State and Local Laws and Regulations Exhibit

Volume 2 - Water

PREPARED FOR

BRIGHTNIGHT
Power when you need it

DATE
December 2025

REFERENCE
Oregon Energy Facility Siting Council

CONTENTS

LIST OF TABLES

ACRONYMS AND ABBREVIATIONS

Acronym	Description
Applicant	DECH bn, LLC
BESS	Battery Energy Storage System
Facility	Solar photovoltaic power generation facility and related or supporting facilities in Wasco County, Oregon
gal	gallon
Mgal	million gallons
O&M	operations and maintenance
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statutes

1. INTRODUCTION

DECH bn, LLC (Applicant) plans to construct a solar photovoltaic power generation facility and related or supporting facilities in Wasco County, Oregon (Facility). The Facility will include up to 1,000 megawatts (MW) of solar capacity and a battery energy storage system (BESS) with up to 4,000 megawatt hours (MWh) storage capacity. This State and Local Laws and Regulations Exhibit, Volume 2 - Water has been prepared to meet the standards outlined in OAR 345-022-0160(1)(b).

2. WATER

2.1 WATER USE

OAR 345-022-0160(1)(b) Information about anticipated water use during construction and operation of the proposed facility. The applicant must include:

(A) A description of the use of water during construction and operation of the proposed facility;

2.1.1 CONSTRUCTION

Facility construction is expected to require approximately 172 to 189 million gallons of water over 24 to 32 months. Daily water use will fluctuate based on weather conditions and specific construction activities. Water use during construction will be for dust control, road compaction, concrete mixing and curing (only if concrete is mixed on site), as well as drinking water and sanitation for construction workers (Table 1). Water for dust control and road compaction will be applied via tanker truck following best management practices outlined in the 1200-C Construction Stormwater National Pollutant Discharge Elimination System Permit (see Attachment 3 in the Soil Protection Exhibit) to minimize erosion.

TABLE 1 WATER USE DURING CONSTRUCTION

Construction Use	Quantity	
	Average Conditions	High-case Conditions
Site dust control	163 Mgal	180 Mgal
Road compaction	5.5 Mgal	6.1 Mgal
Concrete mixing		
◦ Inverter/transformer pad foundations	0 gal	21,000 gal
◦ Battery pad foundations	450,000 gal	450,000 gal
◦ Collector substation foundation	218,090 gal	218,090 gal
◦ O&M building foundation	130,000 gal	130,000 gal

Construction Use	Quantity	
	Average Conditions	High-case Conditions
Concrete Washout	116,300 gal	116,300 gal
Drinking water/sanitation	2.1 Mgal	2.1 Mgal
Total	**171.6 Mgal**	**189.2 Mgal**

Notes: gal= gallons, Mgal= million gallons

Water use was estimated based on the following assumptions:

- Dust control and soil compaction will require between 0.16 and 0.17 Mgal/MWac.
- Road compaction will require one gallon of water per square foot of road surface. The road surface is assumed to be 6,124,800 square feet (72 miles total of new road, 2 miles to be 20-feet wide, the remainder to be 16-feet wide).
- Tracker post foundations will use predrilled driven piles and will not require concrete.
- BESS, inverter and transformer foundations may be either driven piles or concrete, quantities reflect these options at average or high-case conditions respectively.
- 500 construction workers will require 2 gal per day for drinking and 5 gal per day for sanitation.

Applicant's "high-case" water use scenario accounts for extreme hot and dry conditions during construction activities, which could result in an increase of up to 10.4 percent of water use for dust control compared to average conditions. Note that the construction activities will be sequenced to maximize efficiency and limit water use as much as practicable, so the estimates provided in this Exhibit are cautiously high.

2.1.2 OPERATIONS

Once constructed, the Facility will require limited water use. Water will be used for drinking and sanitation (for approximately 10 to 20 O&M workers) and solar panel washing; the BESS will not require water for operation. In total, the Facility may require up to 672,120 gallons per year, as detailed below.

Approximately 20,000 gallons of water per employee per month of water is anticipated for drinking and sanitation for a total of up to 240,000 gallons of water per year.

The solar panels may require periodic washing to remove dust and dirt which can accumulate on solar panels and reduce energy production. Water use for panel washing was estimated at 432,120 gallons of water per year based on the following assumptions:

- Solar panels will be washed 1 time a year
- 0.2 gallons of water will be required per module
- 2,160,600 solar modules

Water for solar panel washing will not have added chemicals or detergents.

Advancements in technology may reduce the water needs for solar panel washing in the future. Therefore, the Applicant's estimate of 432,120 gallons per year may overestimate the amount of water that will be used.

2.2 SOURCES OF WATER

OAR 345-022-0160(1)(b)(B) A description of each source of water and the applicant's estimate of the amount of water the facility will need during construction and during operation from each source under annual average and worst-case conditions;

2.2.1 CONSTRUCTION

Water used for construction may be provided under an existing municipal water right by Wasco County and other local governments in the area. Conservatively, construction may require 170 Mgal (average conditions) to 187 Mgal (high-case conditions) as discussed above. Daily water use will depend on weather and will vary between construction periods, depending on the construction activities. Correspondence with Wasco County confirms the county can provide sufficient water for Facility construction (Attachment 3). As confirmed by Wasco County in their service commitment letter, the sourcing and delivery of water for construction will not strain existing public water infrastructure or utilities, as Wasco County has a water right under Certificate 91466, which authorizes the use of water from the Columbia River for industrial uses at up to one cubic feet per second. The County can supply the Facility with up to 0.65 million gallons of water per day during construction, which will exceed the Applicant's maximum need during construction of 13.6 million gallons a month.

The Applicant will continue to explore different sources of water for construction to minimize potential impacts to water resources and may supplement water from Wasco County with water from other permitted sources. These sources may include municipal supplies, temporary licenses for the duration of construction, a temporary transfer from an existing water right, or exempt wells.

2.2.2 OPERATION

During operation, water will likely be supplied by an existing exempt groundwater well. The exempt well will provide no more than 5,000 gal per day for drinking, kitchen use, showers, toilets, and panel washing. This amount is considered an exempt use under ORS 537.545(f) and does not require a new water right from the Oregon Water Resources Department.

2.3 WASTEWATER AND WATER LOSS

OAR 345-022-0160(1)(b)(C) A description of each avenue of water loss or output from the facility site for the uses described in (A), the applicant's estimate of the amount of water in each avenue under annual average and worst-case conditions and the final disposition of all wastewater;

2.3.1 CONSTRUCTION

Water loss resulting from construction activities at the Facility will likely occur within or near the site boundary and is expected primarily to occur through evaporation from road compaction and dust control procedures outlined above, as well as from mixing and curing concrete (if concrete is mixed on site). Construction activities for the Facility will not discharge water into wetlands, streams, or other waterways.

Stormwater runoff during construction will be managed under a National Pollutant Discharge Elimination System 1200-C permit and will follow Oregon Department of Environmental Quality rules. Most of the site boundary is vegetated and will promote infiltration and minimize erosion.

Loss of excess water used for sanitation will also follow applicable Oregon Department of Environmental Quality rules.

2.3.2 OPERATIONS

The Applicant will use very little water during operation and therefore expects to generate minimal wastewater during operations. Wastewater generated from panel washing activities will evaporate or infiltrate into the ground and will not be discharged into wetlands, streams, or waterways.

Wastewater from the O&M building will be discharged to a county-approved septic system. The BESS will not generate wastewater during operation. Stormwater will also evaporate or infiltrate into the ground.

2.4 NO GROUNDWATER/SURFACE WATER PERMIT OR WATER RIGHT TRANSFER

> *OAR 345-022-0160(1)(b)(E) If the proposed facility would not need a groundwater permit, a surface water permit or a water right transfer, an explanation of why no such permit or transfer is required for the construction and operation of the proposed facility;*

The Facility does not need any groundwater or surface water permits or water rights. As discussed in Section 2.2.1, water used for construction will be provided by Wasco County under existing municipal water rights or will be provided by other licensed providers nearby.

During operation, water will likely be supplied by an exempt groundwater well – or through a water use agreement with a local landowner. The exempt well will provide no more than 5,000 gal per day for drinking, kitchen use, showers, toilets, and panel washing. This amount is considered an exempt use under ORS 537.545(f) and does not require a new water right from the Oregon Water Resources Department.

2.5 MITIGATION MEASURES

> *OAR 345-022-0160(1)(b)(G) A description of proposed actions to mitigate the adverse impacts of water use on affected resources.*

As outlined above, no adverse impacts of water use are expected on affected resources; therefore, mitigation measures are not proposed. With this, the Applicant has satisfied the requirements of OAR 345-022-0160(1)(b).

3. APPROVAL STANDARDS

The Applicant has satisfied standards for the State and Local Laws and Regulations Exhibit outlined in OAR 345-022-0160(1)(b). Approval standards are summarized in Table 2.

TABLE 2 APPROVAL STANDARDS MATRIX

Requirement	Handling
OAR 345-022-0160(1)(b) Information about anticipated water use during construction and operation of the proposed facility. The applicant must include:	
(A) A description of the use of water during construction and operation of the proposed facility;	Section 2.1
(B) A description of each source of water and the applicant's estimate of the amount of water the facility will need during construction and during operation from each source under annual average and worst-case conditions;	Section 2.2
(C) A description of each avenue of water loss or output from the facility site for the uses described in (A), the applicant's estimate of the amount of water in each avenue under annual average and worst-case conditions and the final disposition of all wastewater;	Section 2.3
(D) For thermal power plants, a water balance diagram, including the source of cooling water and the estimated consumptive use of cooling water during operation, based on annual average conditions;	The Facility is not a thermal power plant, and therefore, this requirement is not applicable.
(E) If the proposed facility would not need a groundwater permit, a surface water permit or a water right transfer, an explanation of why no such permit or transfer is required for the construction and operation of the proposed facility;	Section 2.4
(F) If the proposed facility would need a groundwater permit, a surface water permit or a water right transfer, information to support a determination by the Council that the Water Resources Department should issue the permit or transfer of a water use, including information in the form required by the Water Resources Department under OAR Chapter 690, Divisions 310 and 380;	The Facility does not require a groundwater permit, a surface water permit, or a water right transfer, and therefore, this requirement is not applicable.
(G) A description of proposed actions to mitigate the adverse impacts of water use on affected resources.	Section 2.6

ATTACHMENT 1 RECORD OF CORRESPONDENCE WITH WASCO COUNTY

From: Tyler Stone <tylers@co.wasco.or.us>
Sent: Friday, August 29, 2025 11:33 AM
To: Jaron Wright <Jaron@brightnightpower.com>
Subject: Water

Jaron,
Wasco County expects to have the capacity to serve water to BrightNight, LLC. (Customer) under water right Certificate 91446 held by the County, which authorizes the use of water from the Columbia River for industrial uses at a capacity of up to 1.0 cubic feet per second. The County expects to serve the Customer no more than 0.65 million gallons of water per day for the duration of construction of the Customer's Project.

Certificate 91446 is currently leased in stream under Instream Lease IL-2061, which has an expiration date of 12/31/2028. In order to serve the Customer water from the authorized Point of Diversion on Certificate 91446, the County would need to voluntarily terminate IL-2061 prior to the start date of the Project, which is expected to be in 2027. When the timing of construction is solidified, the Customer would need to communicate with the County in advance to ensure that the County has sufficient time to voluntarily terminate IL-2061 prior to the start of the water year (beginning October 1 of each year). The County would then work with the Customer to develop terms and conditions for the use of water, such as the need for metering and reporting of water use. Please let me know if you have any questions.

On another note, we should discuss the necessary access for the Irrigation District that they need to be able to maintain and monitor flow in their ditches. Thanks

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