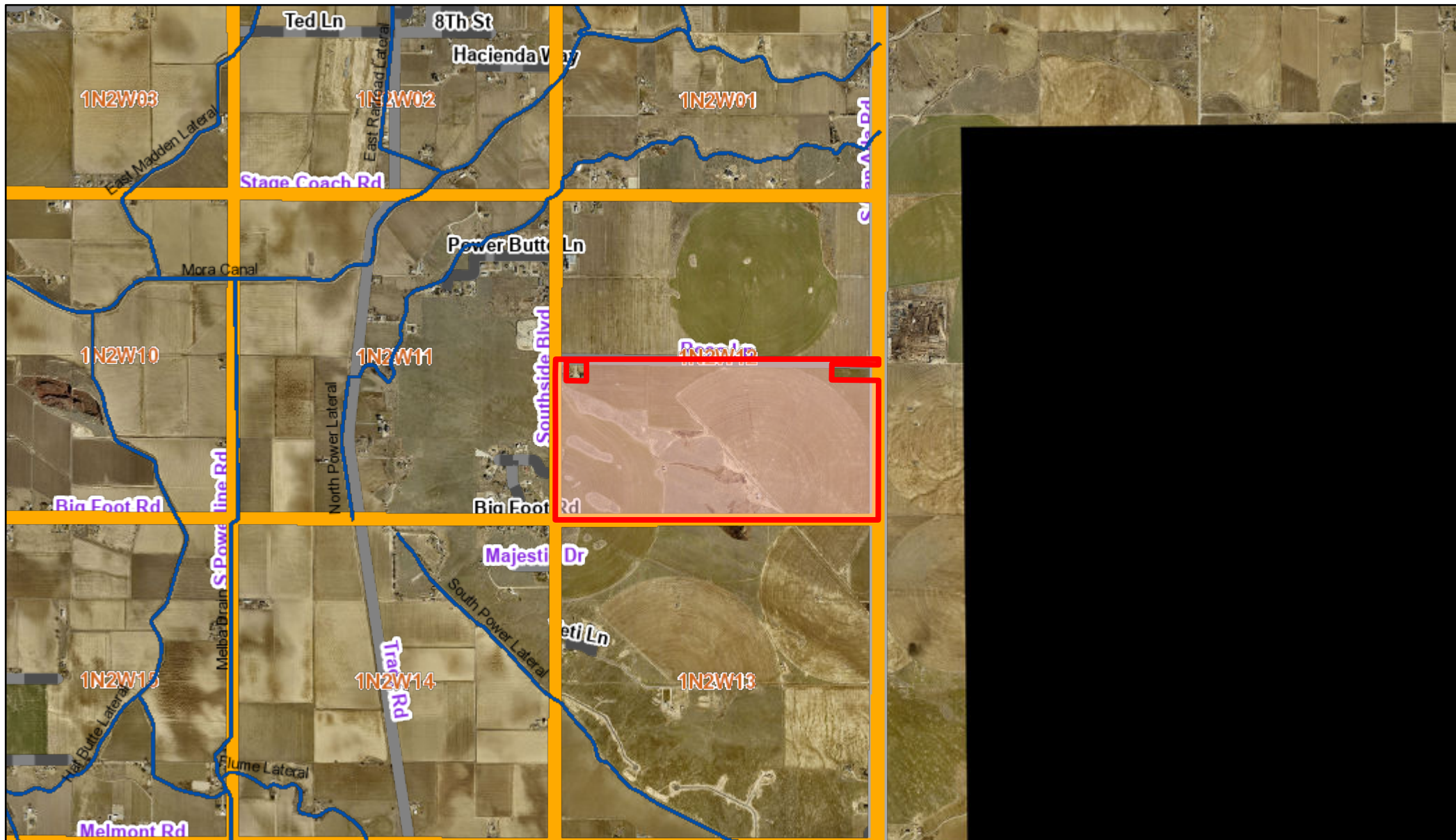


Canyon County, ID Web Map



2/7/2024, 8:57:32 AM

- Multiple Parcel Search_Query result
- Hydro_NHDFlowline
- County Boundary
- Current Impact Area
- City Limits
- Sections
- CanyonCountyRoads
- Roads
- CC_PrivateRoads
- Urban_2023
- Red: Red
- Green: Green
- Blue: Blue
- Imagery_2022
- Red: Band_1
- Green: Band_2

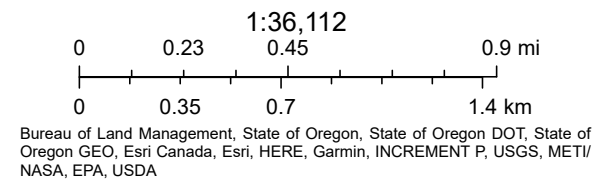


EXHIBIT A

Conditional Use Permit Checklist



CONDITIONAL USE PERMIT

PUBLIC HEARING - CHECKLIST

CONDITIONAL USE PERMIT - CCZO Section 07-07-05

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION TO BE DEEMED COMPLETE (PLEASE CHECK OFF THE ITEMS REQUIRED):

Description	Applicant	Staff
Master Application completed and signed	Exhibit B	
Letter of Intent (see standards on next page)	3.0	
Site Plan (see standards on next page)	2.1, Exhibit D	
Land Use Worksheet	Exhibit C	
Neighborhood Meeting sheet/letter completed and signed	Exhibit H	
Proof of application/communication with (varies per application):	Exhibit L	
Southwest District Health		
Irrigation District		
Fire District		
Highway District/ Idaho Transportation Dept.		
Area of City Impact		
Deed or evidence of property interest to the subject property	Exhibit G	
Fee: \$950.00 \$600.00 (CUP Modification)		
Fees are non-refundable		

An application that requires additional Use Standards per Chapter 7, Article 14 of the Canyon County Code:

- ☐ Contractor Shop
- ☐ Mineral Extraction (Long Term)
- ☒ ~~Wind Farm~~ Solar Farm
- ☐ Staging Area
- ☐ Manufacturing or processing of hazardous chemicals or gases
- ☐ Ministorage Facility

**If applicable, review the Additional Use Standards Below, if not applicable, please disregard them.*

***DISCLAIMER: The subject property shall be in compliance with the public nuisance ordinance, the building code and the zoning code before the Director can accept the application.**

STANDARDS

SITE/OPERATION PLAN – CCZO Section 07-02-03

A scaled drawing showing:

- The parcel and all existing and proposed uses and structures and roads all with dimensions, distances, and private and public road names.
- Includes lot lines, lot area, parking spaces, private roadways, walkways, topographic features, reserved open space, buildings and other structures, major landscape features, and the location of proposed utility easements.

A plan of action to include:

- Time requirements, the commencement of the operation, hours of operation, noise levels, dust levels, air and water quality, raw material delivery, finished product and marketing, site improvements, public and private facilities, public amenities, and infrastructure.

LETTER OF INTENT – CCZO Section 07-07-05

State the nature of the request. Include, a description of business operations, such as a number of employees, hours of operation, delivery and shipping.

Consistency with the Comprehensive Plan (CCZO Section 07-07-05(3))

Address potential impacts to property in the immediate vicinity and character of the area (CCZO Section 07-07-05(4))

Demonstrate how facility and utilities such as water, sewer, irrigation, drainage and stormwater drainage, will be provided.

Demonstrate legal access

Address potential impacts to existing or future traffic patterns.

Address potential impacts to essential services such as schools, irrigation facilities and emergency services.

If the use will create impacts, provide measures to mitigate impacts.

CONTRACTOR SHOP (07-14-09) - REQUIRED

Applicant

Staff

Demonstrate how the use will be contained within a building or behind a sight-obscuring fence.

MINERAL EXTRACTION (07-14-19) - REQUIRED

Applicant

Staff

Show how the 30' setbacks on all sides will be met.

Name of operator/extractor

Duration of proposed use: Commencement & Completion dates

Provide an approved reclamation from Idaho Dept. Of Lands

Location of proposed pits and accessory uses

WIND FARM (07-14-33) - REQUIRED

Applicant

Staff

Need to include on the site plan: lot size, configuration, proximity to structures, topography, viewsheds.

Exhibit D

MINISTORAGE FACILITY (07-14-29) - REQUIRED

Applicant

Staff

Demonstrate how materials will not be sold or delivered to customers directly from the storage compartment.

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov - Phone: 208-454-7458

Revised 3/21/23



CONDITIONAL USE PERMIT

PUBLIC HEARING - MASTER APPLICATION

PROPERTY OWNER	OWNER NAME: Stephen E. Beus and Becky A. Beus	
	MAILING ADDRESS: 1605 Poen Road. Kuna, ID 83634	
	PHONE: [REDACTED]	EMAIL: [REDACTED]
<p>I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.</p> <p>Signature: <u>Stephen E Beus</u> <u>Becky A Beus</u> Date: <u>4/18/24</u></p>		

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: Mitchell Taylor	
	COMPANY NAME: Powers Butte Energy Center, LLC	
	MAILING ADDRESS: 22 Admiral Boulevard. Kansas City, MO 64106	
	PHONE: 801-641-3985	EMAIL: mtaylor@savionenergy.com

SITE INFO	STREET ADDRESS:	
	PARCEL NUMBER: R2847601200, R2847901400	
	PARCEL SIZE:	
	REQUESTED USE:	
	FLOOD ZONE (YES/NO) No	ZONING DISTRICT: Agricultural

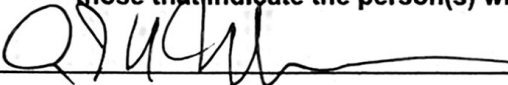
FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	DATE RECEIVED:
RECEIVED BY:	APPLICATION FEE: CK MO CC CASH



CONDITIONAL USE PERMIT

PUBLIC HEARING - MASTER APPLICATION

PROPERTY OWNER	OWNER NAME: Powers Butte Energy Center, LLC	
	MAILING ADDRESS: 422 Admiral Boulevard, Kansas City, MO 64106	
	PHONE: 801-641-395	EMAIL: mtaylor@savionenergy.com
<p>I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.</p> <p>Signature: <u></u> Date: <u>1/18/24</u></p>		

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: Mitchell Taylor	
	COMPANY NAME: Powers Butte Energy Center, LLC	
	MAILING ADDRESS: 22 Admiral Boulevard, Kansas City, MO 64106	
	PHONE: 801-641-3985	EMAIL: mtaylor@savionenergy.com

SITE INFO	STREET ADDRESS:	
	PARCEL NUMBER: R28467010, R2847500000	
	PARCEL SIZE:	
	REQUESTED USE:	
	FLOOD ZONE (YES/NO) No	ZONING DISTRICT: Agricultural

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	DATE RECEIVED:
RECEIVED BY:	APPLICATION FEE: CK MO CC CASH

EXHIBIT B

Master Application Form with Signatures

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: Stephen E. Beus and Becky A. Beus
	MAILING ADDRESS: 1605 Poen Road. Kuna, ID 83634
	PHONE: [REDACTED] EMAIL: [REDACTED]

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature: Stephen E Beus Becky A Beus Date: 1/18/24

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME:
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: EMAIL:

SITE INFO	STREET ADDRESS:
	PARCEL #: See Exhibit F, List of Parcels LOT SIZE/AREA:
	LOT: BLOCK: SUBDIVISION:
	QUARTER: SECTION: <small>See Exhibit E, Legal Description</small> TOWNSHIP: RANGE:
	ZONING DISTRICT: Agricultural FLOODZONE (YES/NO): No

HEARING LEVEL APPS	<input checked="" type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER		

CASE NUMBER:	DATE RECEIVED:
RECEIVED BY:	APPLICATION FEE: CK MO CC CASH

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: Powers Butte Energy Center, LLC
	MAILING ADDRESS: 422 Admiral Boulevard, Kansas City, MO 64106
	PHONE: 801-641-3985 EMAIL: mtaylor@savionenergy.com
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign. Signature: <u>[Signature]</u> Date: <u>1/19/24</u>	
(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME:
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: EMAIL:
SITE INFO	STREET ADDRESS:
	PARCEL #: See Exhibit F, List of Parcels LOT SIZE/AREA:
	LOT: BLOCK: SUBDIVISION:
	QUARTER: SECTION: <small>See Exhibit E, Legal Description</small> TOWNSHIP: RANGE:
	ZONING DISTRICT: Agricultural FLOODZONE (YES/NO): No
HEARING LEVEL APPS	<input checked="" type="checkbox"/> CONDITIONAL USE <input type="checkbox"/> COMP PLAN AMENDMENT <input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE) <input type="checkbox"/> DEV. AGREEMENT MODIFICATION <input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT <input type="checkbox"/> VACATION <input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION <input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION <input type="checkbox"/> FINAL PLAT SUBDIVISION
DIRECTORS DECISION APPS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION <input type="checkbox"/> EASEMENT REDUCTION <input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT <input type="checkbox"/> HOME BUSINESS <input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME <input type="checkbox"/> TEMPORARY USE <input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER
CASE NUMBER: DATE RECEIVED:	
RECEIVED BY: APPLICATION FEE: CK MO CC CASH	

SECRETARY'S CERTIFICATE

January 18, 2024

The undersigned for and on behalf of Powers Butte Energy Center, LLC, a Delaware limited liability company ("Powers Butte"), and its sole member, Savion, LLC, a Delaware limited liability company ("Member"), and not in his individual capacity and without personal liability therefore, does hereby certify to the following:

1. The undersigned is the Secretary of Powers Butte and its sole Member.
2. Adam Williams is an "Authorized Person" of Powers Butte who is authorized to execute and submit any and all documents, certifications, and agreements on behalf of Powers Butte in connection with its application for a conditional use permit (or similar permits), including submissions required by Ada County, Idaho and Canyon County, Idaho.

IN WITNESS WHEREOF, the undersigned, has made and executed this certificate on the date shown above.

DocuSigned by:
By: John Larigan
720B24CA8B4B411...
John Larigan, Secretary

EXHIBIT C

Land Use Worksheet

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. **DOMESTIC WATER:** ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City
☒ N/A – Explain why this is not applicable: Well already exists and provides sufficient water for project needs
☐ How many Individual Domestic Wells are proposed? No new well proposed, see above

2. **SEWER (Wastewater)** ☒ Individual Septic ☐ Centralized Sewer system
☐ N/A – Explain why this is not applicable: _____

3. **IRRIGATION WATER PROVIDED VIA:**
☐ Surface ☒ Irrigation Well ☐ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:**
☐ Pressurized ☐ Gravity To be determined based on proposed agrivoltaic operation needs

5. **ACCESS:**
☒ Frontage ☐ Easement Easement width _____ Inst. # _____

6. **INTERNAL ROADS:**
☐ Public ☒ Private Road User's Maintenance Agreement Inst # _____

7. **FENCING** ☒ Fencing will be provided (Please show location on site plan)
Type: wire mesh or chain link with barbed wire Height: 7 feet

8. **STORMWATER:** ☒ Retained on site ☐ Swales ☒ Ponds ☒ Borrow Ditches
☐ Other: _____

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)
4 human-made ponds, 7 canals

RESIDENTIAL USES**1. NUMBER OF LOTS REQUESTED:**

- ☐ Residential _____ ☐ Commercial _____ ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- ☐ Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

- ☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

NON-RESIDENTIAL USES**1. SPECIFIC USE:** Solar Farm**2. DAYS AND HOURS OF OPERATION:**

Operation and maintenance hours below with occasional need
need for night maintenance as required

- | | | | |
|---|----------|----|----------|
| <input checked="" type="checkbox"/> Monday | <u>7</u> | to | <u>7</u> |
| <input checked="" type="checkbox"/> Tuesday | <u>7</u> | to | <u>7</u> |
| <input checked="" type="checkbox"/> Wednesday | <u>7</u> | to | <u>7</u> |
| <input checked="" type="checkbox"/> Thursday | <u>7</u> | to | <u>7</u> |
| <input checked="" type="checkbox"/> Friday | <u>7</u> | to | <u>7</u> |
| <input checked="" type="checkbox"/> Saturday | <u>7</u> | to | <u>7</u> |
| <input checked="" type="checkbox"/> Sunday | <u>7</u> | to | <u>7</u> |

3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? 4 maximum ☐ No**4. WILL YOU HAVE A SIGN?** ☒ Yes ☐ No ☐ Lighted ☐ Non-Lighted

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____ Wall _____ Freestanding _____ Other _____ Details will be provided with building plan

5. PARKING AND LOADING:

How many parking spaces? 4

Is there is a loading or unloading area? Yes, near the Operations and Maintenance Building

ANIMAL CARE-RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: _____

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

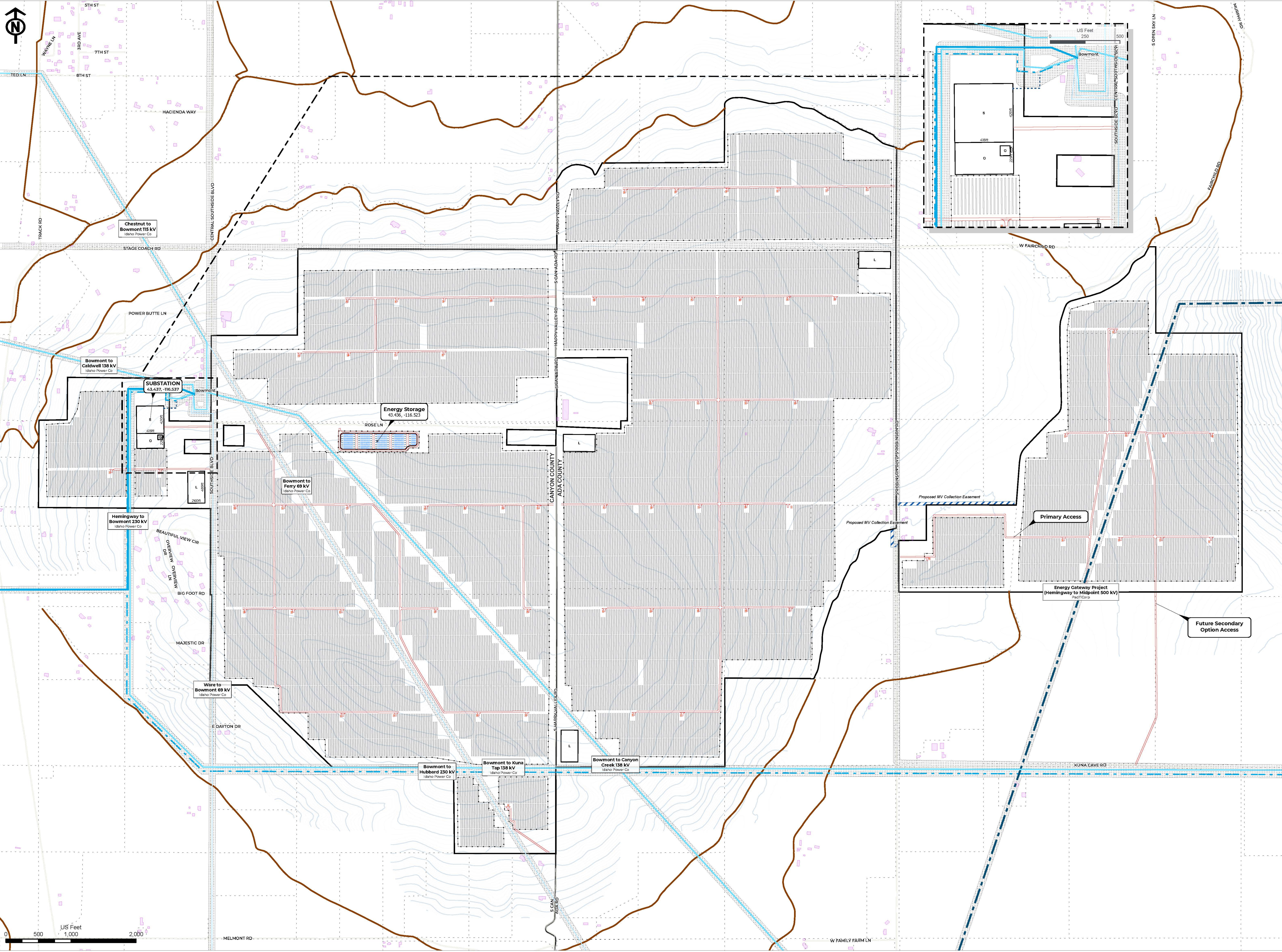
3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____



PROJECT

POWERS BUTTE
ENERGY CENTER, LLC

ROUTE

PRELIMINARY SITE PLAN

Project Boundary

Property Lines

Project Layout

PCS

Battery Storage Container

Inverter

Panel

Proposed MV Collection Easements

Project Gen-Tie

Access Road (738')

Ditches Canals

Facilities

Substation

Energy Storage

Laydown Yard

O&M / Parking & Loading Area

Security Fence

Parking Space

Existing Transmission Lines

69

115

138

230

Substations

Proposed Transmission Lines

Voltage kV

230

500

Existing Site Conditions

Structures

Transmission Line ROW (Existing + Proposed)

County / Local Roads

Contours

Index

Intermediate

PAVETTE COUNTY

GEM COUNTY

BOISE COUNTY

CANYON COUNTY

IDAHO COUNTY

OWYHEE COUNTY

ELMORE COUNTY

PRELIMINARY DESIGN - NOT FOR CONSTRUCTION

PROJECT

POWERS BUTTE

DEVELOPER

SAVION, LLC

DATE

1/12/2024

NOTES

OWNER

LINDSEY WEISMAN

SCALE

1 INCH = 625 FEET

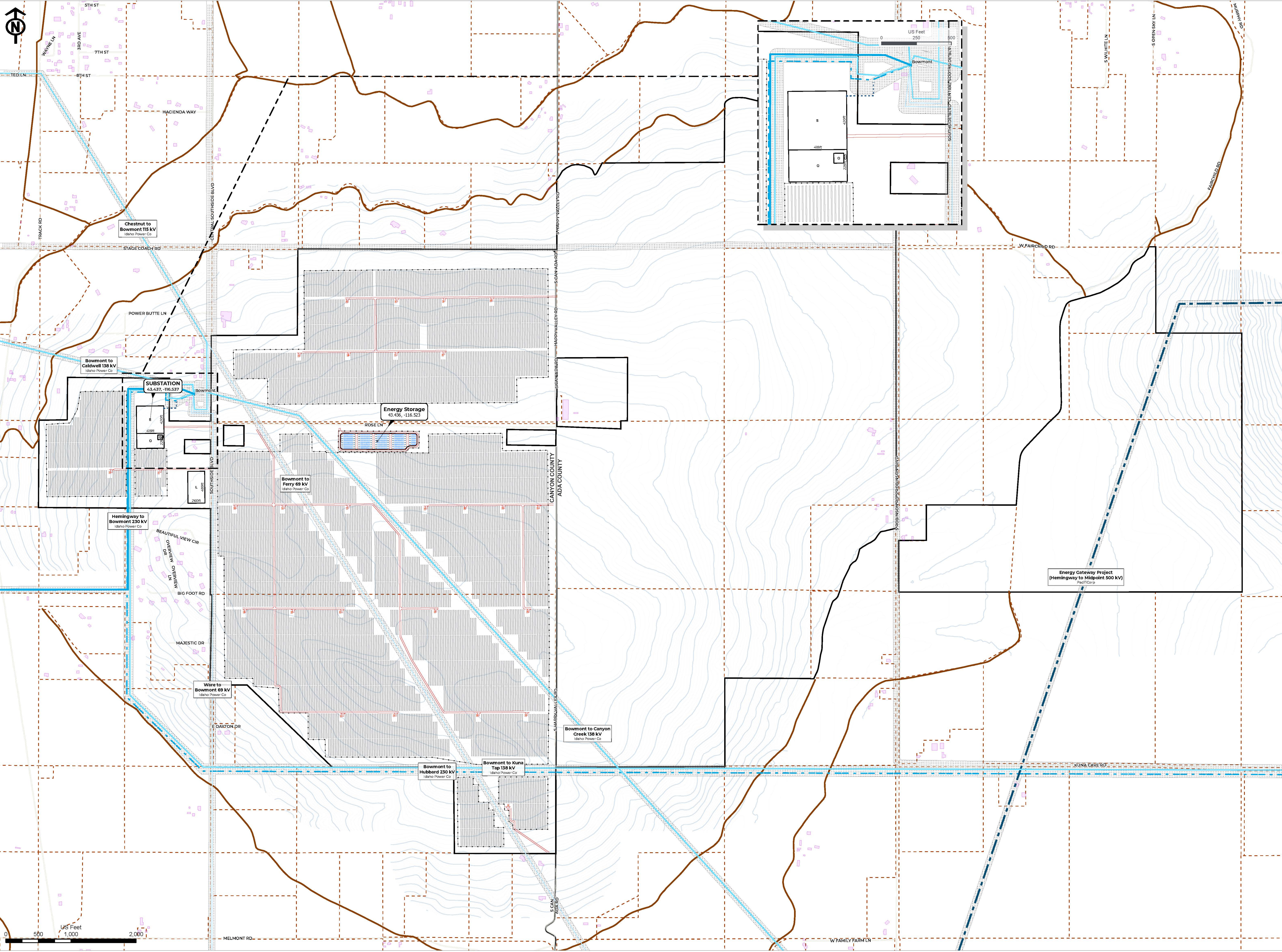
SHEET

PRELIMINARY SITE PLAN (24 X 36)

Coordinate System: NAD 1983 StatePlane Idaho West FIPS 1103 Feet

Confidential and proprietary information. | Copyright 2024 Savion, LLC

The following companies and organizations provided data that contributed to the production of this map - CoreLogic, Inc., Environmental Systems Research Institute (ESRI), ReGrid, Loveland Technologies, U.S. Department of Agriculture (USDA), U.S. Federal Aviation Administration (FAA), U.S. Geological Survey (USGS), WhiteStar Corporation, Ventyx, Inc., An ABB Company, Imagery © 2024 Hexagon and data partners.



PROJECT
**POWERS BUTTE
ENERGY CENTER, LLC**

PRELIMINARY SITE PLAN

- Project Boundary
- Property Lines
- Project Layout
 - PCS
 - Battery Storage Container
 - Inverter
 - Panel
 - Project Gen-Tie
 - Access Road (738')
 - Ditches Canals
 - Security Fence
 - Parking Space
- Existing Transmission Lines
 - 69
 - 115
 - 138
 - 230
- Substations
- Proposed Transmission Lines
 - Voltage kV
 - 230
 - 500
- Existing Site Conditions
 - Structures
 - Transmission Line ROW (Existing + Proposed)
 - County / Local Roads
- Contours
 - Index
 - Intermediate
- Facilities
 - Substation
 - Energy Storage
 - Laydown Yard
 - O&M / Parking & Loading Area



PRELIMINARY DESIGN - NOT FOR CONSTRUCTION

PROJECT POWERS BUTTE	
DEVELOPER SAVION, LLC	ENGINEER LINDSEY WEISMAN
DATE 1/12/2024	SCALE 1 INCH = 625 FEET
NOTES	

SHEET
PRELIMINARY SITE PLAN (24 X 36)

Coordinate System: NAD 1983 StatePlane Idaho West FIPS 1103 Feet

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EXHIBIT E

Legal Description of the Canyon County Permit Boundary

Commitment No. NCS-1160842-WA1

EXHIBIT A

Borah Peak

The Land referred to herein below is situated in the County of Ada, State of Idaho, and is described as follows:

PARCEL 1:

THE SOUTH HALF OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO.

File No. 651141

Stephen E. Beus and Becky A. Beus, husband and wife

Exhibit 'A'

Parcel 2

A parcel of land situated within the South Half of Section 12, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at a found 5/8" Rebar with Aluminum cap marking the West Quarter Corner of said Section 12 (CP&F No. 2009021355) from which a 5/8" Rebar, PLS 7732, marking the East Quarter corner of said Section 12 (CP&F No. 107115393) bears, South 89°28'17" East, 5290.31 feet; thence along the West boundary of said Section 12, South 00°41'08" West, 25.00 feet to the South right-of-way line of Rose Lane as described in a Deed, recorded as Instrument No. 583951, Records of Canyon County, Idaho, and the REAL POINT OF BEGINNING;

thence along said South right-of-way line, South 89°28'17" East, 5,290.32 feet to the East boundary of said Section 12;
thence along said East boundary, South 00°39'40" West, 92.08 feet;
thence leaving said East boundary, North 88°39'34" West, 766.91 feet;
thence South 01°20'26" West, 255.62 feet;
thence South 88°39'34" East, 769.95 feet to the East boundary of said Section 12;
thence along said East boundary, South 00°39'40" West, 2,273.45 feet to a 5/8' Rebar, PLS 7732, marking the Southeast corner of said Section 12 (CP&F No. 107115392);
thence along the South boundary of said Section 12, North 89°29'00" West, 5,291.44 feet to a found Brass Cap marking the Southwest corner of said Section 12 (CP&F No. 200668379);
thence along the West boundary of said Section 12, North 00°41'08" East, 2,622.28 feet to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM

A parcel of land situated within the Northwest Quarter of the Southwest Quarter of Section 12, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at a found 5/8' Rebar with Aluminum cap marking the West Quarter Corner of said Section 12 (CP&F No. 2009021355) from which a 5/8" Rebar, PLS 7732, marking the East Quarter corner of said Section 12 bears, South 89°28'17" East, 5290.31 feet; thence along the West boundary of said Section 12, South 00°41'08" West, 17.11 feet to the centerline of a paved road; thence along said centerline, South 88°39'34" East, 176.83 feet;
thence leaving said centerline, South 01°20'26" West, 25.00 feet to the REAL POINT OF BEGINNING;
thence South 88°39'34" East, 330.02 feet;
thence South 00°41'08" West, 330.02 feet;
thence North 88°39'34" West, 330.02 feet;
thence North 00°41'08" East, 330.02 feet to the REAL POINT OF BEGINNING.

Parcel 3

A portion of Section 13, Township 1 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and more particularly described as follows:

BEGINNING at a bass cap marking the Northwest corner of said Section 13;
thence South 89°29'00" East, 5,291.44 feet to the Northeast corner of said Section 13;
thence South 00°39'39" West, 2,646.28 feet to the East Quarter corner of said Section 13;
thence South 00°35'48" West, 1,325.46 feet to the South 1/16 corner of said Section 13;
thence on the South boundary line of the North Half of the Southeast Quarter of said Section 13, North 89°26'00" West, 1,525.92 feet;
thence leaving said South boundary line, North 00°34'00" East, 1,324.56 feet to the East-West centerline of said Section 13;
thence on said East-West centerline, North 89°28'02" West, 1,868.40 feet;
thence leaving said East-West centerline, North 47°02'23" West, 1,867.62 feet;
thence North 89°28'04" West, 514.21 feet to the West boundary line of said Section 13;
thence on said West boundary line, North 00°37'34" East, 1,384.79 feet to the REAL POINT OF BEGINNING.

Powers Butte (formerly HWHL, LLC)

A portion of the East half of Section 11, Township 1 North, Range 2 West, Boise, Meridian, Canyon County, Idaho, described as follows:

Beginning at the East quarter corner of said Section 11, marked by a brass cap monument, and as described in Corner Perpetuation Record, Instrument No. 9600352;

Thence along the East line of said Section 11, South 00°08'50" West, 268.00 feet;

Thence North 89°51'10" West, 420.00 feet, to a set 5/8 inch rebar with a plastic cap marked "TVEI PLS 10782", hereafter referred to simply as a set 5/8 inch rebar;

Thence South 00°08'50" West 232.00 feet, to a set 5/8 inch rebar;

Thence South 89°51' 10" East 420.00 feet to a point on the East line of said Section 11;

Thence along said East line, South 00°08'50" West 823.63 feet to the Southeast corner of the Northeast quarter of the Southeast quarter (South 1/16 corner);

Thence along the South line of said Northeast quarter of the Southeast quarter, North 89°41'10" West, 1320.52 feet to the Southwest corner of the Northeast quarter of the Southeast quarter (Southeast 1/16 corner) marked by a 5/8 inch rebar as described in Corner Perpetuation Record, Instrument No. 991946;

Thence along the South line of the Northwest quarter of the Southeast quarter, North 89°40'09" West, 1320.51 feet, to the Southwest corner of said Northwest quarter of the Southeast quarter (Center-South 1/16 corner) marked by a 5/8 inch rebar as described in Corner Perpetuation Record, Instrument No. 991945;

Thence along the West line of said Northwest quarter of the Southeast quarter, North 00°10'25" East 1323.05 feet, to the center quarter corner of Section 11, marked by a 5/8 inch rebar as described in Corner Perpetuation Record, Instrument No. 887006;

Thence along the East-West centerline of said Section 11, South 89°41 '25" East 440.09 feet, to a found half inch rebar;

Thence North 00°09'48" East 660.00 feet, to a found half inch rebar;

Thence South 89°41'25" East 1540.17 feet, to a found Idaho Power Company Brass Cap;

Thence South 00°09'00" West 660.00 feet, to a found Idaho Power Company Brass Cap on the East-West centerline of said Section 11;

Thence along said centerline South 89°41 '25" East 660.00 feet, to the POINT OF BEGINNING.

EXHIBIT F

List of Parcels in the Canyon County Permit Boundary

Parcel No.	Address	City, State, Zip Code	Zoning	Section
R28467010 0	Southside Boulevard	Melba, Idaho 83641	AG	01N02W11
R2847500000	Rose Lane	Kuna, Idaho 83634	AG	01N02W12
R2847601200	Rose Lane	Kuna, Idaho 83634	AG	01N02W12
R2847901400	Southside Boulevard	Melba, Idaho 83641	AG	01N02W13

EXHIBIT G

Property Deeds for the Canyon County Permit Boundary

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Wm. Lyman Belnap
Belnap Legal, PLLC
12554 W. Bridger, Ste. 120
Boise, ID 83713

GRANT DEED

For the consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Beus Land & Cattle, LLC, an Idaho limited liability company ("Grantor"), grants, bargains, sells and conveys to Stephen E. Beus and Becky A. Beus, husband and wife ("Grantees"), whose current address is 1605 E. Poen Road, Kuna, ID 83634, and their heir, devisees, legal representatives, successors and assigns forever, the real property described on Exhibit A attached hereto and made part hereof

SUBJECT TO taxes and assessments for the year 2018 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

IN WITNESS WHEREOF, the Grantor has hereunto subscribed its name to this instrument this 16 day of May, 2018.

BEUS LAND & CATTLE, LLC


Daniel S. Beus, Manager

2018-056629

RECORDED

12/17/2018 11:53 AM



00410976201800566290040041

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 PBRIDGES

\$15.00

DEED

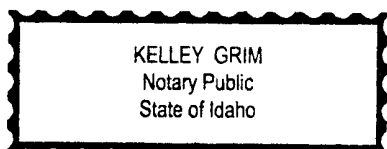
BRIAN MERRELL

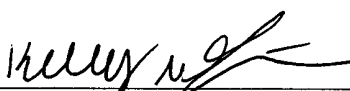
BAU

STATE OF IDAHO)
) ss.
County of Ada)

On this 16 day of May, 2018, before me, a notary public for the State of Idaho, personally appeared Daniel S. Beus, known or identified to me to be a Manager of Beus Land & Cattle, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.

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





NOTARY PUBLIC FOR IDAHO
Residing at: Kuna Branch, Ada County
My Commission Expire: March 29, 2024

My Commission Expires
March 29, 2024

EXHIBIT A

PARCEL 1:

The South Half of Section 12, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the Northerly 25 feet as conveyed to the Nampa Highway District by Warranty Deed recorded July 13, 1966 as Instrument No. 583951.

PARCEL 2:

The North Half of Section 13, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM a parcel of land being a portion of the NW¼ of Section 13, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho as shown on the Record of Survey filed as Instrument No. 9801167, in the Offices of the Canyon County Recorder, and being more particularly described as follows:

Commencing at a brass cap marking the West ¼ Corner of said Section 13;
Thence along the South boundary of said NW¼ of Section 13 South 89°27'47" East 40.00 feet to an iron pin on the East right of way line of Southside Boulevard;
Thence along said East right of way line North 00°37'51" East 690.05 feet to an iron pin being the TRUE POINT OF BEGINNING;
Thence continuing North 00°37'51" East 569.95 feet to an iron pin;
Thence leaving said East right of way South 89°27'47" East 330.00 feet to an iron pin;
Thence South 00°37'51" West 600.69 feet to an iron pin;
Thence along a curve to the left having a radius of 280.00 feet, a central angle of 04°00'48", a length of 19.61 feet and a long chord that bears North 89°27'23" West 19.61 feet to an iron pin;
Thence North 89°27'47" West 280.35 feet to an iron pin;
Thence along a curve to the right having a radius of 30.00 feet, a central angle of 90°05'38", a length of 47.17 feet and a long chord that bears North 44°24'58" West 42.46 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a parcel of land being a portion of the NW¼ of Section 13, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho as shown on Record of Survey filed as Instrument No. 9801167, in the Offices of the Canyon County Recorder, and being more particularly described as follows:

Commencing at a brass cap marking the West ¼ Corner of said Section 13;
Thence along the South boundary of said NW¼ of Section 13 South 89°27'47" East 40.00 feet to an iron pin on the East right of way line of Southside Boulevard, said iron pin being the POINT OF BEGINNING;
Thence along said East right of way line North 00°37'51" East 570.05 feet to an iron pin;

Thence leaving said East right of way line and along a curve to the right having a radius of 30.00 feet, a central angle of $89^{\circ}54'22''$, a length of 47.07 feet and a long chord that bears North $45^{\circ}35'02''$ East 42.39 feet to an iron pin;

Thence South $89^{\circ}27'47''$ East 280.55 feet to an iron pin;

Thence along a curve to the right having a radius of 220.00 feet, a central angle of $05^{\circ}05'06''$, a length of 19.52 feet and a long chord that bears South $86^{\circ}55'14''$ East 19.52 feet to an iron pin;

Thence South $00^{\circ}37'51''$ West 599.13 feet to an iron pin;

Thence North $89^{\circ}27'47''$ West 330.00 feet along the South line of said NW $\frac{1}{4}$ to the POINT OF BEGINNING.

PARCEL 3:

The NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 13, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL 4:

The Northwest Quarter of Section 18, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho

PARCEL 5:

That portion of Government Lot 2, Section 7, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Southwest corner of said Government Lot 2;

Thence North 400.00 feet;

Thence East 79.00 feet to the North-South line that runs midway between the major pump (on this property) and the sheet metal cellar (on adjoining property to the East);

Thence South 400.00 feet;

Thence West 79.00 feet to the POINT OF BEGINNING.



PioneerTitleCo.
GOING BEYOND

610 S. Kimball Avenue
Caldwell, ID 83605

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 804939 VH/

2022-040260

RECORDED

08/23/2022 09:03 AM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=2 ADMARTINEZ \$15.00
TYPE: DEED
PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

WARRANTY DEED

For Value Received HWHL, LLC, an Idaho limited liability company
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Powers Butte Energy Center, LLC, an Delaware Limited Liability Company,
hereinafter referred to as Grantee, whose current address is c/o Savion, LLC 422 Admiral Boulevard
Kansas City, MO 64106

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

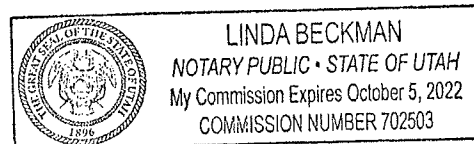
Dated: August 17, 2022

HWHL LLC

By: John B. Peterson, Manager
John B. Peterson, Manager
State of UT, County of Utah

This record was acknowledged before me on August 18, 2022 by John B. Peterson, as Manager of
HWHL LLC.

Linda Beckman
Signature of notary public
Commission Expires: 10-5-22





610 S. Kimball Avenue
Caldwell, ID 83605

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 804939 VH/

WARRANTY DEED

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hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Powers Butte Energy Center, LLC, an Delaware Limited Liability Company,
hereinafter referred to as Grantee, whose current address is c/o Savion, LLC 422 Admiral Boulevard
Kansas City, MO 64106

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 17, 2022

HWHL LLC

By: [Signature], Manager
John B. Peterson, Manager
State of UT, County of Utah

This record was acknowledged before me on August 18, 2022 by John B. Peterson, as Manager of
HWHL LLC.

[Signature]
Signature of notary public
Commission Expires: 10-5-22

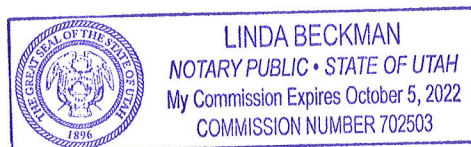


EXHIBIT A

A portion of the East half of Section 11, Township 1 North, Range 2 West, Boise, Meridian, Canyon County, Idaho, described as follows:

Beginning at the East quarter corner of said Section 11, marked by a brass cap monument, and as described in Corner Perpetuation Record, Instrument No. 9600352;

Thence along the East line of said Section 11, South 00°08'50" West, 268.00 feet;

Thence North 89°51'10" West, 420.00 feet, to a set 5/8 inch rebar with a plastic cap marked "TVEI PLS 10782", hereafter referred to simply as a set 5/8 inch rebar;

Thence South 00°08'50" West 232.00 feet, to a set 5/8 inch rebar;

Thence South 89°51'10" East 420.00 feet to a point on the East line of said Section 11;

Thence along said East line, South 00°08'50" West 823.63 feet to the Southeast corner of the Northeast quarter of the Southeast quarter (South 1/16 corner);

Thence along the South line of said Northeast quarter of the Southeast quarter, North 89°41'10" West, 1320.52 feet to the Southwest corner of the Northeast quarter of the Southeast quarter (Southeast 1/16 corner) marked by a 5/8 inch rebar as described in Corner Perpetuation Record, Instrument No. 991946;

Thence along the South line of the Northwest quarter of the Southeast quarter, North 89°40'09" West, 1320.51 feet, to the Southwest corner of said Northwest quarter of the Southeast quarter (Center-South 1/16 corner) marked by a 5/8 inch rebar as described in Corner Perpetuation Record, Instrument No. 991945;

Thence along the West line of said Northwest quarter of the Southeast quarter, North 00°10'25" East 1323.05 feet, to the center quarter corner of Section 11, marked by a 5/8 inch rebar as described in Corner Perpetuation Record, Instrument No. 887006;

Thence along the East-West centerline of said Section 11, South 89°41'25" East 440.09 feet, to a found half inch rebar;

Thence North 00°09'48" East 660.00 feet, to a found half inch rebar;

Thence South 89°41'25" East 1540.17 feet, to a found Idaho Power Company Brass Cap;

Thence South 00°09'00" West 660.00 feet, to a found Idaho Power Company Brass Cap on the East-West centerline of said Section 11;

Thence along said centerline South 89°41'25" East 660.00 feet, to the POINT OF BEGINNING.



610 S. Kimball Avenue
Caldwell, ID 83605

Date: September 23, 2022

Powers Butte Energy Center, LLC
c/o Savion, LLC
422 Admiral Boulevard
Kansas City, MO 64106

File No. 804939

Property Address: TBD Southside Boulevard, Melba, ID 83641

The closing of the above-noted property has now been completed. Enclosed for your records is the original recorded deed together with your final title policy.

We appreciate having had the opportunity to be of service to you. If you have questions please contact the Title Officer listed below.

Sincerely,

Robert Keil, Title Officer
Ph: (208) 322-2228
Email: rkeil@pioneertitleco.com

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Powers Butte Energy Center, LLC
Attn: Aaron Lipscomb
422 Admiral Blvd
Kansas City, MO 64160

2023-039883

RECORDED

12/15/2023 03:43 PM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=4 NHANEY \$15.00

TYPE: DEED

FIRST AMERICAN TITLE INSURANCE

ELECTRONICALLY RECORDED

**FIRST AM
NCS-1160842**

(Space Above For Recorder's Use)

SPECIAL WARRANTY DEED

(Canyon County, State of Idaho)

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, BORAH PEAK FARMS, LLC, a Delaware limited liability company, having a mailing address of 8789 Penrose Lane, Suite 400, Lenexa, Kansas 66219 ("**Grantor**"), hereby grants to Powers Butte Energy Center, LLC, a Delaware limited liability company, having a mailing address of 422 Admiral Boulevard, Kansas City, Missouri 64106 ("**Grantee**"), against all claiming by, through, or under Grantor, but not otherwise, those certain tracts of land, together with any and all interests, rights and appurtenances thereto, as well as any and all improvements thereon, situated in Canyon County, State of Idaho, as more particularly described in attached Exhibit A (the "**Subject Property**"), TO HAVE AND TO HOLD the Subject Property, together with all tenements, hereditaments, and appurtenances thereunto belonging unto the Grantor, and its successors and assigns, forever, subject to those matters set forth in attached Exhibit B.

[Signature and acknowledgement on following page.]

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Powers Butte Energy Center, LLC
Attn: Aaron Lipscomb
422 Admiral Blvd
Kansas City, MO 64160

RECORD ELECTRONICALLY

ID: 2023-039883 County: Canyon
Date: 12/15/2023 Time: 3:43 pm
simplifile.com 800.460.5657

(Space Above For Recorder's Use)

SPECIAL WARRANTY DEED

(Canyon County, State of Idaho)

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, BORAH PEAK FARMS, LLC, a Delaware limited liability company, having a mailing address of 8789 Penrose Lane, Suite 400, Lenexa, Kansas 66219 ("**Grantor**"), hereby grants to Powers Butte Energy Center, LLC, a Delaware limited liability company, having a mailing address of 422 Admiral Boulevard, Kansas City, Missouri 64106 ("**Grantee**"), against all claiming by, through, or under Grantor, but not otherwise, those certain tracts of land, together with any and all interests, rights and appurtenances thereto, as well as any and all improvements thereon, situated in Canyon County, State of Idaho, as more particularly described in attached Exhibit A (the "**Subject Property**"), TO HAVE AND TO HOLD the Subject Property, together with all tenements, hereditaments, and appurtenances thereunto belonging unto the Grantor, and its successors and assigns, forever.

[Signature and acknowledgement on following page.]

DATED this 15th day of December, 2023.

GRANTOR:

BORAH PEAK FARMS, LLC,
a Delaware limited liability company

By: _____

Name: Jeff Janosky

Title: President

RLH

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

This record was acknowledged before me on December 13, 2023, by Jeff Janosky as President of Borah Peak Farms, LLC

Notary Public in and for the State of Washington

My Commission Expires: 01/27/24

Printed Name: CRYSTAL LONG WILSON

(Stamp)



EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

Parcel 1

The South Half of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter and the Northeast Quarter of Section 12, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Parcel 2

[Intentionally omitted]

Parcel 2A

[Intentionally omitted]

EXHIBIT H

Notice of Neighborhood Meeting and Meeting Sign-up Sheet



POWERS BUTTE
ENERGY CENTER



Please Join Us!

**Powers Butte Energy Center
Public Information Meeting**

Thursday, October 26, 2023

6 – 8 p.m.

American Legion
304 4th St
Melba, ID 83641

Join us to learn more about this proposed solar + energy storage facility
in Canyon and Ada Counties. Light refreshments provided.

Powers Butte Energy Center
422 Admiral Blvd
Kansas City, MO 64106

Questions about this meeting?

Mitch Taylor
Director of Development & M&A
801.641.3985

www.PowersButteEnergyCenter.com

This meeting is for informational purposes and to receive feedback from you as Powers Butte Energy Center moves through the land use application processes with Ada and Canyon counties. This is not a public hearing before a governing body of either county. Once applications have been submitted and processed, public hearing dates will be scheduled. Prior to the scheduled date, you will receive an official notification from the counties regarding the public hearing via postal mail, newspaper publication, and/or a display on the property. Please do not call either county regarding this meeting. This is a pre-application requirement, and we have not submitted the applications for consideration.

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 4587 Southside Boulevard	Parcel Number: see attached map with parcel numbers	
City: Nampa	State: ID	ZIP Code: 83686
Notices Mailed Date: October 16, 2023	Number of Acres: 2,385	Current Zoning: AG
Description of the Request: Conditional Use Permit application for Powers Butte Energy Center		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Mitch Taylor		
Company Name: Powers Butte Energy Center, LLC		
Current address: 422 Admiral Blvd.		
City: Kansas City	State: MO	ZIP Code: 64106
Phone: (801) 641-3985	Cell: NA	Fax: NA
Email: info@PowersButteEnergyCenter.com		

MEETING INFORMATION

DATE OF MEETING: Oct 26, 2023	MEETING LOCATION: American Legion Hall, 304 4th St, Melba, ID 83641	
MEETING START TIME: 6:00 p.m.	MEETING END TIME: 8:00 p.m.	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Kurt Greenfield	Kurt Greenfield	12243 Lewis Ln 5410 S Nampa ID 83686
2. [REDACTED]	[REDACTED]	
3. Bryan & Judy Appleby	Judy Appleby	3832 S. Montague Way, Meridian, ID 83640
4. Sam & Sandy Johnston	[REDACTED]	3797 Southside Melba
6. Michael Waite	[REDACTED]	7167 Beautiful View Circle Melba
7. Allan Cass	all R. L	4510 Track Rd Melba
8. Orley Peterson	[REDACTED]	4433 Southside Blvd melba
9. Steve & Becky Buss	[REDACTED]	1605 Poen Rd

10.	Terrell Kasper	Terrell Kasper	3349 Hill Rd, Melba 83641
11.	Jerry Connor	Jerry Connor	6792 Stagecoach 83686
12.	Eric Kasper	Eric Kasper	7620 W Charters Rd 83641
13.	Richard Sowards	Richard Sowards	216 Southside Blvd S 83641
14.	Triston Hawkes	Triston Hawkes	16000 S Can Ada RD 83641
15.	Brook Beus	Brook Beus	1935 Rose Lane 83686
16.	Ted Vander Schaaf	Ted Vander Schaaf	3633 Green In Kuna 83634
17.	Jay Clark	Jay Clark	POB 1026 Middleton ID 83644
18.	Scott J. Clark	Scott J. Clark	108 S Campbell Ave 83644
19.	Russell + Shannon Graves	Russell + Shannon Graves	3791 Southside Blvd, Melba 83641
20.	Scott Dreyer	Scott Dreyer	10707 - Can - Ada Rd

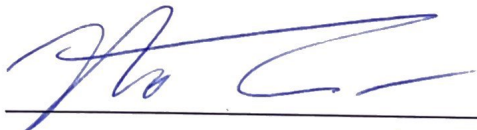
NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Mitchell Taylor

APPLICANT/REPRESENTATIVE (Signature):



DATE: 10 / 26 / 23

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

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Notices Mailed Date: October 16, 2023	Number of Acres: 2,385	Current Zoning: AG
Description of the Request: Conditional Use Permit application for Powers Butte Energy Center		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Mitch Taylor		
Company Name: Powers Butte Energy Center, LLC		
Current address: 422 Admiral Blvd.		
City: Kansas City	State: MO	ZIP Code: 64106
Phone: (801) 641-3985	Cell: NA	Fax: NA
Email: info@PowersButteEnergyCenter.com		

MEETING INFORMATION

DATE OF MEETING: Oct 26, 2023	MEETING LOCATION: American Legion Hall, 304 4th St, Melba, ID 83641	
MEETING START TIME: 6:00 p.m.	MEETING END TIME: 8:00 p.m.	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. PATRICIA DUNLOP	<i>P. Dunlop</i>	211 W JEFFERSON ST BOISE
2. Leslie Clapson	<i>L. Clapson</i>	5175 S. LOW ST GRAVE ID 83702
3. Denis Dunlop	<i>D. Dunlop</i>	Meridian, ID 83642
4. Howard Rau	<i>H. Rau</i>	211 W JEFFERSON, BOISE, ID 83702
5.		
6.		
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10.
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19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Mitchell Taylor

APPLICANT/REPRESENTATIVE (Signature):




DATE: 10 / 26 / 2023

POWERS BUTTE ENERGY CENTER

COMMENT/QUESTION CARD



(Optional information)

Name: Nova Graves  8 years

Phone: _____

Email: _____

POWERS BUTTE ENERGY CENTER COMMENT/QUESTION CARD

I like solar, but this doesn't belong in this spot. move it to the desert

As this valley grows, that is going to be houses which will actually grow the community

Irrigated farming under the panels is not a great idea.

(Optional information)

Name: Eric Kasper

Phone: [REDACTED]

Email: [REDACTED]

POWERS BUTTE ENERGY CENTER

COMMENT/QUESTION CARD

On the surface everything looks great.
My only concerns are potential glare,
and hopefully you'll take better control
of the weeds than current owners.
Would love to see a deal where neighbors
can get a deal on electricity! ☺

(Optional information)

Name: Michael Waite

Phone: [REDACTED]

Email: [@](#) [REDACTED]

POWERS BUTTE ENERGY CENTER

COMMENT/QUESTION CARD

Mailing list? Interested in keeping up with the status

3791 Southside Blvd - Did not receive invite.
Melba

(Optional information)


Name: Russell Graves

Phone: [REDACTED]

Email: [REDACTED]

EXHIBIT I

Project Area Aquatic Resources Delineation Report

The logo for the Snake River Watershed Council of America (SWCA) is positioned vertically on the left side of the page. It consists of the letters 'S', 'W', 'C', and 'A' in a large, stylized, light blue font, stacked one above the other.

Aquatic Resources Delineation Report for Powers Butte Energy Center, Ada and Canyon Counties, Idaho

JUNE 2023

PREPARED FOR

**Powers Butte Energy Center,
LLC**

PREPARED BY

SWCA Environmental Consultants

**AQUATIC RESOURCES
DELINEATION REPORT
FOR POWERS BUTTE ENERGY CENTER,
ADA AND CANYON COUNTIES, IDAHO**

Prepared for

Christopher Powers
Powers Butte Energy Center, LLC
422 Admiral Boulevard
Kansas City, Missouri 64106

Prepared by

SWCA Environmental Consultants
257 East 200 South, Suite 200
Salt Lake City, Utah 84111
www.swca.com

June 2023

REPORT SUMMARY

The Survey Area covers 2,385.18 acres within Ada and Canyon Counties, Idaho, on privately-owned lands. SWCA observed no hydrophytic vegetation and no hydric soils within the Survey Area. Four human-made ponds (2.59 acres) were delineated within the Survey Area with hydrology but no other wetland indicators. Additionally, seven irrigation canals (15,079.76 feet; 4.57 acres) were delineated within the Survey Area. None of the delineated aquatic resources are suspected to be jurisdictional.

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Appendix A. Location Map

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ACRONYMS AND ABBREVIATIONS

CFR	Code of Federal Regulations
CWA	Clean Water Act
delineation	aquatic resources delineation
EPA	U.S. Environmental Protection Agency
FAC	Facultative
FACU	Facultative Upland
FACW	Facultative Wetland
GPS	global positioning system
IDWR	Idaho Department of Water Resources
NHD	National Hydrography Dataset
NLCD	National Land Cover Database
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
OBL	Obligate Wetland
OHWM	ordinary high-water mark
project	Powers Butte Energy Center
SSURGO	Soil Survey Geographic Database
SWCA	SWCA Environmental Consultants
UPL	Upland
USACE	U.S. Army Corps of Engineers
WOTUS	Waters of the United States

1.0 INTRODUCTION

Savion LLC, doing business as Powers Butte Energy Center, LLC, is seeking to develop the Powers Butte Energy Center (project), a 250-megawatt (MW) solar generation facility, 200-MW battery energy storage system, and ancillary facilities on 2,385.18 acres of private developable land in Ada and Canyon Counties, Idaho (Figure A-1 in Appendix A). Savion LLC contracted SWCA Environmental Consultants (SWCA) to conduct an aquatic resources delineation (delineation). The purposes of this delineation are to identify and evaluate potential aquatic resources including wetlands, within the Survey Area that may be subject to U.S. Army Corps of Engineers (USACE) Walla Walla District and the State of Idaho jurisdiction as defined in Sections 401 and/or 404 of the Clean Water Act and Idaho code § 42- 3801.

1.1 Contact Information

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1.2 Survey Area Location

The Survey Area covers 2,385.18 acres within Ada and Canyon Counties, Idaho, on privately-owned lands (see Figure A-1). The center point of the Survey Area is located at 43.43402, -116.51994. To access the Survey Area from Nampa, Idaho, head southeast on 1st Street South toward Wall Street for 0.3 mile. Turn right, heading southwest, onto 16th Avenue South for 374 feet. Turn left, heading southeast, onto 2nd Street South for 1.7 miles. Turn left onto Southside Boulevard, and head south for 8.5 miles. Turn left, heading east, onto Rose Lane to arrive at the center of the Survey Area.

2.0 METHODS

2.1 Desktop Resource Review

Before the delineation fieldwork, SWCA reviewed the following data sources as they pertain to the Survey Area:

- Aerial photographs (see Figure A-1) and aquatic resources maps to identify potential aquatic resources in the Survey Area (see Appendix A, Appendix B)
- Antecedent Precipitation Tool (Appendix C) to compare recent rainfall conditions of the Survey Area to the range of normal rainfall conditions that occurred during the preceding 30 years and evaluate how that affects site conditions
- Topographic maps (Figure D-1 in Appendix D) to identify nearest aquatic resources to the Survey Area (see Appendix D)

- National Wetlands Inventory (NWI) data (U.S. Fish and Wildlife Service 2023) and the National Hydrography Dataset (NHD) (Idaho Department of Water Resources [IDWR] and U.S. Geological Survey 2022) to identify potential aquatic resources in the Survey Area (Figure D-2 in Appendix D)
- Natural Resources Conservation Service (NRCS) Soil Survey Geographic Database (SSURGO) to identify potential hydric soils in the Survey Area (NRCS 2023) (Figure D-3 in Appendix D).

2.2 Regulatory Setting

2.2.1 Waters of the United States

On December 30, 2022, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army (“the agencies”) announced the final “Revised Definition of ‘Waters of the United States’ ” rule promulgated by the current administration, and the rule took effect on March 20, 2023. Due to ongoing litigation, the agencies were interpreting “waters of the United States” consistent with the pre-2015 regulatory regime in approximately half of the states with the other half utilizing the new rule.

On May 25, 2023, the U.S. Supreme Court issued the *Sackett v. EPA* decision narrowing the interpretation of federal WOTUS. The opinion determined that the Clean Water Act (CWA) extends to only those wetlands with a “continuous surface connection to bodies that ‘are Waters of the United States’ in their own right,” so that they are “indistinguishable” from those waters. In addition, the decision abandons the existing significant nexus test for adjacent wetlands moving forward. The *Sackett v. EPA* opinion also emphasizes statutory language in the CWA that protects the “primary responsibilities and rights of States” to reduce water pollution and to manage land and water resources.

The decision is inconsistent with the most recent “Revised Definition of ‘Waters of the United States’ ” rule that took effect on March 20, 2023, as well as the pre-2015 CWA regulatory regime, both of which are in effect in different states. In light of this decision, the agencies will interpret the phrase “waters of the United States” consistent with the Supreme Court’s decision in *Sackett*.

“The term waters of the United States in as defined by the agencies under 43 CFR 120 and 33 CFR 328.3 is as follows:

(a) Water of the United States means:

- (1) All waters which are:
 - (i) currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - (ii) territorial seas; or
 - (iii) Interstate waters, including interstate wetlands;
- (2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
- (3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section:
 - (i) That are relatively permanent, standing or continuously flowing bodies of water; or
 - (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;
- (4) Wetlands adjacent to the following waters:
 - (i) Waters identified in paragraph (a)(1) of this section; or

- (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3)(i) of this section and with a continuous surface connection to those waters; or
 - (iii) Waters identified in paragraph (a)(2) or (3) of this section when the wetlands either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;
- (5) Intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4) of this section:
- (i) That are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3)(i) of this section; or
 - (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section.

Eight exclusions from the definition of “waters of the United States” are codified at 43 Code of Federal Regulations (CFR) 120 and 33 CFR 328.3 paragraph (b), and key terms are defined at paragraph (c).

Wetlands are a subset of jurisdictional WOTUS and are jointly defined by the USACE and the EPA as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas” (Environmental Laboratory 1987).

Under Section 404 of the CWA, dredged and fill material may not be discharged into jurisdictional WOTUS, including wetlands, without a permit.

Regulated activities include

- fill for development,
- utility line projects (such as pipelines), and
- infrastructure development (such as roads).

2.2.2 Waters of the State

Sections 42-3801-3802 of the Idaho Statutes requires that the stream channels of the state and their environments be protected against alteration for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality. No alteration of any stream channel shall hereafter be made unless approval therefore has been given as provided in this act (Justia US Law 2022). *Stream channel* refers to a natural watercourse of perceptible extent, with definite bed and banks, which confines and conducts continuously flowing water. Ditches, canals, laterals, and drains that are constructed and used for irrigation or drainage purposes are not stream channels (Idaho Statute 42-3802). The IDWR must approve any work being done within the beds and banks of a continuously flowing stream. A stream channel alteration permit from IDWR must be acquired before beginning any work that alters a stream channel. Stream alteration is defined as “any activity that will obstruct, diminish, destroy, alter, modify, relocate or change the natural existing shape or direction of water flow of any stream channel. This includes taking material out of the channel or placing material or structures in or across the channel where the potential exists to affect flow in the channel” (IDWR 2023).

The Idaho Department of Water Resources, Idaho Department of Lands, and the USACE have developed a joint application for permits under the Stream Protection Act. An application must be filed at least 60 days before the applicant proposes to start construction. The application is required to be accompanied by plans that clearly describe the nature and purpose of the proposed work. In those cases where the applicant intends to follow the minimum standards, detailed plans may be eliminated by referring to the specific minimum standard; however, drawings necessary to adequately define the extent, purpose, and location of the work may be required (Cornell Law School 2023).

2.3 Field Survey

2.3.1 Wetlands

During the fieldwork, all potential wetland and upland vegetation communities observed were sampled to characterize vegetation, soil, and hydrology. SWCA recorded all sampling points and wetland boundaries using a global positioning system (GPS) unit with submeter accuracy.

The fieldwork was done in accordance with the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008). The delineation methodology used was routine and there were no deviations from the USACE guidelines. Based on these documents, wetlands are identified using the following three criteria:

1. Hydrophytic vegetation
2. Wetlands hydrology
3. Hydric soil

All three criteria must be met for an area to be considered a wetland. An explanation of the three wetlands criteria follows.

2.3.1.1 HYDROPHYTIC VEGETATION

Hydrophytic plants are plants that are adapted to wet conditions. The National Wetland Plant List (USACE 2020) is used to determine the wetlands indicator status of plant species observed at the sampling points. There are five categories of wetland indicator status ratings: Obligate Wetland (OBL), Facultative Wetland (FACW), Facultative (FAC), Facultative Upland (FACU), and Upland (UPL). These rating categories are defined by the USACE as follows:

- OBL: almost always occur in wetlands;
- FACW: usually occur in wetlands but may occur in non-wetlands;
- FAC: occur in wetlands and non-wetlands;
- FACU: usually occur in non-wetlands but may occur in wetlands; and
- UPL: almost always occur in non-wetlands.

2.3.1.2 WETLANDS HYDROLOGY

Wetlands hydrology examines the behavior of water in wetlands. Primary hydrologic indicators assessed in the field include soil saturation, surface water, hydrogen sulfide odor, and presence of reduced iron in the soil. Secondary indicators are also assessed and can include drainage patterns, dry-season water table,

crayfish burrows, saturation visible on aerial imagery, shallow aquitard, FAC-neutral test, water marks (Riverine), sediment deposits (Riverine), and drift deposits (Riverine). One primary indicator or two or more secondary indicators is sufficient to conclude wetland hydrology is present.

2.3.1.3 HYDRIC SOILS

The NRCS defines hydric soils as those soils formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper portion of the soil column (above 12- to 20-inch soil depth, depending on soil texture [NRCS 2018]). Soils are assessed for hydric conditions in the field using a sharpshooter shovel to excavate a soil pit and to examine the soil profile. Some hydric soil indicators are depleted matrix, redox dark surface, stripped matrix, depleted dark surface, and black histic. A Munsell soil color chart is used to determine soil color.

2.3.2 Other Aquatic Resources

Potential non-wetland aquatic resources, including ephemeral, intermittent, and perennial streams, were delineated based on the location of the ordinary high-water mark (OHWM), which typically occurs at the transition between the active floodplain and the low terrace. An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. A perennial stream has flowing water year-round during a typical year (USACE 2022). Indicators of OHWM can be physical or vegetative and include benches, drift lines, changes in sediment size distribution, and transitions in vegetation type and density. During the delineation process, SWCA uses the *Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (Lichvar and McColley 2008); *A Guide to Ordinary High Water Mark (OHWM) Delineation for Non-Perennial Streams in the Western Mountains, Valleys, and Coast Region of the United States* (Mersel and Lichvar 2014); and *Regulatory Guidance Letter 05-05* (USACE 2005). Although the OHWM field guide (Lichvar and McColley 2008) focuses primarily on ephemeral and intermittent streams, the OHWM indicators also apply to perennial streams and were used to delineate these types of systems in the Survey Area. OHWM indicators include a change in average sediment texture, vegetation species, or vegetation cover; a break in bank slope; and a change in soil crust. OHWM width and height were also recorded.

3.0 EXISTING CONDITIONS

SWCA conducted the delineation of the 2,385.18 -acre Survey Area between April 24 and 27, 2023. The entire Survey Area was field verified. According to the USACE Antecedent Precipitation Tool, the Survey Area had normal conditions during the field survey (see Appendix C). There was no surface water flow within the Survey Area. At the time of the survey, there was evidence of heavy cattle use and manure storage in the Survey Area. Several irrigation canals had been constructed along the perimeter.

The Survey Area is composed of agricultural fields, grasslands, and upland shrub habitat. The National Land Cover Database (NLCD) (Dewitz 2019) characterizes the Survey Area as predominantly Cultivated Crops (84.24%) (Table 1).

Table 1. NLCD cover types within the Survey Area

NLCD cover type	Acres	Percent of Survey Area
Cultivated Crops	2,104.63	88.24%

NLCD cover type	Acres	Percent of Survey Area
Herbaceous	177.83	7.46%
Shrub/Scrub	46.19	1.94%
Hay/Pasture	24.62	1.03%
Developed, Open Space	19.27	0.81%
Developed, Low Intensity	10.04	0.42%
Developed, Medium Intensity	2.38	0.10%
Open Water	0.22	0.01%
Total	2,385.18	100.00%

Source: Dewitz (2019).

4.0 AQUATIC RESOURCES

There were no wetlands delineated within the Survey Area (see Appendix B). SWCA observed no indications of wetlands, including no hydrophytic vegetation and no hydric soils. Four human-made ponds (2.59 acres) were delineated within the Survey Area (Table 2), but these lacked hydric soils and vegetation. These human-made ponds are not jurisdictional under the CWA.

U01 is an human-made pond that lacked wetland vegetation. This pond was located behind a fence located in a neighbor's front yard. SWCA was unable to dig a wetland soil pit (Figure 1).



Figure 1. Photograph of U01 from photo point PP12.

U02, U03, and U04 are human-made pond features that are used as manure holding ponds (Figures 2 through 4). These features lacked hydric soils and wetland vegetation. Active manure dumping was present at the time of the survey.



Figure 2. Photograph of U02 from photo point PP48.



Figure 3. Photograph of U03 from photo point PP48.



Figure 4. Photograph of U04 from photo point PP47.

Additionally, seven irrigation canals (15,079.76 feet; 4.57 acres) were delineated within the Survey Area (see Table 2).

C01 is an irrigation canal on the western edge of the Survey Area (Figure 5). C01 flows southwest outside the Survey Area and is characterized by a change in vegetation with an OHWM width of 2 feet. Both C01 and C02 begin at a water control feature from an irrigation canal outside of the Survey Area.



Figure 5. Photograph of C01 from cross section XS01.

C02 is an irrigation canal on the western edge of the Survey Area beginning at an irrigation feature outside of the Survey Area and flows south out of the Survey Area to the west (Figure 6). C02 is characterized by a change in vegetation with an OHWM width of 4 feet.



Figure 6. Photograph of C02 from cross section XS03.

C03 is an irrigation canal flowing west on the northern edge of the Survey Area beginning and ending outside of the Survey Area. It is characterized by a bed and bank and a change in vegetation within an OHWM width of 4 feet (Figure 7). Water was present at the time of the survey.



Figure 7. Photograph of C03 from cross section XS05.

C04 is an irrigation canal along the northern edge of the Survey Area that flows west outside of the Survey Area and connects to C03 (Figure 8). The OHWM indicators include a bed and bank and a change in vegetation with an OHWM width of 5 feet.



Figure 8. Photograph of C04 from cross section XS06.

C05 is an irrigation canal along the southern edge of the Survey Area with several water control features throughout that flows south outside of the Survey Area (Figure 9). OHWM indicators include a bed and bank and OHWM width of 4 feet. C05 connects to C06 outside of the Survey Area.



Figure 9. Photograph of C05 from cross section XS04.

C06 is an irrigation canal with several water control features throughout it that flows west along the edge of the Survey Area from C07, continues out of the Survey Area, and flows into C05 (Figure 10). Water was present at the time of the survey. OHWM indicators include a bed and bank and a change in vegetation and OHWM width of 4 feet.



Figure 10. Photograph of C06 from cross section XS08.

C07 is a large irrigation canal, named the Waldvogel Canal, which begins outside the Survey Area to the north, flows south along the edge of the Survey Area, and continues south (Figure 11). Some water is diverted from C07 into C06 for irrigation purposes. Water was present at the time of the survey. OHWM indicators consist of a bed and bank, and a change in vegetation. The OHWM width is 25 feet. There were many water control features throughout the canal.



Figure 11. Photograph of C07 from cross section XS07.

SWCA took representative photographs of habitat throughout the Survey Area (see Figures 1–12, see Appendix B for photo locations).



Figure 12. Representative photograph of habitat from photo point PP04.

Biologists took one upland sampling point within the Survey Area (U1). This area lacked hydric soil indicators and hydrophytic vegetation. Hydrology within the area is driven by irrigation for agriculture and runs through the area. Corresponding wetland forms are in Appendix E.



Figure 13. Photograph of upland area from point U1.

4.1 Aquatic Resources Table

Table 2. Other Aquatic Resources in the Survey Area

Aquatic Resource Name	Photo Point	Type	Location		Length (feet)	Mean OHWM Width (feet)	Area (acres)
			Latitude	Longitude			
C01	XS01	Canal	43.43527	-116.54330	108.93	1.5	0.01
C02	XS03	Canal	43.43599	-116.54338	500.66	3.5	0.05
C03	XS05	Canal	43.43015	-116.49723	969.17	4	0.09
C04	XS06	Canal	43.44803	-116.51294	2,872.98	5	0.33
C05	XS05	Canal	43.45033	-116.49831	2,856.24	4	0.26
C06	XS07	Canal	43.43648	-116.48607	1,355.17	4	0.12
C07	XS08	Canal	43.43383	-116.49046	6,416.62	25	3.71
U01	PP12	Human-made pond	43.43550	-116.53396	N/A	N/A	0.08
U02	PP48	Human-made pond	43.43576	-116.49504	N/A	N/A	1.14
U03	PP48	Human-made pond	43.43576	-116.49504	N/A	N/A	0.35
U04	PP47	Human-made pond	43.43258	-116.49518	N/A	N/A	1.03
Total					15,079.77		7.17

N/A: Not Applicable.

4.2 Non-jurisdictional Aquatic Resources

The aquatic resources delineated within the Survey Area are suspected to be non-jurisdictional. The four human-made ponds lack wetland indicators and are artificial ponds used for agricultural purposes. The seven irrigation canals are suspected to be non-jurisdictional because they are human made and used for agricultural purposes and lack a continuous connection with traditionally navigable waters. C07 does not connect two navigable WOTUS that are used for interstate commerce and is not susceptible to use in interstate or foreign commerce. C07, the Waldvogel Canal, is a distributary of Mora canal and appears to end within agricultural fields south of the Survey Area (see Figure D-1).

Under the CWA, the USACE has sole authority to determine what resources are jurisdictional or not jurisdictional the federal level. Under Idaho code, ditches, canals, laterals, and drains that are constructed and used for irrigation or drainage purposes are not stream channels.

4.3 Vegetation

The Survey Area is relatively flat and is characterized by large hay and alfalfa agricultural fields, upland shrubland habitat, and invasive-plant-dominated grasslands. Dominant vegetation includes yellow rabbitbrush (*Chrysothamnus viscidiflorus*), burningbush (*Bassia scoparia*), narrowleaf willow (*Salix exigua*), timothy (*Phleum pratense*), lenspod whitetop (*Cardaria draba*), prickly Russian thistle (*Salsola tragus*), cheatgrass (*Bromus tectorum*), and African mustard (*Malcolmia africana*).

There are 16.38 acres of mapped NWI data within the Survey Area (Table 3). NWI data for the Survey Area and the surrounding area are shown on Figure D-2.

Table 3. Wetland Features within the Survey Area

Wetland Type	Acres
Freshwater emergent wetland	12.03
Freshwater pond	0.77
Riverine	3.57
Total	16.38

Source: U.S. Fish and Wildlife Service (2023).

4.4 Hydrology

There are 8,020.76 linear feet of mapped NHD data within the Survey Area. NHD data for the Survey Area are provided in Table 4 and shown on Figure D-2. There are also 2.63 acres of NHD waterbodies mapped within the Survey Area. The Waldvogel Canal, C07, flows through the eastern portion of the Survey Area and is the nearest aquatic resource that appears on the USGS topographic map.

Table 4. National Hydrography Dataset Results for the Survey Area

NHD Classification	Length (feet)
Stream/river: intermittent	2,535.08
Canal/ditch	4,137.11
Artificial path	1,348.57
Total	8,020.76

Source: Idaho Department of Water Resources and U.S. Geological Survey (2022).

4.5 Soils

NRCS SSURGO soil data for the Survey Area are provided in Table 5 and shown on Figure D-3. There are no hydric soils mapped within the Survey Area.

Table 5. NRCS SSURGO Soil Data for the Survey Area

Map Unit Symbol	Soil Unit Name	Hydric? (yes or no)	Area (acres)
161	Scism silt loam, 2 to 4 percent slopes	No	442.34
127	Potratz-Power silt loams, 4 to 8 percent slopes	No	322.68
SdC	Scism silt loam, deep over basalt, 3 to 7 percent slopes	No	266.07
PhB	Power silt loam, 1 to 3 percent slopes	No	258.94
160	Scism silt loam, 0 to 2 percent slopes	No	234.66
PcC	Potratz-Power silt loams, 3 to 7 percent slopes	No	175.96
TkE	Trevino-Rock outcrop complex, 0 to 20 percent slopes	No	108.66

Map Unit Symbol	Soil Unit Name	Hydric? (yes or no)	Area (acres)
165	Scism silt loam, bedrock substratum, 4 to 8 percent slopes	No	101.07
SdB	Scism silt loam, deep over basalt, 1 to 3 percent slopes	No	87.61
164	Scism silt loam, bedrock substratum, 2 to 4 percent slopes	No	66.10
130	Power silt loam, 2 to 4 percent slopes	No	64.39
166	Scism silt loam, bedrock substratum, 8 to 12 percent slopes	No	52.81
TrD	Trevino silt loam, 3 to 12 percent slopes	No	33.44
145	Purdam-Power silt loams, 2 to 4 percent slopes	No	30.61
BaE	Bahem silt loam, 12 to 30 percent slopes	No	29.53
PhA	Power silt loam, 0 to 1 percent slopes	No	24.97
PeC	Power-McCain silt loams, 8 to 12 percent slopes	No	20.42
136	Power-Potratz silt loams, 2 to 4 percent slopes	No	19.19
140	Potratz silt loam, 1 to 3 percent slopes	No	17.18
PaB	Potratz-Power silt loams, 1 to 3 percent slopes	No	9.67
PeB	Scism silt loam, 7 to 12 percent slopes	No	6.36
ScD	Trevino silt loam, 1 to 3 percent slopes	No	4.96
TrB	Rock outcrop-Trevino complex, 5 to 20 percent slopes	Unranked	3.26
158	Scism silt loam, 1 to 3 percent slopes	No	2.22
ScB	Garbutt silt loam, 4 to 8 percent slopes	No	1.21
62	Scism silt loam, 4 to 8 percent slopes	No	0.73
162	Potratz silt loam, 4 to 8 percent slopes	No	0.14
Total			2,385.18

Source: NRCS (2023).

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U.S. Fish and Wildlife Service. 2023. National Wetlands Inventory. Available at:
<http://www.fws.gov/wetlands/Data/Mapper.html>. Accessed May 17, 2023.

APPENDIX A

Location Map

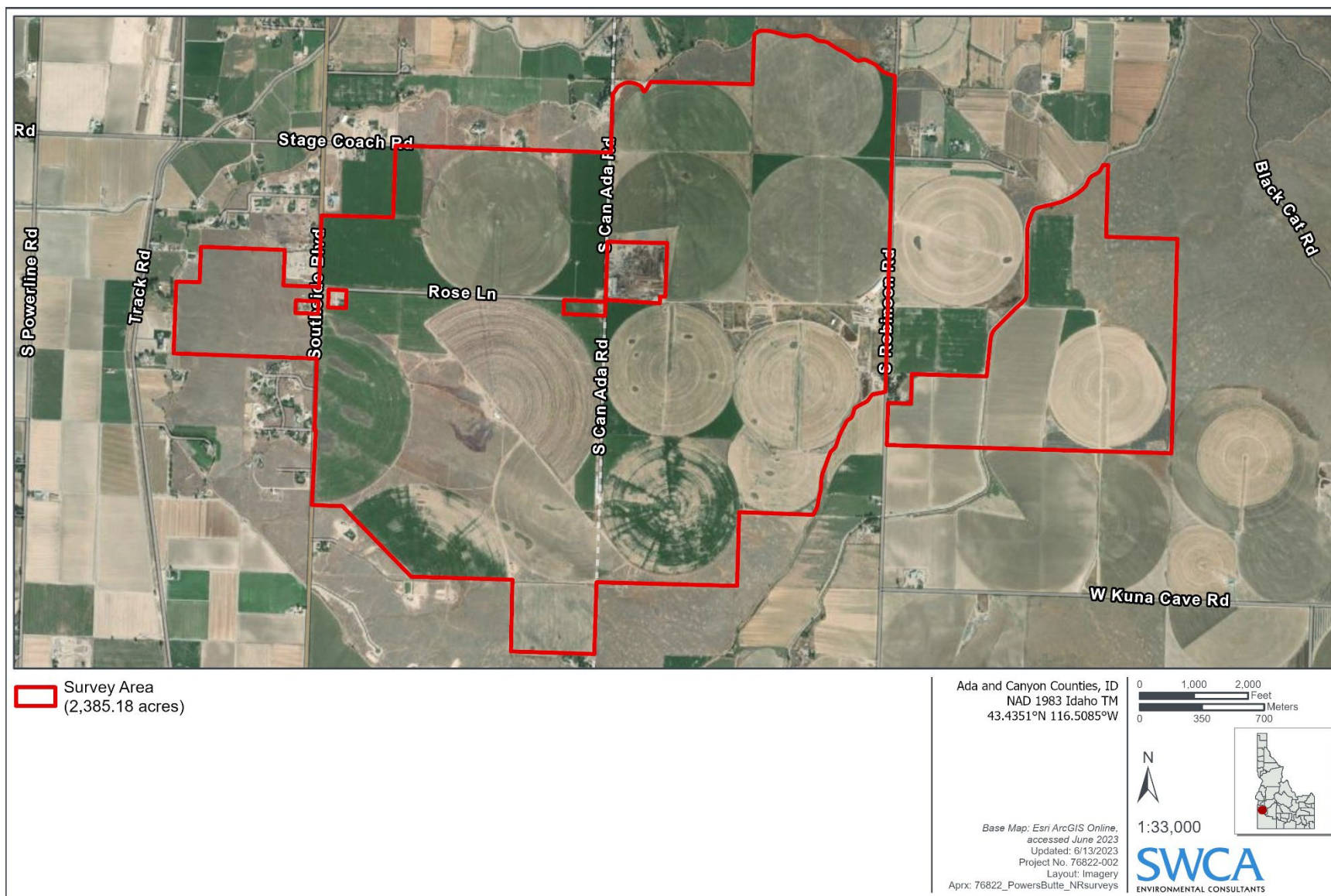


Figure A-1. Survey Area location.

APPENDIX B

Aquatic Resources Maps

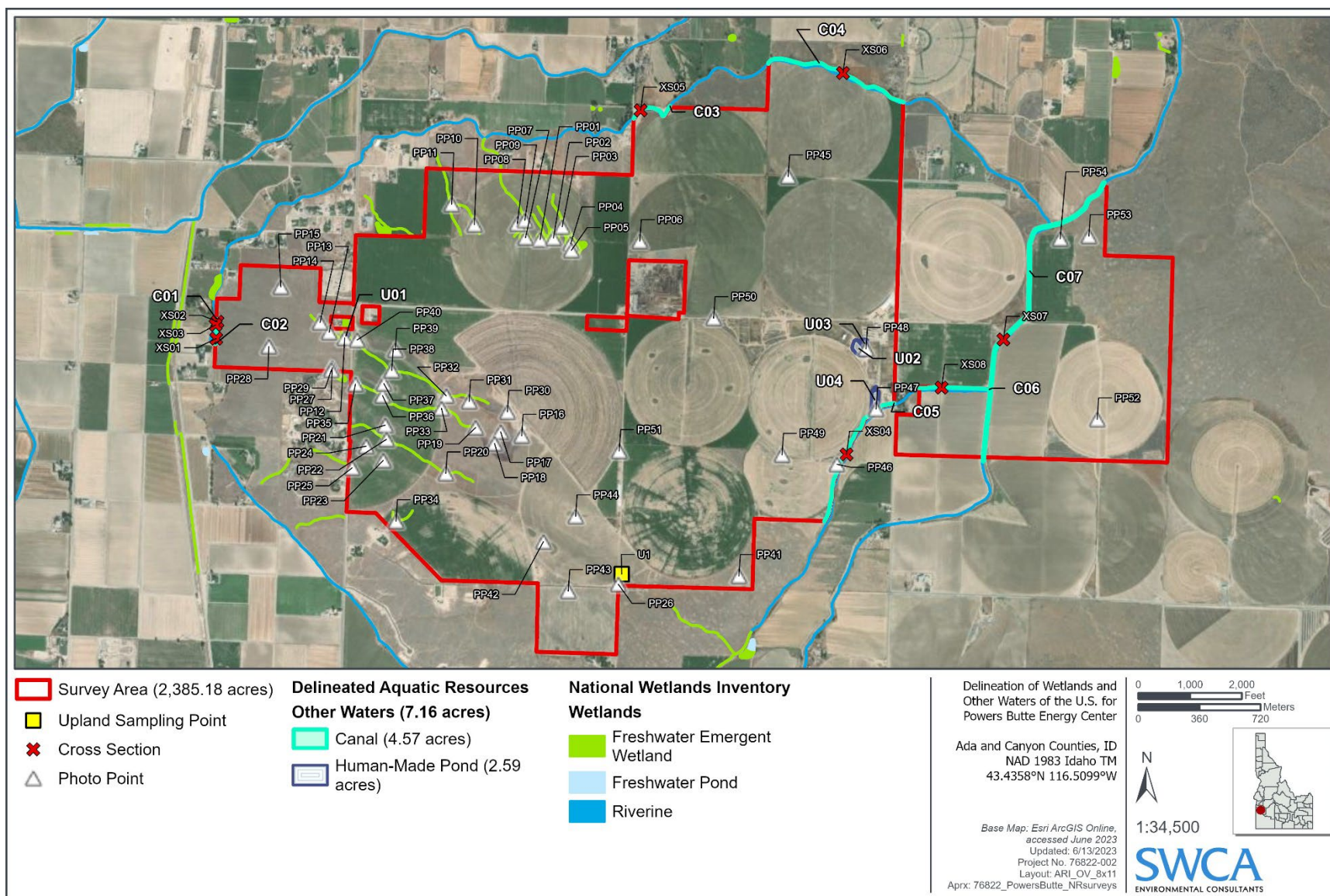


Figure B-1. Overview map of aquatic resources delineation.

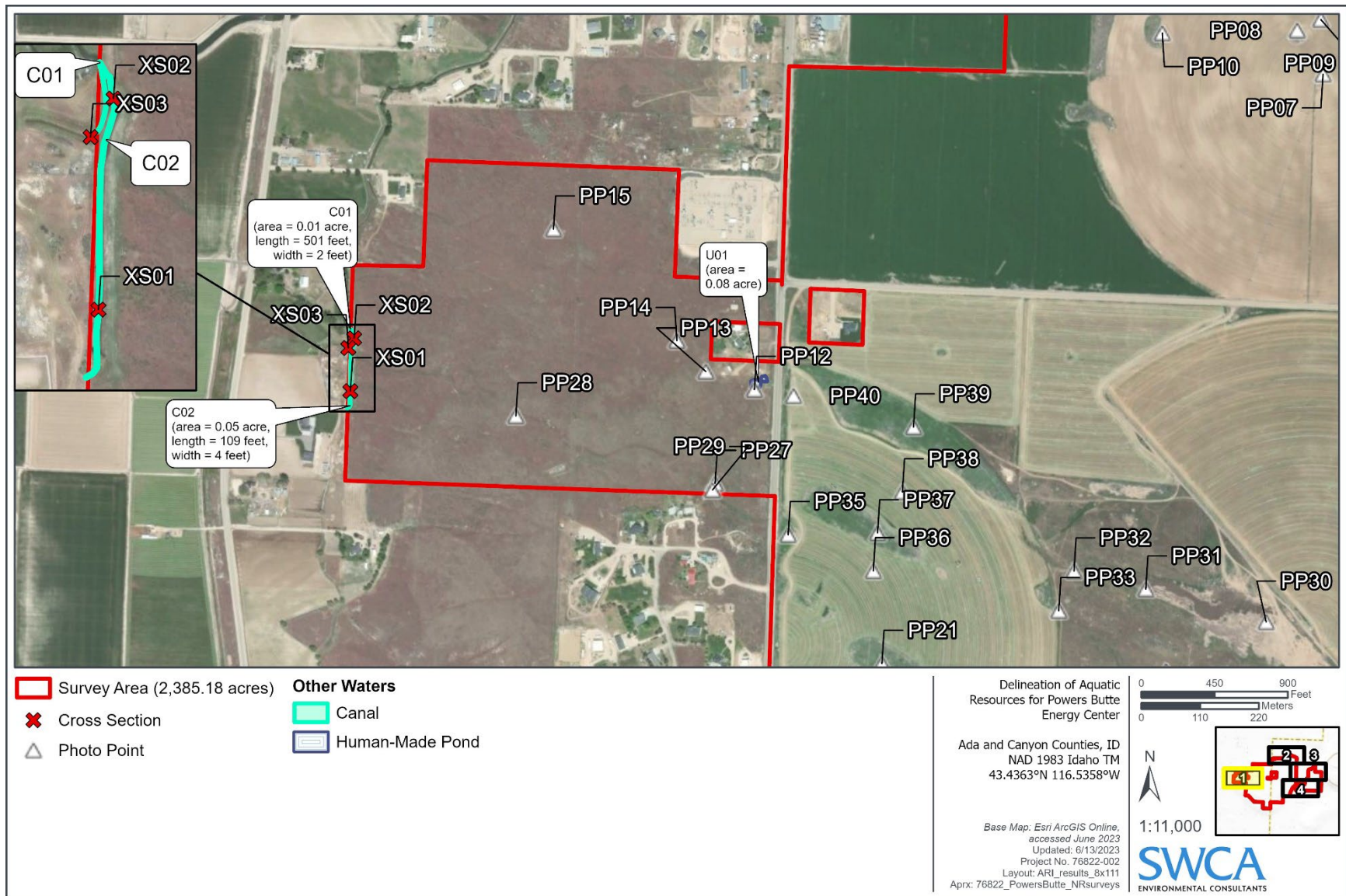


Figure B-2. Results of aquatic resources delineation (map 1 of 4).

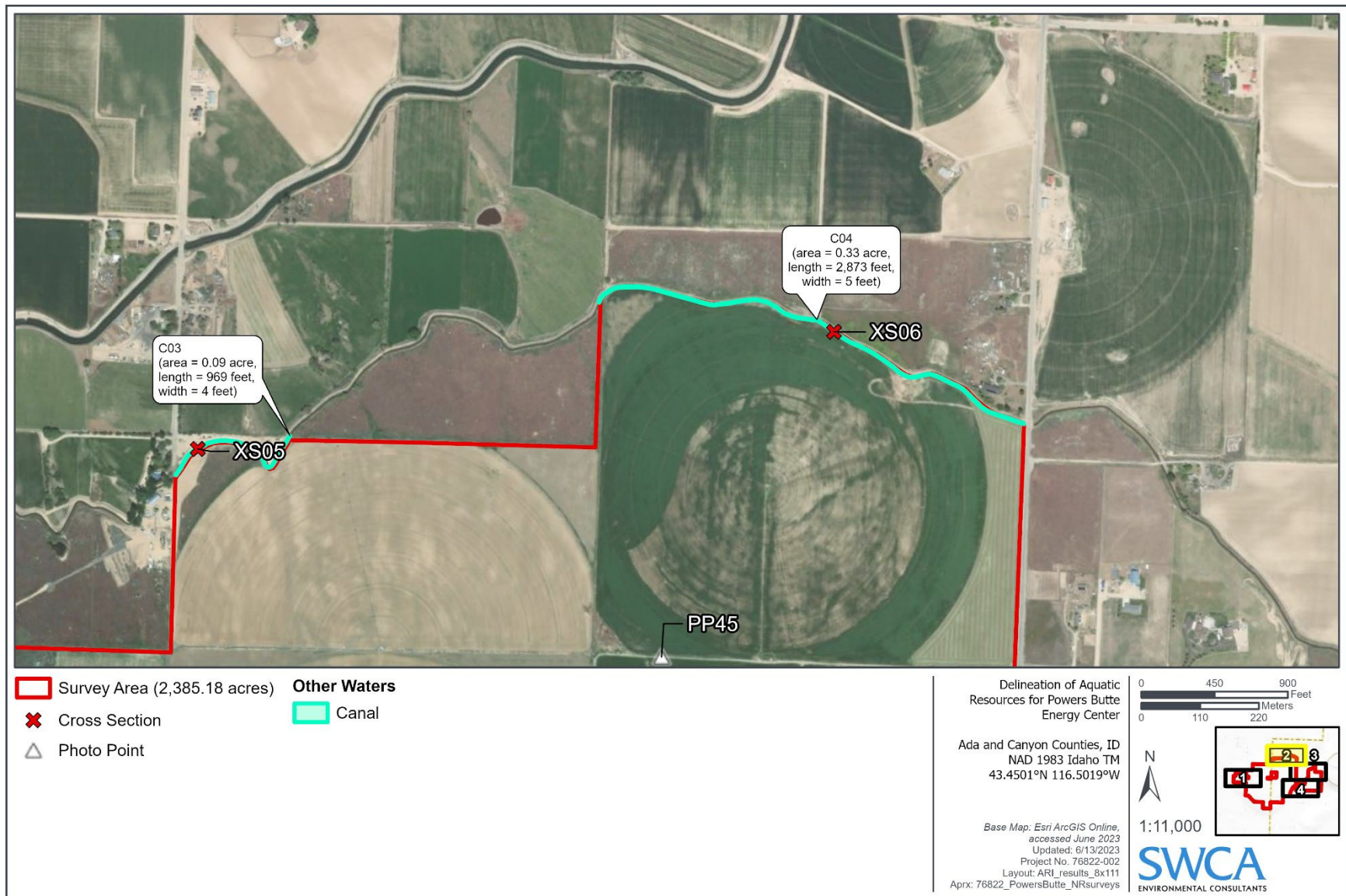


Figure B-3. Results of aquatic resources delineation (map 2 of 4).

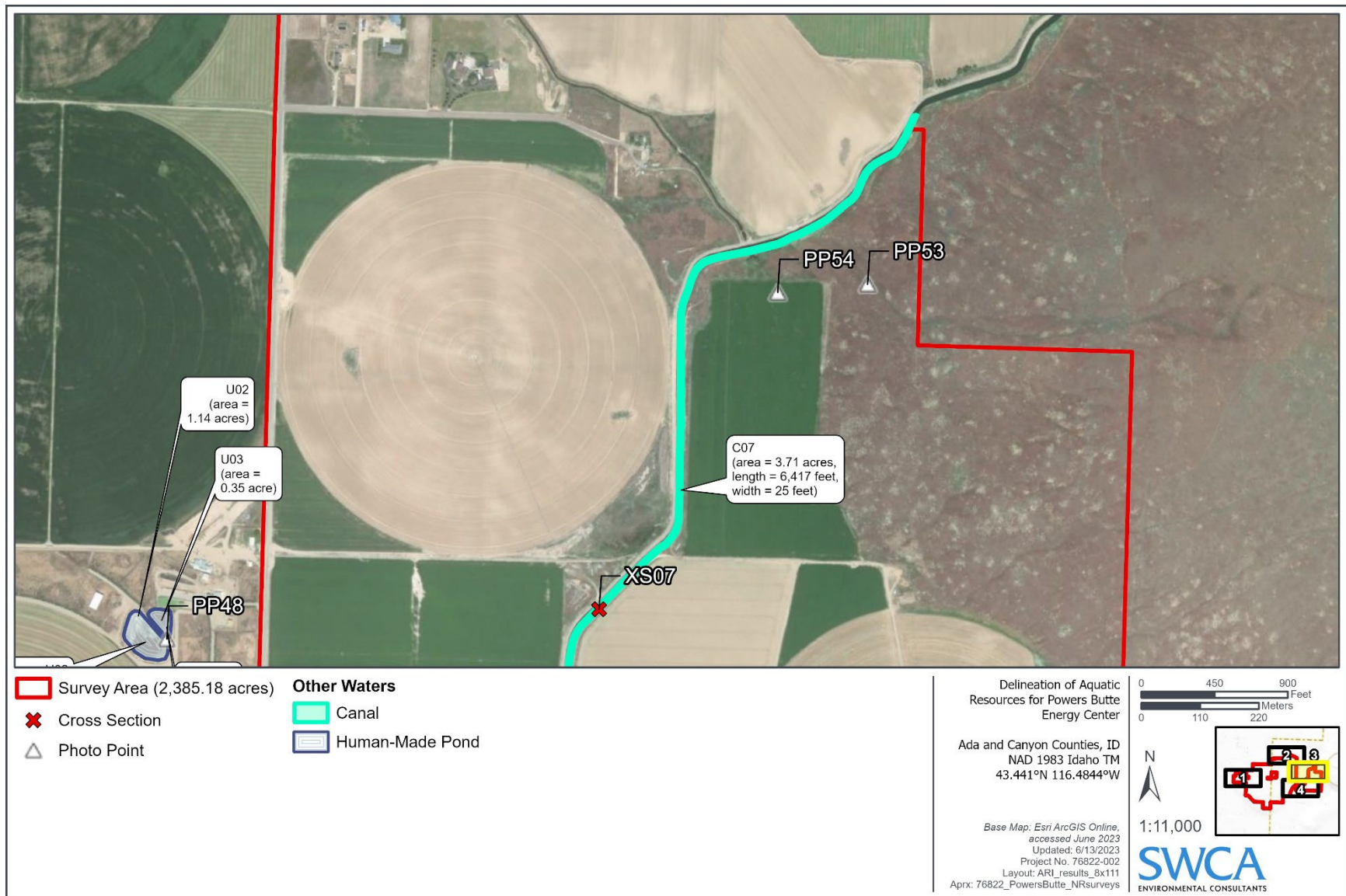


Figure B-4. Results of aquatic resources delineation (map 3 of 4).

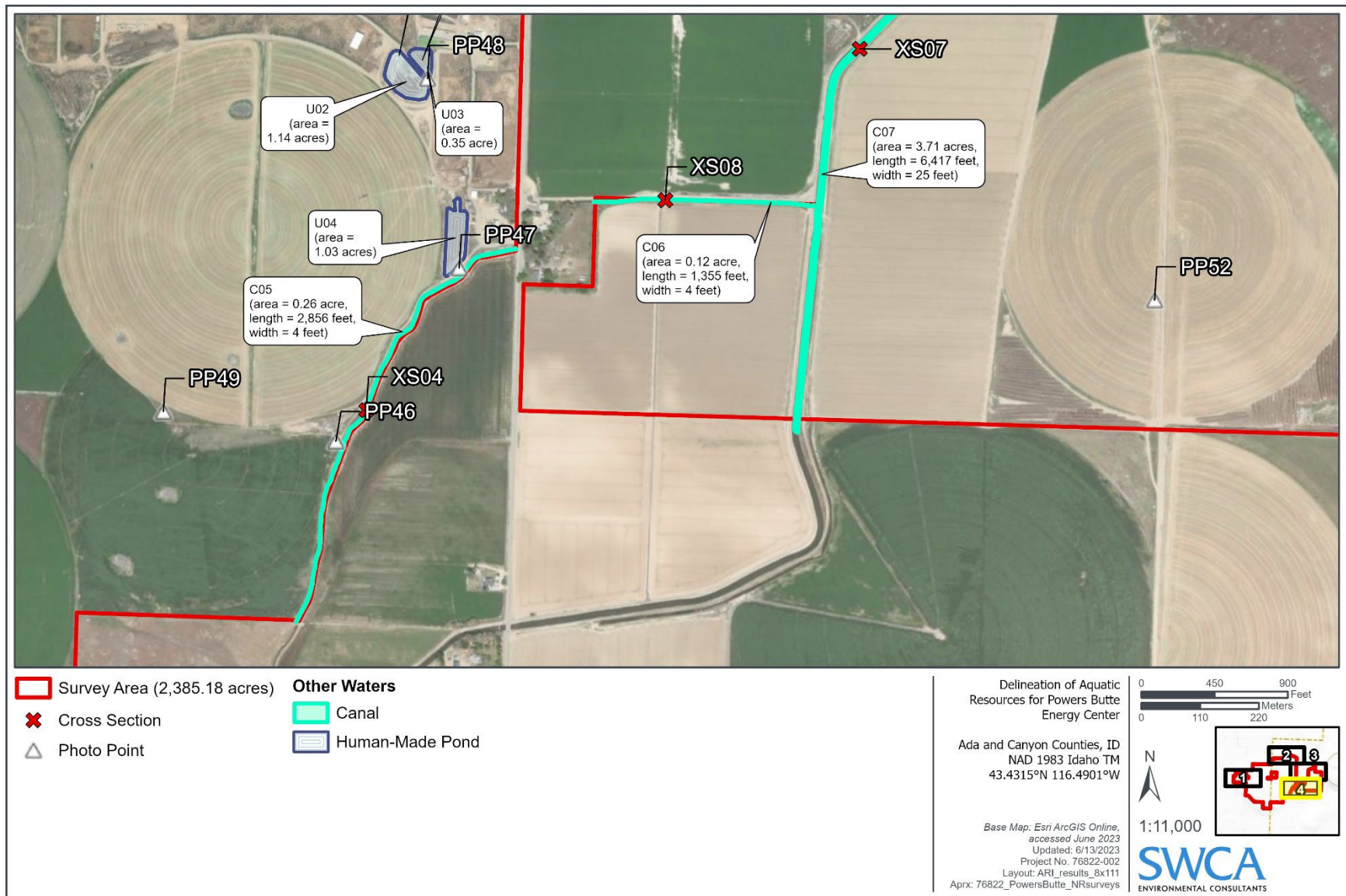
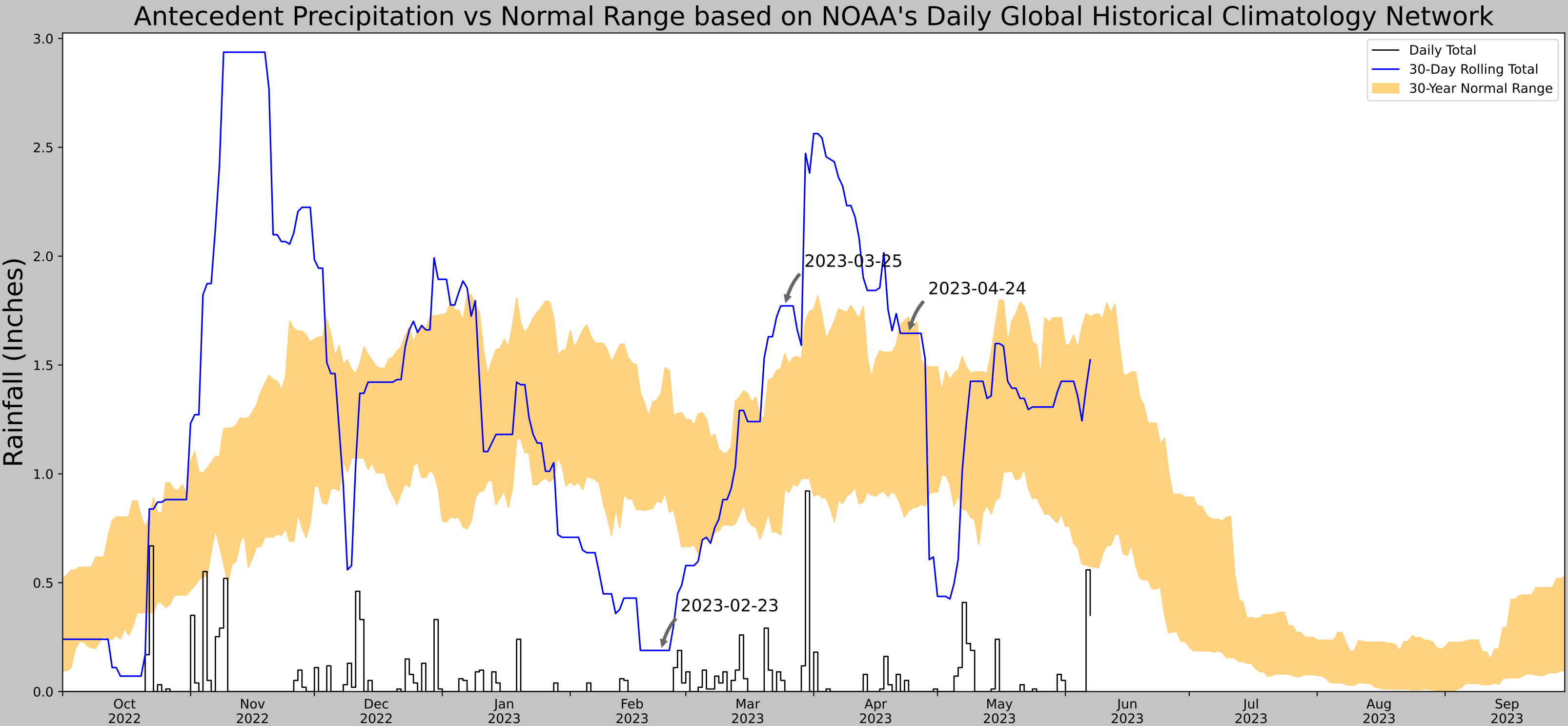


Figure B-5. Results of aquatic resources delineation (map 4 of 4).

APPENDIX C

U.S. Army Corps of Engineers Antecedent Precipitation Tool for the Survey Area



Coordinates	43.43401873, -116.51993947
Observation Date	2023-04-24
Elevation (ft)	2859.969
Drought Index (PDSI)	Mild wetness
WebWIMP H ₂ O Balance	Dry Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2023-04-24	0.830315	1.720866	1.645669	Normal	2	3	6
2023-03-25	0.933071	1.552362	1.771654	Wet	3	2	6
2023-02-23	0.866535	1.370079	0.188976	Dry	1	1	1
Result							Normal Conditions - 13

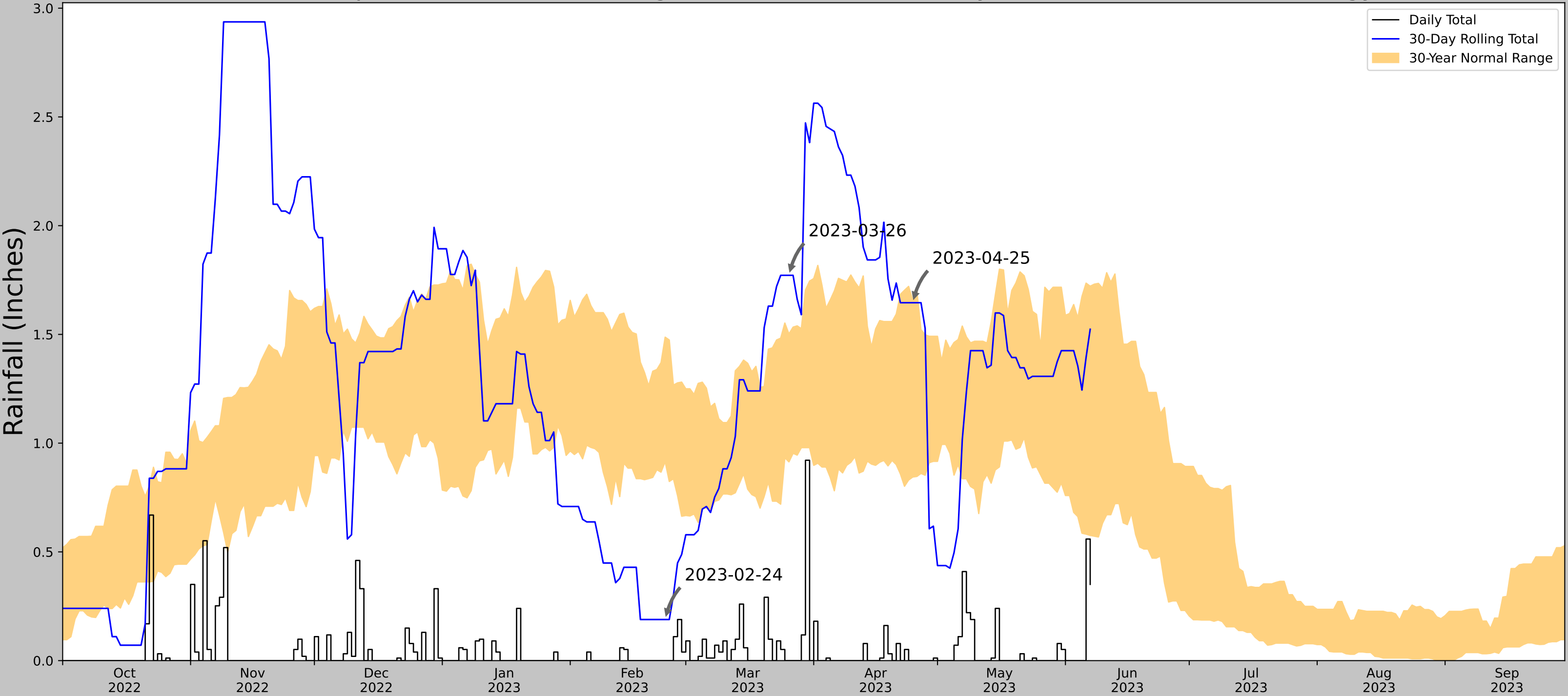


Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
BOISE AIR TERMINAL	43.5669, -116.2406	2823.163	16.742	36.806	8.15	11353	90

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	43.43401873, -116.51993947
Observation Date	2023-04-25
Elevation (ft)	2859.969
Drought Index (PDSI)	Mild wetness
WebWIMP H ₂ O Balance	Dry Season

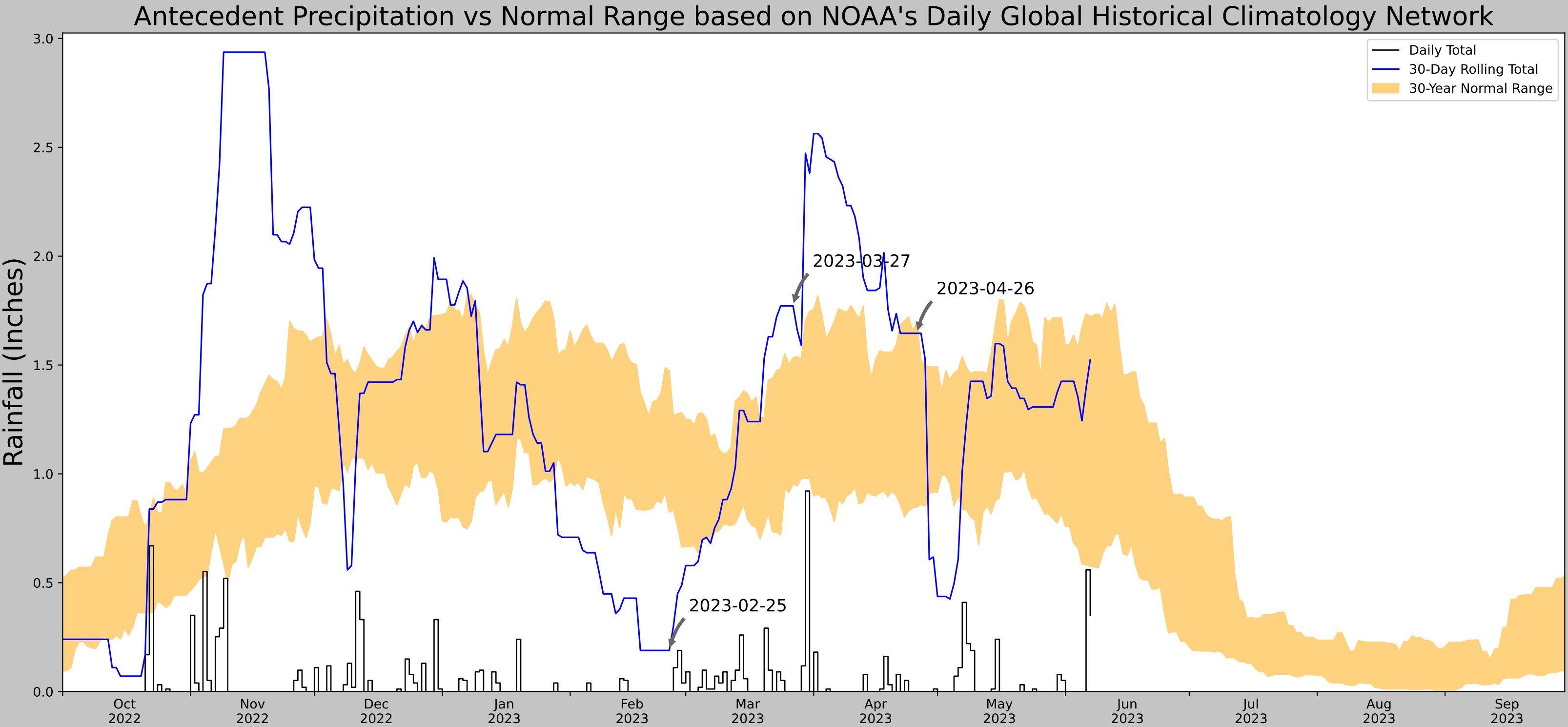
30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2023-04-25	0.844095	1.656299	1.645669	Normal	2	3	6
2023-03-26	0.91378	1.501969	1.771654	Wet	3	2	6
2023-02-24	0.914567	1.487402	0.188976	Dry	1	1	1
Result							Normal Conditions - 13



Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
BOISE AIR TERMINAL	43.5669, -116.2406	2823.163	16.742	36.806	8.15	11353	90



Coordinates	43.43401873, -116.51993947
Observation Date	2023-04-26
Elevation (ft)	2859.969
Drought Index (PDSI)	Mild wetness
WebWIMP H ₂ O Balance	Dry Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2023-04-26	0.84685	1.699213	1.645669	Normal	2	3	6
2023-03-27	0.95315	1.533465	1.771654	Wet	3	2	6
2023-02-25	0.823622	1.474409	0.188976	Dry	1	1	1
Result							Normal Conditions - 13


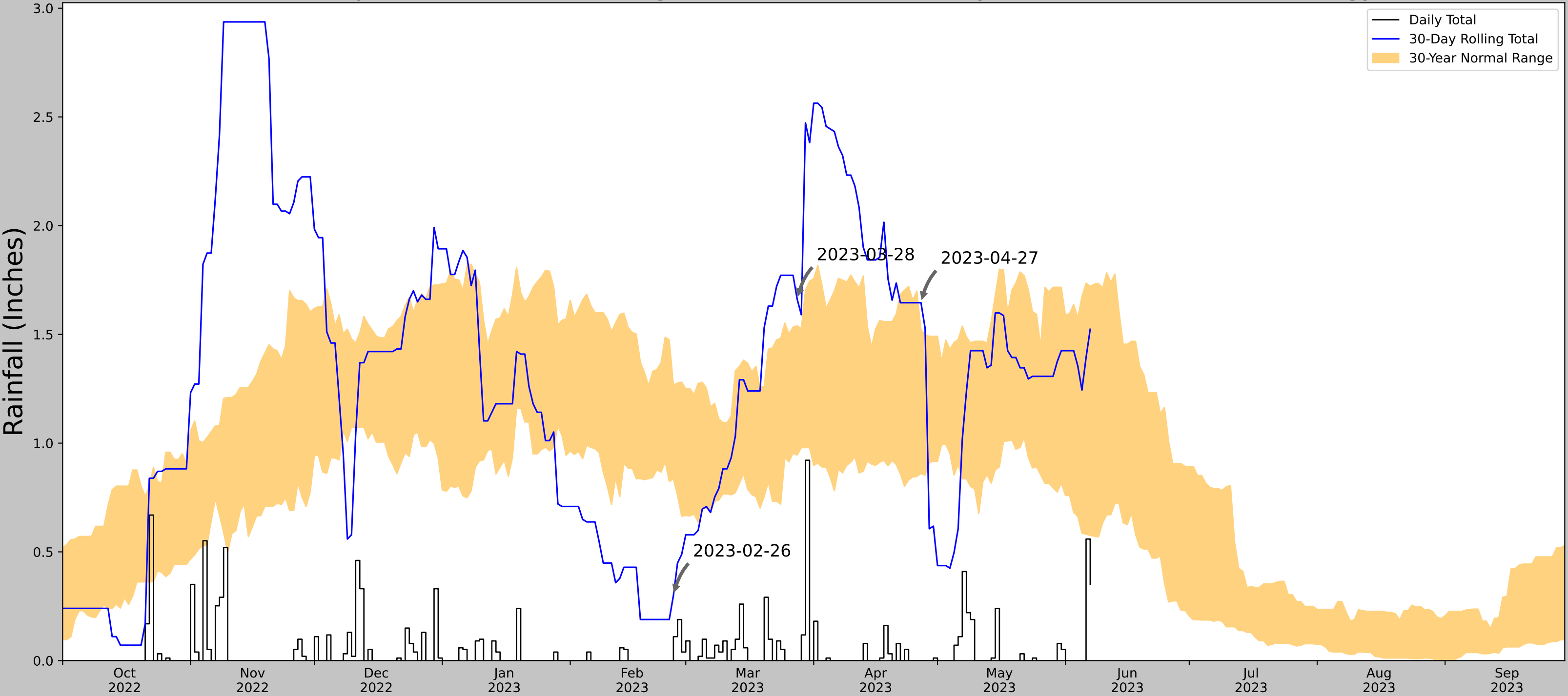


Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
BOISE AIR TERMINAL	43.5669, -116.2406	2823.163	16.742	36.806	8.15	11353	90

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	43.43401873, -116.51993947
Observation Date	2023-04-27
Elevation (ft)	2859.969
Drought Index (PDSI)	Mild wetness
WebWIMP H ₂ O Balance	Dry Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2023-04-27	0.86063	1.521654	1.645669	Wet	3	3	9
2023-03-28	0.944882	1.53937	1.661417	Wet	3	2	6
2023-02-26	0.83622	1.266929	0.299213	Dry	1	1	1
Result							Wetter than Normal - 16



Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
BOISE AIR TERMINAL	43.5669, -116.2406	2823.163	16.742	36.806	8.15	11353	90

APPENDIX D

Supplementary Maps

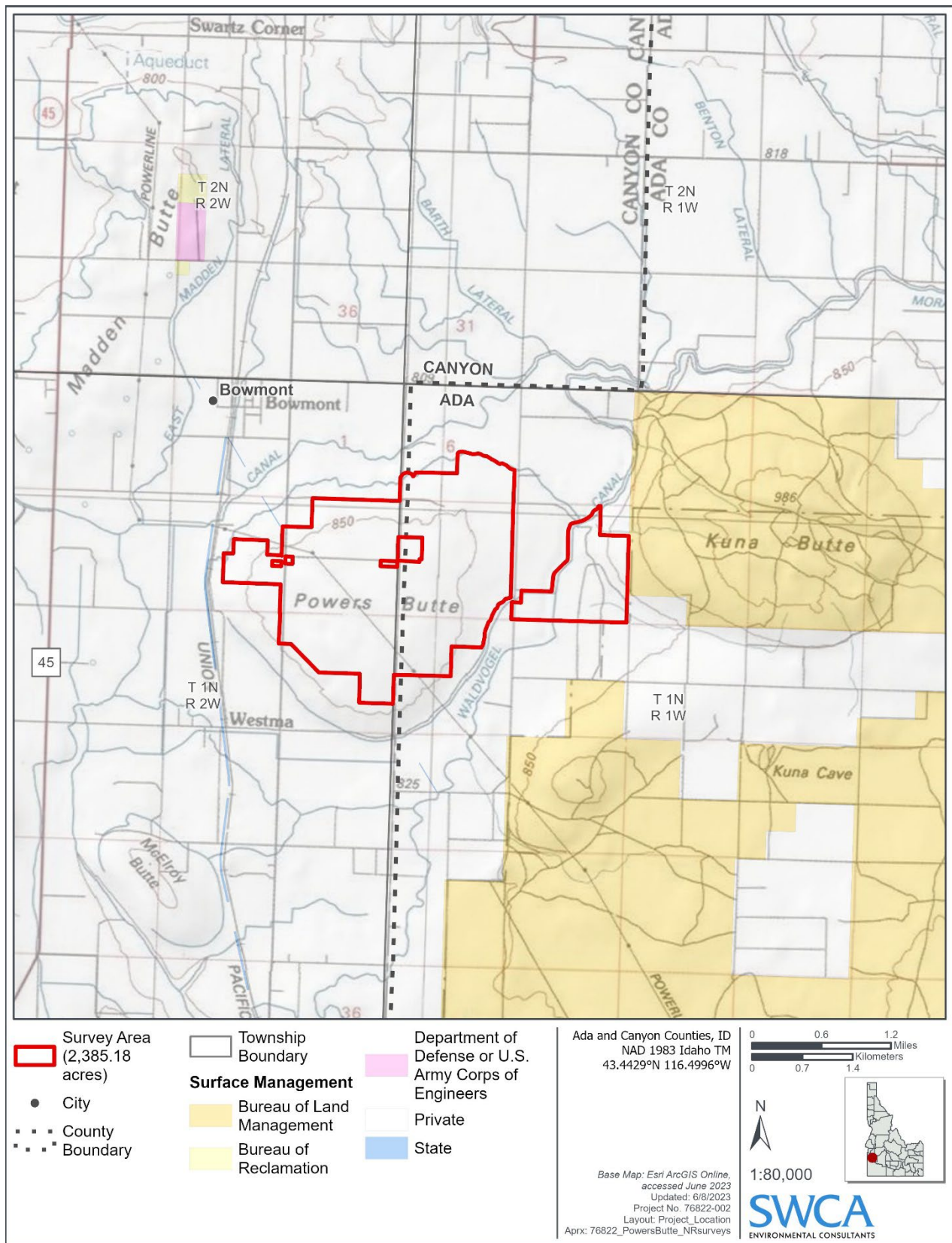


Figure D-1. Topographic map of the Survey Area.

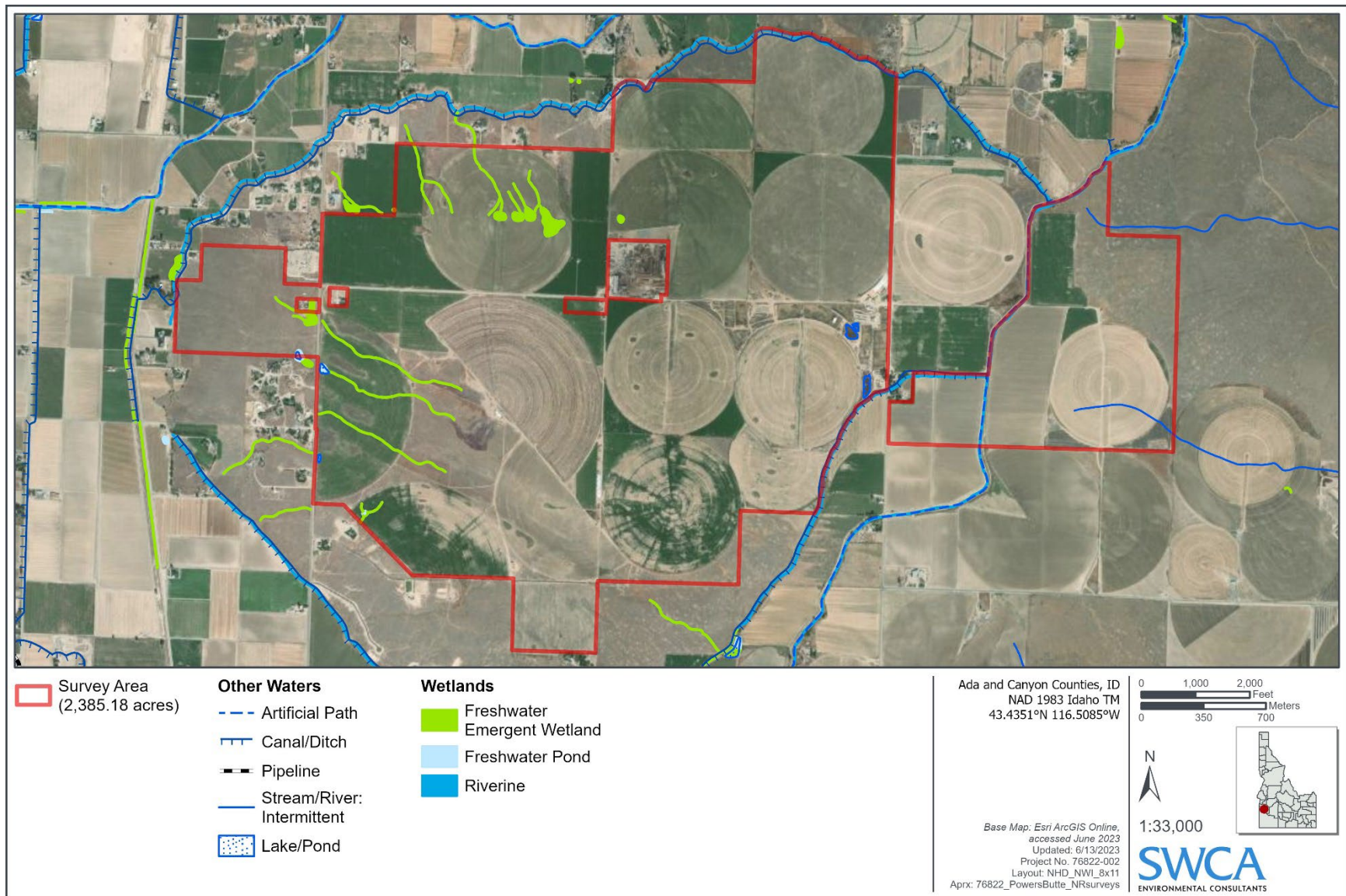


Figure D-2. National Wetlands Inventory and National Hydrography Dataset features within the Survey Area.

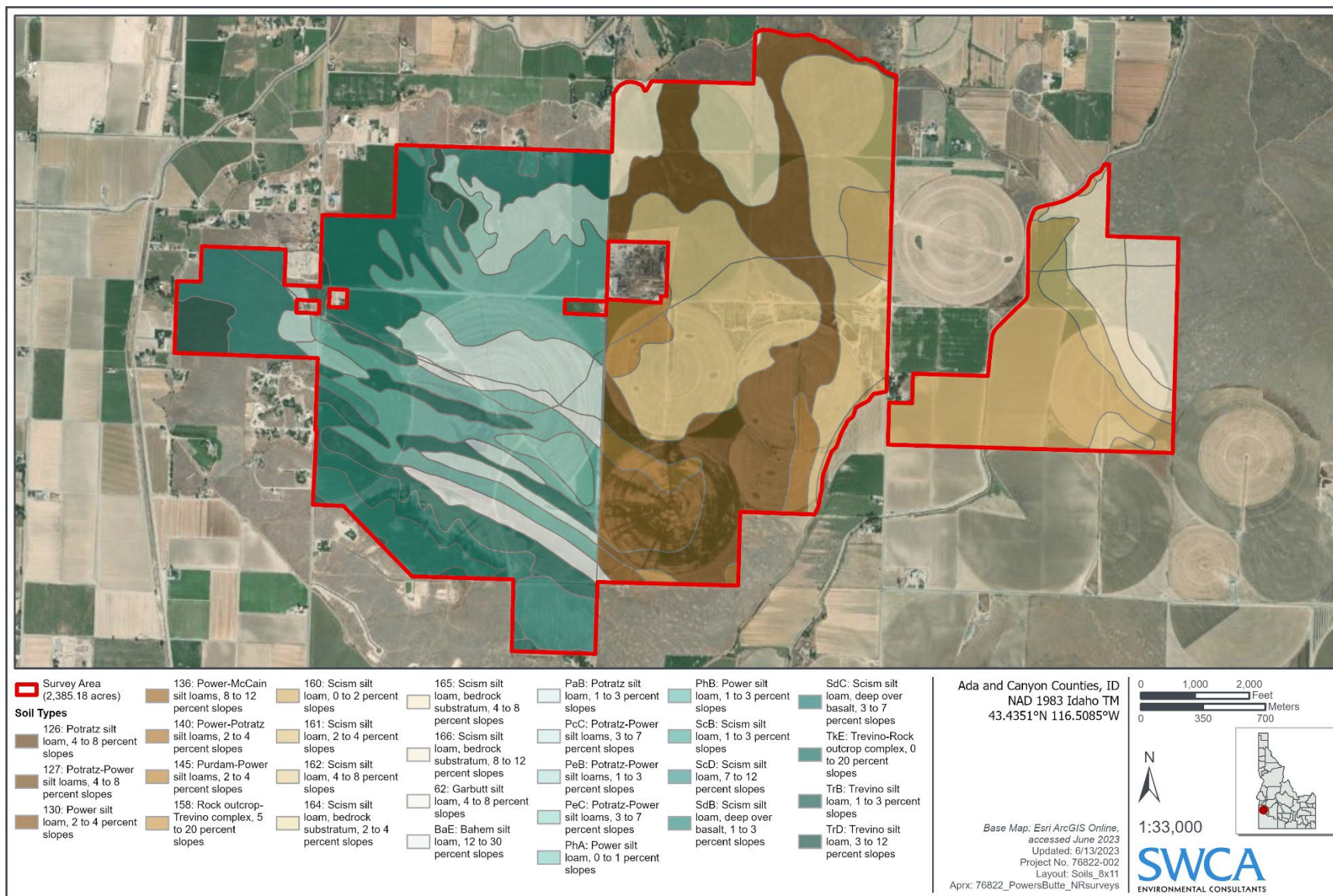


Figure D-3. SSURGO soils data for the Survey Area.

APPENDIX E

Wetland Determination Data Form

WETLAND DETERMINATION DATA FORM — Arid West Region

Project/Site: Powers Butte City/County: Ada County Sampling Date: 04/25/2023
 Applicant/Owner: Savion State: ID Sampling Point: U1
 Investigator(s): SMF, ZEV Section, Township, Range: Sec. 18 T1N R1W
 Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): _____ Slope (%): <5%
 Subregion (LRR): LRR B Lat: 43.4234 Long: -116.513 Datum: NAD83
 Soil Map Unit Name: 130 - Power silt loam, 2 to 4 percent slopes NWI classification: No

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS — Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes: _____ No: <u>X</u>	Is the Sampled Area within a Wetland?	Yes _____ No <u>X</u>
Hydric Soil Present?	Yes: _____ No: <u>X</u>		
Wetland Hydrology Present?	Yes: <u>X</u> No: _____		
Remarks: Some wetland plant species are present due to agricultural irrigation. Areas that could have standing water are limited due to micro topographic changes. AKA piles of rocks.			

VEGETATION — Use scientific names of plants.

Tree Stratum: (Plot size: <u>15</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33</u> (A/B)																
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
	<u>0</u>	=Total Cover																		
Sapling/Shrub Stratum: (Plot size: <u>10</u>)																				
1. <u>Salix exigua</u>	<u>35</u>	<u>Y</u>	<u>FACW</u>	Prevalence Index worksheet: <table border="0"> <tr> <td>Total % Cover of:</td> <td>Multiply by:</td> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>35</u></td> <td>x 2 = <u>70</u></td> </tr> <tr> <td>FAC species <u>0</u></td> <td>x 3 = <u>0</u></td> </tr> <tr> <td>FACU species <u>35</u></td> <td>x 4 = <u>140</u></td> </tr> <tr> <td>UPL species <u>50</u></td> <td>x 5 = <u>250</u></td> </tr> <tr> <td>Column Totals: <u>120</u> (A)</td> <td><u>460</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>3.83</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>35</u>	x 2 = <u>70</u>	FAC species <u>0</u>	x 3 = <u>0</u>	FACU species <u>35</u>	x 4 = <u>140</u>	UPL species <u>50</u>	x 5 = <u>250</u>	Column Totals: <u>120</u> (A)	<u>460</u> (B)	Prevalence Index = B/A = <u>3.83</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>35</u>	x 2 = <u>70</u>																			
FAC species <u>0</u>	x 3 = <u>0</u>																			
FACU species <u>35</u>	x 4 = <u>140</u>																			
UPL species <u>50</u>	x 5 = <u>250</u>																			
Column Totals: <u>120</u> (A)	<u>460</u> (B)																			
Prevalence Index = B/A = <u>3.83</u>																				
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
	<u>35</u>	=Total Cover																		
Herb Stratum: (Plot size: <u>5</u>)																				
1. <u>Cardaria draba</u>	<u>50</u>	<u>Y</u>	<u>UPL</u>	Hydrophytic Vegetation Indicators: _____ Dominance Test is >50% _____ Prevalence Index is ≤3.0 ¹ _____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain)																
2. <u>Phleum pratense</u>	<u>35</u>	<u>Y</u>	<u>FACU</u>																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
	<u>85</u>	=Total Cover																		
Woody Vine Stratum: (Plot size:)																				
1. _____	_____	_____	_____	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. Hydrophytic Vegetation Present? Yes _____ No <u>X</u>																
2. _____	_____	_____	_____																	
	<u>0</u>	=Total Cover																		
% Bare Ground in Herb Stratum <u>5</u>	% Cover of Biotic Crust <u>0</u>																			

Remarks: Heavy herbaceous litter cover, beginning of growing season, not able to identify all species.

SOIL

Sampling Point: U1

[illegible]

HYDROLOGY

Wetland Hydrology Indicators:			
Primary indicators (minimum of one required: check all that apply):		Secondary indicators (2 or more required):	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)	
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input checked="" type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Shallow Aquitard (D3)	
<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> FAC-Neutral Test (D5)	
Field Observations: Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: Hydrology is driven by irrigation agriculture. Irrigation runs through the area.			