STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 19 2023
DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 757

This is to certify that:

FRANKLIN SOLAR LLC
550 S CALDWELL ST STE 600
CHARLOTTE, NC 28202-2633

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)
47-2330	2/26/1960	GROUND WATER	0.14	20.1
47-11236	4/1/1944	GROUND WATER	0.03	12.2
Combined Limit Totals			**0.17**	**20.1**
Combined Rental Totals			**0.17**	**20.1**

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2024. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2024: $462.30 annually

The full fee for the rental of the above-described right(s) is $462.30 per year for years 2023 - 2024. The rental fee includes an administrative fee of $46.23 per year for years 2023 - 2024.

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.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 757

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

6/29/2023
Date

Brian C Stallman
Printed Name

Vice President
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 _____ Date 8/3/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 8/3/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 757

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec. 11, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	SWSW	Sec. 14, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	SWSE	Sec. 16, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	SENE	Sec. 21, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	NWSE	Sec. 21, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	SESW	Sec. 22, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	SWSW	Sec. 23, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	SWSE	Sec. 23, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	NWSW	Sec. 26, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	NENW	Sec. 28, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	NENW	Sec. 28, Twp 14S, Rge 15E,	TWIN FALLS County
GROUND WATER	NWSE	Sec. 35, Twp 14S, Rge 15E,	TWIN FALLS County

BENEFICIAL USE	DIVERSION RATE	VOLUME
COMMERCIAL	0.17 CFS	20.1 AF

SEASON OF USE

Water Right No.	From	To
47-2330	4/1	10/31
47-11236	4/1	10/31

RENTERS PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	16E	17					X L3	X L3 X L4	X	X	X	X	X	X			X	X	X
14S	16E	18	X L1	X L1 X L2	X	X	X X L3	X X L3 X L4	X X L5	X		X X L6			X			X	X
14S	16E	20	X	X	X	X	X	X	X	X	X	X	X	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 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. 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.

WATER SUPPLY BANK RENTAL AGREEMENT No. 757

5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. 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.
7. 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.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental agreement does not authorize the construction of a well.
10. The rented portions of rights 47-2330 and 47-11236 are limited to a total combined annual diversion volume of 20.1 af.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 757

Effective until December 31, 2024

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



Legend

- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections

N

0 1 2 Miles

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
MAR 30 2023
DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Franklin Solar, 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 *Application to Rent Water from the Board's Water Supply Bank*
		☑	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)
51-13007
51-13008

2637

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Franklin Solar, LLC

Mailing Address 550 S. Caldwell St. Suite 600 (Street) Charlotte (City) NC (State) 28202 (Zip Code)

Email Address Brendan.Andrew@duke-energy.com Phone Number (704) 382-7172

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 Kristin Moore Professional Title Senior Water Rights Analyst

Organization Rocky Mountain Environmental Assoc. Inc. Relationship to Applicant Consultant

Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402

Email Address kristin.rmea@gmail.com Phone Number 208-524-2353, ext 104

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**:

Applicant requires temporary water for dust abatement during a construction period in 2023. It is estimated that approximately 20 af are required to meet their needs. Water will be diverted from neighboring wells and transported to the project site. Two years are proposed in case of delays that extend the project to 2024.

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	20 AF	0.08 CFS	20 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?	
4/1	6/1	☐ 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):
Rental water will be delivered through the irrigation systems (including storage ponds) of the identified wells, owned by JRS Properties III, LLLP. Delivery trucks will obtain water from the system and transport 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
See the attached list.		

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: 04/01 (mm/dd) to: 10/31 (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (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:
No other rights at the rental POU.

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)
51-13007	Irrigation	1.37	273.2	68.3		0.07	14	3.5
51-13008	Irrigation	1.12	248	62		0.06	12.7	3.2
		1.71	521.2	130.3		0.09	26.7	6.7
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**	0.09	26.7	6.7
						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**:

NA

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**:

See Attachment 4C for details.

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
Leased water rights are within a CGWA, but the proposed rental location is outside of the CGWA. Neither the leased PODs or rental PODs are within a ground water district or GWMA. No injury is anticipated to local ground water users for the temporary use of these water rights.

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	Printed Name of Applicant	Date
BK Stallman	BRIAN K. STALLMAN VICE PRESIDENT, FRANKLIN SOLAR, LLC	3/22/2023
Signature of Representative	Printed Name of Representative	Date

Mail to:

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

RECEIVED
APR 04 2023
Department of Water Resources

FRANKLIN SOLAR LLC
CERTIFICATE OF INCUMBENCY

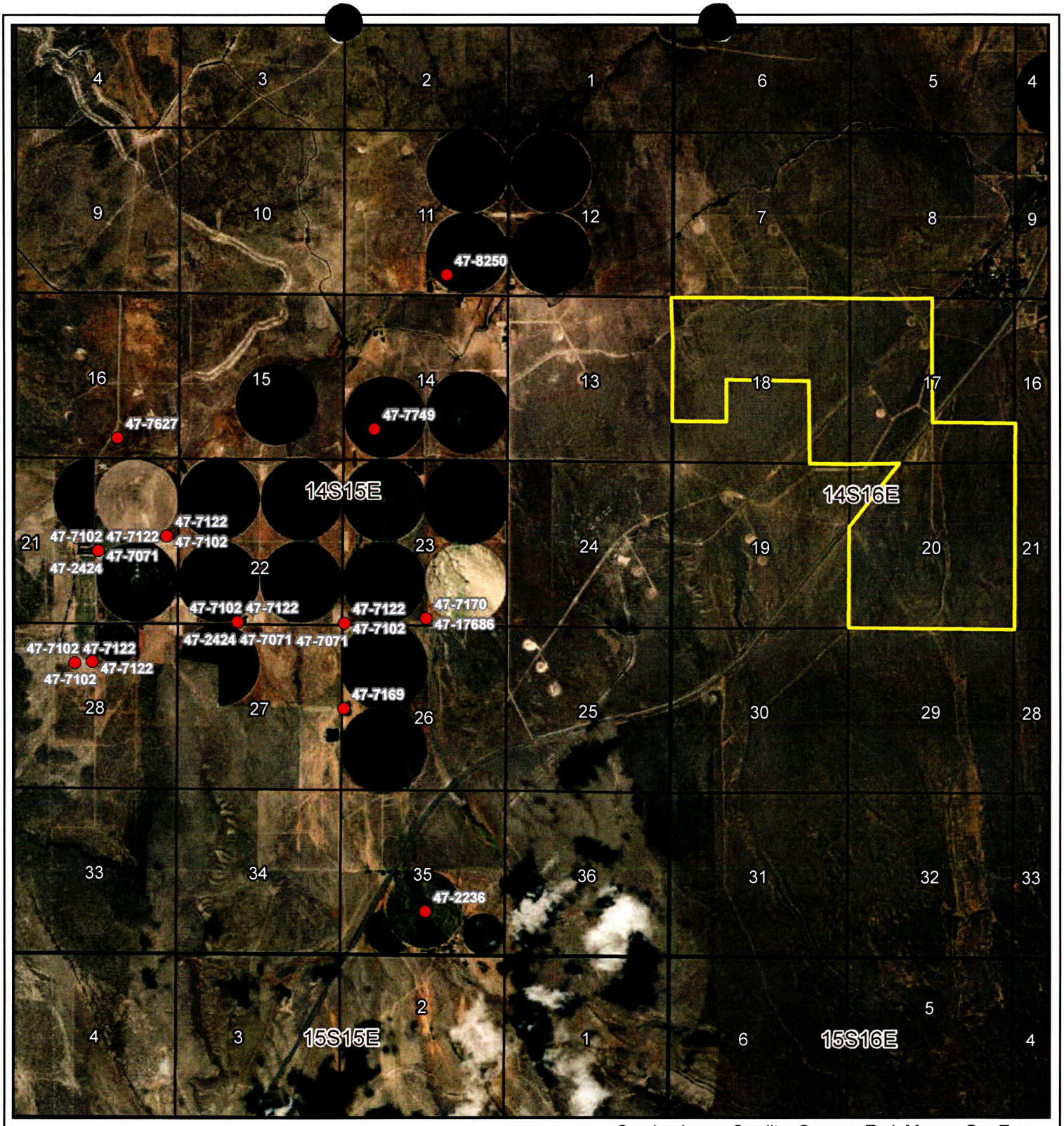
I, George Dwight, II. do hereby certify to the Water Resources Board of the State of Idaho that I am a duly elected, qualified and acting Assistant Secretary of Franklin Solar LLC, a limited liability company organized and existing under the laws of the State of Idaho ("Company"), and that as such Assistant Secretary, I have custody of the corporate records of the Company (other than the accounting records), that I am authorized to execute and deliver this certificate, and that the information set forth herein is true and correct.

I do hereby further certify as of this date that the following named individual has due authorization to sign on behalf of the Company in the capacity indicated below and that opposite his name is a true and correct specimen of his signature:

Brian K. Stallman **Vice President** _____

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, 2023.

George Dwight, II
George Dwight, II
Assistant Secretary
Franklin Solar LLC



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

- Proposed Rental PODs
- Proposed Rental POU
- Twp & Rng
- Section

N W E S

Attachment #2. Map of Rental Locations

Applicant: Franklin Solar LLC

RMEA # 23-0028	
by: KM	
Date: 3/16/2023	

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

Describe the physical type (pump, headgate, etc.) and locations of the POD from which rental water is proposed to be delivered.

Water will be delivered from within the irrigation system connected to the following wells, under the listed water rights.

POD Description - Wells			Water Source	Other Water Rights Diverted from this POD
TR	Sec	QQ		
T14S R15E	11	SWSE	Ground Water	47-8250
	14	SWSW	Ground Water	47-7749
	16	SWSE	Ground Water	47-7627
	21	SENE	Ground Water	47-2283, 47-2424, 47-7071, 47-7102, 47-7122
	21	NWSE	Ground Water	47-2283, 47-2424, 47-7071, 47-7102, 47-7122
	22	SESW	Ground Water	47-2283, 47-2424, 47-7071, 47-7102, 47-7122
	23	SWSW	Ground Water	47-2283, 47-2424, 47-7071, 47-7102, 47-7122
	23	SWSE	Ground Water	47-7170, 47-17686
	26	NWSW	Ground Water	47-7169
	28	NENW	Ground Water	47-2283, 47-2424, 47-7071, 47-7102, 47-7122
	28	NENW	Ground Water	47-2283, 47-2424, 47-7071, 47-7102, 47-7122
	35	NWSE	Ground Water	47-2236

March 16, 2023

Idaho Department of Water Resources
650 Addison Ave W Ste 500
Twin Falls, ID 83301-5858

RE: Application by Franklin Solar, LLC to Rent Water from the Water Supply Bank

Dear IDWR,

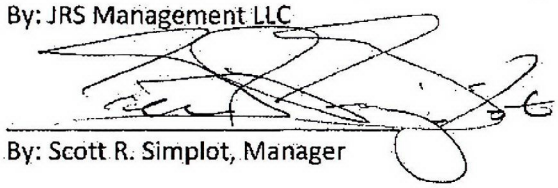
Franklin Solar, LLC (Franklin Solar) is applying with the Idaho Water Resource Board to rent water from the Water Supply Bank for use to control dust and for assisting with compaction during the construction of a solar-powered electrical generating facility near Rogerson, Idaho. Provided Franklin Solar successfully rents water from the Water Supply Bank, JRS Properties III LLLP will supply the rented water through the existing irrigation systems sourced with water appropriated under one or more of the following IDWR water right nos.: 47-7169, 47-7170, 47-17686, 47-2283, 47-2424, 47-7071, 47-7122, 47-7749, 47-8250, 47-2236, 47-7102 and 47-7627.

Provided Franklin Solar is authorized to utilize water obtained under a separate temporary water use approval issued by the Idaho Department of Water Resources or under a Water Supply Bank Rental Contract, the water will be used on the land owned by JRS Properties III, LLLP, within the referenced sections below for the construction of the Franklin Solar project.

Section	Township	Range
17	14S	16E
18	14S	16E
20	14S	16E

Sincerely,

JRS Properties III, LLLP, an Idaho limited liability limited partnership
By: JRS Management LLC



By: Scott R. Simplot, Manager

Consumptive Use Amounts for Change in Nature of Use

WSB Rental Application of 51-13007 and 51-13008

The applicant for WSB Rental is Franklin Solar, LLC, a solar project and wholly owned subsidiary of Duke Energy Corporation. Franklin Solar's ("Franklin" or "the Applicant") estimated water consumption was calculated based on the Applicant's experience with other solar construction efforts in similar desert or high-desert locations, including Colorado, California, and West Texas, as well as the estimates provided by the EPC contractor, who has worked across the Western United States. In order to construct the facility, Franklin anticipates approximately 7,000 gallons per disturbed acre of ground over the construction period. As Franklin Solar will occupy approximately 776 acres of land, the applicant anticipates approximately 5.43 million gallons (16.67 acre-feet) of water over the course of the project. Applying a 20% contingency, overall water will not exceed 20 acre-feet.

Based on past experience, Franklin expects 80-90% of the water on site will be consumed during the first 6 months of construction for dust suppression during the civil work on site (grading, trenching, etc.). During this time, Franklin anticipates running one or two 8,000 gallon trucks to and from the irrigation delivery system several times per day. To fill up the truck(s), water will be diverted either out of a well directly, or from a location within the irrigation system (i.e., irrigation pond or mainline, etc.). The trucks will then drive approximately 5 miles to the project site to discharge the water for dust suppression. Approximately 4-10 truckloads per day during peak civil construction (May – September of 2023) are required, with occasional truck loads throughout the remaining construction schedule for additional dust suppression.

The water rights that are proposed to be rented from the WSB are already leased to the Bank through 2026. There are no indications in the water right backfile as to the historically irrigated crops under these rights. Therefore, rather than proposing the use of alfalfa, which has precipitation deficit of 3.1 afa/acre[1], this application uses the standard, and slightly more conservative value of 3.0 afa/acre to determine quantities required for the proposed consumptive use.

At a consumptive use value of 3.0 afa/acre, and requiring a total of 20 afa, the applicant proposes to rent a total of 6.7 acres.

6.7 acres x 3.0 afa/acre = 20.1 afa

Although the rental quantities represent the full 4 afa/acre allowed under the water right, it is proposed to limit the diversion of water to the consumptive component.

[1] ET Idaho 2017, Castleford 2N (NWS-USC00101551) Station, Precipitation Deficit of Alfalfa-less frequent cuttings is 954 mm/season, or 3.1 afa.

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER: MK

Received Date: 3/30/2023 info rcvd 4/4
Latest Start Date: 6/1/2023
Renter: Franklin Solar LLC
Rental Expiration Date 12/31/2024
Lease/Rental Package Y (N)

executed 8/3/23

Application # 21637
Agreement # 757

Water Right	Lease Contract ID
# 51-13007	1556
# 51-13008	1556
# 47-2330	3
# 47-11236	1235
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized?	(Y) / N
Map of POU and POD	(Y) / N
POD consent?	(Y) / N
ESPA Modeling?	Y / N (NA)
Application Complete?	(Y) / N
Minimum Checklist in database?	☑
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Comments:
- temporary dust abatement
- CNOU irr → industrial
- one small parcel in sec 17 owned by Union Pacific Corporation

Mailings (per application)	Original	CC	Email or Address
Renter: Franklin Solar LLC	☒	☐	
Attorney:	☐	☐	
Consultants Name: Kristin Moore - RMEA	☐	☒	
Conveyence Entity: (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist: N/A	(final only)	☐	
Other: N/A (WD Snake 01, Boise, Payette, and Bear River)	(final only)	☐	
Region: Southern	(final only)	☒	
Watermaster: N/A	(final only)	☐	
Compliance:	(final only)	☐	

Resolving NOV? Y / N
#

Call up Date:

DO NOT SCAN

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

August 8, 2023

FRANKLIN SOLAR LLC
550 S CALDWELL ST STE 600
CHARLOTTE, NC 28202-2633

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 47-2330 & 47-11236, AGREEMENT 757

Dear Renter:

Please find enclosed a receipt in the amount of **$462.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 20.1 acre-feet of water for commercial use during 2023. 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 $416.07 of the rental fee will be paid to the lessor(s) and 10% or $46.23 will be retained by the Department to offset administrative costs for 2023.

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

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosures: Receipt No. C116763
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR - Southern Region Office
Kristin Moore – Rocky Mountain Environmental Assoc.

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

June 22, 2023

FRANKLIN SOLAR LLC
550 S CALDWELL ST STE 600
CHARLOTTE, NC 28202-2633

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK WATER RIGHT NO 47-2330 and 47-11236 AGREEMENT 757

*****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 $462.30 per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 20.1 acre-feet.

Please send a check for $462.30 for 2023 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement**, **within 14 days** so I can complete processing. 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.

Pursuant to the Water Supply Bank Rules, 90% or $416.07 of the rental fee will be paid to the lessor(s) and 10% or $46.23 will be retained by the Department to offset administrative costs for **2023**.

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

Sincerely,

for
Water Supply Bank

Enclosure: Rental Agreement
cc: Kristin Moore, Rocky Mountain Environmental Assoc Inc (via email)

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Monday, June 5, 2023 9:08 AM
To: Skinner, Corey
Subject: RE: Comments Request - Franklin Solar WSB Rental
Attachments: Region Copy - Rental Review Memo - Franklin Solar 2637.pdf; Move Map - Franklin Solar 47-2330&12236.pdf; Rental Map - Franklin Solar 2637 47-2330&47-11236.pdf; Proposed Rental Agreement #757 - Teton Island Feeder Canal Co 2023.docx

Good morning, Corey,

Please see the attached revised review documents for Water Supply Bank Rental Application #2637 for Franklin Solar, LLC, and kindly respond with any questions or comments within 10 days.

Thank you,
Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, May 4, 2023 11:31 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Comments Request - Franklin Solar WSB Rental

Hi Corey,

Thank you for the information. I will look to see if there are other rights that could satisfy this rental.

Thank you,
Mackenzie

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Thursday, May 4, 2023 11:26 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Comments Request - Franklin Solar WSB Rental

I'm not sure we can consider the from and to locations as the same aquifer. In years past we have not let people move groundwater across Salmon Falls Creek Canyon (a fairly deep canyon).

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Thursday, May 4, 2023 10:56 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: Comments Request - Franklin Solar WSB Rental

Good morning, Corey,

Please see the attached review documents for Water Supply Bank Rental Application #2637 in the name of Franklin Solar, LLC. This rental proposes a change in nature of use from irrigation to commercial for dust abatement during a construction project in 2023 and 2024. Kindly respond with any questions or comments within 10 days.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

MEMORANDUM FOR AGREEMENT #757

To: Water Right(s) 47-2330 & 47-11236

From: Mackenzie Kienholz

Date: 6/5/2023

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

---

PURPOSE/NARRATIVE: Rental application #2637 was received by the Department on 3/30/2023 and was submitted by Kristin Moore (Rocky Mountain Environmental Association) on behalf of Franklin Solar, LLC. The application proposes to rent 20.1 af for temporary dust abatement during construction from 2023-2024. The application originally proposed to rent 51-13007 and 51-13008, however these rights are not hydrologically connected to the rental location. Combined industrial, groundwater rights 47-2330 and 47-12236 were identified. The historic use of these rights was in question, however the representative contacted a property owner who was able to provide enough information about previous use of this water to satisfy the extent of this rental. See Enlargement of Use section.

The rental is in the Trust Area and the IDWR Southern Region.
The lease is in the Trust Area, IDWR Southern Region, Banbury Hot Springs GWMA, Buhl Groundwater Contamination Area, and the Twin Falls DEQ Nitrate Priority Area.

AUTHORITY TO FILE: The rental application was signed by Brian K. Stallman who listed his position as Vice President, Franklin Solar, LLC. Further evidence of authority to sign was requested from the representative, who in turn provided a Certificate of Incumbency listing Mr. Stallman as Vice President which was signed by George Dwight II, Assistant Secretary, Franklin Solar, LLC. Neither Mr. Stallman nor Mr. Dwight are listed on SOS filings or the company website, however Franklin Solar LLC is a subsidiary of Duke Energy Corporation and only Duke Energy leadership are listed on filings and websites, not subsidiary leadership. A third party website listed both Mr. Stallman and Mr. Dwight in the positions noted. This information in addition to the Certificate of Incumbency is adequate authorization.

The land at the rental PODs and POU is owned by JRS Properties III LLLP. Authorization was submitted with the application from JRS Properties III LLLP, signed by Scott R. Simplot who is the manager listed on their most recent IDSOS filing (7/6/2022). No concerns with authority to file.

WATER RIGHT VALIDITY: Rights 47-2330 and 47-11236 were decreed on 8/1/2012. At the time of the decree the rights were owned by Seneca Foods Corporation for produce washing (industrial use). The current owner of the rights, Raymond Selk, confirmed that the full amount of water was used for produce washing in 2015, but has not been used since. As the water rights have been leased to the Bank in full since 2015, there are no concerns with water right validity.

INJURY TO OTHER WATER RIGHTS: The lease is within the Banbury Hot Springs GWMA. The rental is not within a GWMA or CGWMA, but moving water outside a (C)GWMA does not create injury concerns. The rental does not propose to change the aquifer source. There will be a change in nature of use from industrial to commercial, however this change is not assumed to require any reductions to the amounts authorized for use; see Enlargement of Use section for evaluation of historic use. Both rights have a season of use of 5/15-10/30. The rental will have a season of use of 4/1-10/31. As this rental is for groundwater and the water is for

industrial/commercial use, there is no injury anticipated by extending the season of use. The same annual rate and volume limitations will apply no matter the season. No concerns with injury to other water rights.

ENLARGEMENT OF USE: This rental application proposes to use the rented water for dust abatement during construction. The representative provided information on how rental values were determined. The requested amounts for use were based on similar projects the applicant has completed. They determined 7,000 gallons/disturbed acre would be required plus a 20% contingency. The applicant expects 776 acres of disturbed land which equates to about 20.1 af inclusive of the contingency. These calculations were verified by review staff.

There are 12 proposed rental PODs which divert 12 water rights. Of the 12 proposed PODs, 11 divert suites with duties higher than the proposed rental. Delivery trucks will be used to transport water from the wells to the constructions site.

At the time the lease was accepted in the Bank, it was noted that there was not enough information about the historic use of 47-2330 and 47-11236. These water rights authorized industrial use for a produce washing facility (owned by Seneca Foods at the time), but thet contained a condition that the wastewater could be applied for irrigation. Review staff talked to the current water right owner, Ray Selk, via phone call on 5/17/2023. Mr. Selk confirmed that to his knowledge the rights were last fully used in 2015 for produce washing, but he did not have any information about any irrigation that may have occurred. Representative Kristin Moore contacted various property owners around the old washing facility and came into contact with William Hatfield whose uncle received wastewater on some of his land. Mr. Hatfield stated that his uncle received water through a pivot on 40.0 acres. He said the previous owner, Seneca Foods, used surface water rights to grow barley early in the season, but it had to be harvested by mid-July each year. The wastewater was then applied to the fields from mid-July to late September without any crops being grown.

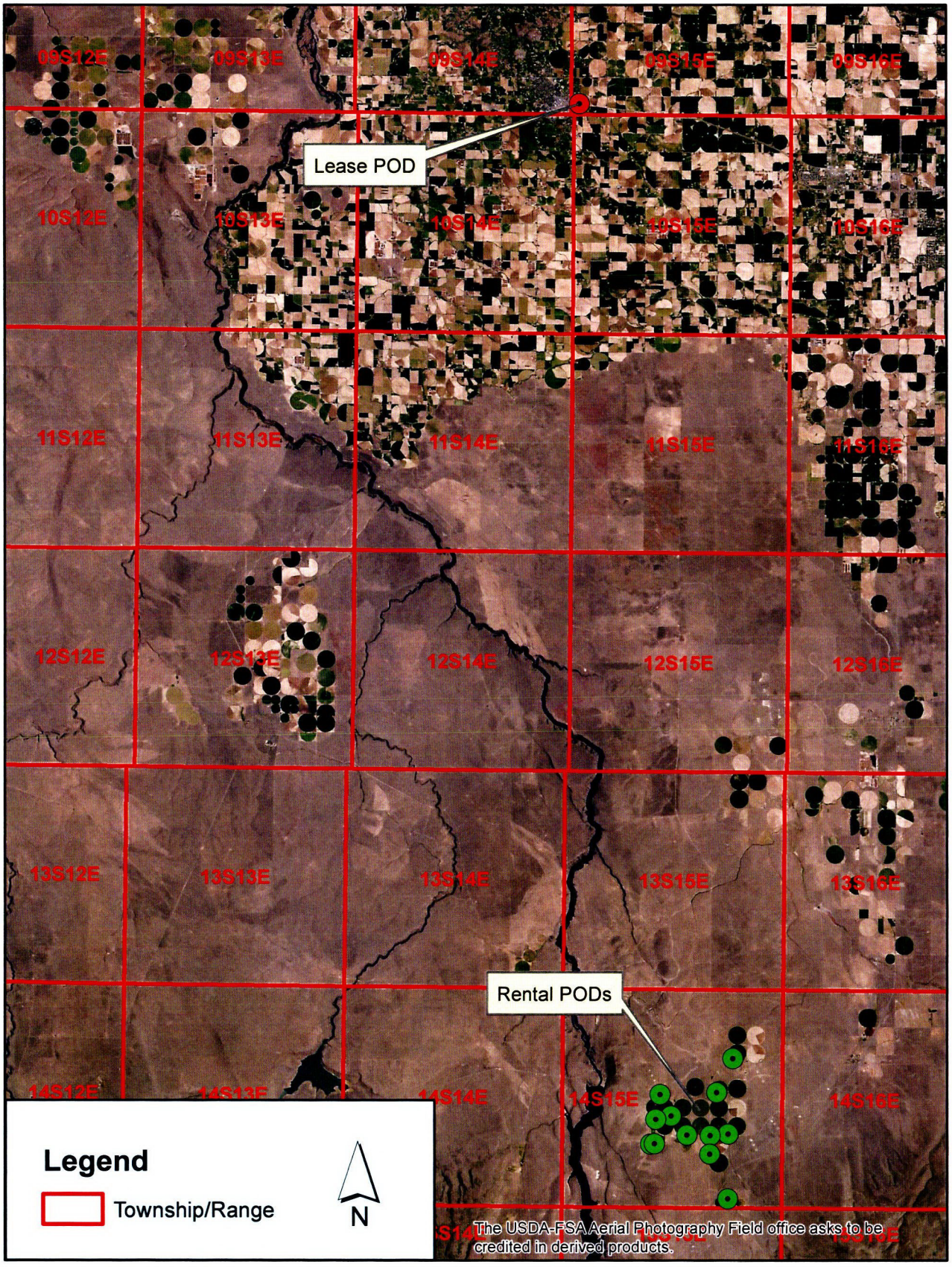
Given this information, enlargement is not anticipated due to the nature of the rental. The rental proposes to use this water for dust abatement, which can be considered the same as applying the water to ground with no crop as was done historically. Any industrial use achieved before the middle of July can be considered fully consumptive, and any waste water application is comparable to the use proposed under this rental, meaning there are no concerns that this rental would be more consumptive than the historical use. As of now, only the 40-acre portion vouched for by Mr. Hatfield is considered rentable, but this is enough to satisfy the 20.1 af requested by the rental applicant. Any additional rentals for these water rights will require additional enlargement evaluation.

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 PODs is not subject to a Water District. A request for comments was sent to the Southern Regional office on 6/5/2023.

WSB Rental Application #2637, Franklin Solar LLC 2023



Kienholz, Mackenzie

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, May 30, 2023 11:23 AM
To: Kienholz, Mackenzie
Subject: RE: Franklin Solar LLC Rental- Rights 47-2330 & 47-11236
Attachments: Interview_w_W.Hatfield.docx; Map_WilliamHatfield.pdf

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Mackenzie,

Here's a copy of my notes when I interviewed William Hatfield. He now owns the piece of property shown on the attached map that used to received wastewater from the Seneca Foods plant. Here's the county parcel data:

Homeowner Name: HATFIELD, WILLIAM D
Homeowner Address: 1550 E 4200 N
Homeowner Address:
Homeowner City: BUHL
Homeowner State: ID
Tax Code Area: 0620000
Deed(s): , 2020008745, 2017015504, 99-019836, 96-012222, 96-012221
Legal(s): SEC 31 T 9 R 15, E1/2 SE NW, , , ,
Total Acres: 20

Homeowner Name: HATFIELD, WILLIAM D
Homeowner Address: 1550 E 4200 N
Homeowner Address:
Homeowner City: BUHL
Homeowner State: ID
Tax Code Area: 0620000
Deed(s): , 2020008744, 2017015503, 2016002682, 96-012222, 96-012221
Legal(s): SEC 31 T 9 R 15, W1/2 SE NW, EXC W 26' RD, , , ,
Total Acres: 19.211

I haven't run any calculations yet to determine how much water can be applied from a standard pivot for a period of 8-12 weeks. If we need to reduce our rental, we had overestimated to allow for error. And we have already received a temporary water use approval of 5 acre-feet from the Southern region. We can reduce our rental application if needed.

Please let me know! Thank you!

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795
Rocky Mountain ENVIRONMENTAL Associates, Inc.

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From: Kristin Moore [mailto:kristin.rmea@gmail.com]
Sent: Wednesday, May 17, 2023 3:39 PM
To: 'Kienholz, Mackenzie' <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Franklin Solar LLC Rental- Rights 47-2330 & 47-11236

Mackenzie,

I think we might dig into this one a little more and possibly call the property owners where the wastewater was applied. They might be able to provide some information. I'll let you know.

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795
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From: Kienholz, Mackenzie [mailto:Mackenzie.Kienholz@idwr.idaho.gov]
Sent: Wednesday, May 17, 2023 9:31 AM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: RE: Franklin Solar LLC Rental- Rights 47-2330 & 47-11236

Hello Kristin,

I was unable to find a contact at Seneca Foods, however I did reach out to the current water right owner, Ray Selk with Selkey Buhl LLC, to see if he had any information about the historic use. He seems to have limited information about how Seneca Foods specifically used the water rights, ie how much wastewater was used for irrigation and how often, so it doesn't look like we have enough information to evaluate these rights for rental through the Bank. However, Mr. Selk asked that I pass along his contact information as he would be interested in discussing selling these rights.

Ray Selk - Selkey Buhl, LLC
(920) 207-1114
ray@cedargrovewarehouse.com

I can hold Franklin Solar LLC's rental application until the latest possible start date indicated (6/1) in case any rights become available.

Best,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

From: Kienholz, Mackenzie
Sent: Wednesday, May 10, 2023 3:50 PM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: Franklin Solar LLC Rental- Rights 47-2330 & 47-11236

Good afternoon, Kristin,

There are still a few sources I am looking into that our hydrology staff sent me regarding whether the location of rights 47-2330 and 47-11236 and the Franklin Solar LLC rental location are connected, however it appears that they may be. I will reach out to the previous water right owners, Seneca Foods, to see if they can provide more context as to the historical use of the rights. I will let you know when I hear back from Seneca whether we will continue to pursue these rights to satisfy Franklin Solar LLC's rental request.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

Interview with William Hatfield

Phone number: 208-543-4979

Re: Seneca Food Plant Water right 47-11236

Date: 5/30/2023

When was the last time you received their waste water?

6 years or so. He was 73 when he bought it and he's now 79. His uncle owned it and used to rent it to Seneca and Green Giant for about 50 years. William never received the wastewater, but his uncle had.

How was it delivered?

Through a pivot on a 40 acre piece. Used only the waste water when it was there. They applied the water after the crops were removed. Waste water was applied and evaporated instead of using a lagoon.

How often did it occur during the summer?

They sent it when they were done harvesting. Started late June or July and ran through late September.

Do you know how much water was sent to your property?

Have no idea how to tell how much water that was.

What crops were gown on the farm when Seneca rented it?

Seneca was planting it in barley when they were renting from my uncle. Crops were watered with surface water. Had to get the crop off by the middle of July. Applied waste water to the field with no crop on it.

Most of the neighbors who ran the farms with Seneca are gone by now. There's probably no one left who has any knowledge except for the field hand who changed the water and he doesn't know where to find him.

Seneca Food Plant

Water right 47-11236

I'm investigating the water right relative to the old Seneca Food plant near your property. The water right for the plant indicated that their waste water was applied to farms nearby to dispose of and your property is within the area that the waste water was supposedly applied. Do you have any recollection of that occurring?

When was the last time you received their waste water?

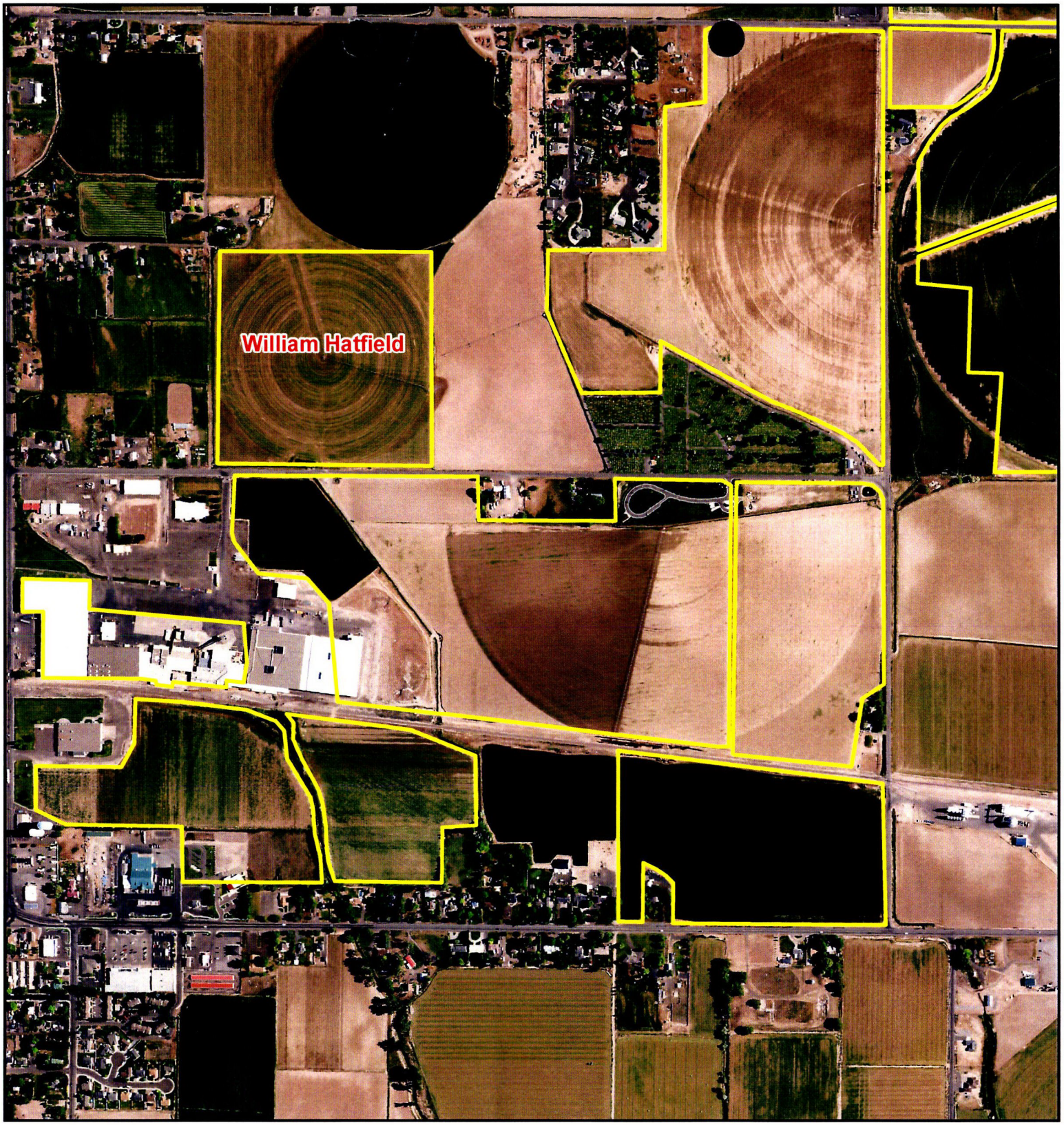
How was it delivered?

How often did it occur during the summer?

Do you know how much water was sent to your property?

Pipe size?

What crops do you grow on your farm?



2021 NAIP

0 0.125 0.25 0.5 Miles

Seneca Foods Water Right

Legend

- WRPOU47-11236_SelkeyBuhl
- GroundwaterManagementAreas

N W E S

RMEA # 23-0028	
by: KM	
Date: 5/30/2023	

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Tuesday, May 9, 2023 2:19 PM
To: Kristin Moore
Subject: RE: WSB Rental for Franklin Solar, LLC - No Availability
Attachments: ESPA Tributary Map.pdf

Hi Kristin,

Attached is a map used in the Order Designating the ESPA Groundwater Management Area which shows ESPA Tributary Basins. It appears that the rental is not in a tributary basin to the ESPA, which means that if water was rented from the ESPA it would not return to its original location making it a different source.

As I kept looking, I noticed rights 47-2330 and 47-11236 under lease contract #1235 which has 2.22 cfs and 264 af available for 2023-2024 (Industrial + Wastewater). There are notes that further research into the historical use of these water rights would be needed before being rented, and I am not certain it is the same source as the rental. I sent an email to our Hydrology section to see if they can confirm or deny whether these rights are hydrologically connected to the rental location. Besides these rights, I don't see other options currently.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, May 9, 2023 11:26 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: WSB Rental for Franklin Solar, LLC - No Availability

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Mackenzie,

Ok. Is there a limit on using rights that are north of the Snake River too?

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795
Rocky Mountain ENVIRONMENTAL Associates, Inc.

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From: Kienholz, Mackenzie [mailto:Mackenzie.Kienholz@idwr.idaho.gov]
Sent: Tuesday, May 09, 2023 10:51 AM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: WSB Rental for Franklin Solar, LLC - No Availability

Good morning, Kristin,

After reviewing WSB Rental Application #2637 for Franklin Solar LLC and requesting comments from the IDWR Southern Region staff, I was informed that the lease and rental may not be able to be considered within the same aquifer. Corey Skinner at Southern stated that historically it has not been allowed to move groundwater across Salmon Falls Creek Canyon due to its depth. I have not been able to identify other suitable water rights for this rental, but I will retain the application until the latest start date indicated on the application, 6/1/2023, in case new rights become available. I apologize that I did not have this information about the canyon when you originally inquired about this move. Please let me know if you have any questions.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, February 28, 2023 12:07 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: question for you

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Sorry, forgot a letter. Critical Groundwater Area.

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795
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From: Kienholz, Mackenzie [mailto:Mackenzie.Kienholz@idwr.idaho.gov]
Sent: Tuesday, February 28, 2023 12:03 PM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: RE: question for you

Kristin,

By CWA do you mean Critical Groundwater Management Area or a Ground Water Contamination Area? You are correct that currently we allow movement from inside a GWMA or CGWMA to outside (but not vice versa). Contamination areas would likely be a trickier situation that would be more case-by-case.

Best,
Mackenzie

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, February 28, 2023 11:40 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: question for you

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Thanks, Mackenzie. The proposed location is not within a GWMA or CWA or water district. But the leased rights are within the CWA. Since we would be moving from inside the CWA to outside of it, I assumed that hydrologically, that would be a benefit to the CWA. I also think the two locations are within the same aquifer.

I came to the same conclusions you did about the wells. We are still trying to identify the right well that will have capacity to deliver the needed rental, but we will take all of those details into account you suggested.

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353, Ext #104 | FAX: 208-524-1795
Rocky Mountain ENVIRONMENTAL Associates, Inc.

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From: Kienholz, Mackenzie [mailto:Mackenzie.Kienholz@idwr.idaho.gov]
Sent: Tuesday, February 28, 2023 11:32 AM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: RE: question for you

Hi Kristin,

We don't have much Bank activity in this area, but I would say the consideration to start with is whether the lease and rental POD's are hydrologically connected. Based on your map and a quick look it appears that they would be in the same aquifer. The most significant factor I can see based on the information provided would be potential injury to other water rights/water users. We also consider the original purpose for the lease and rental PODs ie requesting to rent 50 acres worth of water to be diverted from an irrigation well that already diverts 100's or 1000's of acres worth of water will have different impacts than if an applicant was suddenly requesting to divert 50 acres worth of water from a well that has only ever been used for a domestic use/0.5 acres. The well depth and temperatures can also be a factor. Other than that, I don't personally know of any area specific issues. I hope this helps, but let me know if you have any questions.

Best,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

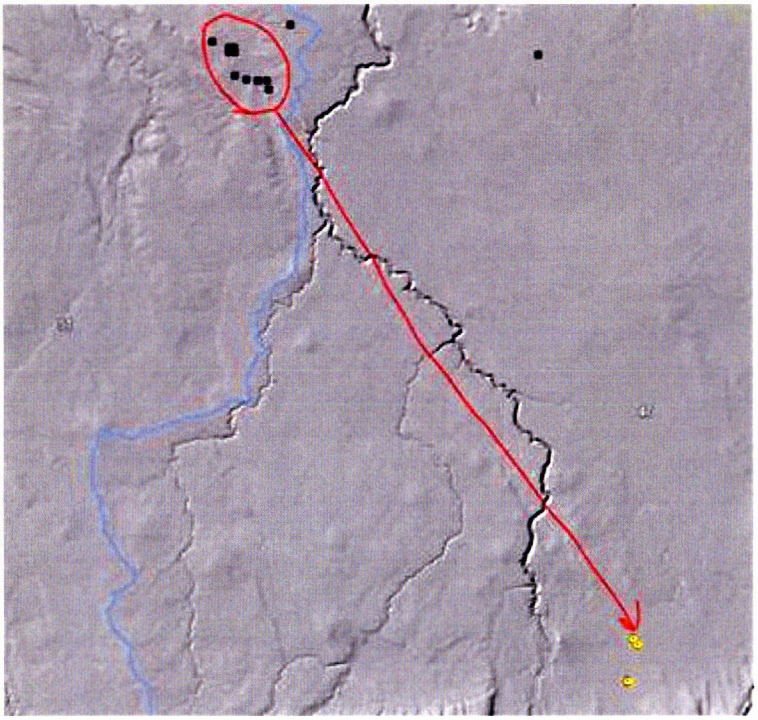
From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, February 28, 2023 10:46 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: question for you

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Mackenzie,

I don't often do water right consulting [redacted]st of Twin Falls and am unfamiliar with lo[redacted]ssues here. I'm pursuing a rental for a client who is in Basin 47 and the rights I identified to be the best fit are in Basin 51. They are about 30 miles apart but both near the Salmon Falls Creek, just on either side of the basin line. We are outside of the ESPA model boundary. Are there other considerations for modeling or hydrology that you evaluate in your review of a rental application in this area? I don't need you to verify that the rights work are adequate, just that there are or are not issues to address when moving this direction.

Here's a map of the leased PODs and the proposed rental PODs to give you an idea of location. The blue line is the basin boundary.



Thanks so much,

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795
Rocky Mountain ENVIRONMENTAL Associates, Inc.

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Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, May 4, 2023 11:30 AM
To: Skinner, Corey
Subject: RE: Comments Request - Franklin Solar WSB Rental

Hi Corey,

Thank you for the information. I will look to see if there are other rights that could satisfy this rental.

Thank you,
Mackenzie

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Thursday, May 4, 2023 11:26 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Comments Request - Franklin Solar WSB Rental

I'm not sure we can consider the from and to locations as the same aquifer. In years past we have not let people move groundwater across Salmon Falls Creek Canyon (a fairly deep canyon).

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Thursday, May 4, 2023 10:56 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: Comments Request - Franklin Solar WSB Rental

Good morning, Corey,

Please see the attached review documents for Water Supply Bank Rental Application #2637 in the name of Franklin Solar, LLC. This rental proposes a change in nature of use from irrigation to commercial for dust abatement during a construction project in 2023 and 2024. Kindly respond with any questions or comments within 10 days.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, April 5, 2023 11:36 AM
To: Kristin Moore
Subject: RE: Information Requested: WSB Rental Application for Franklin Solar LLC

Hi Kristin,

Thank you for sending this. I believe this will be sufficient.

Best,
Mackenzie

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, April 4, 2023 2:51 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: Information Requested: WSB Rental Application for Franklin Solar LLC

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Mackenzie,

Here's the document that Franklin Solar provided to show authorization for signing. Let me know if this is enough.

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795
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From: Kristin Moore [mailto:kristin.rmea@gmail.com]
Sent: Monday, April 03, 2023 3:29 PM
To: 'Kienholz, Mackenzie' <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Information Requested: WSB Rental Application for Franklin Solar LLC

Mackenzie,

I have already requested this of them and will forward when I get it.

Thanks,

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795
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From: Kienholz, Mackenzie [mailto:Mackenzie.Kienholz@idwr.idaho.gov]
Sent: Monday, April 03, 2023 2:45 PM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: Information Requested: WSB Rental Application for Franklin Solar LLC

Hi Kristin,

We received Water Supply Bank Rental Application #2637 for Franklin Solar, LLC. Can you please provide evidence that Brian K. Stallman is authorized to sign on behalf of Franklin Solar, LLC or Duke Energy Renewables Solar, LLC? We typically require authorization in the form of a name on an SOS filing, company website, or notarized document. You could also provide a new signature page signed by someone listed on one of these formats.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

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