



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 # <u>1L-1835</u>
	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 checked="" 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.**

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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**

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Yes **How many water rights are leased? 2 List them here: 46840, 46841**
 Include a separate **Part 3** for each **water right**. Water rights included - Attachment A

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: Certificates 46835, 46836, 46838, 46839, 64506, and 82480**

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: N/A)?

Attachments:

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

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. Attachment B

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. The water rights are appurtenant to property owned by four entities, including Lessor. Attachment C includes quitclaim deeds from Lockheed Martin Corp. and The Dalles Industrial Group, and an affidavit of consent from Hydro Extrusion USA, LLC.

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

Part 2 of 4 – Instream Lease Application Map Checklist

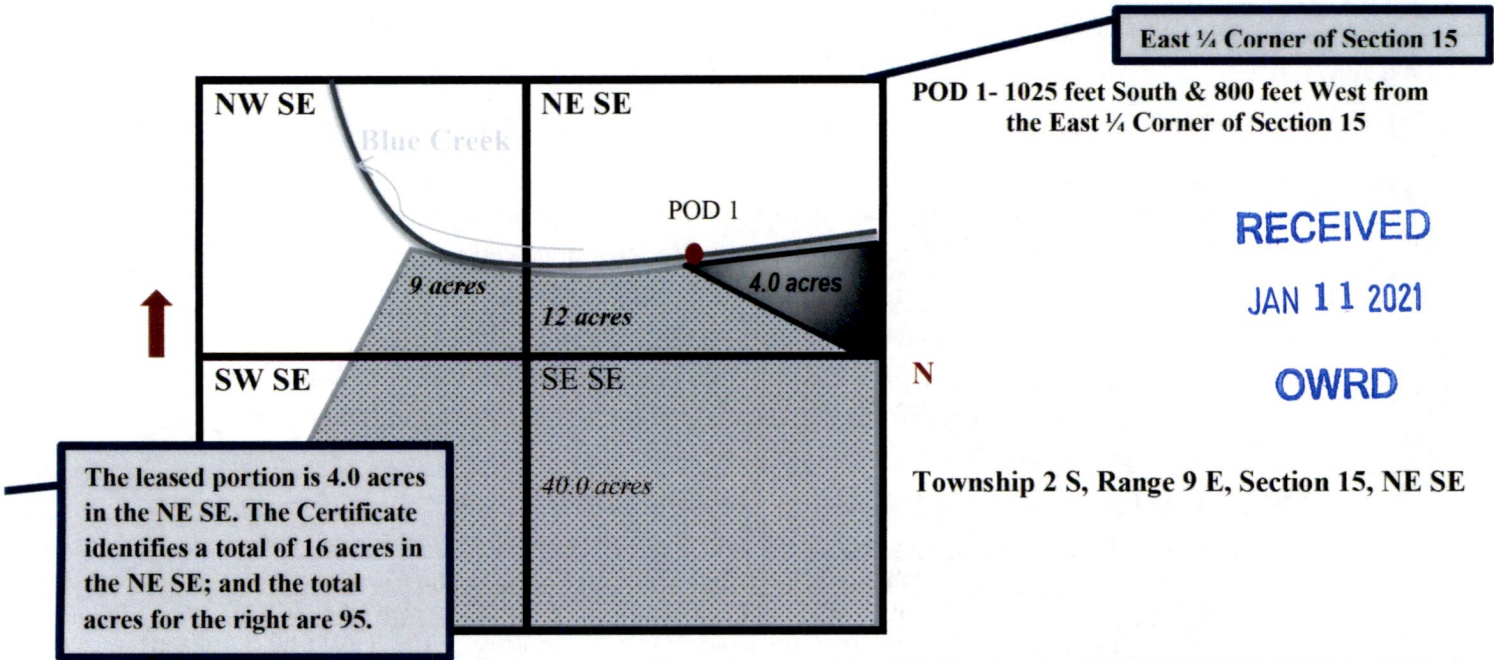
A Map is generally required for each water right not leased in its entirety

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. See Attachment B

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)



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 # 46840

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)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
2/9/1959	POD 1 – Columbia River	2-N	13-E	28	NE-SW	700	DLC 39	N/A	Industrial	N/A
					NE-SW	705	DLC 39			
					NE-SW	1000	DLC 39			
					NW-SW	700	DLC 39			
					SW-SW	700	DLC 39			
					SW-SW	700	DLC 41			
					SW-SW	1100	DLC 41			
					SE-SW	700	DLC 39			
					SE-SW	700	DLC 41			
					SE-SW	700	GL 6			
				SE-SW	1100	DLC 41				
				SE-SW	1100	GL 6				
				33	NE-NW	1100	GL 5			
					NE-NW	1100	DLC 41			
NW-NW	1100	DLC 41								

Total Acres: N/A

***The Lessor intends to lease a portion of the rate associated with the entire place of use (which was modified by the specific to general industrial use change filed July 8, 2010). A copy of the specific to general industrial use change and the Department's acknowledgment is included in Attachment 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)
2/9/1959	POD 1 – Columbia River	Industrial	N/A		4.0	
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> 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")
POD 1 – Columbia River	2-N	13-E	28	SW-SE	GL 1	380 feet North and 780 feet East from the S1/4 corner, Section 28
<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 location of the POD(s) for the purpose of the instream lease.						

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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>Columbia</u> , tributary to <u>Pacific Ocean</u>				River Basin: <u>Columbia</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)
2/9/1959	POD 1 – Columbia River	Industrial	N/A	Year Round	2.8	
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 checked="" 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 <u>Pacific Ocean</u>				Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD		
OR <input 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 checked="" 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: _____						

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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 # **46841**

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)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
2/6/1962	POD 1 – Columbia River	2-N	13-E	28	NE-SW	700	DLC 39	N/A	Industrial	N/A
					NE-SW	705	DLC 39			
					NE-SW	1000	DLC 39			
					NW-SW	700	DLC 39			
					SW-SW	700	DLC 39			
					SW-SW	700	DLC 41			
					SW-SW	1100	DLC 41			
					SE-SW	700	DLC 39			
					SE-SW	700	DLC 41			
					SE-SW	700	GL 6			
				SE-SW	1100	DLC 41				
				SE-SW	1100	GL 6				
				33	NE-NW	1100	GL 5			
					NE-NW	1100	DLC 41			
NW-NW	1100	DLC 41								

Total Acres: N/A

***The Lessor intends to lease a portion of the rate associated with the entire place of use (which was modified by the specific to general industrial use change filed July 8, 2010). A copy of the specific to general industrial use change and the Department's acknowledgment is included in Attachment A.**

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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)
2/6/1962	POD 1 – Columbia River	Industrial	N/A		8.0	
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> 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")
POD 1 – Columbia River	2-N	13-E	28	SW-SE	GL 1	380 feet North and 780 feet East from the S1/4 corner, Section 28
<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 location of the POD(s) for the purpose of the instream lease.						

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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>Columbia, tributary to Pacific Ocean</u>				River Basin: <u>Columbia</u>		
<p>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.</p> <p>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.</p>						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
2/6/1962	POD 1 – Columbia River	Industrial	N/A	Year Round	5.6	
<p>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.</p>						
<p>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.</p>						
Instream Reach						
<p>Proposed Instream Reach: <input checked="" 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 <u>Pacific Ocean</u></p>				<p>Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD</p>		
<p>OR <input 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.)</p>						
Additional Instream Information						
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

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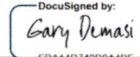
Part 4 of 4 – Lease Provisions and Party Signatures

<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month 1 year 2021 and end: month 1 year 2025</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>Public use: 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 type="checkbox"/> Navigation</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one):</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. (See instructions for limitations to this provision)</p>
<p>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.</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>Validity of the Right(s) to be leased (check the appropriate box):</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.

DocuSigned by:

 Gary Demasi
 Signature of Lessor

Date: 10/9/2020
 Authorized Signatory

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Printed name (and title):
 Mailing Address (with state and zip): 1600 Amphitheatre Parkway, Mountain View, CA 94043
 Phone number (include area code): **E-mail address:

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Attachment A

**Certificates 46840 and 46841, and Specific to General Industrial Use Change
Application for Instream Lease – Design, LLC**

STATE OF OREGON

COUNTY OF

WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MARTIN MARIETTA ALUMINUM INC.

of P.O. Box 711, The Dalles, State of Oregon, 97058, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Columbia River

a tributary of Pacific Ocean for the purpose of manufacturing

under Permit No. 25977 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 February 9, 1959 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 4.0 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 Lot 1 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 28, T. 2 N., R. 13 E., W. M., 380 feet North and 780 feet East from the S $\frac{1}{2}$ Corner, Section 28

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,

and shall 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 $\frac{1}{4}$
Section 28
T. 2 N., R. 13 E., W. M.

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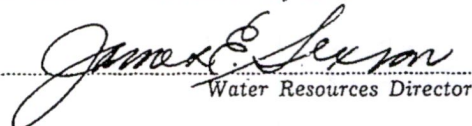
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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 2, 1978


Water Resources Director

STATE OF OREGON

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COUNTY OF

WASCO

JAN 11 2021

CERTIFICATE OF WATER RIGHT

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This Is to Certify, That MARTIN MARIETTA ALUMINUM, INC.

of P.O. Box 711, The Dalles, State of Oregon, 97058, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Columbia River

a tributary of Pacific Ocean for the purpose of industrial

under Permit No. 27829 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 February 6, 1962 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 8.0 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 Lot 1 (SW 1/4 SE 1/4), Section 28, T. 2 N., R. 13 E., W. M., 380 feet North and 780 feet East from the S 1/2 Corner, Section 28

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,

and shall 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
Section 28
T. 2 N., R. 13 E., W. M.

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 the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 2, 1978

James B. Lamm
Water Resources Director

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

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This is a request under ORS 540.259(9)
To include additional place of use

540.520

(9) A water right transfer under subsection (1) of this section is not required for a general industrial use that was not included in a water right certificate issued for a specific industrial use if:

(a) The quantity of water used for the general industrial use is not greater than the rate allowed in the original water right and not greater than the quantity of water diverted to satisfy the authorized specific use under the original water right;

There will be no increase beyond what is authorized in the water rights by the additional industrial land added to the water rights.

(b) The location where the water is to be used for general industrial use was owned by the holder of the original water right at the time the water right permit was issued;

The land involved here was all owned by different aluminum companies to operate an aluminum plant. Harvey Aluminum was the first company and the one that built the aluminum plant. The ownership changed to Martin Marietta Aluminum and then to Northwest Aluminum. See attached assessors maps and copies of deeds showing ownership when water rights were filed.

(c) The person who makes the change in water use provides the following information to the Water Resources Department:

(A) The name and mailing address of the person using water under the water right;

Requesting Change:

Northwest Aluminum (Golden Northwest Aluminum Holding Company)

3313 West Second Street

The Dalles, OR 97058

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Industrial land and use that is being added:

Northwest Aluminum Specialty
2929 West Second Street
The Dalles, OR 97058

(B) The water right certificate numbers;

Certificate 46840 Columbia River	Issue Date 3/16/1959
Certificate 46841 Columbia River	Issue Date 3/22/1962
Certificate 64506 Columbia River	Issue Date 4/24/1979
Certificate 46838 Well #3	Issue Date 10/25/1957
Transfer 5607, that portion dealing with Well #3	Issue Date 3/12/1987

(C) A description of the location of the industrial facility owned by the holder of the original water right at the time the water right permit was issued;

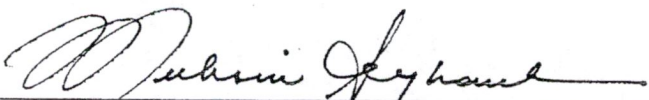
The water right describes the place of use as the SW ¼ of Section 28, T 2 N, R 13 E, WM. This could be further described as tax lot 700 on tax map 2N 13E Section 28.

Tax lot 1100 on tax map 2N 13E is the parcel being added under the 540.259(9) process.

See the attached maps that highlight all of the land originally owned by Harvey Aluminum when the water rights were filed.

(D) A description of the general industrial use to be made of the water after the change.

The water will be used for cooling of various processes, in the inline deburring process, fire suppression and for general plant use.

Signature 

Title COO, NORTHWEST ALUMINUM (GOLDEN NORTHWEST ALUMINUM HOLDING CO)

Date JUNE 24, 2010

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

July 26, 2010

Northwest Aluminum
(Golden Northwest Aluminum Holding Company)
3313 West Second Street
The Dalles, OR 97058

Reference: Certificates 46840, 46841, 64506, 46838 and Transfer T-5607

This will acknowledge receipt of your notice of a change from a specific to a general industrial use under the above referenced water rights.

It appears that you have complied with the notice requirements and criteria for this type of change as stated in ORS 540.520(9).

The Water Resources Department recognizes this change in use of the right and has added your letter to the water right files as documentation of the change.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #3
Files (S-32900, S-37388, S-58051, G-735, G-736, T-5607)

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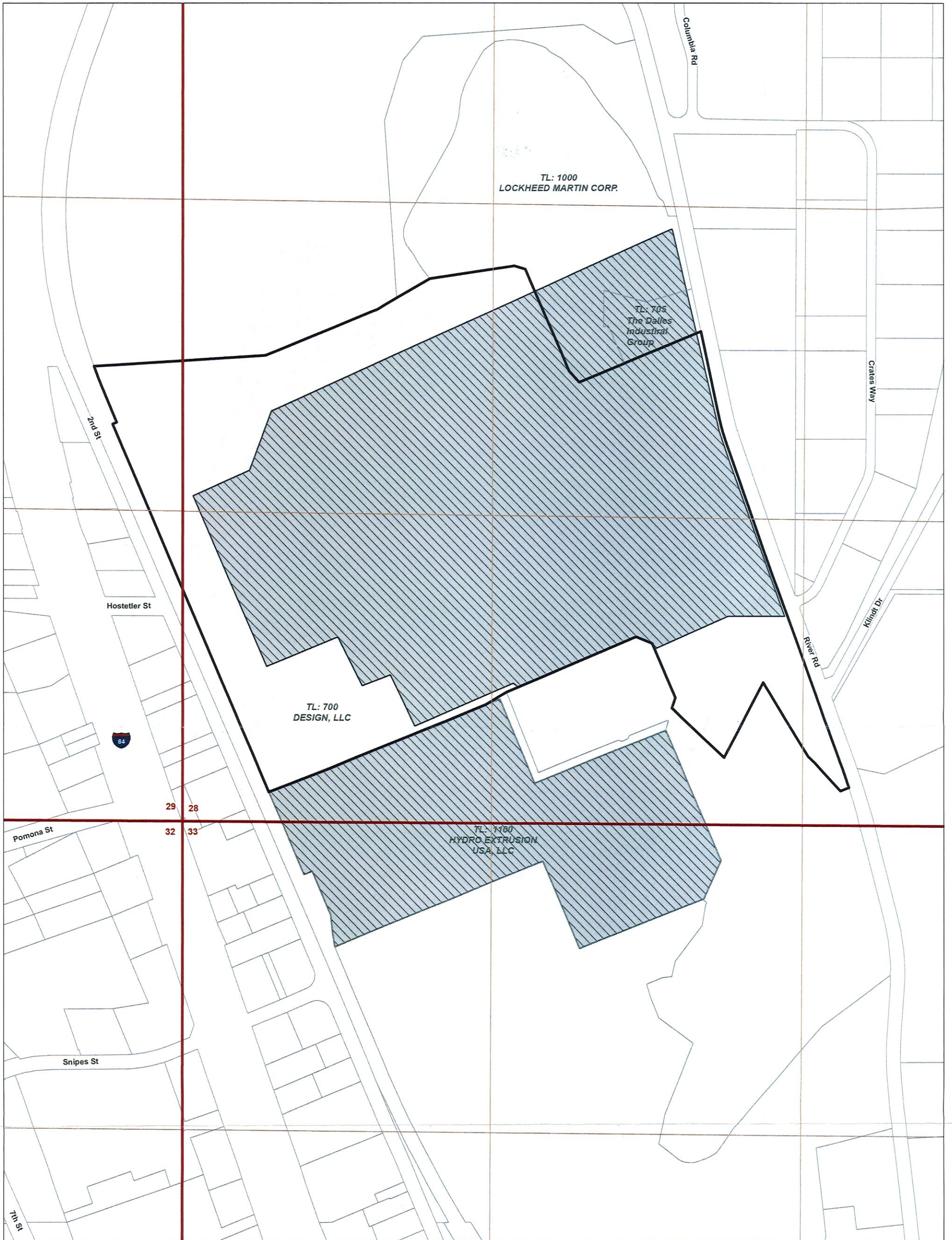
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Attachment B
Application Maps

Application for Instream Lease – Design, LLC



LEGEND

-  Authorized Place of Use (POU)
-  Property Boundary - Design, LLC
-  Tax Lot

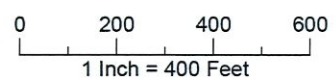
MAP NOTES

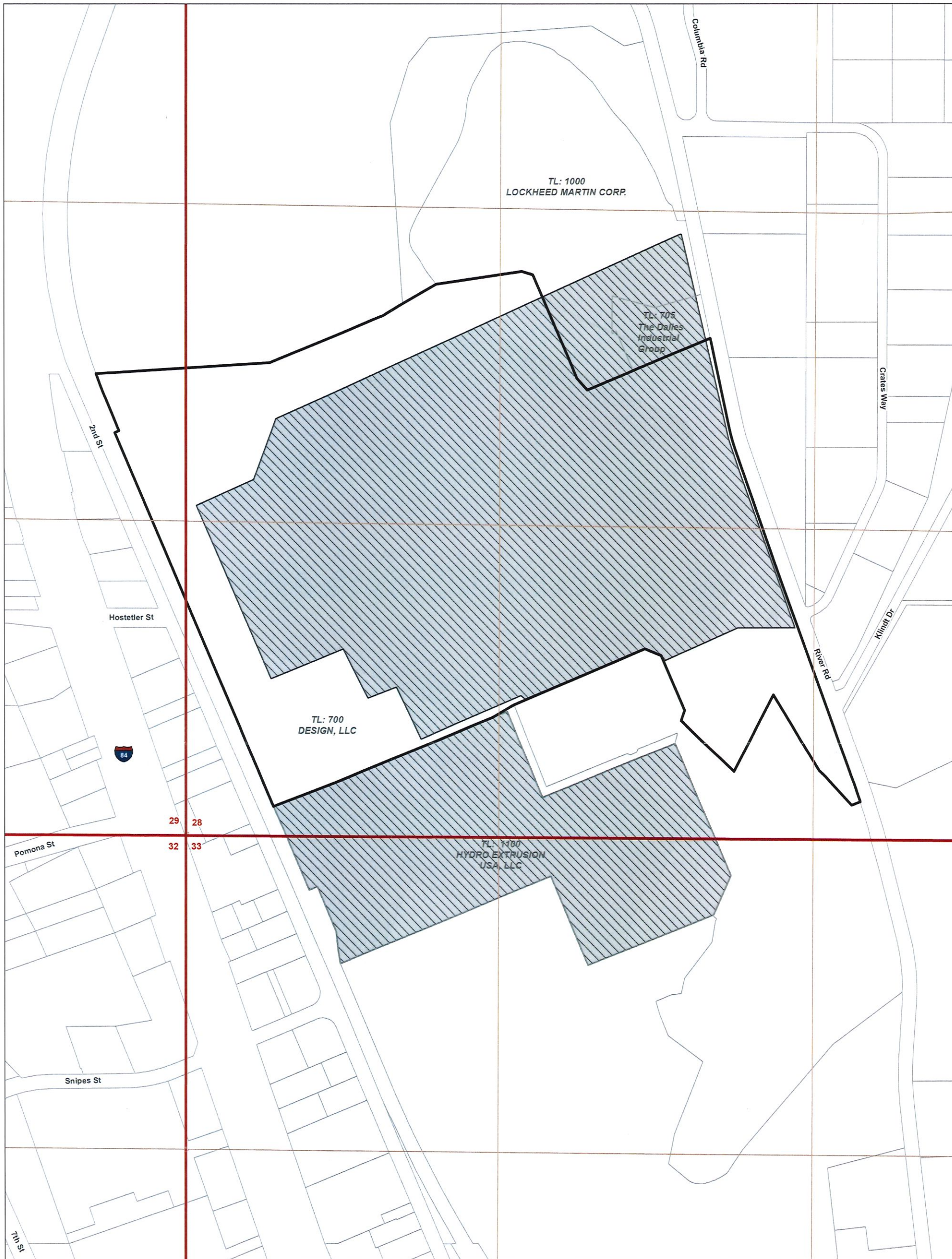
Date: November 15, 2019
 Data Sources: BLM, ESRI, USGS, Wasco Co. GIS

**Application for an Instream Lease
 in the name of Design, LLC
 Certificate 46840**




Township 2 North, Range 13 East (W.M.)

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LEGEND

-  Authorized Place of Use (POU)
-  Property Boundary - Design, LLC
-  Tax Lot

MAP NOTES

Date: November 15, 2019
 Data Sources: BLM, ESRI, USGS, Wasco Co. GIS

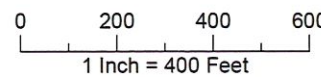
**Application for an Instream Lease
 in the name of Design, LLC
 Certificate 46841**

Township 2 North, Range 13 East (W.M.)

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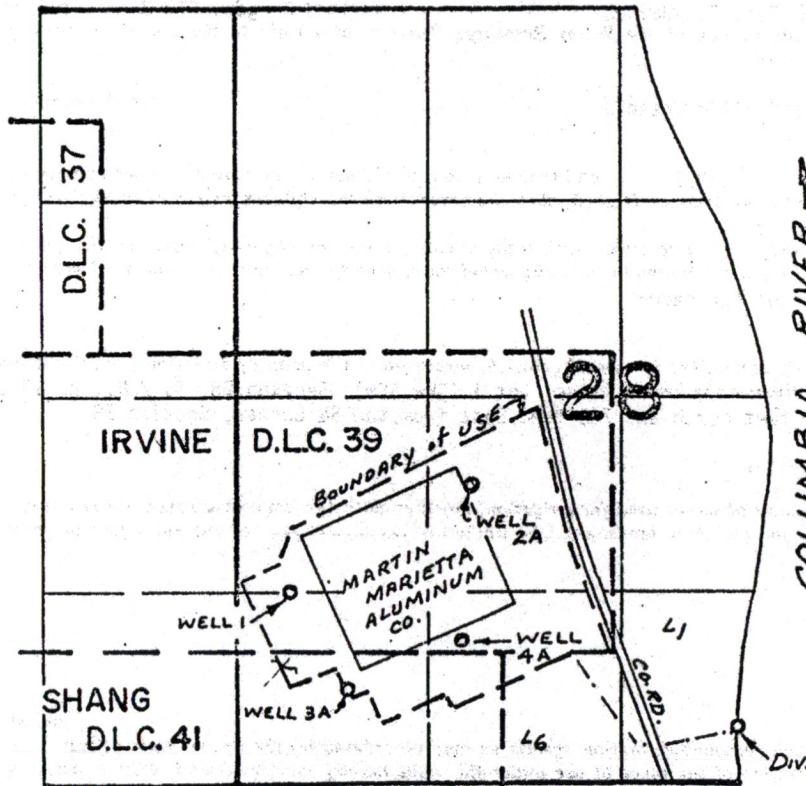
JAN 11 2021

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G-645 -
 27829
 25977
 G-338
 G-646 -
 G-647 -
 G-648 -

T.2N.R.13E.W.M.



DIV. PTS. LOC: RIVER - 380' N. & 780' E.
 WELL 1 - 1320' N & 2260' W,
 WELL 2A - 2020' N & 1030' W,
 WELL 3A - 640' N & 1880' W,
 WELL 4A - 970' N & 1080' W, ALL FROM S 1/4
 COR. SEC. 28

FINAL PROOF SURVEY

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Attachment C
Affidavit of Consent & Quit Claim Deeds
Application for Instream Lease – Design, LLC

**Application for Water Right
Transfer (Instream
Lease)
Consent by Deeded Landowner**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

State of Illinois)
)ss
County of Cook)

I Charles Straface in my capacity as
President of Hydro Extrusion USA, LLC

mailing address 6250 North River Road, Suite 5000, Rosemont, IL 60018, telephone
number (847) 349-7230, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Numbers 46840 & 46841
described in a Transfer Application (T-) submitted by Design, LLC,
(transfer number, if known)

on the property in tax lot number(s) 1100, Section 28 & 33, Township 2
North, Range 13 East, W.M., located at 2929 W 2nd St, The Dalles, OR 97058.
(site address)

Charles Straface
Signature of Affiant

01/05/21
Date

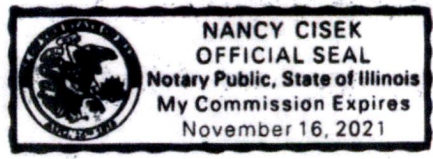
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JAN 11 2021

Signature of Affiant

Date

OWRD

Subscribed and Sworn to before me this 5th day of January, 2021.



Nancy Cisek
Notary Public for Illinois

My commission expires 11-16-2021.

Wasco County Official Records **2020-004855**
DEED-D
Stn=3 SEAN **11/18/2020 09:24:00 AM**
\$15.00 \$11.00 \$10.00 \$60.00 \$19.00 **\$115.00**

I, Lisa Gамbee, County Clerk for Wasco County,
Oregon, certify that the instrument identified herein
was recorded in the Clerk records.

After Recording, Return To:

Stoel Rives LLP
Attn: Kirk B. Maag
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205

**Until A Change Is Requested,
Send All Tax Statements To:**

No change

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JAN 11 2021

OWRD

Space above reserved for recorder

STATUTORY QUITCLAIM DEED REGARDING WATER RIGHT CERTIFICATES

LOCKHEED MARTIN CORPORATION, a Maryland corporation ("**Grantor**"), releases and quitclaims to **DESIGN, LLC**, a Delaware limited liability company ("**Grantee**"), all rights, title and interest in and to the portions of Water Right Certificate Nos. 46835, 46836, 46838, 46839, 46840, 46841, 64506 and 82480 that are described in such certificate as being appurtenant to the real property in Wasco County, Oregon described on attached **Exhibit A** (the "**Subject Lands**").

The true consideration for this conveyance is other value acknowledged and received.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007,

QUITCLAIM DEED

105021435 3 0037371-00040

PAGE 1

After Recording, Return To:

Stoel Rives LLP
Attn: Kirk B. Maag
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205

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SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 11TH day of September, 2020.

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By: LMC Properties, Inc. Attorney-In-Fact
Under Irrevocable Power of Attorney
Effective April 4, 2016

LOCKHEED MARTIN CORPORATION,
a Maryland corporation

By: Thomas M Green
Name: Thomas M Green
Its: Director of Real Estate

STATE OF Maryland)
County of Baltimore) ss.

This record was acknowledged before me on September 11th, 2020, by Thomas M Green
as Director of Real Estate of Lockheed Martin Corporation, a Maryland corporation, on behalf of the
corporation.

Anita Newkirk
Notary Public for Lockheed Martin Corporation
My commission expires: June 02, 2024

Anita Newkirk
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES June 02, 2024

Exhibit A

Description of Subject Lands

PARCEL 1 OF PARTITION PLAT NUMBER 2017-0013 RECORDED OCTOBER 26, 2017 UNDER MICROFILM NO. 2017-004255, RECORDS OF WASCO COUNTY, STATE OF OREGON. BEING A REPLAT OF PARCELS 2 AND 3, PARTITION PLAT 91-0016 AND PARCEL 1, PARTITION PLAT 2015-0015 LYING IN SECTION 28, TOWNSHIP 2 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, WASCO COUNTY, OREGON.

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JAN 11 2021

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QUITCLAIM DEED

105021435.3 0037371-00040

EXHIBIT A



I, Lisa Gambee, County Clerk for Wasco County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



After Recording, Return To:

Stoel Rives LLP
Attn: Virginia M. Pedreira
600 University Street, Suite 3600
Seattle, WA 98101

**Until A Change Is Requested,
Send All Tax Statements To:**

No change

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JAN 11 2021

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QUITCLAIM DEED

THE DALLES INDUSTRIAL GROUP LLC, an Oregon limited liability company (“**Grantor**”), releases and quitclaims to **DESIGN, LLC**, a Delaware limited liability company (“**Grantee**”), all rights, title and interest in and to the portions of Water Right Certificate Nos. 46835, 46836, 46838, 46839, 46840, 46841, 64506 and 82480 that are described in such certificate as being appurtenant to the real property in Wasco County, Oregon described on attached **Exhibit A** (the “**Subject Lands**”).

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JAN 11 2021

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Exhibit A

Description of Subject Lands

Lot 2 of NORTHWEST ALUMINUM SUBDIVISION, recorded December 6, 2017 under instrument Number 2017-004778, Wasco County, State of Oregon

QUITCLAIM DEED

105021452.2 0037371-00040

EXHIBIT A



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JAN 11 2021

OWRD

January 6, 2021

Sarah Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

RE: Application for an Instream Lease for Certificates 46840, and 46841 – Design, LLC

Dear Ms. Henderson:

Design, LLC (the Applicant) is seeking to lease instream a 2.8 cfs portion of Certificate 46840 and a 5.6 cfs portion of Certificate 46841. Accordingly, we are filing the enclosed Application for an Instream Lease on behalf of the Applicant. Design, LLC is requesting that the instream lease begin in January 2021, and that the rights be leased from the point of diversion to the mouth of the Columbia River.

Certificates 46840 and 46841 are appurtenant to property owned by four entities: the Applicant; Lockheed Martin Corp.; The Dalles Industrial Group; and Hydro Extrusion USA, LLC. The Applicant has obtained quitclaim deeds for the portions of Certificates 46840 and 46841 that are appurtenant to properties owned by Lockheed Martin Corp. and The Dalles Industrial Group. The Applicant has obtained an affidavit of consent from Hydro Extrusion USA, LLC. The quitclaim deeds and affidavit of consent are included as attachments to the instream lease application.

If you have any questions regarding the enclosed application, you can reach me at 541-257-9004. Please copy both me and the Applicant on any correspondence regarding this application.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Grigsby".

Kimberly Grigsby
Principal Water Resources Consultant

Enclosures: Application for an Instream Lease
Check in the amount of \$350