



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for Limited Water Use License

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JAN 24 2022

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License No.: LL-1916

Applicant Information

NAME Skysol, LLC, a Utah Limited Liability Company Attn: David Palmer			PHONE (HM)
PHONE (WK) (480) 286-7274	CELL		FAX
ADDRESS 300 Spectrum Center Drive, Suite 1020			
CITY Irvine	STATE CA	ZIP 92618	E-MAIL * David.Palmer@174powerglobal.com

Agent Information

NAME Kirk Maag Stoel Rives LLP			PHONE (503) 294-9546	FAX
ADDRESS 760 SW Ninth Avenue, Suite 3000			CELL	
CITY Portland	STATE OR	ZIP 97205	E-MAIL * kirk.maag@stoel.com	

I (We) make application for a Limited License to use or store the following described surface waters or groundwater – not otherwise exempt, or to use stored water of for a use of a short-term or fixed-duration:

- SOURCE(S) OF WATER:** A Well a tributary of Lost River
- AMOUNT OF WATER** to be diverted;
 Maximum and instantaneous rate (cubic feet or gallons per minute): 448.8 gpm
 Total volume (gallons or acre-feet): 69.0 AF. If water is to be used from more than one source, give the quantity from each: 448.8 gpm
- INTENDED USE(S) OF WATER:** (check all that apply)
 - Road construction or maintenance
 - XX** General construction
 - Forestland and rangeland management; or
 - Other: _____
- DESCRIPTION OF PROPOSED PROJECT:** Include a description of the place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:
See Attachment
- PROJECT SCHEDULE:** (List day, month, and year)
 Date water use will begin: As soon as license is issued
 Date water use will be completed: October 31, 2023

Months of the year water would be diverted and used: Year-round

If for other than irrigation from stored water, how and where will water be discharged after use:

Water will be used onsite for consumptive purposes during construction. No offsite discharges will occur.

SKYSOL, LLC

By: Hanwha Total Solar II, LLC

Its: Sole Member

By: Ik Pyo Kim

Its: Co-CEO

Applicant Signature

Print Name and title if applicable

Date

PLEASE READ CAREFULLY

NOTE: A completed water availability statement from the local watermaster, Land Use Information Form completed by the local Planning Department, fees and site map meeting the requirements of OAR 690-340-030 must accompany this request. The fee for this request is \$280 for the first point of diversion plus \$30 for each additional point of diversion. Please review the Department's fee schedule to view fees required to request a limited license for Aquifer Storage and Recovery testing purposes or for Artificial Groundwater Recharge testing purposes.

Failure to provide any of the required information will result in return of your application. The license, if granted, will not be issued or replaced by a new license for a period of more than five consecutive years. The license, if granted, will be subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time it is determined the use causes injury to any other water right or minimum perennial streamflow.

If water source is well, well logs or adequate information for the Department to determine aquifer, well depth, well seal and open interval, etc. are required. The licensee shall indicate the intended aquifer. If for multiple wells, each map location shall be clearly tied to a well log.

If a limited license is approved, the licensee shall give notice to the Department (Watermaster) at least 15 days in advance of using the water under the Limited License and shall maintain a record of use. The record of use shall include, but need not be limited to, an estimate of the amount of water used, the period of use and the categories of beneficial use to which the water is applied. During the period of the Limited License, the record of use shall be available for review by the Department upon request.

**A summary of review criteria and procedures that are generally applicable to these applications is available at: <http://www.oregon.gov/owrd/pages/pubs/forms.aspx>*

Mapping Requirements (OAR 690-340-0030):

- (1) A request for a limited license shall be submitted on a form provided by the Water Resources Department, and shall be accompanied by the following:
 - a. A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:
 - i. The locations of all proposed points of diversion referenced by coordinates or by bearing and distance to the nearest established or projected public land survey corner;
 - ii. The general course of the source for the proposed use, if applicable;
 - iii. Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.

REMARKS:

- o The Applicant understands that Well KLAM 14789 will need to be cased and sealed to the minimum depth indicated in the attached Section 4 before the Limited License can be issued.
- o The proposed water use will be mitigated by forbearance of 30.6 acres under Certificate 48022 (see attachment for Section 4). The limited license would be canceled once construction is completed. The proposed use of water for the subsequent operation and maintenance of the facility will be addressed by applying for a permanent transfer that includes a forbearance agreement.

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Limited License Application for Skysol, LLC

Section 4 Attachment

4. DESCRIPTION OF PROPOSED PROJECT: Include a description of the place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:

Project Background and Proposed Water-Use Details

Skysol, LLC is constructing a 55-megawatt photovoltaic solar energy facility on the proposed place of use shown on Figure 1. Water will be needed for approximately 1 year of construction activities. These activities are expected to include, but not be limited to, dust control, grading, foundation construction, trenching and general cleanup.

Dog Lake Construction, Inc., previously applied for a Limited License (LL-1885) to use water for construction of access roads for the Skysol, LLC project, but the license could not be issued due to groundwater availability constraints and a well-construction deficiency in KLAM 14789. This limited license application addresses the limitations that precluded issuance of LL-1885 and is intended to provide water for the facility construction activities.

Well KLAM 14789 will be used as the water source. This well was identified in LL-1885 as needing to be cased and sealed to a minimum depth of 222 feet below land surface. Western Water Development Corp. has been retained to conduct this work, which is expected to be completed by the end of March 2022. Skysol, LLC assumes that casing and sealing the well to the minimum required depth will need to be completed and approved by the Department before any water is used under the proposed Limited License.

KLAM 14789 will have a 200-hp turbine pump. Mainlines consisting of 12-inch to 4-inch steel and PVC pipe will be used to convey the water to the places of use. Standpipes and/or hydrants will be used to fill water trucks. Hydrants also are expected to be used to supply sprinkler systems and hoses.

Proposed Forbearance

To address the groundwater availability constraint identified in LL-1885, the proposed water use would be mitigated by forbearance of a portion of Water-Right Certificate 48022. That certificate authorizes use of up to 4.34 cfs of groundwater to irrigate as much as 346.8 acres. The authorized well for the right is KLAM 14789; therefore, this limited license application requests approval to pump groundwater from the same well and aquifer as the right proposed for forbearance.

We propose mitigating the described 69.0 acre-feet of groundwater use on a 1:1 basis in accordance with the 3.0 acre-feet/acre duty authorized in Certificate 48022. This mitigation would equate to drying up 23.0 acres of authorized lands; however, we assume 33% more acres of irrigation would need to be dried up to address extending the seasonal groundwater use to year-round use. Based on this information, we propose drying up a total of 30.6 acres of water rights authorized by Certificate 48022. We would welcome the opportunity to discuss with the Department the scope of mitigation necessary to approve this application.

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This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: Skysol, LLC Limited License Number: LL-191C

1 To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes No

If yes, please explain:

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

Yes No

3. Do you observe this stream system during regular fieldwork?

Yes No

If yes, what are your observations for the stream?

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights?

read #5 Yes No N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

KLAM 14789 needs to be sealed and cased to a minimum of 222 feet BSL prior to use for a LL. Also ~~for~~ a

5. Any other recommendations you would like to make?

mitigation requirement for extended use. Reduction in irrigated lands to reduce injury potential

Signature

WM District#:

Date: Jan 5, 2022

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form

OREGON



WATER RESOURCES DEPARTMENT

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

(503) 986-0900

www.oregon.gov/OWRD

Applicant(s): Skysol, LLC Attn: David Palmer

Mailing Address: 300 Spectrum Center Drive, Suite 1020

City: Irvine

State: CA

Zip Code: 92618

Daytime Phone: (480) 286-7274

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
See Attachment						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Klamath County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 69.0 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other General construction

Briefly describe:

Water would be used during construction of a 55-megawatt photovoltaic solar energy facility. Water uses are expected to include, but not be limited to, dust control, grading, foundation construction, trenching and general cleanup. Construction is expected to be completed in less than 1 year.



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: Skysol, LLC

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan designation	Water to be:	Proposed Land Use:
40 S	11 E	35	NE ¼	6001		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Solar Energy Facility
40 S	11 E	35	NE NW	6001		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Solar Energy Facility
40 S	11 E	35	NW NW	6300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Solar Energy Facility
40 S	11 E	35	SW NW	7400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Solar Energy Facility
40 S	11 E	35	SE NW	6100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Solar Energy Facility
40 S	11 E	35	NE SW	6100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Solar Energy Facility
40 S	11 E	35	NW SW	7404		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Solar Energy Facility
40 S	11 E	35	NE SE	6100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Solar Energy Facility
40 S	11 E	35	NW SE	6100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Solar Energy Facility
40 S	11 E	36	SW SW	100		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information


- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Conditional Use Permit	CUP 13-20	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

The applicant has approval to construct a 319 acre solar facility.

Name: Erik Nobel Title: Planning Director

Signature:  Phone: 541-851-3648 Date: 1/7/2022

Government Entity: Klamath County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

22-1916