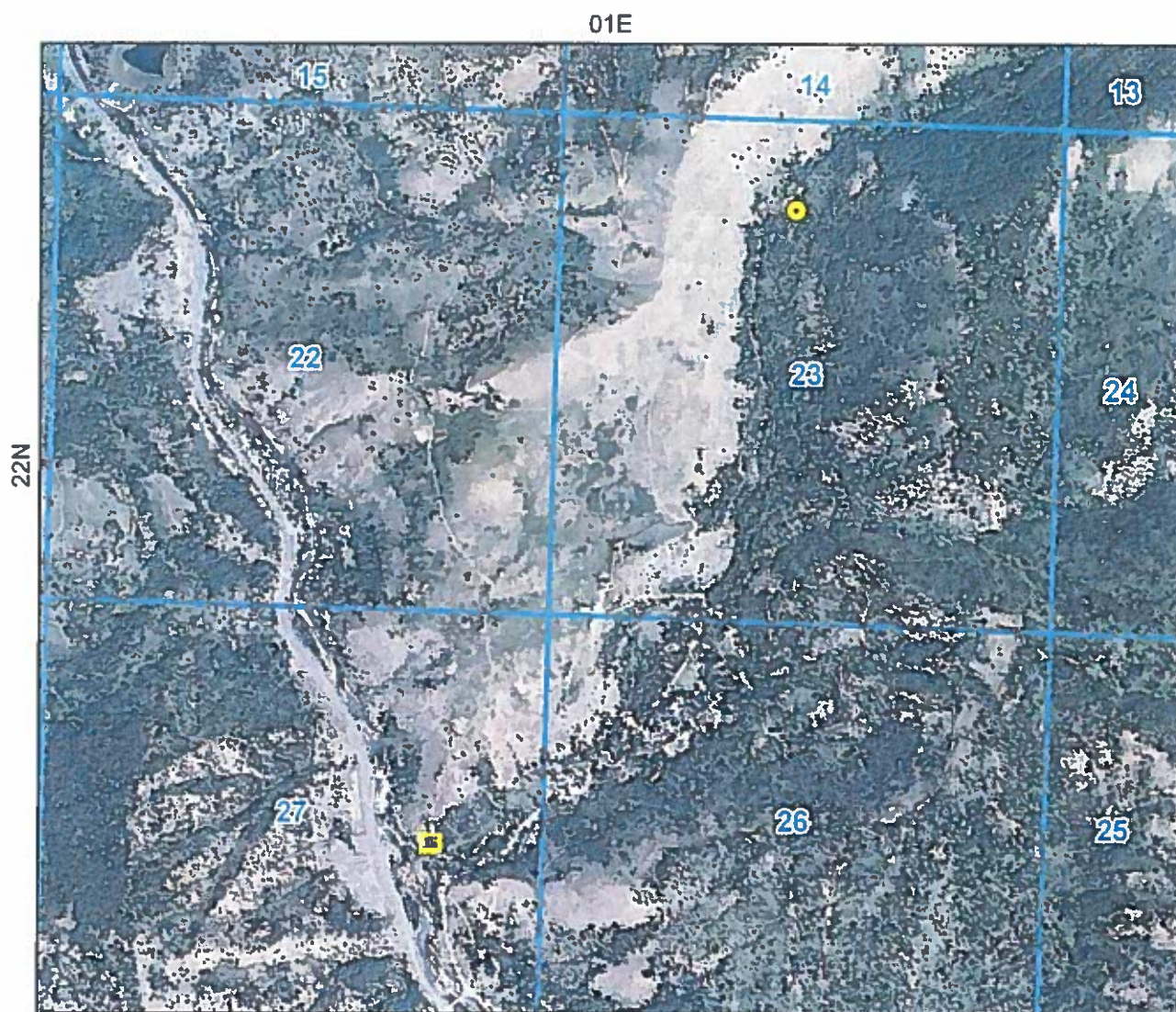


State of Idaho
Department of Water Resources

Water Right 78-7154

POWER

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



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

0 0.225 0.45 0.9 Miles



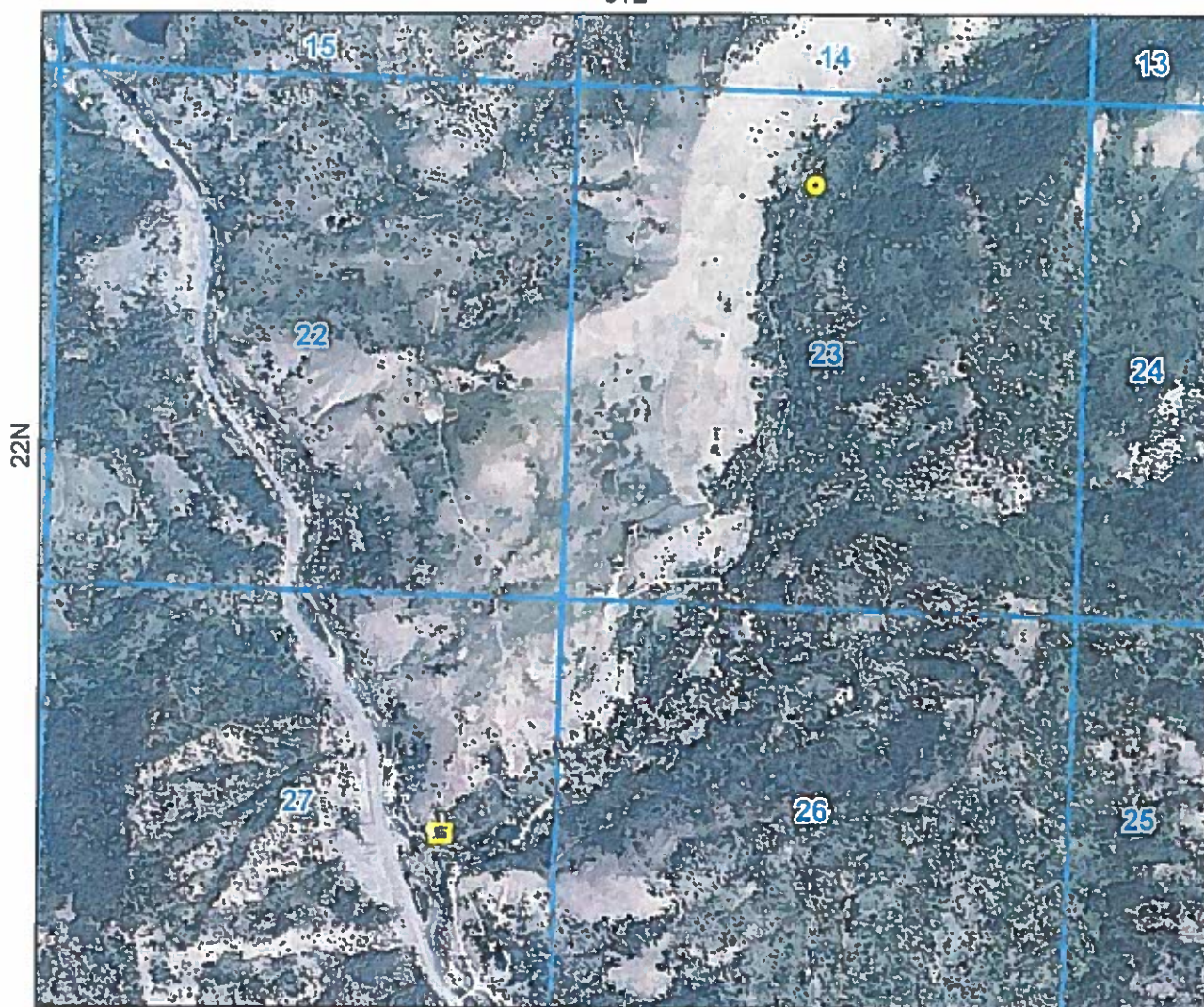
State of Idaho
Department of Water Resources

Water Right 78-7188

POWER

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

01E



0 0.225 0.45 0.9 Miles

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



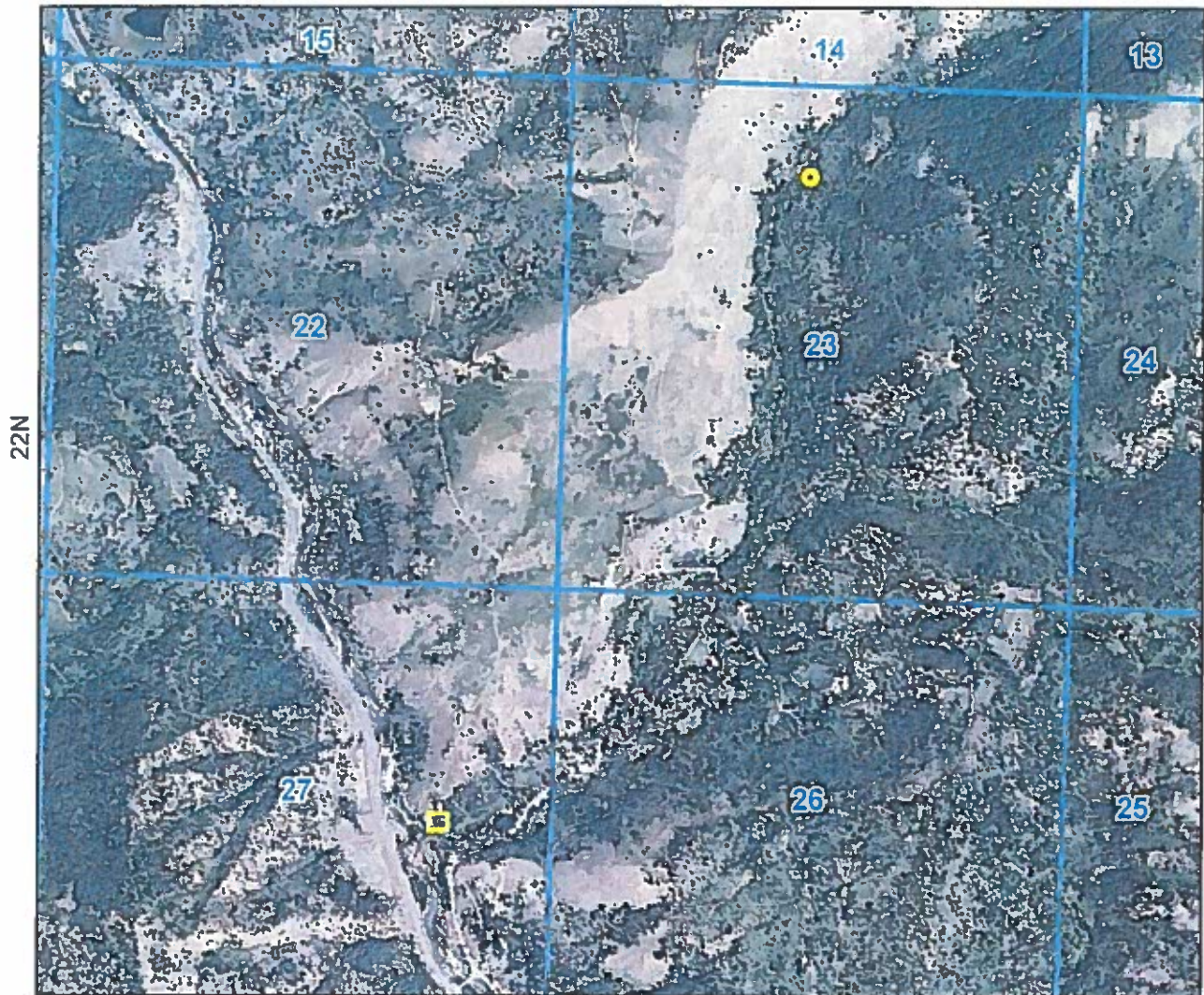
State of Idaho
Department of Water Resources

Water Right 78-7254

POWER

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

01E



0 0.225 0.45 0.9 Miles

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 8, 2015

ELK CREEK HYDRO LLC
ATTN GENERAL COUNSEL
ONE TECH DR STE 220
ANDOVER MA 01810

RE: Notice of Ownership Change in Water Right No's:

78-7150B, 78-7154, 78-7188 & 78-7254

Dear Applicants,

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water rights to you. The Department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the Department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience and cooperation. Please call me if you have any questions concerning the enclosed information.

Sincerely,

Chad Jones
Office Specialist II
Western Regional Office
208-334-2190

Enclosures

Jones, Chad

From: Jones, Chad
Sent: Monday, June 08, 2015 12:14 PM
To: Marston, Sascha
Subject: Refund: John L Allen / Elk Creek Hydro LLC

TO: Sascha Marston

FROM: Chad Jones

DATE: June 8, 2015

RE: Refund: Ownership Change – 78-7150B

Please refund \$75. Elk Creek Hydro LLC (payment made by John L Allen) filed ownership change on 5/8/2015. WR 78-7150B was incorrectly listed as a split.

Please issue a refund of \$75.00 to:

JOHN L ALLEN
195 AVE DE LA DEMERALD
SPARKS NV 89434

RECEIPT #

W043080



ENEL RENEWABLE ENERGIES DIVISION
NORTH AMERICA AREA

One Tech Drive, Suite 220
Andover, MA 01810
T 978 296-6822 F 978 681-7727

ELK CREEK HYDRO, LLC
A SUBSIDIARY OF ENEL GREEN POWER NORTH AMERICA, INC.

RECEIVED

May 07, 2015

MAY 08 2015

WATER RESOURCES
WESTERN REGION

Idaho Division of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

Re: Change of Water Right Ownership
Water Right 78-7150B
Water Right 78-7154
Water Right 78-7188
Water Right 78-7254

Enclosed please find documents supporting the Change of Water Right Ownership for the referenced water rights. Enclosed, also, is my personal check number 4997, in the amount of \$175.00 to cover the fees (78-7150B/\$100, 78-7154/\$25, 78-7188/\$25, 78-7254/\$25). I would appreciate it if a receipt for this amount could be returned to me (email would be satisfactory) at the address appearing below my signature.

Final documents should be mailed to: Elk Creek Hydro, LLC
Attn: General Counsel
One Tech Drive, Suite 220
Andover, MA 01810

cd
S/B

If there are any questions regarding the completeness of these documents or any are in error please contact me at (775) 329-0700 ext. 107, or john.allen@enel.com.

Sincerely,

John Allen
Environmental Specialist
Enel Green Power North America, Inc.
1755 E. Plumb Lane, Suite 155
Reno, NV 89502

FedEx 8050 0595 0792