

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

Complete Part 1 through 4 and include the required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	OWRD #	IL - 1704
	Fee-	

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**

Fees	<input type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights	<input checked="" type="checkbox"/> \$350.00 for all other leases
	<input type="checkbox"/> Check enclosed <u>or</u> <input type="checkbox"/> Fee Charged to customer account _____ (account name)	

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

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

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

Yes **How many water rights are leased? 1 List them here: Certificate No. 54268 - Permit No. S-23102 - Application No. S-29640 - IL 1434**

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
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or

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- Other documentation which provides authority to pursue the lease absent consent of the landowner.

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Part 2 of 4 – Instream Lease Application Map Checklist

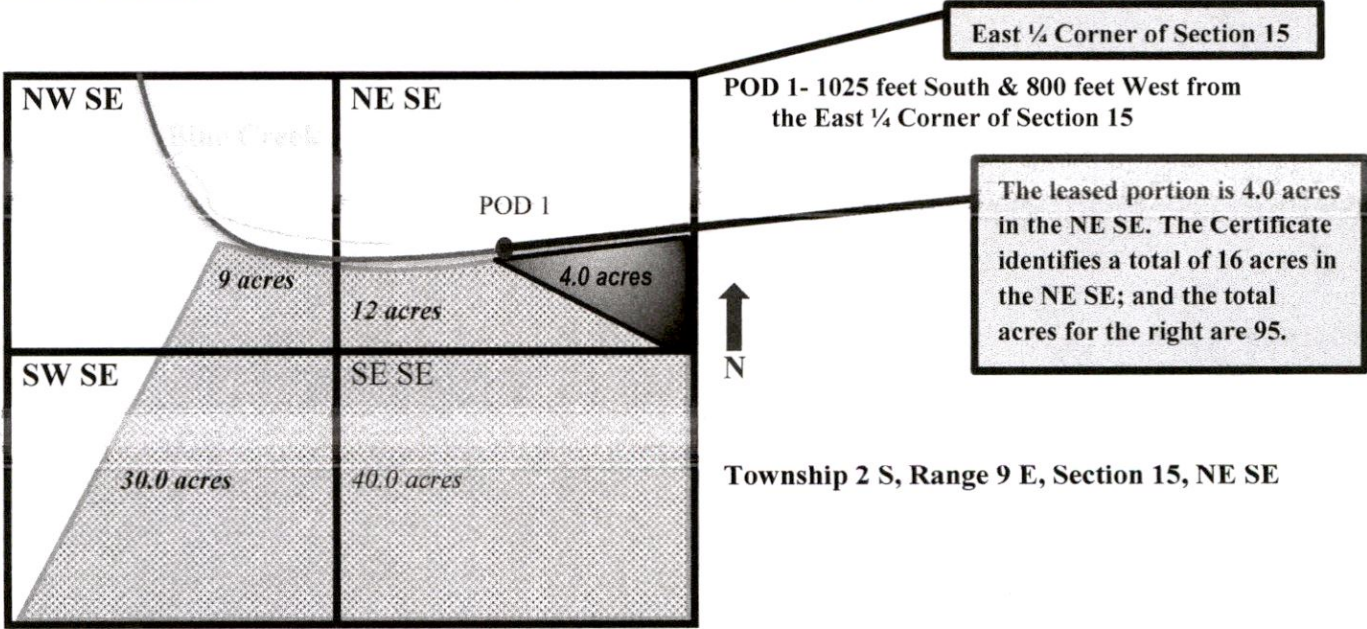
A Map is generally required for each water right not leased in its entirety

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

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

Water Right Information

Water right # Certificate

No. 54268 - Permit No. S-23102 - Application No. S-29640 - IL 143

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)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
12/23/1954	1	10-S	3-W	21	SE-SE	400	54	1.5	MANUFACTURING	1434
	1	10-S	3-W	21	SW-SE	400	54	8.2		1434
	1	10-S	3-W	28	NE-NE	400	47	0.4		1434
	1	10-S	3-W	28	NW-NE	400	47	37.0		1434
	1	10-S	3-W	28	NE-NW	400	47	8.8		1434
	1	10-S	3-W	28	SW-NE	400	47	27.7		1434
	1	10-S	3-W	28	SE-NW	400	47	11.2		1434
	1	10-S	3-W	28	NW-SE	400	47	16.0		1434
	1	10-S	3-W	28	NW-SE	400	44	1.0		1434
	1	10-S	3-W	28	NE-SW	400	47	8.9		1434
	1	10-S	3-W	28	NE-SW	400	44	4.0		1434
	1	10-S	3-W	28	SW-SE	400	44	5.8		1434
	1	10-S	3-W	28	SE-SW	400	44	5.9		1434

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)
12/23/1954	1	MAN	134.5	MANUFACTURING	17	NA
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: <u>15.0 CFS OF THIS RIGHT ARE PART OF IL-1434.</u>						

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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")
1	10-3	3-W	32	NE-NE		1220' WEST & 1180' SOUTH OF NE Corner of Sec. 32
	-	-		-		

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

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

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Willamette, tributary to Columbia</u>				River Basin: <u>Willamette</u>		
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	1	SAME	ALL	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.						
OR <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.						
Instream Reach						
Proposed Instream Reach: <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 _____				Or Proposed Instream Point: <input checked="" type="checkbox"/> Instream use protected at the POD		
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OR <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.)						
Additional Instream Information						
<input type="checkbox"/> Yes <input type="checkbox"/> 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: This right is for 18.0 cfs. International Paper (IP) the current owner uses 17 of the 18 cfs. Earlier by Instream Lease 1434 IP leased 15.0 cfs instream. 2.0 cfs was kept active for demolition activities on site. Those activities are complete and the 2.0 cfs are not to be leased instream. 1.0 cfs of the right is dedicated to Arauco (previously Flakeboard Company) as noted on "Attachement A" ORS 540.520(9) SB 301 lands..

Part 4 of 4 – Lease Provisions and Party Signatures

Term of the Lease (may be from 1 year-up to 5 years):

The lease is requested to begin in: **month** April **year** 2018 and end: **month** April **year** 2023

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.

Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):

- Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.
- Recreation
- Pollution abatement
- Navigation

Termination provision (for multiyear leases):

The parties to the lease request (choose one):

- 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.
- b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.
- c. The parties would not like to include a Termination Provision.

(See instructions for limitations to this provision)

Additive/Replacing Relationship to other instream water rights: 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.

If you would like this lease to relate to other instream water rights differently, please check this box.

And attach an explanation of your intent.

Validity of the Right(s) to be leased (check the appropriate box):

- 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
- 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.

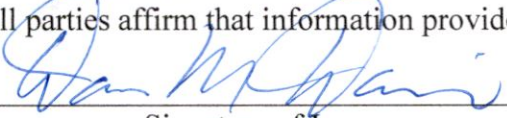
Precedent: If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

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: 7/10/18

Printed name (and title): Dan M. Davis, Manager Surplus Properties Business name, if applicable:
International Paper

Mailing Address (with state and zip): 6400 Poplar Ave. Memphis, TN 38197

Phone number (include area code): 901-419-4270 **E-mail address: Dan.Davis@ipaper.com

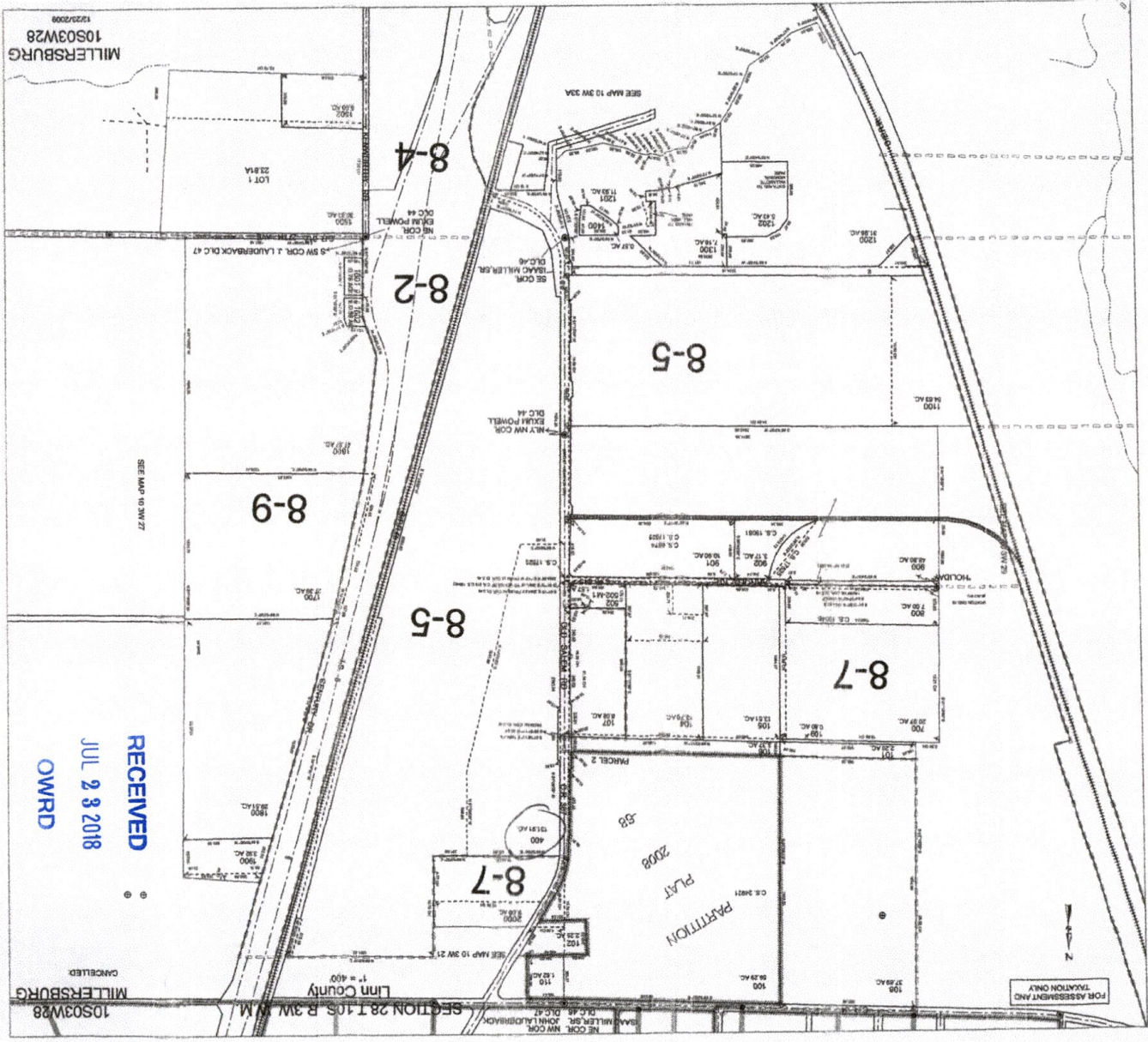
Signature of Co-Lessor Date: _____

Printed name (and title): _____
Business/organization name: _____
Mailing Address (with state and zip): _____
Phone number (include area code): _____ **E-mail address: _____

Signature of Lessee Date: _____
Printed name (and title): _____
Business/organization name: _____
Mailing Address (with state and zip): _____
Phone number (include area code): _____ **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 TO THE LESSOR.**

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MILLERSBURG
10S03W28
12/23/2008

SEE MAP 10 SW 27

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MILLERSBURG
10S03W28
CANCELLED

SECTION 28 T10S R3W N11M
Linn County
Iowa

FOR ASSESSMENT AND
TAXATION ONLY

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	6.9 ACRES DLC 47
	SW 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
		134.5 ACRES

"Attachment F"

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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
		21.7 ACRES

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:

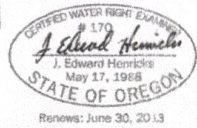
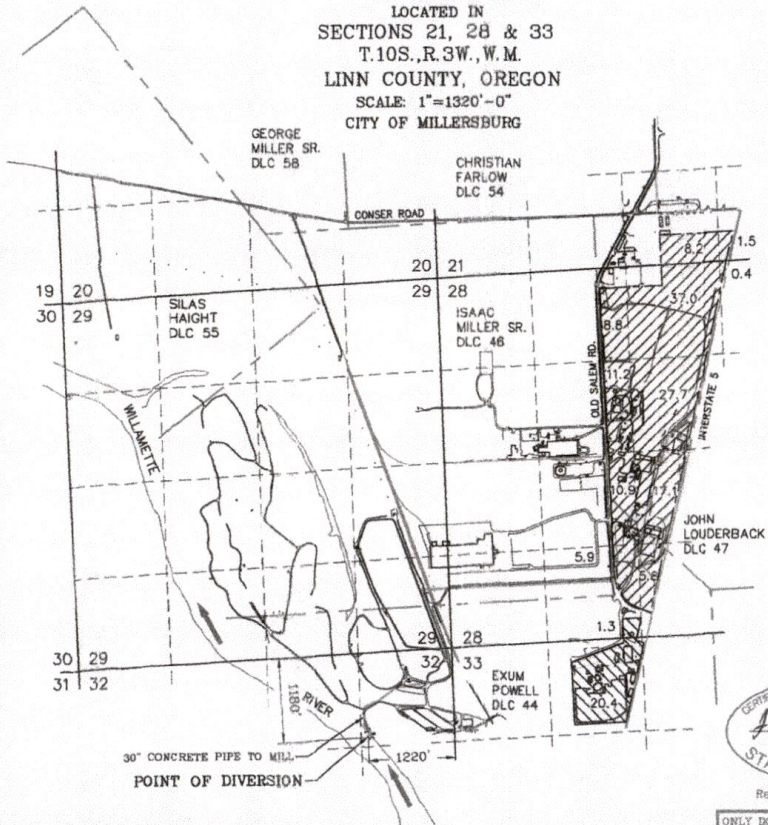
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 54268. THE RATE IS SPLIT 17.0 CFS TO TAX LOT 400 AND 1.0 CFS TO TAX LOT 151 AS NOTED IN THE ACREAGE SUMMARY. IN 2007 TAX LOT 150 WAS SOLD TO FLAKEBOARD AMERICA AND IN THE SALE AGREEMENT 1.0 CFS OF THE 18.0 CFS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



ONLY DOCUMENTS STAMPED WITH RED INK ARE ORIGINALS.

DRAWING NO. 3650P02R1

SALE #1
S-54030 3.18 CFS (SOURCE ASB) AND
T-7526 1.2 OF 3.13 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., S.W.
MILLERSBURG, OREGON
SCALE: 1"=400'-0"

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

NOTE: HATCH COLORS APPLY TO LAND SALE GROUPS ONLY

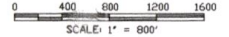
SALE #3: SEE DRAWING NO. 3650P02 FOR PLACE OF USE OF CERTIFICATE 54268

SALE #2: SEE DRAWING NO. 3650P03 FOR CERTIFICATE 85763 PLACE OF USE AND DRAWING 4278P01R3 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.

LEGEND:

- - - SECTION LINE
- CENTER LINE OF SECTION
- - - - - SECTION LAND CLAIM SUCCESSION LINE
- - - - - APPROXIMATE PROPERTY LINE



SALE #2
CERTIFICATE #85736 12 CFS AND
T-7526 1.93 + 2.0 CFS OF 5.13 CFS
See Map Attachment D, E, & H

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

Land Sale.Dwg

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

REV	DATE	BY	DESCRIPTION
PROPOSED SALE PARCELS SALE # 1, 2, & 3 SHOWING WATER RIGHTS FOR EACH SALE #			
PLANT or MILL	AREA to PLANT	ACAD FILE	
APM	OVERALL	LAND SALE	
INTERNATIONAL PAPER ALBANY, OR SITE			
SCALE: 1" = 400'-0"		DATE: NOVEMBER 14, 2012	
DRAWN BY: JES		PLT: G 1"=800' TIME: 09:27	
DRAWING: LAND SALE			REV: A

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