

ATTACHMENT "H"

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVAL FOR “CONDITIONAL USE PERMIT #20-0006” FOR WISTER SOLAR ENERGY FACILITY PROJECT, WATER WELL.

WHEREAS, ORNI 33, LLC submitted an application for Conditional Use Permit #20-0006 proposing to utilize the existing water well. The water well will provide water for the Wister Solar Energy Facility, drawing up to 10.22 acre-foot of water per year for construction and up to 1.37 acre-feet for operation and maintenance; and

WHEREAS, an Environmental Impact Report and CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the state Guidelines, and the County’s “Rules and Regulations to Implement CQA” as Amended; and

WHEREAS, Board of Supervisors of the County of Imperial has been delegated with the responsibility of adoption and certification; and

WHEREAS, the Draft EIR was received by the State Clearinghouse on June 30, 2020 and circulated for a period of 50 days ending on August 18, 2020 (SCH #2019110140).

NOW, THEREFORE, the Board of Supervisors of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Board of Supervisors has considered Conditional Use Permit #20-0006 prior to making a decision to approve the proposed project. The Board of Supervisors finds and determines that the Conditional Use Permit and Conditions of Approval are adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law and the County of Imperial, the following findings for the approval of Conditional Use Permit #20-0006 have been made:

A. The proposed use is consistent with the goals and policies of the adopted County General Plan.

The subject property is designated as “Recreational/Open Space” by the County’s General Plan, Land Use Element, and is currently zoned “S-2-G” (Open Space Preservation/Geothermal Overlay) by the Imperial County Land Use Ordinance. The proposed project is therefore, consistent with the County General Plan and Land Use Ordinance, Division 2, Section 90203.01 “Conditional Use Permit” which authorizes domestic water wells when approved by the County. The proposed project is for a water well and is a

conditionally permitted use pursuant to County's Land Use Ordinance (Section 92102.00).

B. The proposed use is consistent with the purpose of the zone or sub-zone which the use will be used.

The Project could be found consistent with the purpose of the zone it is located within. The proposed water well will be used for the project's construction and operation purposes. Section 92102.00 of the Imperial County Land Use Ordinance governs water wells. The proposed use could be considered a compatible use with a Conditional Use Permit pursuant to the Water Well Regulation (Land Use Ordinance, Section 92102.00).

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10.

The proposed water well is consistent with the definition of Land Use Ordinance, Section 92102.00 with an approved Conditional Use Permit.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California.

The Conditions of Approval will ensure that the project complies with all applicable regulations of the County of Imperial and State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The proposed water well, will utilize up to 10.22 acre-foot of water per year, for construction and operation of the proposed Wister Solar Energy Facility on the same parcel. This use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

F. The proposed use does not violate any other law or ordinance.

The proposed project is conditioned to be consistent with Title 9, Codified Land Use Ordinance of the County of Imperial and CEQA. The proposed project will be subject to a Condition of Conditional Use Permit #20-0006 and current Federal, State, and Local regulations.

G. The proposed use is not granting a special privilege.

The proposed water well is a permitted use subject to the conditions of approval of CUP#20-0006 (Land Use Ordinance, Section 92102.00) and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Board of Supervisors of the County of Imperial **DOES HEREBY APPROVE** Conditional Use Permit #20-0006, subject to the Conditions of Approval.

Luis A. Plancarte, Chair
Imperial County Board of Supervisors

I hereby certified that the preceding Resolution was taken by the Board of Supervisors at a meeting conducted on January __, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Blanca Acosta, Clerk of the Board of Supervisors

Recording Requested By and
When Recorded Return To:

Imperial County Planning & Development Services Department
801 Main Street
El Centro, California 92243

**AGREEMENT FOR CONDITIONAL USE PERMIT #20-0006
FOR A COMMERCIAL WATER WELL
(ORNI 33, LLC)**

This Agreement is made and entered into on _____, of 2021 by and between ORNI 33, LLC, (herein referred to as Permittee) and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in Imperial County identified as a 640 acre parcel, located at 8601 Wilkins Road, Niland, California, identified as a portion of Northeast Quarter of Section 27, Township 10 South, Range 14 East, SBBM. It is further identified as Assessors' Parcel Number 003-240-001-000.

WHEREAS, Permittee has applied to the County to be allowed to construct and operate a commercial water well to facilitate the Solar Facility commonly referred to as the Wister Solar Energy Facility.

WHEREAS, ORNI 33, LLC. and/or any subsequent owner(s) would be required to and intend to fully comply with all of the terms and conditions of the project as specified in this Conditional Use Permit.

WHEREAS, County, after a noticed public hearing, agreed to issue Conditional Use Permit #20-0006 to Permittee, and/or his or her successor in interest subject to the following conditions:

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are either routinely and commonly included in all Conditional Use Permits as "standardized" conditions and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions!

GENERAL CONDITIONS:

G-1 ACQUISITION OF PERMITS/LICENSES AND COMPLIANCE WITH GENERAL LAWS:

The Permittee shall obtain, comply with, and maintain all applicable County, State, and Federal permits, licenses, and/or approvals, including, but not limited to those required by Imperial County Planning & Development Services Department, Air Pollution Control District (APCD), County Division of Environmental Health Services (EHS), and Public Works Department. Additionally, Permittee agrees to comply with all applicable laws, ordinances, and/or regulations promulgated by County, State, and Federal jurisdictions whether specified herein or not. Furthermore, Permittee shall submit a copy of such additional permit(s)/license(s) to the Planning & Development Services Department within thirty (30) days of receipt, including amendments or alterations thereto.

G-2 COSTS

The Permittee shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field inspections, enforcement, monitoring, or other activities related to compliance with this permit, County Ordinances, and/or other applicable regulations.

G-3 PERMITS/LICENSES

The Permittee shall obtain any and all local, state, and/or federal permits, licenses, contracts, and/or other approvals for the construction and/or

operation of this project. This shall include, but not be limited to, the County Environmental Health Services/Health Department, Imperial County APCD and the County Public Works Department. Permittee shall also comply with all such permit requirements for the life of the project. Additionally, Permittee shall submit a copy of any such additional permit, license and/or approval to the Planning and Development Services Department within thirty (30) calendar days from the date of receipt when requested.

G-4 RECORDATION:

This permit shall not be effective until it is recorded at the Imperial County Recorders Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee within six (6) months of the approval date, this permit shall be deemed null and void.

G-5 COMPLIANCE/REVOICATION

Upon the determination by the Planning and Development Services Department, (if necessary upon consultation with other Departments or Agency(ies) that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding that the project is creating a nuisance as defined by law, the PERMIT and the noted violation(s) shall be brought immediately to the attention of the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing before the Planning Commission shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

G-6 PROVISION TO RUN WITH LAND

The provisions of this project are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project. Permittee shall not without prior notification to the Planning and Development Services Department assign, sell, or transfer, or grant control of this Permit or any right or privilege herein. The Permittee shall provide a written notice a minimum of sixty (60) calendar days prior to such proposed transfer becoming effective.

G-7 RIGHT OF ENTRY

The County reserves the right to enter the premises to make the appropriate inspection(s) at any time, announced or unannounced, in order to make appropriate inspection(s) and to determine if the condition(s) of this permit are complied with. Access to authorized enforcement agency personnel shall not be denied.

G-8 TIME LIMIT

Unless otherwise specified within the project specific conditions this project shall be limited to a maximum of (3) three years from the recordation date of the CUP. The CUP may be extended for successive

three (3) years by the Planning Director upon a finding by the Planning & Development Services Department that the project is in full and complete compliance with all conditions of the CUP and any applicable land use regulation(s) of the County of Imperial. Unless specified otherwise herein, no conditional use permit shall be extended for more than four (4) consecutive periods. If an extension is necessary or requested beyond fifteen (15) years, the Permittee shall file a written request with the Planning Director for a hearing before the Planning Commission. Such request shall include the appropriate extension fee. An extension shall not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions.

G-9 DEFINITIONS

In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s), and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors within the required time. In this permit, the term Permittee may also apply to any other facility user whether specified by name herein or not. To the extent that this site may be used by more than one service provider other than the applicant (Permittee), all of the conditions of this permit shall be equally applicable to the other "user(s)" as if they were the "Permittee".

G-10 SPECIFICITY

The issuance of this permit does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown on the application/project description, nor shall this permit allow any accessory or ancillary use not specified herein. This permit does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project. The site specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions, and only the use or uses listed shall be deemed as approved by this permit.

G-11 HEALTH HAZARD

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G-12 REPORT(S)

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this Conditional Use Permit. The report shall be filed at least fifteen (15) days prior to the anniversary (recordation date) of this permit. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from the Permittee or other users if applicable; however, it shall be the responsibility of the Permittee to assure that the County receives such information in a timely manner.

G-13 RESPONSIBLE AGENT

Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for twenty-four (24) hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G-14 INDEMNIFICATION:

Permittee shall defend, indemnify and hold harmless County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental documents which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness costs that may be asserted by any person or entity, including the Permittee arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party from the County.

G-15 CHANGE OF OWNER/OPERATOR

In the event the ownership of the site or the facilities or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning and Development Services Department in writing at least sixty (60) calendar days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the

Planning and Development Services Department via Certified Mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all conditions and/or regulations. If this permit or any subservient or associated permit requires financial surety, the transfer of this permit shall not be effective until the new Permittee has the requisite surety on file. Furthermore, the existing surety shall not be released until a replacement surety is accepted by County Counsel's office.

G-16 MINOR AMENDMENTS

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

G-17 CONDITION PRIORITY

This project shall be constructed and operated as described in the Conditional Use Permit application, the Environmental Assessment, the project description, and as specified in these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall govern and take precedence.

G-18 SEVERABILITY

Should any condition(s) of this permit be determined by a Court or other agency with proper jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this permit.

G-19 INVALID CONDITIONS/SEVERABILITY:

Should any condition(s) of this permit be determined by a Court or other agency with property jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this permit.

G-20 REVOCATION:

Upon the determination by the Planning & Development Services Department that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding that the project is creating a nuisance as defined by law, the issue shall be brought immediately to the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

(TOTAL "G" CONDITIONS are 20)

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PROJECT SPECIFIC CONDITIONS:

- S-1** The Conditional Use Permit (CUP) allows the Permittee to draw up to 10.22 acre-feet of groundwater per year for construction purposes. The use of the water well shall be for non-potable use only, i.e. for construction and 1.37 acre-feet per year for operation and maintenance and up to 5 acre-feet for decommissioning of the Wister Solar Energy Facility.
- S-2** Water from the well shall not be used, sold, given, exported, or transported from the immediate site area of the Wister Solar Energy Facility.
- S-3** A flow meter shall be installed and sealed by a California State Licensed Water Well Drilling Contractor. Registered user shall submit an annual report to the Planning & Development Services Department indicating the yearly amount of water extracted from the well. A photograph (dated and signed) of the flow meter readings shall be included in the annual report. The report shall be received within thirty (30) days following the anniversary date of the issuance of this registration. In the event of a flow meter failure, the registered user shall be required to cease the water well operation and notify the Planning & Development Services Department. The registered user may be allowed to temporarily substitute the flow meter for an alternative measuring device, at the approval of the Planning & Development Services Department. In this case two (2) separate reports shall be submitted as stipulated herein. (Pursuant to Title 9, Division 22: Groundwater Ordinance 92202.04 Extraction Facility Water Flow Measurements)
- S-4** This permit does not authorize Permittee to "slant drill" under adjoining property.
- S-5** Should the water well be "abandoned" at any time for more than 360 consecutive days, Permittee shall seal/cap the well according to standards set by the State and in a manner acceptable to the County Building Official. (Abandonment shall mean as follows:

ABANDONMENT: A well is deemed "abandoned" when it has not been used for one (1) year. An owner may have the well deemed "inactive" by filing a written notice with the Department stating his/her intentions to use the well under specific conditions and/or time frames. As evidence of his/her intentions, the conditions contained in Bulletin 74-81 (Sec. 21) shall be met. Any well that is open or whose services/operating equipment (e.g. pumps/motors/pipes, etc.) has been removed shall be deemed abandoned.

- S-6** The Permittee shall construct the water well as the specific location shown on the site plan. If an alternate location on the property for the water well is desired, Permittee shall submit a revised site plan for review and approval by Environmental Health Services and the Planning & Development Services Department prior to construction of the water well.
- S-7** The water well shall be registered with the Planning & Development Services Department to comply with the Imperial County's Groundwater Ordinance (Title 9, Division 22) and Water Well Regulations (Title 9, Division 21). The applicant is required to sign the registration form prior to recordation of the CUP.
- S-8** Water Well Replacement: In the event the proposed water well under this CUP requires replacement, and the CUP is still active and in compliance, said replacement water well shall be constructed by a California Licensed Driller in accordance with California Department of Water Resources Bulletin 74-81 and 74-90 (including any subsequent revisions), and with the Imperial County Water Well Ordinance, Section 92101.00 et seq

Permittee shall submit copies of the "Report of Completion" (as required by the California Water Code, Section 13751), by the California Licensed Driller on the construction of any water well replaced. Copies shall be submitted to the Environmental Health Services, Planning & Development Services Department, and Public Works within thirty (30) days of the construction or destruction of the well, this report shall include:

1. A description of the exact location of the well'
2. A detailed log of the well
3. A description of the type and depth of casings
4. Details of perforation
5. The methods used for sealing off surface or contaminated waters.
6. Methods for preventing contaminated waters from one aquifer to mix with another aquifer.
7. Name of person who constructed the well.

S-9 PUBLIC SERVICE:

1. If Permittee receives an exclusion of applicable sales and use tax payable to the County of Imperial under Senate Bill 71 under the State Public Resource Code (Section 26003, et al.) and the California Alternative Energy and Advanced Transportation Financing Authority (CAETFA), Permittee shall pay to the County and Local Transportation

Authority an amount equal to the sales tax (currently at 1.5%) which would have been received if Permittee had not obtained such exclusion.

- a) Permittee shall require that its general construction contractor exercise its option to obtain a Board of Equalization (BOE) sub-permit for the jobsite and allocate all eligible use tax payments to Imperial County and LTA. Permittee will require that the general contractor provide County of Imperial with either a copy of their BOE account number and sub-permit. To accomplish this, Permittee shall either cause its general construction contractor to treat the project in accordance with California Regulation 1521(b)(2)(B), California Regulation 1521(c)(13)(B), and California Regulation 1826(b) for sales and use tax purposes or form a "Buying Company" as defined in the State of California Board of Equalization Regulation 1699(h). Permittee can adopt an alternate methodology to accomplish this goal if such methodology is approved by the County Executive Officer prior to issuance of building permits. Permittee shall require its general construction contractor to use commercially reasonable best efforts to cause its subcontractors and vendors to obtain similar sub-permits for the jobsite and to allocate all eligible sales and use tax payment to Imperial County and LTA.
 - b) Permittee shall direct use taxes on out-of-County taxable purchased construction related items to Imperial County, to the extent permitted and consistent with state use tax law.
 - c) Permittee shall use its best efforts, consistent with state law, to source taxable purchases from price competition construction retail vendors within the County of Imperial in order to further source sales to County.
 - d) The Permittee shall exclude from assessment and taxation under California Revenue and Taxation Code Section 73 (AB 1451) only that property qualifying as an Active Solar Energy System, pursuant to the applicable guidelines issued by the Board of Equalization.
2. The Permittee shall widely publicize to County residents the availability of job opportunities associated with the project (whether or not those job opportunities are within Imperial County or are regional). Since the majority of the population residents in the incorporated Cities of the County, dissemination of the information should be relatively easy. Postings at City Halls, newspaper and television advertisements, local job centers, and dedicated website shall offer sufficient avenues of communication. The Imperial County Office of Employment and Training in addition to the Imperial Valley College presents viable sources for community awareness. The information shall provide available positions,

details of positions including qualifications, number of openings, indicated the anticipated start date for each, and application process. In order to maintain oversight of the process, the application process can be completed both on a dedicated website and at dedicated computers at the County which would afford those without Internet connection the ability to apply. The Permittee's information shall be forwarded to the Permittee or their contractor and copies of applications files are maintained at the County.

3. During the development phase of the project, the Permittee shall provide a roster of employees to include their position and place of residence. Permittee shall also attempt to coordinate a ride-share program with Caltrans and other regional employers to facilitate the employment of Imperial County residents in jobs related to this project.
4. Unless prohibited by local, state or federal law or regulation, Permittee shall make good faith efforts to hire qualified residents of the Imperial County with the objective that a majority of the total work force is comprised of the Imperial County residents.
5. The Permittee shall install and implement security measures which may include, but not limited to, secured perimeter fencing with barbed wire, sensors, with controlled access points, security alarms, security camera systems, security guard vehicle patrols to deter trespass or unauthorized activities that would interfere with operation of the proposed project.
6. Permittee shall compensate the County pursuant to the Department of Environmental Health Fee Schedule for any costs of calls related to bees and mosquitoes.
7. The Permittee shall reimburse the Sheriff's Department for any investigations regarding theft on the Project site and related law enforcement.
8. Permittee shall enter into a Public Benefit Agreement with the County of Imperial to provide for a monetary benefit payable to the County to maximize the benefits of the Project to the Imperial County prior to the issuance of the first Building/Grading permit.
9. All construction supervisors and foremen shall be provided with communication devices, cell phones or walkie-talkies, in the event of an emergency situation on-site.
10. For operation and maintenance fees associated with Fire Department/OES:

- a. Permittee shall pay a fee of \$50 per acre per year prior to commencement of the construction period to address the Imperial County Fire/OES expenses for service calls within the Project's Utility/Transmission area. Said amount shall be prorated on a monthly basis for periods of time less than a full year. Permittee shall provide advance, written notice to County Executive Office of the construction schedule and all revisions thereto.
- b. Permittee shall pay an annual fee of \$20 per acre per year during the post-construction, operational phase of the Project to address the Imperial County Fire/OES expenses for service calls within the Project's Utility/Transmission area. Said fee will be paid to the Fire Department to cover on-going maintenance and operations costs created by the project.
- c. Costs associated with items two above items shall be annually adjusted on January 1st to add a CPI (Los Angeles) increase. Such costs associated with these items can be readjusted in the County's sole discretion if a new service analysis is prepared and that service analysis is approved by both the County and the Permittee.

TOTAL "S" CONDITIONS are 9

NOW THEREFORE, County hereby issues Conditional Use Permit #20-0006 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE

By: _____
ORNI 33, LLC (Permittee)

Dated: _____

(Print name and title)

COUNTY OF IMPERIAL, a political Subdivision of the STATE OF CALIFORNIA

By: _____

Dated: _____

James A. Minnick, Director
Planning & Development Services

FOR PERMITTEES NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ORNI 21, LLC

By: _____

(Print name and Title)

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document

Number of Pages _____ Date of Document: _____

Signer(s) Other Than Named above _____

FOR COUNTY'S NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

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Signer(s) Other Than Named above _____