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Albany, Oregon 97321  
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[Henricks@peak.org](mailto:Henricks@peak.org)

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

Friday, September 05, 2014

Attn: **Laura Wilke**

Re: International Paper, Albany, Oregon **In stream Lease Application submittals.**

Please find enclosed three applications for In stream Lease's, one each, for three water rights pertaining to the International Paper (IP) property in Albany, Oregon along with a check in the amount of \$300.00 for the applications fees.

Certificates no.'s 54268, 85736, and Transfer 7526 are intertwined. All of these rights were at one time for Willamette Industries and 3 manufacturing facilities located on the overall contiguous land. Weyerhaeuser Company purchased Willamette Industries in 2002 and then sold 2 of the manufacturing facilities. As part of the manufacturing facility sales "sale documents" dedicated / remapped portions of these rights. On-going consultation with senior staff at the Oregon Water Resources Department has helped direct these effort and are documented in the department file folders.

Should you have any questions, need additional information or comments, feel free to contact me at either of the numbers listed above.

Sincerely,

J. Edward Henricks

Submitted on behalf of Lessor #1, Vaughn Pieschl International Paper Company, listed below.

cc:

Vaughn Pieschl  
International Paper Company  
3251 Old Salem Rd.  
Albany, OR 97321  
[vaughn.pieschl@ipaper.com](mailto:vaughn.pieschl@ipaper.com)  
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Dan M. Davis  
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Kathleen M. Willemin  
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Legal Department - Tower II - 4th Floor  
6400 Poplar Avenue  
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WATER RESOURCES DEPT  
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# In Stream Lease Applications

For

**International Paper Company**  
3251 Old Salem Rd.  
Albany, Oregon 97321

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SALEM, OREGON

September 4, 2014





State of Oregon  
**Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Instream Lease

## Part 1 of 4 – Minimum Requirements Checklist

<b>Complete Part 1 through 4 and include the required attachments</b> <b>Fill in or check boxes as indicated. (N/A= Not Applicable)</b>	OWRD #	1L-1434
	Fee-	\$300. <sup>00</sup>

*Pursuant to ORS 537.348(2) and OAR 690-077*

**Check all items included with this application. (N/A = Not Applicable)**

**Yes**      **Part 1 – Completed Minimum Requirements Checklist and Application Fee**

<b>Fees</b>	<input type="checkbox"/> \$450.00 for a lease involving <b>four or more landowners or four or more water rights</b>	<input checked="" type="checkbox"/> \$300.00 for all other leases
	<input checked="" type="checkbox"/> Check enclosed <u>or</u> <input type="checkbox"/> Fee Charged to customer account _____ (account name)	

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**Yes**      **Part 2 – Completed Instream Lease Application Map Checklist.**

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**Yes**      **Part 3 – Completed Water Right and Instream Use Information**  
 Include a separate **Part 3** for **each water right**

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**Yes**      **Part 4 – Completed Instream Lease Provisions and Signatures**

**Yes**      **How many water rights are leased? 3 List them here: 1) Certificate No. 54268**

**Permit No. S-23102 Application No. S-29640 - 2) Certificate No. 85736 Permit No. 47184**

**Application No. S-64514 - 3) T7526 - 1.93 cfs certificate 68559 / permit 14106, priority date**

**November 2, 1939 and 2.0 cfs certificate 20829 / permit 20469, priority date June 11, 1943 (rights to be leased in stream).**

Include a separate **Part 3** for each **water right**.

**Yes**  **N/A**      **Other Water Rights**, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream?

**List those other water rights here:** \_\_\_\_\_

**Yes**  **No**      Conservation Reserve Enhancement Program (**CREP**). Are some or all of the lands to be leased part of CREP or another Federal program (list here: \_\_\_\_\_)?

**Attachments:**

**Yes**  **N/A**      **Map:** Instream Lease map requirements (see Part 2 of this application)

**Yes**  **N/A**      **Tax Lot Map:** If a portion of the water right *not included in the lease* is appurtenant to lands owned by others, a tax lot map must be included with the lease application. The tax lot map should clearly show the property involved in the lease.

**Yes**  **N/A**      Supporting documentation describing why a right (or portion thereof) is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years. This information only needs to be provided if the checkbox has been checked to identify that the water right has not been used in the last five years and is not subject to forfeiture (See Part 4 of 4).

**Yes**  **N/A**      If the Lessor (water right holder) is not the deeded landowner - provide one of the following.

- A notarized statement from the landowner consenting to the lease and a copy of the recorded deed; or.

## Part 2 of 4 – Instream Lease Application Map Checklist

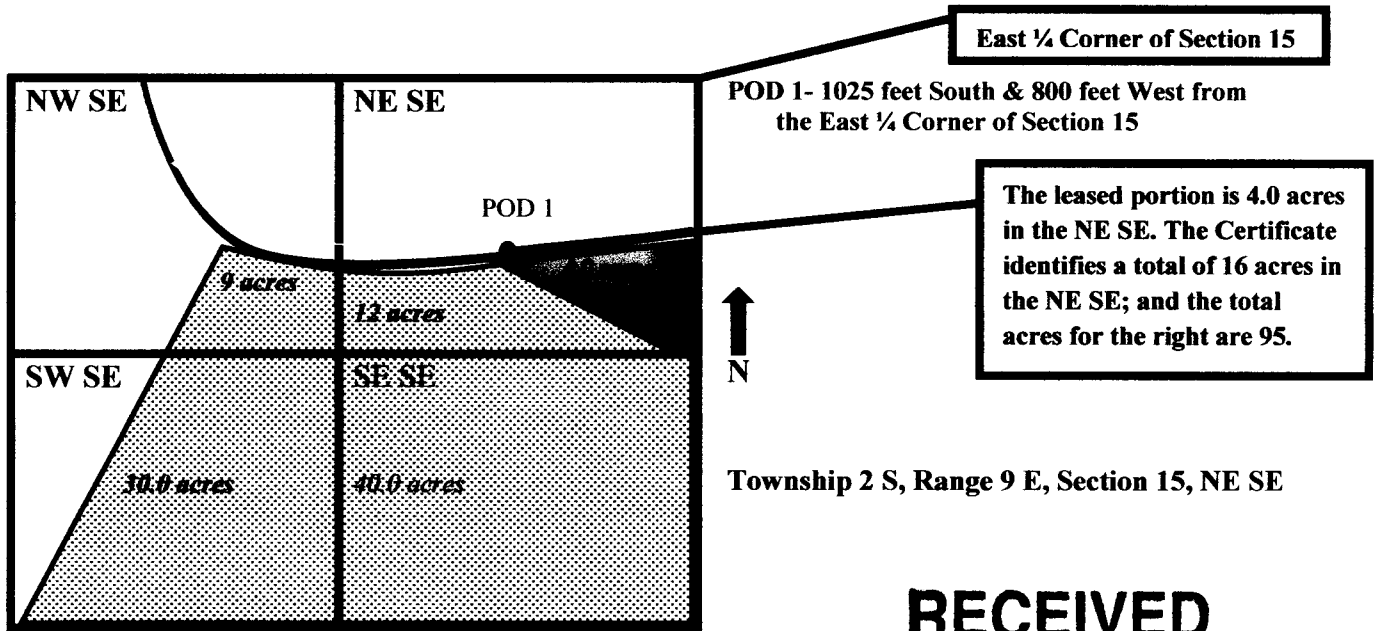
**A Map is generally required for each water right not leased in its entirety**

**The application map (if required) should include all the items listed below and match the existing water right(s) of record. Check all boxes that apply.**

This should be a simple map. (See example below). A copy of a final proof survey map with the portion to be leased shaded or hachured in will also suffice.

- N/A    A map is required for each water right not leased in its entirety. More than one QQ and property may be included on each map. A map is not required, if leasing the entire right or if the right to be leased is for municipal or quasi-municipal water use.
- The map should be of sufficient quality to be reproducible. Please do not use highlighters to mark items on the map as highlighters do not always copy.
- A North arrow and map scale (no smaller than 1" = 1320').
- Township, Range, Section, quarter quarter (QQ), and a clearly labeled survey corner.
- For irrigation or other similar use, the number of acres to be leased in each quarter-quarter clearly labeled and hachured to differentiate between the acres being leased and any remaining. If the place of use is broken down by more than one priority date, or source stream, and/or point of diversion you must identify each with separate hachuring and clearly label.
- If available, identify the existing point(s) of diversion.

**EXAMPLE MAP (the darker shaded portion representing the portion leased instream)**



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Part 3 of 4 – Water Right and Instream Use Information

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Use a separate Part 3 for each water right to be leased instream

Water Right Information

Water right # 1

Certificate No. 54268 Permit No. S-23102 Application No. S-29640

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

<input checked="" type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated					<input type="checkbox"/> Entirety - If the entire water right is to be leased, skip to Table 3.					
Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
12/3/1954	1	-	-	-	-	400		134.5	INDUST R	
		-	-	-	-					
		-	-	-	-					
		-	-	-	-					

Total Acres: 134.5 SEE ATTACHMENT "F" (ORS

540.520(9) SB 301 LANDS) & "A"

Table 2

To illustrate the totals for the water right proposed to be leased instream						
Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)						
Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
12/3/1954	1	Indus	134.5	year round	17.0	NA
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: <u>SEE SECTION 1.5 OF 2012 LEASE APPLICATION ATTACHED</u>						

Table 3

<b>Point of Diversion (POD) description:</b> If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then the specific POD(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.						
POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
	-	-		-		

	-	-		-		
<input type="checkbox"/> Please check this box if you don't know the location of the POD(s) and want the Department to identify the						

**Part 3 of 4 cont. – Water Right and Instream Use Information**

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**Instream Use Information**

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**Table 4**

<b>Instream Use Created by the Lease</b>						<b>WATER RESOURCES DEPT SALEM, OREGON</b>
<b>River/ Stream Name:</b> <u>Willamette, tributary to Columbia</u>				<b>River Basin:</b> <u>Willamette</u>		
<b>Instream Portion:</b> Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
Same	Same	Same	Same	year round	15.0	NA
Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.						
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.						
<b>Instream Reach</b>						
<b>Proposed Instream Reach:</b> <input type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____				<b>Or Proposed Instream Point:</b> <input checked="" type="checkbox"/> Instream use protected at the POD		
<b>OR</b> <input checked="" type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. (If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)						
<b>Additional Instream Information</b>						
<input type="checkbox"/> Yes <input type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> <u>This right is for 18.0 cfs. International Paper uses 17 of the 18 cfs. International paper will continue to use 2.0 cfs of the total for demolition related activities. International paper will be leaseing 15 cfs in stream. 1.0 cfs of the right is dedicated to Flakeboard company as noted on "Attachment A" ORS 540.520(9) SB 301 lands.</u>						


**Part 4 of 4 – Lease Provisions and Party Signatures**

<p><b>Term of the Lease (may be from 1 year up to 5 years):</b>                  The lease is requested to begin in: <b>month Oct year 2014</b> and end: <b>month Oct year 2019</b>                  Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.</p>	
<p><b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input checked="" type="checkbox"/> Recreation</p> <p><input checked="" type="checkbox"/> Pollution abatement</p> <p><input checked="" type="checkbox"/> Navigation</p>	<p align="center"><b>RECEIVED</b></p> <p align="center">SEP 17 2014</p> <p align="center">WATER RESOURCES DEPT SALEM, OREGON</p>
<p><b>Termination provision (for multiyear leases):</b>  <b>The parties to the lease request (choose one):</b></p> <p><input checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee.</p> <p><input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>	
<p><b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases, transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/>                  And attach an explanation of your intent.</p>	
<p><b>Validity of the Right(s) to be leased (check the appropriate box):</b></p> <p><input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or</p> <p><input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right(s) is not subject to forfeiture is provided.</p>	

**Precedent:** If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

**The undersigned declare:**

1. The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
2. The Lessor(s) certify that I/we are the water right holder(s) of the right(s) described in this instream lease application. If not the deeded landowner, I/we have provided documentation with the lease application that I/we have authorization to pursue the lease application and/or have obtained consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate.

  
 \_\_\_\_\_  
 Signature of Lessor

Date: 9-17-2014

Printed name (and title): Vaughn Pieschl, Site Manager Business name, if applicable: International Paper

Mailing Address (with state and zip): 3521 Old Salem Rd. NE Albany, OR 97321

Phone number (include area code): 541-917-8415 or 541-924-4650  
vaughn.pieschl@ipaper.com

\*\*E-mail address:

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## Part 3 of 4 – Water Right and Instream Use Information

WATER RESOURCES DEPT  
SALEM, OREGON

**Use a separate Part 3 for each water right to be leased instream**

### Water Right Information

Water right # 2

Certificate No. 85736 Permit No. 47184 Application No. S-64514

**Table 1**

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

If only leasing a portion of the right - complete Table 1 as indicated       Entirety - If the entire water right is to be leased, skip to Table 3.

Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					

**Total Acres: 322.5 SEE ATTACHMENT "E" (ORS**

540.520(9) SB 301 LANDS) & "A"

**Table 2**

### To illustrate the totals for the water right proposed to be leased instream

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
10/29/1982	1	Indus	322.5	year round	4.25 <del>12</del> <del>5</del>	

Total af from storage, if applicable: \_\_\_\_\_ AF or  N/A

Any additional information about the right: \_\_\_\_\_

**Table 3**

**Point of Diversion (POD) description:** If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then the specific POD(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
	-	-		-		SEE ATTACHMENT "E"
	-	-		-		



Please check this box if you don't know the location of the POD(s) and want the Department to identify the  
**Part 3 of 4 cont. – Water Right and Instream Information**

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**Instream Use Information**

WATER RESOURCES DEPT  
 SALEM, OREGON

**Table 4**

**Instream Use Created by the Lease**

**River/ Stream Name:** Willamette, tributary to Columbia **River Basin:** Willamette

**Instream Portion:** Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased.

If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.

Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
same	same	same	same	year round	4.25 <del>12.00</del>	NA

Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.

**OR**  Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.

**Instream Reach**

**Proposed Instream Reach:**

A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to \_\_\_\_\_

**Or Proposed Instream Point:**

Instream use protected at the POD

**OR**  Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. (If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

**Additional Instream Information**

Yes  N/A **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:** list here \_\_\_\_\_

Note: The Department may identify additional conditions to prevent injury and/or enlargement.

**Any additional information about the proposed instream use:** Certificate 85736, Permit No. 47184, Application S-64514 Type of Use: Industrial/Manufacturing Rate: 12.00 cfs Priority Date: October 29, 1982 Place of Use: See attachment "E" ORS 540.520(9) SB301 Lands Place of use. All of the right is to be leased instream. The lands / acreage mapped are shown on Attachment "E".

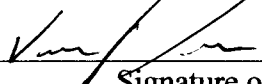
**Part 4 of 4 – Lease Provisions and Party Signatures**

<p><b>Term of the Lease (may be from 1 year up to 5 years):</b>                  The lease is requested to begin in: month _____ year _____ and end: month _____ year _____                  Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.</p>	
<p><b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input checked="" type="checkbox"/> Recreation</p> <p><input checked="" type="checkbox"/> Pollution abatement</p> <p><input checked="" type="checkbox"/> Navigation</p>	<p><b>Termination provision (for multiyear leases):</b>  <b>The parties to the lease request (choose one):</b></p> <p><input checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee.</p> <p><input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>
<p><b>RECEIVED</b>                  SEP 17 2014                  WATER RESOURCES DEPT                  SALEM, OREGON</p>	
<p><b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases, transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/>                  And attach an explanation of your intent.</p>	
<p><b>Validity of the Right(s) to be leased (check the appropriate box):</b></p> <p><input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or</p> <p><input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right(s) is not subject to forfeiture is provided.</p>	

**Precedent:** If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

**The undersigned declare:**

1. The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
2. The Lessor(s) certify that I/we are the water right holder(s) of the right(s) described in this instream lease application. If not the deeded landowner, I/we have provided documentation with the lease application that I/we have authorization to pursue the lease application and/or have obtained consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate.

  
 \_\_\_\_\_  
 Signature of Lessor

Date: 9-17-2014

Printed name (and title): Vaughn Pieschl, Site Manager      Business name, if applicable: International Paper

Mailing Address (with state and zip): 3521 Old Salem Rd. NE  
Albany, OR 97321

Phone number (include area code): 541-917-8415 or 541-924-4650  
vaughn.pieschl@ipaper.com

\*\*E-mail address:

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## Part 3 of 4 – Water Right and Instream Use Information

WATER RESOURCES DEPT  
SALEM, OREGON

**Use a separate Part 3 for each water right to be leased instream**

### Water Right Information

Water right # 3)

**Transfer 7526 - 1.93 cfs certificate 68559 / permit 14106, priority date November 2, 1939 and 2.0 cfs certificate 20829 / permit 20469, priority date June 11, 1943 (rights to be leased in stream).**

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

<input checked="" type="checkbox"/> <b>If only leasing a portion of the right - complete Table 1 as indicated</b>					<input type="checkbox"/> <b>Entirety - If the entire water right is to be leased, skip to Table 3.</b>						
Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)	
		-	-		-						
		-	-		-						
		-	-		-						
		-	-		-						

**Total Acres: 365.3 SEE ATTACHMENT "H" final**

proof map amended November 2012

Table 2

To illustrate the totals for the water right proposed to be leased instream						
Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
1/23/1939	1	indus	365.3	year round	1.93	NA
6/11/1943	1	indus	365.3	year round	2.0	NA

Total af from storage, if applicable: \_\_\_\_\_ AF or  N/A

Any additional information about the right: See bottom of Table 4 additional information

Table 3

**Point of Diversion (POD) description:** If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then the specific POD(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
	-	-		-		

	-	-	-	-	
--	---	---	---	---	--

Please check this box if you don't know the location of the POD(s) and want the Department to identify the

**Part 3 of 4 cont. – Water Right and Instream Use Information**

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**Instream Use Information**

SEP 17 2014

**Table 4**

WATER RESOURCES DEPT  
SALEM, OREGON

<b>Instream Use Created by the Lease</b>						
<b>River/ Stream Name:</b> <u>Willamette, tributary to Columbia</u>				<b>River Basin:</b> <u>Willamette</u>		
<b>Instream Portion:</b> Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased.						
If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
same	same	same	same	year round	1.93	NA
same	same	same	same	year round	2.0	NA
Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.						
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.						
<b>Instream Reach</b>						
<b>Proposed Instream Reach:</b> <input type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____				<b>Or Proposed Instream Point:</b> <input checked="" type="checkbox"/> Instream use protected at the POD		
<b>OR</b> <input checked="" type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. (If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)						
<b>Additional Instream Information</b>						
<input type="checkbox"/> Yes <input type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> <u>T7526 - 1.93 cfs certificate 68559 / permit 14106, priority date November 2, 1939 and 2.0 cfs certificate 20829 / permit 20469, priority date June 11, 1943. SEE ATTACHMENT "H" Claim of Beneficial Use Map of acres by Township, Range, Section, quarter/quarter and DLC Type of Use: Manufacturing Place of Use: See Attachment "H" Claim of Beneficial Use Map</u>						

**Part 4 of 4 – Lease Provisions and Party Signatures**

<p><b>Term of the Lease (may be from 1 year up to 5 years):</b>                  The lease is requested to begin in: <b>month</b> <u>October</u> <b>year</b> <u>2014</u> and end: <b>month</b> <u>October</u> <b>year</b> <u>2019</u></p> <p>Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.</p>	
<p><b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input checked="" type="checkbox"/> Recreation</p> <p><input checked="" type="checkbox"/> Pollution abatement</p> <p><input checked="" type="checkbox"/> Navigation</p>	<p align="center"><b>RECEIVED</b></p> <p align="center">SEP 17 2014</p> <p align="center">WATER RESOURCES DEPT SALEM, OREGON</p>
<p><b>Termination provision (for multiyear leases):</b>  <b>The parties to the lease request (choose one):</b></p> <p><input checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee.</p> <p><input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>	
<p><b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases, transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/>                  And attach an explanation of your intent.</p>	
<p><b>Validity of the Right(s) to be leased (check the appropriate box):</b></p> <p><input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or</p> <p><input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right(s) is not subject to forfeiture is provided.</p>	

**Precedent:** If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

**The undersigned declare:**

1. The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
2. The Lessor(s) certify that I/we are the water right holder(s) of the right(s) described in this instream lease application. If not the deeded landowner, I/we have provided documentation with the lease application that I/we have authorization to pursue the lease application and/or have obtained consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate.

  
 \_\_\_\_\_  
 Signature of Lessor

Date: 9-17-2014

Printed name (and title): Vaughn Pieschl, Site Manager Business name, if applicable: International Paper

Mailing Address (with state and zip): 3521 Old Salem Rd. NE Albany, OR 97321

Phone number (include area code): 541-917-8415 or 541-924-4650  
vaughn.pieschl@ipaper.com

\*\*E-mail address:

**SALE #1**  
 S-54030 3.18 CFS (SOURCE ASB) AND  
 T-7526 1.2 OF 6.13 CFS  
 See Map Attachment B, C, & H

**PROPOSED SALE PARCELS  
 WITH INCLUDED WATER RIGHTS  
 "Attachment A"**

**INTERNATIONAL PAPER**  
**SALE # 1, 2, & 3 TRACTS**  
 SECTIONS 19, 20, 21, 28, 29, 30, 32, & 33  
 T. 10 S., R. 3 W., W.M.  
 MILLERSBURG, OREGON  
 SCALE 1"=400'-0"

**SALE #3**  
**CERTIFICATE #54268**  
 17 OF 18 CFS  
 (NOTE: 1 CFS IS FLAKEBOARD)  
 See Map Attachment F

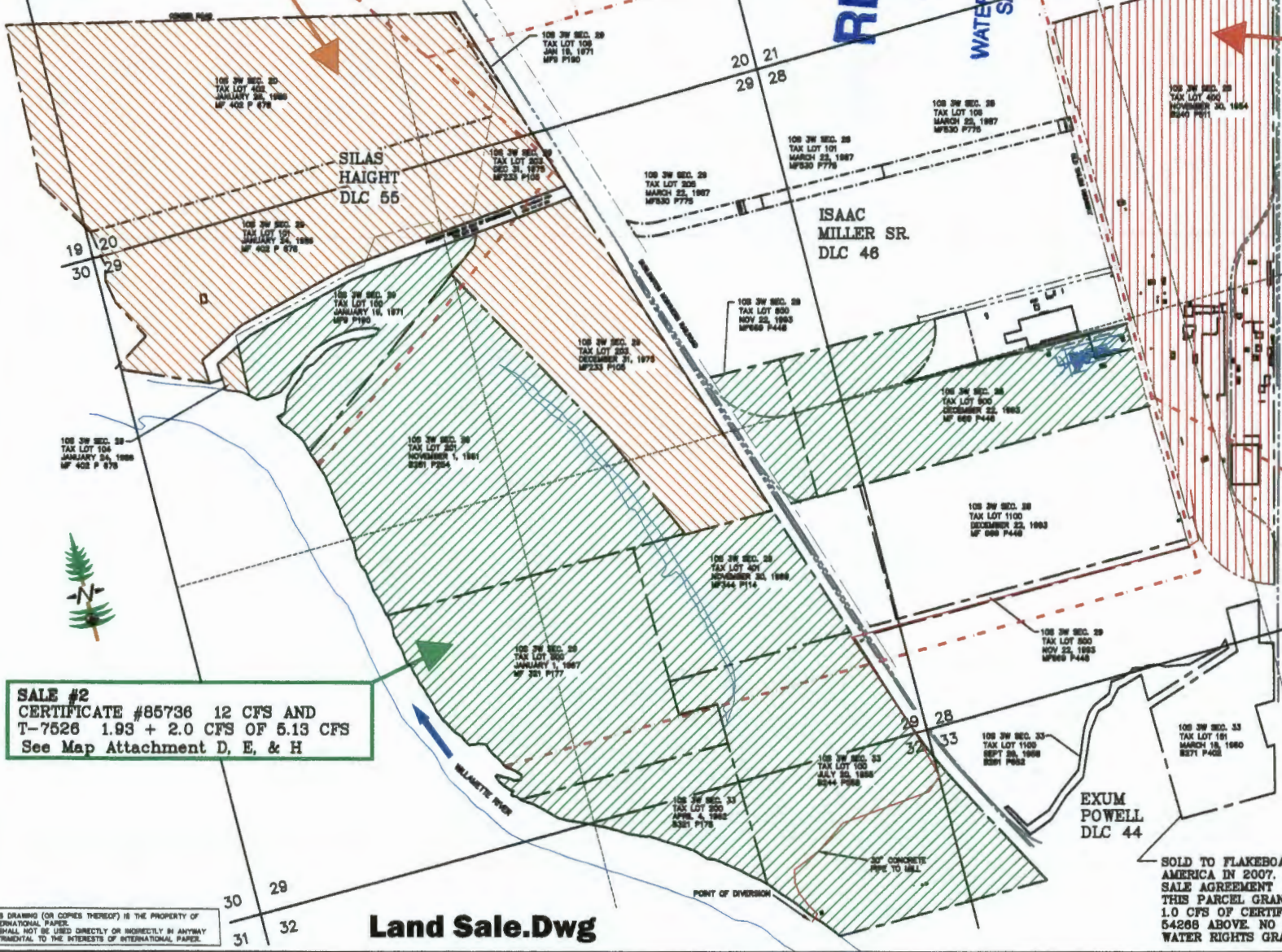
**NOTE: HATCH COLORS APPLY  
 TO LAND SALE GROUPS ONLY.**

**SALE #3: SEE DRAWING NO.  
 3850P02 FOR PLACE OF USE  
 OF CERTIFICATE 54268**

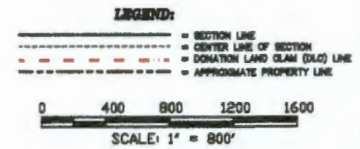
**SALE #2: SEE DRAWING NO.  
 3850P03 FOR CERTIFICATE  
 85763 PLACE OF USE AND  
 DRAWING 4276P01R3 FOR TRANSFER  
 NO. 7526 BREAKDOWN OF PLACE  
 OF USE. 2 RIGHTS FOR THIS SALE.**

**SALE #1: SEE DRAWING 4777P01  
 FOR PERMIT S-54030 PLACE OF  
 USE AND DRAWING 4276P01R3 FOR  
 TRANSFER NO. 7526 BREAKDOWN  
 OF PLACE OF USE. 2 RIGHTS FOR  
 THIS SALE.**

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**SALE #2**  
**CERTIFICATE #85736 12 CFS AND**  
**T-7526 1.93 + 2.0 CFS OF 6.13 CFS**  
 See Map Attachment D, E, & H



REV	DATE	BY	DESCRIPTION
<b>PROPOSED SALE PARCELS            SALE # 1, 2, &amp; 3 SHOWING            WATER RIGHTS FOR EACH SALE #</b>			
PLANT or MILL APM	AREA to PLANT OVERALL	ACAD FILE LAND SALE	
<b>INTERNATIONAL PAPER            ALBANY, OR SITE</b>			
SCALE: 1" = 400'-0"		DATE: NOVEMBER 14, 2012	
DRAWN BY: JEH		PLT @ 1=4800' TIME: 09:27	
<b>DRAWING: LAND SALE</b>			<b>REV</b>

**SOLD TO FLAKEBOARD  
 AMERICA IN 2007. IN  
 SALE AGREEMENT  
 THIS PARCEL GRANTED  
 1.0 CFS OF CERTIFICATE  
 54268 ABOVE. NO OTHER  
 WATER RIGHTS GRANTED.**

THIS DRAWING (OR COPIES THEREOF) IS THE PROPERTY OF  
 INTERNATIONAL PAPER.  
 IT SHALL NOT BE USED DIRECTLY OR INDIRECTLY IN ANYWAY  
 DETRIMENTAL TO THE INTERESTS OF INTERNATIONAL PAPER.

**Land Sale.Dwg**

**ORS 540.520(9)  
SB 301 LANDS**

LOCATED IN  
SECTIONS 29, 32 & 33  
T.10S., R.3W., W.M.  
LINN COUNTY, OREGON  
SCALE: 1"=1320'-0"  
CITY OF MILLERSBURG

Certificate 85736  
Permit S-47184  
Application S-64515

**ACREAGE SUMMARY**

CERTIFICATE 85736 - PERMIT S-47184  
12.0 CFS PLACE OF USE

**"Attachment E"**

Sale #2

SECTION 29	NW 1/4, NW 1/4	4.3 ACRES DLC 55
	NE 1/4, NW 1/4	17.9 ACRES DLC 55
	NW 1/4, NE 1/4	0.6 ACRES DLC 55
	SE 1/4, NW 1/4	0.8 ACRES DLC 46
	SW 1/4, NE 1/4	18.9 ACRES DLC 46
	SE 1/4, NW 1/4	7.1 ACRES DLC 55
		32.9 ACRES DLC 46
	SW 1/4, NW 1/4	3.7 ACRES DLC 55
	NE 1/4, SE 1/4	8.8 ACRES DLC 46
	NW 1/4, SE 1/4	3.2 ACRES DLC 46
NE 1/4, SW 1/4	34.0 ACRES DLC 46	
NW 1/4, SE 1/4	36.8 ACRES DLC 46	
NE 1/4, SE 1/4	10.0 ACRES DLC 46	
SE 1/4, SE 1/4	14.8 ACRES DLC 46	
	15.6 ACRES DLC 44	
SW 1/4, SE 1/4	20.9 ACRES DLC 46	
SE 1/4, SW 1/4	19.1 ACRES DLC 44	
	12.6 ACRES DLC 46	
	5.6 ACRES DLC 44	
SECTION 32	NW 1/4, NE 1/4	13.3 ACRES DLC 44
	NE 1/4, NE 1/4	36.4 ACRES DLC 44
SECTION 33	NW 1/4, NW 1/4	5.4 ACRES DLC 44
		<b>322.5 ACRES TOTAL</b>

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SALEM, OREGON

**LEGEND:**

- SECTION LINES
- - - FORTY LINES
- - - DONATION LAND CLAIM LINES
- - - APPROXIMATE PROPERTY LINE
- 30" CONCRETE PIPE TO MILL
- /// PLACE OF USE UNDER ORS 540.520(9).

**NOTE:**

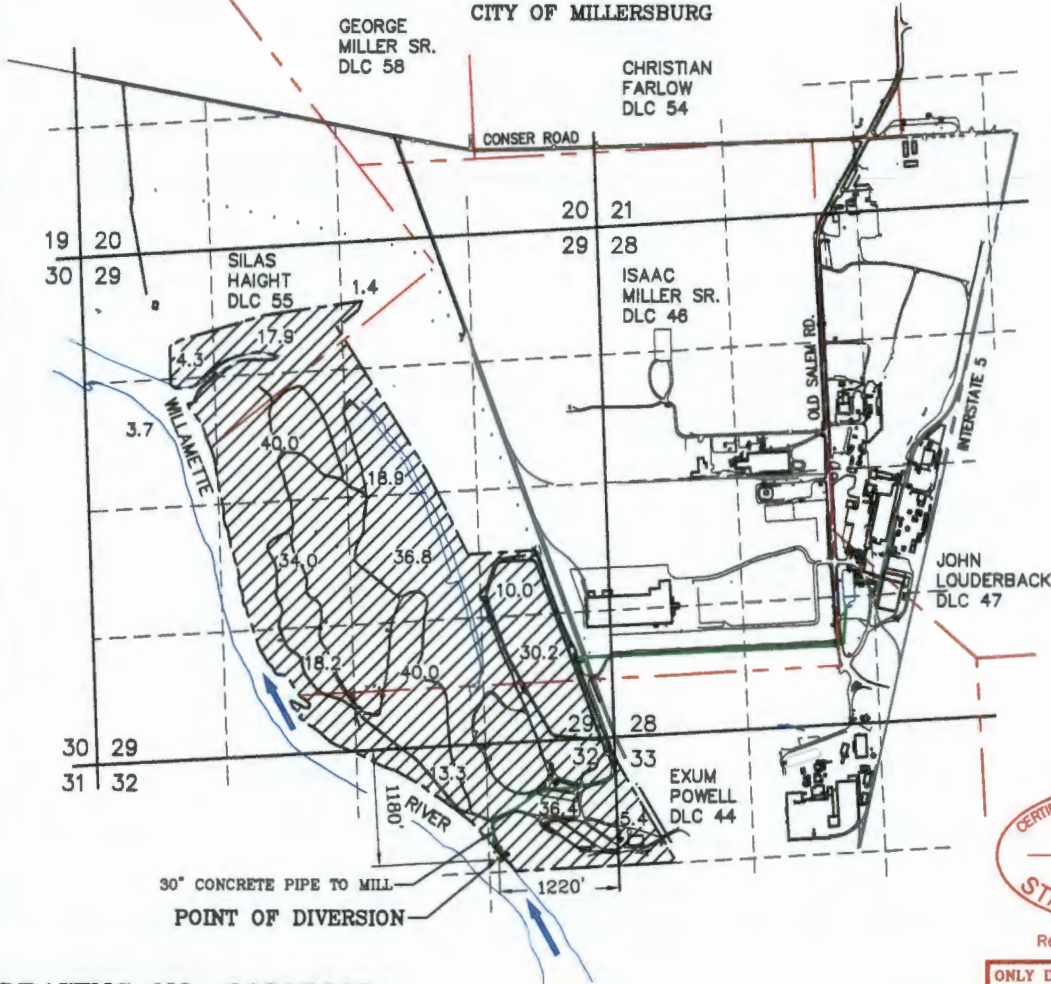
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 85736.

THIS MAP AMENDS / REPLACES THE PLACE OF USE MAP FOR CERTIFICATE 85736.

THIS RE-MAP WAS CREATED AS PART OF THE CLOSURE OF THE PAPER MILL. THE MAP WAS PREPARED FOR INTERNATIONAL PAPER TO CLARIFY WHAT WATER RIGHTS GO WITH THE LAND AS IT IS SOLD. THE PROPERTY IS BEING MARKETED AS THREE PARCELS. THE LANDS SHOWN ARE PART OF SALE #2.

I, J. EDWARD HENRICKS, BEING DULY SWORN AS A WATER RIGHT EXAMINER LICENSE NO. 170, HAVE PREPARED THIS MAP FOR INTERNATIONAL PAPER ON THIS 3rd DAY OF APRIL, 2013. THE AREAS HATCHURED REPRESENT THE AREAS APPLIED TO BENEFICIAL USE.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



Renews: June 30, 2013

ONLY DOCUMENTS STAMPED WITH  
RED INK ARE ORIGINALS.

DRAWING NO. 3650P03R1

ORS 540.520(9)

SB 301 LANDS

LOCATED IN  
SECTIONS 21, 28 & 33  
T.10S., R.3W., W.M.  
LINN COUNTY, OREGON  
SCALE: 1"=1320'-0"  
CITY OF MILLERSBURG

Certificate 54268  
Permit S-23102  
Application S-29640

**ACREAGE SUMMARY**

CERTIFICATE 54268 - PERMIT S-23102 17.0 CFS PLACE OF USE		
SECTION 21	SE 1/4, SE 1/4	1.5 ACRES DLC 54
	SW 1/4, SE 1/4	8.2 ACRES DLC 54
SECTION 28	NE 1/4, NE 1/4	0.4 ACRES DLC 47
	NW 1/4, NE 1/4	37.0 ACRES DLC 47
	NE 1/4, NW 1/4	8.8 ACRES DLC 47
	SW 1/4, NE 1/4	27.7 ACRES DLC 47
	SE 1/4, NW 1/4	11.2 ACRES DLC 47
	NW 1/4, SE 1/4	16.0 ACRES DLC 47
	NE 1/4, SW 1/4	1.0 ACRES DLC 44
	SW 1/4, SE 1/4	8.9 ACRES DLC 47
SECTION 33	SE 1/4, SE 1/4	4.0 ACRES DLC 44
	SW 1/4, SE 1/4	5.8 ACRES DLC 44
	SE 1/4, SW 1/4	5.9 ACRES DLC 44
		<b>134.5 ACRES</b>

"Attachment F"

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WATER RESOURCES DEPT  
SALEM, OREGON

CERTIFICATE 54268 - PERMIT S-23102 1.0 CFS PLACE OF USE		
SECTION 28	SE 1/4, SW 1/4	1.3 ACRES DLC 44
SECTION 33	NE 1/4, NW 1/4	20.4 ACRES DLC 44
		<b>21.7 ACRES</b>

**LEGEND:**

- SECTION LINES
- - - FORTY LINES
- - - DONATION LAND CLAIM LINES
- - - APPROXIMATE PROPERTY LINE
- 30" CONCRETE PIPE TO MILL
- /// PLACE OF USE UNDER ORS 540.520(9) FOR 17.0 CFS. SALE #3 LAND.
- /// PLACE OF USE UNDER ORS 540.520(9) FOR 1.0 CFS. SOLD 2007 TO FLAKEBOARD AMERICA

**NOTE:**

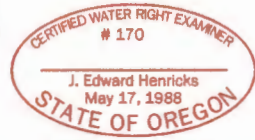
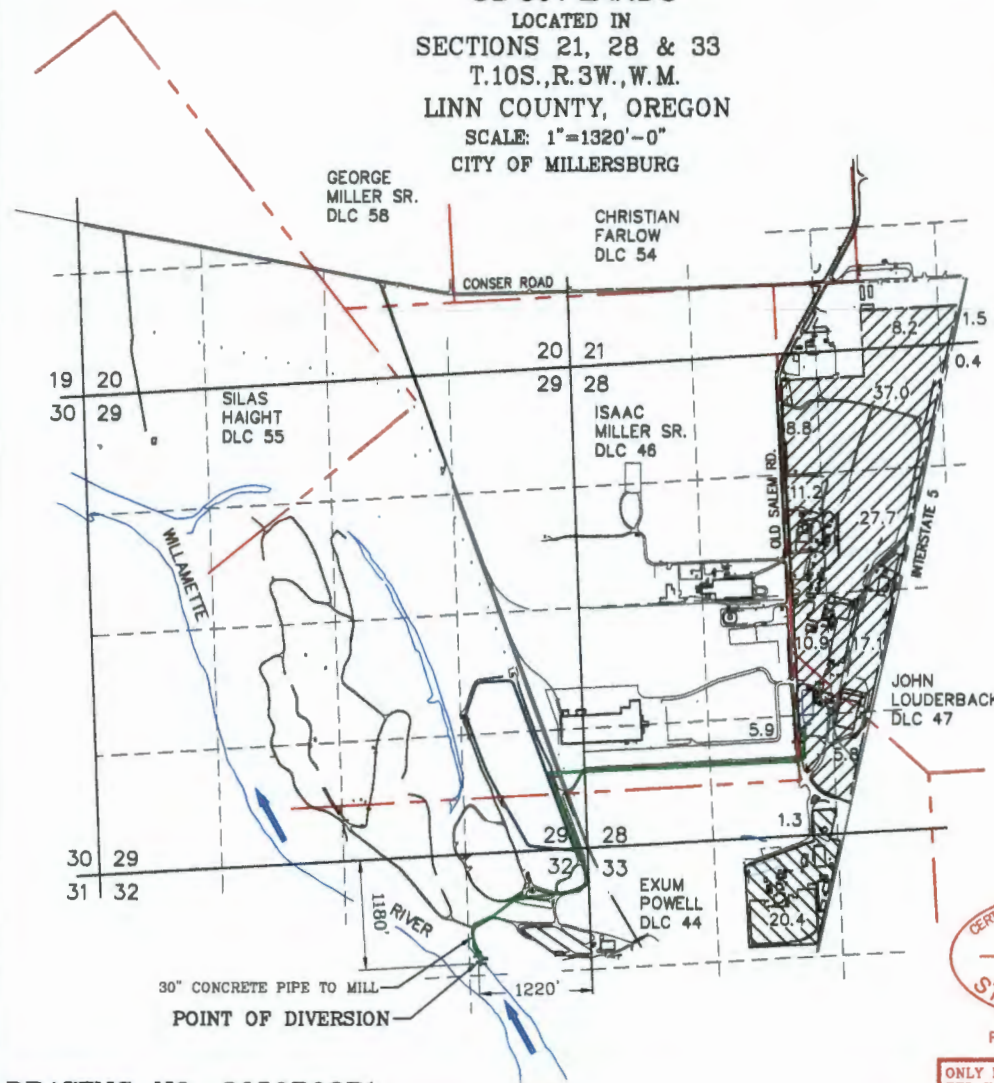
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 54268. THE RATE IS SPLIT 17.0 CFS TO TAX LOT 400 AND 1.0 CFS TO TAX LOT 151 AS NOTED IN THE ACREAGE SUMMARY. IN 2007 TAX LOT 150 WAS SOLD TO FLAKEBOARD AMERICA AND IN THE SALE AGREEMENT 1.0 CFS OF THE 18.0 CFS WAS SPLIT OUT AND A LETTER WITH MAP SENT TO OREGON WATER RESOURCES DEPARTMENT AND INSERTED IN THE WATER RIGHT FILE.

THIS IS THE ONLY WATER RIGHT DEDICATED / PERTINENT TO THE MAPPED LANDS SHOWN. THIS RE-MAP WAS CREATED AS PART OF THE CLOSURE OF THE PAPER MILL. THE MAP WAS PREPARED FOR INTERNATIONAL PAPER TO CLARIFY WHAT WATER RIGHTS GO WITH THE LAND AS IT IS SOLD. THE PROPERTY IS BEING MARKETED AS THREE PARCELS. SALE #3 LANDS ARE SHOWN.

THIS MAP AMENDS / REPLACES THE PLACE OF USE MAP FOR CERTIFICATE 54268.

I, J. EDWARD HENRICKS, BEING DULY SWORN AS A WATER RIGHT EXAMINER LICENSE NO. 170, HAVE PREPARED THIS MAP FOR INTERNATIONAL PAPER ON THIS 3rd DAY OF APRIL, 2013. THE AREAS HATCHURED REPRESENT THE AREAS APPLIED TO BENEFICIAL USE.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



Renews: June 30, 2013

ONLY DOCUMENTS STAMPED WITH RED INK ARE ORIGINALS.

DRAWING NO. 3650P02R1



ONLY DOCUMENTS STAMPED  
WITH RED INK ARE ORIGINALS

"Attachment G"

GEORGE  
MILLER SR.  
DLC 58

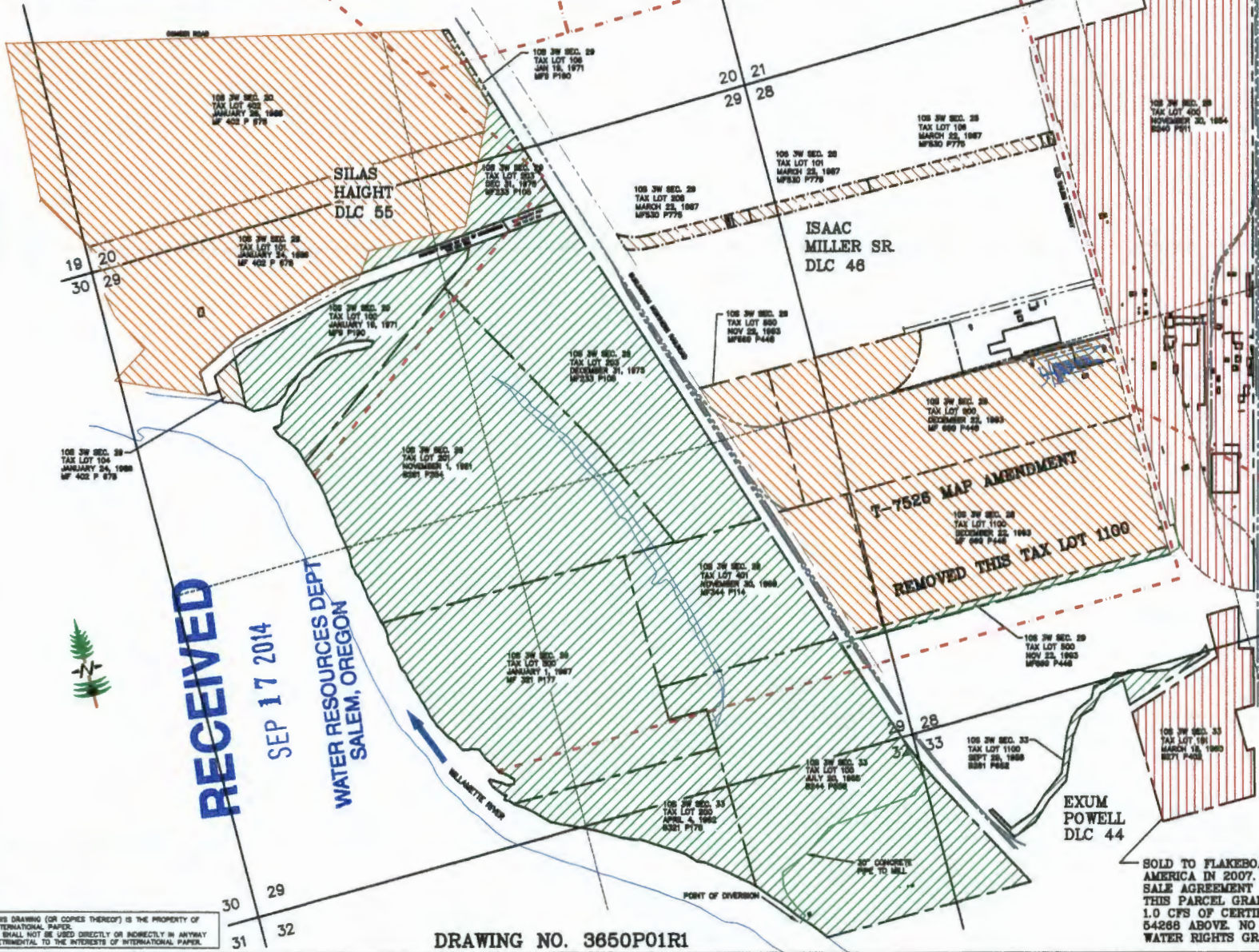
ORS 540.520(9)  
1999 SB 301 LANDS

JOHN  
LOUDERBACK  
DLC 47

ALBANY PAPER MILL, LVL  
& DURAFLAKE PROPERTIES  
WILLAMETTE INDUSTRIES, INC.  
SECTIONS 19, 20, 21, 28, 29, 30, 32, & 33  
T. 10 S., R. 3 W., V.M.  
MILLERSBURG, OREGON  
SCALE: 1"=600'-0"

NOTE: DECEMBER 10, 2012

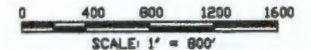
THE HACHURE SHOWN REPRESENTS  
THE PLACE OF USE AS PER  
ORS 541.520(9). THE MAP WAS  
CREATED IN 1999. THE CURRENT  
LAND OWNER IS INTERNATIONAL  
PAPER.  
PLEASE REFER TO DRAWINGS  
3650P02R1, 3650P03R1 & 4276P01R3  
THAT SHOW THE CURRENT LANDS  
DESIGNATED AS THE PLACE OF USE  
FOR EACH OF THE 3 WATER RIGHTS  
PERTINENT TO THE LAND. THESE  
WERE CREATED TO CLARIFY WHAT  
WATER GOES WITH PARCELS TO BE  
SOLD BY INTERNATIONAL PAPER.



- = CERTIFICATE 54268  
PERMIT S-23102  
APPLICATION S-29640  
PRIORITY DATE: DEC. 23, 1954  
CERTIFICATE 85736  
PERMIT S-47184  
APPLICATION S-84515  
PRIORITY DATE: OCT. 29, 1982  
TRANSFER T-7526
- = CERTIFICATE 85736  
PERMIT S-47184  
APPLICATION S-84515  
PRIORITY DATE: OCT. 29, 1982  
TRANSFER T-7526
- = TRANSFER T-7526

LEGEND:

- = SECTION LINE
- = CENTER LINE OF SECTION
- = DONATION LAND CLAIM (DLC) LINE
- = APPROXIMATE PROPERTY LINE



PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE  
LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO  
PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERS' LINES.

1	1/14/48	JEH	UPDATED LAND OWNER INFORMATION
REV	DATE	BY	DESCRIPTION
<b>ALBANY PAPER MILL SB 301 LANDS</b>			
PLANT or MILL APM	AREA in PLANT OVERALL	ACAD FILE 3650P01	
<b>WILLAMETTE INDUSTRIES, INC.</b> CURRENT OWNER <b>INTERNATIONAL PAPER</b>			
SCALE: 1" = 400'-0"		DATE: SEPTEMBER 1, 1999	
DRAWN BY: MSD		PLT # 1-4800 TIME: 09:27	
DRAWING: <b>APM-99-3650-P-01 REV A</b>			

SOLD TO FLAKEBOARD  
AMERICA IN 2007. IN  
SALE AGREEMENT  
THIS PARCEL GRANTED  
1.0 CFS OF CERTIFICATE  
54268 ABOVE. NO OTHER  
WATER RIGHTS GRANTED.

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IT SHALL NOT BE USED DIRECTLY OR INDIRECTLY IN ANYWAY  
DETRIMENTAL TO THE INTERESTS OF INTERNATIONAL PAPER.

DRAWING NO. 3650P01R1

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 SALEM, OREGON

**FINAL PROOF MAP FOR INTERNATIONAL PAPER  
FOR INDUSTRIAL USE UNDER T-7526**

LOCATED IN  
SECTIONS 21, 28, 29, 32 & 33  
T.10S., R.3W., W.M.  
LINN COUNTY, OREGON  
SCALE: 1"=1320'-0"  
CITY OF MILLERSBURG

MAP AMENDED  
November 9, 2012

"Attachment H"

**ACREAGE SUMMARY**

**CERTIFICATE 20873 - PERMIT 20514  
1.2 CFS PLACE OF USE**

SECTION 19	SE 1/4, SE 1/4	4.9 ACRES DLC 55
	NE 1/4, SE 1/4	2.6 ACRES DLC 55
SECTION 20	SW 1/4, SW 1/4	39.8 ACRES DLC 55
	NW 1/4, SW 1/4	10.4 ACRES DLC 55
	SE 1/4, SW 1/4	39.0 ACRES DLC 55
		0.1 ACRES DLC 58
	NE 1/4, SW 1/4	1.8 ACRES DLC 55
	SW 1/4, SE 1/4	5.5 ACRES DLC 58
		4.1 ACRES DLC 46
		9.8 ACRES DLC 55
SECTION 29	NW 1/4, NW 1/4	30.0 ACRES DLC 55
	NE 1/4, NW 1/4	33.1 ACRES DLC 55
	NW 1/4, NE 1/4	13.8 ACRES DLC 55
		20.2 ACRES DLC 46
	SW 1/4, NE 1/4	21.1 ACRES DLC 46
	SE 1/4, NE 1/4	6.8 ACRES DLC 46
	NE 1/4, SE 1/4	8.8 ACRES DLC 46
	NW 1/4, SE 1/4	3.2 ACRES DLC 46

**254.6 ACRES**

**CERTIFICATE 68559 - PERMIT 14108  
CERTIFICATE 20829 - PERMIT 20469  
1.93 CFS & 2.0 CFS PLACE OF USE**

SECTION 28	SW 1/4, NW 1/4	9.5 ACRES DLC 46
	NE 1/4, SW 1/4	13.8 ACRES DLC 46
	NW 1/4, SW 1/4	20.8 ACRES DLC 46
SECTION 29	NW 1/4, NW 1/4	2.8 ACRES DLC 55
	NE 1/4, NW 1/4	5.9 ACRES DLC 55
		1.1 ACRES DLC 46
	SW 1/4, NW 1/4	3.7 ACRES DLC 55
	SE 1/4, NW 1/4	7.1 ACRES DLC 55
		32.9 ACRES DLC 46
	NW 1/4, NE 1/4	0.5 ACRES DLC 46
	SW 1/4, NE 1/4	18.9 ACRES DLC 46
	SE 1/4, NE 1/4	13.6 ACRES DLC 46
	NE 1/4, SW 1/4	34.0 ACRES DLC 46
	SE 1/4, SW 1/4	12.6 ACRES DLC 46
		5.6 ACRES DLC 44
	NW 1/4, SE 1/4	36.8 ACRES DLC 46
	NE 1/4, SE 1/4	20.4 ACRES DLC 46
	SW 1/4, SE 1/4	20.9 ACRES DLC 46
		19.1 ACRES DLC 44
	SE 1/4, SE 1/4	14.6 ACRES DLC 46
		15.6 ACRES DLC 44
SECTION 32	NW 1/4, NE 1/4	13.3 ACRES DLC 44
	NE 1/4, NE 1/4	36.4 ACRES DLC 44
SECTION 33	NW 1/4, NW 1/4	5.4 ACRES DLC 44

**619.9 ACRES TOTAL**

I J. EDWARD HENRICKS, BEING DULY SWORN AS A WATER RIGHT EXAMINER LICENSE NO. 170, HAVE PREPARED THIS MAP FOR WEYERHAEUSER COMPANY ON THIS 8th DAY OF NOVEMBER, 2002 & AMENDED IT ON THE 9th DAY OF NOVEMBER 2012. THE AREAS HATCHURED REPRESENT THE AREAS APPLIED TO BENEFICIAL USE.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

**RECEIVED**

SEP 17 2014

WATER RESOURCES DEPT  
SALEM, OREGON

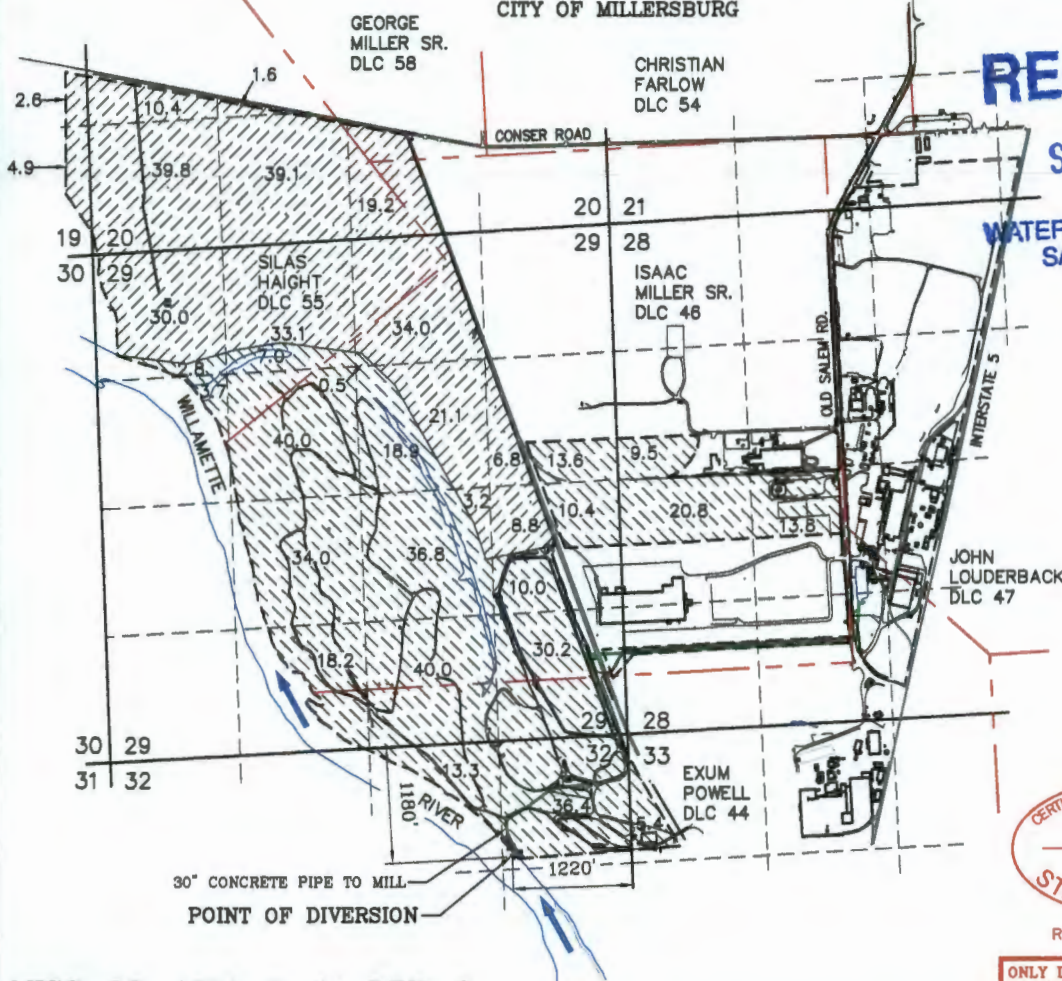


**LEGEND:**

- SECTION LINES
- - - FORTY LINES
- - - DONATION LAND CLAIM LINES
- - - APPROXIMATE PROPERTY LINE
- 30" CONCRETE PIPE TO MILL
- ▨ AREA TO BE COVERED BY PERMIT 20514 CERT. 20873 PRIORITY DATE JAN 23, 1951 1.2 CFS 254.6 ACRES
- ▨ AREA TO BE COVERED BY PERMIT 14108 CERT. 68559 PRIORITY DATE NOV 2, 1939 1.93 CFS PERMIT 20469 CERT. 20829 PRIORITY DATE JUNE 11 1943 2.0 CFS 365.3 ACRES

CERTIFIED WATER RIGHT EXAMINER  
# 170  
J. Edward Henricks  
May 17, 1988  
STATE OF OREGON  
Renews: June 30, 2013

ONLY DOCUMENTS STAMPED WITH  
RED INK ARE ORIGINALS.



MISC-02-4276-P-01 REV. 3

FOR ASSESSMENT AND TAXATION ONLY



NE COR. ISAAC MILLER, SR. DLC 46  
NW COR. JOHN LAUDERBACK DLC 47

SECTION 28 T 10S. R 3W W M

10S03W28  
MILLERSBURG

CANCELLED:

Linn County  
1" = 400'

108  
37.89 AC.

100  
59.28 AC.

110  
1.82 AC.

8-7

400  
131.81 AC.

1900  
3.92 AC.

1800  
29.51 AC.

PARTITION  
PLAT  
2008

53

SEE MAP 10 3W 21

PARCEL 2

101  
2.20 AC.

106  
1.97 AC.

700  
20.97 AC.

109  
0.60 AC.

105  
13.51 AC.

104  
13.70 AC.

8-5

8-7

800  
7.00 AC.

502  
502-M  
1.57 AC.

900  
48.80 AC.

902  
3.17 AC.

901  
10.80 AC.

8-9

1700  
27.99 AC.

SEE MAP 10 3W 27

8-5

1100  
84.63 AC.

NLY NW COR.  
EXUM POWELL  
DLC 44

1600  
47.87 AC.

8-2

SE COR.  
ISAAC MILLER, SR.  
DLC 46

1200  
31.85 AC.

1300  
7.18 AC.

1400  
0.87 AC.

8-4

NE COR.  
EXUM POWELL  
DLC 44

1500  
30.33 AC.

LOT 1  
23.81 A

SEE MAP 10 3W 33A

1502  
5.00 AC.

MILLERSBURG  
10S03W28

12/23/2009

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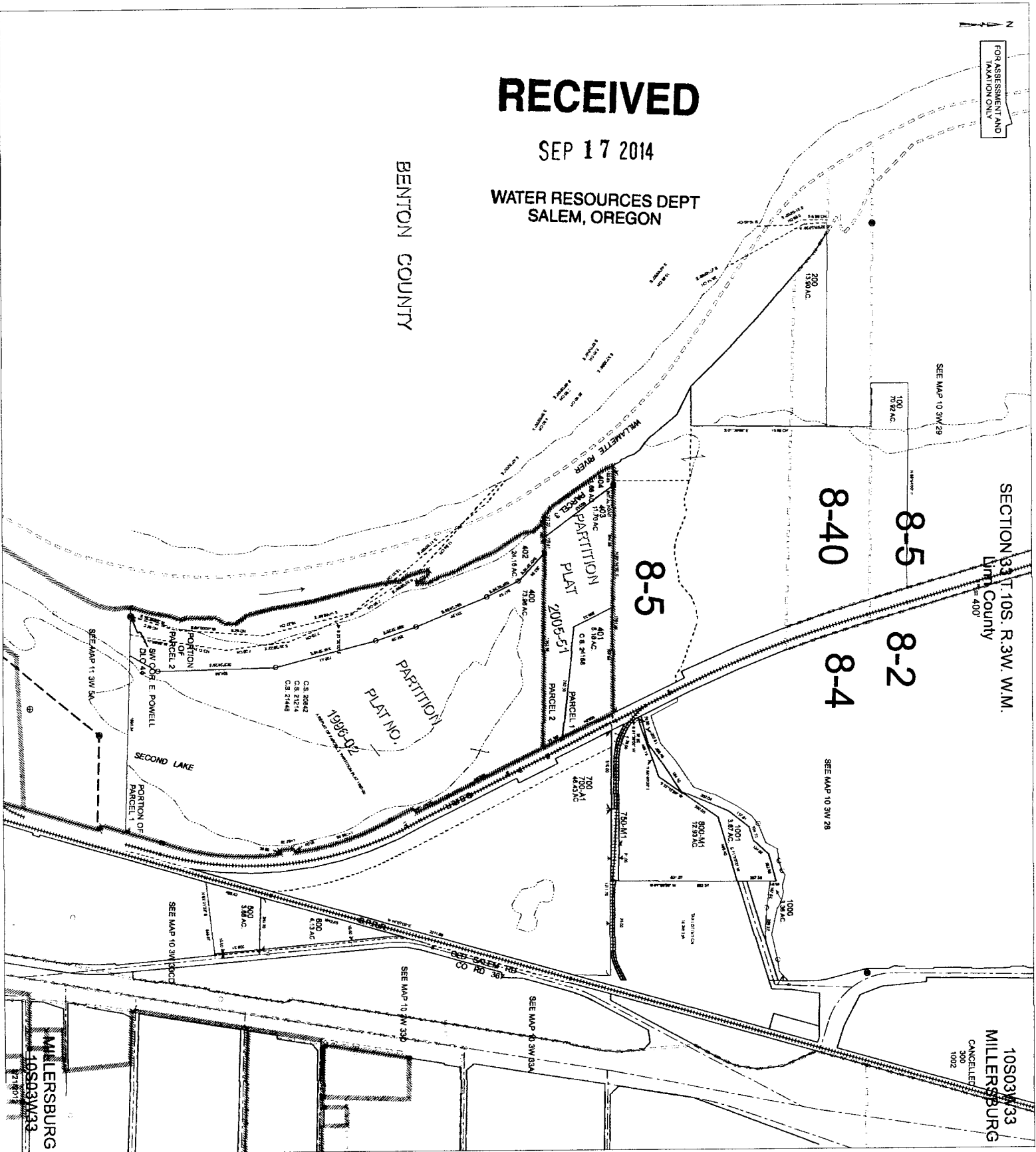
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WATER RESOURCES DEPT  
SALEM, OREGON

BENTON COUNTY

SECTION 34 T. 10S. R. 3W. W.M.  
Benton County  
400'

8-5  
8-2  
8-4  
8-40



10S03W33  
MILLERSBURG  
CANCELLED  
300  
1002

MILLERSBURG  
10S03W33

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SEE MAP 10 3W 19

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

WATER RESOURCES DEPT  
SALEM, OREGON

8-9

8-7

SEC. 20 T. 10S. R. 03W. W.M.  
LINN COUNTY, OREGON

1" = 400'

SEE MAP 10 3W 17

SEE MAP 10 3W 29

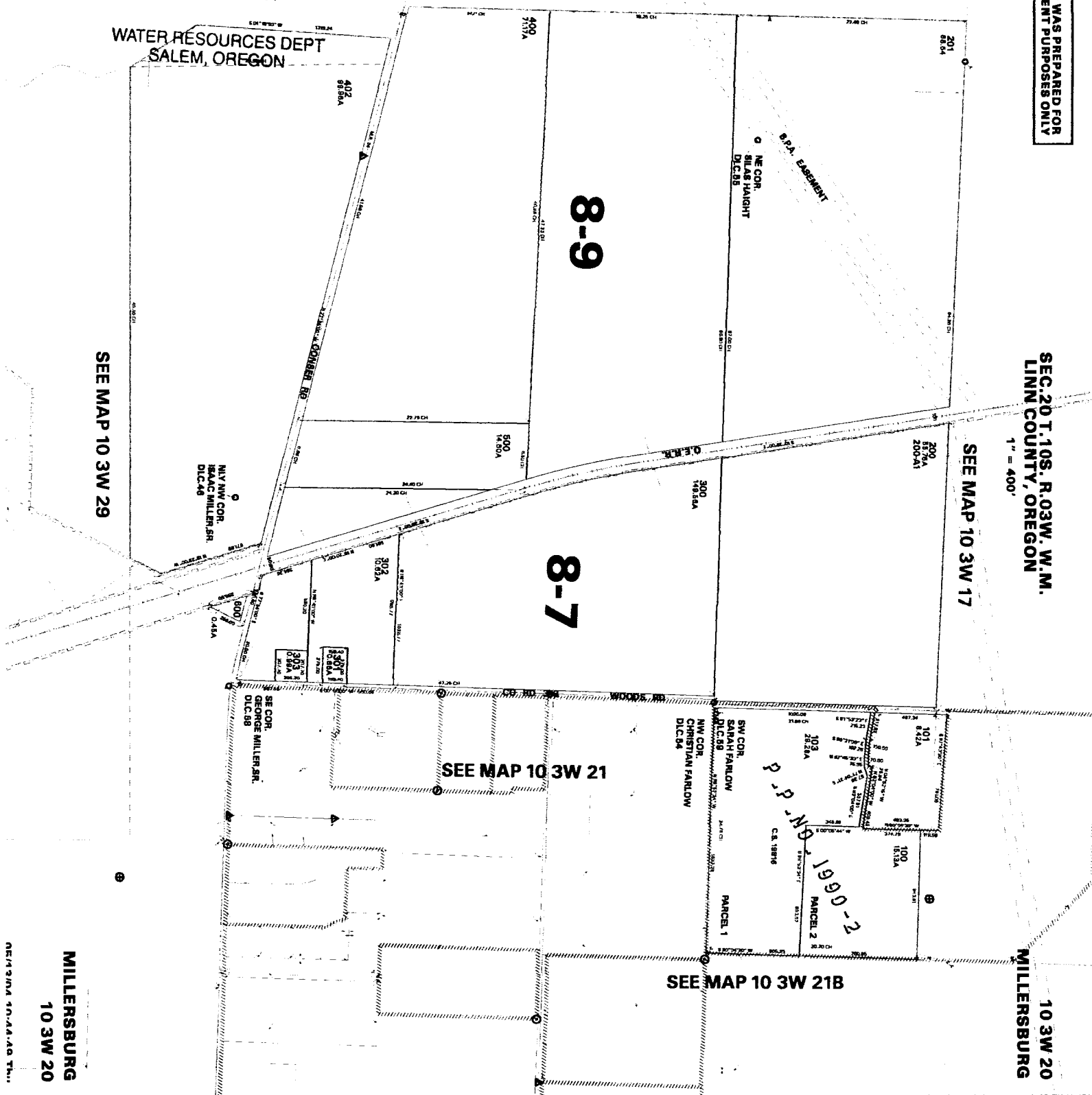
SEE MAP 10 3W 21

SEE MAP 10 3W 21B

10 3W 20  
MILLERSBURG

MILLERSBURG  
10 3W 20

05/12/2014 10:44:48 AM



## STATE OF OREGON

COUNTY OF

LINN

## CERTIFICATE OF WATER RIGHT

**This is to certify, That** WILLAMETTE INDUSTRIES, INC.

Albany Paper Mill  
of PO Box 339, Albany, State of Oregon 97321, has made  
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of  
Willamette River

a tributary of Columbia River for the purpose of  
manufacturing

under Permit No. 23102 and that said right to the use of said waters has been perfected in  
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from  
December 23, 1954  
that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is  
limited to an amount actually beneficially used for said purposes, and shall not exceed  
18.0 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of  
diversion is located in the NE 1/4 NE 1/4 as projected within Powell  
DLC 44, Section 32, T10S, R3W, WM; 1260 feet South and 1220 feet West from NE  
Corner, Section 32.

The amount of water used for irrigation, together with the amount secured under any other right  
existing for the same lands, shall be limited to \_\_\_\_\_ of one cubic foot per second  
per acre,

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conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

SW 1/4 NE 1/4 as projected within Louderback DLC 47  
SE 1/4 NW 1/4 as projected within Louderback DLC 47  
NE 1/4 SW 1/4 as projected within Louderback DLC 47  
NW 1/4 SE 1/4 as projected within Louderback DLC 47  
NE 1/4 SW 1/4 as projected within Powell DLC 44  
SE 1/4 SW 1/4 as projected within Powell DLC 44  
NW 1/4 SE 1/4 as projected within Powell DLC 44  
SW 1/4 SE 1/4 as projected within Powell DLC 44  
Section 28  
NW 1/4 NE 1/4 as projected within Powell DLC 44  
NE 1/4 NW 1/4 as projected within Powell DLC 44  
Section 33

Township 10 South, Range 3 West, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use  
herein described and is subject to minimum flows established by the Water Resources Commission with an  
effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. April 16, 1986

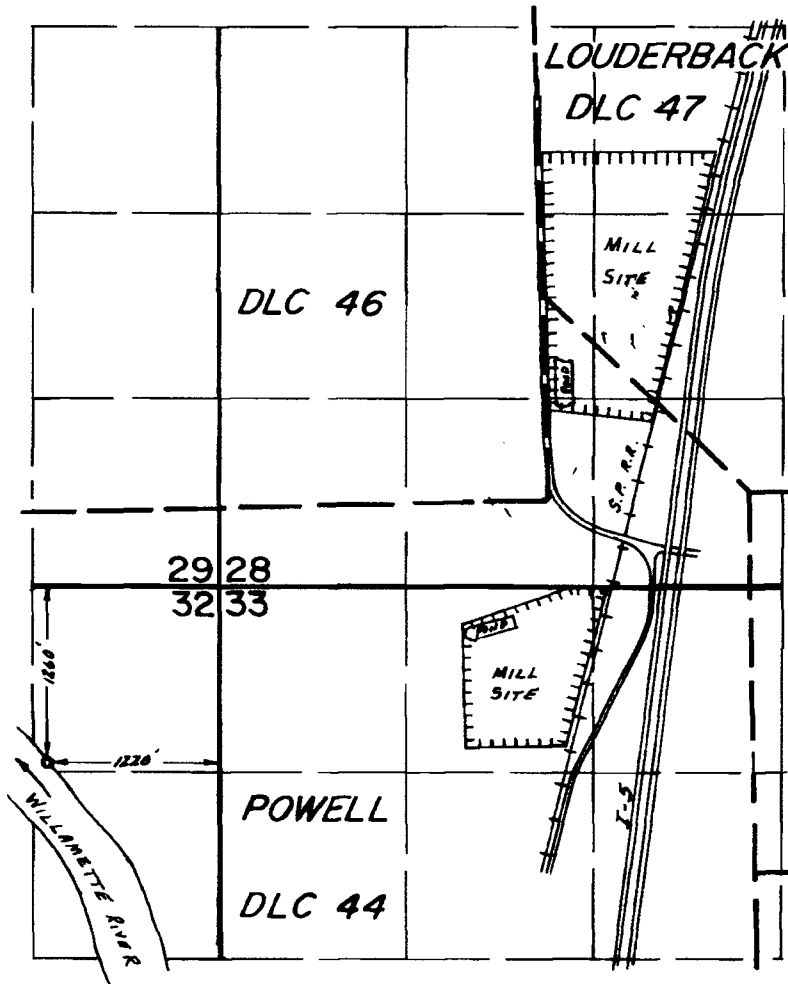
/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 49, page 54268

27860/SB  
29640

T.10S.,R.3W.,W.M.



SCALE: 1"=1320'

**FINAL PROOF SURVEY**  
UNDER

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SALEM, OREGON

Application No. 29640... Permit No. 23102.....  
IN NAME OF  
WILLAMETTE INDUSTRIES, INC.  
.....(ALBANY PAPER MILL).....

Surveyed May 4..... 1984, by L.M. TOLL.....



STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WEYERHAEUSER COMPANY  
PO BOX 907  
ALBANY OR 97321

confirms the right to use the waters of WILLAMETTE RIVER for INDUSTRIAL/MANUFACTURING USE.

This right was perfected under Permit 47184. The date of priority is OCTOBER 29, 1982. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 12.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
10 S	3 W	WM	32	NE NE		44	1180 FEET SOUTH & 1220 FEET WEST FROM NE CORNER, SECTION 32

A description of the place of use to which this right is appurtenant is as follows:

INDUSTRIAL/MANUFACTURING USE						
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
10 S	3 W	WM	28	SW NE		47
10 S	3 W	WM	28	SE NW		47
10 S	3 W	WM	28	NE SW		47
10 S	3 W	WM	28	NE SW		44
10 S	3 W	WM	28	SE SW		44
10 S	3 W	WM	28	NW SE		44
10 S	3 W	WM	28	NW SE		47
10 S	3 W	WM	28	SW SE		44
10 S	3 W	WM	33	NE NW		44

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The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

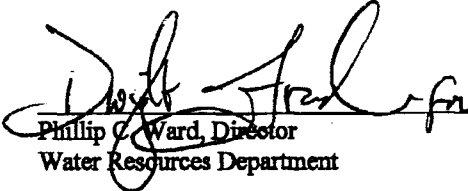
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Following issuance of the certificate confirming this permit on June 19, 2009, the Department reviewed the file associated with this permit, and determined that the use of water listed on the confirming certificate should have been Industrial/Manufacturing use. This certificate is issued to correct the type of use and supersedes certificate 85589.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

AUG 17 2009

Issued \_\_\_\_\_



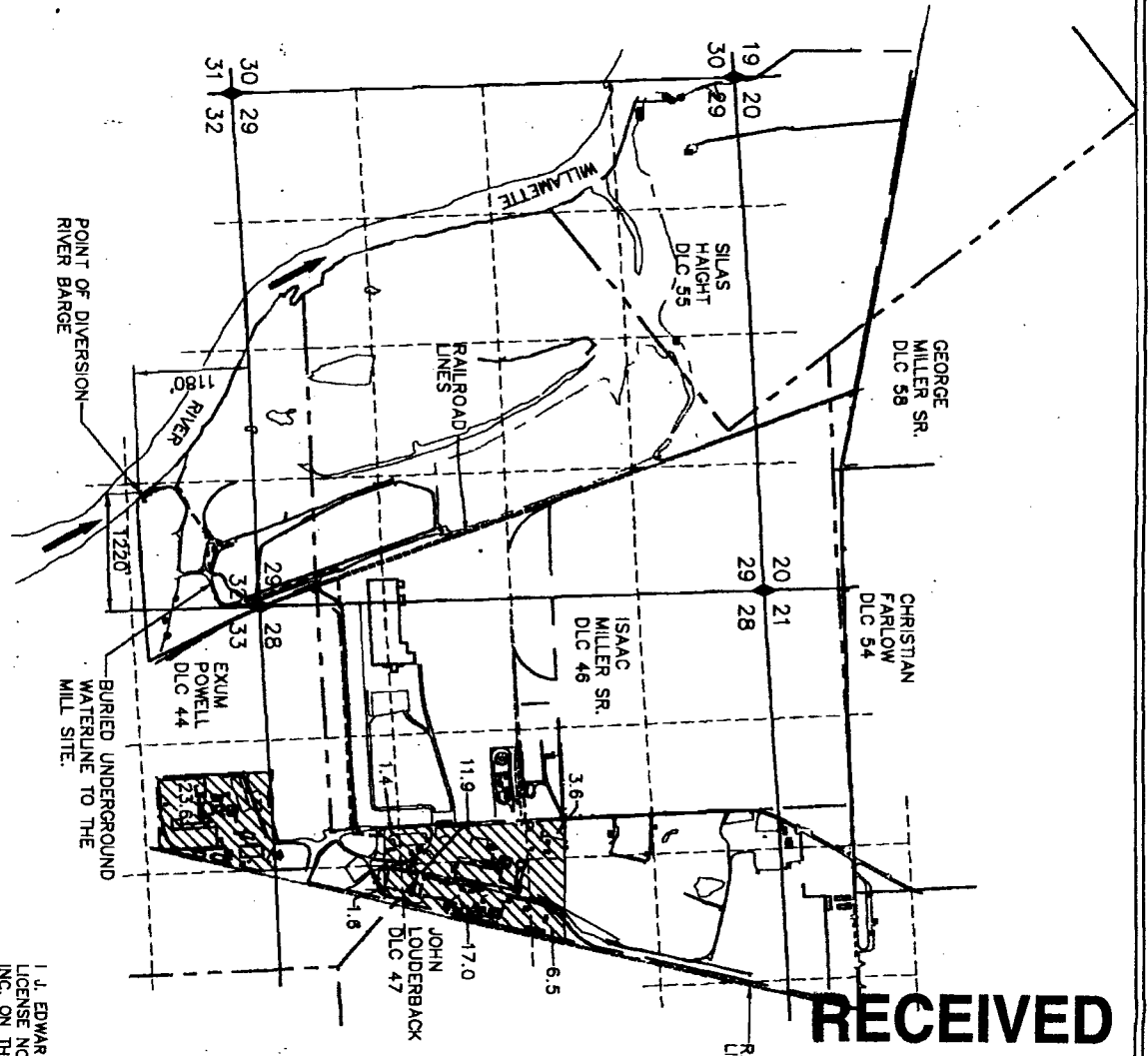
Phillip C. Ward, Director  
Water Resources Department

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MISC-97-3349-L-01



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**FINAL PROOF SURVEY**  
**FOR WILLAMETTE INDUSTRIES, INC.**  
**ALBANY PAPERMILL**

LOCATED IN

SECTIONS 28 & 33

T.10S., R.3W., W.M.

LINN COUNTY, OREGON

SCALE: 1"=1320'-0"

PERMIT NO. 47184 APPLICATION 64514  
TRANSFER 7508 - PERMIT AMENDMENT

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SEP 19 1997  
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SALEM, OREGON

**ACREAGE SUMMARY**

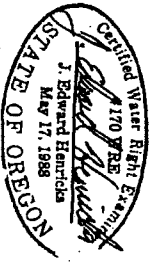
SECTION 28 - SW 1/4, NE 1/4	6.9 ACRES DLC 47
SW 1/4, NW 1/4	3.8 ACRES DLC 47
SE 1/4, SE 1/4	1.0 ACRES DLC 44
SW 1/4, SE 1/4	1.8 ACRES DLC 44
NE 1/4, SW 1/4	4.5 ACRES DLC 44
SE 1/4, SW 1/4	7.4 ACRES DLC 47
	1.4 ACRES DLC 46
SECTION 33 - NE 1/4, NW 1/4	23.8 ACRES DLC 44
<b>TOTAL</b>	<b>65.6 ACRES TOTAL</b>

**LEGEND:**

- SECTION LINES
- FORTY LINES
- DONATION LAND CLAIM LINES
- APPROXIMATE PROPERTY LINE
- BURIED WATERLINE TO THE MILL SITE
- AREA BEING USED UNDER PERMIT NO. 47184 APPLICATION 64514 & T-7508, 65.6 ACRES TOTAL

I, J. EDWARD HENRICKS, BEING DULY SWORN AS A WATER RIGHT EXAMINER LICENSE NO. 170, HAVE PREPARED THIS MAP FOR WILLAMETTE INDUSTRIES, INC. ON THIS 3rd DAY OF SEPTEMBER 1997. THE AREAS HATCHURED REPRESENT THE AREAS BEING APPLIED TO BENEFICIAL USE.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



ONLY DOCUMENTS STAMPED WITH RED INK ARE ORIGINALS



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

Pursuant to ORS 537.348(2) and OAR 690-077

1

Optional Identification by Lessor/Lessee: WRD  
Lease Application Number (assigned by WRD): \_\_\_\_\_

The water right to be leased is located in Linn County.

This Lease is between:

**Lessor #1:**

Name International Paper - Albany Paper Mill  
Mailing address 3521 Old Salem Rd. NE  
City, State, Zip Code Albany, OR 97321  
Telephone number 541-917-8415 or 541-924-4650  
E-mail address\*\* vaughn.pieschl@ipaper.com

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**Lessor #2, 3, etc. (provide same information as identified above)**

**Lessee (if different than Oregon Water Resources Department):**

Name \_\_\_\_\_  
Mailing address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Telephone number \_\_\_\_\_  
E-mail address\*\* \_\_\_\_\_

\*\*BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

**Trustee:**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0900

### ~I~ Water Right Holder and Water Right Information

**1.1** Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 10 S, Range 3 W, Section 28 and Tax Lot number 400. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

- 1.2 Lessor #2 is the (Check one):  
 Not applicable  
 Official representative of \_\_\_\_\_, the irrigation district which conveys water to the subject water rights.  
 Another party with an interest in the subject water rights representing \_\_\_\_\_.

- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No(s). 54268 only: there are no supplemental rights - refer to attachemnts "A & F"

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No or other Federal program: \_\_\_\_\_

**1.5 Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:  
 Certificate No.: 54268 Permit S-23102 Application S-29640

Type of Use: Manufacturing Rate 18.0 cfs Priority date: Dec. 23, 1954

Place of use: See "Attachment F" 3

(If you need to enter another leased right, please use the additional water right form) **RECEIVED**  
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**SALEM, OREGON**

Legal Season of Use: Year Round

Is the entire water right certificate being leased?  Yes  No

If no, list below the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

	T	R	Sec	1/4	Tax Lot	Acres	Type of Use	Page #	Priority Date	Previous Lease #
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)										
1.	10S	3W	21		400		manufacturing		23Dec1954	IL-
2.	10S	3W	28		400		manufacturing		23Dec1954	IL-
3.										IL-
4.										IL-
5.										IL-

[Attached maps must identify the water right holder, township, range, section, 1/4 1/4, tax lot number, map orientation, and scale.]

Total number of acres being leased, if for irrigation (or other acre equivalent uses): NA

Acre-feet of storage, if applicable: NA

Maximum rate associated with the right to be leased (cfs): 15.0 cfs

This right is for 18.0 cfs. International Paper will continue to use 2.0 cfs of the total for demolition related activities. 1.0 cfs of the right is dedicated to Flakeboard company as noted on "Attachment A" ORS 540.520(9) SB 301 lands. "Attachment F" noted above is included for Attachment 2.

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): NA

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: NONE

- 1.6 **Validity of rights to be leased as described in Section 1.5 of this form and on any Additional Water Right Form.** Lessor(s) attests (mark one) that:

*Application for Short-Term Instream Lease / 2*

TACS

- the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(\_\_\_\_)(include necessary supporting documentation as Attachment 3).

**~II~ Instream Water Right Information**

**2.1 Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

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**2.2 Instream use created by lease of the water right described in Section 1.5.**

The instream use to be created is described as follows:

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In the Willamette River  
Tributary to Columbia River in the Willamette Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): NA  
Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 15 cfs

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- Instream use protected at the point of diversion (POD).
- Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): From authorized point of diversion to the mouth.

- Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: \_\_\_\_\_

**Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from \_\_\_\_\_ through \_\_\_\_\_.
- Other (describe): year round

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

If you need to enter more instream uses, please use the additional water rights form.

**2.3 Term of lease.** This lease shall terminate on 5 yr.

- 2.4 **Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No part is reserved to continuously measure the flow of the waterway described in Section 2.2.

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~III~ Other Information

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- 3.1 **Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 **Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 **Termination provision.**
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
    - Written notice to the Department;
    - Consent by all parties to the lease; and/or
    - Written notice to the Watermaster's office.
  - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

3.7 **Fees.** Pursuant to ORS 536.050, the following fee is included:

- \$400 for an application with four or more landowners or four or more water rights.  
 \$250 for all other applications.

Lessor #1: \_\_\_\_\_ Date: \_\_\_\_\_  
International Paper - Vaughn Pieschl

For additional Lessors, type in space for signature and date

\_\_\_\_\_

Lessee: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

The following items are included:

"Attachment F" ORS 540.520(9) SB 301 LANDS - Place of use for certificate 54268 is attached as part of Attachment 2 above requirement

"Attachment A" Proposed sale parcels with included water rights - showing the only water right for tax lot 400 in Section 28, T.10S, R.3W., W.M., Linn County, Oregon is certificate 54268

Attachment 1: Assessors map 10S03W28 showing lease parcel as tax lot 400.

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SALEM, OREGON





State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

Pursuant to ORS 537.348(2) and OAR 690-077

2

Optional Identification by Lessor/Lessee: WRD  
Lease Application Number (assigned by WRD): \_\_\_\_\_

The water right to be leased is located in LINN County.

This Lease is between:

**Lessor #1:**

Name International Paper - Albany Paper Mill  
Mailing address 3521 Old Salem Rd. NE  
City, State, Zip Code Albany, OR 97321  
Telephone number 541-917-8415 or 541-924-4650  
E-mail address\*\* vaughn.pieschl@ipaper.com

**Lessor #2, 3, etc. (provide same information as identified above)**

**Lessee (if different than Oregon Water Resources Department):**

Name \_\_\_\_\_  
Mailing address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Telephone number \_\_\_\_\_  
E-mail address\*\* \_\_\_\_\_

**\*\*BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

**Trustee:**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0900

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SALEM, OREGON

**~I~ Water Right Holder and Water Right Information**

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 10 S, Range 3 W, Section 29, 32, 33 and Tax Lot number Sec. 29 - 100, 201, 300, 401, Sec. 32 & 33- 100, 200. SEE ATTACHMENT "E" ORS 540.520(9) SB 301 Lands CWRE WATER RIGHT MAP DATED April 3, 2013. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

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1.2 Lessor #2 is the (Check one):

- Not applicable
- Official representative of \_\_\_\_\_, the irrigation district WATER RESOURCES DEPT  
Salem Oregon which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing \_\_\_\_\_.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No(s). 85736 (right to be leased in stream), T7526 - 1.93 cfs certificate 68559 / permit 14106, priority date November 2, 1939 and 2.0 cfs certificate 20829 / permit 20469, priority date June 11, 1943. These are no supplemental rights.

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No or other Federal program: \_\_\_\_\_

**1.5 Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 85736, Permit No. 47184, Application S-64514 Type of Use: Industrial/Manufacturing Rate: 12.00 cfs Priority Date: October 29, 1982 Place of Use: See attachment "E" ORS 540.520(9) SB301 Lands Place of use

(If you need to enter another leased right, please use the additional water right form.)

Legal Season of Use: Year Round

Is the entire water right certificate being leased?  Yes  No

If no, list below the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	#Page =	#Priority Date	#Previous Lease #
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)									
1.									IL-
2.									IL-
3.									IL-
4.									IL-
5.									IL-

[Attached maps must identify the water right holder, township, range, section, 1/4 1/4, tax lot number, map orientation, and scale.]

Total number of acres being leased, if for irrigation (or other acre equivalent uses): NA

Acre-feet of storage, if applicable: NA

Maximum rate associated with the right to be leased (cfs): 12.00

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): NA

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: NONE

- 1.6 **Validity of rights to be leased as described in Section 1.5 of this form and on any Additional Water Right Form.** Lessor(s) attests (mark one) that:
- the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
  - the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(\_\_\_\_)(include necessary supporting documentation as Attachment 3).

**~II~ Instream Water Right Information**

2.1 **Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

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2.2 **Instream use created by lease of the water right described in Section 1.5.**

The instream use to be created is described as follows:

In the Willamette River  
Tributary to Columbia in the Willamette Basin.

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Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): NA  
Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 12.00 cfs

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- Instream use protected at the point of diversion (POD).
- Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile):

- Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: \_\_\_\_\_

**Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from \_\_\_\_\_ through \_\_\_\_\_.
- Other (describe): year round

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

If you need to enter more instream uses, please use the additional water rights form.

- 2.3 **Term of lease.** This lease shall terminate on 5 yr.
- 2.4 **Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.1.

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**~III~ Other Information**

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- 3.1 **Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 **Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 **Termination provision.**
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
    - Written notice to the Department;
    - Consent by all parties to the lease; and/or
    - Written notice to the Watermaster's office.
  - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

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- 3.7 **Fees.** Pursuant to ORS 536.050, the following fee is included:  
 \$400 for an application with four or more landowners or four or more water rights.  
 \$250 for all other applications.

Lessor #1: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

For additional Lessors, type in space for signature and date  
\_\_\_\_\_

Lessee: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

The following items are included:

"Attachment E" ORS 540.520(9) SB 301 LANDS - Place of use for certificate 85736 detailed map as part of Attachment 2 above.

"Attachment A" Proposed sale parcels with included water rights - showing the only water right for tax lot 400 in Section 28, T.10S, R.3W., W.M., Linn County, Oregon is certificate 54268.

Attachment 1: Assessors map 10S03W29 showing tax lots 100, 201, 300, & 401, AND Assessors map 10S03W33 showing tax lots 100 & 200.

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State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

Pursuant to ORS 537.348(2) and OAR 690-077

3

Optional Identification by Lessor/Lessee: WRD  
Lease Application Number (assigned by WRD): \_\_\_\_\_

The water right to be leased is located in LINN County.

This Lease is between:

**Lessor #1:**

Name International Paper - Albany Paper Mill  
Mailing address 3521 Old Salem Rd. NE  
City, State, Zip Code Albany, OR 97321  
Telephone number 541-917-8415 or 541-924-4650  
E-mail address\*\* vaughn.pieschl@ipaper.com

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**Lessor #2, 3, etc. (provide same information as identified above)**

**Lessee (if different than Oregon Water Resources Department):**

Name \_\_\_\_\_  
Mailing address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Telephone number \_\_\_\_\_  
E-mail address\*\* \_\_\_\_\_

**\*\*BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

**Trustee:**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0900

**~I~ Water Right Holder and Water Right Information**

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 10 S, Range 3 W, Section 28, 29, 32, 33 and Tax Lot number Sec. 28 - 900, Sec. 29 - 100, 201, 300, 401, Sec. 32 & 33- 100, 200. SEE ATTACHMENT "H" Claim of Beneficial Use Map Amended November 9, 2012. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

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1.2 Lessor #2 is the (Check one):

Not applicable

Official representative of \_\_\_\_\_, the irrigation district which conveys water to the subject water rights.

Another party with an interest in the subject water rights representing \_\_\_\_\_.

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1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No(s). T7526 - 1.93 cfs certificate 68559 / permit 14106, priority date November 2, 1939 and 2.0 cfs certificate 20829 / permit 20469, priority date June 11, 1943 (rights to be leased in stream), Certificate 85736 is appurtenant to the land but not part of this lease, there are no supplemental rights.

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No or other Federal program: \_\_\_\_\_

1.5 **Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: T7526 - 1.93 cfs certificate 68559 / permit 14106, priority date November 2, 1939 and 2.0 cfs certificate 20829 / permit 20469, priority date June 11, 1943. SEE ATTACHMENT "H" Claim of Beneficial Use Map of acres by Township, Range, Section, quarter/quarter and DLC Type of Use: Manufacturing Place of Use: See Attachment "H" Claim of Beneficial Use Map

(If you need to enter another leased right, please use the additional water right form.)

Legal Season of Use: year round

Is the entire water right certificate being leased?  Yes  No

If no, list below the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	*Page #	*Priority Date	*Previous Lease #
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)									
1.									IL-
2.									IL-
3.									IL-
4.									IL-
5.									IL-

[Attached maps must identify the water right holder, township, range, section, 1/4 1/4, tax lot number, map orientation, and scale.]

Total number of acres being leased, if for irrigation (or other acre equivalent uses): NA

Acre-feet of storage, if applicable: NA

Maximum rate associated with the right to be leased (cfs): 3.93 (1.93 & 2.00 combined)

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): NA

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: NONE -

**1.6 Validity of rights to be leased as described in Section 1.5 of this form and on any Additional Water Right Form.** Lessor(s) attests (mark one) that:

- the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(\_\_\_\_)(include necessary supporting documentation as Attachment 3).

**~II~ Instream Water Right Information**

**2.1 Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

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**2.2 Instream use created by lease of the water right described in Section 1.5**

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The instream use to be created is described as follows:

In the Willamette River  
Tributary to Columbia in the Willamette Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): NA  
Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 3.93 cfs

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- Instream use protected at the point of diversion (POD).
- Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile):

- Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: \_\_\_\_\_

**Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from \_\_\_\_\_ through \_\_\_\_\_.
- Other (describe): year round

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

If you need to enter more instream uses, please use the additional water rights form.



2.3 **Term of lease.** This lease shall terminate on 5 yr.

2.4 **Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

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**~III~ Other Information**

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3.1 **Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 **Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 **Termination provision.**

For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:

- Written notice to the Department;
- Consent by all parties to the lease; and/or
- Written notice to the Watermaster's office.

For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

3.7 **Fees.** Pursuant to ORS 536.050, the following fee is included:

- \$400 for an application with four or more landowners or four or more water rights.
- \$250 for all other applications.

Lessor #1: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

For additional Lessors, type in space for signature and date  
\_\_\_\_\_

Lessee: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

The following items are included:

Attachment "H": Final Proof Map for T-7526 (Map Amended November 9, 2012).

Attachment 1: Assessors maps 10S03W28 showing tax lot 900; 10S03W29 showing tax lots 100, 201, 300, & 401; 10S03W33 showing tax lots 100 & 200.

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