

Appendix 5

**Description and Map Showing
Lands to be Dried up from
Irrigation during Project
Construction/Fill
(Application Question 8)**

AFFIDAVIT OF CONSENT TO FORBEARANCE OF LAUREN JESPERSEN ON
BEHALF OF EDGEWOOD RANCH, INC.

STATE OF OREGON)
) ss.
County of Klamath)

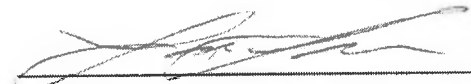
I, Lauren Jespersen, do hereby swear, under penalty of perjury, that the assertions of this affidavit are true to the best of my knowledge and belief:

1. I am an officer of Edgewood Ranch, Inc., an Oregon corporation (“Edgewood”), the mailing address for which is 12941 Swan Lake Rd., Klamath Falls, OR 97601, and my phone number is (541) 891-1471.
2. Edgewood is the holder and owner of those water rights authorized under, and identified in, the records of Oregon Water Resources Department as Water Right Certificates 29530, 92375 and 87006 (the “Water Rights”).
3. The Water Rights are appurtenant to real property owned by Edgewood and, pursuant to the terms and conditions of the Water Rights, can only be used for irrigation purposes during the irrigation season.
4. I submit this affidavit to confirm Edgewood’s consent to forbear from appropriation and application to beneficial use those portions of the Water Rights appurtenant to Edgewood’s lands, all as further described on the *Exhibit A* and *Exhibit B* attached hereto and incorporated herein (the “Forbearance Water Rights”), in order that the Forbearance Water Rights can be made available to offset in time, place, and amount those future appropriations of groundwater requested under that Hydroelectric License application dated October 29, 2019 (“Hydroelectric License Application HE-617”) filed by Swan Lake North Hydro, LLC (“Swan Lake”), and which application seeks the right to appropriate up to 3001 acre-feet of groundwater for the construction, initial fill, and occasional re-fill of the reservoir system (collectively, the “Reservoir Water Rights”) associated with Swan Lake’s proposed 393.3MW pump storage project (the “Project”).

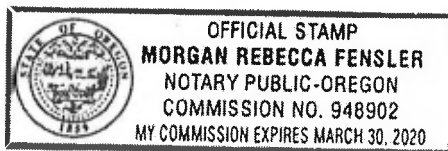
5. Within thirty (30) days of the Oregon Water Resources Department's ("OWRD") issuance of a non-appealable, final order approving the Hydroelectric License Application HE-617 and, more specifically, that portion of the application authorizing Swan Lake's appropriation and use of the Reservoir Water Rights for the Project, Edgewood shall deliver to Swan Lake (a) a fully executed forbearance agreement ("Forbearance Agreement") which agreement shall affirm Edgewood's obligations to forbear appropriation and use of the Forbearance Water Rights during all periods of time that the Project shall appropriate groundwater pursuant to the Reservoir Water Rights, and (b) a *Memorandum of Forbearance Agreement* to be recorded against all affected portions of Edgewood's property and the Forbearance Water Rights in the records of Klamath County, State of Oregon.

6. Upon the completion of the recording of the *Memorandum of Forbearance Agreement*, Edgewood will provide a copy of such document to OWRD for maintenance in its files concerning the Water Rights.

DATED this 29 day of October, 2019.


Lauren Jespersen

SUBSCRIBED AND SWORN to before me by Lauren Jespersen in his capacity as an officer of Edgewood Ranch, Inc. this 29 day of October, 2019.



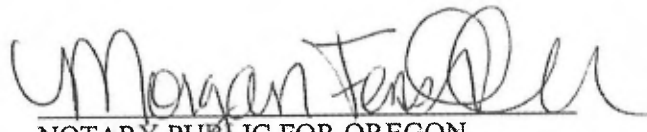

NOTARY PUBLIC FOR OREGON
My Commission Expires: 3/30/2020

EXHIBIT A - WATER RIGHTS SUBJECT TO FORBEARANCE

Township 37 S., Range 10 E., W.M.

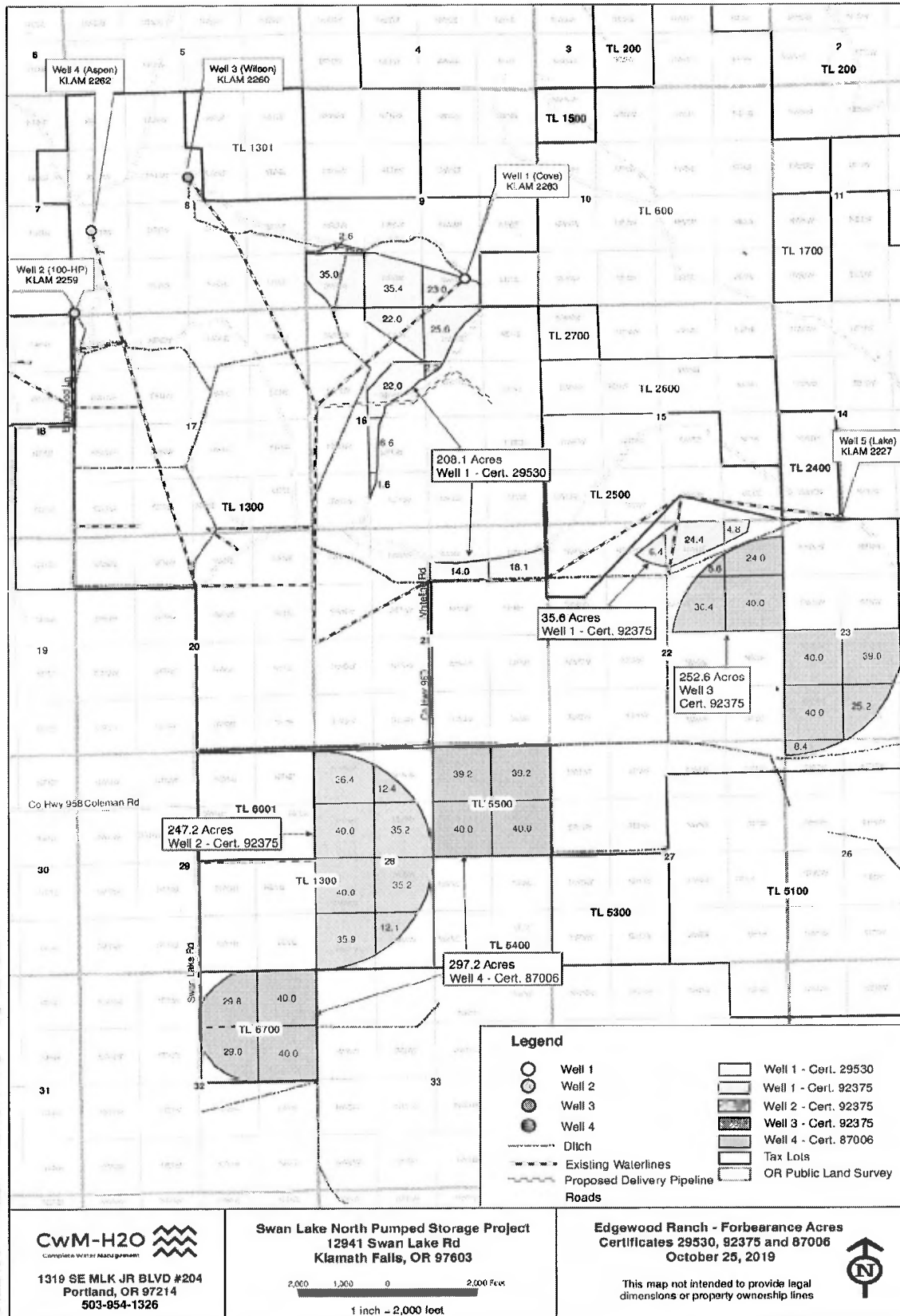


EXHIBIT B - WATER RIGHTS SUBJECT TO FORBEARANCE

	Section	Q	Q	Acres
Well 1	9	NW	SW	2.6
Cert. 29530		SW	SW	35.0
		SE	SW	35.4
		SW	SE	23.0
	16	NW	NE	25.6
		SW	NE	2.2
		NE	NW	22.0
		SE	NW	22.0
		NE	SW	6.6
		SE	SW	1.6
	21	NE	NE	18.1
		NW	NE	14.0
			Total	208.1
Cert. 92375	22	NE	NE	4.8
		NW	NE	24.4
		NE	NW	6.4
			Total	35.6

Well 2	28	NE	NW	12.4
Cert. 92375		NW	NW	36.4
		SW	NW	40.0
		SE	NW	35.2
		NE	SW	35.2
		NW	SW	40.0
		SW	SW	35.9
		SE	SW	12.1
			Total	247.2

	Section	Q	Q	Acres
Well 3	22	NE	NE	24
Cert. 92375		NW	NE	5.6
		SW	NE	30.4
		SE	NE	40.0
	23	NE	SW	39.0
		NW	SW	40.0
		SW	SW	40.0
		SE	SW	25.2
	26	NE	NW	8.4
			Total	252.6

Well 4	28	NE	NE	39.2
Cert. 87006		NW	NE	39.2
		SW	NE	40.0
		SE	NE	40.0
	32	NE	NE	40.0
		NW	NE	29.8
		SW	NE	29.0
		SE	NE	40.0
			Total	297.2

TOTAL FORBEARANCE ACRES

1040.7