

T-12773

Regular

T-12773

ASSIGNED

Name International Paper Company
Terry Thomas, Manager, Surplus facilities
 Address 6400 Poplar 16504 County Road 150
Memphis, TN 38197
Courtland AL 35618

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Willamette R.

Trib. of Columbia R.

Use Industrial/Manufacturing County Linn wa 2

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# S-29640 Per # S-23102 Cert # 54268 PR Date 1954

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

Change in POU, USE, POD, SW/GW

Date Filed 11-20-17

Initial notice date _____

DPD issued date _____

PD issued date 7-19-2019

PD notice date 7-23-2019

Date of FO 11/21/2019 Vol 114 Page 401-400

correcting 114 408

C-Date 10/01/2050

COBU due date 10/01/2051

COBU Received date _____

Certificate issued _____

FEES PAID		
Date	Amount	Receipt #
<u>11/20/17</u>	<u>3,780.00</u>	<u>125220</u>
<u>3/7/19</u>	<u>117.29</u>	<u>129276</u>
<u>7-27-2020</u>	<u>\$100.00</u>	<u>133146</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: 7/31/2020 City of Independence PO Box 7, Independence, OR. 97351

Irrigation District _____

Agent GSI Water Solutions
1600 SW Western Blvd. Ste. 240 Corvallis, OR 97333

CWRE _____

CC's list City of Independence - PO Box 7 Independence, OR 97351

- Oversized map - Location _____

RECEIVED

MAY 08 2013

WATER RESOURCES DEPT
SALEM, OREGON

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
		1.0 ACRES DLC 44
	NE 1/4, SW 1/4	6.9 ACRES DLC 47
		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

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

COBU

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:

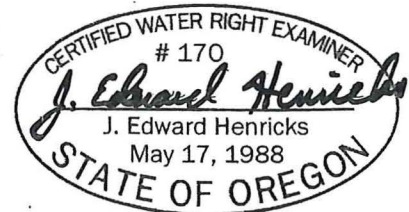
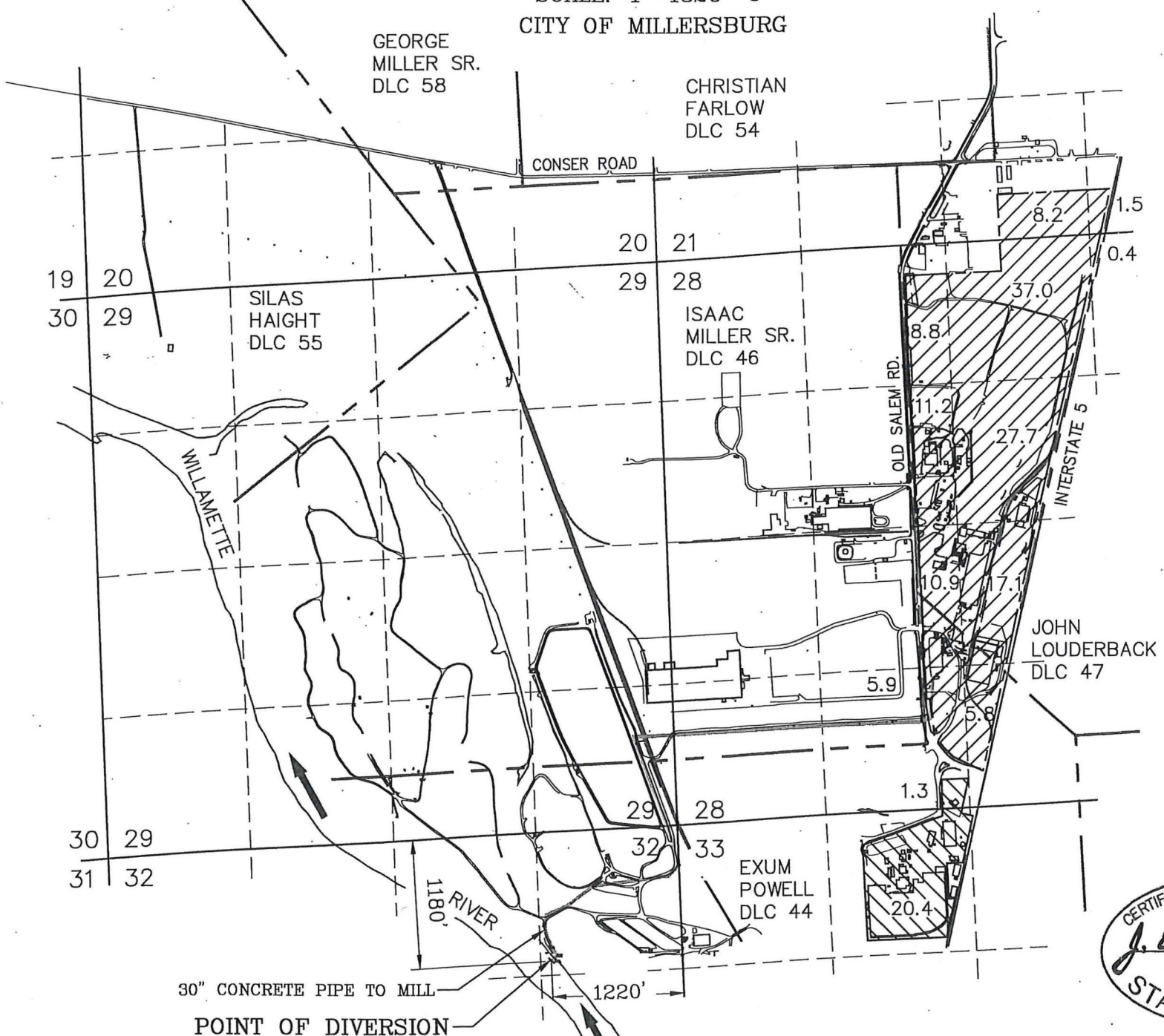
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 54268. THE RATE IS SPLIT 17.0 CFS TO TAX LOT 400 AND 1.0 CFS TO TAX LOT 151 AS NOTED IN THE ACREAGE SUMMARY. IN 2007 TAX LOT 150 WAS SOLD TO FLAKEBOARD AMERICA AND IN THE SALE AGREEMENT 1.0 CFS OF THE 18.0 CFS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

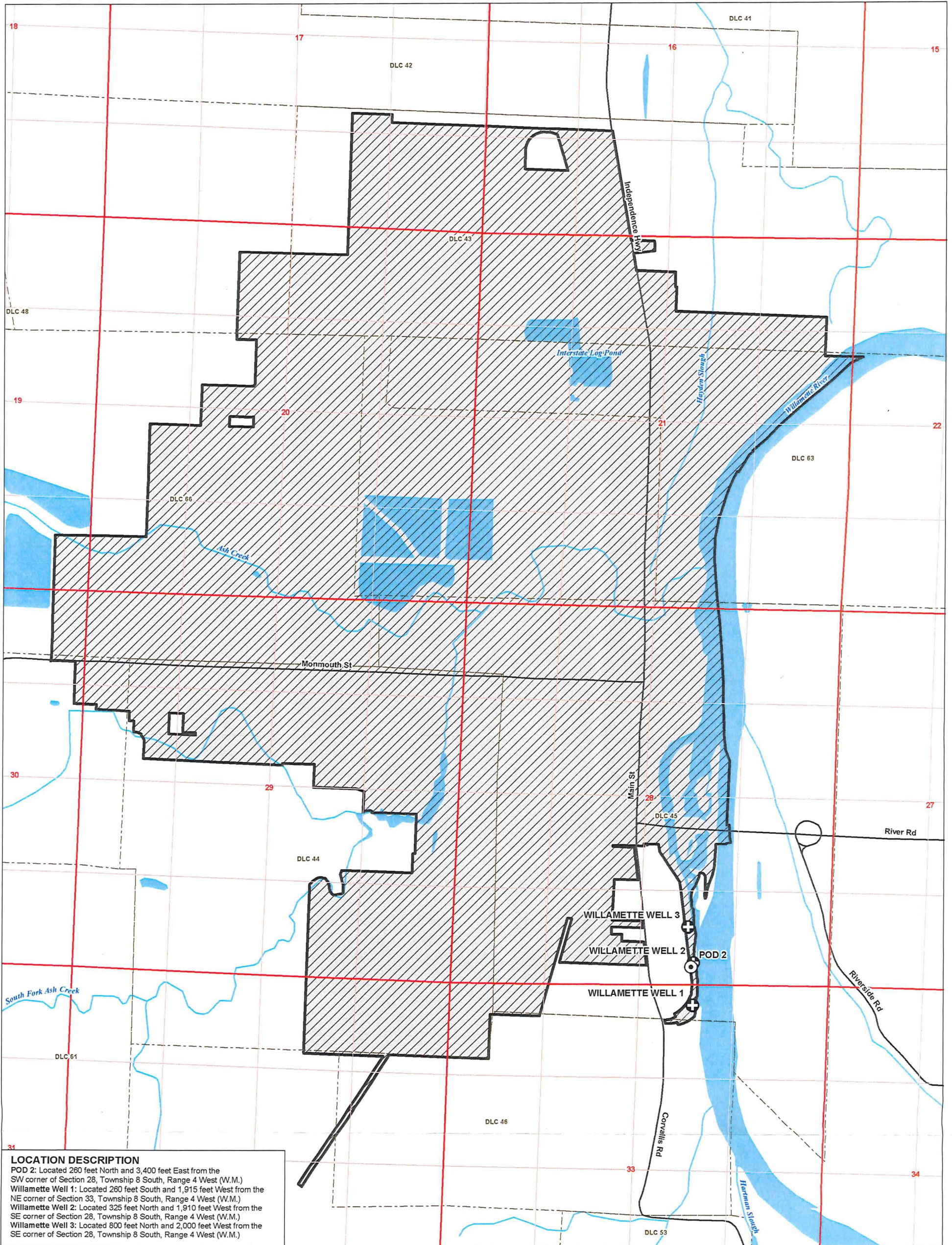


Renews: June 30, 2013

ONLY DOCUMENTS STAMPED WITH
RED INK ARE ORIGINALS.

DRAWING NO. 3650P02R1

COBU MAP # 766



LOCATION DESCRIPTION

POD 2: Located 260 feet North and 3,400 feet East from the SW corner of Section 28, Township 8 South, Range 4 West (W.M.)
 Willamette Well 1: Located 260 feet South and 1,915 feet West from the NE corner of Section 33, Township 8 South, Range 4 West (W.M.)
 Willamette Well 2: Located 325 feet North and 1,910 feet West from the SE corner of Section 28, Township 8 South, Range 4 West (W.M.)
 Willamette Well 3: Located 800 feet North and 2,000 feet West from the SE corner of Section 28, Township 8 South, Range 4 West (W.M.)

LEGEND

- ⊙ Proposed POD
- ⊕ Proposed POA
- ▨ Proposed Place of Use (POU)
- Donation Land Claim (DLC)
- ⊕ City Limit
- Major Road
- ~ Watercourse
- ~ Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

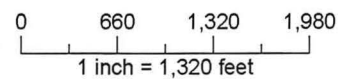
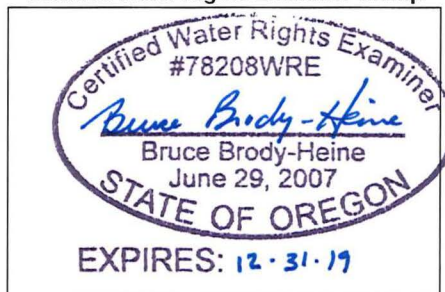
Date: September 6, 2018
 Data Sources: BLM, OWRD, ESRI, Linn Co., USGS

**Application for a Water Right Transfer
 Proposed Place of Use and Points of Diversion/Appropriation**

Certificate 54268

Township 8 South, Range 4 West (W.M.)

Certified Water Rights Examiner Stamp



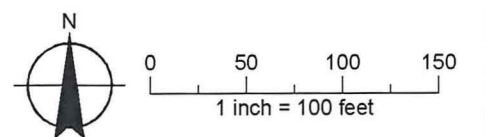


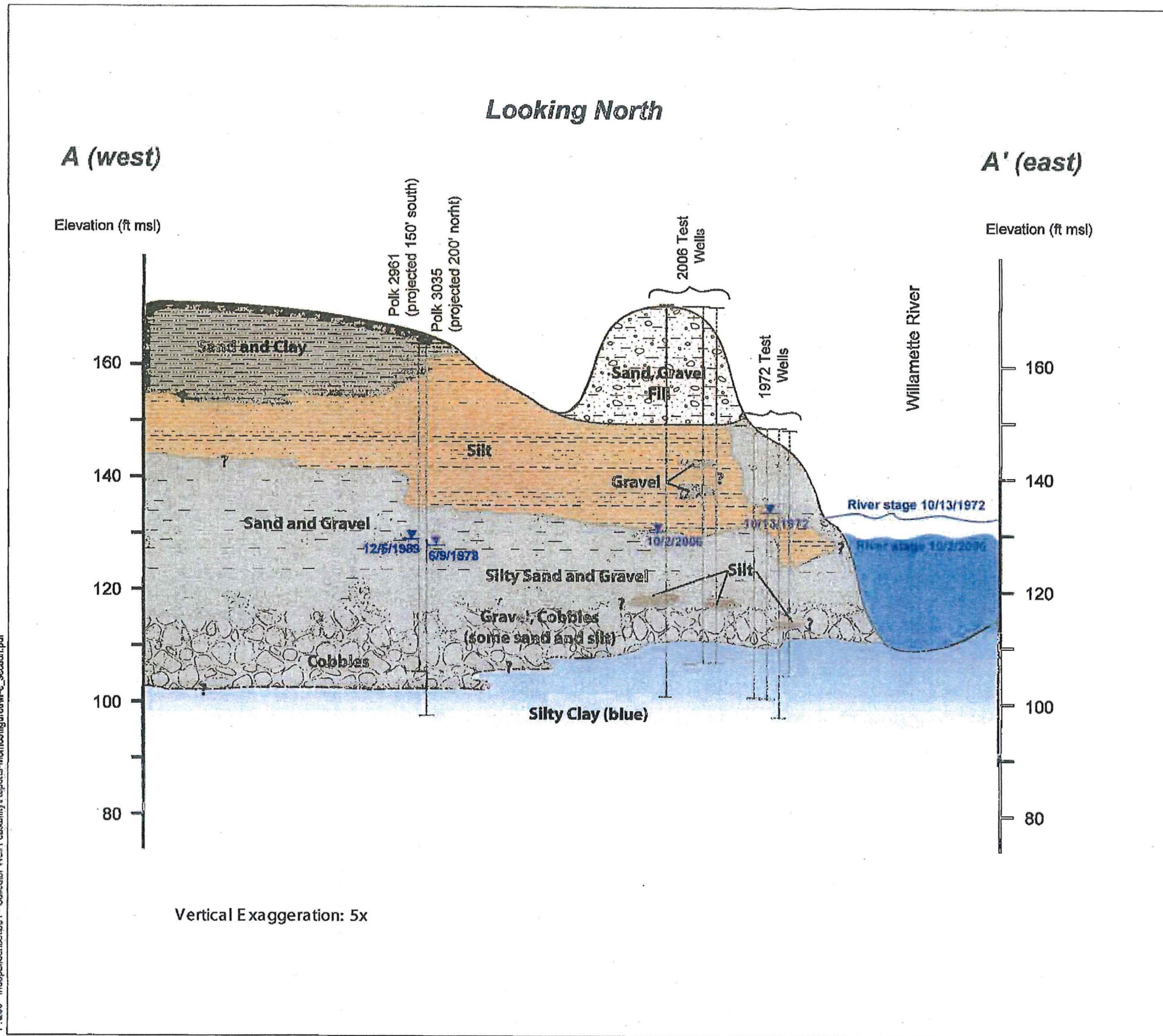
Attachment A

RECEIVED

SEP 19 2018

OWRD





LEGEND

Geologic Units

- Silt
- Gravel
- Silty Sand and Gravel
- Sand and Clay
- Clay
- Static water level
- Polk 4053 Well ID

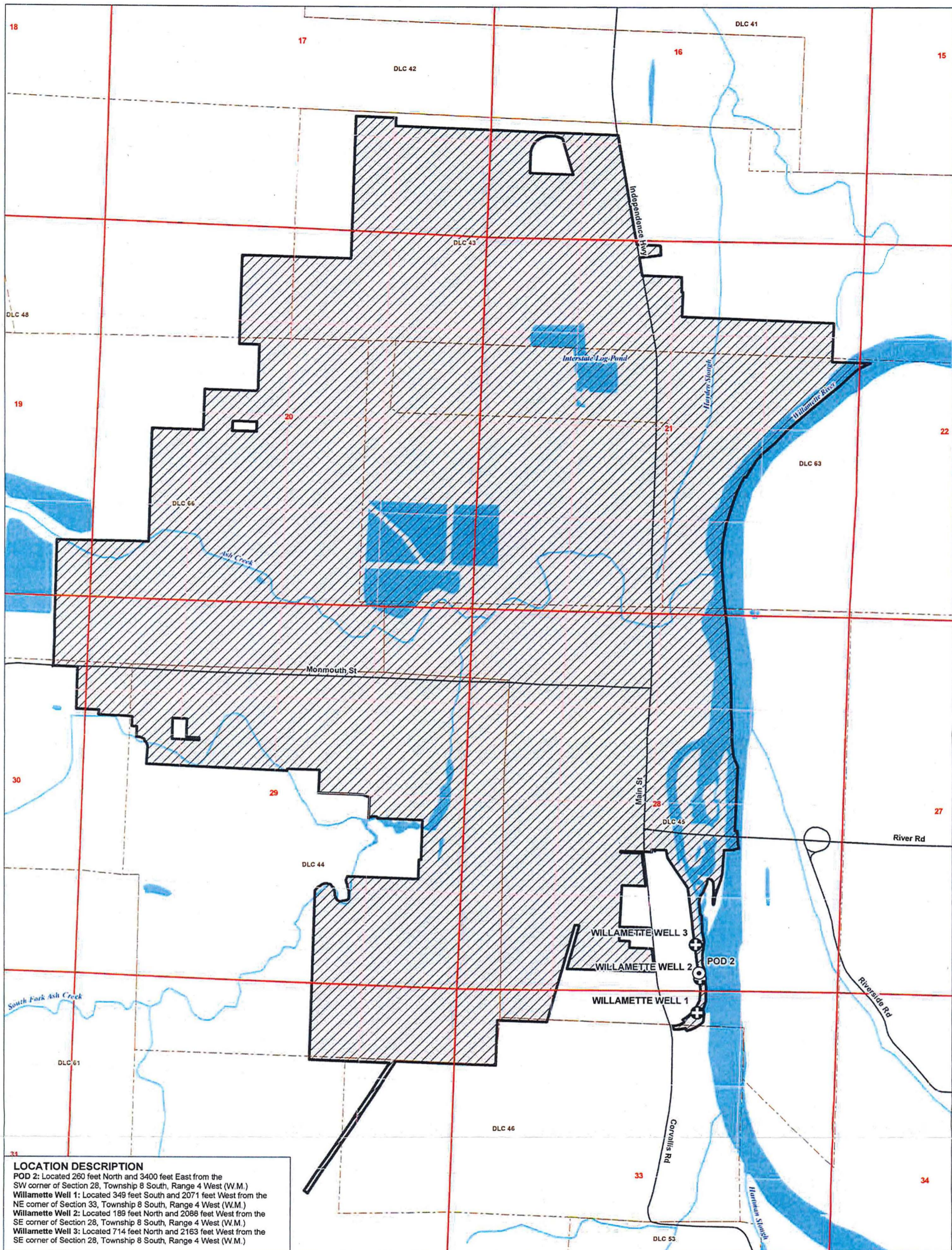
RECEIVED
SEP 19 2018
OWRD

Horizontal Scale

0 100 200
Feet

Figure 7
Geologic Cross Section A-A'
Collector Well Feasibility Study
Cities of Independence and Monmouth

Groundwater Solutions Inc.



LOCATION DESCRIPTION
 POD 2: Located 260 feet North and 3400 feet East from the SW corner of Section 28, Township 8 South, Range 4 West (W.M.)
 Willamette Well 1: Located 349 feet South and 2071 feet West from the NE corner of Section 33, Township 8 South, Range 4 West (W.M.)
 Willamette Well 2: Located 189 feet North and 2086 feet West from the SE corner of Section 28, Township 8 South, Range 4 West (W.M.)
 Willamette Well 3: Located 714 feet North and 2163 feet West from the SE corner of Section 28, Township 8 South, Range 4 West (W.M.)

- LEGEND**
- ⊙ Proposed POD
 - ⊕ Proposed POA
 - ▨ Proposed Place of Use (POU)
 - Donation Land Claim (DLC)
 - ⊕ City Limit
 - Major Road
 - ~ Watercourse
 - Waterbody

DISCLAIMER
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MAP NOTES
 Date: November 16, 2017
 Data Sources: BLM, OWRD, ESRI, Linn Co., USGS

RECEIVED
 NOV 20 2017
 OWRD

Application for a Water Right Transfer
Proposed Place of Use and Points of Diversion/Appropriation

Certified Water Rights Examiner Stamp

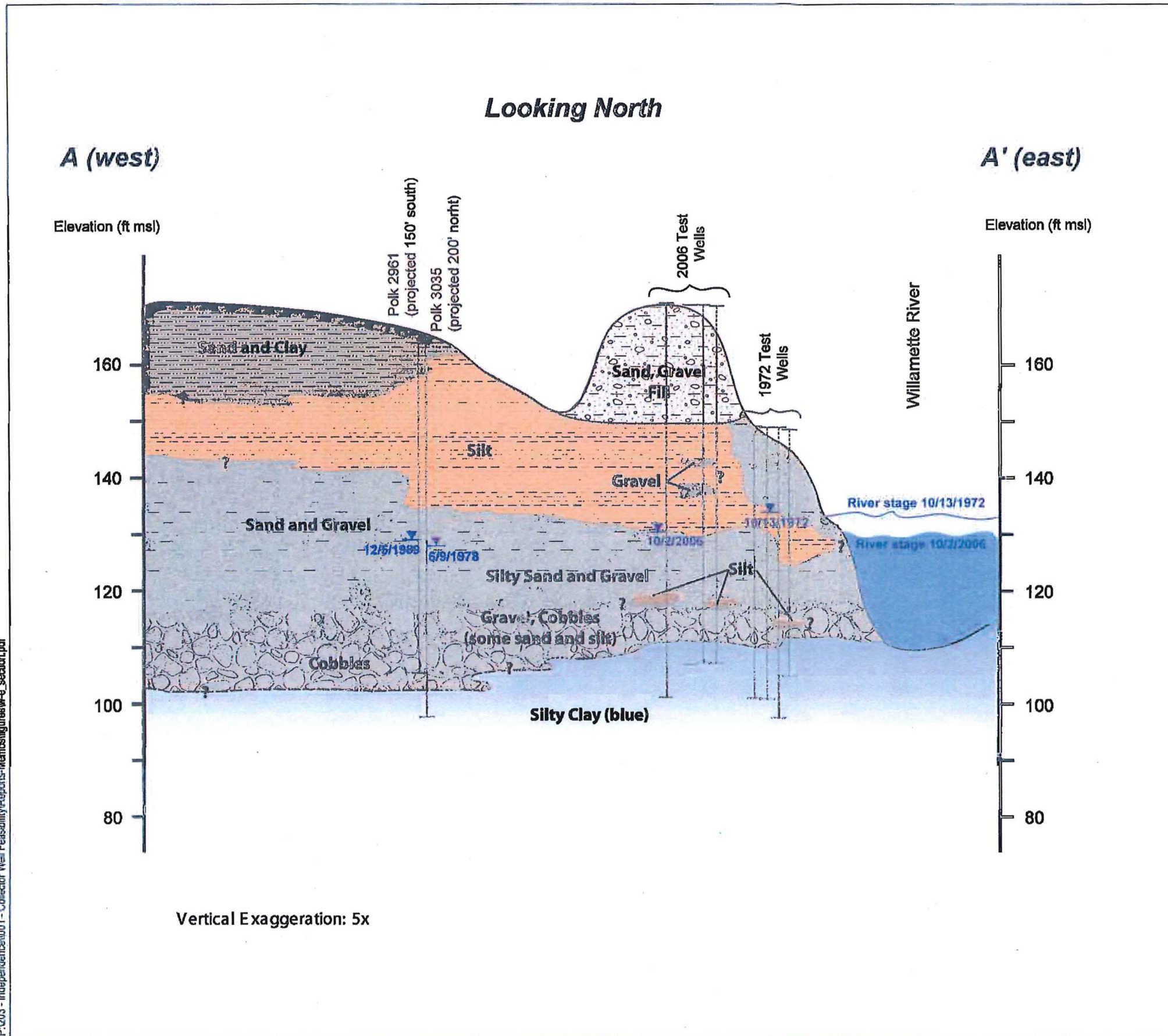
EXPIRES: 12-31-2018

Certificate 54268
 Township 8 South, Range 4 West (W.M.)

0 660 1,320 1,980
 1 inch = 1,320 feet

T 12773

P:\2003 - Independence\001 - Collector Well Feasibility\Reports-Memos\figurew-g_section.pdf



LEGEND

Geologic Units

- Silt
- Gravel
- Silty Sand and Gravel
- Sand and Clay
- Clay
- Static water level

Polk 4053 Well ID

RECEIVED

NOV 20 2017

OWRD

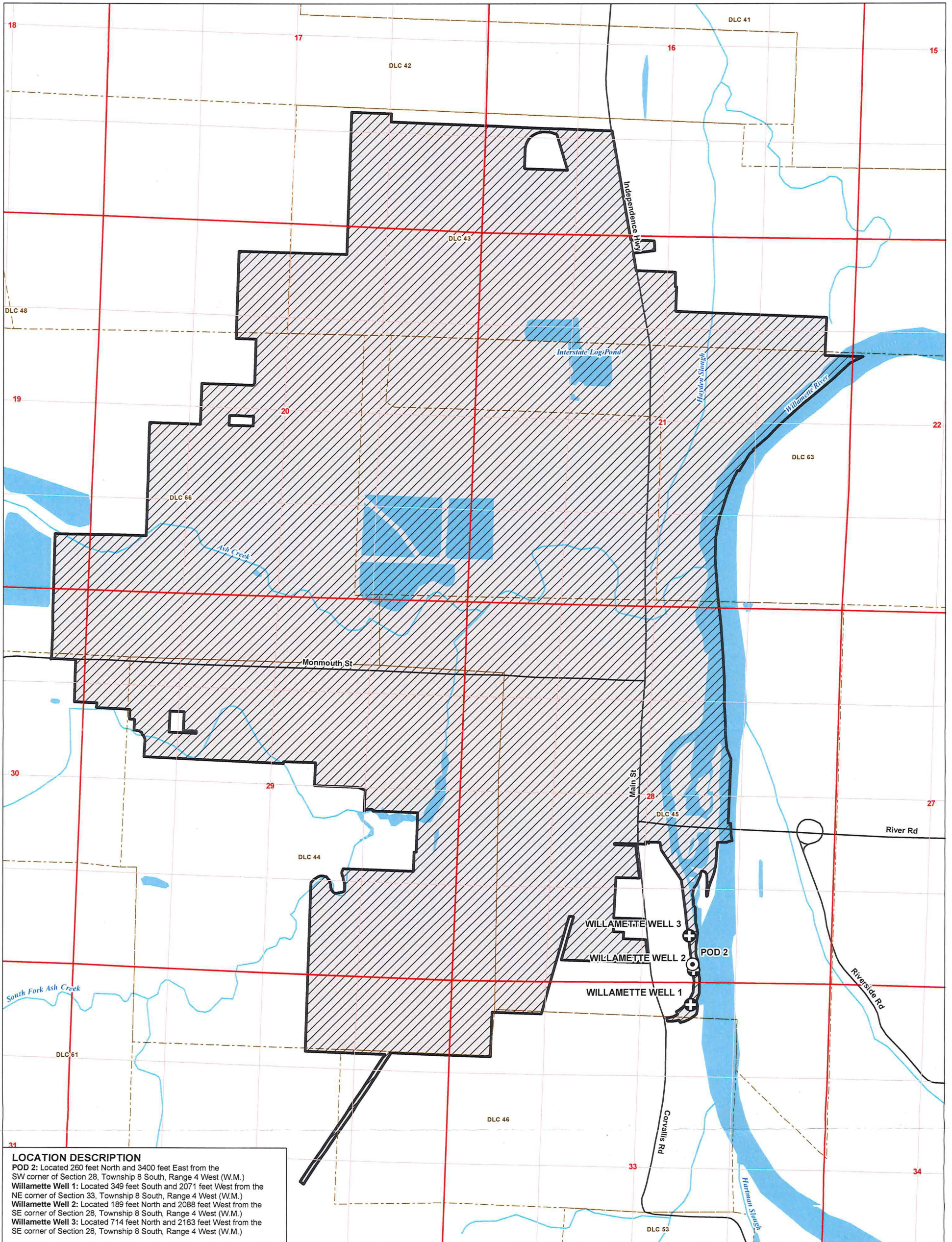
Horizontal Scale



Figure 7
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 Cities of Independence and Monmouth



Groundwater Solutions Inc.



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MAP NOTES

Date: November 16, 2017
 Data Sources: BLM, OWRD, ESRI, Linn Co., USGS

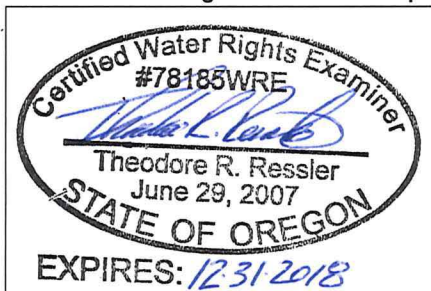
OWWRD

NOV 20 2017

RECEIVED

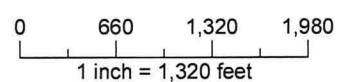
Application for a Water Right Transfer
Proposed Place of Use and Points of Diversion/Appropriation

Certified Water Rights Examiner Stamp



Certificate 54268

Township 8 South, Range 4 West (W.M.)



T 12773

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **133146**

INVOICE # _____

RECEIVED FROM: *First American Title Insurance Company*
BY: _____
7058

APPLICATION	
PERMIT	
TRANSFER	<i>T-12773</i>

CASH: CHECK # *391523* OTHER: (IDENTIFY) _____

TOTAL REC'D \$ *100.00*

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS *46111*

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

EXAM FEE		RECORD FEE
\$ _____	0202	\$ _____
\$ _____	0204	\$ _____
\$ _____		

WELL CONSTRUCTION

EXAM FEE		LICENSE FEE
\$ _____	0219	\$ _____
\$ _____	0220	\$ _____

0218 WELL DRILL CONSTRUCTOR _____
LANDOWNER'S PERMIT _____
0250 OTHER (IDENTIFY) *Assignment* \$ *100.00*

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **133146**

DATED: *7-27-2002* BY: _____



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

July 31, 2020

First American Title Insurance Company
755 NE Evans Street
McMinnville, OR 97128

Reference: Transfer T-12773

The assignment from International Paper Company to the City of Independence has been recorded in the records of the Water Resources Department.

The Departments records will now show the City of Independence as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 133146 covering the recording fee is also enclosed.

A transfer is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the transfer to be familiar with the conditions and timelines contained in the transfer.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt #133146

cc: Watermaster #16

International Paper Company – 6400 Poplar Ave., Memphis, TN 38197

City of Independence – PO Box 7, Independence, OR 97351

Data Center, OWRD (cover letter & request)

File





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

Request for Assignment

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Clayton R. Ellis, Senior Vice President, International Paper Company
 (Name of Current Holder of Record)
6400 Poplar Ave. Memphis TN 38197 901-419-4961
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # _____; Permit # _____; Transfer # T-12773 (2.0 cfs);
 Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:
City of Independence

(Name of New Owner)

PO Box 7 Independence OR 97351 503-838-1212
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below N/A.
N/A I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 15 day of July, 2020.
 (Day) (Month) (Year)

Signature of Current Holder of Record _____

Failure to provide any of the required information will result in the return of your application.

Assign - Approve
MSB 8-4-2020

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
 Fee receipt # 133146
 For Director by Mary F. Bjork, Program Analyst in Water Rights Division.
MFB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

First American Title Insurance Company, McMinnville
PR. NWestOfc.1031(3915) (MWG/DMB)

CHECK NO. 3915237058

DATE: 7/22/2020

FILE NO.1031-3399171

SETTLEMENT DATE:

CHECK AMOUNT: \$100.00

BUYER: The City of Independence

SELLER: International Paper Company

Property Address: TBD, Albany, OR 97321

Funds Due

Re: Permit 23102 / Transfer T-12773

Charge Details:

Recording Fee:

100.00



RECEIVED

JUL 27 2020

OWRD

Thank you for doing business with First American Title Insurance Company

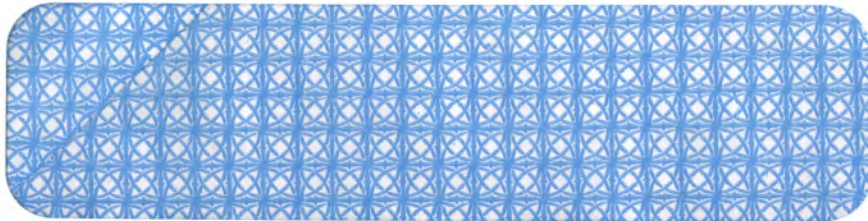


First American Title™

775 NE Evans Street
McMinnville, OR 97128

FORTLAND
OR 972

24 JUL 2020
FM 3 L



97301-126673



STARNES Patrick K * WRD

From: Terry R. Thomas <Terry.Thomas@ipaper.com>
Sent: Thursday, January 23, 2020 11:23 AM
To: STARNES Patrick K * WRD
Subject: Correspondence with International Paper regarding Dan Davis retirement--Water Rights/Albany, Oregon

Follow Up Flag: Follow up
Flag Status: Flagged

Good day Patrick,

I received a letter in the mail today from Julie Baustian, Water Right Support, Water Resources Department, State of Oregon regarding a water rights issue associated with our Albany, Oregon site----Reference T-12773.

This letter was sent to Dan Davis with International Paper in our Memphis office. Dan has retired and I have assumed his responsibilities. Can you see that this change/correction is noted in your files for all forthcoming correspondence? If there is someone else I need to speak with, please advise. Your name and email was included in the letter. Thank you kindly

Terry Thomas
Manager, Surplus Facilities
International Paper Company
16504 County Road 150
Courtland, AL 35618
C: 256.762.7207



Oregon
Kate Brown, Governor

T 12773

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

December 31, 2019

INTERNATIONAL PAPER COMPANY

~~DAN DAVIS~~
~~6400 POPLAR AVE~~
~~MEMPHIS, TN 38197~~

Terry Thomas
Manager, Surplus Facilities
16504 County Road 150
Counland AL 35618

updated
WRIS
1/24/2020

Reference: T-12773 Correcting Final Order

Enclosed is a correcting final order recorded in Special Order Vol. 114, Page 618, issued to correct a scrivener's error in the order recorded in Special Order Vol. 114, Page 401-406. The enclosed final order has been amended to reflect the scrivener's error. Please keep this document with the final order in Special Order Vol. 114, Page 401 as additional information.

If you have any questions please contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Support
Transfers and Conservation Section

cc: Watermaster Dist. #2 (via email)
GSI Water Solutions
City of Independence
Linn County Planning

Enclosures

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Special Order Volume	)	ORDER CORRECTING A
114, Page 401 approving Transfer	)	SCRIVENOR'S ERROR IN
Application T-12773 and Remaining	)	REMAINING RIGHT
Right Certificate 94271, Linn and Polk	)	CERTIFICATE 94271
Counties)	

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS TN 38197

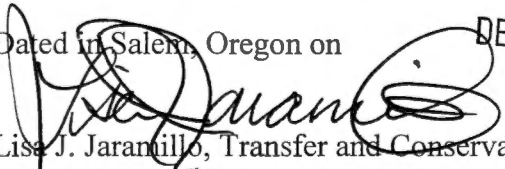
Findings of Fact

1. On November 21, 2019, the Department issued an order approving Transfer Application T-12773. The order was recorded at Special Order Volume 114, Page 401. A remaining right certificate was also issued as evidenced by Certificate 94271.
2. Remaining right Certificate 94271 contains a scrivener's error in the authorized rate of diversion. The Certificate erroneously lists the rate of diversion as being 13.0 cubic feet per second.
3. The correct authorized rate of diversion is 16.0 cubic feet per second.

Now, therefore, it is ORDERED:

1. Water right Certificate 94271 is cancelled.
2. Water right Certificate 94208 is issued to supersede Certificate 94271 and to correctly describe the authorized rate of diversion as being 16.0 cubic feet per second.
3. All other provisions of Special Order Volume 114, page 401 remain in effect.

Dated in Salem, Oregon on **DEC 31 2019**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **JAN 03 2020**

This is a final order in other than 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 137-004-080 and OAR 690-01-005 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.

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
 WILLAMETTE INDUSTRIES INC.
 ALBANY PAPER MILL
 PO BOX 339
 ALBANY, OR 97321

confirms the right to use the waters of the WILLAMETTE RIVER, a tributary of COLUMBIA RIVER for the purpose of manufacturing.

This right was perfected under Permit S-23102. The date of priority is DECEMBER 23, 1954. 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 16.0 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 as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

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

MANUFACTURING					
Twp	Rng	Mer	Sec	Q-Q	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	44
10 S	3 W	WM	28	NE SW	47
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	NW NE	44 *
10 S	3 W	WM	33	NE NW	44

This certificate is issued to correct a scrivener's error in the authorized rate of diversion in the certificate recorded at page 94271, State Record of Water Right Certificates, which described that portion of the water right previously confirmed by Certificate 54268 NOT modified by the provisions of an order of the Water Resources Director entered November 21, 2019, approving Transfer Application T-12773. This certificate supersedes Certificate 94271.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

DEC 31 2019

WITNESS the signature of the Water Resources Director, affixed

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo". The signature is stylized and cursive, written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Water Right Transfer Cover Sheet

SW/GW
Appone

Transfer T-12773

Transfer Specialist: *PKS*

Transfer Type: Regular

Applicant Name/Address: INTERNATIONAL PAPER COMPANY 6400 POPLAR MEMPHIS, TN 38197	Agent Name/Address: ADAM SUSSMAN 1600 SW WESTERN BLVD SUITE 240 CORVALLIS, OR 97333	Rec Landowner Name/Address: 16504 County Road 150 Countland, AL 35618
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: City Of Independence
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	S-29640	S-23102	54268	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Com RR 94802

Key Dates & Initial Actions

Rec'd: November 20, 2017	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE; USE; POINT OF DIVERSION, SURFACE WATER TO GROUND WATER	
Fees Pd: 3780.00	WM District: 2	ODFW District:
Initial Notice: November 28, 2017	WM Review sent: 11/27/17	ODFW Review sent: 11/27/17
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	GW Review sent: 11/27/17	

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper quote requested: _____

not required

DPD Mailed: _____

Request for news \$ sent: _____

ODFW contact sheet sent with DPD, or N/A

News \$ received: _____

WM measurement contact sheet sent, or N/A

PD Signed: *7/19/19*

Request to publish sent to newspaper: *7/19/19*

PD Weekly Notice: *7/23/19*

Affidavit of publication received: _____

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: <i>Correy</i>	Reviewer: _____	Reviewer: _____
Date: <i>2/11/19</i>	Date: _____	Date: _____
Coordinator: <i>PKS</i>	Coordinator: _____	Coordinator: <i>PKS</i>
Date: <i>2-6-19</i>	Date: _____	Date: <i>11/7/19</i>

Comad
PKS 12/12/19

Comments/Special Issues: *SW-GW, DPDU, DUSE, DPDU*

1: PD Sent 2/11/19 - Respond date 3/12/2019 news letter sent 7/14/2019

Special Order Volume: Vol *115* Pages *401-400* Final Order Signature Date: *11/21/2019*

Notice of FO email'd to processors *11/22/2019*

Correction
Special Order Vol. 114, Pages *618*

F.O. Signature Date *12/31/2019*

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
 WILLAMETTE INDUSTRIES INC.
 ALBANY PAPER MILL
 PO BOX 339
 ALBANY, OR 97321

confirms the right to use the waters of the WILLAMETTE RIVER, a tributary of COLUMBIA RIVER for the purpose of manufacturing.

This right was perfected under Permit S-23102. The date of priority is DECEMBER 23, 1954. 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 13.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

should be 16 cfs

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

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

MANUFACTURING					
Twp	Rng	Mer	Sec	Q-Q	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	44
10 S	3 W	WM	28	NE SW	47
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	NW NE	44
10 S	3 W	WM	33	NE NW	44

Per Instream lease tabulation in IL-1434 file 54268 had: 1.5 cfs instream 2.6 manu use 1 cfs for flakeboard 1.8 cfs (other users) 1.8 - 2 = 16 cfs

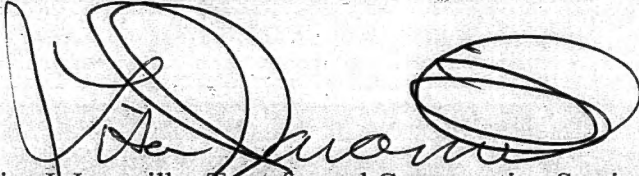
This certificate describes that portion of water right Certificate 54268, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Nov 21 2019, approving Transfer Application T-12773.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 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

NOV 21 2019



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	FINAL ORDER
T-12773, Linn and Polk Counties	)	APPROVING A CHANGE FROM A
	)	SURFACE WATER POINT OF
	)	DIVERSION TO GROUNDWATER
	)	POINTS OF APPROPRIATION, A
	)	CHANGE IN POINT OF DIVERSION, A
	)	CHANGE IN PLACE OF USE, AND A
	)	CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

Receiving Water User

CITY OF INDEPENDENCE
P.O. BOX 7
INDEPENDENCE, OR 97351

Findings of Fact

1. On November 20, 2017, INTERNATIONAL PAPER COMPANY filed an application to change from a surface water point of diversion to groundwater points of appropriation, a change in point of diversion, to change the place of use, and to change the character of use under Certificate 54268. The Department assigned the application number T-12773.
2. The City of Independence, PO Box 7, Independence, OR 97351 is the receiving water user who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On May 9, 2013, the Department received a notice for specific to general industrial use change under Certificate 54268 per ORS 540.520(9). The authorized place of use resulting from this notice is described in Finding No. 10.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

5. On September 14, 2018, the applicant submitted an amended application page, geologist report and map to correct the locations of the requested wells.
6. On September 17, 2014, the applicant filed Instream Lease IL-1434. On December 5, 2014, the Department issued a final order recorded at Special Order Volume 93, Pages 900-906, that approved the lease for a 15.0 cubic foot per second (cfs) portion of Certificate 54268.
7. On March 13, 2019, the applicant filed an application to renew Instream Lease IL-1434. On March 29, 2019, the Department issued a final order recorded at Special Order Volume 112, pages 839-844, that approved the renewal of Instream Lease IL-1434.
8. On November 4, 2019, Instream Lease IL-1434 was partially terminated to remove 2.0 cubic feet per second (cfs) portion of Certificate 54268 from the instream lease by request of the applicant. The termination order was recorded at Special Order Volume 114, Page 326.
9. On February 11, 2019, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12773 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2019, for the applicant to respond.
10. On March 5, 2019, the applicant's agent requested that the Department amend the draft Preliminary Determination. The applicant requested clarification of the description of previous transfer application amendments, correction of the instream lease number, modifying the draft Preliminary Determination to reflect International Paper's specific to general industrial use notice authorized under ORS 540.520(9), and to correctly describe the applicant's proposed transfer completion date.
11. On March 26, 2019, the Department sent a copy of the revised draft Preliminary Determination to approve Transfer Application T-12773 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of April 25, 2019 for the application to respond. The applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer and requested that the Department proceed with issuance of a Preliminary Determination.
12. On July 19, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-12773 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 23, 2019 and in the Polk County Itemizer-Observer newspaper on July 24 and 31, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

13. The portion of the right to be transferred is as follows:

Certificate: 54268 in the name of WILLAMETTE INDUSTRIES, INC. (perfected under Permit S-23102)
Use: INDUSTRIAL/MANUFACTURING
Priority Date: DECEMBER 23, 1954
Rate: 2.0 CUBIC FEET PER SECOND
Source: WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

INDUSTRIAL/MANUFACTURING					
Twp	Rng	Mer	Sec	DLC	Q-Q
10 S	3 W	WM	21	47	SW SE
10 S	3 W	WM	21	47	SE SE
10 S	3 W	WM	28	47	NE NE
10 S	3 W	WM	28	47	NW NE
10 S	3 W	WM	28	47	SW NE
10 S	3 W	WM	28	47	NE NW
10 S	3 W	WM	28	47	SE NW
10 S	3 W	WM	28	44	NE SW
10 S	3 W	WM	28	47	NE SW
10 S	3 W	WM	28	44	SE SW
10 S	3 W	WM	28	47	NE SW
10 S	3 W	WM	28	44	NW SE
10 S	3 W	WM	28	47	NW SE
10 S	3 W	WM	28	44	SW SE
10 S	3 W	WM	28	47	SW SE

14. Transfer Application T-12773 proposes to change the point of diversion approximately 13.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	SW SE	260 FEET NORTH AND 3400 FEET EAST FROM THE SW CORNER OF SECTION 28

15. Transfer Application T-12773 proposes to change from a surface water point of diversion to groundwater points of appropriation (wells) with approximate distances in miles from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	33	NW NE	WILLAMETTE WELL 1 - 260 FEET SOUTH AND 1915 FEET WEST FROM THE NE CORNER OF SECTION 33	13.5
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 2 - 350 FEET NORTH AND 1910 FEET WEST FROM THE SE CORNER OF SECTION 28	13.2
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 3 - 800 FEET NORTH AND 2000 FEET WEST FROM THE SE CORNER OF SECTION 28	14.0

16. Transfer Application T-12773 proposes to change the character of use to municipal.
17. Transfer Application T-12773 proposes to change the place of use of the right to:

MUNICIPAL
WITHIN THE SERVICE BOUNDARY OF THE CITY OF INDEPENDENCE

18. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new surface water point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

19. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
20. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present with the five year period prior to submittal of Transfer Application T-12773.
21. The proposed points of appropriation meet the requirements of ORS 540.531 and OAR 690-380-2130(2).
22. The proposed changes would not result in enlargement of the right.
23. The proposed changes would not result in injury to other water rights.
24. All other application requirements are met.

Conclusions of Law

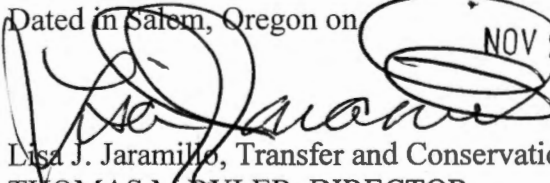
The change in point of diversion, change from a surface water point of diversion to groundwater points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-12773 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion, change from a surface water point of diversion to groundwater points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-12773 are approved.
2. Except as provided in ORS 540.510(3), the right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 54268 and any related decree.
3. Water right Certificate 54268 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of diversion (POD 2), and new points of appropriation (Willamette Wells 1, 2, and 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
5. The wells from which the water is taken under this right shall be constructed so that the use of the wells will affect the surface water similarly to the use of the original authorized point of diversion.
6. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.
7. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.
8. All applicable restrictions that existed at the original point of diversion shall apply to the proposed wells.
9. The original date of priority shall be retained. However, if within five years after approving the transfer, the Department finds the transfer results in substantial interference with existing groundwater rights that would not have occurred in the absence of the transfer, the proposed wells shall be subordinate to any existing right injured by the transferred water right.

10. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the proposed surface water point of diversion (POD-2) consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
11. The transferred portion of Certificate 54268 (2.0 cfs) shall no longer be used at the former place of use.
12. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2050**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
13. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on NOV 21 2019


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M-BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date NOV 22 2019



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 17, 2019

VIA E-MAIL

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVENUE
MEMPHIS TN 38197
e-mail Jim.Kirkpatrick@IPAPER.com

Receiving Landowner

CITY OF INDEPENDENCE
PO BOX 7
INDEPENDENCE OR 97351

SUBJECT: Water Right Transfer Application T-12773

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12773. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Polk County Itemizer Observer newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@oregon.gov if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: Transfer Application file T-12773
Lanaya Blakely, District 2 Watermaster *(via e-mail)*
Joel Plahn, District 16 Watermaster *(via e-mail)*
Adam Sussman, GSI Water Solutions, Agent for the receiving landowner *(via e-mail)*
Theodore R. Ressler, GSI Water Solutions, CWRE #78815 *(via e-mail)*

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12773, Linn and Polk Counties	)	PROPOSING APPROVAL OF A
	)	CHANGE FROM A SURFACE WATER
	)	POINT OF DIVERSION TO
	)	GROUNDWATER POINTS OF
	)	APPROPRIATION, A CHANGE IN
	)	POINT OF DIVERSION, A CHANGE IN
	)	PLACE OF USE, AND A CHANGE IN
	)	CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

Receiving Water User

CITY OF INDEPENDENCE
P.O. BOX 7
INDEPENDENCE, OR 97351

Findings of Fact

1. On November 20, 2017, INTERNATIONAL PAPER COMPANY filed an application to change from a surface water point of diversion to groundwater points of appropriation, a change in point of diversion, to change the place of use, and to change the character of use under Certificate 54268. The Department assigned the application number T-12773.
2. The City of Independence, PO Box 7, Independence, OR 97351 is the receiving water user who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On May 9, 2013, the Department received a notice for specific to general industrial use change under Certificate 54268 per ORS 540.520(9). The authorized place of use resulting from this notice is described in Finding No. 10.
5. On September 14, 2018, the applicant submitted an amended application page, geologist report and map to correct the locations of the requested wells.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

6. On September 17, 2014, the applicant filed Instream Lease IL-1434. On December 5, 2014, the Department issued a final order recorded at Special Order Volume 93, Pages 900-906, that approved the lease for a 15.0 cubic foot per second (cfs) portion of Certificate 54268.
7. On March 13, 2019, the applicant filed an application to renew Instream Lease IL-1434. On March 29, 2019, the Department issued a final order recorded at Special Order Volume 112, pages 839-844, that approved the renewal of Instream Lease IL-1434.
8. On _____, 2019, Instream Lease IL-1434 was partially terminated to remove 2.0 cubic feet per second (cfs) portion of Certificate 54268 from the instream lease by request of the applicant. The termination order was recorded at Special Order Volume _____, Page_____.
9. On February 11, 2019, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12773 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2019, for the applicant to respond.
10. On March 5, 2019, the applicant's agent requested that the Department amend the draft Preliminary Determination. The applicant requested clarification of the description of previous transfer application amendments, correction of the instream lease number, modifying the draft Preliminary Determination to reflect International Paper's specific to general industrial use notice authorized under ORS 540.520(9), and to correctly describe the applicant's proposed transfer completion date.
11. On March 26, 2019, the Department sent a copy of the revised draft Preliminary Determination to approve Transfer Application T-12773 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of April 25, 2019 for the application to respond. The applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer and requested that the Department proceed with issuance of a Preliminary Determination.

12. The portion of the right to be transferred is as follows:

Certificate: 54268 in the name of WILLAMETTE INDUSTRIES, INC. (perfected under Permit S-23102)

Use: INDUSTRIAL/MANUFACTURING

Priority Date: DECEMBER 23, 1954

Rate: 2.0 CUBIC FEET PER SECOND

Source: WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

INDUSTRIAL/MANUFACTURING					
Twp	Rng	Mer	Sec	DLC	Q-Q
10 S	3 W	WM	21	47	SW SE
10 S	3 W	WM	21	47	SE SE
10 S	3 W	WM	28	47	NE NE
10 S	3 W	WM	28	47	NW NE
10 S	3 W	WM	28	47	SW NE
10 S	3 W	WM	28	47	NE NW
10 S	3 W	WM	28	47	SE NW
10 S	3 W	WM	28	44	NE SW
10 S	3 W	WM	28	47	NE SW
10 S	3 W	WM	28	44	SE SW
10 S	3 W	WM	28	47	NE SW
10 S	3 W	WM	28	44	NW SE
10 S	3 W	WM	28	47	NW SE
10 S	3 W	WM	28	44	SW SE
10 S	3 W	WM	28	47	SW SE

13. Transfer Application T-12773 proposes to change the point of diversion approximately 13.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	SW SE	260 FEET NORTH AND 3400 FEET EAST FROM THE SW CORNER OF SECTION 28

14. Transfer Application T-12773 proposes to change from a surface water point of diversion to groundwater points of appropriation (wells) with approximate distances in miles from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	33	NW NE	WILLAMETTE WELL 1 - 260 FEET SOUTH AND 1915 FEET WEST FROM THE NE CORNER OF SECTION 33	13.5
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 2 - 350 FEET NORTH AND 1910 FEET WEST FROM THE SE CORNER OF SECTION 28	13.2
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 3 - 800 FEET NORTH AND 2000 FEET WEST FROM THE SE CORNER OF SECTION 28	14.0

15. Transfer Application T-12773 proposes to change the character of use to municipal.
16. Transfer Application T-12773 proposes to change the place of use of the right to:

MUNICIPAL
WITHIN THE SERVICE BOUNDARY OF THE CITY OF INDEPENDENCE

17. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new surface water point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

18. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
19. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present with the five year period prior to submittal of Transfer Application T-12773.
20. The proposed points of appropriation meet the requirements of ORS 540.531 and OAR 690-380-2130(2).
21. The proposed changes would not result in enlargement of the right.
22. The proposed changes would not result in injury to other water rights.
23. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion, change from a surface water point of diversion to groundwater points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-12773 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12773 is approved, the final order will include the following:

- 1. The change in point of diversion, change from a surface water point of diversion to groundwater points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-12773 are approved.*
- 2. Except as provided in ORS 540.510(3), the right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 54268 and any related decree.*
- 3. Water right Certificate 54268 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The quantity of water diverted at the new point of diversion (POD 2), and new points of appropriation (Willamette Wells 1, 2, and 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
- 5. The wells from which the water is taken under this right shall be constructed so that the use of the wells will affect the surface water similarly to the use of the original authorized point of diversion.*
- 6. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
- 7. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*
- 8. All applicable restrictions that existed at the original point of diversion shall apply to the proposed wells.*
- 9. The original date of priority shall be retained. However, if within five years after approving the transfer, the Department finds the transfer results in substantial interference with existing groundwater rights that would not have occurred in the absence of the transfer, the proposed wells shall be subordinate to any existing right injured by the transferred water right.*

10. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the proposed surface water point of diversion (POD-2) consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
11. *The transferred portion of Certificate 54268 (2.0 cfs) shall no longer be used at the former place of use.*
12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2049**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
13. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **JUL 19 2019**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@oregon.gov.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



Oregon

Kate Brown, Governor

T-12773 Kelly

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Thank You

November 4, 2019

International Paper
Vaughn Pieschl
14232 Clearwater
La Pine, Oregon 97739
vaughn.pieschl@ipaper.com

Thank you for participating in the Short-Term Instream Leasing Program. I want to express appreciation for your cooperation in helping to improve stream flows for fish and aquatic life.

Enclosed is a copy of the partial termination and superseding final order approving the instream lease IL-1434.

If you have any questions, please call me at (503) 986-0884.

Sincerely,

Suey H. Phillips

for

Sarah Henderson
Flow Restoration Coordinator
Transfer and Conservation Section

cc: Lanaya Blakely, Watermaster District 2 (via e-mail)
Kelly Starnes, Lead Transfer Caseworker
File IL-1434

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Lease Application) PARIAL TERMINATION ORDER
IL-1434, Linn County) AND SUPERSEDING FINAL ORDER
) APPROVING AN INSTREAM LEASE

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

International Paper
Vaughn Pieschl
14232 Clearwater
La Pine, Oregon 97739
vaughn.pieschl@ipaper.com

Findings of Fact

1. On March 13, 2019, International Paper filed an application to renew instream lease IL-1434, involving a portion of Certificates 54268 and 85736 and the entirety of Certificates 89606 and 89604.
2. Certificate 91193 was issued on January 29, 2016 to supersede Certificate 85736.
3. The lease application requested to protect water instream for five years, terminating on December 31, 2023. A final order approving this lease was issued by the Department on March 29, 2019, as evidenced by Special Order Volume 112, Pages 839-844.
4. The final order contained a condition allowing the Lessor to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department.
5. On October 14, 2019, the Department received a request from Terry Thomas, of International Paper to terminate 2.0 cfs of Certificate 54268 prior to the 2020 instream use period.
6. This order is being issued to remove 2.0 cfs of Certificate 54268 at the end of the 2019 season, and identify the remaining instream use being protected during the 2020-2023 seasons.

This is a final order in other than 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.

7. The portion of the first right to be leased is as follows:

Certificate: 54268 in the name of Willamette Industries, Inc. (perfected under Permit S-23102)
Use: Manufacturing Use
Priority Date: December 23, 1954
Quantity: **Rate:** 15.0 Cubic Foot per Second (CFS)
Source: Willamette River, tributary to the Columbia River
Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	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	NW NE	44
10 S	3 W	WM	33	NE NW	44

8. The second right to be leased is as follows:

Certificate: 91193 in the name of International Paper Company (perfected under Permit S-47184)
Use: Industrial/Manufacturing Use
Priority Date: October 29, 1982
Quantity: **Rate:** 4.25 CFS
Source: Willamette River, tributary to the Columbia River
Authorized Point of Diversion:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	SW NE	46
10 S	3 W	WM	29	NE NW	46
10 S	3 W	WM	29	NE NW	55
10 S	3 W	WM	29	NW NW	55
10 S	3 W	WM	29	SW NW	46
10 S	3 W	WM	29	SW NW	55
10 S	3 W	WM	29	SE NW	46
10 S	3 W	WM	29	SE NW	55

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	29	NE SW	46
10 S	3 W	WM	29	SE SW	46

9. The third right to be leased is as follows:

Certificate: 89604 in the name of International Paper Co. (perfected under Permit S-20469)

Use: Industrial Uses

Priority Date: June 11, 1943

Quantity: **Rate:** 2.0 CFS

Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source
21 S	1 W	WM	31	NE SE	Culp Creek
21 S	1 W	WM	32	NW SW	Row River

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

10. Certificate 89604 identifies the source for diversion as the Willamette River and identifies the actual source of water as Culp Creek and Row River. Culp Creek is tributary to the Row River and the Row River is tributary to the Coast Fork Willamette River. The Coast Fork

Willamette River is tributary to the Willamette River. Water is conveyed from the original points of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89604 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from Culp Creek and Row River.

11. The fourth right to be leased is as follows:

Certificate: 89606 in the name of International Paper Company (perfected under Permit S-14106)
Use: Industrial Use
Priority Date: November 2, 1939
Quantity: **Rate:** 1.93 CFS
Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source	Measured Distances
21 S	1 W	WM	30	NW SW	Row River	30 FEET SOUTH AND 30 FEET WEST FROM THE SW CORNER OF LOT 3 (SE NW), SECTION 30

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD) on the Willamette River:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

12. Certificate 89606 identifies the source for diversion as the Willamette River and identifies the actual source of water as the Row River. Row River is tributary to the Coast Fork Willamette River and the Coast Fork Willamette River is tributary to the Willamette River. Water is conveyed from the original point of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89606 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from the Row River.
13. Certificates 54268, 91193, 89604, and 89606 do not specify an authorized period of use. However, the use is for manufacturing and/or industrial, which are considered year round uses unless otherwise specified in the Certificate.
14. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.

15. The instream use for the remainder of the 2019 season is as follows:

Willamette River, tributary to the Columbia River

Instream Reach: At the POD (as described in Finding of Fact No. 7)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
54268	12/23/1954	15.00	10859.50	January 1 – December 31

Instream Reach: At the POD (as described in Findings of Fact No. 8, 9 and 11)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
91193	10/29/1982	4.25	3076.86	January 1 – December 31
89604	6/11/1943	2.00	1447.93	
89606	11/2/1939	1.93	1397.26	
Totals		8.18	5922.05	

16. The instream use for the 2020, 2021, 2022, and 2023 seasons are as follows:

Willamette River, tributary to the Columbia River

Instream Reach: At the POD (as described in Finding of Fact No. 7)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
54268	12/23/1954	13.00	9411.57	January 1 – December 31

Instream Reach: At the POD (as described in Findings of Fact No. 8, 9 and 11)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
91193	10/29/1982	4.25	3076.86	January 1 – December 31
89604	6/11/1943	2.00	1447.93	
89606	11/2/1939	1.93	1397.26	
Totals		8.18	5922.05	

17. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights.
18. The protection of flows at the authorized points of diversion is appropriate, considering:
 - a. The instream water use is located at the recorded points of diversion;
 - b. The location of confluences with other streams downstream of the points of diversion.
 - c. There are no known areas of natural loss of streamflow to the river bed downstream from the points of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the points of the instream water right.
19. The total monthly quantities of water to be protected under existing and proposed instream rights at the points will provide for a beneficial purpose.
20. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the points do not exceed the estimated average natural flow.
21. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
22. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
23. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed for an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
24. The Lessor requested that the lease terminate on December 31, 2023. The lease may commence upon the date this final order is signed.
25. The Lessor has requested the option of terminating the lease early with written notice to the Department.

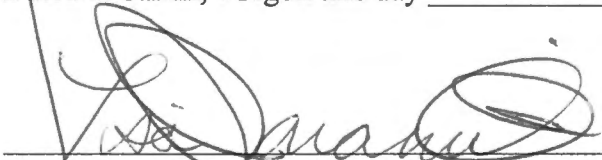
Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. Special Order Volume 112, Pages 839-844 is now superseded and no longer valid.
4. The term of the lease will commence upon approval of the instream lease and terminate on December 31, 2023. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (January 1 through December 31) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this day NOV 04 2019.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR,
Oregon Water Resources Department

Mailing date: NOV 05 2019

This document was prepared by Sarah Henderson. If you have any questions, please call 503-986-0884.



Oregon

Kate Brown, Governor

file
Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 21, 2019

WILLAMETTE INDUSTRIES INC.

PO BOX 339

ALBANY, OR 97321

REFERENCE: Transfer Application T-12773

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@oregon.gov.

Sincerely,

Julie C. Baustian

Water Right Services Support

Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. #16 (via email)
Gsi Water Solutions Inc., Agent
Linn County Planning Department
City of Independence

Enclosure

Affidavit Of Publication

STATE OF Oregon

ss.

County of Polk

I, Emily Mentzer, being

first duly sworn, depose and say I am the EDITOR

of the Polk County Itemizer–Observer, a newspaper of general circulation
as defined by ORS 193.010 and 193.020, printed and published at Dallas in
the aforesaid county and state; that the Water Right Trans T-12773

_____, a printed copy of which is hereto annexed,
was published in the entire issue of said newspaper for _____
successive and consecutive weeks in the following issues: _____

07/24/19, 07/31/19

Emily Mentzer

Subscribed and sworn to before me this

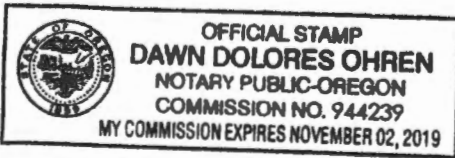
July 31, 2019

Dawn Dolores Ohren

Notary Public for Oregon

(My Commission Expires

November 2, 2019



Polk County Itemizer–Observer
147 SE Court St, Dallas, OR 97338

Notice of Preliminary
Determination for
Water Right Transfer T-12773

T-12773 filed by International Paper Company, 6400 Poplar Ave., Memphis, TN 38197, proposes a change in point of diversion, a change in place of use, a change in character of use, and a change from a surface water point of diversion to groundwater point of appropriation under Certificate 54268. The right allows the use of 2.0 cubic feet per second from the Willamette River in Sec. 32, T10S, R3W, WM for manufacturing in Sects. 21, 28 and 33, T10S, R3W, WM. The applicant proposes to move the point of diversion to within Sec. 28, T8S, R4W, WM, to move the surface water point of diversion to groundwater points of appropriation in Sects. 28 and 33, T8S, R4W, WM, to change the place of use to within the service boundary of the City of Independence, and to change the character of use to municipal. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 07/31/2019. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

(July 24, 31, 2019)

**Notice of Preliminary Determination for
Water Right Transfer T-12773**

T-12773 filed by International Paper Company, 6400 Poplar Ave., Memphis, TN 38197, proposes a change in point of diversion, a change in place of use, a change in character of use, and a change from a surface water point of diversion to groundwater point of appropriation under Certificate 54268. The right allows the use of 2.0 cubic feet per second from the Willamette River in Sec. 32, T10S, R3W, WM for manufacturing in Sects. 21, 28 and 33, T10S, R3W, WM. The applicant proposes to move the point of diversion to within Sec. 28, T8S, R4W, WM, to move the surface water point of diversion to groundwater points of appropriation in Sects. 28 and 33, T8S, R4W, WM, to change the place of use to within the service boundary of the City of Independence, and to change the character of use to municipal. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, **MM/DD/YEAR**. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

STARNES Patrick K * WRD

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Monday, May 20, 2019 9:47 AM
To: STARNES Patrick K * WRD
Subject: RE: Report of Land Ownership for Water Right Transfer T-12773
Attachments: Attachments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Kelly,

One of the documents was missing from the attachment that I just sent in my previous message. Please review the attached instead.

Kim

Kimberly Grigsby

Principal Water Resources Consultant

direct: 541.257.9004 | mobile: 503.351.1912

1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333

GSI Water Solutions, Inc. | www.gsiws.com

From: Kim Grigsby
Sent: Monday, May 20, 2019 9:39 AM
To: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Cc: Adam Sussman <asussman@gsiws.com>
Subject: Report of Land Ownership for Water Right Transfer T-12773

Kelly,

Enclosed are ownership reports required for Transfer T-12773. Also attached are a cover letter and associated attachments that provide further information about the relationship of these land owners to International Paper Company (the applicant). Please let us know if you have any questions or need additional information.

We are also sending you hard copies of these documents in the mail today.

Thank you,

Kim

Kimberly Grigsby

Principal Water Resources Consultant

direct: 541.257.9004 | mobile: 503.351.1912

1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333

GSI Water Solutions, Inc. | www.gsiws.com



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

October 12, 2015

DAVID E. FILIPPI
Direct (503) 294-9529
david.filippi@stoel.com

VIA ELECTRONIC MAIL
patrick.k.starnes@state.or.us

Mr. Kelly Starnes
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

Re: Draft Preliminary Determination for T-12065

Dear Mr. Starnes:

We represent International Paper Company ("IPC") in the above-referenced matter, and this letter responds to your letter of September 11, 2015 requesting comments and additional information.

Per recent discussions involving Dwight French and Adam Sussman, the primary concern for IPC is that the FROM lands as described in the Draft Preliminary Determination ("DPD") do not reflect the recent changes to Certificate 85736 as a result of IPC's specific-to-general industrial use changes. As a result, IPC does not agree with the description of the FROM lands in the DPD, and as such, IPC does not agree that the land ownership report requested in your letter includes the appropriate FROM lands.

As background, in May 2013, CWRE Ed Henricks assisted IPC with a specific-to-general industrial use change pursuant to SB 301 (ORS 540.520(9)) for Certificate 85736. Following much discussion with OWRD, including with Tom Paul and Dwight French, Mr. Henricks sent a formal notice regarding the change, including a new POU map, to the Department. The mapping for this change was done in conjunction with the re-mapping of several other water rights (also pursuant to SB 301), so as to align the various IPC water rights with the various IPC parcels, which IPC was intending to sell. A copy of the SB 301 map is included with this letter, and it shows the POU as including 322.5 acres, located east of and along the Willamette River. In particular, note that under the "NOTE" section on the map in the lower right corner, the second sentence reads: "This map amends / replaces the place of use map for certificate 85736."



Mr. Kelly Starnes
October 12, 2015
Page 2

Thus, in regard to transfer application T-12065, instead of including the SB 301 map described above, the application mistakenly included a copy of the final proof survey map dated Sept. 19, 1997, which shows the POU as being 65.6 acres, located on the far eastern edge of the IPC property. Pursuant to its prior discussions with OWRD, IPC maintains that the SB 301 map accurately depicts the current POU for Certificate 85736, and the current location of the FROM lands for purposes of the transfer application. This issue is important given how all the water rights have been re-mapped on the various IP parcels, which again, are being marketed separately with distinct water rights. In particular, it is also important that the 4.25 cfs under Certificate 85736 that is not subject to the pending transfer remain appurtenant to the 322.5 acres (and not the 65.6 acres).

All that said, IPC is providing land ownership reports from AmeriTitle that include both the original 65.6 acres, as well as the new 322.5 acres. In particular, we would note the following items:

- 1) The ownership reports identify the landowner as IP Eat Three LLC for all tax lots except for 151, which shows Flakeboard America Limited ("Flakeboard") as the landowner.
- 2) Pursuant to the enclosed documentation, IP Eat Three LLC was a wholly owned subsidiary of IPC, IP Eat Three LLC was dissolved effective December 31, 2008, and IPC acquired all assets upon its dissolution.
- 3) With respect to the Flakeboard landownership, this is included in the original 65.6 acres. At the same time, the sale agreement to Flakeboard specifically excluded any interest in Certificate 85736, as evidenced in the enclosed documentation.
- 4) With respect to the sale to Millersburg Power LLC ("Millersburg"), prior to the closing of the sale to Millersburg, IPC re-mapped various water rights so that a portion of T-7526 (1.2 cfs) and Permit S-54030 were appurtenant to the land being sold to Millersburg. As such, these rights were included in the sale, while no rights under Certificate 85736 were included.
- 5) Please note that even though tax lots 100 and 200 are actually in section 32, T10S R3W, Linn County puts those tax lots on the section 33 map. This helps to explain why AmeriTitle provided two separate reports to describe these locations.

Pursuant to communications with Mr. French, we understand that the Preliminary Determination will be revised to reflect the POU change that resulted from the specific-to-general industrial use



Mr. Kelly Starnes
October 12, 2015
Page 3

change, and in particular, the PD will be revised so that the remaining right issued for that portion of Certificate 85736 that is not subject to transfer will reflect the 322.5 acres as the authorized POU, and not the former POU located on the original 65.6 acres.

In short, IPC believes the FROM land for purposes of T-12065 should be the 322.5 acres and not the 65.6 acres, and accordingly, that the land ownership report requested from the title company should be for the 322.5 acres described in the SB 301 map, and not the 65.6 acres described in the 1997 final proof survey map. At the same time, reports for both acreages were requested and are being provided to the Department with this letter.

Otherwise, IPC does not have any further comments regarding the DPD. Please do not hesitate to contact me if you have any questions regarding this comment letter.

Very truly yours,

David E. Filippi

DEF:dew

Enclosures

cc: Client
Adam Sussman
Kim Grigsby

ASSISTANT SECRETARY'S CERTIFICATE


INTERNATIONAL PAPER COMPANY

I, M.J.A. "Jekka" Pinckney, do hereby certify that I am an appointed Assistant Secretary of International Paper Company, a corporation organized and existing under the laws of the State of New York, and further certify as follows:

1. That IP EAT Three LLC, a Delaware limited liability company, was a wholly-owned subsidiary of International Paper Company.
2. That IP EAT Three LLC was dissolved in its jurisdiction of formation effective December 31, 2008, as evidenced by the Certificate of Cancellation attached hereto as "Exhibit A."
3. That International Paper Company, as the sole Member of IP EAT Three LLC, acquired all of the assets of IP EAT Three LLC upon its dissolution, as evidenced by the Instrument of Consent of the Sole Member to Action for Voluntary Dissolution, dated November 17, 2008, and attached hereto as "Exhibit B."

IN WITNESS WHEREOF, I have set my hand on and affixed the corporate seal of International Paper Company, this 21st day of April, 2009.




M.J.A. "Jekka" Pinckney, Assistant Secretary

STATE OF TENNESSEE)
) SS.
COUNTY OF SHELBY)

On the 21st day of April, 2009, before me, the undersigned, a Notary Public in and for said County and State, M.J.A. "Jekka" Pinckney, Assistant Secretary of International Paper Company, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

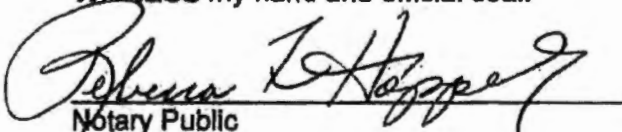

Notary Public



EXHIBIT A

**CERTIFICATE OF CANCELLATION
OF
IP EAT THREE LLC**

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CANCELLATION OF "IP EAT THREE LLC", FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF NOVEMBER, A.D. 2008, AT 4:29 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF CANCELLATION IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2008, AT 11:59 O'CLOCK P.M.

4574796 8100

081146108



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 59524574

DATE: 12-01-08

State of Delaware
Secretary of State
Division of Corporations
Delivered 04:28 PM 11/25/2008
FILED 04:29 PM 11/25/2008
SRV 081146108 - 4574796 FILE

STATE OF DELAWARE
CERTIFICATE OF CANCELLATION
OF
IP EAT THREE LLC

1. The name of the limited liability company is IP EAT THREE LLC.
2. The Certificate of Formation of IP EAT THREE LLC was filed on July 14, 2008.
3. The date the cancellation of IP EAT THREE LLC was authorized is November 17, 2008, and is to be effective as of December 31, 2008, at 11:59 p.m.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Cancellation this 25th day of November 2008.

/s/ Michelle R. King
Michelle R. King, Authorized Person

EXHIBIT B

**INSTRUMENT OF CONSENT OF THE SOLE MEMBER
TO ACTION FOR VOLUNTARY DISSOLUTION
OF IP EAT THREE LLC**

IP EAT THREE LLC

**Instrument of Consent of the Sole Member
To Action for Voluntary Dissolution**

The undersigned, being the sole member of **IP EAT Three LLC**, a limited liability company organized and existing under the laws of the State of Delaware (the "Company"), does hereby waive its entitlement to notice of meeting and does hereby consent and agree, in accordance with the Delaware Limited Liability Company Act, to the following actions:

WHEREAS, it is deemed advisable and for the benefit of the Company that it be liquidated and dissolved,

NOW, THEREFORE, BE IT

RESOLVED, that the plan of liquidation pursuant to the applicable provisions of the Internal Revenue Code hereby is formulated to effect such liquidation and dissolution of the Company in accordance with the following resolutions; and further

RESOLVED, that Michelle R. King is hereby authorized and directed to file a Certificate of Cancellation, in accordance with Delaware law, with the Secretary of State of Delaware; and further

RESOLVED, that all of the property and assets of the Company, subject to its indebtedness, obligations and liabilities, be distributed to and vest in International Paper Company, a New York corporation (the "Parent Company"), as a liquidating distribution in complete cancellation of all of the outstanding indebtedness, obligations and liabilities, such distribution to be effective no later than December 31, 2008 at 11:59 PM; and further

RESOLVED, that the officers of the sole member of the Company hereby are authorized and directed to pay all such fees and taxes and to do or cause to be done such further acts and things including, without limitation, the execution of deeds, bills of sale, and other documents of transfer, as they may deem necessary or proper in order to carry out the liquidation and dissolution of the Company and fully to effectuate the purposes of the foregoing resolutions.

Dated as of November 17, 2008

International Paper Company



Errol Harris. Vice President and Treasurer



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>IL-1704</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 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

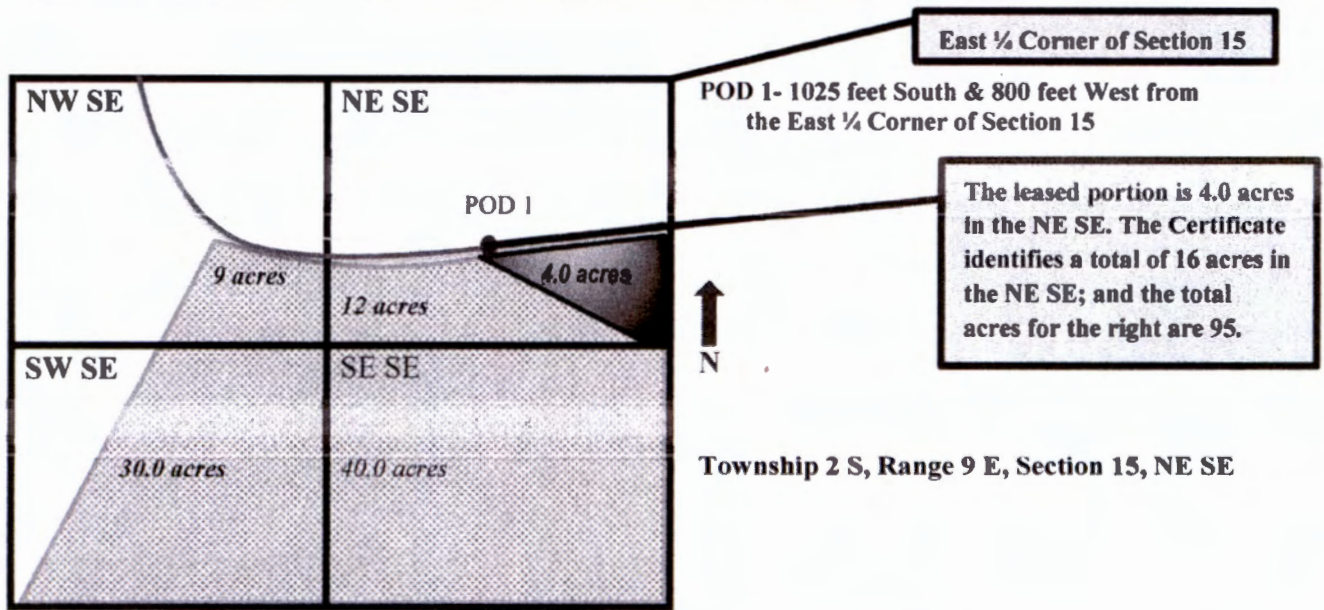
A Map is generally required for each water right not leased in its entirety

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.

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
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 N/A

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Any additional information about the right: 15.0 CFS OF THIS RIGHT ARE PART OF IL-1434.

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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		
				RECEIVED		
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.

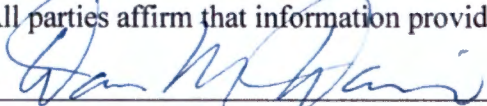
Precedent: If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

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) **RECEIVED** 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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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"

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	18.0 ACRES DLC 47
	NE 1/4, SW 1/4	1.0 ACRES DLC 44
	NE 1/4, SW 1/4	8.8 ACRES DLC 47
	SW 1/4, SE 1/4	4.0 ACRES DLC 44
	SE 1/4, SW 1/4	5.8 ACRES DLC 44
		134.5 ACRES

"Attachment F"

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 OWRD

CERTIFICATE 54266 - 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
- - - BOUNDARY LAND CLAIM LINES
- - - APPROXIMATE PROPERTY LINE
- - - 30" CONCRETE PIPE TO MILL
- ▨ PLACE OF USE UNDER ORS 540.520(9) FOR 17.0 CFS SALE 83 LAND.
- ▨ PLACE OF USE UNDER ORS 540.520(9) FOR 1.0 CFS SOLD 3007 TO FLAKEBOARD AMERICA

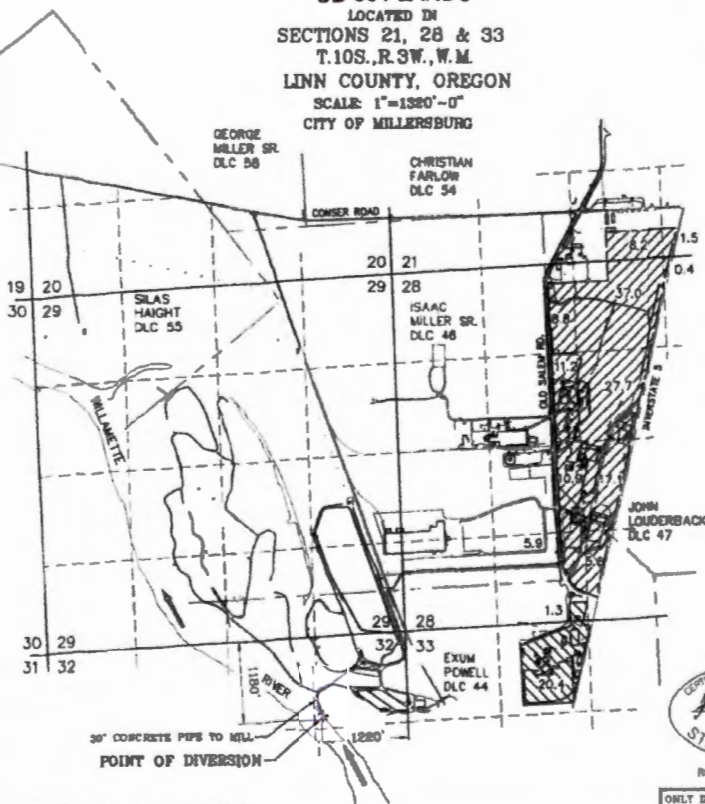
NOTE:

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 LUMD AS IT IS SOLD. THE PROPERTY IS BEING MARKETED AS THREE PARCELS. SALE 83 LANDS ARE SHOWN.

THIS MAP AMENDS / REPLACES THE PLACE OF USE MAP FOR CERTIFICATE 54268. I. J. EDWARD HENRICKS, BEING DULY SHOWN 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 ORIGINAL.

DRAWING NO. 3650P02R1

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

SALE #1
S-54030 3.18 CFS (SOURCE ASB) AND
T-7526 1.2 OF 5.13 CFS
See Map Attachment B, C, & H

INTERNATIONAL PAPER
SALE # 1, 2, & 3 TRACTS
SECTIONS 19, 20, 21, 28, 29, 30, 32, & 33
T. 29 N., R. 2 W., N.W.
WILKESBORO, WISCONSIN
SOLD 1-28-07

SALE #3
CERTIFICATE #54268
17 OF 18 CFS
(OVER 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**

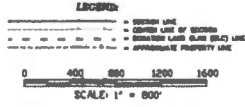
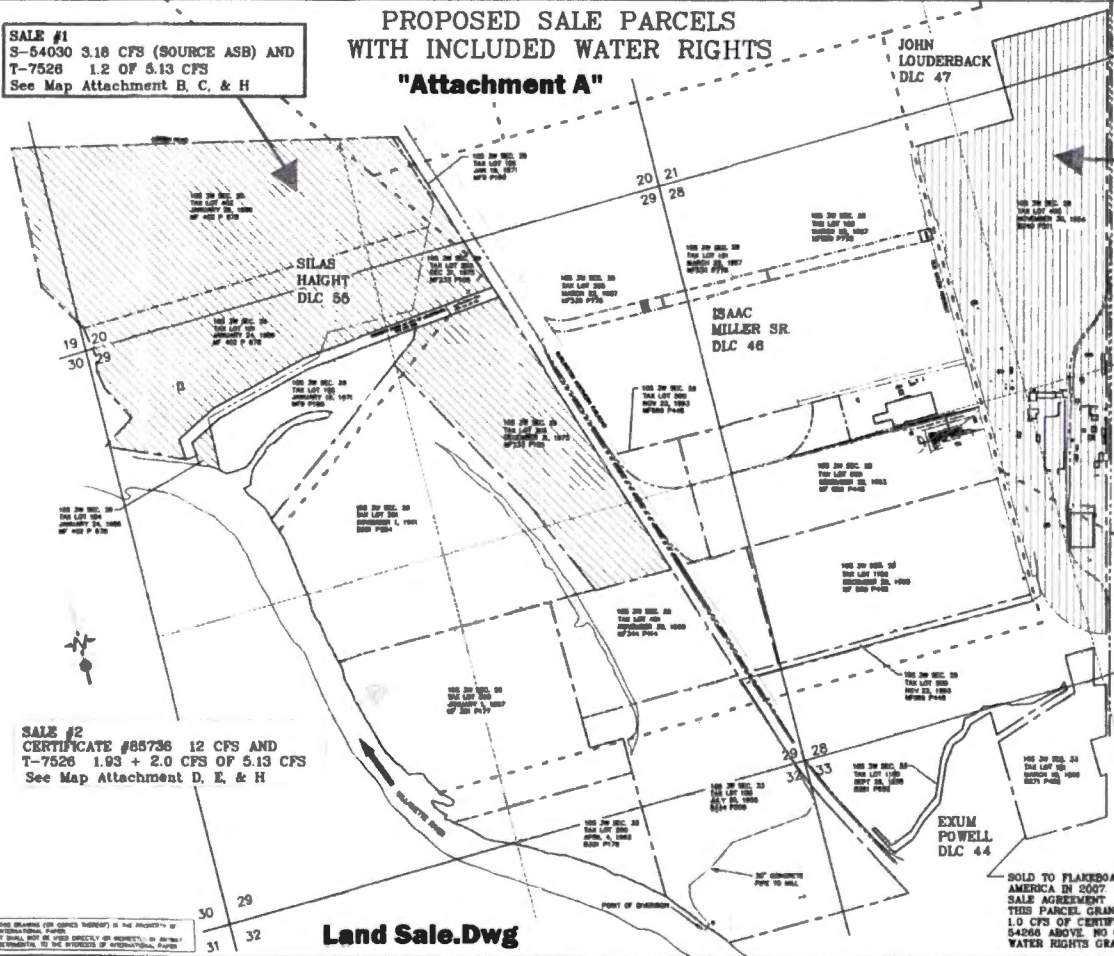
**SALE #2: SEE DRAWING NO
3850P03 FOR CERTIFICATE
85763 PLACE OF USE AND
DRAWING 4276P01R3 FOR TRANSFER
NO. 7526 BREAKDOWN OF PLACE
OF USE. 2 RIGHTS FOR THIS SALE.**

**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.**

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 SERIES THEREOF) IS THE PROPERTY OF
INTERNATIONAL PAPER
IT SHALL NOT BE USED DIRECTLY OR INDIRECTLY, IN ANY MANNER
WHATEVER, IN THE INTERESTS OF INTERNATIONAL PAPER

Land Sale.Dwg



REV	DATE	BY	DESCRIPTION
PROPOSED SALE PARCELS SALE # 1, 2, & 3 SHOWING WATER RIGHTS FOR EACH SALE #			
PLANT OF REEL	AREA IN PLANT	ACAD FILE	LAND SALE
INTERNATIONAL PAPER ALBANY, OR SITE			
SCALE: 1" = 400'-0"		DATE: NOVEMBER 14, 2012	
DRAWN BY: JEN		PLT 21-4650 TRC: 08 21	
DRAWING: LAND SALE			REV: A

RECEIVED

JUL 2 3 2018

OWRD



2730 Pacific Blvd., S.E.
Albany, OR 97322
Albany Office Phone (541)-926-7771
Albany Fax (541)-928-1988
Albany Direct Line (541)-924-5340
Cell Phone (541)-979-8652

January 11, 2007

Tom Paul, Deputy Director
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Sale of business and site service agreement of water rights involved with the property.

We have recently completed the sale of our Duraflake particle board plant in Albany, Oregon to Flakeboard America Limited. Weyerhaeuser still owns and operates a papermill facility, Trus Joist laminated veneer lumber facility, and trucking operation on lands adjoining the parcel sold to Flakeboard America Limited. Most of these facilities, when owned by Weyerhaeuser, were and still are supplied with water from the Willamette River by three water rights.

In the site service agreement enclosed on page A-1 under 1. Water a. Site Service commitment. Paragraph two states *"Weyerhaeuser will complete the work necessary with the Oregon Water Resources Department (WRD) to record and clarify the separate usage of water for the purpose of manufacturing at Buyer's Duraflake PB site. One cubic foot per second (cfs) of water will be used and dedicated from Water Right Permit # 23102, Certificate # 54268. Water Right # T 7526 and Application # 64514 {Permit # S 47184} are excluded from this Agreement and no water as evidenced there under will be supplied to Buyer's Duraflake PB site."* Paragraph 4 provides an easement to Flakeboard America Limited for the delivery system.

As per our earlier conversation this sale to Flakeboard America Limited does not require a water right transfer. None of the key elements of a water right transfer have changed; The place of use, type of use, rate, source of water, and point of diversion have not changed for Certificate # 54268.

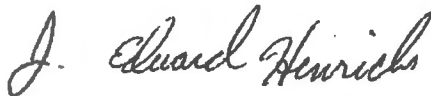
The place of use for T 7526 and Application # 64514 {Permit # S 47184} no longer includes the Duraflake property, Tax lot 151 assessors map 10S03W33A, Linn County, OR and further described in the attached SPECIAL WARRANTY DEED. Claim of Beneficial Use (CBU) reports have been submitted for these two water rights excluded in the sale. I am enclosing amended maps for each CBU. The CBU for permit S-47184 was submitted on September 15, 1997 under the name Willamette Industries, Inc. I have enclosed a Request for Assignment and five pages of the Articles of Merger filed June 14, 2002 with the Oregon Secretary of State showing the present owner as Weyerhaeuser Company. The CBU for T- 7526 was submitted on November 8, 2002 under the name of Willamette Industries, Inc. I have enclosed a Request for Assignment to Weyerhaeuser Company without the Articles of Merger as they were included in the original CBU report.

940-0315

This letter is to inform the WRD of the afore mentioned site service agreement. Please insert a copy of this letter, with attachments, into each water right folder at the department for future reference, clarification, and use. Also please insert the amended maps and assignments in the corresponding CBU files.

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

Sincerely,



J. Edward Henricks, CWRE
Surveyor / Project Manager
WEYERHAEUSER COMPANY

cc: Jud Jackson
Senior Legal Counsel
Weyerhaeuser Company
PO Box 9777
Federal Way, WA 98063

Dick Leedy
Senior Project Engineer
Weyerhaeuser company
3251 Old Salem Road
Albany, OR 97321

Gordon Yutzy
Flakeboard
2250 Old Salem Road
Albany, OR 97321

enclosures: 1) Special Warranty Deed
2) Transition Site Services Agreement for Duraflake PB
3) 2 amended maps
4) Articles of Merger
5) 2 Request for Assignment forms

**TRANSITION SITE SERVICES AGREEMENT
FOR
DURAFLAKE PB**

This Transition Site Services Agreement (this "Agreement") is made as of July 28, 2006 by and between Weyerhaeuser Company, a Washington corporation ("Weyerhaeuser"), and Flakeboard America Limited, a Delaware corporation ("Buyer").

RECITALS

- A. Flakeboard Company Limited ("FB") and Weyerhaeuser entered into an Asset Purchase and Sale Agreement dated as of May 31, 2006 (the "Purchase Agreement") pursuant to which FB agreed to acquire, among other things, the Assets located at the Site (as defined in Article 1 below). Capitalized terms used but not defined in this Agreement shall have the meanings given such terms in the Purchase Agreement.
- B. FB assigned the Purchase Agreement in whole to Buyer.
- C. As of the Closing Date under the Purchase Agreement, Buyer does not have in place the facilities and infrastructure to independently provide certain services at the Sites.
- D. Buyer desires to obtain from Weyerhaeuser and Weyerhaeuser desires to provide to Buyer certain site services at the Sites.

AGREEMENT

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1. AGREEMENT TO PROVIDE SITE SERVICES. Upon the terms and subject to the conditions set forth in this Agreement, Weyerhaeuser agrees to provide to Buyer through Weyerhaeuser's existing facilities the services set forth on Exhibit A hereto (the "Site Services"), and Buyer agrees to take from and to pay Weyerhaeuser for such Site Services. The Site Services shall be provided at the Duraflake PB facility (the "Site"), as more fully described on Exhibit A hereto

ARTICLE 2. TERM.

(A) The term of this Agreement shall commence on the Closing Date under the Purchase Agreement and shall continue until the three-year anniversary of the Closing Date. Thereafter, this Agreement will automatically renew for additional three-year renewal periods, unless Weyerhaeuser notifies Buyer of its intent to terminate one or more of the Site Services and/or this Agreement as provided in paragraph (B) below.

(B) At any time after the one-year anniversary of the Closing Date, Weyerhaeuser may provide notice of its intent to terminate any one or more of the Site Services and/or this Agreement; provided, that Weyerhaeuser will be obligated to continue providing such Site Service(s) for a period of up to two years after the date of such notice to allow Buyer time to

replace such Site Service(s); and provided, further, that prior to any such termination of the water Site Service (Item 1 on Exhibit A), Weyerhaeuser will provide Buyer with perpetual easement 16 feet in width for the erection, construction, maintenance, operation, and repair of one or more pipe lines for said Site Service (the "Water Easement").

ARTICLE 3. PRICE. Buyer shall pay Weyerhaeuser for the Site Services provided under this Agreement in the amounts set forth on Exhibit A hereto.

ARTICLE 4. PAYMENT. Unless the parties otherwise agree, Weyerhaeuser shall bill Buyer for the Site Services on a monthly basis and Buyer shall pay each bill within ten days.

ARTICLE 5. TERMINATION. This Agreement and the parties' obligations hereunder shall terminate as set forth in this Article 5:

(A) **TERMINATION BY COMPLETION OF TERM.** This Agreement shall terminate upon the expiration of the term and on the conditions set forth in Article 2 hereof. This Agreement shall terminate as to each Site Service upon the expiration of the commitment term for such Site Service set forth on Exhibit A hereto.

(B) **TERMINATION BY COMPLETION OF TRANSITION.** This Agreement shall terminate as to each Site Service on the date that Buyer has completed its transition and no longer reasonably needs such Site Service under this Agreement.

(C) **TERMINATION FOR BREACH, FINANCIAL CONDITION.** Without prejudice to its other lawful rights and remedies, either party shall have the right to terminate this Agreement at any time upon the occurrence of any of the following events:

- (1) The other party breaches or is in default of any material term, condition or obligation under this Agreement, which breach or default is (a) not waived in writing by the non-breaching party or (b) not cured to the non-breaching party's reasonable satisfaction within 15 days after the breaching party's receipt of written notice thereof (or, if not reasonably capable of being cured within such 15-day period, the breaching party fails to commence such cure within such 15-day period and thereafter diligently pursue such cure). Failure of Buyer to make payment for the Site Services when due shall be a material breach of this Agreement.
- (2) Any proceeding in bankruptcy, reorganization or for the appointment of a receiver or trustee, or any other proceeding under any law for the relief of debtors, shall be instituted by the other party, or brought involuntarily against the other party and not dismissed within a period of 60 days from the date filed, or if the other party shall make an assignment for the benefit of creditors.

(D) **TERMINATION DUE TO CHANGED CIRCUMSTANCES.** This Agreement may be terminated by Weyerhaeuser in accordance with Article 11(A)(3) hereof.

(E) **TERMINATION BY MUTUAL AGREEMENT.** This Agreement may be terminated in whole or in part at any time by the mutual written agreement of the parties hereto.

ARTICLE 6 DIRECT ACQUISITION OF SERVICES BY BUYER. Except for Site Services that the parties mutually agree in writing to continue, Buyer shall use commercially reasonable efforts to as promptly as practicable independently provide its own services, enter into long-term arrangements for the provision of such services or procure such services from a third party, at which time this Agreement shall terminate with respect to such Site Services in accordance with Article 5(B) hereof. Buyer shall be solely responsible for all costs and expenses associated with such direct acquisition of services.

ARTICLE 7 COMPLIANCE WITH LAW AND POLICIES.

(A) **COMPLIANCE WITH LAW.** Each party shall, in the performance of this Agreement, comply with each statute, law, ordinance, code, rule, regulation, order, license, permit, judgment, decree or directive of any federal, state, county, municipal or local government (including any subdivision or agency thereof) applicable to the carrying on of its business and the performance of its obligations hereunder, including applicable Environmental Laws.

(B) **COMPLIANCE WITH POLICIES; ACCESS TO PREMISES.** When a party's employees, contractors or representatives are on the premises of the other party, such party shall cause such persons to observe the working hours, working rules and safety and security policies and procedures established by the other party. Weyerhaeuser shall have such access to Buyer's premises as Weyerhaeuser determines is necessary to perform its obligations under this Agreement, including monitoring, maintenance and repair related to the Site Services.

ARTICLE 8 WARRANTY; LIMITATION OF LIABILITY.

(A) **WARRANTY.** Weyerhaeuser represents and warrants to Buyer that it shall use commercially reasonable efforts to provide the Site Services in accordance with the terms of this Agreement. WEYERHAEUSER MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, AND SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTIES, WHETHER OF MERCHANTABILITY, SUITABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR OTHERWISE, FOR SAID SITE SERVICES.

(B) **LIMITATION OF LIABILITY.** Notwithstanding anything in this Agreement to the contrary, NEITHER PARTY SHALL BE LIABLE TO THE OTHER PARTY FOR ANY INCIDENTAL, CONSEQUENTIAL, INDIRECT, SPECIAL OR PUNITIVE DAMAGES, INCLUDING, WITHOUT LIMITATION, ANY LOSS OF PROFITS, LOSS OF USE, DOWNTIME, OR LOSS OF SALES, FOR ANY BREACH OF OR FAILURE TO PERFORM THIS AGREEMENT, REGARDLESS OF WHETHER ANY SUCH DAMAGES WERE FORESEEABLE AND REGARDLESS OF WHETHER THE CLAIM SOUNDS IN CONTRACT, TORT OR ANY OTHER THEORY.

ARTICLE 9 COVENANTS OF BUYER.

(A) Buyer shall maintain in good repair all property, fixtures, equipment, materials and systems located on Buyer's site used in connection with providing the Site Services, and shall promptly repair any damage or loss thereto. All maintenance, repairs and modifications thereto shall be performed in compliance with applicable laws, codes and standards using first quality materials fit for their intended purpose.

(B) Buyer shall promptly notify Weyerhaeuser if it becomes aware of any impairment to any property, fixture, equipment, material or system related to the Site Services, or if it becomes aware of any required maintenance or repair thereto, or if it makes any modifications thereto. Any work on Weyerhaeuser's property, fixtures, equipment, materials or systems shall require the prior approval of Weyerhaeuser.

(C) Buyer shall notify Weyerhaeuser, reasonably in advance of its transfer, of any change to the substance or quantity of materials or substances sent to Weyerhaeuser's facility or property for treatment or processing, including any unsanitary, hazardous or toxic materials or substances. Buyer agrees that Weyerhaeuser shall not be responsible for or have any liability for dangerous, unsanitary, hazardous or toxic materials or substances on or from Buyer's site.

(D) Buyer shall obtain and maintain the following insurance coverages:

- (1) Commercial General Liability insurance with a limit of not less than \$1,000,000 per occurrence and \$1,000,000 annual aggregates, providing coverage for bodily injury, personal injury and property damage; contractual liability; and product and completed operations liability (and "Weyerhaeuser Company" shall be named as an Additional Insured).
- (2) Comprehensive Automobile Liability insurance (including owned, non-owned, and hired vehicles) with a combined single limit of not less than \$1,000,000, providing coverage for bodily injury, personal injury and property damage.
- (3) Workers' Compensation or Industrial Accident insurance with not less than statutory limits.
- (4) Employer's or Stop-Gap Liability insurance with a limit of not less than \$1,000,000.
- (5) Umbrella Liability insurance with limits of not less than \$5,000,000 each occurrence and in the aggregate.
- (6) Service Interruption insurance with limits and in form and substance reasonably satisfactory to Weyerhaeuser.

Such insurance of Buyer shall (a) contain a severability of interest clause, (b) provide a Waiver of Subrogation and/or Waiver of Recovery on behalf of Weyerhaeuser (with the exception of Workers' Compensation insurance), and (c) be primary, and Weyerhaeuser's insurance and/or self-insurance shall be excess over any and all other available coverage and/or self-insurance. Buyer shall furnish Weyerhaeuser with a Certificate of Insurance evidencing the above coverage and shall require its insurance carrier(s) to give at least 30 days written notice prior to cancellation of said coverage, either in whole or in part. The failure of Buyer's insurance carrier

to give said notice as required shall be considered a default on Buyer's part. Buyer's insurance carrier(s) shall have a Best's rating of no less than B+ VII. Buyer shall ensure that its contractors and subcontractors performing work at Buyer's Site and/or Weyerhaeuser's facility have insurance coverages and endorsements consistent with the above, with the exception of policy limits.

(E) Buyer shall designate a responsible individual at Buyer's site whose duty shall be to coordinate the Site Services and the performance of this Agreement with Weyerhaeuser.

(F) To the fullest extent permitted by law, Buyer shall indemnify and hold harmless Weyerhaeuser from all claims, demands, liabilities, losses, damages, expenses (including penalties and interest, reasonable fees and disbursements of counsel, and court costs), proceedings, judgments, settlements, actions or causes of action or government inquiries of any kind (including emotional distress, sickness, personal or bodily injury or death to any person (including employees or contractors of Buyer), or damage or destruction to, or loss of use of, tangible property) arising out of or relating to Buyer's breach or failure to perform the covenants in this Article 9.

ARTICLE 10 DISPUTE RESOLUTION. If a dispute arises out of or relates to this Agreement, or the breach hereof, prior to instituting any legal proceeding, representatives of each party having authority to resolve the dispute shall meet to discuss and attempt to resolve the dispute. If the representatives of the parties are not able to resolve the dispute, either party may elect to have the matter resolved by mediation administered by the American Arbitration Association ("AAA") under its Commercial Mediation Procedures before a neutral, independent mediator mutually acceptable to the parties. If the parties are unable to agree on a mediator, the parties will request the AAA to supply a list of five mediators and the mediator will be selected by the parties by alternately striking names from that list, with the party initiating the mediation striking the first name. The mediation will be held at the offices of the AAA in Seattle, Washington, unless the parties agree to a different location. The costs of mediation will be shared equally by the parties. All negotiation and mediation meetings and proceedings will be confidential and will be treated as compromise and settlement negotiations for purposes of all rules of evidence. If the parties are not able to resolve the dispute by mediation, any legal proceeding shall be brought in any state or federal court within the State of Washington, and the parties hereby agree to submit to the exclusive jurisdiction of such courts in respect of any proceeding arising out of this Agreement.

ARTICLE 11. GENERAL MATTERS.

(A) SITE SERVICE LIMITATIONS AND CONDITIONS.

- (1) All Site Services provided by Weyerhaeuser under this Agreement are conditioned upon the parties' ability to lawfully provide and receive such Site Services, including the parties' obtaining and maintaining in effect all required permits, licenses, approvals, orders, registrations and authorizations of applicable Governmental Entities (including those required under applicable Environmental Laws). If Weyerhaeuser may not lawfully provide any Site Services, Weyerhaeuser shall not be obligated to provide and shall not be liable for failure

to supply such Site Services to Buyer, provided that, in such event, Weyerhaeuser will reasonably cooperate with Buyer to lawfully provide such Site Services in an alternate manner or in arranging to procure substitute services from another source at Buyer's cost.

- (2) Buyer acknowledges that the Site Services are procured by Weyerhaeuser primarily for its own facilities' operations and that Weyerhaeuser may operate its facilities as it sees fit in its sole discretion, notwithstanding that such operation may affect the availability of any one or more of the Site Services provided to Buyer (e.g., in the case of facility downtime or maintenance); provided, however, that in the event Weyerhaeuser does not have available sufficient quantity of one or more Site Services to satisfy Weyerhaeuser's own needs and to provide the quantity to Buyer contemplated hereunder, Weyerhaeuser will treat Buyer no less favorably than units of Weyerhaeuser's own operations using similar quantities when allocating available quantity. In such event, Weyerhaeuser will notify Buyer as far in advance as possible. So long as Weyerhaeuser treats Buyer accordingly, Weyerhaeuser shall not be liable for failure to supply any such Site Services.
- (3) If Weyerhaeuser closes or otherwise ceases to operate its Albany Paper Mill facility, other than as a result of the sale of such facility (or all or substantially all of the assets of such facility), Weyerhaeuser will notify Buyer as far in advance as possible and will cooperate with Buyer in arranging to procure substitute services from another source at Buyer's cost. Upon the occurrence of such event, provided that Weyerhaeuser has already provided Buyer with the Water Easement, Weyerhaeuser's obligations to provide the Site Services under this Agreement shall terminate.
- (4) If Weyerhaeuser is unable to provide Buyer with any one or more of the Site Services as provided herein after commercially reasonable efforts to attempt to continue to do so, Weyerhaeuser will notify Buyer as far in advance as possible and will cooperate with Buyer in arranging to procure substitute services from another source at Buyer's cost, including providing the Water Easement.
- (5) Buyer acknowledges that each Site Service provided by Weyerhaeuser under this Agreement is an accommodation to Buyer resulting from Buyer's purchase of the Assets at the Sites pursuant to the Purchase Agreement and that, absent such transaction, the Site Services would not be provided. Accordingly, unless expressly stated otherwise herein, all Site Services provided by Weyerhaeuser under this Agreement shall be limited to the quality, quantity and/or magnitude of such Site Services at the Closing Date, plus or minus ten percent. Buyer acknowledges that the prices for the Site Services set forth on Exhibit A are based on such quantities and, should the actual quantity of a Site Service provided hereunder be substantially different, the parties will negotiate a mutually agreeable adjustment to the price to equitably reflect such different quantity.

(B) **CONFIDENTIAL INFORMATION.** In the course of this Agreement, a party may have access to confidential and/or proprietary information of the other party. The party receiving such confidential or proprietary information shall disclose such information only to such employees, agents and consultants of the receiving party who have a need to know such information in

connection with the performance of this Agreement and shall cause such information to be used only for purposes directly related to the performance of this Agreement, unless the disclosing party otherwise agrees in advance in writing.

(C) **COOPERATION.** The parties shall cooperate fully with each other to effectuate the purposes of this Agreement, including, but not limited to, execution and delivery of such consents, notices, filings, applications and other documents and instruments as may be required to perform their respective obligations hereunder or as reasonably requested by the other party. The parties acknowledge that the Sites and the existing Weyerhaeuser facilities have heretofore been under common ownership and that in order for the Sites and the existing Weyerhaeuser facilities to no longer be interdependent each party must take reasonable steps to independently provide its own services as provided in this Agreement. While the Sites and the existing Weyerhaeuser facilities remain interdependent, each party will to the extent possible reasonably cooperate and consult with the other on matters which affect the operations and facilities of the other party (e.g., coordinating maintenance or downtime).

(D) **NOTICES.** All notices or other communications under this Agreement shall be in writing and either personally delivered, sent by certified or registered mail (return receipt requested, postage prepaid); sent by reputable overnight delivery service, or sent by facsimile with telephone verification of receipt, to the respective addresses set forth below (or to such other addresses as a party may designate by notice given as aforesaid).

If to Weyerhaeuser:

Weyerhaeuser Company
33663 Weyerhaeuser Way South
Federal Way, WA 98003 USA
Attn: Scott Marshall
Facsimile: (253) 924-2402

If to Buyer:

Flakeboard America Limited
100 Kingsley Park Drive
Fort Mill, SC 29715
Attn: President
Facsimile: (803) 835-1331

with a copy to:

Weyerhaeuser Company
33663 Weyerhaeuser Way South
Federal Way, WA 98003 USA
Attn: Law Department
Facsimile: (253) 924-5204

Ms. Karyn L. Bradley
Gowling Lafleur Henderson LLP
1 First Canadian Place
Suite 1600 100 King Street West
Toronto, Ontario M5X 1G5 CANADA
Facsimile: (416) 863-3430

All notices shall be deemed given (i) if personally delivered, upon receipt; (ii) if sent by certified or registered mail, on the third Business Day after mailing; (iii) if sent by reputable overnight delivery service, on the first Business Day after timely delivery to the courier; and (iv) if sent by facsimile, on the date the sender obtains telephone verification of receipt.

(E) **ASSIGNMENT.** No assignment of any right or interest in or delegation of any duty or obligation under this Agreement shall be made, in whole or in part, by either party without the

prior written consent of the other party; provided, however, that either party may assign this Agreement and its rights and obligations hereunder (i) to any Affiliate (as defined in the Purchase Agreement) of such party or (ii) to the surviving controlling entity in the event of a merger or acquisition of such party or purchase of all or substantially all of the assets of such party. This Agreement shall be assigned to, and shall be a binding obligation of, any entity acquiring the facility or facilities (or all or substantially all of the assets thereof) providing the Site Services. In addition, Weyerhaeuser may delegate its obligations under this Agreement in whole or in part to a third party, provided that any such delegation shall not relieve Weyerhaeuser of liability for such obligations.

(F) **FORCE MAJEURE.** Each party's performance of this Agreement shall be excused without liability to the extent and for the period of time necessitated by the occurrence of an event outside of a party's reasonable control (a "force majeure event"), including an Act of God, war, terrorism, sabotage, civil unrest, riot, strike, labor dispute, explosion, accident, fire, flood, earthquake, storm or other natural disaster, regulation, rule, act or intervention of any Governmental Entity, or other similar event beyond the reasonable control of a party. The imposition by any Governmental Entity or subdivision or agency thereof of any statute, law, ordinance, code, rule, regulation, order, judgment, decree or directive that makes unlawful a party's ability to provide or receive any one or more of the Site Services shall be a force majeure event with respect to the affected Site Services.

(G) **WAIVER.** No delay or failure to exercise any right or remedy under this Agreement by a party shall impair such right or remedy or be construed as a waiver thereof. A party's consent to or approval of any act or failure to act by the other party requiring approval or consent hereunder shall not be deemed to waive or render unnecessary the requirement of approval or consent of any subsequent act by the other party. A party's waiver of any breach or failure to enforce any term or condition of this Agreement at any time shall not in any way affect, limit or waive such party's right thereafter to enforce and compel strict compliance with every term and condition hereof.

(H) **GOVERNING LAW.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Washington applicable to contracts made and performed entirely within such state, without regard to its conflict of law rules.

(I) **ATTORNEYS' FEES.** Should any legal action or proceeding be commenced by either party in order to enforce this Agreement or any provision hereof, or in connection with any alleged dispute, breach or default related hereto, the prevailing party (the party entitled to recover costs at such time as all appeals have been exhausted or expired) shall be entitled to recover reasonable attorneys' fees and costs incurred by it in connection with such action or proceeding, in addition to such other relief as may be granted.

(J) **INTEGRATED AGREEMENT; MODIFICATION.** This Agreement constitutes the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes all prior discussions, negotiations, understandings and agreements. It is intended by the parties as a complete and exclusive statement of the terms of their agreement with respect to the subject matter hereof. This is a fully integrated agreement. Each party acknowledges that the

other has made no representation or warranty, and that it has relied on no representation or warranty, other than those specifically set forth in this Agreement. This Agreement may not be modified except in a writing signed by the parties.

(K) **INTERPRETATION.** Each party acknowledges that it and its legal counsel have reviewed this Agreement. The parties agree that the terms and conditions of this Agreement shall not be construed against any party on the basis of such party's drafting of such terms and conditions. The words "herein", "hereto" and other similar words shall mean this Agreement as a whole, including the exhibits hereto, as the same may be amended, modified or supplemented from time to time.

(L) **NO AGENCY.** The parties agree that no agency, partnership or joint venture of any kind shall be or is intended to be created by or under this Agreement.

(M) **EXHIBITS.** All exhibits referred to herein are deemed to be incorporated in this Agreement in their entirety.

(N) **HEADINGS.** The headings in this Agreement are for convenience only and are not intended and will not be construed to affect the scope or meaning of any provisions hereof.

(O) **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

WEYERHAEUSER COMPANY

By

Title: _____

FLAKEBOARD AMERICA LIMITED

By

Title: _____

**EXHIBIT A
DESCRIPTION OF SITE SERVICES**

DURAFLAKE PB FACILITY

1. Water.

- a. Site Service commitment. Weyerhaeuser shall: (a) allow Buyer to use the existing manufacturing water supply system that services both Weyerhaeuser's Albany Paper Mill facility and Buyer's Duraflake PB site in order to deliver manufacturing water to Buyer's Duraflake PB site; and (b) bill Buyer for such service on a quarterly basis as provided in this Agreement.

Weyerhaeuser will complete the work necessary with the Oregon Water Resources Department (WRD) to record and clarify the separate usage of water for the purpose of manufacturing at Buyer's Duraflake PB site. One cubic foot per second (cfs) of water will be used and dedicated from Water Right Permit # 23102, Certificate # 54268. Water Right # T7526 and Application # 64514 [Permit # S47184] are excluded from this Agreement and no water as evidenced thereunder will be supplied to Buyer's Duraflake PB site.

The Duraflake PB facility will continue to use the Albany Paper Mill delivery system after the WRD is notified. This water right notification is for existing uses at one cfs. Any water usage above one cfs will be negotiated by the parties separately from this Agreement.

not split in stone
Weyerhaeuser shall provide Buyer with a perpetual easement 16 feet in width for the erection, construction, maintenance, operation, and repair of one of more pipe lines for the delivery of water through the Albany Paper Mill delivery system or at another location and on terms and conditions to be agreed upon by the Parties.

- b. Term of commitment. This Site Service shall be provided for a transition period, until the existing water rights for both Weyerhaeuser's Albany Paper Mill facility and Buyer's Duraflake PB site are split as described in paragraph "a" above; provided that Weyerhaeuser's obligation to provide delivery through the Albany Paper Mill delivery system shall continue until Weyerhaeuser has granted the easement described in subsection a. above.
- c. Cost. Weyerhaeuser will pay the associated costs of clarifying the water rights for manufacturing water at Buyer's Duraflake PB site from the Albany Paper Mill facility. All costs for delivery of water to Buyer's Duraflake PB site will be paid by Buyer at the rate of 1/35 of the actual cost incurred by Albany Paper Mill plus a 7% administration fee. Weyerhaeuser will bill Buyer on a quarterly basis.

Buyer will be responsible for the repair and maintenance costs of the incoming water line from the Albany Paper Mill mainline connection to the Duraflake PB site.

2. Process Waste Water and Stormwater.

- a. Site Service commitment. Weyerhaeuser shall: (a) allow Buyer to use the existing process waste water system and stormwater system that services both Weyerhaeuser's Albany Paper Mill facility and Buyer's Duraflake PB site in order for the Albany Paper Mill facility to accept process waste water and stormwater from Buyer's Duraflake PB site; (b) route such process waste water and stormwater to the Albany Paper Mill facility; and (c) bill Buyer for such services on a quarterly basis as provided in this Agreement. Buyer will measure process water and stormwater volume and solids on a daily basis and provide data to Albany Paper Mill. Albany Paper Mill has the right to audit and verify the accuracy of all data.
- b. Term of commitment. This Site Service shall continue for a transition period until the earlier of (i) the date of termination of the Transition Site Services Agreement between Weyerhaeuser and Buyer to which this Exhibit A is attached and (ii) the fifth anniversary of the Closing Date. On or prior to such date, Buyer shall have either entered into a mutually agreeable arrangement with the Albany Paper Mill facility for ongoing processing of process waste water and stormwater or made arrangements with a third party for handling process waste water and stormwater from Buyer's Duraflake PB site. Notwithstanding anything contained herein, this Site Service shall continue only for so long as the Albany Paper Mill facility is capable of processing the volume of process waste water and stormwater from Buyer's Duraflake PB site.
- c. Cost. Buyer shall pay Weyerhaeuser's actual costs related to the acceptance and treatment of process waste water and stormwater from Buyer's Duraflake PB site, plus a 7% administration fee. The costs will be determined from an annual review of the prior year's costs and pro rated on a solids removed basis. Weyerhaeuser will bill Buyer on a quarterly basis. Buyer will be responsible for the repair and maintenance costs of the process water and storm water lines from the Duraflake PB site to Albany Paper Mill.

International paper

Lease #	cert	cfs	af	periods leased	re-assigned Lease #	period leased
IL-716	80656	19.65 1.85 7.65		2006-2010 2011-2015 2016-2020		
IL-717	80657		11,595	2006-2010	IL-1094	2011-2015 2016-denied
IL-718	80658		13,105	2006-2010	IL-1095	2011-2015 2016-denied
IL-1434	54268 85736 89604 89606	15 4.25 2 1.93		2014-2018 (2cfs being changed in T-12773)		
IL-1435	85736	7.75		2014-2018 terminated 2016 (being moved by T-12065)		
IL-1507	55864 67770 72382	0.87 4.9 5.63		2016-2020		
IL-1704	54268	2		2019-2023		
IL-1708	87427	30		2019-2023		
T-12065	85736	7.75		permanent change to muni rr cert 91193 (4.25cfs)		
T-12773	54268	2		permanent change - pending (2cfs from IL-1434)		

active lease

same cfs - non active lease · permanenet change to muni T-12065



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 26, 2019

VIA E-MAIL

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVENUE
MEMPHIS TN 38197
e-mail Jim.Kirkpatrick@IPAPER.com

Receiving Landowner

CITY OF INDEPENDENCE
PO BOX 7
INDEPENDENCE OR 97351

SUBJECT: Water Right Transfer Application T-12773

Your water right transfer is in one of three phases of processing. Enclosed is a revised draft of our Preliminary Determination regarding Transfer Application T-12773. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the revised draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also, we appreciate you letting us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (Reports may be called by various names, such as *Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) Prepared within 3 months of this revised draft Preliminary Determination showing current ownership; or
 - ii) Prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) Prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date the ownership report was generated or prepared by the title company; and
 - ii) List of owners at that time; and
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

Conditions to your water right...

This transfer will require installation of a fish screen at the new surface water diversion point prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW). You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2019. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.


Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the revised draft Preliminary Determination (e-mail is acceptable).
2. Report of Ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by April 25, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@oregon.gov if I may be of assistance if I may be of assistance.

Sincerely,



Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: **Transfer Application file T-12773**

Lanaya Blakely, District 2 Watermaster *(via e-mail)*

Joel Plahn, District 16 Watermaster *(via e-mail)*

Adam Sussman, GSI Water Solutions, Agent for the receiving landowner *(via e-mail)*

Theodore R. Ressler, GSI Water Solutions, CWRE #78185 *(via e-mail)*

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application
T-12773, Linn and Polk Counties

**R e v i s e d
D R A F T**

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE FROM A SURFACE WATER
POINT OF DIVERSION TO
GROUNDWATER POINTS OF
APPROPRIATION, A CHANGE IN
POINT OF DIVERSION, A CHANGE IN
PLACE OF USE, AND A CHANGE IN
CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

Receiving Water User

CITY OF INDEPENDENCE
P.O. BOX 7
INDEPENDENCE, OR 97351

Findings of Fact

1. On November 20, 2017, INTERNATIONAL PAPER COMPANY filed an application to change from a surface water point of diversion to groundwater points of appropriation, a change in point of diversion, to change the place of use, and to change the character of use under Certificate 54268. The Department assigned the application number T-12773.
2. The City of Independence, PO Box 7, Independence, OR 97351 is the receiving water user who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On May 9, 2013, the Department received a notice for specific to general industrial use change under Certificate 54268 per ORS 540.520(9). The authorized place of use resulting from this notice is described in Finding No. 10.

5. On September 14, 2018, the applicant submitted an amended application page, geologist report and map to correct the locations of the requested wells.

6. On September 17, 2014, Instream Lease IL-1434, recorded at Special Order Volume 93, Pages 900-906, the order was approved for a 2.0 Cubic Feet Per Second (CFS) portion of Certificate 54268.

7. On _____, 2019, Instream Lease IL-1434 was terminated by request of the applicant. The termination order was recorded at Special Order Volume ____, Page ____.

8. On February 11, 2019, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12773 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2019, for the applicant to respond.

9. On March 5, 2019, the applicant's agent requested that the Department amend the draft Preliminary Determination. The applicant requested clarification of the description of previous transfer application amendments, correction of the instream lease number, modifying the draft Preliminary Determination to reflect International Paper's specific to general industrial use notice authorized under ORS 540.520(9), and to correctly describe the applicant's proposed transfer completion date.

10. The portion of the right to be transferred is as follows:

Certificate: 54268 in the name of WILLAMETTE INDUSTRIES, INC. (perfected under Permit S-23102)
Use: INDUSTRIAL/MANUFACTURING
Priority Date: DECEMBER 23, 1954
Rate: 2.0 CUBIC FEET PER SECOND
Source: WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

INDUSTRIAL/MANUFACTURING					
Twp	Rng	Mer	Sec	DLC	Q-Q
10 S	3 W	WM	21	47	SW SE
10 S	3 W	WM	21	47	SE SE
10 S	3 W	WM	28	47	NE NE
10 S	3 W	WM	28	47	NW NE
10 S	3 W	WM	28	47	SW NE
10 S	3 W	WM	28	47	NE NW
10 S	3 W	WM	28	47	SE NW
10 S	3 W	WM	28	47	NE SW
10 S	3 W	WM	28	47	SE SW
10 S	3 W	WM	28	44	NE SW
10 S	3 W	WM	28	47	NE SW

44?

Per Date Filing 4/29/19

renew per 4/16/19 4/29/19

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

11. Transfer Application T-12773 proposes to change the point of diversion approximately 13.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	SW SE	260 FEET NORTH AND 3400 FEET EAST FROM THE SW CORNER OF SECTION 28

12. Transfer Application T-12773 proposes to change from a surface water point of diversion to groundwater points of appropriation (wells) with approximate distances in miles from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	33	NW NE	WILLAMETTE WELL 1 - 260 FEET SOUTH AND 1915 FEET WEST FROM THE NE CORNER OF SECTION 33	13.5
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 2 - 350 FEET NORTH AND 1910 FEET WEST FROM THE SE CORNER OF SECTION 28	13.2
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 3 - 800 FEET NORTH AND 2000 FEET WEST FROM THE SE CORNER OF SECTION 28	14.0

13. Transfer Application T-12773 proposes to change the character of use to municipal.

14. Transfer Application T-12773 proposes to change the place of use of the right to:

MUNICIPAL
WITHIN THE SERVICE BOUNDARY OF THE CITY OF INDEPENDENCE

15. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new surface water point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

16. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

17. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present with the five year period prior to submittal of Transfer Application T-12773.
18. The proposed points of appropriation meet the requirements of ORS 540.531 and OAR 690-380-2130(2).
19. The proposed changes would not result in enlargement of the right.
20. The proposed changes would not result in injury to other water rights.
21. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion, change from a surface water point of diversion to groundwater points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-12773 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12773 is approved, the final order will include the following:

1. *The change in point of diversion, change from a surface water point of diversion to groundwater points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-12773 are approved.*
2. *Except as provided in ORS 540.510(3), the right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 54268 and any related decree.*
3. *Water right Certificate 54268 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of diversion (POD 2), and new points of appropriation (Willamette Wells 1, 2, and 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
5. *The wells from which the water is taken under this right shall be constructed so that the use of the wells will affect the surface water similarly to the use of the original authorized point of diversion.*
6. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
7. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer*

application to return to the last authorized surface water point of diversion, the application shall be approved.

8. *All applicable restrictions that existed at the original point of diversion shall apply to the proposed wells.*
9. *The original date of priority shall be retained. However, if within five years after approving the transfer, the Department finds the transfer results in substantial interference with existing groundwater rights that would not have occurred in the absence of the transfer, the proposed wells shall be subordinate to any existing right injured by the transferred water right.*
10. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the proposed surface water point of diversion (POD-2) consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
11. *The transferred portion of Certificate 54268 (2.0 cfs) shall no longer be used at the former place of use.*
12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2049**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
13. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____,

D R A F T

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This revised draft Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@oregon.gov.

1. Prep

2. Date Prepared

STARNES Patrick K * WRD

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Tuesday, April 16, 2019 1:20 PM
To: STARNES Patrick K * WRD
Subject: Transfer T-12773

Hi Kelly,

Thank you for calling me back. As we discussed, I think there are words missing from finding of fact 6 in the revised DPD for Transfer T-12773. Below is how I suspect the finding of fact was intended to read:

On September 17, 2014, the applicant filed Instream Lease IL-1434. On December 5, 2014, the Department issued a final order recorded at Special Order Volume 93, Pages 900-906, that approved the lease for a 2.0 Cubic Feet Per Second (CFS) portion of Certificate 54268.

I hope this helps. I will look forward to getting your email confirming final wording for this finding of fact, and your determination about the authorized POU (specifically the DLC in the SE SW of 10S 3W Sec. 28).

Thank you,
Kim

Kimberly Grigsby

Supervising Water Resources Consultant

direct: 541.257.9004 | mobile: 503.351.1912
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com

From: Molly Monroe
Sent: Tuesday, April 16, 2019 12:11 PM
To: Kim Grigsby <kgrigsby@gsiws.com>
Subject: Transfer application edits

Molly Monroe

Administrative Assistant

office: 541.257.9002
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com

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May 16, 2019

Kelly Starnes
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Report of Land Ownership for Transfer Application T-12773

Dear Mr. Starnes;

On September 14, 2018, GSI Water Solutions (GSI) filed water right transfer application T-12773 on behalf of International Paper Company (IPC). Transfer T-12773 requests changes to the point of diversion, place of use and character of use for a 2.0 cfs portion of Certificate 54268. I received your letter dated March 26, 2019, which required submission of a report of land ownership for the "from lands" for this transfer. I am submitting the enclosed report of land ownership on behalf of International Paper.

As you will see, the land ownership report shows that the "from lands" for Certificate 54268 are owned by Flakeboard America Limited (tax lot 151) and IP Eat Three LLC (tax lot 400). Previous communications with the Department have described the relationship between these entities and IPC, and IPC's ability to transfer water rights appurtenant to lands held by Flakeboard America Limited and IP Eat Three LLC.

The enclosed October 12, 2015 letter from David Filippi, which related to Transfer T-12065, states that "IP Eat Three LLC was a wholly owned subsidiary of IPC, IP Eat Three LLC was dissolved effective December 31, 2008, and IPC acquired all assets upon its dissolution." (See item 2 on page 2 of Mr. Filippi's letter, and the associated attachment.)

In the Application for Instream Lease IL-1704, IPC explained that it is the current owner of Certificate 54268 and uses a 17 cfs portion of the water right. (The 2 cfs included in Transfer T-12773 are part of IPC's 17 cfs.) The lease application also explains that Flakeboard uses the remaining 1 cfs under this right. (See page 5 of the enclosed lease application for IL-1704 and the maps labeled Attachment A and Attachment F. Also see

the enclosed letter from Edward Henricks and associated attachment dated January 11, 2007.)

Please contact me if you have any questions. My telephone number is 541-257-9001.

Sincerely,



Adam Sussman
Principal Water Resources Consultant

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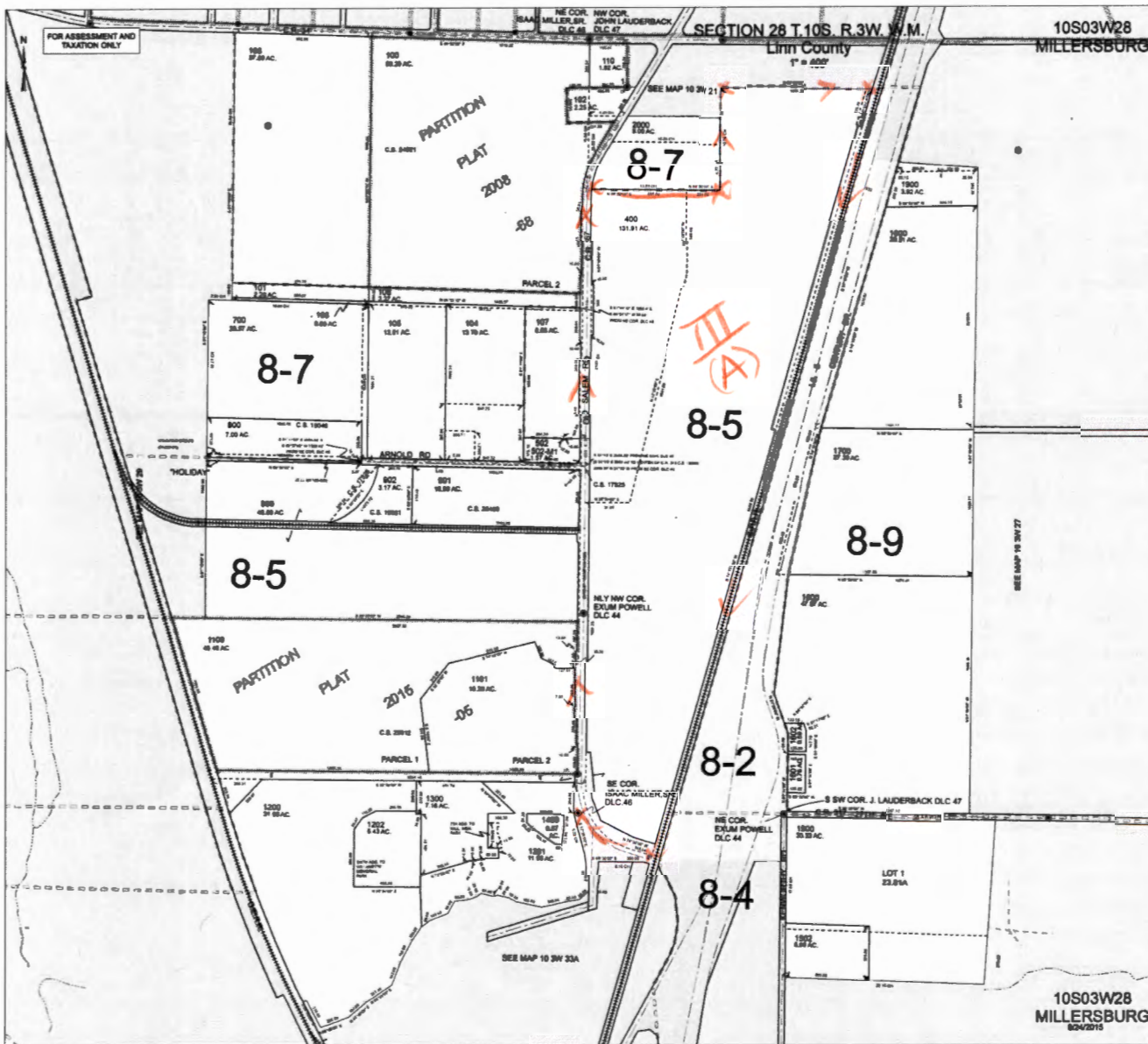
MAY 22 2019

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Enclosures

Cc: Terry Thomas, International Paper
Vaughn Pieschl, International paper
Kie Cottam, City of Independence

10S03W28





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Property Detail Report

Property Address:

3435 NE Old Salem Rd

4/29/19 Amerititle assumes no liability for the accuracy of this report.

Prepared For:

Ip Eat Three LLC

Thank you for the opportunity to assist you!

Chad Cripe

Customer Service

503.581.1431

valleycs@amerititle.com

Mid-Willamette Valley Locations

Salem

320 Church St. NE
503.581.1431

South Salem

3240 Commercial St. SE, Ste. 140
971.701.2591

Silverton

215 E Main St
503.873.7200

Albany

1393 Clay St. SE
541.928.3368

Corvallis

525 NW 2nd St. Ste. 2
541.752.3415

Lebanon

1475 S Main St
541.259.3736

Monmouth

283 N Pacific Hwy
503.838.2259

Linn County Parcel Detail

Site Address: 3435 NE Old Salem Rd
Albany OR 97321

Parcel ID: 0046462

Tax Lot: 10S03W2800400

Owner: Ip Eat Three LLC

Owner2:

Owner Address: PO Box 2118
Memphis TN 38101

Parcel Size: 131.91 Acres (5,746,000 SqFt)

Neighborhood:

Subdivision:

Lot / Block:

Twn/Range/Section: 10S / 03W / 28

Legal



Assessment and Taxes

Market Land Value:	\$3,822,600.00	Levy Code Area:	00805	Annual Tax History
Market Improved Value:	\$550,000.00	Levy Rate:	15.7381	2018 : \$76,442.67
Market Total Value:	\$4,372,600.00	Tax Year:	2018	2017 : \$65,750.47
Assessed Value:	\$4,372,600.00	Exemption Desc:		2016 : \$60,290.82

Land Information

Land Use:	301 - COUNTY RESP INDUSTRIAL, LAND & B	School District:	8JZ5 - Greater Albany
Building Use:		Waterfront:	
Zoning:	Millersburg-HI - Heavy Industrial	Longitude:	-123.059835
Recreation:		Latitude:	44.674046

Improvement Details

Year Built:	0	Bed:		Garage:	
Stories:	1	Baths:		Exterior Walls:	
Bldg SqFt:		Bsmt SqFt:		Roof Cover:	
Finished SqFt:		Attic SqFt:		Heat:	
Bldg Type:	801 - County Industrial	Flr 1/ Flr 2 SqFt:		A/C:	

Transfer Information

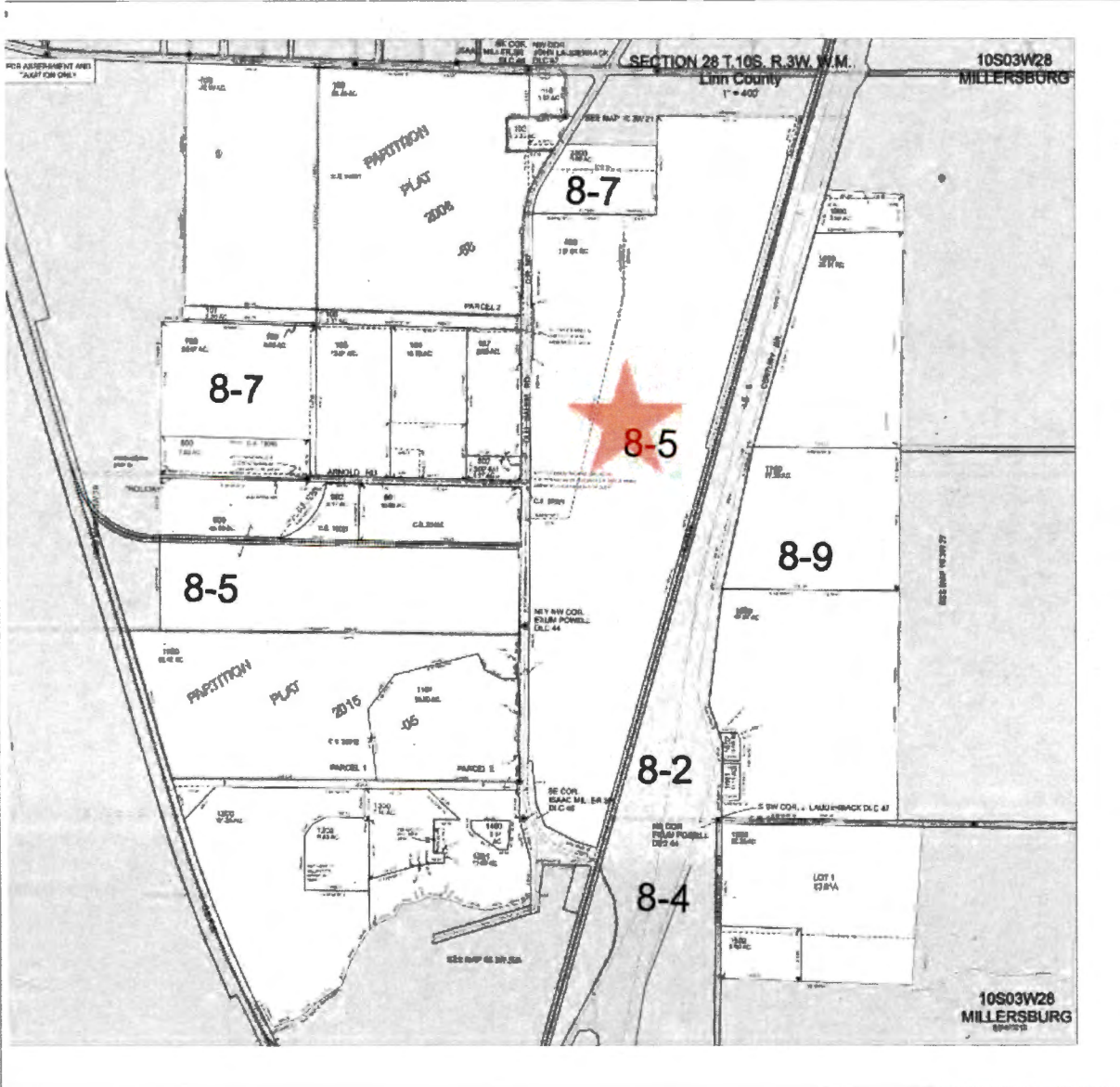
Rec. Date:	7/1/2008	Sale Price:	\$20,224,890.00	Doc Num:	0000015425	Doc Type:	Grant Deed
Owner:	IP EAT THREE LLC	Grantor:	OWNER NAME UNAVAILABLE	Title Co:		Lender:	
Orig. Loan Amt:		Loan Type:					

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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MAY 22 2019

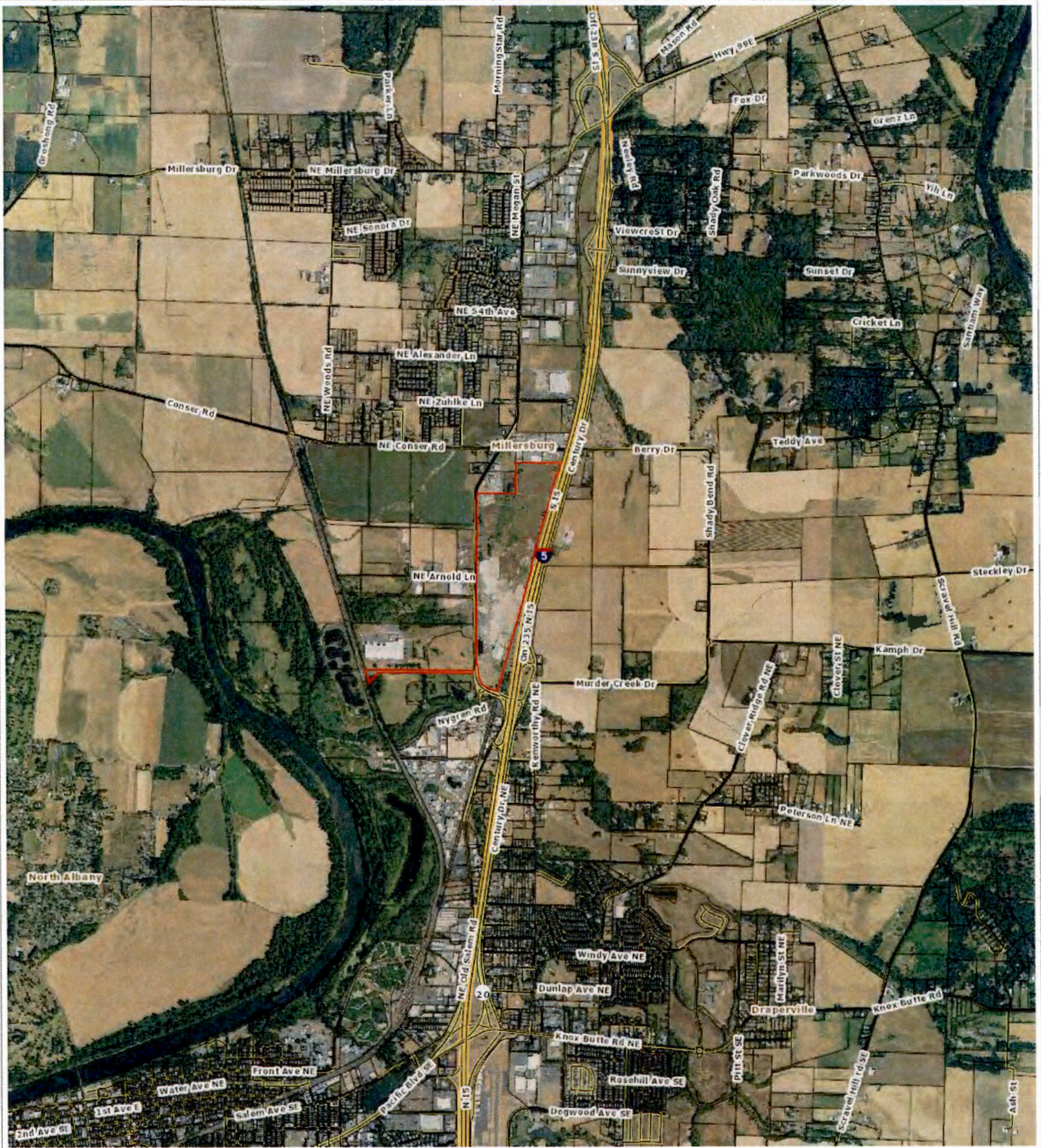
OWRD



Parcel ID: 0046462

Site Address: 3435 NE Old Salem Rd

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



Parcel ID: 0046462

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MAY 22 2019

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✓ After recording return to:
 First American Title Insurance
 Company
 2101 Fourth Avenue, Suite 800
 Seattle, WA 98121
 Attn: Donna Koerber/T2007-439
 Until a change is requested all tax statements
 shall be sent to the following address:
 IP EAT Three LLC
 c/o International Paper Company
 PO Box 2118
 Memphis, TN 38101

File No.: 309302 CP7 (dk)

THIS SPACE RESERVED FOR RECORDER'S USE

LINN COUNTY, OREGON **2008-15425**
 D-BS 08/04/2008 11:56:45 AM
 Cnt=1 Stn=1 COUNTER \$151.00
 \$130.00 \$11.00 \$10.00



00088688200800154250260266

I, Steve Druckenmiller, County Clerk for Linn
 County, Oregon, certify that the instrument
 identified herein was recorded in the Clerk
 records.

Steve Druckenmiller - County Clerk



STATUTORY BARGAIN AND SALE DEED

Weyerhaeuser Company, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, as to Parcels I, II, III, IV, VI, VII, XI, XII and XV and **Weyerhaeuser Company**, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, successor by merger to Western Kraft Corporation, an Oregon corporation, as to Parcels V, VIII, IX, X, XIII, XIV and XVI, GRANTOR, conveys to **IP EAT Three LLC**, a Delaware limited liability company, GRANTEE, the following described real property: **See Exhibit "A"**

TOGETHER WITH all the tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

This conveyance is made subject only to those matters set forth in **Exhibit "B"**, attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

And GRANTOR hereby covenants with GRANTEE that GRANTOR is lawfully seized of the Property in fee simple; that GRANTOR has good right and lawful authority to sell and convey the Property; and that GRANTOR does hereby fully warrant the title to the Property and will defend the same against lawful claims of all persons claiming by, through or under GRANTOR, but against none other.

First American Title # 0808-205 (Acw)
 FATCO. NO. NCS - 309302 - CP7

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The true consideration for this conveyance is \$20,224,890⁰⁰. (Here comply with requirements of ORS 93.030)

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, OF CHAPTER 424, OREGON LAWS 2007. 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, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 28th day of July, 2008, but effective August 4, 2008, the effective date.

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MAY 22 2019
OWRD

GRANTOR:

WEYERHAEUSER COMPANY, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, and Weyerhaeuser Company, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, successor by merger to Western Kraft Corporation, an Oregon corporation

By: Scott Marshall

By: [Signature]

Name: Scott Marshall
Vice President

Name: G.W. Bjerke
Assistant Secretary



STATE OF Washington

County of King

This instrument was acknowledged before me on this 28th day of July, 2008
By Scott Marshall as Vice President and by G.W. Bjerke as Assistant Secretary
of Weyerhaeuser Company, a Washington corporation.

[Signature]

Notary Public for Oregon Washington
My commission expires: 7-18-09



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MAY 22 2019

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Exhibit "A"

Legal Description – CP7

Real property in the City of Albany & Millersburg, County of Linn, State of Oregon, described as follows:

PARCEL I:

BEGINNING ON THE EAST LINE OF AND SOUTH 0°16' WEST, 34.20 CHAINS FROM THE NORTHEAST CORNER OF THE SARAH FARLOW DONATION LAND CLAIM NO. 59, IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE NORTH 89°51' WEST 562.11 FEET TO A 1/2 INCH IRON ROD;
THENCE NORTH 0°16' EAST, PARALLEL TO THE EAST LINE OF SAID CLAIM, 581.22 FEET TO A 1/2 INCH IRON ROD,
THENCE SOUTH 89°51' EAST 562.11 FEET TO A 1/2 INCH IRON ROD ON THE EAST LINE OF SAID DONATION LAND CLAIM NO. 59,
THENCE SOUTH 0°16' WEST 581.22 FEET TO THE POINT OF BEGINNING.

PARCEL II:

A 100-FOOT-WIDE STRIP OF LAND DESCRIBED IN VOLUME 135, PAGE 0687, LINN COUNTY, OREGON DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD ON THE EASTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS, MF 135-687, SAID ROD BEING S1°08'13"E 1,856.44 FEET, S88°51'17"W 30.04 FEET AND N89°53'15"W 1,488.97 FEET FROM THE NORTHEAST CORNER OF THE ISAAC MILLER D.L.C. NO. 46 IN T10S, R3W, W.M., LINN COUNTY, OREGON.
THENCE N89°53'15"W 956.065 FEET TO A 5/8" IRON ROD ON THE MOST EASTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS MF 379-278;
THENCE ALONG SAID EASTERLY LINE, N1°07'49"W 100.03 FEET TO A 5/8" IRON ROD;
THENCE S89°53'15"E 956.06 FEET TO A 5/8" IRON ROD;
THENCE S1°08'14"E 100.02 FEET TO THE POINT OF BEGINNING.

PARCEL III:

TRACT A:

BEGINNING AT A POINT SOUTH 1° 09' EAST 318.12 FEET FROM THE SOUTHEAST CORNER OF THE CHRISTIAN FARLOW DONATION LAND CLAIM NO. 54, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON;
THENCE NORTH 88° 50' EAST 1051.53 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD;
THENCE SOUTH 14° 15' WEST ALONG THE SAID WESTERLY RIGHT OF WAY LINE 5082.80 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 308;
THENCE NORTH 74° 55' WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 37.84 FEET;
THENCE SOUTH 88° 51' WEST 416.17 FEET;
THENCE NORTH 17° 20' WEST 344.52 FEET TO THE SOUTHEAST CORNER OF THE ISAAC MILLER SR., DONATION LAND CLAIM NO. 46 IN SAID TOWNSHIP AND RANGE;
THENCE NORTH 1° 09' WEST ALONG THE EAST LINE OF SAID CLAIM NO. 46, 4329.72 FEET;
THENCE NORTH 88° 50' EAST 926.0 FEET TO A 3/4 INCH PIPE;
THENCE NORTH 1° 09' WEST 710.16 FEET TO THE POINT OF BEGINNING.

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SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, FOR ROADWAY PURPOSES, RECORDED JANUARY 17, 1945, IN VOLUME 167, PAGE 113, DEED RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, FOR ROADWAY PURPOSES, RECORDED OCTOBER 30, 1956, BOOK 251, PAGE 434, DEED RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO SOUTHERN PACIFIC COMPANY, RECORDED MARCH 11, 1964, BOOK 300, PAGE 447, DEED RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO LINN COUNTY, FOR ROADWAY PURPOSES, RECORDED APRIL 18, 1977, VOLUME 162, PAGE 971, MICROFILM RECORDS FOR LINN COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO LINN COUNTY, FOR ROADWAY PURPOSES, RECORDED DECEMBER 2, 1998, VOLUME 992, PAGE 457, MICROFILM RECORDS FOR LINN COUNTY, OREGON.

TRACT B:

BEGINNING AT A POINT ON THE EAST LINE OF THE ISAAC MILLER, SR. DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, NORTH 1° 09' WEST 204.0 FEET FROM THE SOUTHEAST CORNER OF SAID CLAIM;
THENCE NORTH 1° 09' WEST ALONG SAID EAST LINE 60.00 FEET;
THENCE SOUTH 88° 54' WEST PARALLEL WITH THE SOUTH LINE OF SAID CLAIM 2524.16 FEET MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF THE RIGHT OF WAY OF THE OREGON ELECTRIC RAILROAD;
THENCE SOUTH 18° 19' EAST ALONG SAID EASTERLY LINE 62 FEET MORE OR LESS, TO A POINT WHICH BEARS SOUTH 88° 54' WEST FROM THE POINT OF BEGINNING;
THENCE NORTH 88° 54' EAST TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO LINN COUNTY, OREGON FOR ROADWAY PURPOSES, RECORDED APRIL 18, 1977, IN VOLUME 162, PAGE 971, MICROFILM RECORDS FOR LINN COUNTY, OREGON.

TRACT C:

BEGINNING AT THE SOUTHEAST CORNER OF THE ISAAC MILLER DONATION LAND CLAIM NO. 46;
THENCE NORTH 1° 11' 47" WEST 262.63 FEET;
THENCE SOUTH 88° 54' WEST 2226.47 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 88° 54' WEST 300.31 FEET;
THENCE SOUTH 18° 19' EAST 249.94 FEET;
THENCE NORTH 42° 22' 18" EAST 328.97 FEET TO THE POINT OF BEGINNING.

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PARCEL IV:

PART OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46 IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, SAID POINT BEING NORTH 1°15' WEST 2389.86 FEET FROM THE SOUTHEAST CORNER OF SAID CLAIM NO. 46;
THENCE SOUTH 89°20' WEST 1200 FEET;
THENCE SOUTH 0°40' EAST 418.5 FEET;
THENCE NORTH 89°20' EAST 1204.2 FEET TO THE EAST LINE OF SAID CLAIM NO. 46;
THENCE NORTH 1°15' WEST ALONG SAID EAST LINE 418.52 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT: A STRIP OF LAND 5.00 FEET IN WIDTH LYING SOUTH OF AND COTERMINOUS WITH THE FULL LENGTH OF THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN VOLUME 324, PAGE 308, LINN COUNTY, OREGON DEED RECORDS. SAID NORTH LINE ALSO BEING THE SOUTH LINE OF ARNOLD ROAD AND LYING 40.00 FEET SOUTH OF THE NORTH LINE OF ARNOLD ROAD.

SAVE AND EXCEPT THEREFROM THAT PORTION WHICH WAS CONVEYED TO LINN COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF OREGON BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED DECEMBER 2, 1998 IN VOLUME 992, PAGE 453, LINN COUNTY RECORDS.

PARCEL V:

BEGINNING AT A STONE ON THE SOUTHEASTERLY BOUNDARY LINE OF THE D.L.C. OF SILAS HAIGHT, ET UX, CLAIM NO. 55 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, SAID STONE BEING SOUTH 52°50' WEST 897.60 FEET DISTANT FROM THE MOST EASTERLY CORNER OF SAID CLAIM NO. 55 AND FROM
THENCE RUNNING SOUTH 52°50' WEST 1777.60 FEET TO THE WILLAMETTE RIVER;
THENCE DOWN SAID WILLAMETTE RIVER THE FOLLOWING COURSES AND DISTANCES, TO-WIT:
NORTH 41°06' WEST 542.66 FEET;
THENCE NORTH 61°42' WEST 132 FEET;
THENCE NORTH 79°06' WEST 57.58 FEET TO A POINT SOUTH 1°9' WEST OF A 1+1/2 INCH PIPE, SAID PIPE BEING WEST 2660.50 FEET AND SOUTH 1093.81 FEET DISTANT FROM THE SAID MOST EASTERLY CORNER OF SAID D.L.C. NO. 55;
THENCE NORTH 1°09' EAST 40 FEET, MORE OR LESS, TO SAID FIRST ABOVE MENTIONED 1+1/2 INCH PIPE;
THENCE NORTH 1°09' EAST 332.55 FEET TO A 5/8 INCH BOLT;
THENCE NORTH 75°29' EAST 1119.77 FEET TO A 5/8 INCH BOLT;
THENCE NORTH 34°30' EAST 232.36 FEET TO A 1 INCH BY 40 INCH PIPE;
THENCE SOUTH 89°46' EAST 771.83 FEET TO A 5/8 IRON BOLT;
THENCE NORTH 25°00' EAST 973.54 FEET TO A 1 INCH x 50 INCH PIPE;
THENCE NORTH 18°28' WEST 671.68 FEET TO A 3/4 INCH PIPE,
THENCE SOUTH 77°33' EAST 46.62 FEET,
THENCE SOUTH 18°28' EAST 677.33 FEET TO A 1 INCH x 50 INCH PIPE,
THENCE SOUTH 24°27' WEST 1227.10 FEET TO THE PLACE OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF MILLERSBURG BY INSTRUMENT RECORDED MAY 8, 1990, MF VOLUME 530, PAGE 769, LINN COUNTY RECORDS.

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PARCEL VI:

PART OF SECTIONS 19, 20, 29 AND 30 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND DESCRIBED AS FOLLOWS:

BEGINNING IN THE CENTERLINE OF LINN COUNTY MARKET ROAD NO. 34 AT A POINT SOUTH 89°55' EAST 137.08 FEET, SOUTH 889.89 FEET AND SOUTH 77°32' EAST 1001.67 FEET FROM THE MOST WESTERLY SOUTHWEST CORNER OF THE GEORGE MILLER SR. DONATION LAND CLAIM NO. 58 IN SECTION 19, TOWNSHIP 10 SOUTH, RANGE 3 WEST, SAID DONATION LAND CLAIM CORNER BEING ON THE NORTHWESTERLY LINE OF THE SILAS HAIGHT DONATION LAND CLAIM #55; AND RUNNING THENCE SOUTH 1°18' WEST ALONG THE CENTER LINE OF A DITCH 1319.24 FEET TO THE INTERSECTION OF SAID DITCH WITH A SECOND DITCH;
THENCE SOUTHERLY ALONG THE CENTERLINE OF THE LAST MENTIONED DITCH FOLLOWING THE MEANDERS THEREOF, APPROXIMATELY 1750 FEET TO THE RIGHT BANK OF THE WILLAMETTE RIVER;
THENCE FOLLOWING THE MEANDERS OF SAID RIGHT BANK EASTERLY UP STREAM APPROXIMATELY 1150 FEET TO A POINT SOUTH 1°09' WEST OF A 1 1/2" IRON PIPE, SAID PIPE BEING WEST 2660.50 FEET AND SOUTH 1093.81 FEET FROM THE MOST EASTERLY CORNER OF SAID SILAS HAIGHT DONATION LAND CLAIM #55;
THENCE NORTH 1°09' EAST 40 FEET, MORE OR LESS, TO SAID 1 1/2" IRON PIPE;
THENCE CONTINUING NORTH 1°09' EAST 322.55 FEET TO A 5/8" IRON BOLT;
THENCE NORTH 75°29' EAST 1119.77 FEET TO A 5/8" IRON BOLT;
THENCE NORTH 34°30' EAST 232.36 FEET TO A 1" IRON PIPE;
THENCE SOUTH 89°46' EAST 771.83 FEET TO A 5/8" IRON BOLT;
THENCE NORTH 25°00' EAST 973.54 FEET TO A 1" IRON PIPE;
THENCE NORTH 18°28' WEST 706.65 FEET TO THE CENTERLINE OF THE AFOREMENTIONED LINN COUNTY MARKET ROAD NO. 34;
THENCE NORTH 77°32' WEST ALONG SAID CENTERLINE, TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THEREFROM THAT PORTION DESCRIBED IN INSTRUMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED MAY 8, 1990 IN VOLUME 530, PAGE 769, LINN COUNTY RECORDS.

PARCEL VII:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT LYING SOUTHWESTERLY OF AND ADJACENT TO THE SOUTHWESTERLY RIGHT OF WAY OF THE OREGON ELECTRIC RAILROAD:

BEGINNING AT THE SOUTHEAST CORNER OF THE GEORGE MILLER SR. DONATION LAND CLAIM NO. 58 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE EAST 14.79 CHAINS TO A POINT ON THE NORTH LINE OF AND WEST 37.50 CHAINS FROM THE NORTHEAST CORNER OF THE ISAAC MILLER SR., DONATION LAND CLAIM NO. 46;
THENCE SOUTH 1°15' EAST, 28.56 CHAINS;
THENCE WEST 2.50 CHAINS;
THENCE SOUTH 1°15' EAST 16.71 CHAINS, MORE OR LESS, TO A POINT NORTH 1°15' WEST 2402.9 FEET FROM THE SOUTH LINE OF THE SAID ISAAC MILLER SR., DONATION LAND CLAIM NO. 46;
THENCE WESTERLY, PARALLEL TO SAID SOUTH LINE, 570.65 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD;
THENCE SOUTH 18°28' EAST, ALONG SAID RIGHT OF WAY, 1138.3 FEET TO A POINT NORTH 1°15' WEST 1320.0 FEET FROM THE SOUTH LINE OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46;
THENCE WESTERLY, PARALLEL TO SAID SOUTH LINE 846.91 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL CONVEYED TO WESTERN KRAFT CORPORATION AND RECORDED IN VOLUME 281, PAGE 254, LINN COUNTY DEED RECORDS;
THENCE NORTH 24°13' WEST 936.69 FEET TO A 1/2" IRON ROD AT AN ANGLE POINT IN THE EASTERLY LINE OF SAID WESTERLY KRAFT CORPORATION PARCEL;

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THENCE NORTH 30°00' WEST 1721.5 FEET TO A 1/2" IRON ROD AT THE NORTHEAST CORNER OF SAID PARCEL, SAID 1/2" ROD BEING ON THE NORTHERLY LINE OF SAID ISAAC MILLER SR. DONATION LAND CLAIM NO. 46;

THENCE NORTH 52°50' EAST, ALONG SAID NORTHERLY LINE, 279.47 FEET TO A STONE WHICH BEARS SOUTH 52°50' WEST, 897.60 FEET FROM THE MOST EASTERLY CORNER OF THE SILAS HAIGHT DONATION LAND CLAIM NO. 55;

THENCE NORTH 24°27' EAST (CALLED NORTH 23° EAST IN OLD DEEDS) 1705.3 FEET TO THE SOUTHERLY LINE OF THE AFOREMENTIONED GEORGE MILLER SR. DONATION LAND CLAIM NO. 58; THENCE SOUTH 77°33' EAST, ALONG SAID CLAIM LINE, 414.60 FEET TO A POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART LYING WITHIN THE RIGHT OF WAY OF THE OREGON ELECTRIC RAILROAD AS RECORDED IN VOLUME 98, PAGES 136 AND 311 AND VOLUME 344, PAGE 316, DEED RECORDS.

ALSO SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS.

ALSO SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DEEDED TO THE CITY OF MILLERSBURG AS RECORDED IN VOLUME 530, PAGE 769, MARCH 8, 1990, LINN COUNTY DEED RECORDS.

PARCEL VIII:

BEGINNING AT A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE 3RD PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, LINN COUNTY DEED RECORDS WHICH POINT IS 1108.80 FEET NORTH 88°38'30" EAST ALONG THE CLAIM LINE AS MONUMENTED FROM THE SOUTHWEST CORNER OF THE ISAAC MILLER SR., D.L.C. 46, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; THENCE NORTH 1°13'30" WEST ALONG THE EAST LINE OF SAID PARCEL AND THE EAST LINE OF THAT PARCEL DESCRIBED IN THE FIRST PARAGRAPH OF THE DESCRIPTIONS OF SAID DEED 1320 FEET TO A 1 1/4 INCH SHAFT AT THE NORTHEAST CORNER OF SAID PARCEL;

THENCE ALONG THE NORTH LINE OF THE SAID LAST MENTIONED PARCEL SOUTH 88°38'30" WEST 1975.20 FEET TO A LOW WATER LINE OF THE WILLAMETTE RIVER FROM WHICH POINT A 5/8 INCH IRON ROD BEARS NORTH 88°38'30" EAST 136.3 FEET;

THENCE ALONG SAID LOW WATER LINE SOUTH 6°59' WEST 226.90 FEET SOUTH 21°49' EAST 273.57 FEET, SOUTH 14°46' EAST 269.05 FEET, SOUTH 21°23' EAST 192.52 FEET, SOUTH 37°19' EAST 309.5 FEET, SOUTH 51°02' EAST 301.86 FEET, SOUTH 78°40' EAST 106.23 FEET, SOUTH 53°30' EAST 101.80 FEET, SOUTH 66°11' EAST 152.74 FEET, SOUTH 74°23' WEST 61.78 FEET, NORTH 76°42' WEST 135.30 FEET, NORTH 84°09' WEST 149.40 FEET, SOUTH 56°10' WEST 103.18 FEET, SOUTH 17°12' EAST 66.93 FEET, AND SOUTH 47°02' EAST 39.0 FEET TO THE SOUTH LINE OF THAT PARCEL DESCRIBED IN THE SECOND PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, SAID DEED RECORDS;

THENCE NORTH 88°38'30" EAST ALONG THE SOUTH LINE THEREOF 1734.46 FEET TO THE EAST LINE OF THE NORTH PROJECTION OF THAT PARCEL DESCRIBED IN DEED RECORDED IN BOOK 284, PAGE 703, SAID DEED RECORDS;

THENCE NORTH 1°31' WEST ALONG SAID LAST MENTIONED LINE 308.88 FEET TO 1 1/2 INCH IRON PIPE ON THE SOUTH LINE OF SAID MONUMENTED CLAIM LINE;

THENCE SOUTH 88°38'30" WEST 307.10 FEET TO THE POINT OF BEGINNING.

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PARCEL IX:

BEGINNING AT A 1/2 INCH IRON ROD SOUTH 88°54' WEST PARALLEL TO THE SOUTH LINE OF THE ISAAC MILLER SR. D.L.C. #46, A DISTANCE OF 62.50 CHAINS FROM A POINT ON THE EAST LINE OF AND NORTH 1°09' WEST 4.00 CHAINS FROM THE SOUTHEAST CORNER OF SAID D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON AND RUNNING THENCE NORTH 1°09' WEST PARALLEL TO THE EAST LINE OF SAID CLAIM; 16.0 CHAINS;

THENCE NORTH 88°54' EAST PARALLEL TO THE SOUTH LINE OF SAID CLAIM 1150.95 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD;

THENCE SOUTH 18°19' EAST ALONG SAID RIGHT OF WAY 1105.63 FEET TO A 1/2 INCH IRON ROD WHICH IS NORTH 1°09' WEST 264.0 FEET FROM THE SOUTH LINE OF SAID D.L.C. #46;

THENCE SOUTH 88°54' WEST PARALLEL TO THE SOUTH LINE OF SAID CLAIM 1477.59 FEET TO THE POINT OF BEGINNING.

EXCEPT A STRIP 50 FEET WIDE OFF THE EASTERLY END OF THE ABOVE DESCRIBED TRACT.

PARCEL X:

TRACT I:

ALL OF THE FOLLOWING DESCRIBED TRACT OF LAND LYING WESTERLY OF THE WEST LINE OF THE OREGON ELECTRIC RAILROAD:

A PORTION OF THE ISAAC MILLER SR. D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 4125.0 FEET FROM THE SOUTHEAST CORNER OF SAID D.L.C. #46; AND RUNNING THENCE NORTH 1°09' WEST, PARALLEL WITH THE EAST LINE OF SAID D.L.C. #46, A DISTANCE OF 264.0 FEET TO A 1/2 INCH IRON ROD;

THENCE NORTH 88°54' EAST, PARALLEL WITH THE SOUTH LINE OF SAID D.L.C. #46, A DISTANCE OF 4125.0 FEET TO THE EAST LINE OF SAID CLAIM;

THENCE SOUTH 1°09' EAST ALONG SAID EAST LINE 60.0 FEET;

THENCE SOUTH 88°54' WEST PARALLEL WITH THE SOUTH LINE OF SAID D.L.C. #46, A DISTANCE OF 2628.85 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE O.E. RAILROAD;

THENCE SOUTH 18°19' EAST ALONG SAID WESTERLY RIGHT OF WAY LINE 213.57 FEET TO A 1/2 INCH IRON ROD ON THE SOUTH LINE OF SAID D.L.C. #46;

THENCE SOUTH 88°54' WEST ALONG THE SOUTH LINE OF SAID D.L.C. #46, A DISTANCE OF 1559.15 FEET TO THE POINT OF BEGINNING.

ALSO A PORTION OF THE ISAAC MILLER SR. D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 3823.24 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. D.L.C. #46 IN SAID TOWNSHIP AND RANGE; SAID BEGINNING POINT BEING ALSO NORTH 88°54' EAST 1415.04 FEET FROM THE NORTHWEST CORNER OF SAID EXUM POWELL D.L.C. #44; AND RUNNING THENCE SOUTH 1°30' EAST 1254.0 FEET TO A 1/2 INCH IRON ROD SET AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO FLOYD E. FISHER BY DEED RECORDED IN VOLUME 147, PAGE 31, DEED RECORDS FOR LINN COUNTY, OREGON;

THENCE NORTH 88°54' EAST, ALONG THE SOUTHERLY LINE OF SAID FISHER TRACT AND PARALLEL TO

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THE NORTH LINE OF SAID D.L.C. #44, A DISTANCE OF 377.79 FEET TO THE CENTER LINE OF MURDER CREEK;
THENCE EASTERLY UP THE CENTER LINE OF SAID MURDER CREEK TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD, SAID POINT BEING SOUTH 1°30' EAST 1336.09 FEET FROM A POINT ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 2042.37 FEET FROM THE SOUTHEAST CORNER OF SAID ISAAC MILLER SR. D.L.C. #46;
THENCE NORTHWESTERLY ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID RAILROAD TO A 1/2" IRON ROD ON THE NORTH LINE OF SAID D.L.C. #44;
THENCE SOUTH 88°54' WEST ALONG SAID NORTH LINE 1257.39 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THEREFROM, THE FOLLOWING DESCRIBED PROPERTY:
BEGINNING ON THE WESTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD AT A POINT NORTHWESTERLY 276.38 FEET FROM THE INTERSECTION OF SAID RIGHT OF WAY WITH THE SOUTH LINE OF THE ISAAC MILLER SR. D.L.C. #46, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, SAID BEGINNING POINT BEING ON THE NORTH LINE OF THAT CERTAIN TRACT I CONVEYED TO WESTERN KRAFT CORPORATION BY DEED RECORDED IN BOOK 244, PAGE 558, OF THE DEED RECORDS AND RUNNING THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE 1640 FEET, MORE OR LESS, TO THE NORTH LINE OF THAT CERTAIN SLOPE EASEMENT GRANTED TO THE SAID OREGON ELECTRIC RAILROAD AND DESCRIBED IN BOOK 215, PAGE 678, DEED RECORDS;
THENCE WESTERLY, AT RIGHT ANGLES TO SAID RAILROAD, 50 FEET TO A POINT, 100 FEET FROM (MEASURED AT RIGHT ANGLES TO) THE CENTERLINE OF SAID RAILROAD;
THENCE NORTHWESTERLY, PARALLEL TO THE CENTERLINE OF SAID RAILROAD TO THE NORTH LINE OF THE AFOREMENTIONED TRACT I;
THENCE EASTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

TRACT II:

A PORTION OF THE EXUM POWELL D.L.C. #44 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 1/2 INCH IRON ROD SOUTH 1°30' EAST 1785.3 FEET FROM A POINT ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 3445.46 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR., D.L.C. #46 IN SAID TOWNSHIP AND RANGE; AND RUNNING
THENCE NORTH 1°30' WEST 531.30 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO FLOYD E. FISHER BY DEED RECORDED IN VOLUME 147, PAGE 31, DEED RECORDS FOR LINN COUNTY, OREGON, SAID POINT BEING SOUTH 1°30' EAST 1254.0 FEET FROM THE SOUTH LINE OF SAID D.L.C. #46;
THENCE SOUTH 88°54' WEST ALONG THE SOUTHERLY LINE OF SAID FISHER TRACT AND PARALLEL TO THE SOUTH LINE OF SAID D.L.C. #46 588 FEET, MORE OR LESS, TO THE EASTERLY BANK OF THE WILLAMETTE RIVER;
THENCE SOUTHEASTERLY ALONG THE BANK OF SAID RIVER TO A POINT SOUTH 88°54' WEST OF THE POINT OF BEGINNING;
THENCE NORTH 88°54' EAST TO THE POINT OF BEGINNING.

ALSO, BEGINNING AT A 1/2" IRON ROD SOUTH 1°30' EAST, 1785.30 FEET FROM A POINT ON THE SOUTH LINE OF AND SOUTH 88°54' WEST 3445.46 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. D.L.C. #46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, AND RUNNING
THENCE NORTH 88°54' EAST PARALLEL TO THE SOUTH LINE OF THE D.L.C. #46, A DISTANCE OF 1631.51 FEET TO A 1/2" IRON ROAD ON THE WESTERLY RIGHT-OF-WAY LINE OF THE O.E.R.;
THENCE NORTH 28°21' WEST, ALONG SAID RIGHT OF WAY 496.58 FEET TO THE CENTER LINE OF

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MURDER CREEK;

THENCE DOWN THE CENTER LINE OF MURDER CREEK AS FOLLOWS: SOUTH 83°15' WEST 44.83 FEET, NORTH 55°15' WEST 75.0 FEET; NORTH 70°45' WEST, 220.0 FEET, NORTH 73°00' WEST 118.0 FEET, SOUTH 79°45' WEST 100.0 FEET, SOUTH 67°45' WEST 80.0 FEET, SOUTH 47°50' WEST 130.0 FEET, SOUTH 77°30' WEST 200.0 FEET, NORTH 87°00' WEST 55.0 FEET, NORTH 79°20' WEST 80.0 FEET, NORTH 68°15' WEST 165.0 FEET, SOUTH 79°30' WEST 85.0 FEET; NORTH 80°30' WEST 60.0 FEET AND NORTH 75°11' WEST 92.09 FEET TO A POINT WHICH BEARS NORTH 1°30' WEST 531.3 FEET FROM THE PLACE OF BEGINNING;

THENCE SOUTH 1°30' EAST 531.3 FEET TO THE PLACE OF BEGINNING.

PARCEL XI:

BEGINNING AT A 5/8 INCH IRON ROD ON THE MOST EASTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS, MF VOLUME 379, PAGE 278, SAID ROD BEING SOUTH 1°08'13" EAST, 1,856.44 FEET, SOUTH 88°51'17" WEST, 30.04 FEET AND NORTH 89°53'15" WEST, 2,445.035 FEET FROM THE NORTHEAST CORNER OF THE ISAAC MILLER DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

THENCE NORTH 89°53'15" WEST, 810.68 FEET TO A 5/8 INCH IRON ROD;

THENCE ALONG A 528.339 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS NORTH 79°28'04" WEST, 191.12 FEET, TO A 5/8 INCH IRON ROD ON THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD;

THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 18°19'24" WEST, 141.40 FEET TO A 5/8 INCH IRON ROD;

THENCE ALONG A 428.339 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS SOUTH 73°26'07" EAST, 242.62 FEET TO A 5/8 INCH IRON ROD;

THENCE SOUTH 89°53'15" EAST 808.50 FEET TO A 5/8 INCH IRON ROD;

THENCE SOUTH 1°07'49" EAST, 100.03 FEET TO THE POINT OF BEGINNING. ALL OF THE AFORESAID PROPERTY IS LOCATED IN SECTION 29, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON.

PARCEL XII:

BEGINNING AT A 5/8 INCH IRON ROD ON THE WESTERLY RIGHT-OF-WAY LINE OF LINN COUNTY ROAD NUMBER 367, SAID ROD BEING SOUTH 1°08'13" EAST, 1,856.44 FEET AND SOUTH 88°51'17" WEST, 30.04 FEET FROM THE NORTHEAST CORNER OF THE ISAAC MILLER DONATION LAND CLAIM NO. 46 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

THENCE NORTH 89°53'15" WEST, 1,488.97 FEET TO A 5/8 INCH IRON ROD ON THE WESTERLY LINE OF THAT TRACT DESCRIBED IN LINN COUNTY DEED RECORDS MF VOLUME 455, PAGE 459,

THENCE ALONG SAID WESTERLY LINE, NORTH 1°08'14" WEST, 100.02 FEET TO A 5/8 INCH IRON ROD;

THENCE SOUTH 89°53'15" EAST, 1,488.955 FEET TO A 5/8 INCH ROD ON THE WESTERLY RIGHT OF WAY LINE OF LINN COUNTY ROAD NUMBER 308;

THENCE ALONG SAID WESTERLY LINE, SOUTH 1°08'43" EAST, 100.025 FEET TO THE POINT OF BEGINNING. ALL OF THE AFORESAID DESCRIBED PROPERTY IS LOCATED IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND CONVEYED TO LINN COUNTY FOR ROAD PURPOSES IN DEED RECORDED DECEMBER 02, 1998, IN VOLUME 992, PAGE 0459, MICROFILM RECORDS.

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PARCEL XIII

BEGINNING AT THE NORTHWEST CORNER OF THE ISSAC MILLER, SENIOR, D.L.C. #46 ON THE MEANDER LINE OF THE WILLAMETTE RIVER, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE SILAS HAIGHT D.L.C. #55 IN SECTION 29, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON;
THENCE NORTH 52° 50' EAST 1,565.89 FEET TO A ½" ROD ON THE SOUTH LINE OF AND SOUTH 52° 50' WEST 1,177.07 FEET FROM THE SOUTHEAST CORNER OF THE SILAS HAIGHT D.L.C. #55;
THENCE SOUTH 30° 00' EAST 1,721.52 FEET TO A ½" ROD;
THENCE SOUTH 24° 13' EAST 936.69 FEET TO THE SOUTH LINE OF THE FIRST TRACT DESCRIBED IN WARRANTY DEED FROM MARTHA E. MARSH TO MADELYN NELSON RECORDED DECEMBER 30, 1950 IN BOOK 218, PAGE 819, DEED RECORDS;
THENCE SOUTH 88° 54' WEST (SOUTH 88° 37' WEST BY OLD DEEDS) ALONG THE SOUTH LINE OF SAID D.L.C. #46, 1,837.63 FEET TO THE RIGHT BANK OF THE WILLAMETTE RIVER;
THENCE NORTHERLY FOLLOWING THE EASTERLY MEANDERS OF SAID RIVER DOWNSTREAM 1,561.56 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL XIV

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHERLY PROJECTION OF THAT PARCEL DESCRIBED IN DEED RECORDED IN BOOK 284, PAGE 703, LINN COUNTY DEED RECORDS WHICH POINT IS 1415.90 FEET NORTH 88° 38' 30" EAST AND 308.88 FEET SOUTH 1° 31' EAST OF THE NORTHWEST CORNER OF THE EXUM POWELL D.L.C. #44, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, SAID BEGINNING POINT ALSO BEING THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN THE SECOND PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, LINN COUNTY DEED RECORDS;
THENCE SOUTH 1° 31' EAST ALONG THE EAST LINE OF SAID FIRST MENTIONED PARCEL 942.47 FEET TO A ½ INCH IRON ROD ON THE NORTH LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED IN BOOK 244, PAGE 321, SAID DEED RECORDS;
THENCE SOUTH 88° 54' WEST ALONG THE NORTH LINE THEREOF 302.0 FEET TO THE LOW WATER LINE OF THE WILLAMETTE RIVER;
THENCE ALONG SAID LOW WATER LINE NORTH 47° 24' WEST 272.87 FEET, NORTH 57° 02' WEST 284.28 FEET; NORTH 62° 07' WEST 281.66 FEET, NORTH 60° 37' WEST 287.30 FEET, NORTH 65° 59' WEST 267.09 FEET, NORTH 64° 04' WEST 173.56 FEET AND NORTH 47° 02' WEST 161.60 FEET TO THE SOUTH LINE OF THE PARCEL DESCRIBED IN THE SECOND PARAGRAPH OF DESCRIPTIONS OF THAT DEED RECORDED IN BOOK 235, PAGE 491, SAID DEED RECORDS;
THENCE NORTH 88° 38' 30" EAST 1734.46 FEET TO THE POINT OF BEGINNING.

PARCEL XV

A TRACT OF LAND SITUATED IN THE CITY OF MILLERSBURG, COUNTY OF LINN AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 IN IRON ROD ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 367, SAID IRON ROD BEING 264.00 FEET NORTH 1° 11' 50" WEST AND 30.00 FEET SOUTH 88° 50' 53" WEST FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. DONATION LAND CLAIM NO. 46 IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON;
RUNNING THENCE SOUTH 88° 54' 00" WEST 2513.26 FEET TO A ½ INCH IRON ROD;
THENCE NORTH 18° 22' 20" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE OREGON ELECTRIC RAILWAY 2255.86 FEET TO A 2 INCH ANGLE IRON;
THENCE NORTH 89° 24' 02" EAST, 1650.80 FEET;

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THENCE SOUTH 0° 55' 50" EAST 5.87 FEET;
THENCE NORTH 89° 38' 35" EAST, 117.62 FEET;
THENCE ALONG A 474.28 FOOT RADIUS CURVE RIGHT 573.72 FEET (LONG CHORD WHICH BEARS SOUTH 38° 23' 23" WEST, 539.38 FEET) TO A ¾ INCH IRON PIPE;
THENCE SOUTH 89° 20' 15" EAST, 580.34 FEET TO A 5/8 INCH IRON ROD;
THENCE NORTH 89° 24' 39" EAST 1174.08 FEET TO A ¾ INCH BOLT ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 367;
THENCE SOUTH 01° 11' 47" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE 1708.39 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DEEDED TO LINN COUNTY IN VOLUME 992, PAGE 455, DECEMBER 2, 1998, LINN COUNTY DEED RECORDS;

AND EXCEPT THAT PORTION BEGINNING AT A 5/8 INCH IRON ROD ON THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 367, SAID ROD BEING 264.00 FEET NORTH 01°11'50" WEST AND 30.00 FEET SOUTH 88°50'53" WEST FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER, SR. DONATION LAND CLAIM NO. 46 IN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON;
RUNNING THENCE NORTH 01°11'50" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 367 AND PARALLEL TO THE EAST LINE OF SAID DONATION LAND CLAIM NO. 46 A DISTANCE OF 1056.00 FEET TO A POINT 0.22 FEET NORTH 01°11'50" WEST FROM A 3/4 INCH IRON BOLT;
THENCE SOUTH 88°50'53" WEST 2839.34 FEET TO A 5/8 INCH IRON ROD ON THE EASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILWAY;
THENCE SOUTH 18°22'23" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILWAY 1105.56 FEET TO A 5/8 INCH IRON ROD, SAID IRON ROD BEING 264.00 FEET NORTH 01°11'50" WEST FROM THE SOUTH LINE OF SAID DONATION LAND CLAIM NO. 46;
THENCE NORTH 88°50'53" EAST AND PARALLEL TO THE SOUTH LINE OF SAID DONATION LAND CLAIM NO. 46 A DISTANCE OF 2512.87 FEET TO THE POINT OF BEGINNING.

PARCEL XVI

A PORTION OF THE EXUM POWELL D.L.C. #44 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A ½" IRON ROD SOUTH 17° 20' EAST 344.52 FEET AND SOUTH 0° 21' WEST 344.74 FEET FROM THE SOUTHEAST CORNER OF THE ISAAC MILLER SR. D.L.C. #46 IN SAID TOWNSHIP AND RANGE; AND RUNNING THENCE SOUTH 71° 33' WEST 1232.40 FEET TO A ½" IRON ROD;
THENCE SOUTH 33° 12' WEST 500 FEET TO A ½" IRON ROD;
THENCE SOUTH 68° 46' WEST 405.18 FEET;
THENCE SOUTH 61° 39' WEST 32.0 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE OREGON ELECTRIC RAILROAD;
THENCE NORTH 28° 21' WEST ALONG THE SAID RIGHT OF WAY 311.25 FEET TO THE CENTER LINE OF MURDER CREEK;
THENCE UP THE CENTER LINE OF MURDER CREEK AS FOLLOW: NORTH 83° 15' EAST 27.62 FEET, SOUTH 29° 30' EAST 210.0 FEET, NORTH 68° 45' EAST 205.0 FEET, NORTH 47° 40' EAST 157.0 FEET, NORTH 53° 20' EAST 227.0 FEET, NORTH 19° 00' EAST 162.0 FEET, NORTH 26° 10' EAST 165.0 FEET, NORTH 32° 25' EAST 125.0 FEET, NORTH 51° 55' EAST 68.0 FEET, NORTH 65° 40' EAST 140 FEET, NORTH 27° 25' EAST 95.0 FEET, NORTH 82° 50' EAST 85.0 FEET, NORTH 69°50' EAST 75.0 FEET, NORTH 49°30' EAST 33.0 FEET, SOUTH 78°55' EAST 85.0 FEET, NORTH 76° 10' EAST 35.0 FEET, SOUTH 79° 40' EAST, 80.0 FEET, SOUTH 61° 10' EAST, 55 FEET, SOUTH 80° 00' EAST 185.0 FEET, NORTH 76°

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10' EAST 180.0 FEET, NORTH 79° 35' EAST 85 FEET, NORTH 45° 55' EAST 80.0 FEET AND NORTH 52° 45' EAST 47.54 FEET TO A POINT WHICH BEARS NORTH 0° 21' EAST 149.85 FEET FROM THE POINT OF BEGINNING;
THENCE LEAVING SAID CREEK AND RUNNING SOUTH 0° 21' WEST 149.85 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION AS DESCRIBED IN WARRANTY DEED RECORDED OCTOBER 27, IN BOOK 343, PAGE 859.

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Exhibit "B"
Permitted Exceptions - Site T2007-310/CP7

1. Taxes or assessments for the year 2008, a lien not yet due and payable.
2. City liens, if any, for the city of Millersburg, a lien not yet due or payable .
3. These premises are within the boundaries of the Grand Prairie Water District and are subject to the levies and assessments thereof, none due and payable.

The Following Exceptions affects Parcel I

4. Rights of the public in and to that portion of the land lying within the limits of Old Salem Road.
5. Easement, including terms and provisions contained therein:
Recording Information: July 31, 1937 in Book 146, Page 0342, Deed Records
In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns
For: pole and anchors
6. The terms and provisions contained in the document entitled "Agreement for Use and Maintenance on Drainage Pipe" recorded January 16, 1967 in Book 321, Page 0368, Deed Records .
7. Easement, including terms and provisions contained therein:
Recording Information: April 08, 1999 in Volume 1025, Page 0415, Microfilm Records
In Favor of: Linn County
For: Roadway

The Following Exceptions affects Parcel II

8. Easement, including terms and provisions contained therein:
Recording Information: August 26, 1982 in Volume 318, Page 0873, Microfilm Records
In Favor of: City of Millersburg
For: sewer pipeline
9. Legal consequences of the fact that the Environmental Protection Agency has designated this property as a hazardous waste site by placing it on their National Priorities List as disclosed by the Federal Register, Volume 54, No. 61, and as set forth in Warranty Deed recorded May 08, 1990 in Volume 530, Page 766, Microfilm Records.
10. Easement, including terms and provisions contained therein:
Recording Information: May 08, 1990 in Volume 530, Page 0779, Microfilm Records
In Favor of: Teledyne Industries, Inc., a California corporation
For: A 50 foot wide tract to install, maintain, replace and/or remove underground piping for electrical, conduit, piping and pump activities further reserving the right to maintain the use of a 20 foot wide road right of way

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

11. Covenants, conditions and restrictions contained in a deed recorded April 18, 1991 as document in Volume 560, Page 0267, Microfilm Records relating to, among other things: Restrictive covenants regarding construction and maintenance or use of any wells for drinking or irrigation.

The Following Exceptions affects Parcel III

12. Rights of the public in and to that portion of the land lying within the limits of Old Salem Road.
13. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded January 17, 1945 in Volume 167, Page 0113, Deed Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
14. Covenants, conditions and restrictions as contained in deed recorded January 17, 1945 in Volume 167, Page 0113, Deed Records, as follows:

No part of the abutting private property of the grantors within a distance of five hundred (500) feet from the above described land shall ever be used for the placing and/or maintenance of advertising signs, bills or posters; provided, however, that these grantors reserve the right to use any part of said private property for the advertising of farm names or for the sale, renting or leasing of said property of for the sale of livestock or commodities or products produced or raised thereon. These burdens and covenants shall run with the land and shall forever bind the grantors and their successors in interest.

15. An easement for Electric power and signal-transmission line and incidental purposes, recorded October 16, 1946 in Book 185, Page 0631, Deed Records .
In Favor of: Mountain States Power Company
Affects: Tract A and Tract B of Parcel III

16. The terms and provisions of easement maintenance contained in the Warranty Deed recorded December 02, 1954 in Book 240, Page 0507, Deed Records .

(Affects Tract B)

17. The terms and provisions of easement maintenance contained in the Warranty Deed recorded December 02, 1954 in Book 240, Page 0511, Deed Records .

18. Easement, including terms and provisions contained therein:
Recording Information: June 25, 1969 in Book 340, Page 0533, Deed Records
In Favor of: Pacific Power and Light Company
For: electrical, telephone, transmission and distribution lines

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

19. An easement for electric transmission and distribution lines and incidental purposes, recorded July 12, 1971 in Volume 19, Page 0617, Microfilm Records .
In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns
Affects: Tract A
20. An easement for electric transmission and distribution lines and incidental purposes, recorded July 31, 1972 in Volume 44, Page 0229, Microfilm Records .
In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns
Affects: Tract A
21. An easement for electrical transmission and communication lines and incidental purposes, recorded September 08, 1975 in Volume 115, Page 0908, Microfilm Records .
In Favor of: Pacific Power and Light Company
Affects: Tract C
22. An easement for electric transmission and distribution lines and incidental purposes, recorded June 08, 1976 in Volume 136, Page 0249, Microfilm Records .
In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns
Affects: Tracts A and B
23. An easement for sewer pipelines and incidental purposes, recorded August 02, 1979 in Volume 239, Page 0987, Microfilm Records .
In Favor of: City of Millersburg
Affects: Tract C
24. An easement for sewer pipeline and incidental purposes, recorded April 20, 1987 in Volume 440, Page 0015, Microfilm Records .
In Favor of: City of Millersburg, Linn County, Oregon, a municipal corporation
Affects: Tract A
25. An easement for sewer pipeline and incidental purposes, recorded April 20, 1987 in Volume 440, Page 0025, Microfilm Records .
In Favor of: City of Millersburg, Linn County, Oregon, a municipal corporation
Affects: Tract C
26. The terms and provisions contained in the document entitled Agreement for Easement, executed by and between Willamette Memorial Park, an Oregon non-profit corporation, formerly known as Linn-Benton Memorial Park Association and Willamette Industries, Inc., an Oregon corporation, recorded February 27, 1996 , in Volume 789, Page 0600, Microfilm Records.

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

27. The terms and provisions contained in the document entitled Charitable Donation Agreement, executed by and between Dan Desler, Troy Cummins, and Willamette Industries, Inc. and Western States Family Foundation, a component fund of the American Foundation for Charitable Support, Inc., a qualified 501(c)(3) National Charitable Fund and Ben L. Schaub, president, recorded December 05, 2001, in Volume 1241, Page 0725, Microfilm Records.

(Agreement does not contain a legal description)

28. Easement, including terms and provisions contained therein:
Recording Information: February 05, 2007 as Fee No. 2007-002967 in Microfilm Records
In Favor of: TDY Industries, Inc., a California corporation dba Wah Chang
For: Gas

The Following Exceptions affects Parcel IV

29. Rights of the public in and to that portion of the land lying within the limits of Arnold Road.

30. Easement, including terms and provisions contained therein:
Recording Information: December 29, 1987, in Volume 461, Page 0432, Microfilm Records
In Favor of: The City of Millersburg, Oregon
For: underground waterline

31. Easement, including terms and provisions contained therein:
Recording Information: October 10, 1996, in Volume 830, Page 0628, Microfilm Records
In Favor of: Pacifcorp, an Oregon corporation, its successors and assigns
For: electric transmission lines, distribution lines, and communication lines

The Following Exceptions affects Parcel V

32. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
33. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Conser lake .
34. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
35. Some portion of said land has not been continuously within the boundaries of the County of Linn.

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

36. Easement, including terms and provisions contained therein:
Recording Information: June 08, 1976, in Volume 136, Page 0249, Microfilm Records
In Favor of: Pacific Power and Light Company, a corporation, its successors
and assigns
For: electric Transmission and distribution lines

37. Easement, including terms and provisions contained therein:
Recording Information: May 19, 1987, in Volume 442, Page 0738, Microfilm Records
In Favor of: City of Millersburg
For: water pipeline

The Following Exceptions affects Parcel VI

38. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

39. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.

40. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

41. Rights of the public in and to that portion of the land lying within the limits of Conser Road.

42. Easement, including terms and provisions contained therein:
Recording Information: February 05, 1937, in Book 145, Page 0403, Deed Records
In Favor of: Mountain States Power Company, a Delaware Corporation, its
successors and assigns
For: Anchors, wires and fixtures

43. Easement, including terms and provisions contained therein:
Recording Information: October 03, 1947, in Book 196, Page 0196, Deed Records
In Favor of: Mountain States Power Company, a Delaware Corporation, its
successors and assigns
For: poles and anchors

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Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7

44. Memorandum of oil, gas and Mineral lease executed by Paul E. Nofziger and Betty M. Nofziger as lessor and Mobil Oil Corporation, a New York Corporation as lessee, recorded October 01, 1975 in Volume 118, Page 0221, Microfilm Records .

The Lessee's interest under the lease has been assigned to American Quasar Petroleum Company of New Mexico by assignment recorded March 02, 1983 in Volume 329, Page 0828, Microfilm Records .

45. Easement, including terms and provisions contained therein:
Recording Information: May 19, 1987, in Volume 442, Page 0738, Microfilm Records
In Favor of: The City of Millersburg
For: water pipelines and construction

The Following Exceptions affects Parcel VII

46. Easement, including terms and provisions contained therein:
Recording Information: January 12, 1962, in Book 281, Page 0254, Deed Records
For: water pipelines, pumping station, electrical power transmission lines and telephone lines

47. Easement, including terms and provisions contained therein:
Recording Information: August 25, 1982, in Volume 318, Page 0792, Microfilm Records
In Favor of: City of Millersburg
For: sewer pipe line

48. Easement, including terms and provisions contained therein:
Recording Information: May 19, 1987, in Volume 442, Page 0738, Microfilm Records
In Favor of: City of Millersburg
For: water pipeline and construction

The Following Exceptions affects Parcel VIII

49. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
50. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Conser lake .
51. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

52. Some portion of said land has not been continuously within the boundaries of the County of Linn.
53. Rights of way of ditches, canals and reservoir sites for irrigation purposes as disclosed by Deed recorded August 13, 1953, in Book 235, Page 0491, Linn County Records.

The Following Exceptions affects Parcel IX

54. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Murder Creek .
55. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Murder Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
56. Easement, including terms and provisions contained therein:
Recording Information: October 31, 1969, in Book 344, Page 0114, Deed Records
In Favor of: Wah Change Albany Corporation, a corporation
For: Roadway

The Following Exceptions affects Parcel X

57. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
58. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Murder Creek .
59. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Murder Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
60. Easement, including terms and provisions contained therein:
Recording Information: April 22, 1929, in Book 136, Page 0429, Deed Records
In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns
transmission and distribution line
61. Easement, including terms and provisions contained therein:
Recording Information: October 16, 1946, in Book 185, Page 0631, Deed Records
In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns
For: electric power and signal transmission lines

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

62. Easement, including terms and provisions contained therein:
Recording Information: June 23, 1950, in Book 215, Page 0675, Deed Records
In Favor of: Oregon Electric Railway Co.
For: Slope
63. Easement, including terms and provisions contained therein:
Recording Information: June 23, 1950, in Book 215, Page 0678, Deed Records
In Favor of: Oregon Electric Railway Co.
For: Slope
64. Easement, including terms and provisions contained therein:
Recording Information: July 09, 1953, in Book 233, Page 0388, Deed Records
In Favor of: Oregon Electric Railway Co.
For: Slope
65. Easement, including terms and provisions contained therein:
Recording Information: December 02, 1954, in Book 240, Page 0507, Deed Records
In Favor of: Oregon Electric Railway Co.
For: water pipelines
66. Easement, including terms and provisions contained therein:
Recording Information: December 02, 1954, in Book 240, Page 0511, Deed Records
For: water pipelines
67. Easement, including terms and provisions contained therein:
Recording Information: July 25, 1955, in Book 244, Page 0321, Deed Records
For: 16 foot wide driveway
68. Easement, including terms and provisions contained therein:
Recording Information: October 27, 1969, in Book 343, Page 0858, Deed Records
For: water pipelines

The Following Exceptions affects Parcel XI and XII

69. Rights of the public in and to that portion of the land lying within the limits of Old Salem Road.
70. An easement for anchor, wires and fixtures and incidental purposes, recorded March 02, 1937 in Book 145, Page 0470, Deed Records .
In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns
Affects: Parcel XI

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

71. An easement for sewer pipeline and incidental purposes, recorded August 25, 1982 in Volume 318, Page 0792, Microfilm Records
In Favor of: City of Millersburg
Affects: Parcel XI
72. An easement for utility purposes and road right-of-way and incidental purposes, recorded May 08, 1990 in Volume 530, Page 0775, Microfilm Records .
In Favor of: City of Millersburg, a municipal corporation
Affects: 50 feet wide on Parcel XI and 100 feet wide on Parcel XII
73. An easement for transmission and distribution lines and incidental purposes, recorded October 10, 1996 in Volume 830, Page 0628, Microfilm Records .
In Favor of: PacifiCorp, a Oregon corporation
Affects: Parcel XII
- The Following Affects Parcel XIII
74. Any adverse claim based upon the assertion that:
- a). Said land, or any part thereof, is now or at any time has been below the ordinary high water mark of the Willamette River and Conser Lake including any ownership rights which may be claimed by the State of Oregon now or at any time lying below the ordinary high water mark.
 - b). Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - c). Some portion of said land has been brought within or removed from the boundaries thereof by a change in the location of the Willamette River and Conser Lake.
75. Such rights and easements for navigation, commerce, recreation and fishery which may exist over that portion of said land lying beneath the waters of Willamette River
76. Any adverse claim based upon the assertion that some portion of said land lies below the ordinary high water mark of Conser Lake.
77. Some portion of said land has not been continuously within the boundaries of the County of Linn.
78. Easement, including terms and provisions contained therein:
Recording Information: January 12, 1962 in Book 281, Page 254, Deed Records
In Favor of: Western Kraft corporation, an Oregon corporation
For: Pipelines

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

79. Easement, including terms and provisions contained therein:
Recording Information: January 12, 1962 in Book 281, Page 254, Deed Records
In Favor of: Western Kraft corporation, an Oregon Corporation
For: Pumping Station Site #B
80. Easement, including terms and provisions contained therein:
Recording Information: January 12, 1962 in Book 281, Page 254, Deed Records
In Favor of: Western Kraft corporation, an Oregon Corporation
For: Electric power transmission lines and one or more telephone lines

The Following Affects Parcel XIV

81. Any adverse claim based upon the assertion that:
- a). Said land, or any part thereof, is now or at any time has been below the ordinary high water mark of the Willamette River including any ownership rights which may be claimed by the State of Oregon now or at any time lying below the ordinary high water mark.
 - b). Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - c). Some portion of said land has been brought within or removed from the boundaries thereof by a change in the location of the Willamette River.
 - d). Some portion of said land has not been continuously within the boundaries of the County of Willamette River.
82. Rights of the public, riparian owners and of governmental bodies in that portion of the above described property lying below the high water mark of unnamed creek to the use of the waters and the natural flow thereof.

The Following Affects Parcel XV

83. Easement, including terms and provisions contained therein:
Recording Information: May 29, 1969 in Book 339, Page 793, Deed Records
In Favor of: Pacific Power and Light Company, a corporation, its successors and assigns
For: Electrical and telephone transmission and distribution lines

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

84. The terms and provisions contained in the document entitled "Restrictive Covenant" recorded December 17, 1986 as Volume 429, Page 927, Microfilm Records .
85. Easement, including terms and provisions contained therein:
Recording Information: April 03, 1987 in Volume 438, Page 764, Microfilm Records
In Favor of: City of Millersburg
For: Sewer pipeline systems
86. Easement, including terms and provisions contained therein:
Recording Information: March 17, 1987 in Volume 495, Page 753, Microfilm Records
In Favor of: City of Millersburg
For: Utilities
87. Easement, including terms and provisions contained therein:
Recording Information: October 10, 1996 in Volume 830, Page 628, Microfilm Records
In Favor of: PacifiCorp, an Oregon Corporation
For: Right of Way
- The Following Affects Parcel XVI
88. Sewer line as disclosed by Survey C.S. 10400, Survey Records of Linn County, Oregon.
89. Any adverse claims based upon the assertion that:
- a) Some portion of said land has been created by artificial means or has accreted to such portion so created.
- b) Some portion of said land has been brought within the boundaries thereof by a change in the location of Murder Creek.
90. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
91. Easement, including terms and provisions contained therein:
Recording Information: April 20, 1933 in Book 136, Page 429, Deed Records
In Favor of: Mountain States Power Company, a Delaware Corporation, its successors and assigns
For: Electrical distribution line
92. Easement, including terms and provisions contained therein:
Recording Information: November 30, 1954 in Book 240, Page 507, Deed Records
In Favor of: Western Kraft Corporation
For: Pipelines, Pumping station, common use rights, roadway and telephone lines

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**Exhibit "B (Continued)"
Permitted Exceptions - Site T2007-310/CP7**

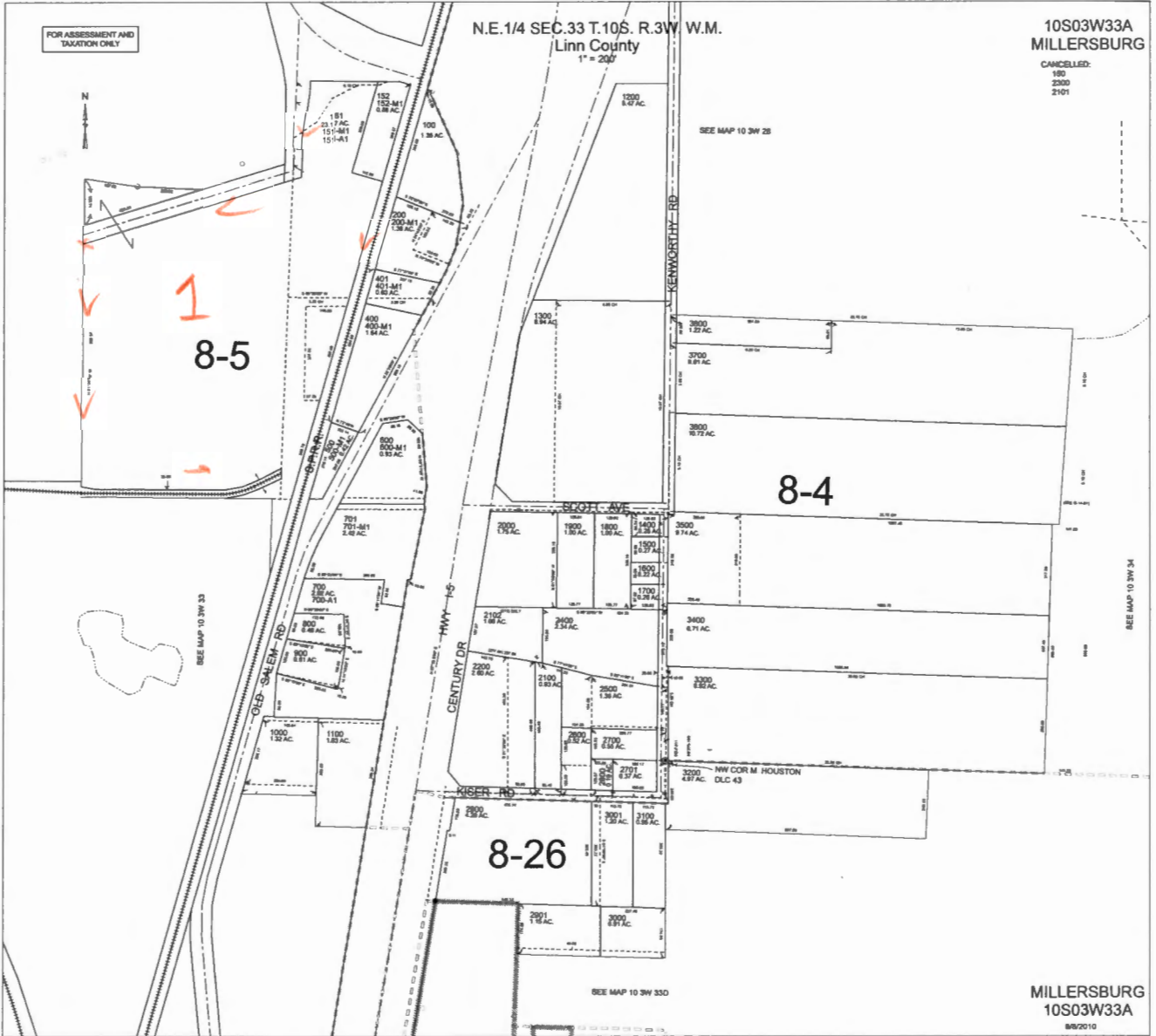
93. Easement, including terms and provisions contained therein:
Recording Information: June 10, 1970 in Book 350, Page 217, Deed Records
In Favor of: Willamette Industries, Inc.
For: Pipelines
94. Easement, including terms and provisions contained therein:
Recording Information: August 22, 1979 in Volume 241, Page 894, Microfilm Records
In Favor of: City of Millersburg
For: Sewer pipeline system
95. Easement, including terms and provisions contained therein:
Recording Information: April 20, 1987 in Volume 440, Page 17, Microfilm Records
In Favor of: City of Millersburg
For: Sewer pipeline system
96. Easement, including terms and provisions contained therein:
Recording Information: April 20, 1987 in Volume 440, Page 21, Microfilm Records
In Favor of: City of Millersburg
For: Sewer pipeline system
97. An easement for electric power transmission, distribution, communication lines and incidental purposes, recorded June 18, 2008 as Document No. 2008-12264 .
In Favor of: PacifiCorp, an Oregon corporation
Affects: Parcel III

FOR ASSESSMENT AND TAXATION ONLY

N.E. 1/4 SEC. 33 T. 10S. R. 3W W.M.
Linn County
1" = 200'

10S03W33A
MILLERSBURG

CANCELLED:
190
2300
2101



MILLERSBURG
10S03W33A

8/8/2010

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Property Detail Report

Property Address:

2570 NE Old Salem Rd
Albany OR 97321

Prepared For:

Flakeboard America Limited

Thank you for the opportunity to assist you!

4/29/19 Amerititle claims no liability in accuracy of these reports.

Customer Service

503.581.1431

valleycs@amerititle.com

Mid-Willamette Valley Locations

Salem

320 Church St. NE
503.581.1431

South Salem

3240 Commercial St. SE, Ste. 140
971.701.2591

Silverton

215 E Main St
503.873.7200

Albany

1393 Clay St. SE
541.928.3368

Corvallis

525 NW 2nd St. Ste. 2
541.752.3415

Lebanon

1475 S Main St
541.259.3736

Monmouth

283 N Pacific Hwy
503.838.2259



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Linn County Parcel Detail

Site Address: 2570 NE Old Salem Rd
 Albany OR 97321

Parcel ID: 0046884

Tax Lot: 10S03W33A00151

Owner: Flakeboard America Limited

Owner2:

Owner Address: 515 Rivercrossing Dr Ste 110
 Fort Mill SC 29715

Parcel Size: 23.17 Acres (1,009,285 SqFt)

Neighborhood:

Subdivision:

Lot / Block:

Twn/Range/Section: 10S / 03W / 33 / NE

Legal

Assessment and Taxes

Market Land Value:	\$1,438,800.00	Levy Code Area:	00805	Annual Tax History
Market Improved Value:	\$1,860,040.00	Levy Rate:	15.7381	2018 : \$57,670.98
Market Total Value:	\$3,298,840.00	Tax Year:	2018	2017 : \$56,324.99
Assessed Value:	\$3,298,840.00	Exemption Desc:		2016 : \$49,573.45

Land Information

Land Use:	303 - STATE RESP INDUSTRIAL, LAND & BL	School District:	8JZ5 - Greater Albany
Building Use:		Waterfront:	Murder Crk
Zoning:	Millersburg-HI - Heavy Industrial	Longitude:	-123.062885
Recreation:		Latitude:	44.663180

Improvement Details

Year Built:	0	Bed:		Garage:	
Stories:	1	Baths:		Exterior Walls:	
Bldg SqFt:		Bsmt SqFt:		Roof Cover:	
Finished SqFt:		Attic SqFt:		Heat:	
Bldg Type:	803 - Mach. & Equip. State Flr 1/ Flr 2 SqFt:	A/C:			

Transfer Information

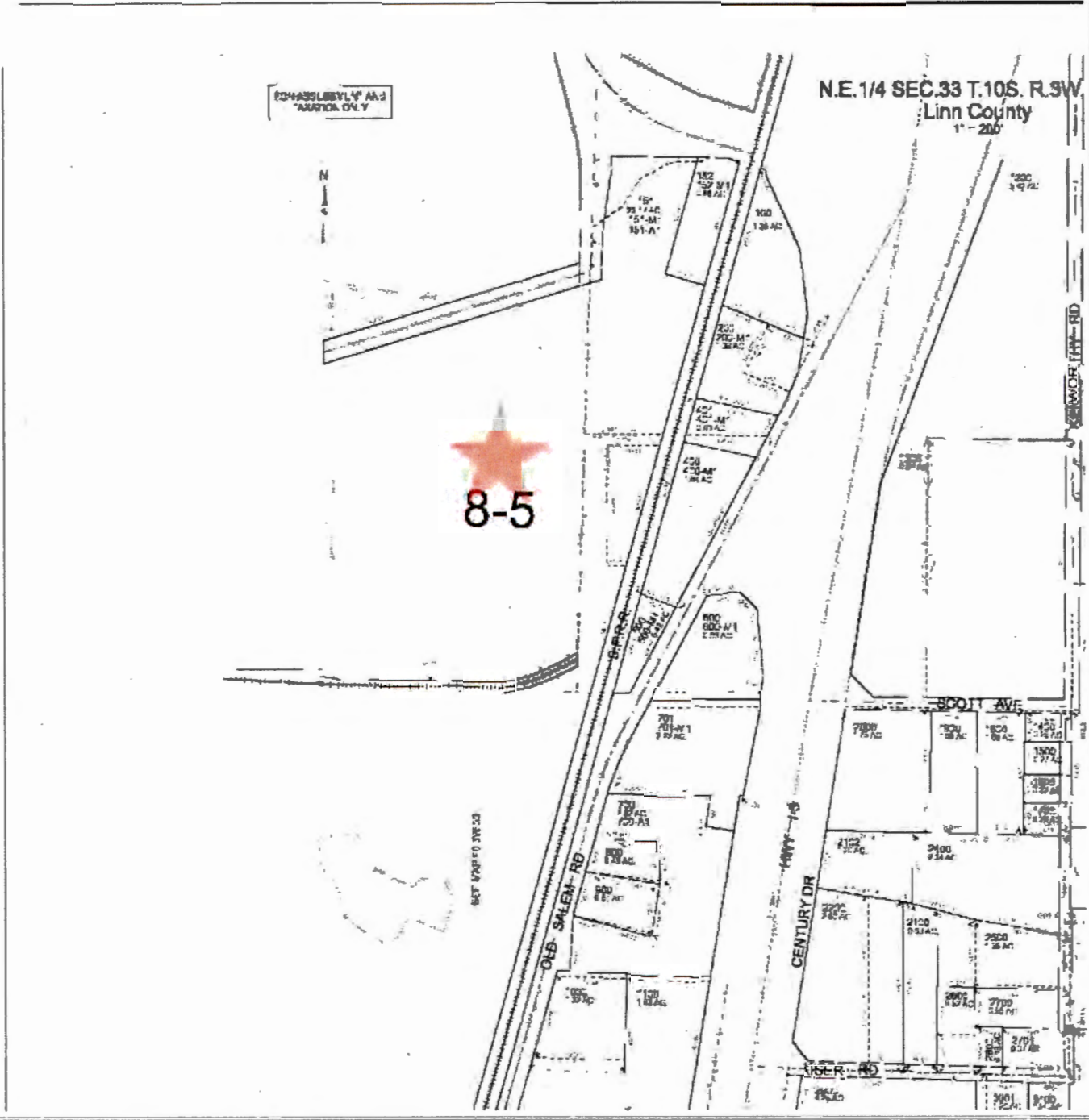
Loan Date:	7/30/2008	Loan Amt:		Doc Num:	0000015108	Doc Type:	T
Loan Type:	Variable	Finance Type:		Lender:	ROYAL BANK OF CANADA		
Rec. Date:	7/28/2006	Sale Price:	\$1,060,000.00	Doc Num:	0000018397	Doc Type:	Grant Deed
Owner:	FLAKEBOARD AMERICA LIMITED	Grantor:	WEYERHAEUSER	Title Co:	AMERITITLE		
Orig. Loan Amt:		Lender:					
Finance Type:							

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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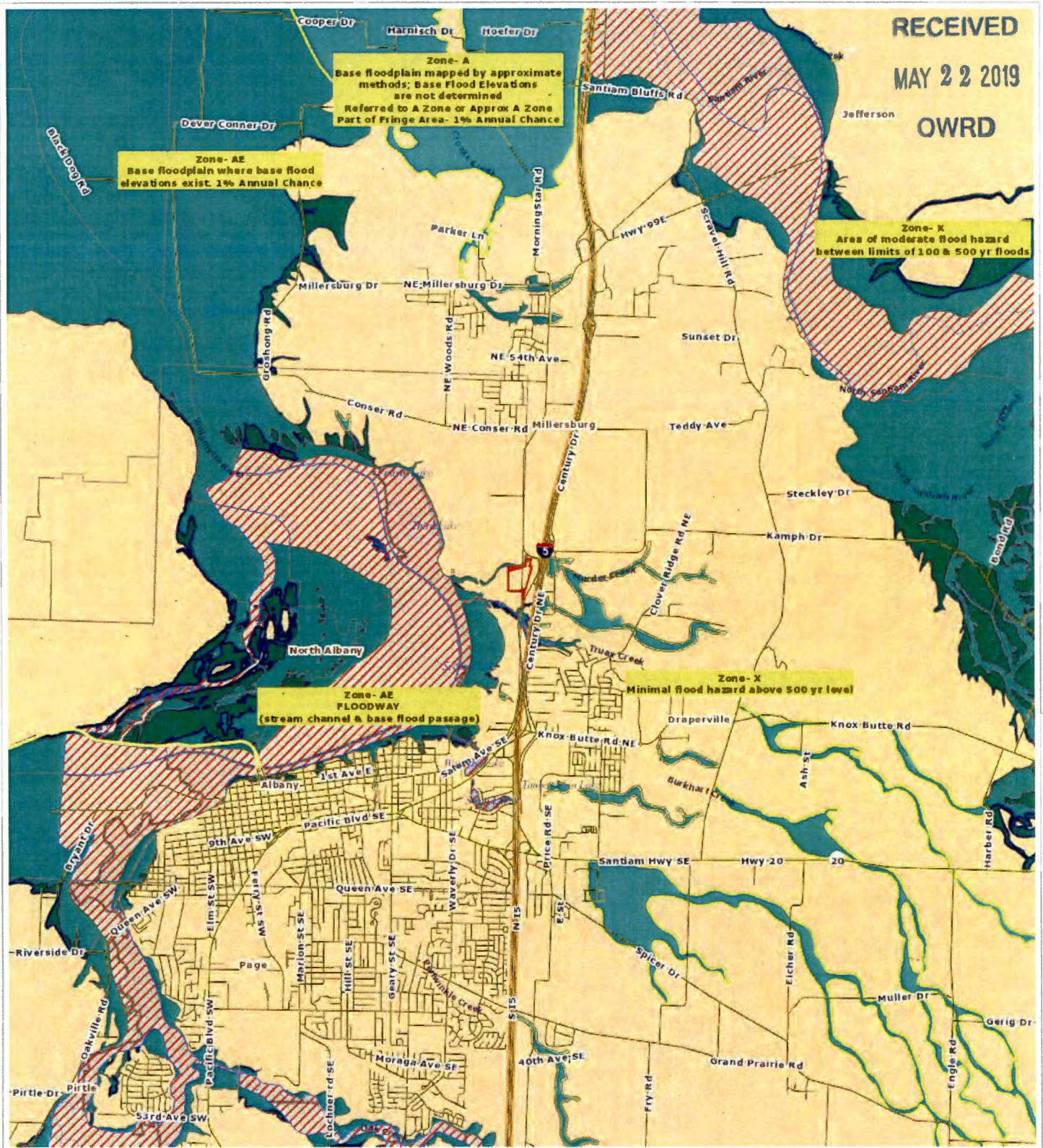


Parcel ID: 0046884

Site Address: 2570NE Old Salem Rd

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.





Parcel ID: 0046884

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



LINN COUNTY, OREGON 2006-18397
D-WD
Crt=1 Stn=1 COUNTER 07/28/2006 11:23:12 AM
\$45.00 \$11.00 \$10.00 \$66.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



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When recorded, return to:
FLAKEBOARD AMERICA LIMITED
100 KINGSLEY PARK DR
Fort Mill SC 29715-6476

Send Tax Statements to:
FLAKEBOARD AMERICA LIMITED
100 KINGSLEY PARK DR
Fort Mill SC 29715-6476

Map / Tax Lot No. 10-3W-33A 151
10-3W-33A 151A01

Account No. 046884
866446

Code: 08-05
08-05

SPECIAL WARRANTY DEED

The GRANTOR, **WEYERHAEUSER COMPANY**, a Washington corporation, as successor by merger to **WILLAMETTE INDUSTRIES, INC.**, an Oregon corporation, for valuable consideration, receipt of which is hereby acknowledged, conveys and specially warrants to **FLAKEBOARD AMERICA LIMITED**, a Delaware corporation, GRANTEE, the real estate situated in **LINN COUNTY, OREGON**, described on **EXHIBIT A** attached hereto and by this reference made a part hereof, free of encumbrances created or suffered by Grantor except as specifically set forth herein and subject to reservation of GRANTOR as set forth on said Exhibit A.

The true and actual consideration for this transfer is: \$ 1,060,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

Dated the 26th day of July, 2006



WEYERHAEUSER COMPANY

By: [Signature]
Title: Senior Vice President

Attest: [Signature]
Secretary

After Recording Return To:
083134L
AmeriTitle

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Exhibit A

IN LINN COUNTY OREGON:

Parcel 1:

All that piece or parcel of land situated, lying and being in the Southwest ¼ of Section 28 and the Northwest ¼ of Section 33, Township 10 South, Range 3 West, Willamette Meridian in Linn County, Oregon; and more particularly described as follows:

Commencing at a point in the center line of a County Road distant South 17°20'00" East, 344.52 feet from the Southeast corner of the Isaac Miller Donation Land Claim No. 46; thence South 0°21'00" West, along said center line of County Road, 344.74 feet to the Southeasterly corner of the land described in Warranty Deed dated September 26, 1958 from Oscar Nygren to Western Kraft Corporation, recorded September 29, 1958 in Book 261, Page 652, Deed Records of Linn County, Oregon and the actual point of beginning of the parcel of land to be described; thence South 0°21'00" West, continuing along said center line, 1110.40 feet; thence South 88°54'00" West, 700.00 feet; thence North 1°06'00" West, 882.57 feet to a point in the Southerly line of said land described in Warranty Deed dated September 26, 1958; thence North 71°33' East, along said Southerly line, 762.80 feet to the actual point of beginning.

Parcel 2:

A parcel of land situate in the South half of Section 28 and the North half of Section 33, Township 10 South, Range 3 West of the Willamette Meridian, in Linn County, Oregon, described as follows:

Beginning at a point in the center line of a County Road distant South 17°20' East, 344.52 feet from the Southeast corner of the Isaac Miller Donation Land Claim No. 46, and also distant North 0°21' East, measured along said center line, 344.74 feet from the Southeasterly corner of the land described in Warranty Deed dated September 26, 1958 from Oscar Nygren to Western Kraft Corporation, recorded September 29, 1958 in Book 261, Page 652, Deed Records of Linn County; thence South 0°21' West along said center line of County Road, 1456.46 feet to a point in the Southerly line of the land described in Warranty Deed dated November 20, 1959 from Oscar Nygren and Persis H. Nygren to Southern Pacific Company, recorded December 10, 1959 in Volume 268, Page 633, Deed Records of Linn County; thence North 88°51' East, along said Southerly line, 37.37 feet to a line that is parallel with an distant 30 feet Northwesterly measured at right angles from the original located center line of the main track of the Southern Pacific Company, thence North 14°15' East, along said parallel line, 368.78 feet; thence South 88°51' West 57.78 feet; thence North 1°09' West, 327.53 feet; thence North 88°51' East, 148.00 feet to a line that is parallel with and distant 30 feet Northwesterly measured at right angles from said original located center line; thence North 14°15' East, along said parallel line, 790.71 feet to the Northeasterly line of the land described in Warranty Deed dated November 20, 1959 from Oscar Nygren and Persis H. Nygren to Southern Pacific Company recorded December 10, 1959

in Volume 268, Page 630, Deed Records of Linn County; thence North 74°55' West, along said Northeasterly line, 37.83 feet to the Northerly line of said land described in last said deed dated November 20, 1959; thence South 88°51' West, along said Northerly line, 361.05 feet to the point of beginning.

EXCEPTING THEREFROM that portion of said property lying below a depth of 500 feet measured vertically from the contour of the surface thereof.

ALSO, SAVE AND EXCEPT the following:

A parcel of land situate in the South half of Section 28 and the North half of Section 33, Township 10 South, Range 3 West, Willamette Base and Meridian, County of Linn, State of Oregon, described as follows:

Beginning at a point in the center line of a County Road distant South 17°20' East, 344.52 feet from the Southeast corner of the Isaac Miller Donation Land Claim No. 46, and also distant North 0°21' East, measured along said center line, 344.74 feet from the Southeasterly corner of the land described in Warranty Deed dated September 26, 1958 from Oscar Nygren to Western Kraft Corporation, recorded September 29, 1958 in Book 261, Page 652, Deed Records of Linn County; thence North 88°51' East 284.34 feet to the true point of beginning of this description. thence along the Northerly line of the land described in Warranty Deed dated November 20, 1959 from Oscar Nygren and Persia H. Nygren to Southern Pacific Company recorded December 10, 1959 in Volume 268, Page 630, Deed Records for Linn County, Oregon, North 88°51' East 76.92 feet to a 1/2 inch iron rod; thence along the Northeasterly line of said land described in last said deed, dated November 20, 1959, South 74°55' East 37.84 feet to a 1/2 inch iron rod on the Westerly edge of the Southern Pacific Company railroad right of way; thence along said Westerly right of way line, South 14°15' West 349.57 feet to a 1/2 x 30" iron rod; thence North 75°45' West 112.00 feet to a 1/2 x 30" iron rod; thence North 14°15' East 329.69 feet to the true point of beginning.

Parcel 3:

A parcel on land situate in the South half of Section 28 and the North half of Section 33, Township 10 South, Range 3 West, Willamette Meridian, County of Linn, State of Oregon, described as follows: Commencing at a point in the center line of a County Road distant South 17°20' East, 344.52 feet from the Southeast corner of the Isaac Miller Donation Land Claim No. 46, and also distant North 0°21' East, measured along said center line 344.74 feet from the Southeasterly corner of the land described in Warranty Deed dated September 26, 1958 from Oscar Nygren to Western Kraft Corporation, recorded September 29, 1958 in Book 261, Page 652, Deed Records of Linn County; thence South 0°21' West, along said center line of County Road, 1456.46 feet to a point in the Southerly line of the land described in Warranty Deed dated November 20, 1959 from Oscar Nygren and Persis H. Nygren to Southern Pacific Company, recorded December 10, 1959 in Volume 268, Page 633, Deed Records of Linn County and thence North 88°51' East along said Southerly line 37.37 feet to a line parallel with and distance 30 feet Northwesterly measured at right angles from the original located center line of the main

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track of the Southern Pacific Company; thence North 14°15' East, along said parallel line 368.78 feet to the point of beginning; thence South 88°51' West 57.78 feet; thence North 1°09' West 327.53 feet; thence North 88°51' East, 148.00 feet to a line that is parallel with and distant 30 feet Northwest measured at right angles from said original located center line; thence South 14°15' West, along last said parallel line, 339.72 feet more or less to the point of beginning.

Parcel 4:

A portion of that Weyerhaeuser Tract previously known as the Western Kraft Corporation Tract described by deed recorded in Book 261, Page 656 in the Linn County Oregon Deed Records on September 29, 1958 which portion being more particularly described as follows:

Commencing at the southeast corner of the Issac Miller Sr. Donation land Claim Number 46 in Township 10 South, Range 3 West, Willamette Meridian, in Linn County, Oregon; thence South 17°20' East 344.52 feet; thence South 00°21' West 344.74 feet; thence South 71°34'40" West 763.55 feet; thence North 01°10'00" West 222.54 feet to a 5/8 inch iron rod on the boundary line of said Weyerhaeuser Tract at the TRUE POINT OF BEGINNING, said 5/8 inch rod being South 01°10'00" East 45.01 feet of a 1/2 inch rod set in County Survey Number 10400 filed in the office of the Linn County Surveyor; thence South 84°20'47" East 187.06 feet to a 5/8 inch rod; thence South 89°00'32" East 229.29 feet to a 5/8 inch rod on the north right of way line of Nygren Road; thence South 71°34'40" West, along said north right of way line, 434.41 feet to a point on the boundary line of said Weyerhaeuser Tract; thence North 01°10'00" West 159.71 feet to the Point of Beginning.

• TOGETHER WITH easements including, but not limited to easements for access (pedestrian, vehicular, railroad, etc.); utilities (water, sanitary & storm sewer, electrical energy, gas, steam, etc.); surface flowage / drainage (stormwater, process water, etc.), in, on, under, over, along, across and through Grantor's retained adjoining property, described on Exhibit C, attached, for all purposes necessary to occupy, use, operate and maintain the herein conveyed real property and improvements as existing on the date hereof as a forest products manufacturing facility and in the manner in which it has heretofore been utilized by Grantor during the 12 month period immediately preceding the date of this Deed. Such easement rights include the rights of ingress to and from the easement area using all existing and future streets, roads and other rights of way and the right to occupy the easement area for use, operation, maintenance, repair, replacement and removal of said easement elements. Said easements shall continue until no longer used by Grantee for a period of 24 consecutive months. Grantee agrees to indemnify and hold the Grantor harmless from and against any and all claims, damages, costs and liabilities including personal injury or property damage claims arising out of Grantee's use of the easements granted above.

RESERVING TO Grantor non-exclusive easements for access (pedestrian, vehicular, railroad); utilities (water, sanitary & storm sewer, electrical energy, gas, steam, etc.); surface flowage / drainage (stormwater, process water, etc.) to continue providing, as existing on the date hereof, such services to Grantor's retained real property, described on Exhibit C, attached, for the

purposes and in the manner in which it has been used by Grantor during the immediately preceding 12 month period. Said reserved easements shall continue until no longer used by Grantor for a period of 24 consecutive months. The reserved rights include the rights of ingress to and from the easement area for maintenance, repair, replacement of any easement improvements located therein; provided, however, that such rights of ingress, egress and use shall be exercised only upon reasonable prior notice and in a manner so as to minimize interference with the ongoing business operations of Grantee then being conducted therein, and, so long as the easement is for the sole benefit of Grantor, removal of the easement improvements from the easement area at Grantor's sole cost and expense, so long as Grantor repairs any damage caused by such removal and restores the easement area to substantially the condition it existed as of the date of this Deed, except as may be otherwise agreed in advance in writing by Grantee. Grantor agrees to indemnify and hold the Grantee harmless from and against any and all claims, damages, costs and liabilities including personal injury or property damage claims arising out of Grantor's use of the reserved easements.

SUBJECT TO:

1. Rights of the public, riparian owners and of governmental bodies in that portion of the above described property lying below the high water mark of Murder Creek to the use of the waters and the natural flow thereof.
2. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
3. An easement created by instrument, including the terms and provisions thereof,
Dated : January 16, 1929
Recorded : April 22, 1929 Deed Book: 136 Page: 429
In Favor Of : Mountain States Power Company
For : Electrical distribution line
4. An easement created by instrument, including the terms and provisions thereof,
Dated : November 30, 1954
Recorded : December 2, 1954 Book: 240 Page: 507
In Favor Of : Western Kraft Corporation
For : Pipelines, pumping station, common use rights, private roadway and electric transmission and telephone lines
5. An easement created by instrument, including the terms and provisions thereof,
Dated : December 10, 1954
Recorded : December 13, 1954 Book: 240 Page: 635
In Favor Of : Western Kraft Corporation
For : Pipelines

6. An easement created by instrument, including the terms and provisions thereof,
Dated : April 12, 1955 June 9, 1955
Recorded : June 10, 1955 Deed Book: 243 Page: 578
Also Recorded : June 10 1955 Deed Book: 243 Page: 579
In Favor Of : Mountain States Power Company
For : Maintain, operate, communication facilities, also to trim trees, along said facilities
7. An easement created by instrument, including the terms and provisions thereof,
Dated : December 26, 1956 and December 31, 1956
Recorded : December 31, 1956 Book: 252 Pages: 337 and 340
In Favor Of : Pacific Power and Light Company
For : Electric power and/or telephone lines
8. An easement created by instrument, including the terms and provisions thereof,
Dated : November 20, 1959
Recorded : December 10 1959 Book: 268 Page: 633
In Favor Of : Oscar Nygren, et al.
For : Roadway
9. An easement created by instrument, including the terms and provisions thereof,
Dated : March 18, 1960
Recorded : May 27, 1960 Book: 271 Page: 402
In Favor Of : Southern Pacific Company
For : Railroad purposes
10. An easement created by instrument, including the terms and provisions thereof,
Dated : October 6, 1969
Recorded : December 5, 1969 Book: 345 Page: 32
In Favor Of : Southern Pacific Company
For : Railroad and transportation purposes and access roadway
11. An easement created by instrument, including the terms and provisions thereof,
Dated : February 23, 1970
Recorded : March 11, 1970 Book: 347 Page: 42
In Favor Of : Northwest Natural Gas Company
For : Gas pipeline
12. An easement created by instrument, including the terms and provisions thereof,
Recorded : August 18, 1971 MF Volume: 21 Page: 999
In Favor Of : Pacific Power and Light Company, a corporation
For : Electric transmission and distribution lines

13. An easement created by instrument, including the terms and provisions thereof,
Dated : August 3, 1973
Recorded : August 13, 1973 MF Volume: 69 Page: 164
In Favor Of : Georgia-Pacific Corporation
For : Roadway
Over : As described in document
14. An easement created by instrument, including the terms and provisions thereof,
Recorded : August 22, 1979 MF Volume: 241 Page: 894
In Favor Of : City of Millersburg
For : Sewer pipeline system
Over : As described and delineated in document
15. An easement created by instrument, including the terms and provisions thereof,
Dated : April 30, 1999
Recorded : May 7, 1999 MF Volume: 1033 Page: 11
In Favor of : Teledyne Industries, Inc., dba Oremet-Wah Chang
For : Pipeline, pipeline interconnection facilities and other pipelines
Over : As described in document
16. An easement created by instrument, including the terms and provisions thereof,
Dated : May 21, 2001
Recorded : December 27, 2001 MF Volume: 1249 Page: 20
In Favor Of : TDY Industries, Inc., an Oregon Corporation dba Wah Chang
For : Fiber optic cable
Over : Same location as Exception No. 4
17. An easement created by instrument, including the terms and provisions thereof,
Dated : May 18, 2004
Recorded : May 28, 2004 MF Volume: 1586 Page: 307
In Favor Of : Union Pacific Railroad Company, a Delaware corporation
For : Existing electrical power lines and appurtenances facilities

End of Exceptions

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EXHIBIT C

IN LINN COUNTY OREGON:

Weyerhaeuser Company tract previously known as that Western Kraft Corporation Tract described by deed recorded in Book 261, Page 656, Linn County Oregon Deed Records on September 29, 1958.



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900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

October 12, 2015

DAVID E. FILIPPI
Direct (503) 294-9529
david.filippi@stoel.com

VIA ELECTRONIC MAIL
patrick.k.starnes@state.or.us

Mr. Kelly Starnes
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

Re: Draft Preliminary Determination for T-12065

Dear Mr. Starnes:

We represent International Paper Company ("IPC") in the above-referenced matter, and this letter responds to your letter of September 11, 2015 requesting comments and additional information.

Per recent discussions involving Dwight French and Adam Sussman, the primary concern for IPC is that the FROM lands as described in the Draft Preliminary Determination ("DPD") do not reflect the recent changes to Certificate 85736 as a result of IPC's specific-to-general industrial use changes. As a result, IPC does not agree with the description of the FROM lands in the DPD, and as such, IPC does not agree that the land ownership report requested in your letter includes the appropriate FROM lands.

As background, in May 2013, CWRE Ed Henricks assisted IPC with a specific-to-general industrial use change pursuant to SB 301 (ORS 540.520(9)) for Certificate 85736. Following much discussion with OWRD, including with Tom Paul and Dwight French, Mr. Henricks sent a formal notice regarding the change, including a new POU map, to the Department. The mapping for this change was done in conjunction with the re-mapping of several other water rights (also pursuant to SB 301), so as to align the various IPC water rights with the various IPC parcels, which IPC was intending to sell. A copy of the SB 301 map is included with this letter, and it shows the POU as including 322.5 acres, located east of and along the Willamette River. In particular, note that under the "NOTE" section on the map in the lower right corner, the second sentence reads: "This map amends / replaces the place of use map for certificate 85736."

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Alaska California Idaho
Minnesota Oregon Utah Washington
and Washington, D.C.

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Mr. Kelly Starnes
October 12, 2015
Page 2

Thus, in regard to transfer application T-12065, instead of including the SB 301 map described above, the application mistakenly included a copy of the final proof survey map dated Sept. 19, 1997, which shows the POU as being 65.6 acres, located on the far eastern edge of the IPC property. Pursuant to its prior discussions with OWRD, IPC maintains that the SB 301 map accurately depicts the current POU for Certificate 85736, and the current location of the FROM lands for purposes of the transfer application. This issue is important given how all the water rights have been re-mapped on the various IP parcels, which again, are being marketed separately with distinct water rights. In particular, it is also important that the 4.25 cfs under Certificate 85736 that is not subject to the pending transfer remain appurtenant to the 322.5 acres (and not the 65.6 acres).

All that said, IPC is providing land ownership reports from AmeriTitle that include both the original 65.6 acres, as well as the new 322.5 acres. In particular, we would note the following items:

- 1) The ownership reports identify the landowner as IP Eat Three LLC for all tax lots except for 151, which shows Flakeboard America Limited ("Flakeboard") as the landowner.
- 2) Pursuant to the enclosed documentation, IP Eat Three LLC was a wholly owned subsidiary of IPC, IP Eat Three LLC was dissolved effective December 31, 2008, and IPC acquired all assets upon its dissolution.
- 3) With respect to the Flakeboard landownership, this is included in the original 65.6 acres. At the same time, the sale agreement to Flakeboard specifically excluded any interest in Certificate 85736, as evidenced in the enclosed documentation.
- 4) With respect to the sale to Millersburg Power LLC ("Millersburg), prior to the closing of the sale to Millersburg, IPC re-mapped various water rights so that a portion of T-7526 (1.2 cfs) and Permit S-54030 were appurtenant to the land being sold to Millersburg. As such, these rights were included in the sale, while no rights under Certificate 85736 were included.
- 5) Please note that even though tax lots 100 and 200 are actually in section 32, T10S R3W, Linn County puts those tax lots on the section 33 map. This helps to explain why AmeriTitle provided two separate reports to describe these locations.

Pursuant to communications with Mr. French, we understand that the Preliminary Determination will be revised to reflect the POU change that resulted from the specific-to-general industrial use

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change, and in particular, the PD will be revised so that the remaining right issued for that portion of Certificate 85736 that is not subject to transfer will reflect the 322.5 acres as the authorized POU, and not the former POU located on the original 65.6 acres.

In short, IPC believes the FROM land for purposes of T-12065 should be the 322.5 acres and not the 65.6 acres, and accordingly, that the land ownership report requested from the title company should be for the 322.5 acres described in the SB 301 map, and not the 65.6 acres described in the 1997 final proof survey map. At the same time, reports for both acreages were requested and are being provided to the Department with this letter.

Otherwise, IPC does not have any further comments regarding the DPD. Please do not hesitate to contact me if you have any questions regarding this comment letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. E. Filippi". The signature is fluid and cursive, with a long horizontal stroke at the end.

David E. Filippi

DEF:dew

Enclosures

cc: Client
Adam Sussman
Kim Grigsby

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ASSISTANT SECRETARY'S CERTIFICATE

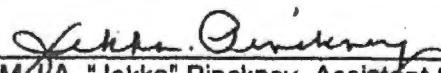
INTERNATIONAL PAPER COMPANY

I, M.J.A. "Jekka" Pinckney, do hereby certify that I am an appointed Assistant Secretary of International Paper Company, a corporation organized and existing under the laws of the State of New York, and further certify as follows:

1. That IP EAT Three LLC, a Delaware limited liability company, was a wholly-owned subsidiary of International Paper Company.
2. That IP EAT Three LLC was dissolved in its jurisdiction of formation effective December 31, 2008, as evidenced by the Certificate of Cancellation attached hereto as "Exhibit A."
3. That International Paper Company, as the sole Member of IP EAT Three LLC, acquired all of the assets of IP EAT Three LLC upon its dissolution, as evidenced by the Instrument of Consent of the Sole Member to Action for Voluntary Dissolution, dated November 17, 2008, and attached hereto as "Exhibit B."

IN WITNESS WHEREOF, I have set my hand on and affixed the corporate seal of International Paper Company, this 21st day of April, 2009.




M.J.A. "Jekka" Pinckney, Assistant Secretary

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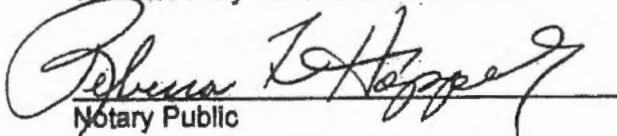
MAY 22 2019

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STATE OF TENNESSEE)
) SS.
COUNTY OF SHELBY)

On the 21st day of April, 2009, before me, the undersigned, a Notary Public in and for said County and State, M.J.A. "Jekka" Pinckney, Assistant Secretary of International Paper Company, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


Notary Public



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EXHIBIT A

CERTIFICATE OF CANCELLATION
OF
IP EAT THREE LLC

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Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CANCELLATION OF "IP EAT THREE LLC", FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF NOVEMBER, A.D. 2008, AT 4:29 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF CANCELLATION IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2008, AT 11:59 O'CLOCK P.M.



4574796 8106

001146100

You may verify this certificate online
at corp.delaware.gov/authver.shtml

Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State
AUTHENTICATION: 6992696

DATE: 12-01-08

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State of Delaware
Secretary of State
Division of Corporations
Delivered 04:28 PM 11/25/2008
FILED 04:28 PM 11/25/2008
SSS 081146108 - 4574756 FILE

STATE OF DELAWARE
CERTIFICATE OF CANCELLATION
OF
IP EAT THREE LLC

1. The name of the limited liability company is IP EAT THREE LLC.
2. The Certificate of Formation of IP EAT THREE LLC was filed on July 14, 2008.
3. The date the cancellation of IP EAT THREE LLC was authorized is November 17, 2008, and is to be effective as of December 31, 2008, at 11:59 p.m.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Cancellation this 25th day of November 2008.

/s/ Michelle R. King
Michelle R. King, Authorized Person

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EXHIBIT B

**INSTRUMENT OF CONSENT OF THE SOLE MEMBER
TO ACTION FOR VOLUNTARY DISSOLUTION
OF IP EAT THREE LLC**

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IP EAT THREE LLC

**Instrument of Consent of the Sole Member
To Action for Voluntary Dissolution**

The undersigned, being the sole member of IP EAT Three LLC, a limited liability company organized and existing under the laws of the State of Delaware (the "Company"), does hereby waive its entitlement to notice of meeting and does hereby consent and agree, in accordance with the Delaware Limited Liability Company Act, to the following actions:

WHEREAS, it is deemed advisable and for the benefit of the Company that it be liquidated and dissolved,

NOW, THEREFORE, BE IT

RESOLVED, that the plan of liquidation pursuant to the applicable provisions of the Internal Revenue Code hereby is formulated to effect such liquidation and dissolution of the Company in accordance with the following resolutions; and further

RESOLVED, that Michelle R. King is hereby authorized and directed to file a Certificate of Cancellation, in accordance with Delaware law, with the Secretary of State of Delaware; and further

RESOLVED, that all of the property and assets of the Company, subject to its indebtedness, obligations and liabilities, be distributed to and vest in International Paper Company, a New York corporation (the "Parent Company"), as a liquidating distribution in complete cancellation of all of the outstanding indebtedness, obligations and liabilities; such distribution to be effective no later than December 31, 2008 at 11:59 PM; and further

RESOLVED, that the officers of the sole member of the Company hereby are authorized and directed to pay all such fees and taxes and to do or cause to be done such further acts and things including, without limitation, the execution of deeds, bills of sale, and other documents of transfer, as they may deem necessary or proper in order to carry out the liquidation and dissolution of the Company and fully to effectuate the purposes of the foregoing resolutions.

Dated as of November 17, 2008.

International Paper Company


Enrol Harris, Vice President and Treasurer



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

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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-1904
	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 or	
	<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

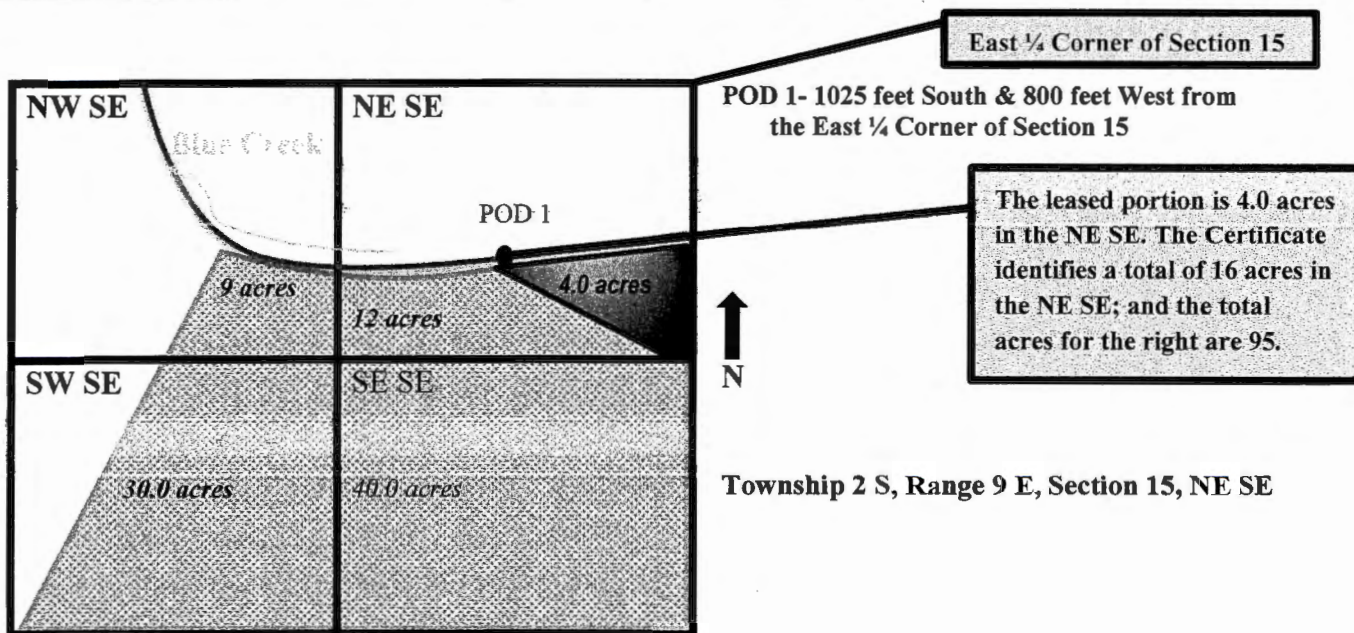
A Map is generally required for each water right not leased in its entirety

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)



OWRD 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.

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
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 N/A

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Any additional information about the right: 15.0 CFS OF THIS RIGHT ARE PART OF IL-1434.

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Table 3

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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: 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	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 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

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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 _____

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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 ~~to~~ to be leased instream. 1.0 cfs of the right is dedicated to Arauco (previously Flakeboard Company) as noted on "Attachment A" ORS 540.520(9) SB 301 lands..

ndw

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.

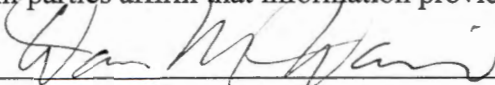
Precedent: If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

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) **RECEIVED** 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: _____

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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: _____

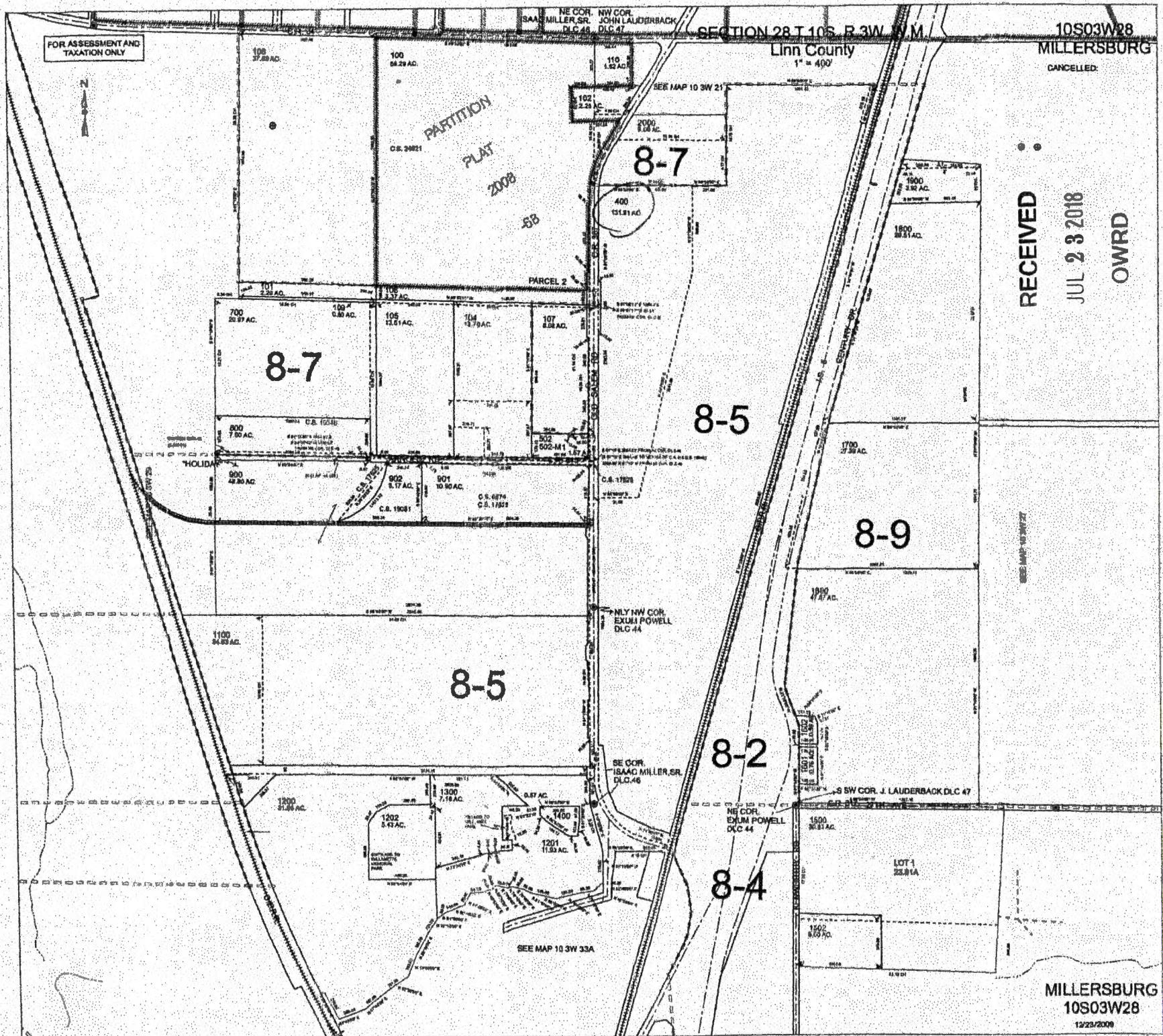
**** BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED TO THE LESSOR.**

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JUL 23 2018
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MILLERSBURG
10S03W28
12/23/2008

MAY 22 2019

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RECEIVED

MAY 22 2019

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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

"Attachment F"

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
		1.0 ACRES DLC 44
	NE 1/4, SW 1/4	6.9 ACRES DLC 47
		4.0 ACRES DLC 44
	SW 1/4, SE 1/4	5.8 ACRES DLC 44
	SE 1/4, SW 1/4	5.8 ACRES DLC 44
		134.5 ACRES

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

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NOTE:

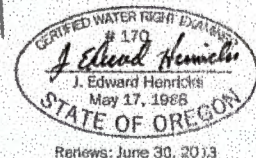
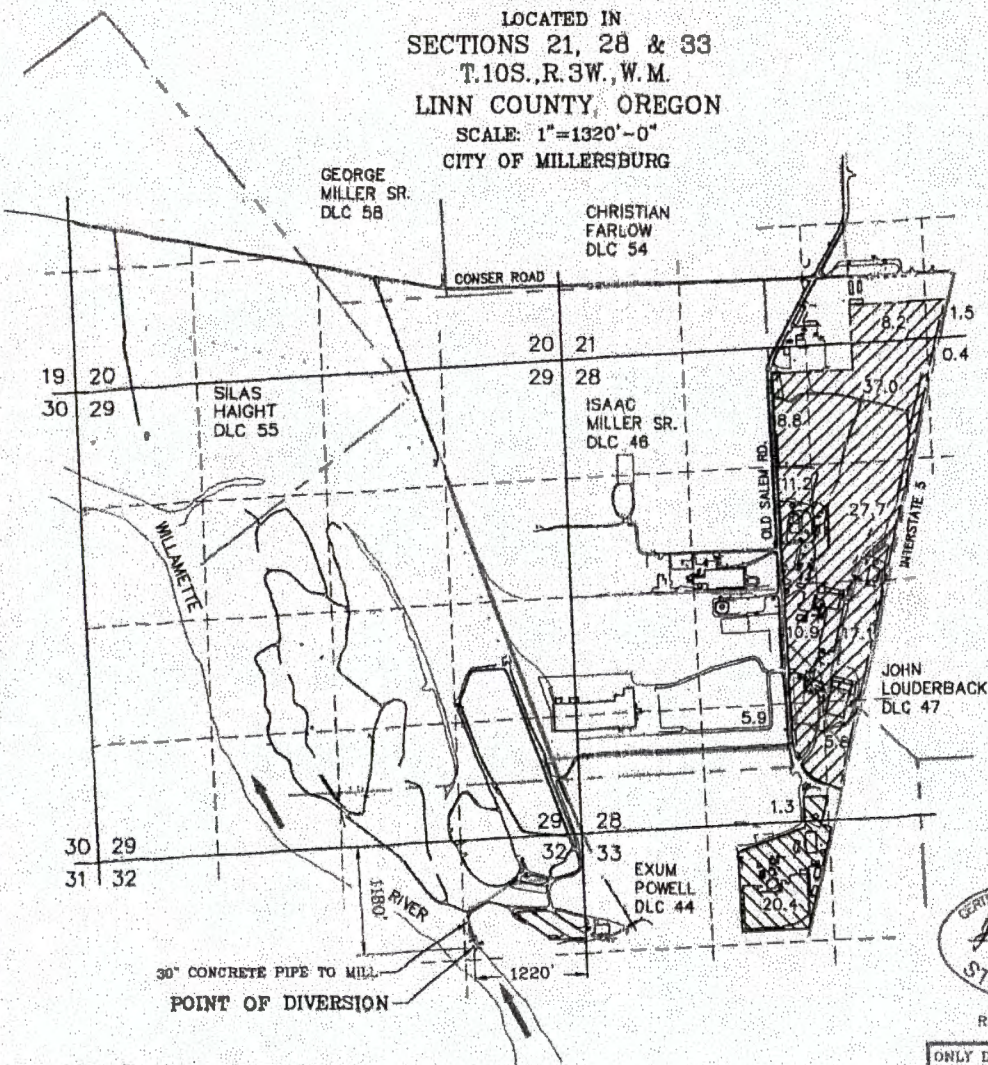
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 54268. THE RATE IS SPLIT 17.0 CFS TO TAX LOT 400 AND 1.0 CFS TO TAX LOT 151 AS NOTED IN THE ACREAGE SUMMARY. IN 2007 TAX LOT 150 WAS SOLD TO FLAKEBOARD AMERICA AND IN THE SALE AGREEMENT 1.0 CFS OF THE 18.0 CFS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



Reviews: June 30, 2013

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 5.13 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"

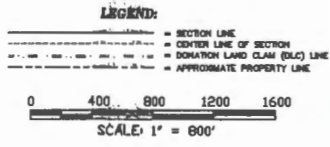
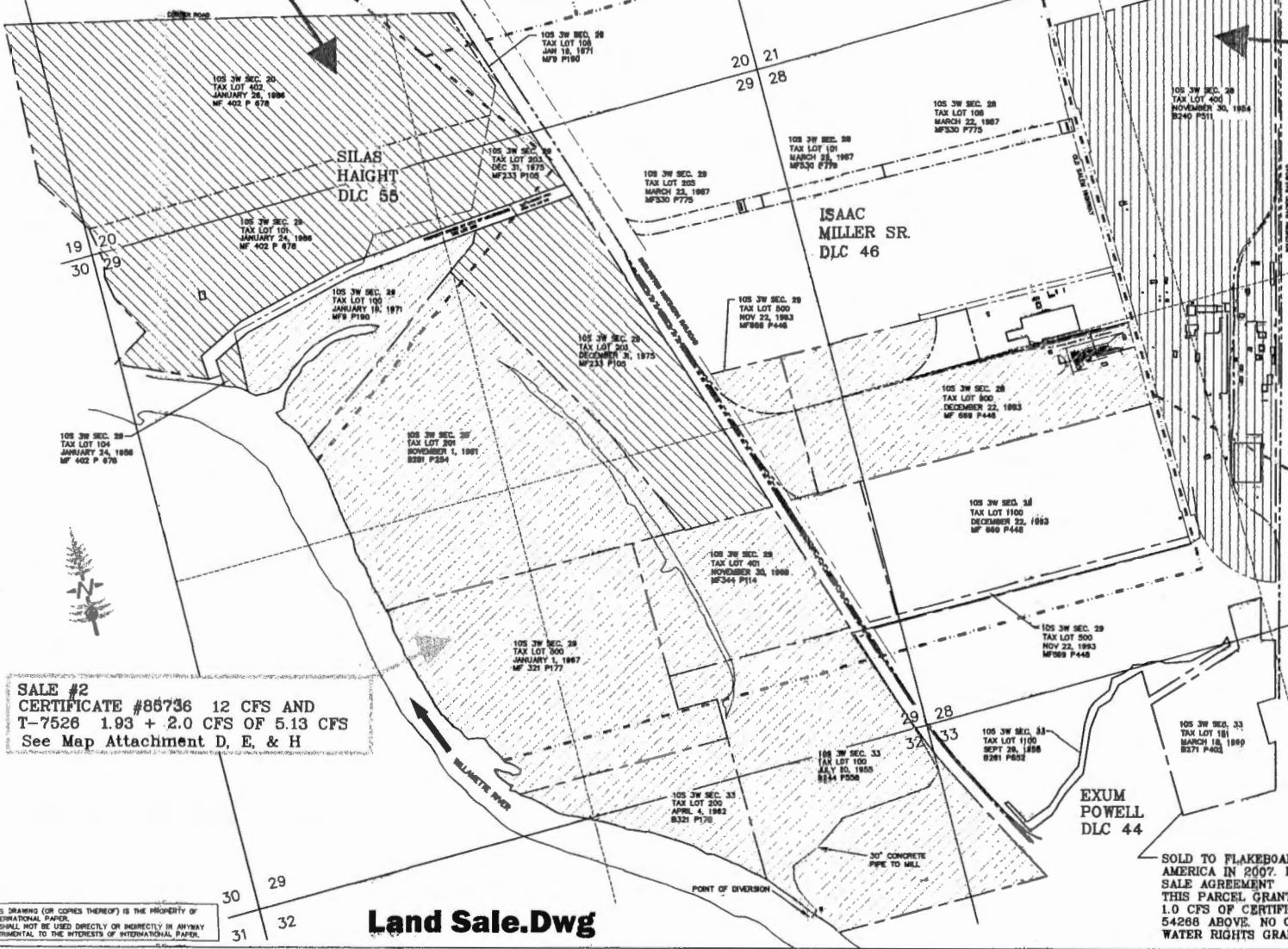
SALE #3
 CERTIFICATE #54266
 17 OF 18 CFS
 (NOTE: 1 CFS IN FLAKEBOARDS)
 See Map Attachment F

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

**SALE #3: SEE DRAWING NO.
 3650P02 FOR PLACE OF USE
 OF CERTIFICATE 54266**

**SALE #2: SEE DRAWING NO.
 3650P03 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.**



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
 DETRIMENTAL TO THE INTERESTS OF INTERNATIONAL PAPER.

Land Sale.Dwg

**EXUM POWELL
 DLC 44**
 SOLD TO FLAKEBOARD
 AMERICA IN 2007. IN
 SALE AGREEMENT
 THIS PARCEL GRANTED
 1.0 CFS OF CERTIFICATE
 54266 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 APM	AREA in PLANT OVERALL	ACAD FILE LAND SALE	
INTERNATIONAL PAPER ALBANY, OR SITE			
SCALE: 1" = 400'-0"		DATE: NOVEMBER 14, 2012	
DRAWN BY: JEH		PLT: 1=4800 TIME: 09:27	
DRAWING: LAND SALE			REV: A

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Dan M. Davis
Manager
Surplus Properties

6400 Poplar Avenue
Tower I
Memphis, TN 38197
901 299 7555
dan.davis@ipaper.com

July 9, 2018

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

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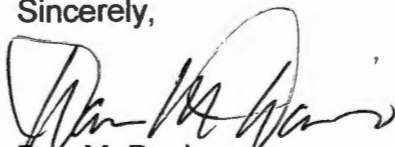
Attn: **Laura Wilke**

Re: International Paper, Albany, Oregon **Instream Lease Application submittal**

Please find enclosed one application for an Instream Lease of water rights pertaining to the International Paper (IP) property in Albany, Oregon along with a check for \$350.00 for the application fee.

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

Sincerely,



Dan M. Davis

Cc: Kevin Havens, IP Legal
Vaughn Pieschl, IP

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Weyerhaeuser Engineering Services, P. O. Box 907, Albany, OR 97321



2730 Pacific Blvd., S.E.
Albany, OR 97322
Albany Office Phone (541)-926-7771
Albany Fax (541)-928-1988
Albany Direct Line (541)-924-5340
Cell Phone (541)-979-8652

January 11, 2007

Tom Paul, Deputy Director
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Sale of business and site service agreement of water rights involved with the property.

We have recently completed the sale of our Duraflake particle board plant in Albany, Oregon to Flakeboard America Limited. Weyerhaeuser still owns and operates a papermill facility, Trus Joist laminated veneer lumber facility, and trucking operation on lands adjoining the parcel sold to Flakeboard America Limited. Most of these facilities, when owned by Weyerhaeuser, were and still are supplied with water from the Willamette River by three water rights.

In the site service agreement enclosed on page A-1 under 1. Water a. Site Service commitment. Paragraph two states "Weyerhaeuser will complete the work necessary with the Oregon Water Resources Department (WRD) to record and clarify the separate usage of water for the purpose of manufacturing at Buyer's Duraflake PB site. **One cubic foot per second (cfs) of water will be used and dedicated from Water Right Permit # 23102, Certificate # 54268. Water Right # T 7526 and Application # 64514 {Permit # S 47184} are excluded from this Agreement and no water as evidenced there under will be supplied to Buyer's Duraflake PB site.**" Paragraph 4 provides an easement to Flakeboard America Limited for the delivery system.

As per our earlier conversation this sale to Flakeboard America Limited does not require a water right transfer. None of the key elements of a water right transfer have changed; The place of use, type of use, rate, source of water, and point of diversion have not changed for Certificate # 54268.

The place of use for T 7526 and Application # 64514 {Permit # S 47184} no longer includes the Duraflake property, Tax lot 151 assessors map 10S03W33A, Linn County, OR and further described in the attached SPECIAL WARRANTY DEED. Claim of Beneficial Use (CBU) reports have been submitted for these two water rights excluded in the sale. I am enclosing amended maps for each CBU. The CBU for permit S-47184 was submitted on September 15, 1997 under the name Willamette Industries, Inc. I have enclosed a Request for Assignment and five pages of the Articles of Merger filed June 14, 2002 with the Oregon Secretary of State showing the present owner as Weyerhaeuser Company. The CBU for T- 7526 was submitted on November 8, 2002 under the name of Willamette Industries, Inc. I have enclosed a Request for Assignment to Weyerhaeuser Company without the Articles of Merger as they were included in the original CBU report.

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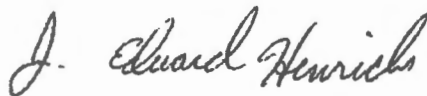
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This letter is to inform the WRD of the afore mentioned site service agreement. Please insert a copy of this letter, with attachments, into each water right folder at the department for future reference, clarification, and use. Also please insert the amended maps and assignments in the corresponding CBU files.

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

Sincerely,



J. Edward Henricks, CWRE
Surveyor / Project Manager
WEYERHAEUSER COMPANY

cc: Jud Jackson
Senior Legal Counsel
Weyerhaeuser Company
PO Box 9777
Federal Way, WA 98063

Dick Leedy
Senior Project Engineer
Weyerhaeuser company
3251 Old Salem Road
Albany, OR 97321

Gordon Yutzy
Flakeboard
2250 Old Salem Road
Albany, OR 97321

enclosures: 1) Special Warranty Deed
2) Transition Site Services Agreement for Duraflake PB
3) 2 amended maps
4) Articles of Merger
5) 2 Request for Assignment forms

**TRANSITION SITE SERVICES AGREEMENT
FOR
DURAFLAKE PB**

This Transition Site Services Agreement (this "Agreement") is made as of July 28, 2006 by and between Weyerhaeuser Company, a Washington corporation ("Weyerhaeuser"), and Flakeboard America Limited, a Delaware corporation ("Buyer").

RECITALS

- A. Flakeboard Company Limited ("FB") and Weyerhaeuser entered into an Asset Purchase and Sale Agreement dated as of May 31, 2006 (the "Purchase Agreement") pursuant to which FB agreed to acquire, among other things, the Assets located at the Site (as defined in Article 1 below). Capitalized terms used but not defined in this Agreement shall have the meanings given such terms in the Purchase Agreement.
- B. FB assigned the Purchase Agreement in whole to Buyer.
- C. As of the Closing Date under the Purchase Agreement, Buyer does not have in place the facilities and infrastructure to independently provide certain services at the Sites.
- D. Buyer desires to obtain from Weyerhaeuser and Weyerhaeuser desires to provide to Buyer certain site services at the Sites.

AGREEMENT

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1. AGREEMENT TO PROVIDE SITE SERVICES. Upon the terms and subject to the conditions set forth in this Agreement, Weyerhaeuser agrees to provide to Buyer through Weyerhaeuser's existing facilities the services set forth on Exhibit A hereto (the "Site Services"), and Buyer agrees to take from and to pay Weyerhaeuser for such Site Services. The Site Services shall be provided at the Duraflake PB facility (the "Site"), as more fully described on Exhibit A hereto

ARTICLE 2. TERM.

(A) The term of this Agreement shall commence on the Closing Date under the Purchase Agreement and shall continue until the three-year anniversary of the Closing Date. Thereafter, this Agreement will automatically renew for additional three-year renewal periods, unless Weyerhaeuser notifies Buyer of its intent to terminate one or more of the Site Services and/or this Agreement as provided in paragraph (B) below.

(B) At any time after the one-year anniversary of the Closing Date, Weyerhaeuser may provide notice of its intent to terminate any one or more of the Site Services and/or this Agreement; provided, that Weyerhaeuser will be obligated to continue providing such Site Service(s) for a period of up to two years after the date of such notice to allow Buyer time to

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replace such Site Service(s); and provided, further, that prior to any such termination of the water Site Service (Item 1 on Exhibit A), Weyerhaeuser will provide Buyer with perpetual easement 16 feet in width for the erection, construction, maintenance, operation, and repair of one or more pipe lines for said Site Service (the "Water Easement").

ARTICLE 3. PRICE. Buyer shall pay Weyerhaeuser for the Site Services provided under this Agreement in the amounts set forth on Exhibit A hereto.

ARTICLE 4. PAYMENT. Unless the parties otherwise agree, Weyerhaeuser shall bill Buyer for the Site Services on a monthly basis and Buyer shall pay each bill within ten days.

ARTICLE 5. TERMINATION. This Agreement and the parties' obligations hereunder shall terminate as set forth in this Article 5:

(A) **TERMINATION BY COMPLETION OF TERM.** This Agreement shall terminate upon the expiration of the term and on the conditions set forth in Article 2 hereof. This Agreement shall terminate as to each Site Service upon the expiration of the commitment term for such Site Service set forth on Exhibit A hereto.

(B) **TERMINATION BY COMPLETION OF TRANSITION.** This Agreement shall terminate as to each Site Service on the date that Buyer has completed its transition and no longer reasonably needs such Site Service under this Agreement.

(C) **TERMINATION FOR BREACH, FINANCIAL CONDITION.** Without prejudice to its other lawful rights and remedies, either party shall have the right to terminate this Agreement at any time upon the occurrence of any of the following events:

- (1) The other party breaches or is in default of any material term, condition or obligation under this Agreement, which breach or default is (a) not waived in writing by the non-breaching party or (b) not cured to the non-breaching party's reasonable satisfaction within 15 days after the breaching party's receipt of written notice thereof (or, if not reasonably capable of being cured within such 15-day period, the breaching party fails to commence such cure within such 15-day period and thereafter diligently pursue such cure). Failure of Buyer to make payment for the Site Services when due shall be a material breach of this Agreement.
- (2) Any proceeding in bankruptcy, reorganization or for the appointment of a receiver or trustee, or any other proceeding under any law for the relief of debtors, shall be instituted by the other party, or brought involuntarily against the other party and not dismissed within a period of 60 days from the date filed, or if the other party shall make an assignment for the benefit of creditors.

(D) **TERMINATION DUE TO CHANGED CIRCUMSTANCES.** This Agreement may be terminated by Weyerhaeuser in accordance with Article 11(A)(3) hereof.

(E) **TERMINATION BY MUTUAL AGREEMENT.** This Agreement may be terminated in whole or in part at any time by the mutual written agreement of the parties hereto.

ARTICLE 6 DIRECT ACQUISITION OF SERVICES BY BUYER. Except for Site Services that the parties mutually agree in writing to continue, Buyer shall use commercially reasonable efforts to as promptly as practicable independently provide its own services, enter into long-term arrangements for the provision of such services or procure such services from a third party, at which time this Agreement shall terminate with respect to such Site Services in accordance with Article 5(B) hereof. Buyer shall be solely responsible for all costs and expenses associated with such direct acquisition of services.

ARTICLE 7 COMPLIANCE WITH LAW AND POLICIES.

(A) **COMPLIANCE WITH LAW.** Each party shall, in the performance of this Agreement, comply with each statute, law, ordinance, code, rule, regulation, order, license, permit, judgment, decree or directive of any federal, state, county, municipal or local government (including any subdivision or agency thereof) applicable to the carrying on of its business and the performance of its obligations hereunder, including applicable Environmental Laws.

(B) **COMPLIANCE WITH POLICIES; ACCESS TO PREMISES.** When a party's employees, contractors or representatives are on the premises of the other party, such party shall cause such persons to observe the working hours, working rules and safety and security policies and procedures established by the other party. Weyerhaeuser shall have such access to Buyer's premises as Weyerhaeuser determines is necessary to perform its obligations under this Agreement, including monitoring, maintenance and repair related to the Site Services.

ARTICLE 8 WARRANTY; LIMITATION OF LIABILITY.

(A) **WARRANTY.** Weyerhaeuser represents and warrants to Buyer that it shall use commercially reasonable efforts to provide the Site Services in accordance with the terms of this Agreement. WEYERHAEUSER MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, AND SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTIES, WHETHER OF MERCHANTABILITY, SUITABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR OTHERWISE, FOR SAID SITE SERVICES.

(B) **LIMITATION OF LIABILITY.** Notwithstanding anything in this Agreement to the contrary, NEITHER PARTY SHALL BE LIABLE TO THE OTHER PARTY FOR ANY INCIDENTAL, CONSEQUENTIAL, INDIRECT, SPECIAL OR PUNITIVE DAMAGES, INCLUDING, WITHOUT LIMITATION, ANY LOSS OF PROFITS, LOSS OF USE, DOWNTIME, OR LOSS OF SALES, FOR ANY BREACH OF OR FAILURE TO PERFORM THIS AGREEMENT, REGARDLESS OF WHETHER ANY SUCH DAMAGES WERE FORESEEABLE AND REGARDLESS OF WHETHER THE CLAIM SOUNDS IN CONTRACT, TORT OR ANY OTHER THEORY.

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ARTICLE 9 COVENANTS OF BUYER.

(A) Buyer shall maintain in good repair all property, fixtures, equipment, materials and systems located on Buyer's site used in connection with providing the Site Services, and shall promptly repair any damage or loss thereto. All maintenance, repairs and modifications thereto shall be performed in compliance with applicable laws, codes and standards using first quality materials fit for their intended purpose.

(B) Buyer shall promptly notify Weyerhaeuser if it becomes aware of any impairment to any property, fixture, equipment, material or system related to the Site Services, or if it becomes aware of any required maintenance or repair thereto, or if it makes any modifications thereto. Any work on Weyerhaeuser's property, fixtures, equipment, materials or systems shall require the prior approval of Weyerhaeuser.

(C) Buyer shall notify Weyerhaeuser, reasonably in advance of its transfer, of any change to the substance or quantity of materials or substances sent to Weyerhaeuser's facility or property for treatment or processing, including any unsanitary, hazardous or toxic materials or substances. Buyer agrees that Weyerhaeuser shall not be responsible for or have any liability for dangerous, unsanitary, hazardous or toxic materials or substances on or from Buyer's site.

(D) Buyer shall obtain and maintain the following insurance coverages:

- (1) Commercial General Liability insurance with a limit of not less than \$1,000,000 per occurrence and \$1,000,000 annual aggregates, providing coverage for bodily injury, personal injury and property damage; contractual liability; and product and completed operations liability (and "Weyerhaeuser Company" shall be named as an Additional Insured).
- (2) Comprehensive Automobile Liability insurance (including owned, non-owned, and hired vehicles) with a combined single limit of not less than \$1,000,000, providing coverage for bodily injury, personal injury and property damage.
- (3) Workers' Compensation or Industrial Accident insurance with not less than statutory limits.
- (4) Employer's or Stop-Gap Liability insurance with a limit of not less than \$1,000,000.
- (5) Umbrella Liability insurance with limits of not less than \$5,000,000 each occurrence and in the aggregate.
- (6) Service Interruption insurance with limits and in form and substance reasonably satisfactory to Weyerhaeuser.

Such insurance of Buyer shall (a) contain a severability of interest clause, (b) provide a Waiver of Subrogation and/or Waiver of Recovery on behalf of Weyerhaeuser (with the exception of Workers' Compensation insurance), and (c) be primary, and Weyerhaeuser's insurance and/or self-insurance shall be excess over any and all other available coverage and/or self-insurance. Buyer shall furnish Weyerhaeuser with a Certificate of Insurance evidencing the above coverage and shall require its insurance carrier(s) to give at least 30 days written notice prior to cancellation of said coverage, either in whole or in part. The failure of Buyer's insurance carrier

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to give said notice as required shall be considered a default on Buyer's part. Buyer's insurance carrier(s) shall have a Best's rating of no less than B+ VII. Buyer shall ensure that its contractors and subcontractors performing work at Buyer's Site and/or Weyerhaeuser's facility have insurance coverages and endorsements consistent with the above, with the exception of policy limits.

(E) Buyer shall designate a responsible individual at Buyer's site whose duty shall be to coordinate the Site Services and the performance of this Agreement with Weyerhaeuser.

(F) To the fullest extent permitted by law, Buyer shall indemnify and hold harmless Weyerhaeuser from all claims, demands, liabilities, losses, damages, expenses (including penalties and interest, reasonable fees and disbursements of counsel, and court costs), proceedings, judgments, settlements, actions or causes of action or government inquiries of any kind (including emotional distress, sickness, personal or bodily injury or death to any person (including employees or contractors of Buyer), or damage or destruction to, or loss of use of, tangible property) arising out of or relating to Buyer's breach or failure to perform the covenants in this Article 9.

ARTICLE 10 DISPUTE RESOLUTION. If a dispute arises out of or relates to this Agreement, or the breach hereof, prior to instituting any legal proceeding, representatives of each party having authority to resolve the dispute shall meet to discuss and attempt to resolve the dispute. If the representatives of the parties are not able to resolve the dispute, either party may elect to have the matter resolved by mediation administered by the American Arbitration Association ("AAA") under its Commercial Mediation Procedures before a neutral, independent mediator mutually acceptable to the parties. If the parties are unable to agree on a mediator, the parties will request the AAA to supply a list of five mediators and the mediator will be selected by the parties by alternately striking names from that list, with the party initiating the mediation striking the first name. The mediation will be held at the offices of the AAA in Seattle, Washington, unless the parties agree to a different location. The costs of mediation will be shared equally by the parties. All negotiation and mediation meetings and proceedings will be confidential and will be treated as compromise and settlement negotiations for purposes of all rules of evidence. If the parties are not able to resolve the dispute by mediation, any legal proceeding shall be brought in any state or federal court within the State of Washington, and the parties hereby agree to submit to the exclusive jurisdiction of such courts in respect of any proceeding arising out of this Agreement.

ARTICLE 11. GENERAL MATTERS.

(A) SITE SERVICE LIMITATIONS AND CONDITIONS.

- (1) All Site Services provided by Weyerhaeuser under this Agreement are conditioned upon the parties' ability to lawfully provide and receive such Site Services, including the parties' obtaining and maintaining in effect all required permits, licenses, approvals, orders, registrations and authorizations of applicable Governmental Entities (including those required under applicable Environmental Laws). If Weyerhaeuser may not lawfully provide any Site Services, Weyerhaeuser shall not be obligated to provide and shall not be liable for failure

to supply such Site Services to Buyer, provided that, in such event, Weyerhaeuser will reasonably cooperate with Buyer to lawfully provide such Site Services in an alternate manner or in arranging to procure substitute services from another source at Buyer's cost.

- (2) Buyer acknowledges that the Site Services are procured by Weyerhaeuser primarily for its own facilities' operations and that Weyerhaeuser may operate its facilities as it sees fit in its sole discretion, notwithstanding that such operation may affect the availability of any one or more of the Site Services provided to Buyer (e.g., in the case of facility downtime or maintenance); provided, however, that in the event Weyerhaeuser does not have available sufficient quantity of one or more Site Services to satisfy Weyerhaeuser's own needs and to provide the quantity to Buyer contemplated hereunder, Weyerhaeuser will treat Buyer no less favorably than units of Weyerhaeuser's own operations using similar quantities when allocating available quantity. In such event, Weyerhaeuser will notify Buyer as far in advance as possible. So long as Weyerhaeuser treats Buyer accordingly, Weyerhaeuser shall not be liable for failure to supply any such Site Services.
- (3) If Weyerhaeuser closes or otherwise ceases to operate its Albany Paper Mill facility, other than as a result of the sale of such facility (or all or substantially all of the assets of such facility), Weyerhaeuser will notify Buyer as far in advance as possible and will cooperate with Buyer in arranging to procure substitute services from another source at Buyer's cost. Upon the occurrence of such event, provided that Weyerhaeuser has already provided Buyer with the Water Easement, Weyerhaeuser's obligations to provide the Site Services under this Agreement shall terminate.
- (4) If Weyerhaeuser is unable to provide Buyer with any one or more of the Site Services as provided herein after commercially reasonable efforts to attempt to continue to do so, Weyerhaeuser will notify Buyer as far in advance as possible and will cooperate with Buyer in arranging to procure substitute services from another source at Buyer's cost, including providing the Water Easement.
- (5) Buyer acknowledges that each Site Service provided by Weyerhaeuser under this Agreement is an accommodation to Buyer resulting from Buyer's purchase of the Assets at the Sites pursuant to the Purchase Agreement and that, absent such transaction, the Site Services would not be provided. Accordingly, unless expressly stated otherwise herein, all Site Services provided by Weyerhaeuser under this Agreement shall be limited to the quality, quantity and/or magnitude of such Site Services at the Closing Date, plus or minus ten percent. Buyer acknowledges that the prices for the Site Services set forth on Exhibit A are based on such quantities and, should the actual quantity of a Site Service provided hereunder be substantially different, the parties will negotiate a mutually agreeable adjustment to the price to equitably reflect such different quantity.

(B) **CONFIDENTIAL INFORMATION.** In the course of this Agreement, a party may have access to confidential and/or proprietary information of the other party. The party receiving such confidential or proprietary information shall disclose such information only to such employees, agents and consultants of the receiving party who have a need to know such information in

connection with the performance of this Agreement and shall cause such information to be used only for purposes directly related to the performance of this Agreement, unless the disclosing party otherwise agrees in advance in writing.

(C) **COOPERATION.** The parties shall cooperate fully with each other to effectuate the purposes of this Agreement, including, but not limited to, execution and delivery of such consents, notices, filings, applications and other documents and instruments as may be required to perform their respective obligations hereunder or as reasonably requested by the other party. The parties acknowledge that the Sites and the existing Weyerhaeuser facilities have heretofore been under common ownership and that in order for the Sites and the existing Weyerhaeuser facilities to no longer be interdependent each party must take reasonable steps to independently provide its own services as provided in this Agreement. While the Sites and the existing Weyerhaeuser facilities remain interdependent, each party will to the extent possible reasonably cooperate and consult with the other on matters which affect the operations and facilities of the other party (e.g., coordinating maintenance or downtime).

(D) **NOTICES.** All notices or other communications under this Agreement shall be in writing and either personally delivered, sent by certified or registered mail (return receipt requested, postage prepaid); sent by reputable overnight delivery service, or sent by facsimile with telephone verification of receipt, to the respective addresses set forth below (or to such other addresses as a party may designate by notice given as aforesaid).

If to Weyerhaeuser:

Weyerhaeuser Company
33663 Weyerhaeuser Way South
Federal Way, WA 98003 USA
Attn: Scott Marshall
Facsimile: (253) 924-2402

If to Buyer:

Flakeboard America Limited
100 Kingsley Park Drive
Fort Mill, SC 29715
Attn: President
Facsimile: (803) 835-1331

with a copy to:

Weyerhaeuser Company
33663 Weyerhaeuser Way South
Federal Way, WA 98003 USA
Attn: Law Department
Facsimile: (253) 924-5204

Ms. Karyn L. Bradley
Gowling Lafleur Henderson LLP
1 First Canadian Place
Suite 1600 100 King Street West
Toronto, Ontario M5X 1G5 CANADA
Facsimile: (416) 863-3430

All notices shall be deemed given (i) if personally delivered, upon receipt; (ii) if sent by certified or registered mail, on the third Business Day after mailing; (iii) if sent by reputable overnight delivery service, on the first Business Day after timely delivery to the courier; and (iv) if sent by facsimile, on the date the sender obtains telephone verification of receipt.

(E) **ASSIGNMENT.** No assignment of any right or interest in or delegation of any duty or obligation under this Agreement shall be made, in whole or in part, by either party without the

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prior written consent of the other party; provided, however, that either party may assign this Agreement and its rights and obligations hereunder (i) to any Affiliate (as defined in the Purchase Agreement) of such party or (ii) to the surviving controlling entity in the event of a merger or acquisition of such party or purchase of all or substantially all of the assets of such party. This Agreement shall be assigned to, and shall be a binding obligation of, any entity acquiring the facility or facilities (or all or substantially all of the assets thereof) providing the Site Services. In addition, Weyerhaeuser may delegate its obligations under this Agreement in whole or in part to a third party, provided that any such delegation shall not relieve Weyerhaeuser of liability for such obligations.

(F) **FORCE MAJEURE.** Each party's performance of this Agreement shall be excused without liability to the extent and for the period of time necessitated by the occurrence of an event outside of a party's reasonable control (a "force majeure event"), including an Act of God, war, terrorism, sabotage, civil unrest, riot, strike, labor dispute, explosion, accident, fire, flood, earthquake, storm or other natural disaster, regulation, rule, act or intervention of any Governmental Entity, or other similar event beyond the reasonable control of a party. The imposition by any Governmental Entity or subdivision or agency thereof of any statute, law, ordinance, code, rule, regulation, order, judgment, decree or directive that makes unlawful a party's ability to provide or receive any one or more of the Site Services shall be a force majeure event with respect to the affected Site Services.

(G) **WAIVER.** No delay or failure to exercise any right or remedy under this Agreement by a party shall impair such right or remedy or be construed as a waiver thereof. A party's consent to or approval of any act or failure to act by the other party requiring approval or consent hereunder shall not be deemed to waive or render unnecessary the requirement of approval or consent of any subsequent act by the other party. A party's waiver of any breach or failure to enforce any term or condition of this Agreement at any time shall not in any way affect, limit or waive such party's right thereafter to enforce and compel strict compliance with every term and condition hereof.

(H) **GOVERNING LAW.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Washington applicable to contracts made and performed entirely within such state, without regard to its conflict of law rules.

(I) **ATTORNEYS' FEES.** Should any legal action or proceeding be commenced by either party in order to enforce this Agreement or any provision hereof, or in connection with any alleged dispute, breach or default related hereto, the prevailing party (the party entitled to recover costs at such time as all appeals have been exhausted or expired) shall be entitled to recover reasonable attorneys' fees and costs incurred by it in connection with such action or proceeding, in addition to such other relief as may be granted.

(J) **INTEGRATED AGREEMENT; MODIFICATION.** This Agreement constitutes the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes all prior discussions, negotiations, understandings and agreements. It is intended by the parties as a complete and exclusive statement of the terms of their agreement with respect to the subject matter hereof. This is a fully integrated agreement. Each party acknowledges that the

other has made no representation or warranty, and that it has relied on no representation or warranty, other than those specifically set forth in this Agreement. This Agreement may not be modified except in a writing signed by the parties.

(K) **INTERPRETATION.** Each party acknowledges that it and its legal counsel have reviewed this Agreement. The parties agree that the terms and conditions of this Agreement shall not be construed against any party on the basis of such party's drafting of such terms and conditions. The words "herein", "hereto" and other similar words shall mean this Agreement as a whole, including the exhibits hereto, as the same may be amended, modified or supplemented from time to time.

(L) **NO AGENCY.** The parties agree that no agency, partnership or joint venture of any kind shall be or is intended to be created by or under this Agreement.

(M) **EXHIBITS.** All exhibits referred to herein are deemed to be incorporated in this Agreement in their entirety.

(N) **HEADINGS.** The headings in this Agreement are for convenience only and are not intended and will not be construed to affect the scope or meaning of any provisions hereof.

(O) **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

WEYERHAEUSER COMPANY

FLAKEBOARD AMERICA LIMITED

By

By

Title: _____

Title: _____

RECEIVED
MAY 22 2019
OWRD

EXHIBIT A
DESCRIPTION OF SITE SERVICES

DURAFLAKE PB FACILITY

1. Water.

- a. Site Service commitment. Weyerhaeuser shall: (a) allow Buyer to use the existing manufacturing water supply system that services both Weyerhaeuser's Albany Paper Mill facility and Buyer's Duraflake PB site in order to deliver manufacturing water to Buyer's Duraflake PB site; and (b) bill Buyer for such service on a quarterly basis as provided in this Agreement.

Weyerhaeuser will complete the work necessary with the Oregon Water Resources Department (WRD) to record and clarify the separate usage of water for the purpose of manufacturing at Buyer's Duraflake PB site. One cubic foot per second (cfs) of water will be used and dedicated from Water Right Permit # 23102, Certificate # 54268. Water Right # T7526 and Application # 64514 [Permit # S47184] are excluded from this Agreement and no water as evidenced thereunder will be supplied to Buyer's Duraflake PB site.

The Duraflake PB facility will continue to use the Albany Paper Mill delivery system after the WRD is notified. This water right notification is for existing uses at one cfs. Any water usage above one cfs will be negotiated by the parties separately from this Agreement.

not set in stone
Weyerhaeuser shall provide Buyer with a perpetual easement 16 feet in width for the erection, construction, maintenance, operation, and repair of one or more pipe lines for the delivery of water through the Albany Paper Mill delivery system or at another location and on terms and conditions to be agreed upon by the Parties.

- b. Term of commitment. This Site Service shall be provided for a transition period, until the existing water rights for both Weyerhaeuser's Albany Paper Mill facility and Buyer's Duraflake PB site are split as described in paragraph "a" above; provided that Weyerhaeuser's obligation to provide delivery through the Albany Paper Mill delivery system shall continue until Weyerhaeuser has granted the easement described in subsection a. above.
- c. Cost. Weyerhaeuser will pay the associated costs of clarifying the water rights for manufacturing water at Buyer's Duraflake PB site from the Albany Paper Mill facility. All costs for delivery of water to Buyer's Duraflake PB site will be paid by Buyer at the rate of 1/35 of the actual cost incurred by Albany Paper Mill plus a 7% administration fee. Weyerhaeuser will bill Buyer on a quarterly basis.

Buyer will be responsible for the repair and maintenance costs of the incoming water line from the Albany Paper Mill mainline connection to the Duraflake PB site.

2. Process Waste Water and Stormwater.

- a. Site Service commitment. Weyerhaeuser shall: (a) allow Buyer to use the existing process waste water system and stormwater system that services both Weyerhaeuser's Albany Paper Mill facility and Buyer's Duraflake PB site in order for the Albany Paper Mill facility to accept process waste water and stormwater from Buyer's Duraflake PB site; (b) route such process waste water and stormwater to the Albany Paper Mill facility; and (c) bill Buyer for such services on a quarterly basis as provided in this Agreement. Buyer will measure process water and stormwater volume and solids on a daily basis and provide data to Albany Paper Mill. Albany Paper Mill has the right to audit and verify the accuracy of all data.
- b. Term of commitment. This Site Service shall continue for a transition period until the earlier of (i) the date of termination of the Transition Site Services Agreement between Weyerhaeuser and Buyer to which this Exhibit A is attached and (ii) the fifth anniversary of the Closing Date. On or prior to such date, Buyer shall have either entered into a mutually agreeable arrangement with the Albany Paper Mill facility for ongoing processing of process waste water and stormwater or made arrangements with a third party for handling process waste water and stormwater from Buyer's Duraflake PB site. Notwithstanding anything contained herein, this Site Service shall continue only for as long as the Albany Paper Mill facility is capable of processing the volume of process waste water and stormwater from Buyer's Duraflake PB site.
- c. Cost. Buyer shall pay Weyerhaeuser's actual costs related to the acceptance and treatment of process waste water and stormwater from Buyer's Duraflake PB site, plus a 7% administration fee. The costs will be determined from an annual review of the prior year's costs and pro rated on a solids removed basis. Weyerhaeuser will bill Buyer on a quarterly basis. Buyer will be responsible for the repair and maintenance costs of the process water and storm water lines from the Duraflake PB site to Albany Paper Mill.



March 5, 2019

Joan Smith
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Draft Preliminary Determination for Water Right Transfer Application T-12773

Dear Ms. Smith;

On November 20, 2017, GSI Water Solutions (GSI) filed water right transfer application T-12773 on behalf of International Paper Company (IPC). Transfer T-12773 requests changes to the point of diversion, place of use and character of use for a 2.0 cfs portion of Certificate 54268. I received your letter dated February 11, 2019, which included the draft Preliminary Determination (DPD) for Transfer T-12773, and draft remaining right certificate. I am submitting this letter on behalf of International Paper to provide comments on those documents.

First, in finding of fact 4 in the DPD, please clarify this finding to indicate that the only changes included in the amended documents were corrections for the location descriptions of the requested points of appropriation (wells). For example, "On September 14, 2018, the applicant submitted an amended application page, geologist report and map to correct the locations of the requested wells."

Second, in findings of fact 5 and 6, the lease referred to is incorrect. As described in the application cover letter, the 2.0 cfs portion of Certificate 54268 proposed for transfer is included instream lease IL-1434, which is currently being renewed by International Paper. Please revise as needed.

Third, the DPD and remaining right certificate should be modified to reflect changes to Certificate 54268 as the result of International Paper's specific-to-general industrial use notice. In May 2013, Ed Henricks submitted to OWRD a notice of the changes to Certificate 54268, and an associated map, and described the provisions of ORS 540.520(9) that allowed the process. (A copy of the specific-to-general notice is enclosed.) As a result of this change, the authorized place of use for Certificate 54268

are the lands shown on the map, and further described in the "from" lands table included in Attachment 7 of the application for transfer T-12773. (For further reference, please also see the enclosed letter from International Paper's attorney, David Filippi, which describes this issue as it relates to a transfer application for another of IPC's water right certificates, T-12065. For that transfer, OWRD agreed with Mr. Filippi and made the requested changes.) Both the authorized place of use under Finding of Fact 7 and the place of use in the remaining right certificate should be changed to reflect the place of use following the specific-to-general notice. Similar to T-12065, IPC is requesting a revised DPD that documents this requested correction.

Fourth, we are concerned that the condition described in item 10 could have the unintended consequence of unnecessarily precluding the use of water from the proposed wells. The proposed condition states that: "Prior to diverting water, the water user shall install a fish screening and/or bypass device..." As written, the condition could be interpreted to prohibit the City of Independence from pumping water from the proposed points of appropriation (wells) if the point of diversion had not yet been constructed and screening installed. We request that OWRD modify the condition to state: "Prior to diverting water at the proposed surface water point of diversion, the water user shall install..."

Fifth, the DPD provided a completion deadline of October 1, 2024, which allows approximately 5 years to complete the transfer. As described in the cover letters from International Paper and from the City of Independence, completing the transfer will require a significant amount of work. Accordingly, the transfer application requests 30 years to complete the transfer. (Please see the letter from the City of Independence dated November 15, 2017 included with the transfer application for more details regarding the effort required to complete this transfer.)

Finally, we appreciate the Department's efforts to process this application and look forward to completing the process.

Please contact me if you have any questions. My telephone number is 541-257-9001.

Sincerely,



Adam Sussman
Principal Water Resources Consultant

Enclosures

Cc: Terry Thomas, International Paper
Vaughn Pieschl, International paper
Kie Cottam, City of Independence



1586 West Thornton Lake Drive NW
Albany, Oregon 97321
541-971-7668 Mobile
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Henricks@pegk.org

Wednesday, May 15, 2013

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

Attn: Dwight French

Re: International Paper Company paper mill property located in Linn County, Albany, Oregon and **Certificate 54268**, 1) below, **place of use clarification under ORS 540.520(9) 1999 SB301**. Refer to attached map / drawing item F below. Other map attachments are for clarity of intent for final water distribution.

Background: International Paper Company (IP) is in the process of demolishing and marketing the Albany paper mill facility / site. IP's intentions are to take advantage of the existing infrastructure and create 3 parcels that maximize the sites potential and future use for manufacturing.

In 1954 Willamette Industries, Inc. applied for the first water right on the property and built a paper mill referred to as Western Kraft on the property. In 2002 Weyerhaeuser Company acquired the property from Willamette Industries, Inc. IP purchased the property in 2008 from Weyerhaeuser Company and is the current owner. All of the water rights at the mill have been in continuous use and the pumping system at the point of diversion is ready, willing, and able to pump the entire rate of the combined existing rights.

The place of use, point of diversion, rate, delivery system, and type of use of all four existing water rights, 1), 2), 3), & 4) below, are not being changed by the creation of the 3 parcels from the single parent parcel. A transfer application is not required with the State of Oregon Water Resources Department (WRD) that manages water rights to create and allocate the places of use for the rights. Site service agreements will be created as part of the sales to address specific water service commitments between parties.

ORS 540.520(9), Senate Bill 301 from Oregon 1999 legislative session, allows the place of use on manufacturing sites to be the property of record owned at or before the priority date. Prior to this bill manufacturing water rights were mapped showing a very limited place of use when in actuality the water was piped throughout the facility. It was not uncommon to see a single boiler building shown on the map as the place of use when the site consisted of several hundred acres of land. This bill provided a statute for the certificate holder to use the water where it was intended to be used and has been used on the entire acreage (refer to attachment "G" page 3).

Existing Water Rights pertinent to the Parent Parcel:

- 1) **Certificate no. 54268**, Permit no. S- 23102, Application no. S-29640
Priority Date: December 23, 1954 Type of use: Manufacturing
Rate: 18.0 cubic feet per second (cfs)
Original right for paper mill prior to construction.

- 2) **Certificate no. 85736**, Permit no. S-47184, Application no. S-64515
Priority Date: October 29, 1982 Type of use: Manufacturing
Rate: 12.0 cfs

Additional water for plant modernization and additional capacity.

3) Transfer No. 7526

- a. Certificate no. 68559, Permit no. 14106
Priority Date: November 2, 1939 Type of use: Log deck sprinkling
Rate: 1.93 cfs
- b. Certificate no. 20829, Permit no. 20469
Priority Date: June 11, 1943 Type of use: Manufacturing
Rate: 2.0 cfs
- c. Certificate no. 20873, Permit no. 20514
Priority Date: January 23, 1951 Type of use: Manufacturing
Rate: 1.2 cfs

5.13 cfs total transferred downstream from Culp Creek to cover all paper mill lands, fill some gaps, and cogeneration facility.

4) Permit no. 54030, Application no. S-84780

Priority Date: June 7, 2001 Type of use: Irrigation of 254.6 acres
Rate: 3.18 cfs and 2.5 acre-feet for each acre irrigated during the irrigation season each year.
Water Resources Commission Willamette Basin Exception - Water from the aeration pond (sludge) was being land applied under State of Oregon Department of Environmental Quality (DEQ) permit. The water was used to grow a crop and hence needed a water right from the WRD. It is a limited irrigation right tied to the source of the aeration pond as the point of diversion.

Objective: To create the appropriate maps / drawings for recordation of the three parcels being created that clearly show the place of use and rate for each of the four existing water rights pertinent to the parent parcel. These maps / drawings are attached and described as follows;

ATTACHMENTS

A. Land Sale.DWG – Proposed Sale Parcels #'s 1, 2, &3

This map shows the 3 parcels being created from the single parent parcel each having a different hachuring and lists the water right / rights associated with each hachured parcel.

B. APM-08-4777-P-01 – Final Proof Survey Map for Permit S-54030 4) above. This is an irrigation right with a source as the aeration pond. This shows acreage included in **Sale Parcel #1.**

C. MISC-02-4276-P-01 REV. 3 – Final Proof Survey Map for Transfer 7526 3)b above.

This is an amendment map, dated November 9th, 2012, that shows 254.6 acres, highlighted light brown, as receiving 1.2 cfs from certificate 20873 on acreage included in **Sale Parcel #1.** Certificate 20873 is one of three certificates that make up T-7526.

D. MISC-02-4276-P-01 REV. 3 – Final Proof Survey Map for Transfer 7526 3)a above.

This is an amendment map, dated November 9th, 2012, that shows 365.3 acres, highlighted light green, as receiving 1.93 cfs from certificate 68559 and 2.0 cfs from certificate 20829 on acreage included in **Sale Parcel #2.** Certificates 68559 and 20829 are two of three certificates that make up T-7526.

E. Drawing No. 3650P03 (APM-99-3650-P-03 Rev 0) – ORS 540.520(9) SB 301 Lands for Certificate 85736 2) above. This map shows the place of use and is intended to be the new final proof map in the water right file. This shows acreage included in **Sale Parcel #2.**

F. Drawing No. 3650P02 (APM 99-3650-P-02 Rev 0) – ORS 540.520(9) SB 301 Lands for Certificate 54268 1) above. This map shows the place of use and is intended to be the new final proof map in the water right file. This shows acreage included in **Sale Parcel #3.** This also

shows that 1.0 cfs of the total 18 cfs was sold to Flakeboard America in 2007. This was noted by a letter sent to the State of Oregon Water Resources Department with the site service agreement and is found in the water right file at which time the Claim of Beneficial Use map for T-7526 was amended to remove the Flakeboard site from the place of use and is also noted in the aforementioned letter.

- G. Drawing No. 3650P01R1** (APM-99-3650-P-01 Rev 1) – ORS 540.520(9) SB 301 Lands for the parent parcel being divided into three parcels shown in “A” above. This map was created September of 1999 to show the paper mill lands that had water rights available for manufacturing use. This is the base map used to equitably divide the water on the three newly created parcels as shown on attachments E & F above.
- H. MISC-02-4276-P-01 REV. 3** – Stamped and Signed Final Proof Survey Map for Transfer 7526. Map amendment dated November 9th, 2012. Map change shows, 254.6 acres, as receiving 1.2 cfs from certificate 20873 and 365.3 acres, as receiving 1.93 cfs from certificate 68559 and 2.0 cfs from certificate 20829. This map was amended to clarify the place of use of each of the three water rights involved in the transfer prior to certificate issuance.

Summary: The place of use for **water right 1) above, Certificate 54268 is Sale Parcel #3** as shown on the **attached map F** above, Drawing No. 3650P02. The type of use, point of diversion, rate, and delivery system remain unchanged. This is the only water right covering the mapped lands of parcel #3.

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

Sincerely,

J. Edward Henricks
OR PLS, CWRE No. 170

cc:

Dan M. Davis
International Paper Company
Manager Surplus Properties
6400 Poplar Avenue
Memphis, TN 38197
dan.davis@ipaper.com
(901)419-4270

Kathleen M. Willemin
International Paper Company
Legal Department - Tower II - 4th Floor
6400 Poplar Avenue
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Vaughn Pieschl
International Paper Company
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541-924-4650 office
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Enclosure(s): Attachments A,B,C,D,E,F,G, & H

**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"

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	18.0 ACRES DLC 47
		1.0 ACRES DLC 44
	NE 1/4, SW 1/4	8.9 ACRES DLC 47
	SW 1/4, SE 1/4	4.0 ACRES DLC 44
	SE 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"

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:

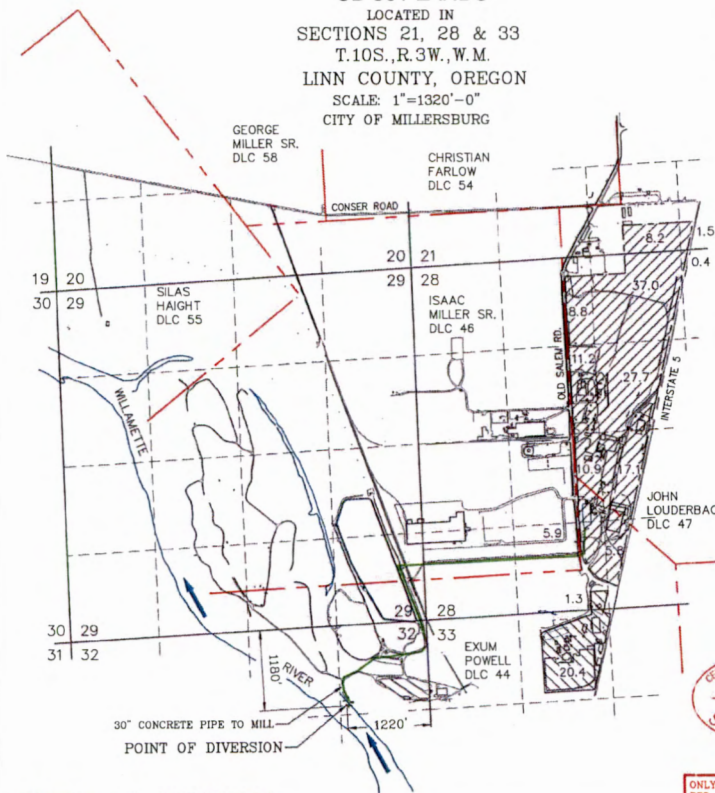
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 54268. THE RATE IS SPLIT 17.0 CFS TO TAX LOT 400 AND 1.0 CFS TO TAX LOT 151 AS NOTED IN THE ACREAGE SUMMARY. IN 2007 TAX LOT 150 WAS SOLD TO FLAKEBOARD AMERICA AND IN THE SALE AGREEMENT 1.0 CFS OF THE 18.0 CFS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



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October 12, 2015

DAVID E. FLIPPY
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VIA ELECTRONIC MAIL
patrick.k.starnes@state.or.us

Mr. Kelly Starnes
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

Re: Draft Preliminary Determination for T-12065

Dear Mr. Starnes:

We represent International Paper Company ("IPC") in the above-referenced matter, and this letter responds to your letter of September 11, 2015 requesting comments and additional information.

Per recent discussions involving Dwight French and Adam Sussman, the primary concern for IPC is that the FROM lands as described in the Draft Preliminary Determination ("DPD") do not reflect the recent changes to Certificate 85736 as a result of IPC's specific-to-general industrial use changes. As a result, IPC does not agree with the description of the FROM lands in the DPD, and as such, IPC does not agree that the land ownership report requested in your letter includes the appropriate FROM lands.

As background, in May 2013, CWRE Ed Henriks assisted IPC with a specific-to-general industrial use change pursuant to SB 301 (ORS 540.520(9)) for Certificate 85736. Following much discussion with OWRD, including with Tom Paul and Dwight French, Mr. Henriks sent a formal notice regarding the change, including a new POU map, to the Department. The mapping for this change was done in conjunction with the re-mapping of several other water rights (also pursuant to SB 301), so as to align the various IPC water rights with the various IPC parcels, which IPC was intending to sell. A copy of the SB 301 map is included with this letter, and it shows the POU as including 322.5 acres, located east of and along the Willamette River. In particular, note that under the "NOTE" section on the map in the lower right corner, the second sentence reads: "This map amends / replaces the place of use map for certificate 85736."

803352511 0012835-00011

Alaska California Idaho
Minnesota Oregon Utah Washington
and Washington, D.C.



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October 12, 2015

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Mr. Kelly Starnes
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

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As background, in May 2013, CWRE Ed Henricks assisted IPC with a specific-to-general industrial use change pursuant to SB 301 (ORS 540.520(9)) for Certificate 85736. Following much discussion with OWRD, including with Tom Paul and Dwight French, Mr. Henricks sent a formal notice regarding the change, including a new POU map, to the Department. The mapping for this change was done in conjunction with the re-mapping of several other water rights (also pursuant to SB 301), so as to align the various IPC water rights with the various IPC parcels, which IPC was intending to sell. A copy of the SB 301 map is included with this letter, and it shows the POU as including 322.5 acres, located east of and along the Willamette River. In particular, note that under the "NOTE" section on the map in the lower right corner, the second sentence reads: "This map amends / replaces the place of use map for certificate 85736."



Mr. Kelly Starnes
October 12, 2015
Page 2

Thus, in regard to transfer application T-12065, instead of including the SB 301 map described above, the application mistakenly included a copy of the final proof survey map dated Sept. 19, 1997, which shows the POU as being 65.6 acres, located on the far eastern edge of the IPC property. Pursuant to its prior discussions with OWRD, IPC maintains that the SB 301 map accurately depicts the current POU for Certificate 85736, and the current location of the FROM lands for purposes of the transfer application. This issue is important given how all the water rights have been re-mapped on the various IP parcels, which again, are being marketed separately with distinct water rights. In particular, it is also important that the 4.25 cfs under Certificate 85736 that is not subject to the pending transfer remain appurtenant to the 322.5 acres (and not the 65.6 acres).

All that said, IPC is providing land ownership reports from AmeriTitle that include both the original 65.6 acres, as well as the new 322.5 acres. In particular, we would note the following items:

- 1) The ownership reports identify the landowner as IP Eat Three LLC for all tax lots except for 151, which shows Flakeboard America Limited ("Flakeboard") as the landowner.
- 2) Pursuant to the enclosed documentation, IP Eat Three LLC was a wholly owned subsidiary of IPC, IP Eat Three LLC was dissolved effective December 31, 2008, and IPC acquired all assets upon its dissolution.
- 3) With respect to the Flakeboard landownership, this is included in the original 65.6 acres. At the same time, the sale agreement to Flakeboard specifically excluded any interest in Certificate 85736, as evidenced in the enclosed documentation.
- 4) With respect to the sale to Millersburg Power LLC ("Millersburg"), prior to the closing of the sale to Millersburg, IPC re-mapped various water rights so that a portion of T-7526 (1.2 cfs) and Permit S-54030 were appurtenant to the land being sold to Millersburg. As such, these rights were included in the sale, while no rights under Certificate 85736 were included.
- 5) Please note that even though tax lots 100 and 200 are actually in section 32, T10S R3W, Linn County puts those tax lots on the section 33 map. This helps to explain why AmeriTitle provided two separate reports to describe these locations.

Pursuant to communications with Mr. French, we understand that the Preliminary Determination will be revised to reflect the POU change that resulted from the specific-to-general industrial use



Mr. Kelly Starnes
October 12, 2015
Page 3

change, and in particular, the PD will be revised so that the remaining right issued for that portion of Certificate 85736 that is not subject to transfer will reflect the 322.5 acres as the authorized POU, and not the former POU located on the original 65.6 acres.

In short, IPC believes the FROM land for purposes of T-12065 should be the 322.5 acres and not the 65.6 acres, and accordingly, that the land ownership report requested from the title company should be for the 322.5 acres described in the SB 301 map, and not the 65.6 acres described in the 1997 final proof survey map. At the same time, reports for both acreages were requested and are being provided to the Department with this letter.

Otherwise, IPC does not have any further comments regarding the DPD. Please do not hesitate to contact me if you have any questions regarding this comment letter.

Very truly yours,

David E. Filippi

DEF:dew

Enclosures

cc: Client
Adam Sussman
Kim Grigsby

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

"Attachment E"
Sale #2

ACREAGE SUMMARY

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

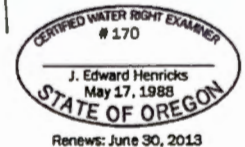
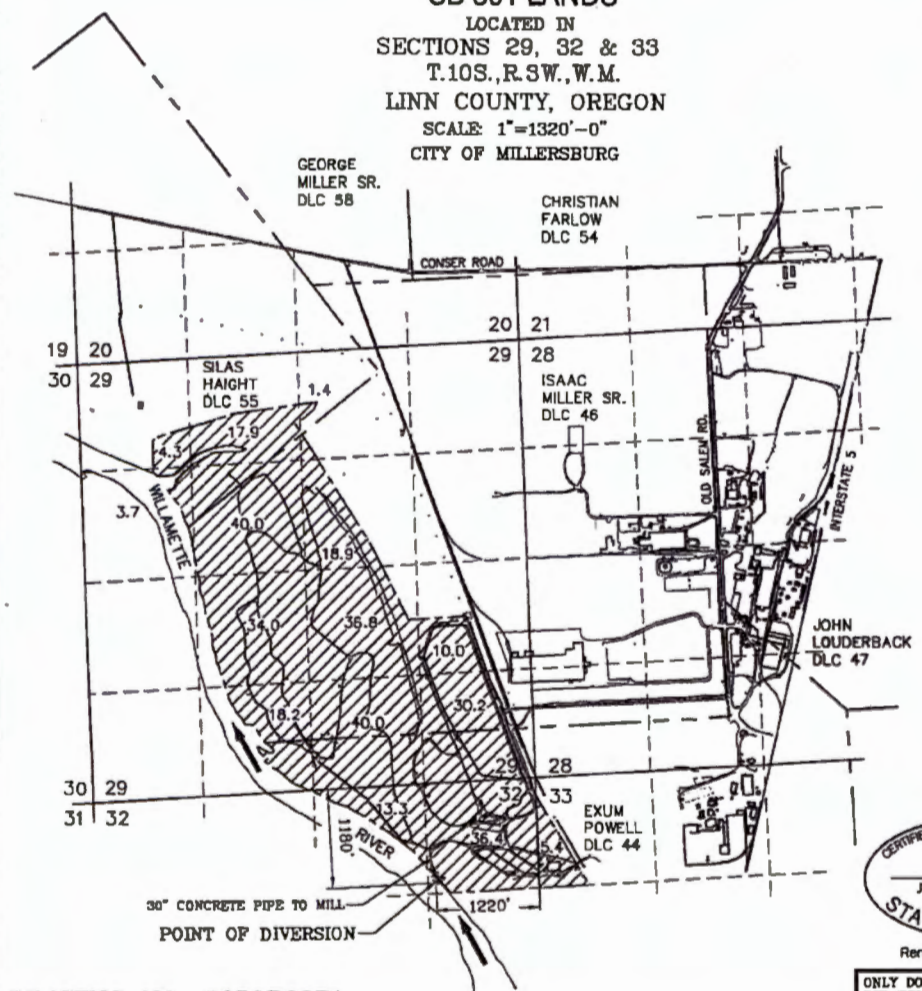
SECTION 29	NW 1/4, NW 1/4	4.3 ACRES DLC 55
	NE 1/4, NW 1/4	17.9 ACRES DLC 55
	NW 1/4, NE 1/4	0.6 ACRES DLC 55
	NE 1/4, NE 1/4	0.8 ACRES DLC 46
	SW 1/4, NE 1/4	18.9 ACRES DLC 48
	SE 1/4, NW 1/4	7.1 ACRES DLC 55
		32.9 ACRES DLC 46
	SW 1/4, NW 1/4	3.7 ACRES DLC 55
	NE 1/4, SE 1/4	8.8 ACRES DLC 46
	NW 1/4, 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	14.6 ACRES DLC 46
	SW 1/4, SE 1/4	15.6 ACRES DLC 44
	SE 1/4, SW 1/4	20.9 ACRES DLC 46
		19.1 ACRES DLC 44
		12.6 ACRES DLC 46
		5.8 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
		322.5 ACRES TOTAL

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.
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. 3650P03R1



March 5, 2019

Joan Smith
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Draft Preliminary Determination for Water Right Transfer Application T-12773

Dear Ms. Smith;

On November 20, 2017, GSI Water Solutions (GSI) filed water right transfer application T-12773 on behalf of International Paper Company (IPC). Transfer T-12773 requests changes to the point of diversion, place of use and character of use for a 2.0 cfs portion of Certificate 54268. I received your letter dated February 11, 2019, which included the draft Preliminary Determination (DPD) for Transfer T-12773, and draft remaining right certificate. I am submitting this letter on behalf of International Paper to provide comments on those documents.

First, in finding of fact 4 in the DPD, please clarify this finding to indicate that the only changes included in the amended documents were corrections for the location descriptions of the requested points of appropriation (wells). For example, "On September 14, 2018, the applicant submitted an amended application page, geologist report and map to correct the locations of the requested wells."

Second, in findings of fact 5 and 6, the lease referred to is incorrect. As described in the application cover letter, the 2.0 cfs portion of Certificate 54268 proposed for transfer is included instream lease IL-1434, which is currently being renewed by International Paper. Please revise as needed.

Third, the DPD and remaining right certificate should be modified to reflect changes to Certificate 54268 as the result of International Paper's specific-to-general industrial use notice. In May 2013, Ed Henricks submitted to OWRD a notice of the changes to Certificate 54268, and an associated map, and described the provisions of ORS 540.520(9) that allowed the process. (A copy of the specific-to-general notice is enclosed.) As a result of this change, the authorized place of use for Certificate 54268

are the lands shown on the map, and further described in the "from" lands table included in Attachment 7 of the application for transfer T-12773. (For further reference, please also see the enclosed letter from International Paper's attorney, David Filippi, which describes this issue as it relates to a transfer application for another of IPC's water right certificates, T-12065. For that transfer, OWRD agreed with Mr. Filippi and made the requested changes.) Both the authorized place of use under Finding of Fact 7 and the place of use in the remaining right certificate should be changed to reflect the place of use following the specific-to-general notice. Similar to T-12065, IPC is requesting a revised DPD that documents this requested correction.

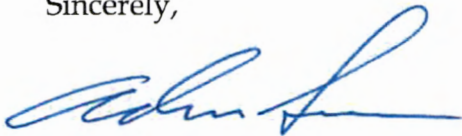
Fourth, we are concerned that the condition described in item 10 could have the unintended consequence of unnecessarily precluding the use of water from the proposed wells. The proposed condition states that: "Prior to diverting water, the water user shall install a fish screening and/or bypass device..." As written, the condition could be interpreted to prohibit the City of Independence from pumping water from the proposed points of appropriation (wells) if the point of diversion had not yet been constructed and screening installed. We request that OWRD modify the condition to state: "Prior to diverting water at the proposed surface water point of diversion, the water user shall install..."

Fifth, the DPD provided a completion deadline of October 1, 2024, which allows approximately 5 years to complete the transfer. As described in the cover letters from International Paper and from the City of Independence, completing the transfer will require a significant amount of work. Accordingly, the transfer application requests 30 years to complete the transfer. (Please see the letter from the City of Independence dated November 15, 2017 included with the transfer application for more details regarding the effort required to complete this transfer.)

Finally, we appreciate the Department's efforts to process this application and look forward to completing the process.

Please contact me if you have any questions. My telephone number is 541-257-9001.

Sincerely,



Adam Sussman
Principal Water Resources Consultant

Enclosures

Cc: Terry Thomas, International Paper
Vaughn Pieschl, International paper
Kie Cottam, City of Independence



1586 West Thornton Lake Drive NW
Albany, Oregon 97321
541-971-7668 Mobile
541-926-5956 Evenings
Henricks@peak.org

Wednesday, May 15, 2013

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

Attn: Dwight French

Re: International Paper Company paper mill property located in Linn County, Albany, Oregon and **Certificate 54268**, 1) below, **place of use clarification under ORS 540.520(9) 1999 SB301**. Refer to attached map / drawing item F below. Other map attachments are for clarity of intent for final water distribution.

Background: International Paper Company (IP) is in the process of demolishing and marketing the Albany paper mill facility / site. IP's intentions are to take advantage of the existing infrastructure and create 3 parcels that maximize the sites potential and future use for manufacturing.

In 1954 Willamette Industries, Inc. applied for the first water right on the property and built a paper mill referred to as Western Kraft on the property. In 2002 Weyerhaeuser Company acquired the property from Willamette Industries, Inc. IP purchased the property in 2008 from Weyerhaeuser Company and is the current owner. All of the water rights at the mill have been in continuous use and the pumping system at the point of diversion is ready, willing, and able to pump the entire rate of the combined existing rights.

The place of use, point of diversion, rate, delivery system, and type of use of all four existing water rights, 1), 2), 3), & 4) below, are not being changed by the creation of the 3 parcels from the single parent parcel. A transfer application is not required with the State of Oregon Water Resources Department (WRD) that manages water rights to create and allocate the places of use for the rights. Site service agreements will be created as part of the sales to address specific water service commitments between parties.

ORS 540.520(9), Senate Bill 301 from Oregon 1999 legislative session, allows the place of use on manufacturing sites to be the property of record owned at or before the priority date. Prior to this bill manufacturing water rights were mapped showing a very limited place of use when in actuality the water was piped throughout the facility. It was not uncommon to see a single boiler building shown on the map as the place of use when the site consisted of several hundred acres of land. This bill provided a statute for the certificate holder to use the water where it was intended to be used and has been used on the entire acreage (refer to attachment "G" page 3).

Existing Water Rights pertinent to the Parent Parcel:

- 1) **Certificate no. 54268**, Permit no. S- 23102, Application no. S-29640
Priority Date: December 23, 1954 Type of use: Manufacturing
Rate: 18.0 cubic feet per second (cfs)
Original right for paper mill prior to construction.

- 2) **Certificate no. 85736**, Permit no. S-47184, Application no. S-64515
Priority Date: October 29, 1982 Type of use: Manufacturing
Rate: 12.0 cfs

Additional water for plant modernization and additional capacity.

3) **Transfer No. 7526**

- a. Certificate no. 68559, Permit no. 14106
Priority Date: November 2, 1939 Type of use: Log deck sprinkling
Rate: 1.93 cfs
- b. Certificate no. 20829, Permit no. 20469
Priority Date: June 11, 1943 Type of use: Manufacturing
Rate: 2.0 cfs
- c. Certificate no. 20873, Permit no. 20514
Priority Date: January 23, 1951 Type of use: Manufacturing
Rate: 1.2 cfs

5.13 cfs total transferred downstream from Culp Creek to cover all paper mill lands, fill some gaps, and cogeneration facility.

4) **Permit no. 54030, Application no. S-84780**

Priority Date: June 7, 2001 Type of use: Irrigation of 254.6 acres
Rate: 3.18 cfs and 2.5 acre-feet for each acre irrigated during the irrigation season each year.
Water Resources Commission Willamette Basin Exception - Water from the aeration pond (sludge) was being land applied under State of Oregon Department of Environmental Quality (DEQ) permit. The water was used to grow a crop and hence needed a water right from the WRD. It is a limited irrigation right tied to the source of the aeration pond as the point of diversion.

Objective: To create the appropriate maps / drawings for recordation of the three parcels being created that clearly show the place of use and rate for each of the four existing water rights pertinent to the parent parcel. These maps / drawings are attached and described as follows;

ATTACHMENTS

- A. **Land Sale.DWG** – Proposed Sale Parcels #'s 1, 2, &3
This map shows the 3 parcels being created from the single parent parcel each having a different hachuring and lists the water right / rights associated with each hachured parcel.
- B. **APM-08-4777-P-01** – Final Proof Survey Map for **Permit S-54030 4) above**. This is an irrigation right with a source as the aeration pond. This shows acreage included in **Sale Parcel #1**.
- C. **MISC-02-4276-P-01 REV. 3** – Final Proof Survey Map for **Transfer 7526 3)b above**. This is an amendment map, dated November 9th, 2012, that shows 254.6 acres, highlighted light brown, as receiving 1.2 cfs from certificate 20873 on acreage included in **Sale Parcel #1**. Certificate 20873 is one of three certificates that make up T-7526.
- D. **MISC-02-4276-P-01 REV. 3** – Final Proof Survey Map for **Transfer 7526 3)a above**. This is an amendment map, dated November 9th, 2012, that shows 365.3 acres, highlighted light green, as receiving 1.93 cfs from certificate 68559 and 2.0 cfs from certificate 20829 on acreage included in **Sale Parcel #2**. Certificates 68559 and 20829 are two of three certificates that make up T-7526.
- E. **Drawing No. 3650P03 (APM-99-3650-P-03 Rev 0)** – ORS 540.520(9) SB 301 Lands for **Certificate 85736 2) above**. This map shows the place of use and is intended to be the new final proof map in the water right file. This shows acreage included in **Sale Parcel #2**.
- F. **Drawing No. 3650P02 (APM 99-3650-P-02 Rev 0)** – ORS 540.520(9) SB 301 Lands for **Certificate 54268 1) above**. This map shows the place of use and is intended to be the new final proof map in the water right file. This shows acreage included in **Sale Parcel #3**. This also

shows that 1.0 cfs of the total 18 cfs was sold to Flakeboard America in 2007. This was noted by a letter sent to the State of Oregon Water Resources Department with the site service agreement and is found in the water right file at which time the Claim of Beneficial Use map for T-7526 was amended to remove the Flakeboard site from the place of use and is also noted in the aforementioned letter.

- G. Drawing No. 3650P01R1** (APM-99-3650-P-01 Rev 1) – ORS 540.520(9) SB 301 Lands for the parent parcel being divided into three parcels shown in “A” above. This map was created September of 1999 to show the paper mill lands that had water rights available for manufacturing use. This is the base map used to equitably divide the water on the three newly created parcels as shown on attachments E & F above.
- H. MISC-02-4276-P-01 REV. 3** – Stamped and Signed Final Proof Survey Map for Transfer 7526. Map amendment dated November 9th, 2012. Map change shows, 254.6 acres, as receiving 1.2 cfs from certificate 20873 and 365.3 acres, as receiving 1.93 cfs from certificate 68559 and 2.0 cfs from certificate 20829. This map was amended to clarify the place of use of each of the three water rights involved in the transfer prior to certificate issuance.

Summary: The place of use for **water right 1)** above, **Certificate 54268 is Sale Parcel #3** as shown on the **attached map F** above, Drawing No. 3650P02. The type of use, point of diversion, rate, and delivery system remain unchanged. This is the only water right covering the mapped lands of parcel #3.

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

Sincerely,

J. Edward Herricks
OR PLS, CWRE No. 170

cc:

Dan M. Davis
International Paper Company
Manager Surplus Properties
6400 Poplar Avenue
Memphis, TN 38197
dan.davis@ipaper.com
(901)419-4270

Kathleen M. Willemin
International Paper Company
Legal Department - Tower II - 4th Floor
6400 Poplar Avenue
Memphis, TN 38197
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(901) 832-4495

Vaughn Pieschl
International Paper Company
3251 Old Salem Rd.
Albany, OR 97321
vaughn.pieschl@ipaper.com
541-924-4650 office
541-409-5573 mobile

Enclosure(s): Attachments A,B,C,D,E,F,G, & H

**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"

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	8.6 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
	NE 1/4, SW 1/4	8.9 ACRES DLC 47
	SW 1/4, SE 1/4	4.0 ACRES DLC 44
	SE 1/4, SW 1/4	5.8 ACRES DLC 44
	SE 1/4, SW 1/4	5.9 ACRES DLC 44
		134.5 ACRES

"Attachment F"

**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:

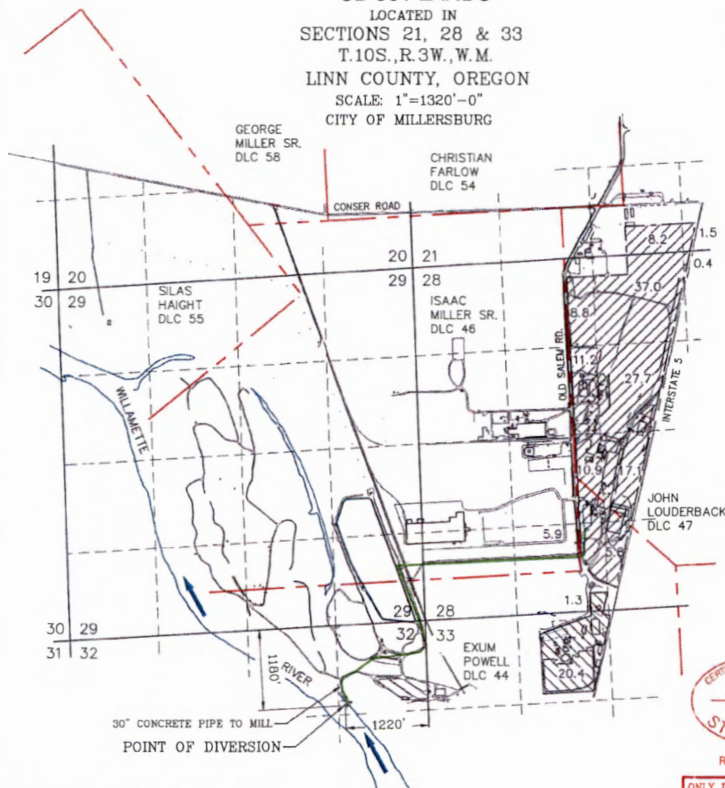
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 54268. THE RATE IS SPLIT 17.0 CFS TO TAX LOT 400 AND 1.0 CFS TO TAX LOT 151 AS NOTED IN THE ACREAGE SUMMARY. IN 2007 TAX LOT 150 WAS SOLD TO FLAKEBOARD AMERICA AND IN THE SALE AGREEMENT 1.0 CFS OF THE 18.0 CFS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



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.

DRAWING NO. 3650P02R1



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October 12, 2015

DAVID R. FLAPP
Director (503) 294-9329
david.flapp@stoel.com

VIA ELECTRONIC MAIL
patrick.k.starnes@state.or.us

Mr. Kelly Starnes
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

Re: Draft Preliminary Determination for T-12065

Dear Mr. Starnes:

We represent International Paper Company ("IPC") in the above-referenced matter, and this letter responds to your letter of September 11, 2015 requesting comments and additional information.

Per recent discussions involving Dwight French and Adam Sussman, the primary concern for IPC is that the FROM lands as described in the Draft Preliminary Determination ("DPD") do not reflect the recent changes to Certificate 85736 as a result of IPC's specific-to-general industrial use changes. As a result, IPC does not agree with the description of the FROM lands in the DPD, and as such, IPC does not agree that the land ownership report requested in your letter includes the appropriate FROM lands.

As background, in May 2013, CWRE Ed Henricks assisted IPC with a specific-to-general industrial use change pursuant to SB 301 (ORS 540.520(9)) for Certificate 85736. Following much discussion with OWRD, including with Tom Paul and Dwight French, Mr. Henricks sent a formal notice regarding the change, including a new POU map, to the Department. The mapping for this change was done in conjunction with the re-mapping of several other water rights (also pursuant to SB 301), so as to align the various IPC water rights with the various IPC parcels, which IPC was intending to sell. A copy of the SB 301 map is included with this letter, and it shows the POU as including 322.5 acres, located east of and along the Willamette River. In particular, note that under the "NOTE" section on the map in the lower right corner, the second sentence reads: "This map amends / replaces the place of use map for certificate 85736."

00332251.1 0032835-0001

Alaska California Idaho
Minnesota Oregon Utah Washington
and Washington, D.C.



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October 12, 2015

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VIA ELECTRONIC MAIL
patrick.k.starnes@state.or.us

Mr. Kelly Starnes
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

Re: Draft Preliminary Determination for T-12065

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Mr. Kelly Starnes
October 12, 2015
Page 2

Thus, in regard to transfer application T-12065, instead of including the SB 301 map described above, the application mistakenly included a copy of the final proof survey map dated Sept. 19, 1997, which shows the POU as being 65.6 acres, located on the far eastern edge of the IPC property. Pursuant to its prior discussions with OWRD, IPC maintains that the SB 301 map accurately depicts the current POU for Certificate 85736, and the current location of the FROM lands for purposes of the transfer application. This issue is important given how all the water rights have been re-mapped on the various IP parcels, which again, are being marketed separately with distinct water rights. In particular, it is also important that the 4.25 cfs under Certificate 85736 that is not subject to the pending transfer remain appurtenant to the 322.5 acres (and not the 65.6 acres).

All that said, IPC is providing land ownership reports from AmeriTitle that include both the original 65.6 acres, as well as the new 322.5 acres. In particular, we would note the following items:

1) The ownership reports identify the landowner as IP Eat Three LLC for all tax lots except for 151, which shows Flakeboard America Limited ("Flakeboard") as the landowner.

2) Pursuant to the enclosed documentation, IP Eat Three LLC was a wholly owned subsidiary of IPC, IP Eat Three LLC was dissolved effective December 31, 2008, and IPC acquired all assets upon its dissolution.

3) With respect to the Flakeboard landownership, this is included in the original 65.6 acres. At the same time, the sale agreement to Flakeboard specifically excluded any interest in Certificate 85736, as evidenced in the enclosed documentation.

4) With respect to the sale to Millersburg Power LLC ("Millersburg"), prior to the closing of the sale to Millersburg, IPC re-mapped various water rights so that a portion of T-7526 (1.2 cfs) and Permit S-54030 were appurtenant to the land being sold to Millersburg. As such, these rights were included in the sale, while no rights under Certificate 85736 were included.

5) Please note that even though tax lots 100 and 200 are actually in section 32, T10S R3W, Linn County puts those tax lots on the section 33 map. This helps to explain why AmeriTitle provided two separate reports to describe these locations.

Pursuant to communications with Mr. French, we understand that the Preliminary Determination will be revised to reflect the POU change that resulted from the specific-to-general industrial use



Mr. Kelly Starnes
October 12, 2015
Page 3

change, and in particular, the PD will be revised so that the remaining right issued for that portion of Certificate 85736 that is not subject to transfer will reflect the 322.5 acres as the authorized POU, and not the former POU located on the original 65.6 acres.

In short, IPC believes the FROM land for purposes of T-12065 should be the 322.5 acres and not the 65.6 acres, and accordingly, that the land ownership report requested from the title company should be for the 322.5 acres described in the SB 301 map, and not the 65.6 acres described in the 1997 final proof survey map. At the same time, reports for both acreages were requested and are being provided to the Department with this letter.

Otherwise, IPC does not have any further comments regarding the DPD. Please do not hesitate to contact me if you have any questions regarding this comment letter.

Very truly yours,

David E. Filippi

DEF:dew

Enclosures

cc: Client
Adam Sussman
Kim Grigsby

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

LOCATED IN
SECTIONS 29, 32 & 33
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LINN COUNTY, OREGON
SCALE 1"=1320'-0"
CITY OF MILLERSBURG

Certificate 85736
Permit S-47184
Application S-64515

"Attachment E"

Sale #2

ACREAGE SUMMARY

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

SECTION	QUARTERS	ACRES	DLC	
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	0.8	ACRES DLC 55	
	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	
SECTION 32	NW 1/4, SE 1/4	36.6	ACRES DLC 46	
	NE 1/4, SE 1/4	10.0	ACRES DLC 46	
	SE 1/4, SE 1/4	14.6	ACRES DLC 46	
		15.6	ACRES DLC 44	
	SW 1/4, SE 1/4	20.9	ACRES DLC 46	
		19.1	ACRES DLC 44	
	SE 1/4, SW 1/4	12.6	ACRES DLC 46	
		5.8	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	
		322.5	ACRES TOTAL	

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:

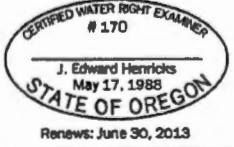
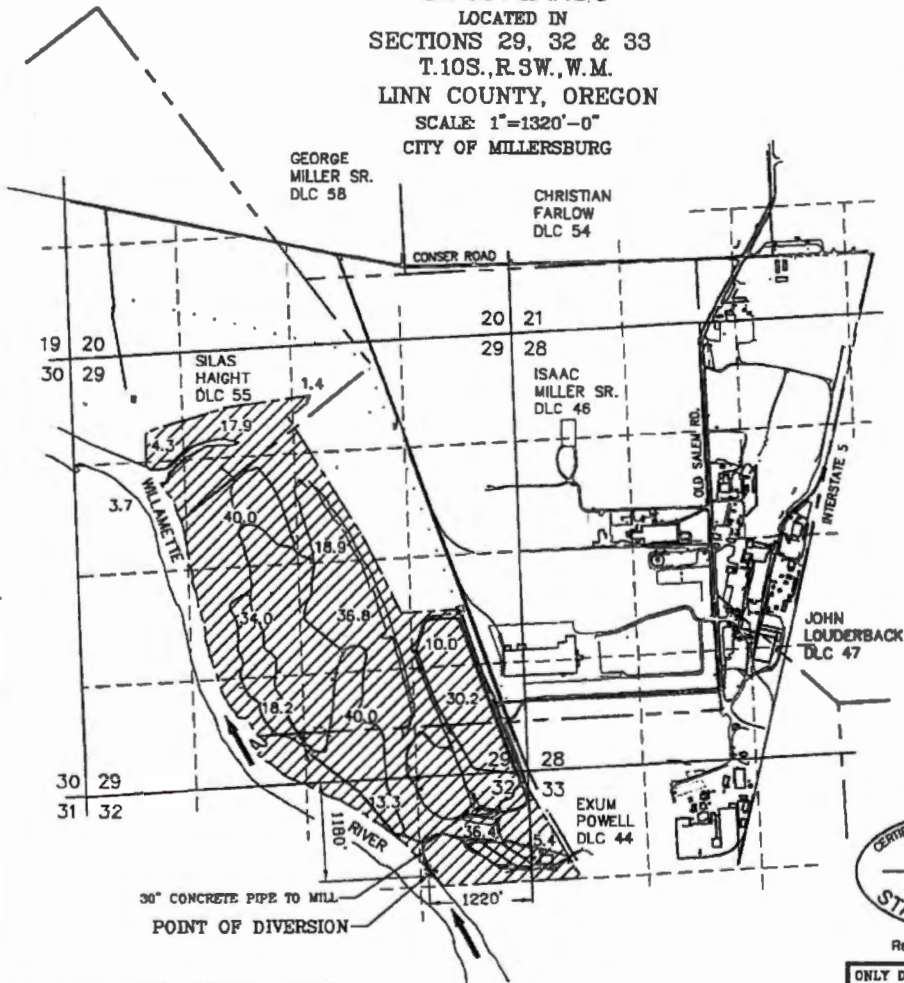
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 85736.

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.



ONLY DOCUMENTS STAMPED WITH RED INK ARE ORIGINALS.

DRAWING NO. 3650P03R1

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **129276**

INVOICE # _____

RECEIVED FROM: GSI Water Solutions, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-12773

CASH: CHECK: # 21196 OTHER: (IDENTIFY)

TOTAL REC'D \$ 117.29

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46117 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 117.29

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) _____ \$
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ 0202 \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ 0219 \$
LANDOWNER'S PERMIT \$ 0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD # _____
0210 MONITORING WELLS \$ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$
0231 HYDRO LICENSE FEE (FWWRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$

RECEIPT: **129276**

DATED: 3/7/19 BY: Gilardi

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **129276**

INVOICE # _____

RECEIVED FROM: GSJ Water Solutions, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-12773

CASH: CHECK: # 21196 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 117.29

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46117 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 117.29

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) _____	\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
\$	\$	\$	\$
0203 GROUND WATER	\$	0204	\$
\$	\$		
0205 TRANSFER	\$		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
\$	\$	\$	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY) _____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **129276**

DATED: 3/7/19 BY: [Signature]



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

RECEIVED

MAR 07 2019

OWRD

February 14, 2019

WILLAMETTE INDUSTRIES INC.
PO BOX 339
ALBANY, OR 97321

SUBJECT: Water Right Transfer Application T-12773

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$117.29 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-12773 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than March 15, 2019.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the **Polk County Itemizer Observer** newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by March 15, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at Joan.M.SMITH@oregon.gov or at 503-986-0892, if I may be of assistance.

Sincerely,

✂-----

Attached is a check for \$117.29 (PCA #46117) for Newspaper Notice for Transfer T-12773

- made out to Oregon Water Resources Department (or WRD)
- **"for T-12773 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Transfer Specialist
Transfer and Conservation Section

cc: T-12773
Joel M. Plahn, District 16 Watermaster *(via e-mail)*
GSI Water Solutions Inc., Agent for the applicant *(via e-mail)*
City of Independence, Receiving Landowner

GSI WATER SOLUTIONS, INC.

021196

Check Date: 2/20/2019

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
T-12773 Notice	2/19/2019	0014543	117.29			117.29
Oregon Water Resources Department		TOTAL				117.29
Key Bank 8460 - GSI Water 6		245				

RECEIVED

MAR 07 2019

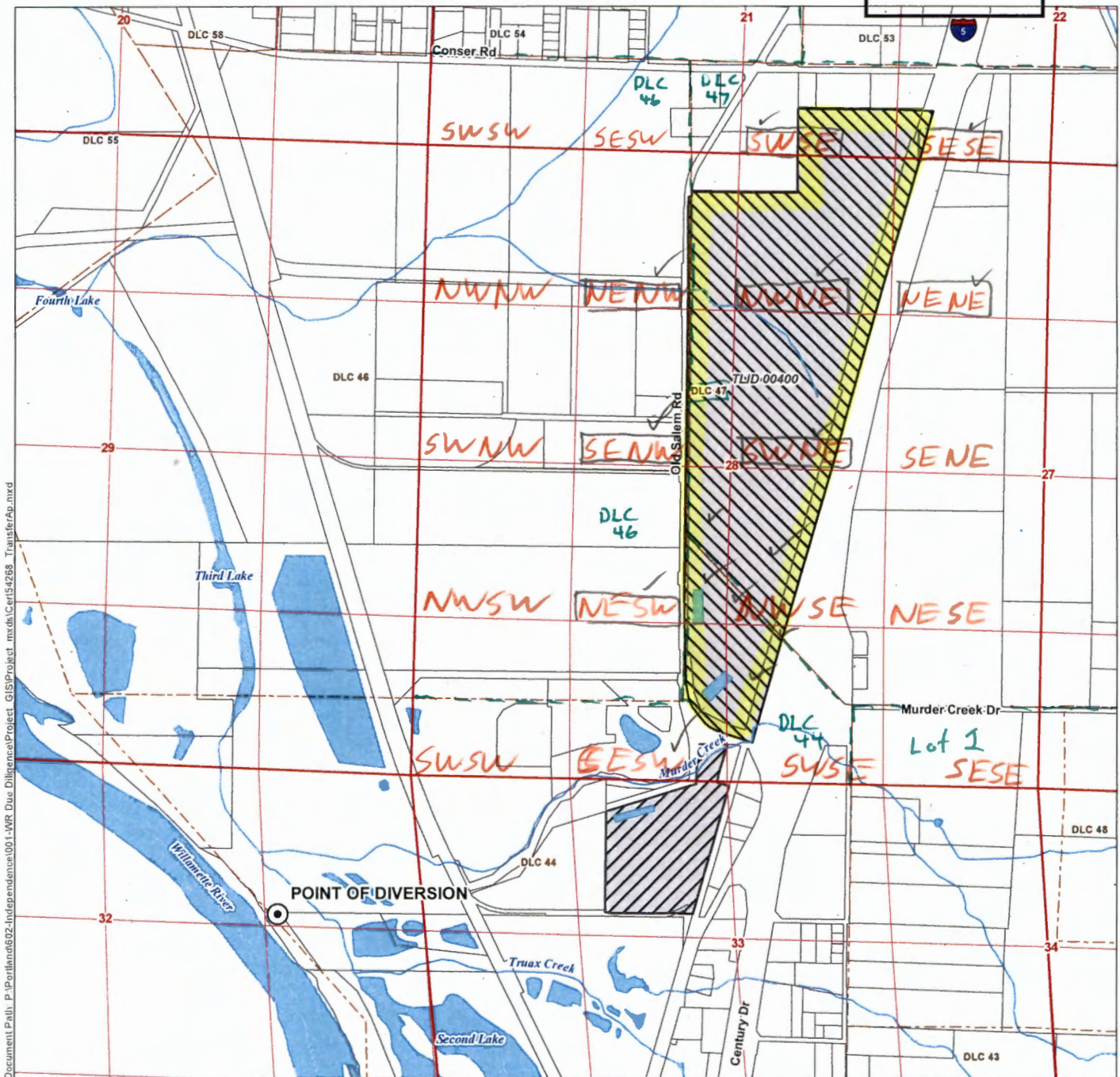
OWRD

Application for a Water Right Transfer Authorized Place of Use/Point of Diversion

Certificate 54268

Township 10 South, Range 3 West (W.M.)

COPY

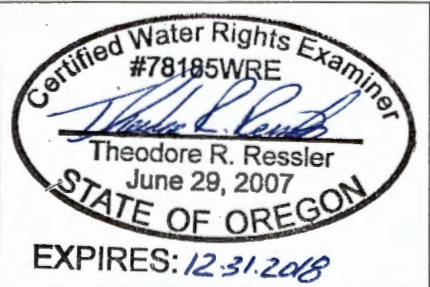


LEGEND

- Point of Diversion (POD)
- Authorized POU, Not Subject to the Transfer
- Authorized POU, Subject to the Transfer
- Tax Lot
- Donation Land Claim (DLC)
- Watercourse
- Waterbody

POD LOCATION DESCRIPTION
Point of Diversion
Located 1260 feet South and 1220 feet West from the NE corner of Section 32, Township 10 South, Range 3 West (W.M.)

Certified Water Rights Examiner Stamp



DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES
Date: November 8, 2017
Data Sources: BLM, QWRD, ESR, Linn Co, USGS

RECEIVED

NOV 20 2017



T 12773

COPY

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											
Twp	Rng	Sec	¼	¼	Tax Lot	DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	
10	S	3	W	21	SE	SE		54	Industrial/ Manufact.	POD 1	12/23/ 1954
				21	SW	SE		54			
				28	NE	NE		47			
				28	NW	NE		47			
				28	NE	NW		47			
				28	SW	NE		47			
				28	SE	NW		47			
				28	NW	SE		47			
				28	NW	SE		44			
				28	NE	SW		47			
				28	NE	SW		44			
				28	SW	SE		44			
				28	SE	SW		44			
TOTAL ACRES:											

RECEIVED

NOV 9 2017

OWRD

T 12773

RECEIVED

MAR 07 2019

OWRD



March 5, 2019

Joan Smith
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Draft Preliminary Determination for Water Right Transfer Application T-12773

Dear Ms. Smith;

On November 20, 2017, GSI Water Solutions (GSI) filed water right transfer application T-12773 on behalf of International Paper Company (IPC). Transfer T-12773 requests changes to the point of diversion, place of use and character of use for a 2.0 cfs portion of Certificate 54268. I received your letter dated February 11, 2019, which included the draft Preliminary Determination (DPD) for Transfer T-12773, and draft remaining right certificate. I am submitting this letter on behalf of International Paper to provide comments on those documents.

First, in finding of fact 4 in the DPD, please clarify this finding to indicate that the only changes included in the amended documents were corrections for the location descriptions of the requested points of appropriation (wells). For example, "On September 14, 2018, the applicant submitted an amended application page, geologist report and map to correct the locations of the requested wells."

Second, in findings of fact 5 and 6, the lease referred to is incorrect. As described in the application cover letter, the 2.0 cfs portion of Certificate 54268 proposed for transfer is included instream lease IL-1434, which is currently being renewed by International Paper. Please revise as needed.

Third, the DPD and remaining right certificate should be modified to reflect changes to Certificate 54268 as the result of International Paper's specific-to-general industrial use notice. In May 2013, Ed Henricks submitted to OWRD a notice of the changes to Certificate 54268, and an associated map, and described the provisions of ORS 540.520(9) that allowed the process. (A copy of the specific-to-general notice is enclosed.) As a result of this change, the authorized place of use for Certificate 54268

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

"Attachment F"

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
	NE 1/4, SW 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

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:

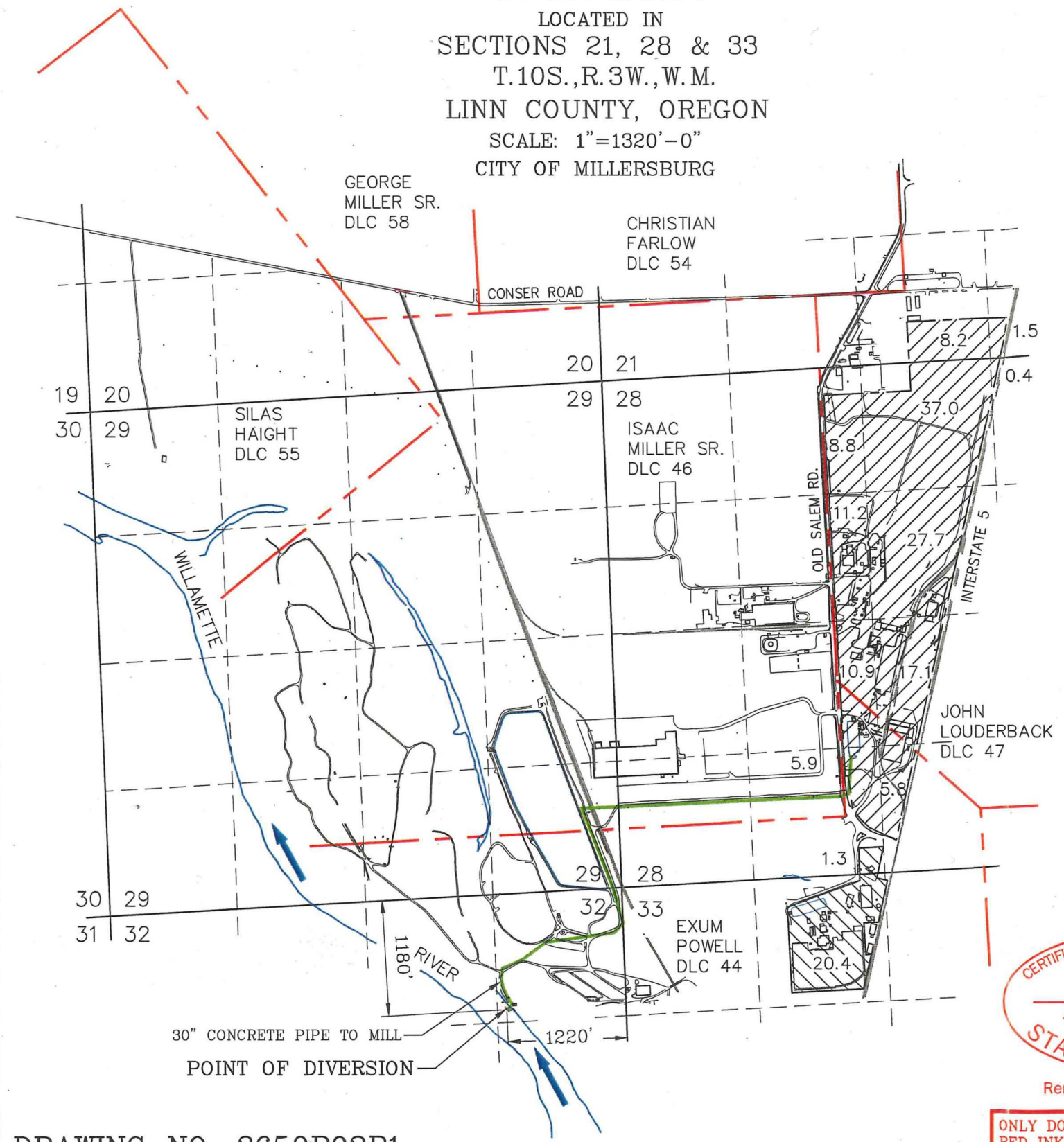
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 54268. THE RATE IS SPLIT 17.0 CFS TO TAX LOT 400 AND 1.0 CFS TO TAX LOT 151 AS NOTED IN THE ACREAGE SUMMARY. IN 2007 TAX LOT 150 WAS SOLD TO FLAKEBOARD AMERICA AND IN THE SALE AGREEMENT 1.0 CFS OF THE 18.0 CFS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



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.

DRAWING NO. 3650P02R1

are the lands shown on the map, and further described in the "from" lands table included in Attachment 7 of the application for transfer T-12773. (For further reference, please also see the enclosed letter from International Paper's attorney, David Filippi, which describes this issue as it relates to a transfer application for another of IPC's water right certificates, T-12065. For that transfer, OWRD agreed with Mr. Filippi and made the requested changes.) Both the authorized place of use under Finding of Fact 7 and the place of use in the remaining right certificate should be changed to reflect the place of use following the specific-to-general notice. Similar to T-12065, IPC is requesting a revised DPD that documents this requested correction.

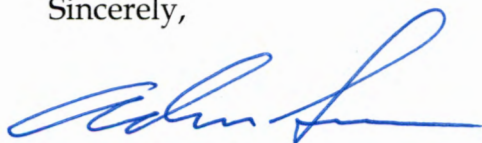
Fourth, we are concerned that the condition described in item 10 could have the unintended consequence of unnecessarily precluding the use of water from the proposed wells. The proposed condition states that: "Prior to diverting water, the water user shall install a fish screening and/or bypass device..." As written, the condition could be interpreted to prohibit the City of Independence from pumping water from the proposed points of appropriation (wells) if the point of diversion had not yet been constructed and screening installed. We request that OWRD modify the condition to state: "Prior to diverting water at the proposed surface water point of diversion, the water user shall install..."

Fifth, the DPD provided a completion deadline of October 1, 2024, which allows approximately 5 years to complete the transfer. As described in the cover letters from International Paper and from the City of Independence, completing the transfer will require a significant amount of work. Accordingly, the transfer application requests 30 years to complete the transfer. (Please see the letter from the City of Independence dated November 15, 2017 included with the transfer application for more details regarding the effort required to complete this transfer.)

Finally, we appreciate the Department's efforts to process this application and look forward to completing the process.

Please contact me if you have any questions. My telephone number is 541-257-9001.

Sincerely,



Adam Sussman
Principal Water Resources Consultant

Enclosures

Cc: Terry Thomas, International Paper
Vaughn Pieschl, International paper
Kie Cottam, City of Independence



Wednesday, May 15, 2013

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

RECEIVED

MAR 07 2013

OWRD

Attn: Dwight French

Re: International Paper Company paper mill property located in Linn County, Albany, Oregon and **Certificate 54268**, 1) below, **place of use clarification under ORS 540.520(9) 1999 SB301**. Refer to attached map / drawing item F below. Other map attachments are for clarity of intent for final water distribution.

Background: International Paper Company (IP) is in the process of demolishing and marketing the Albany paper mill facility / site. IP's intentions are to take advantage of the existing infrastructure and create 3 parcels that maximize the sites potential and future use for manufacturing.

In 1954 Willamette Industries, Inc. applied for the first water right on the property and built a paper mill referred to as Western Kraft on the property. In 2002 Weyerhaeuser Company acquired the property from Willamette Industries, Inc. IP purchased the property in 2008 from Weyerhaeuser Company and is the current owner. All of the water rights at the mill have been in continuous use and the pumping system at the point of diversion is ready, willing, and able to pump the entire rate of the combined existing rights.

The place of use, point of diversion, rate, delivery system, and type of use of all four existing water rights, 1), 2), 3), & 4) below, are not being changed by the creation of the 3 parcels from the single parent parcel. A transfer application is not required with the State of Oregon Water Resources Department (WRD) that manages water rights to create and allocate the places of use for the rights. Site service agreements will be created as part of the sales to address specific water service commitments between parties.

ORS 540.520(9), Senate Bill 301 from Oregon 1999 legislative session, allows the place of use on manufacturing sites to be the property of record owned at or before the priority date. Prior to this bill manufacturing water rights were mapped showing a very limited place of use when in actuality the water was piped throughout the facility. It was not uncommon to see a single boiler building shown on the map as the place of use when the site consisted of several hundred acres of land. This bill provided a statute for the certificate holder to use the water where it was intended to be used and has been used on the entire acreage (refer to attachment "G" page 3).

Existing Water Rights pertinent to the Parent Parcel:

- 1) **Certificate no. 54268**, Permit no. S- 23102, Application no. S-29640
Priority Date: December 23, 1954 Type of use: Manufacturing
Rate: 18.0 cubic feet per second (cfs)
Original right for paper mill prior to construction.

- 2) **Certificate no. 85736**, Permit no. S-47184, Application no. S-64515
Priority Date: October 29, 1982 Type of use: Manufacturing
Rate: 12.0 cfs

Additional water for plant modernization and additional capacity.

3) **Transfer No. 7526**

- a. Certificate no. 68559, Permit no. 14106
Priority Date: November 2, 1939 Type of use: Log deck sprinkling
Rate: 1.93 cfs
- b. Certificate no. 20829, Permit no. 20469
Priority Date: June 11, 1943 Type of use: Manufacturing
Rate: 2.0 cfs
- c. Certificate no. 20873, Permit no. 20514
Priority Date: January 23, 1951 Type of use: Manufacturing
Rate: 1.2 cfs

5.13 cfs total transferred downstream from Culp Creek to cover all paper mill lands, fill some gaps, and cogeneration facility.

4) **Permit no. 54030, Application no. S-84780**

Priority Date: June 7, 2001 Type of use: Irrigation of 254.6 acres
Rate: 3.18 cfs and 2.5 acre-feet for each acre irrigated during the irrigation season each year.
Water Resources Commission Willamette Basin Exception - Water from the aeration pond (sludge) was being land applied under State of Oregon Department of Environmental Quality (DEQ) permit. The water was used to grow a crop and hence needed a water right from the WRD. It is a limited irrigation right tied to the source of the aeration pond as the point of diversion.

Objective: To create the appropriate maps / drawings for recordation of the three parcels being created that clearly show the place of use and rate for each of the four existing water rights pertinent to the parent parcel. These maps / drawings are attached and described as follows;

ATTACHMENTS

- A. **Land Sale.DWG** – Proposed Sale Parcels #'s 1, 2, &3
This map shows the 3 parcels being created from the single parent parcel each having a different hachuring and lists the water right / rights associated with each hachured parcel.
- B. **APM-08-4777-P-01** – Final Proof Survey Map for **Permit S-54030 4) above**. This is an irrigation right with a source as the aeration pond. This shows acreage included in **Sale Parcel #1**.
- C. **MISC-02-4276-P-01 REV. 3** – Final Proof Survey Map for **Transfer 7526 3)b above**.
This is an amendment map, dated November 9th, 2012, that shows 254.6 acres, highlighted light brown, as receiving 1.2 cfs from certificate 20873 on acreage included in **Sale Parcel #1**. Certificate 20873 is one of three certificates that make up T-7526.
- D. **MISC-02-4276-P-01 REV. 3** – Final Proof Survey Map for **Transfer 7526 3)a above**.
This is an amendment map, dated November 9th, 2012, that shows 365.3 acres, highlighted light green, as receiving 1.93 cfs from certificate 68559 and 2.0 cfs from certificate 20829 on acreage included in **Sale Parcel #2**. Certificates 68559 and 20829 are two of three certificates that make up T-7526.
- E. **Drawing No. 3650P03 (APM-99-3650-P-03 Rev 0)** – ORS 540.520(9) SB 301 Lands for **Certificate 85736 2) above**. This map shows the place of use and is intended to be the new final proof map in the water right file. This shows acreage included in **Sale Parcel #2**.
- F. **Drawing No. 3650P02 (APM 99-3650-P-02 Rev 0)** – ORS 540.520(9) SB 301 Lands for **Certificate 54268 1) above**. This map shows the place of use and is intended to be the new final proof map in the water right file. This shows acreage included in **Sale Parcel #3**. This also

shows that 1.0 cfs of the total 18 cfs was sold to Flakeboard America in 2007. This was noted by a letter sent to the State of Oregon Water Resources Department with the site service agreement and is found in the water right file at which time the Claim of Beneficial Use map for T-7526 was amended to remove the Flakeboard site from the place of use and is also noted in the aforementioned letter.

- G. **Drawing No. 3650P01R1** (APM-99-3650-P-01 Rev 1) – ORS 540.520(9) §B 301 Lands for the parent parcel being divided into three parcels shown in “A” above. This map was created September of 1999 to show the paper mill lands that had water rights available for manufacturing use. This is the base map used to equitably divide the water on the three newly created parcels as shown on attachments E & F above.
- H. **MISC-02-4276-P-01 REV. 3** – Stamped and Signed Final Proof Survey Map for Transfer 7526. Map amendment dated November 9th, 2012. Map change shows, 254.6 acres, as receiving 1.2 cfs from certificate 20873 and 365.3 acres, as receiving 1.93 cfs from certificate 68559 and 2.0 cfs from certificate 20829. This map was amended to clarify the place of use of each of the three water rights involved in the transfer prior to certificate issuance.

Summary: The place of use for **water right 1) above, Certificate 54268 is Sale Parcel #3** as shown on the **attached map F** above, Drawing No. 3650P02. The type of use, point of diversion, rate, and delivery system remain unchanged. This is the only water right covering the mapped lands of parcel #3.

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

Sincerely,

J. Edward Henricks
OR PLS, CWRE No. 170

cc:

Dan M. Davis
International Paper Company
Manager Surplus Properties
6400 Poplar Avenue
Memphis, TN 38197
dan.davis@ipaper.com
(901)419-4270

Kathleen M. Willemin
International Paper Company
Legal Department - Tower II - 4th Floor
6400 Poplar Avenue
Memphis, TN 38197
kathleen.willemin@ipaper.com
(901) 832-4495

Vaughn Pieschl
International Paper Company
3251 Old Salem Rd.
Albany, OR 97321
vaughn.pieschl@ipaper.com
541-924-4650 office
541-409-5573 mobile

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OWRD

Enclosure(s): Attachments A,B,C,D,E,F,G, & H

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

"Attachment F"

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
		1.0 ACRES DLC 44
	NE 1/4, SW 1/4	6.9 ACRES DLC 47
		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

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:

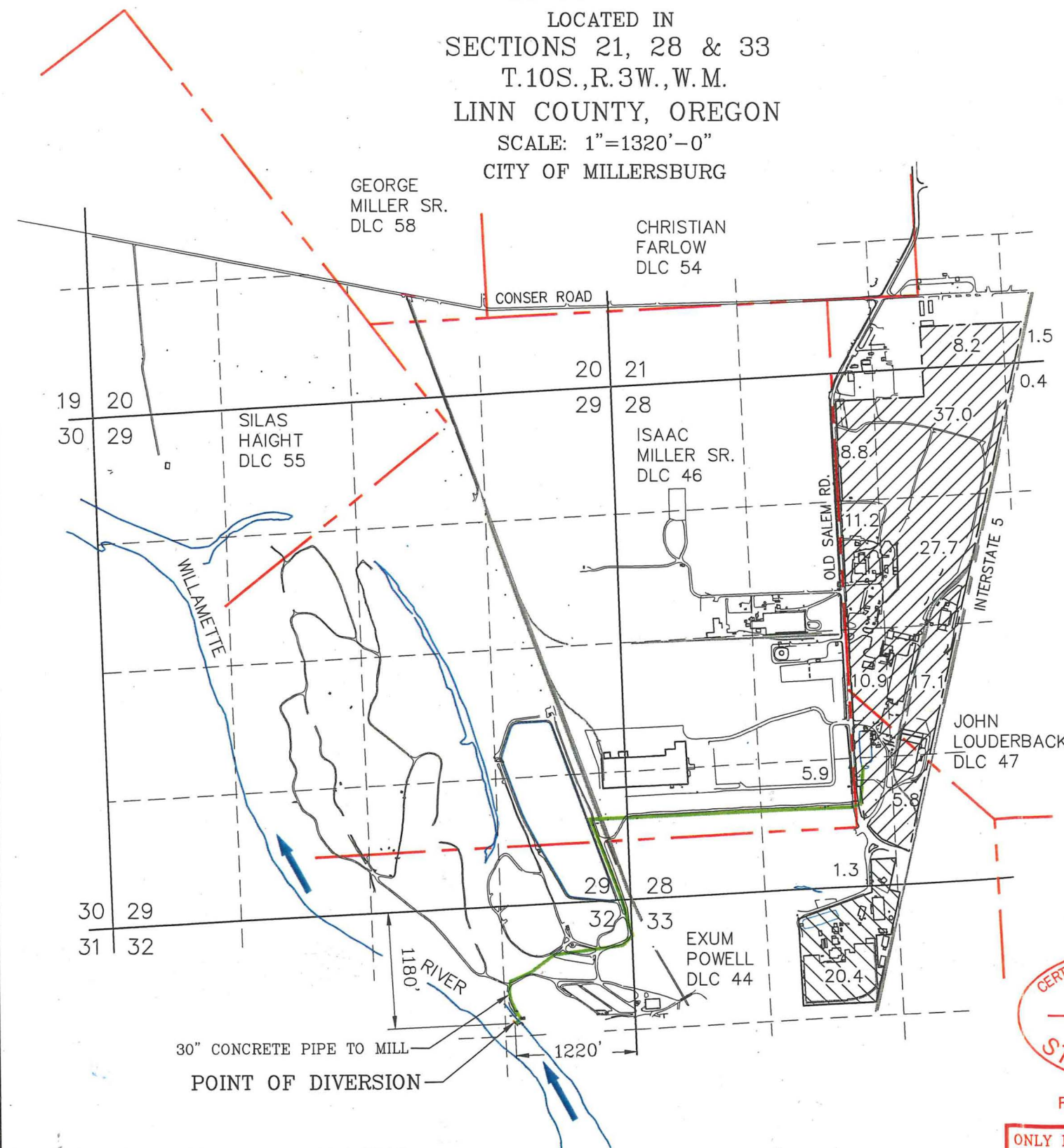
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 54268. THE RATE IS SPLIT 17.0 CFS TO TAX LOT 400 AND 1.0 CFS TO TAX LOT 151 AS NOTED IN THE ACREAGE SUMMARY. IN 2007 TAX LOT 150 WAS SOLD TO FLAKEBOARD AMERICA AND IN THE SALE AGREEMENT 1.0 CFS OF THE 18.0 CFS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



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.

DRAWING NO. 3650P02R1



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

October 12, 2015

DAVID E. FILIPPI
Direct (503) 294-9529
david.filippi@stoel.com

VIA ELECTRONIC MAIL
patrick.k.starnes@state.or.us

Mr. Kelly Starnes
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

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Re: Draft Preliminary Determination for T-12065

Dear Mr. Starnes:

We represent International Paper Company ("IPC") in the above-referenced matter, and this letter responds to your letter of September 11, 2015 requesting comments and additional information.

Per recent discussions involving Dwight French and Adam Sussman, the primary concern for IPC is that the FROM lands as described in the Draft Preliminary Determination ("DPD") do not reflect the recent changes to Certificate 85736 as a result of IPC's specific-to-general industrial use changes. As a result, IPC does not agree with the description of the FROM lands in the DPD, and as such, IPC does not agree that the land ownership report requested in your letter includes the appropriate FROM lands.

As background, in May 2013, CWRE Ed Henricks assisted IPC with a specific-to-general industrial use change pursuant to SB 301 (ORS 540.520(9)) for Certificate 85736. Following much discussion with OWRD, including with Tom Paul and Dwight French, Mr. Henricks sent a formal notice regarding the change, including a new POU map, to the Department. The mapping for this change was done in conjunction with the re-mapping of several other water rights (also pursuant to SB 301), so as to align the various IPC water rights with the various IPC parcels, which IPC was intending to sell. A copy of the SB 301 map is included with this letter, and it shows the POU as including 322.5 acres, located east of and along the Willamette River. In particular, note that under the "NOTE" section on the map in the lower right corner, the second sentence reads: "This map amends / replaces the place of use map for certificate 85736."



Mr. Kelly Starnes
October 12, 2015
Page 2

Thus, in regard to transfer application T-12065, instead of including the SB 301 map described above, the application mistakenly included a copy of the final proof survey map dated Sept. 19, 1997, which shows the POU as being 65.6 acres, located on the far eastern edge of the IPC property. Pursuant to its prior discussions with OWRD, IPC maintains that the SB 301 map accurately depicts the current POU for Certificate 85736, and the current location of the FROM lands for purposes of the transfer application. This issue is important given how all the water rights have been re-mapped on the various IP parcels, which again, are being marketed separately with distinct water rights. In particular, it is also important that the 4.25 cfs under Certificate 85736 that is not subject to the pending transfer remain appurtenant to the 322.5 acres (and not the 65.6 acres).

All that said, IPC is providing land ownership reports from AmeriTitle that include both the original 65.6 acres, as well as the new 322.5 acres. In particular, we would note the following items:

1) The ownership reports identify the landowner as IP Eat Three LLC for all tax lots except for 151, which shows Flakeboard America Limited ("Flakeboard") as the landowner.

2) Pursuant to the enclosed documentation, IP Eat Three LLC was a wholly owned subsidiary of IPC, IP Eat Three LLC was dissolved effective December 31, 2008, and IPC acquired all assets upon its dissolution.

3) With respect to the Flakeboard landownership, this is included in the original 65.6 acres. At the same time, the sale agreement to Flakeboard specifically excluded any interest in Certificate 85736, as evidenced in the enclosed documentation.

4) With respect to the sale to Millersburg Power LLC ("Millersburg"), prior to the closing of the sale to Millersburg, IPC re-mapped various water rights so that a portion of T-7526 (1.2 cfs) and Permit S-54030 were appurtenant to the land being sold to Millersburg. As such, these rights were included in the sale, while no rights under Certificate 85736 were included.

5) Please note that even though tax lots 100 and 200 are actually in section 32, T10S R3W, Linn County puts those tax lots on the section 33 map. This helps to explain why AmeriTitle provided two separate reports to describe these locations.

Pursuant to communications with Mr. French, we understand that the Preliminary Determination will be revised to reflect the POU change that resulted from the specific-to-general industrial use

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Mr. Kelly Starnes
October 12, 2015
Page 3

change, and in particular, the PD will be revised so that the remaining right issued for that portion of Certificate 85736 that is not subject to transfer will reflect the 322.5 acres as the authorized POU, and not the former POU located on the original 65.6 acres.

In short, IPC believes the FROM land for purposes of T-12065 should be the 322.5 acres and not the 65.6 acres, and accordingly, that the land ownership report requested from the title company should be for the 322.5 acres described in the SB 301 map, and not the 65.6 acres described in the 1997 final proof survey map. At the same time, reports for both acreages were requested and are being provided to the Department with this letter.

Otherwise, IPC does not have any further comments regarding the DPD. Please do not hesitate to contact me if you have any questions regarding this comment letter.

Very truly yours,

David E. Filippi

DEF:dew

Enclosures

cc: Client
Adam Sussman
Kim Grigsby

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

"Attachment E"

Sale #2

ACREAGE SUMMARY

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

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	0.8 ACRES DLC 55
	SE 1/4, NW 1/4	7.1 ACRES DLC 55
	SW 1/4, NE 1/4	18.9 ACRES DLC 48
	SE 1/4, NW 1/4	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 48
	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	14.6 ACRES DLC 46	
SW 1/4, SE 1/4	15.6 ACRES DLC 44	
SE 1/4, SE 1/4	20.9 ACRES DLC 48	
SE 1/4, SW 1/4	19.1 ACRES DLC 44	
SE 1/4, SW 1/4	12.6 ACRES DLC 48	
SE 1/4, SW 1/4	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
		322.5 ACRES TOTAL

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:

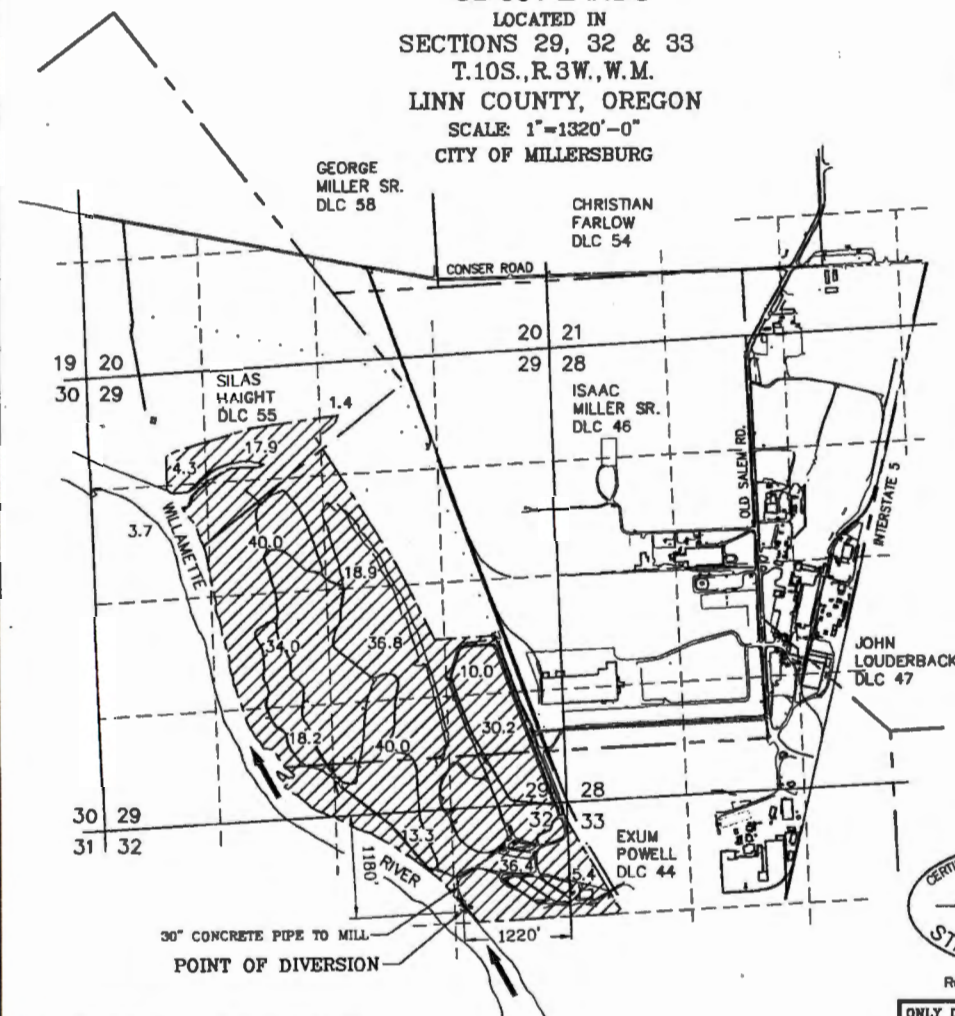
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 85736.

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.



DRAWING NO. 3650P03R1

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.

RECEIVED
MAR 07 2019
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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. Z3102 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,

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 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



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

February 14, 2019

WILLAMETTE INDUSTRIES INC.
PO BOX 339
ALBANY, OR 97321

Actual applicant not name on Cert.
↓
International Paper Company
6400 Poplar
Memphis TN 38197

SUBJECT: Water Right Transfer Application T-12773

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$117.29 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-12773 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than March 15, 2019.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the **Polk County Itemizer Observer** newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by March 15, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at Joan.M.SMITH@oregon.gov or at 503-986-0892, if I may be of assistance.

Sincerely,

✂-----

Attached is a check for \$117.29 (PCA #46117) for Newspaper Notice for Transfer T-12773

- made out to Oregon Water Resources Department (or WRD)
- **"for T-12773 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Transfer Specialist
Transfer and Conservation Section

cc: T-12773
Joel M. Plahn, District 16 Watermaster *(via e-mail)*
GSI Water Solutions Inc., Agent for the applicant *(via e-mail)*
City of Independence, Receiving Landowner

Oregon

Water Resources Department

725 Summer St NE, Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

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FEB 25 2019

OWRD



U.S. POSTAGE >> PITNEY BOWES



ZIP 97301 \$ 000.38³
0000361800 FEB 15 2019

RECEIVED

FEB 25 '19

OWRD

Willamette Industries Inc.
P.O.Box 339
Albany, OR. 97321

NIXIE 971 FE 1260 0002/24/19

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 97301126673 *2929-01213-24-20



UTF

ALB-ASB 973011266

SMITH Joan M * WRD

From: SMITH Joan M * WRD
Sent: Thursday, February 14, 2019 9:59 AM
To: PLAHN Joel M * WRD; 'asussman@gsiws.com'; 'dan.davis@ipaper.com'
Subject: Transfer T-12773
Attachments: 12773-news notice ltr.pdf

SUBJECT: Water Right Transfer Application T-12773

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$117.29 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write “for T-12773 NOTICE” on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than March 15, 2019.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the **Polk County Itemizer Observer** newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by March 15, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at Joan.M.SMITH@oregon.gov or at 503-986-0892, if I may be of assistance.

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892



SMITH Joan M * WRD

From: SMITH Joan M * WRD
Sent: Monday, February 11, 2019 1:45 PM
To: dan.davis@ipaper.com
Cc: PLAHN Joel M * WRD; 'Ted Ressler'; Adam Sussman
Subject: FW: Transfer Application T-12773
Attachments: 12773-dpd.docm; 12773-rr-cert.docm; 12773-dpd-cov approve.docm

Reference: Water Right Transfer Application T-12773

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12773. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the drafts carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Polk County Itemizer Observer as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

Conditions to your water right...

The Watermaster has required a water measurement device at the new diversion point and devices at the new points of appropriation prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water from the new point of diversion on the Willamette River. You may not divert water prior to installation and approval of the fish screen.** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2024. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there are intervening points of diversion/appropriation between the new and the authorized points of diversion/appropriation and because there is more than ¼ mile between the new and the authorized points of diversion/appropriation and because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application; and
3. Confirm the name of the newspaper as the Polk County Itemizer Observer to use for publication of the notice of the Preliminary Determination.

If we do not receive the items listed above by March 12, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 or Joan.M.SMITH@oregon.gov if I may be of assistance.

Sincerely,

Joan Smith
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-12773
The City of Independence, Receiving Landowner (*via hard copy*)

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892



**Notice of Preliminary Determination for
Water Right Transfer T-12773**

T-12773 filed by International Paper Company, 6400 Poplar Ave., Memphis, TN 38197, proposes point of diversion, place of use, use, and surface water point of diversion to groundwater point of appropriation changes under Certificate 54268. The right allows the use of 2.0 cubic feet per second from the Willamette River in Sec. 32, T10S, R3W, WM for manufacturing in Sects. 28 and 33. The applicant proposes to move the point of diversion to within Sec. 28, T8S, R4W, WM, proposes to move the point of diversion to groundwater points of appropriation in Sects. 28 and 33, T8S, R4W, WM, to change the place of use to within the service boundary of the city of Independence, and to change the character of use to municipal. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Oregon
Kate Brown, Governor

File Copy

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

February 14, 2019

~~WILLAMETTE INDUSTRIES INC.
PO BOX 339
ALBANY, OR 97321~~

wrong addressee

SUBJECT: Water Right Transfer Application T-12773

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$117.29 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-12773 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than March 15, 2019.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the **Polk County Itemizer Observer** newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

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Please do not hesitate to contact me at Joan.M.SMITH@oregon.gov or at 503-986-0892, if I may be of assistance.

Sincerely,

✂-----

Attached is a check for \$117.29 (PCA #46117) for Newspaper Notice for Transfer T-12773

- made out to Oregon Water Resources Department (or WRD)
- **"for T-12773 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Transfer Specialist
Transfer and Conservation Section

cc: T-12773
Joel M. Plahn, District 16 Watermaster *(via e-mail)*
GSI Water Solutions Inc., Agent for the applicant *(via e-mail)*
City of Independence, Receiving Landowner

SMITH Joan M * WRD

From: PHILLIPS Stacy H * WRD
Sent: Thursday, February 14, 2019 9:21 AM
To: STARNES Patrick K * WRD
Cc: SMITH Joan M * WRD
Subject: RE: Newspaper Estimate for Transfer Application T-12773

Hey Joan,

The quote came in for this notice. Total cost will be \$117.29.

Thanks,

Stacy H Phillips | Transfers and Conservation Support
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503 986-0815 | Fax: 503 986-0901
Email: stacy.h.phillips@oregon.gov

From: STARNES Patrick K * WRD
Sent: Wednesday, February 13, 2019 8:15 AM
To: PHILLIPS Stacy H * WRD
Cc: SMITH Joan M * WRD
Subject: Newspaper Estimate for Transfer Application T-12773

Hi Stacy –

Joan will need a quote for the attached TRANSFER Application notice to run in the Polk County Itemizer Observer. Run time is two weeks.

Thanks!

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Telephone: 503-986-0886 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

February _____, 2019

VIA E-MAIL

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

CITY OF INDEPENDENCE
P.O. BOX 7
INDEPENDENCE, OR. 97351

Reference: Water Right Transfer Application T-12773

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12773. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Polk County Itemizer Observer as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

Conditions to your water right...

The Watermaster has required a water measurement device at the new diversion point and devices at the new points of appropriation prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water from the new point of diversion on the Willamette River. You may not divert water prior to installation and approval of the fish screen.** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2024. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there are intervening points of diversion/appropriation between the new and the authorized points of diversion/appropriation and because there is more than ¼ mile between the new and the authorized points of diversion/appropriation and because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

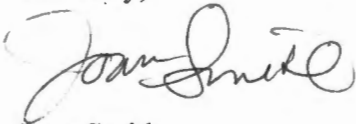
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application; and
3. Confirm the name of the newspaper as the Polk County Itemizer Observer to use for publication of the notice of the Preliminary Determination.

If we do not receive the items listed above by March 12, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 or Joan.M.SMITH@oregon.gov if I may be of assistance.

Sincerely,



Joan Smith
Transfer Specialist
Transfer and Conservation Section

SUPERSEDED

cc: Transfer Application file T-12773
Joel M. Plahn, District 16 Watermaster *(via e-mail)*
GSI Water Solutions Inc., Agent for the applicant *(via e-mail)*
The City of Independence, Receiving Landowner *(via e-mail)*
Theodore Ressler, CWRE *(via e-mail)*

encs Watermaster measurement
ODFW fish screen

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-12773, Linn and Polk Counties)

D R A F T

) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE FROM A SURFACE WATER
) POINT OF DIVERSION TO
) GROUNDWATER POINTS OF
) APPROPRIATION, A CHANGE IN
) POINT OF DIVERION, CHANGES IN
) PLACE OF USE, AND CHARACTER
) OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

Receiving Water User

CITY OF INDEPENDENCE
P.O. BOX 7
INDEPENDENCE, OR 97351

SUPERSEDED

Findings of Fact

1. On November 20, 2017, INTERNATIONAL PAPER COMPANY filed an application to change from a surface water point of diversion to groundwater points of appropriation, a change in point of diversion, to change the place of use, and to change the character of use under Certificate 54268. The Department assigned the application number T-12773.
2. The City of Independence ^{address} is the receiving water user who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On September 14, 2018, the applicant submitted an amended application page describing the points of diversion/appropriation and types of changes requested as well as a geologist report and maps.

fix (

5. On September 6, 2018, Instream Lease IL-¹⁴³⁴1704, recorded at Special Order Volume 109, Pages 374-376 the order was approved for a 2.0 Cubic Feet Per Second (CFS) portion of Certificate 54268.
6. On _____, 2019, Instream Lease IL-¹⁴³⁴1704 was terminated by request of the applicant. The termination order was recorded at Special Order Volume 112, Page _____.
7. The portion of the right to be transferred is as follows:

Certificate: 54268 in the name of WILLAMETTE INDUSTRIES, INC. (perfected under Permit S-23102)

Use: ~~INDUSTRIAL~~ MANUFACTURING

Priority Date: DECEMBER 23, 1954

Rate: 2.0 CUBIC FEET PER SECOND

Source: WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

MANUFACTURING					
Twp	Rng	Mer	Sec	Q-Q	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	44
10 S	3 W	WM	28	NE SW	47
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	NW NE	44
10 S	3 W	WM	33	NE NW	44

you should be requested in sp to gen notice

8. Transfer Application T-12773 proposes a change in point of diversion approximately 13.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	SW SE	260 FEET NORTH AND 3400 FEET EAST FROM THE SW CORNER OF SECTION 28

9. Transfer Application T-12773 proposes to change from a surface water point of diversion to a groundwater point of appropriation (wells) with approximate distances in miles from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	33	NW NE	WILLAMETTE WELL 1 - 260 FEET SOUTH AND 1915 FEET WEST FROM THE NE CORNER OF SECTION 33	13.5

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 2 - 350 FEET NORTH AND 1910 FEET WEST FROM THE SE CORNER OF SECTION 28	13.2
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 3 - 800 FEET NORTH AND 2000 FEET WEST FROM THE SE CORNER OF SECTION 28	14.0

8. Transfer Application T-12773 proposes to change the place of use of the right to:

MUNICIPAL
WITHIN THE SERVICE BOUNDARY OF THE CITY OF INDEPENDENCE

9. Transfer Application T-12773 proposes to change the character of use to municipal use.

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new ^{surface} point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present with the five year period prior to submittal of Transfer Application T-12773.
13. The proposed points of appropriation meet the requirements of ORS 540.531 and OAR 690-380-2130(2).
14. The proposed changes would not result in enlargement of the right.
15. The proposed changes would not result in injury to other water rights.
16. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion and the change from a surface water point of diversion to groundwater points of appropriation and the change in place of use and the change in character of use proposed in Transfer Application T-12773 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12773 is approved, the final order will include the following:

1. *The change in point of diversion and change from a surface water point of diversion to groundwater points of appropriation, and change in place of use, and change in character of use proposed in Transfer Application T-12773 are approved.*
2. *Except as provided in ORS 540.50(3), the right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 54268 and any related decree.*
3. *Water right Certificate 54268 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of diversion (POD 2), and new points of appropriation (Willamette Wells 1, 2, and 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
5. *The wells from which the water is taken under this right shall be constructed so that the use of the well will affect the surface water similarly to the use of the original authorized point of diversion.*
6. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
7. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*
8. *All applicable restrictions that existed at the original point of diversion shall apply to the proposed well.*
9. *The original date of priority shall be retained. However, if within five years after approving the transfer, the Department finds the transfer results in substantial interference with existing groundwater rights that would not have occurred in the absence of the transfer, the proposed well shall be subordinate to any existing right injured by the transferred water right.*

10. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the ^{proposed water} new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
11. *The transferred portion of Certificate 54268 (2.0 CFS) shall no longer be used at the former place of use.*
12. *Full beneficial use ²⁰⁴⁹ of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
13. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____

SUPERSEDED

D R A F T

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

January _____, 2019

VIA E-MAIL

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

CITY OF INDEPENDENCE
P.O. BOX 7
INDEPENDENCE, OR. 97351

Reference: Water Right Transfer Application T-12773

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12773. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Polk County Itemizer Observer as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

Conditions to your water right...

The Watermaster has required a water measurement device at the new diversion point and devices at the new points of appropriation prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water from the new point of diversion on the Willamette River. You may not divert water prior to installation and approval of the fish screen.** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2020. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there are intervening points of diversion/appropriation between the new and the authorized points of diversion/appropriation and because there is more than ¼ mile between the new and the authorized points of diversion/appropriation and because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application; and
3. Confirm the name of the newspaper as the Polk County Itemizer Observer to use for publication of the notice of the Preliminary Determination.

If we do not receive the items listed above by January 30, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 or Joan.M.SMITH@oregon.gov if I may be of assistance.

Sincerely,

Joan Smith
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-12773
Joel M. Plahn, District 16 Watermaster (*via e-mail*)
GSI Water Solutions Inc., Agent for the applicant (*via e-mail*)
The City of Independence, Receiving Landowner (*via e-mail*)
Theodore Ressler, CWRE (*via e-mail*)

encs Watermaster measurement
ODFW fish screen

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

94271

THIS CERTIFICATE ISSUED TO
WILLAMETTE INDUSTRIES INC.
ALBANY PAPER MILL
PO BOX 339
ALBANY, OR 97321

confirms the right to use the waters of the WILLAMETTE RIVER, a tributary ^{of} COLUMBIA RIVER to for the purpose of manufacturing.

This right was perfected under Permit S-23102. The date of priority is DECEMBER 23, 1954. 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 16.0 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 as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

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

MANUFACTURING					
Twp	Rng	Mer	Sec	Q-Q	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	44
10 S	3 W	WM	28	NE SW	47
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	NW NE	44
10 S	3 W	WM	33	NE NW	44

This certificate describes that portion of water right Certificate 54268, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application T-12773.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

94271

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 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 _____.

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

**Notice of Preliminary Determination for
Water Right Transfer T-12773**

T-12773 filed by INTERNATIONAL PAPER COMPANY, 6400 Poplar Ave., Memphis, TN 38197, proposes point of diversion, place of use, use, and surface water to groundwater changes under Certificate 54268. The right allows the use of 2.0 cubic feet per second from the Willamette River in Sec. 32, T10S, R3W, WM for manufacturing in Sects. 28 and 33. The applicant proposes an additional point of diversion in Sec. 28, T8S, R4W, WM, and to change the place of use to within the service boundary of the city of Independence, and a change the character of use to municipal. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

* to move the point of diversion to groundwater points of appropriation in Sects. 28 and 33, T8S, R4W, WM,

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-12773, Linn and Polk Counties)

D R A F T

) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE FROM A SURFACE WATER
) POINT OF DIVERSION TO
) GROUNDWATER POINTS OF
) APPROPRIATION, A CHANGE IN
) POINT OF DIVERION, CHANGES IN
) PLACE OF USE, AND CHARACTER
) OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

Receiving Water User

CITY OF INDEPENDENCE
P.O. BOX 7
INDEPENDENCE, OR 97351

Findings of Fact

1. On November 20, 2017, INTERNATIONAL PAPER COMPANY filed an application to change from a surface water point of diversion to groundwater points of appropriation, a change in point of diversion, to change the place of use, and a change the character of use under Certificate 54268. The Department assigned the application number T-12773.
2. The City of Independence is the receiving water user who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On September 14, 2018, the applicant submitted an amended application page describing the points of diversion/appropriation and types of changes requested as well as a geologist report and maps.

5. On September 6, 2018, Instream Lease IL-1704, recorded at Special Order Volume 109, Pages 374-376 the order was approved for a 2.0 Cubic Feet Per Second (CFS) portion of Certificate 54268.
6. On _____, 2019, Instream Lease IL-1704 was terminated by request of the applicant. The termination order was recorded at Special Order Volume 112, Page _____.
7. The portion of the right to be transferred is as follows:

Certificate: 54268 in the name of WILLAMETTE INDUSTRIES, INC. (perfected under Permit S-23102)
Use: MANUFACTURING
Priority Date: DECEMBER 23, 1954
Rate: 2.0 CUBIC FEET PER SECOND
Source: WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

MANUFACTURING					
Twp	Rng	Mer	Sec	Q-Q	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	44
10 S	3 W	WM	28	NE SW	47
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	NW NE	44
10 S	3 W	WM	33	NE NW	44

8. Transfer Application T-12773 proposes a change in point of diversion approximately 13.5 miles downstream to:

NORTH Application say 11 mi.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	SW SE	260 FEET SOUTH AND 3400 FEET EAST FROM THE SW CORNER OF SECTION 28

9. Transfer Application T-12773 proposes to change from a surface water point of diversion to a groundwater point of appropriation (wells) with approximate distances in miles from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	33	NW NE	WILLAMETTE WELL 1 - 260 FEET SOUTH AND 1915 FEET WEST FROM THE NE CORNER OF SECTION 33	13.5

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 2 - 350 FEET NORTH AND 1910 FEET WEST FROM THE SE CORNER OF SECTION 28	13.2
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 3 - 800 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 28	14.0

8. Transfer Application T-12773 ~~also~~ ^{delete} proposes to change the place of use of the right to: ^{Application says 2000 feet}

MUNICIPAL
WITHIN THE SERVICE BOUNDARY OF THE CITY OF INDEPENDENCE

9. Transfer Application T-12773 proposes to change the character of use to MUNICIPAL. ^{municipal small caps use.}
10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present with the five year period prior to submittal of Transfer Application T-12773.
13. The proposed points of appropriation meet the requirements of ORS 540.531 and OAR 690-380-2130(2).
14. The proposed changes would not result in enlargement of the right.
15. The proposed changes would not result in injury to other water rights.
16. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion and the change from a surface water point of diversion to groundwater points of appropriation and the change in place of use and the change in character of use proposed in Transfer Application T-12773 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12773 is approved, the final order will include the following:

1. *The change in point of diversion and ~~the~~ change from a surface water point of diversion to groundwater points of appropriation and ~~the~~ change in place of use and ~~the~~ change in character of use proposed in Transfer Application T-12773 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 54268 and any related decree.*
3. *Water right Certificate 54268 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the ~~additional~~ ^{new} point of diversion, ~~together with that diverted at the original point of diversion~~, shall not exceed the quantity of water lawfully available at the original point of diversion.* *and new points of appropriation*
5. *The wells from which the water is taken under this right shall be constructed so that the use of the well will affect the surface water similarly to the use of the original authorized point of diversion.*
6. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
7. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*
8. *All applicable restrictions that existed at the original point of diversion shall apply to the proposed well.*
9. *The original date of priority shall be retained. However, if within five years after approving the transfer, the Department finds the transfer results in substantial interference with existing groundwater rights that would not have occurred in the absence of the transfer, the proposed well shall be subordinate to any existing right injured by the transferred water right.*

10. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
11. *The transferred portion of Certificate 54268 (2.0 CFS) shall no longer be used at the former place of use.*
12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
13. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____,

D R A F T

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Lease Application) DETERMINATION and
IL-1704, Linn County) FINAL ORDER ON PROPOSED
) INSTREAM LEASE

Authority

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

International Paper
Attn: Dan Davis
6400 Poplar Avenue
Memphis, TN 38197

Findings of Fact

1. On July 23, 2018, International Paper, Dan Davis filed an application to lease a portion of Certificate 54268 for instream use. The Department assigned the application number IL-1704.
2. The portion of the right to be leased is as follows:

Certificate: 54268 in the name of Willamette Industries, Inc. (perfected under Permit S-23102)

Use: Manufacturing Use

Priority Date: December 23, 1954

Quantity: **Rate:** 2.0 Cubic Foot per Second (CFS)

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	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

This is a final order in other than 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.

Twp	Rng	Mer	Sec	Q-Q	DLC
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	NW NE	44
10 S	3 W	WM	33	NE NW	44

3. Certificate 54268 place of use has been reconfigured and better described by the Applicant, and the report is in the water right file, however, for the purposes of this instream lease the place of use must be what has been approved and shown on the Certificate.
4. Certificate 54268 does not specify an authorized period of use. However, the use is for manufacturing, which is considered year round uses unless otherwise specified in the Certificate.
5. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
6. The instream use is as follows:
Willamette River, tributary to Columbia River

Instream Point: At the POD (as described in Finding of Fact No. 2)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
54268	December 23, 1954	2.0	1447.93	January 1 through December 31

7. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
8. The protection of flows at the authorized point of diversion is appropriate, considering:
 - a. The instream water use begins at the recorded point of diversion;
 - b. The location of confluences with other streams downstream of the point of diversion.
 - c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
9. The total monthly quantities of water to be protected under the existing and proposed instream rights at the point will provide for a beneficial purpose.
10. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the point do not exceed the estimated average natural flow.
11. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.

12. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
13. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
14. The Lessor has requested that the lease terminate on December 31, 2023. The lease has been submitted prior to the first day of the irrigation season. The lease may commence on January 1, 2019, being the first day of the irrigation season.
15. The Lessor has requested the option of terminating the lease early with written notice to the Department.

Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. The term of the lease will commence on January 1, 2019 and terminate on December 31, 2023. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days-prior to the instream use period (January 1 through December 31) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this day _____.

 Dwight French, Water Right Services Division Administrator, for
 Thomas M. Byler, Director, Oregon Water Resources Department

This document was prepared by Sarah Henderson and if you have any questions, please call 503-986-0884.

Mailing date: _____

File Copy
**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Lease Application) DETERMINATION and
IL-1434, Linn County) FINAL ORDER ON PROPOSED
) INSTREAM LEASE

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Vaughn Pieschl, Site Manager
International Paper
3521 Old Salem Rd. NE
Albany, OR 97321

Findings of Fact

1. On September 17, 2014, International Paper filed an application to lease a portion of Certificates 54268 and 85736 for instream use. The applicant also requested to lease two water rights resulting from Transfer T-7526. The Department assigned the application number IL-1434.
2. On May 8, 2013, the Department received what appears to be a notice for specific to general industrial use change. For purposes of instream leasing, the portions of Certificate 54268 and 85736 that may be leased to instream use are the water rights of record and will be described consistent with the certificates in this order.
3. On October 6, 2014, the Department requested additional information about the water rights requested to be leased instream under IL-1434 and IL-1435 by International Paper. The additional information requested by the Department was received on October 17, 2014.
4. On November 4, 2014, Certificates 89604 and 89606 were issued based upon completion actions authorized under Transfer T-7526.
5. On November 7, 2014, the Department identified that additional fees were necessary to complete the lease application. The additional fees were received on December 5, 2014.

This is a final order in other than 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.

6. The portion of the first right to be leased has been clarified from the lease application and is as follows:

Certificate: 54268 in the name of Willamette Industries, Inc. (perfected under Permit S-23102)

Use: Manufacturing Use

Priority Date: December 23, 1954

Quantity: **Rate:** 15.0 Cubic Foot per Second (CFS)

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	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	NW NE	44
10 S	3 W	WM	33	NE NW	44

7. The portion of the second right to be leased has been clarified from the lease application and is as follows:

Certificate: 85736 in the name of Weyerhaeuser Company (perfected under Permit S-47184)

Use: Industrial/Manufacturing Use

Priority Date: October 29, 1982

Quantity: **Rate:** 4.25 CFS

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD):

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	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

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	33	NE NW	44

8. Certificate 85736 allows the diversion of up to 12 CFS. The remaining 7.75 CFS is being leased instream under IL-1435.

9. The third right to be leased is as follows:

Certificate: 89604 in the name of International Paper Co. (perfected under Permit S-20469)

Use: Industrial Uses

Priority Date: June 11, 1943

Quantity: **Rate:** 2.0 CFS

Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source
21 S	1 W	WM	31	NE SE	Culp Creek
21 S	1 W	WM	32	NW SW	Row River

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD) on the Willamette River:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

10. Certificate 89604 identifies the source for diversion as the Willamette River and identifies the actual source of water as Culp Creek and Row River. Culp Creek is tributary to the Row River and the Row River is tributary to the Coast Fork Willamette River. The Coast Fork Willamette River is tributary to the Willamette River. Water is conveyed from the original points of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89604 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from Culp Creek and Row River.

11. The fourth right to be leased is as follows:

Certificate: 89606 in the name of International Paper Company (perfected under Permit S-14106)

Use: Industrial Use

Priority Date: November 2, 1939

Quantity: **Rate:** 1.93 CFS

Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source	Measured Distances
21 S	1 W	WM	30	NW SW	Row River	30 FEET SOUTH AND 30 FEET WEST FROM THE SW CORNER OF LOT 3 (SE NW), SECTION 30

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD) on the Willamette River:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

12. Certificate 89606 identifies the source for diversion as the Willamette River and identifies the actual source of water as the Row River. Row River is tributary to the Coast Fork Willamette River and the Coast Fork Willamette River is tributary to the Willamette River. Water is conveyed from the original point of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89606 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from the Row River.
13. Certificates 54268, 85736 89604, and 89606 do not specify an authorized period of use. However, the use is for manufacturing and/or industrial, which are considered year round uses unless otherwise specified in the Certificate.
14. There is another industrial right (Certificate 54268) appurtenant to the same place of use as described in Certificate 85736. The entirety of Certificate 54268 is proposed to be leased to instream use under IL-1434.
15. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1) on September 30, 2014. This notice, however, did not include Certificates 89604 and 89606, which had not yet been issued. Following issuance of Certificates 89604 and 89605, the lease application was re noticed on November 11, 2014. No comments were received.
16. The instream use is as follows:
Willamette River, tributary to the Columbia River

Instream Reach: At the POD (as described in Finding of Fact No. 6)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
54268	12/23/1954	15.00	10,859.50	January 1 – December 31

Instream Reach: At the POD (as described in Findings of Fact No. 7, 9 and 11)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
85736	10/29/1982	4.25	3076.86	January 1 – December 31
89604	6/11/1943	2.00	1447.93	
89606	11/2/1939	1.93	1397.26	
Total Instream		8.18	5922.05	

17. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights.

18. The protection of flows at the authorized points of diversion is appropriate, considering:
 - a. The instream water use is located at the recorded points of diversion;
 - b. The location of confluences with other streams downstream of the points of diversion.
 - c. There are no known areas of natural loss of streamflow to the river bed downstream from the points of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the points of the instream water right.
19. The total monthly quantities of water to be protected under existing and proposed instream rights at the points will provide for a beneficial purpose.
20. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the points do not exceed the estimated average natural flow.
21. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
22. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
23. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed for an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
24. The Lessor requested that the instream use begin in October, 2014, and terminate in October, 2019. Instream leases are based upon calendar years and terms may not exceed five years. The lease may commence upon the date this final order is issued and may terminate on December 31, 2018.
25. The Lessor has requested the option of terminating the lease early with written notice to the Department.

Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water from Certificates 89604 and 89606 and the portions of Certificate 54268 and 85736 leased to instream use.
3. The term of the lease will commence upon approval of the instream lease and terminate on December 31, 2018. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (January 1 through December 31) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this _____ day of December, 2014.

Dwight French, Water Right Services Division Administrator, for
Tom M. Byler, Director, Oregon Water Resources Department

*This document was prepared by Laura
Wilke and if you have any questions,
please call 503-986-0884.*

Mailing date: _____

Regular Transfer Review Checklist

T- 12773

Caseworker: Joan

TYPE OF TRANSFER	
<input checked="" type="checkbox"/>	POD, APOD or POA, APOA and/or Place of Use (690-380-2110 and 690-380-2200)
Transfers Requiring Supplemental Review Criteria	
<input checked="" type="checkbox"/>	Character of Use (690-380-2300)
<input type="checkbox"/>	Instream, ORS 537.348, (690-380-2200, 690-380-2300 and 690-077-065 thru 075)
<input type="checkbox"/>	Consent to Injury of Instream (CTI) ORS 540.530, (690-380-5050)
<input checked="" type="checkbox"/>	Surface Water to Ground Water (SW to GW), ORS 540.531, (690-380-2130)
<input type="checkbox"/>	Supplemental Use to Primary Use (S to P), ORS 540.524, (690-380-2320)
<i>If transfer type not listed above, see separate checklists</i>	

FILE PREPARATION			
CW		CW	
<input checked="" type="checkbox"/>	File Assigned (Computer Entry)	<input checked="" type="checkbox"/>	All Stakeholders accurately listed in WRIS with email addresses if available <input type="checkbox"/> Irrigation District <input type="checkbox"/> BOR <input type="checkbox"/> Tribes Is this a <i>Living</i> Certificate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If Certificate in name of District or BOR, attach Additional Living Certificate Processing checklist</i>
<input checked="" type="checkbox"/>	Make Copies and Place in Working File: <input checked="" type="checkbox"/> Application <input checked="" type="checkbox"/> Map	<input checked="" type="checkbox"/>	Double check all water rights/permits are included in WRIS under Transfer # <u>12773</u> - <i>other transfers filed not reported</i>
<input checked="" type="checkbox"/>	Verify all Certificates/Permits are shown in WRIS to be non-cancelled <input checked="" type="checkbox"/> Print Certificates and Place in Working File	<input checked="" type="checkbox"/>	Copy and Place in Working File: <input checked="" type="checkbox"/> Watermaster Review <input checked="" type="checkbox"/> Groundwater Review <input checked="" type="checkbox"/> ODFW Review
<input checked="" type="checkbox"/>	Add Working file to T-file	<input type="checkbox"/>	Public Comments Received? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, print comments and place in file <input type="checkbox"/> Timely <input type="checkbox"/> Untimely Notes:
<input checked="" type="checkbox"/>	Check Public Comments <i>none</i> https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx		

PR Initials Ca

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000)			
CW	N/A		
<input checked="" type="checkbox"/>		Appropriately signed	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		All required Attachments Received	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		Appropriate Fees Paid	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Government [County] noticed Copy of Acknowledgment Letter	<input checked="" type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>		Check Area of Interest – Print if needed, include in WRIS stakeholder as interested party	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/>		Ditch Co., Irr. Dist and/or BOR sent copies	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/>		Overpayment of Fees, Refund Request w/FO	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/>		OWRD Land Use Form matches Tax Lots, is signed by proper official and is APPROVED N/A = Must meet all 4 criteria for exemption (OAR 690-380-3000(19))	<input checked="" type="checkbox"/> <input type="checkbox"/>

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000) Cont'd

CW	N/A		CW	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Supp. Form D or Letter of approval from Irrigation or Water Control District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Evidence of Use is submitted with supporting documentation <i>water in lease app</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are the supplemental water rights included in the Transfer <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>none</i> If no, are they cancelling? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/>		Map meets criteria of OAR 690-380-3100
<input checked="" type="checkbox"/>		Water Use Subject to Transfer (OAR 690-380-0100(14)) Is the water right(s) proposed for transfer a water use(s) subject to transfer? <input type="checkbox"/> Adjudicated or decreed <input checked="" type="checkbox"/> Certificated <input type="checkbox"/> Water use permit with CBU and proof to satisfaction issued <input type="checkbox"/> Transfer app for which an order approving change has been issued and proper proof of the completion of the change has been filed	<input checked="" type="checkbox"/>		Any application deficiencies that need to be addressed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Notes: <u>all have been addressed</u>

PR Initials CC

Reviewing The "From" and "To" Lands
(Use working copy of application and certificates to mark on)

CW		CW	
<input checked="" type="checkbox"/>	<u>From:</u> Only the authorized POD's/POA's and POU's involved are listed.	<input checked="" type="checkbox"/>	<u>From:</u> Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed) <i>water / no acres</i>
<input checked="" type="checkbox"/>	<u>From:</u> Marked on certificate the acreage being affected and remaining by ¼ ¼. <i>NA - water not acres</i>	<input checked="" type="checkbox"/>	<u>From:</u> Marked on certificate the quantity of water being transferred, cancelled, and remaining
<input checked="" type="checkbox"/>	<u>From and To:</u> Print Plat Card(s), check and note conflicts (change in pou and use only) <i>NA</i>	<input checked="" type="checkbox"/>	<u>From and To:</u> Compare water right map to Application tabulation (Table 2) to Application map for accuracy

more is from Manufacturing for Muni

PR Initials CC

Amended Application Pages And Maps

CW	N/A		CW	N/A	Notes
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Amended Application Pages Rec'd <u>9/17</u> Amended Application Map Rec'd _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Scan new pages <input checked="" type="checkbox"/> Update WRIS with new pages <input checked="" type="checkbox"/> Mark replaced pages in red with 'SUPERSEDED' and place in back of file

Layered and Supplemental Water Rights (OAR 690-380-2240)

CW	N/A		CW	N/A	NOTES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	OAR 690-380-2240(2) and (3) Transfer of Layered Water Rights and Certificates of Registration (change in use or pou) <i>See definition of layered in OAR 690-380-0100(4)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are there other layered water uses subject transfer, permits or certificates of registration which were not included in the application? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide applicant 30days to: <input type="checkbox"/> Submit application for concurrent changes <input type="checkbox"/> Submit affidavits for voluntary cancellations <input type="checkbox"/> Withdraw the application
<input type="checkbox"/>	<input type="checkbox"/>	OAR 690-380-2240(5) Transfer of Supplemental Irrigation water right separately from associated primary water right. Transfer of supplemental irrigation right may be moved separately from associated primary irrigation right if another primary irrigation right with similar reliability is appurtenant to the lands to which the supplemental right is to be moved.	<input type="checkbox"/>	<input type="checkbox"/>	Does the new primary irrigation water right have similar reliability as the associated primary irrigation water right? <input type="checkbox"/> Yes <input type="checkbox"/> No Will the supplemental water right be used more than it was when associated with previous primary right? New primary right priority date: _____ Prior primary right priority date: _____ History of regulation? <input type="checkbox"/> Yes <input type="checkbox"/> No Watermaster Review

TRANSFER REVIEW Criteria (OAR 690-380-4010)

CW		CW	DOCUMENTATION
<input checked="" type="checkbox"/>	Validity of the Right; Not Forfeited OAR 690-380-4010(2)(a) The right(s) has been used over the past five years according to the terms and conditions of the right and the right is not subject to forfeiture under ORS 540.610.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Evidence of Use & supporting documentation <input type="checkbox"/> Confirming Cert issued within last 5 years <input type="checkbox"/> Rebuttal to forfeiture (ORS 540.610(2)) _____ <i>Copy of lease</i>
<input checked="" type="checkbox"/>	Ready, Willing, and Able <i>all water leased</i> OAR 690-380-4010(2)(b) The water user is ready, willing and able to use the full amount of water allowed under the right.	<input type="checkbox"/>	<input type="checkbox"/> Current delivery system description in Part 5 of Application Notes: _____ Delivery system has the capacity to fully divert and use the rate/duty of the right
<input checked="" type="checkbox"/>	Enlargement OAR 690-380-4010(2)(c) The proposed transfer would result in enlargement <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Notes: _____ _____ (Must make a positive finding of "No enlargement").	<input checked="" type="checkbox"/>	No expansion of the right: <input type="checkbox"/> No greater rate or duty per acre than currently allowed <input type="checkbox"/> Cannot increase acreage under the right <input type="checkbox"/> Must prevent the original place of use from receiving water from the same source <input checked="" type="checkbox"/> Cannot divert more water at the new POD or POA than is legally available to that right at the original point of diversion/appropriation See deficient rate right guidance See micro irrigation guidance

TRANSFER REVIEW Criteria Cont'd (OAR 690-380-4010)

<input checked="" type="checkbox"/>	Injury OAR 690-380-4010(2)(d) The proposed transfer would result in injury <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Notes: _____ _____ (Must make a positive finding of "No injury").	<input type="checkbox"/>	The proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled <input checked="" type="checkbox"/> Watermaster Review. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Groundwater Review. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> ODFW Review. <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A If yes, can the injury be mitigated? <input type="checkbox"/> Yes <input type="checkbox"/> No Conditions: _____ _____ Also See Injurious Transfers (690-380-5030 to 5050)
<input checked="" type="checkbox"/>	Other requirements OAR 690-380-4010(2)(e) Any other requirements for water right transfers are met.	<input type="checkbox"/>	Attach supplemental criteria checklist for transfer type marked on page 1 <input checked="" type="checkbox"/> Character of Use <input checked="" type="checkbox"/> SW to GW <input type="checkbox"/> Instream <input type="checkbox"/> Supplemental to Primary <input type="checkbox"/> Consent to Injury of Instream Water Right

COORD INITIALS PKS

PR Initials CW

Additional Findings of Fact

CW	N/A		CW	N/A	SAMPLE FINDING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Add Finding for submission of amended application pages or amended map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	On ____, the applicant submitted an amended application page/map clarifying
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Add Finding for timely comments received <i>None</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	On (date), timely comments were received from (name), asserting (issues). The Department has considered the comments and finds: (do they assert injury/enlargement or forfeiture?)
<input type="checkbox"/>	<input type="checkbox"/>	Add Watermaster Review <i>redundant per Kelly</i>	<input type="checkbox"/>	<input type="checkbox"/>	The District __ Watermaster reviewed the proposed transfer application and concluded the proposed transfer would not result in enlargement of the right or injury to existing water rights. or would result in injury or enlargement of the right unless it was conditioned

COORD INITIALS

PR Initials CW

Additional Conditions and Provisions under Review Criteria

CW	N/A		CW	N/A	SAMPLE FINDING
<input type="checkbox"/>	<input type="checkbox"/>	Add Watermaster conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Supplemental Language (Measurement devices) or requirements to prevent injury or enlargement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Add ODFW fish screen requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Supplemental Language Fish Screen Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Add ground water conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Groundwater Review / Supplemental Language

Additional Conditions and Provisions under Review Criteria (Cont'd)

CW	N/A		CW	N/A	SAMPLE FINDING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Additional finding for evaluation of comments received and any actions or conditions to address comments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	☺
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Add any other special provisions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Additional findings to support determination of additional review criteria listed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any cancellation/diminishment submitted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes: (See Supplemental Language Document) <input type="checkbox"/> Add Authority after 1 st paragraph <input type="checkbox"/> Add finding(s) to document cancellation/diminishment
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are the existing water rights issued in the name of a District or Bureau of Reclamation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	If yes, a Finding of Fact and an Order item identifying the name in which the confirming certificate will be issued and who is responsible for COBU. Notes: <i>See Supplemental Language Document for Living Certificates</i>

COORD INITIALS

PR Initials

Determination and Conclusions of Law

FINDINGS	DETERMINATION AND PROPOSED ACTION / CONCLUSIONS OF LAW
Based on review of the evidence submitted, the Department finds the water right(s) has/have been used [within the last five years] or [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s) and the right(s) is/are not subject to forfeiture.	The right(s) has/have been used [within the past five years] or [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s). or Confirming water right Certificate XXXXX was issued within the last five years prior to submission of Transfer Application T-XXXXX.
Based on the information submitted [and Department records], a diversion structure and ditch sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application. or Based on the information submitted [and Department records], a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application.	The Applicant is ready, willing, and able to use the full quantity of water under the right. There is no evidence in the record to suggest the right is subject to forfeiture.
[As conditioned,] the proposed change(s) would not result in enlargement of the right. Or, if denial The lands currently irrigated under the right would continue to receive water from the same source resulting in enlargement of the right(s).	The proposed change(s) will not enlarge the right. Or The proposed change(s) would result in enlargement of the right.

Determination and Conclusions of Law (Cont'd)

Based on review of the record, the proposed change(s) would not result in injury to other water rights.

Or, if denial

The proposed change(s) would result in the routing of return flows around at least one diversion of other existing water rights, resulting in injury to those rights. **Or**

An instream water right, Certificate XXXXX, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed change in point of diversion.

The proposed change(s) would not result in injury to other water rights.

Or

The proposed change would result in injury to other water rights.

Or

The proposed change would result in injury to the instream water right. [See consent to injury]

- The application is complete. **Or**
 The application is incomplete

- All other application requirements are met. **Or**
 The application is incomplete because . . .
-

Ensure all conditions are carried forward in Order section.

COORD INITIALS

PR Initials

Denial of Transfer (OAR 690-380-4010(3))

OAR 690-380-4010(3)(a)
Describe the basis for the denial

- Injury
 Enlargement
 Deficiencies not rectified

OAR 690-380-4010(3)(b)
Identify conditions or restrictions that, if included in the transfer, would allow approval of the transfer

Examples: consent to injury; amend application to remove well

Yes Approve with conditions

No Must be denied

DRAFT PRELIMINARY DETERMINATION

Document Preparation

<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A	Additional Supplemental Review Criteria Checklist attached	<i>/not ready for use yet -</i>
CW		CW	
<input checked="" type="checkbox"/>		Check tenses (Find and Replace (s), is/are, was/were)	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		Compare authorized PODs/POAs with marked up Certificate	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		Compare Proposed PODs/POAs with Table 1 of Application and Map	<input checked="" type="checkbox"/>
		Add agent, receiving landowner, if applicable, etc.	
		Compare "from" lands with marked up Table 2 of Application and Certificate	
		Compare Proposed Place of Use with Table 2 of Application and Map	

Remaining Right Certificate(s)

<input type="checkbox"/>	Check tenses (Find and Replace (s), is/are, was/were)	<input type="checkbox"/>	Table format matches current template
<input type="checkbox"/>	Content format matches original certificate (e.g., rate/duty limitation)	<input type="checkbox"/>	Name and address matches originating certificate Note: Remaining rights can only be issued in the name of the current landowner(s) of the remaining rights IF 1) the Report of Ownership information supplied for the transfer covers all of the remaining right lands (as well as the right being transferred) and 2) the applicant asks for the remaining right to be issued in its name. Otherwise, the name(s) on the remaining right will be the same as the original water right involved in the transfer.
<input checked="" type="checkbox"/>	Determination and remaining acres combined match acres under originating certificate? <i>reduced rate no acres</i>	<input type="checkbox"/>	All water accounted for
		<input type="checkbox"/>	Document is "Spell checked"

Cover Letter

CW	N/A		CW	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct Name and Address including email address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach supporting documents to cover letter <input type="checkbox"/> Completed Watermaster Contact Sheet <input checked="" type="checkbox"/> ODFW Contact sheet
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Include email addresses for agent and other interested parties (in cc section) of letter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any special conditions explained <i>multiple include changes w/ ODFW</i>
			<input type="checkbox"/>		Document is "Spell checked"

COMMENTS

COORD INITIALS

PR Initials

PRELIMINARY DETERMINATION**Public/Newspaper Notice**

CW	N/A		CW	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Prepare public/newspaper notice using template	<input type="checkbox"/>	<input type="checkbox"/>	Send letter to Applicant/Agent regarding newspaper notice cost
<input type="checkbox"/>		Notice and Letter are "Spellchecked"	<input type="checkbox"/>	<input type="checkbox"/>	Funds received from Applicant/Agent for newspaper notice
<input type="checkbox"/>	<input type="checkbox"/>	Forward Draft Newspaper Notice to Coordinator <i>for estimate of publication</i>	<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Publication Received

Ownership Verification

CW		CW	
<input type="checkbox"/>	The Deed/ROI matches the "from" lands	<input type="checkbox"/>	Compare with current tax lot map
<input type="checkbox"/>	All owners on the Deed/ROI have signed the application	<input type="checkbox"/>	<input type="checkbox"/> N/A Notarized, signed statement of consent

Document Preparation

CW		CW	
<input type="checkbox"/>	Save DPD document as a new document XXXXX-pd.doc	<input type="checkbox"/>	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
<input type="checkbox"/>	Any substantive changes/amendments as result of DPD <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, issue revised DPD	<input type="checkbox"/>	Remove "DRAFT" from document title and any extra "carriage" returns
<input type="checkbox"/>	Update the hidden paragraph following the received notice and amendments findings (regarding is authorized to pursue transfer, etc.)	<input type="checkbox"/>	Select the appeals language in the first page footer for the preliminary determination
<input type="checkbox"/>	Protest language is listed following document preparation box	<input type="checkbox"/>	Notice Regarding Service Members is showing
		<input type="checkbox"/>	Document is "Spell checked"

Cover Letter

<input type="checkbox"/>	Cover letter prepared	<input type="checkbox"/>	Email addresses checked for accuracy
		<input type="checkbox"/>	Document is "Spell checked"

Data Center Review

CW		CW	
<input type="checkbox"/>	Prepare Route Slip	<input type="checkbox"/>	<input type="checkbox"/> Prepare Revised DPD if <i>substantive changes</i> OR <input type="checkbox"/> Issue Preliminary Determination
<input type="checkbox"/>	File Returned		

COMMENTS

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COORD INITIALS

PR Initials

FINAL ORDER**Document Preparation**

CW		CW	
<input type="checkbox"/>	Save PD document as new document XXXXX-ord-approve.doc	<input type="checkbox"/>	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
<input type="checkbox"/>	Update the hidden paragraph following the received notice and amendments findings (regarding issuance of PD)	<input type="checkbox"/>	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER", Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING"
<input type="checkbox"/>	Unhide and Select the appeals language in the first page footer for the "Final Order" language; unhide Special Order Volume and page	<input type="checkbox"/>	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
<input type="checkbox"/>	Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:	<input type="checkbox"/>	Select text below "It is ORDERED" section and turn off Italics. Restart numbering at "1".
<input type="checkbox"/>	Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"	<input type="checkbox"/>	Final Check: All Conclusions of Law have Findings to support them
		<input type="checkbox"/>	Document is "Spell checked"

Remaining Right Certificate

CW		CW	
<input type="checkbox"/>	Assign Certificate Number from Spreadsheet	<input type="checkbox"/>	Update footer to read: T-XXXXX.rr.YYYYYY.ini, where YYYYYY is original certificate number, and ini stands for your initials
<input type="checkbox"/>	Input new certificate number on right side of footer	<input type="checkbox"/>	Print on Certificate paper
		<input type="checkbox"/>	Document is "Spell checked"

COMMENTS

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Oregon

Kate Brown, Governor

edit copies

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

December 21, 2018

VIA E-MAIL

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

CITY OF INDEPENDENCE
P.O. BOX 7
INDEPENDENCE, OR, 97351

Reference: Water Right Transfer Application T-12773

Your water right transfer is in *the first* one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12773. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also, we will appreciate *having* you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) *Prepared* within 3 months of *this* the draft Preliminary Determination showing current ownership; or
 - ii) *Prepared* within 3 months of recording of a water right conveyance agreement; or
 - iii) *Prepared* at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information; *and*
 - ii) List of owners at that time; *and*
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Polk County Itemizer Observer as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

Conditions to your water right...

The Watermaster has required a water measurement device at the new diversion point and devices at the new points of appropriation prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water from the new point of diversion on the Willamette River. You may not divert water prior to installation and approval of the fish screen.** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Make Bold

Please note the proposed date by which all conditions must be met: October 1, 2020. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

by ~~ODFW~~ the Oregon Department of Fish and Wildlife (ODFW)

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there are intervening points of diversion/appropriation between the new and the authorized points of diversion/appropriation and because there is more than ¼ mile between the new and the authorized points of diversion/appropriation and because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application; and
3. Confirm the name of the newspaper as the Polk County Itemizer Observer to use for publication of the notice of the Preliminary Determination.

ation of

If we do not receive the items listed above by January 30, 2019, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 or Joan.M.SMITH@oregon.gov if I may be of assistance.

Sincerely,

Joan Smith
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-12773
Joel M. Plahn, District 16 Watermaster *(via e-mail)*
GSI Water Solutions Inc., Agent for the applicant *(via e-mail)*
* ~~The City of Independence, Receiving Landowner~~ *(via e-mail)*
Theodore Ressler, CWRE *(via e-mail)* *Water User*

* encs: Watermaster measurement
ODFW fish screen

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-12773, Linn and Polk Counties)

D R A F T

) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE FROM A SURFACE WATER
) POINT OF DIVERSION TO
) GROUNDWATER POINTS OF
) APPROPRIATION, A CHANGE IN
) POINT OF DIVERSION, CHANGES IN
) PLACE OF USE, AND CHARACTER
) OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

Water User
Receiving Landowner

CITY OF INDEPENDENCE
P.O. Box 7
INDEPENDENCE, OR 97351

Findings of Fact

1. On November 20, 2017, INTERNATIONAL PAPER COMPANY filed an application to change from a surface water point of diversion to groundwater points of appropriation, to change the place of use, and to change the character of use and ~~to add an additional point of diversion~~ under Certificate 54268. The Department assigned the application number T-12773. *a change in point of diversion,*
2. The ~~city~~ ^{*re-capitalize*} of Independence is the receiving ~~landowner~~ ^{*water user*} who will be responsible for completion of the changes. *no ΔPOD only*
3. Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On September 14, 2018, the applicant submitted an amended application page describing the points of diversion/appropriation and types of changes requested as well as a geologist report and maps.

5. On September 6, 2018, Instream Lease IL-1704, recorded at Special Order Volume 109, pages 374-376, was approved for a 2.0 cfs portion of Certificate 54268

6. On [redacted] 3, Instream Lease IL-1704 was terminated by request of the applicant. The termination order was recorded at Special Order Volume _____, pages _____.

7. The portion of the right to be transferred is as follows:

Certificate: 54268 in the name of WILLAMETTE INDUSTRIES, INC. (perfected under Permit S-23102)
Use: MANUFACTURING
Priority Date: DECEMBER 23, 1954
Rate: 2.0 CUBIC FEET PER SECOND
Source: WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

MANUFACTURING					
Twp	Rng	Mer	Sec	Q-Q	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	44
10 S	3 W	WM	28	NE SW	47
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	NW NE	44
10 S	3 W	WM	33	NE NW	44

Terminate IL-1704 prior to FO approval and after end of 30 day PD protest period.

8. Transfer Application T-12773 proposes ^{a change in} an additional point of diversion approximately 13.5 miles downstream to: _{& no additional next line}

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	SW SE	260 FEET SOUTH AND 3400 FEET EAST FROM THE SW CORNER OF SECTION 28

9. Transfer Application T-12773 proposes to change from a surface water point of diversion to a groundwater point of appropriation (wells) with approximate distances in miles from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	33	NW NE	WILLAMETTE WELL 1 - 260 FEET SOUTH AND 1915 FEET WEST FROM THE NE CORNER OF SECTION 33	13.5
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 2 - 350 FEET NORTH AND 1910 FEET WEST FROM THE SE CORNER OF SECTION 28	13.2
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 3 - 800 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 28	14.0

5. The wells from which the water is taken shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.

2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 54268 and any related decree.

3. Water right Certificate 54268 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.

4. The quantity of water diverted at the ^{new} additional point of diversion, ~~together with that diverted at the original point of diversion~~, shall not exceed the quantity of water lawfully available at the original point of diversion.

^{new} and points of appropriation

5, 6, 7 insert

8. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

9 + 10 insert →

11 b. ~~The rate on the former place of use of the transferred right shall reflect the reduction of the rate as described in this order. The former place of use will continue to receive water at a reduced rate.~~ The transferred portion of Certificate 54268 (2.0 cfs) shall no longer be used at the former place of use.

12. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. ²⁰²⁴ A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

13. ^{mun. time} After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this _____,

DRAFT

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.

3pt space 8. Transfer Application T-12773 also proposes to change the place of use of the right to:

MUNICIPAL
WITHIN THE SERVICE BOUNDARY OF THE CITY OF INDEPENDENCE

- 9. Transfer Application T-12773 proposes to change the character of use to MUNICIPAL.
- 10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

- 11. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present with the five year period prior to submittal of Transfer Application T-12773.
- 13. The proposed points of appropriation meet the requirements of ORS 540.531 and OAR 690-380-2130(2).
- 14. The proposed changes would not result in enlargement of the right.
- 15. The proposed changes would not result in injury to other water rights.
- 16. All other application requirements are met.

~~Partial Cancellation of a Water Right~~ delete

Determination and Proposed Action

The ^{change in} ~~additional~~ point of diversion and the change from a surface water point of diversion to groundwater points of appropriation and the change in place of use and ~~the~~ change in character of use proposed in Transfer Application T-12773 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12773 is approved, the final order will include the following:

- 1. The ^{change in} ~~additional~~ point of diversion and the change from a surface water point of diversion to groundwater points of appropriation and the change in place of use and ~~the~~ change in character of use proposed in Transfer Application T-12773 are approved.

Condition #

6.

The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.

7.

The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.

9

All applicable restrictions that existed at the original point of diversion shall apply to the proposed well.

10

The original date of priority shall be retained. However, if within five years after approving the transfer, the Department finds that the transfer results in substantial interference with existing groundwater rights that would not have occurred in the absence of the transfer, the proposed well shall be subordinate to any existing right injured by the transferred water right.



Received via
e-mail
9/14/2018
PKS

September 14, 2018

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Revised pages for Transfer Application T-12773

Dear Ms. Jaramillo:

On November 20, 2017 International Paper filed a Permanent Water Right Transfer (Transfer T-12773) with the Oregon Water Resources Department. Transfer T-12773 requests to change the point of diversion, place of use, and character of use for a 2.0 cfs portion of water right certificate 54268. The transfer application identified the location of a proposed point of diversion, as well as three proposed points of appropriation.

We understand that Dennis Orłowski is currently working on the groundwater review for Transfer T-12773, and he has requested modifications to the descriptions of the well locations. (The application originally included the locations included in existing information regarding those wells.) In response to that request, GSI has obtained more accurate location information for the proposed wells.

GSI is providing the enclosed revised portions of application T-12773, which include a revised page 6 of the application form and a new application map, both of which provide updated location descriptions for the proposed wells. In addition, GSI is providing a revised Geologist Report (which was provided in Attachment 6 of the application) that also reflects the updated well locations.

If you have any questions or concerns, please contact me at 541-257-9001.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman".

Adam Sussman
Principal Water Resources Consultant

Enclosures

CC: James Kirkpatrick, International Paper
Kie Cottam, City of Independence

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September 14, 2018

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

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Adam Sussman
Principal Water Resources Consultant

Enclosures

CC: James Kirkpatrick, International Paper
Kie Cottam, City of Independence

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

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CERTIFICATE # 54268

SEP 19 2018

Description of Water Delivery System

System capacity: 38.92 cubic feet per second (cfs)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **There are four pumps at the point of diversion: two 200 HP pumps on the barge, and two 200 HP pumps on the bank. The pumps have 15 inch suctions and 10 inch discharges. The water is conveyed from the pump station to the paper mill water pond via 6,000 feet of 30-inch concrete underground pipe. Water from the pond is diverted to various locations on the mill site. Note: A 15 cfs portion of Certificate 54268, including the 2 cfs that is the subject of this transfer application, was leased instream in 2014 (IL-1434).**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	10 S	3 W	32	NE	NE		1260 ft South & 1220 ft West from the NE corner of Sect. 32
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	8 S	4 W	28	SW	SE		260 ft North & 3400 ft East from SW Corner of Sect. 28
Willamette Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK 52513	8 S	4 W	33	NW	NE		260 ft South & 1,915 ft West from the NE corner of Sect. 33
Willamette Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK 52861	8 S	4 W	28	SW	SE		350 ft North & 1,910 ft West from the SE corner of Sect. 28
Willamette Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK 52953	8 S	4 W	28	SW	SE		800 ft North & 2,000 ft West from the SE corner of Sect. 28

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input checked="" type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

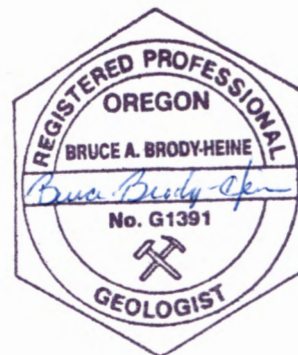
- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.



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Technical Memorandum

To: Kie Cottam, City of Independence

From: Bruce Brody-Heine, RG, GSI Water Solutions, Inc.

Date: November 8, 2017

*Revised September 13, 2018
(changes highlighted in yellow)*

Re: City of Independence

**Willamette River Wellfield - Surface Water to Groundwater Transfer
Hydrogeologic Evaluation of Wells' Connection to River**

I. Introduction

International Paper is, for the benefit of the City of Independence (City), transferring a portion of surface water right Certificate 54268 to the City's three groundwater production wells (Willamette Wells 1, 2 and 3) that are located immediately adjacent to the Willamette River. Oregon Water Resources Department's (OWRD) administrative rules allow for a surface water right to be transferred to a groundwater well under Oregon Administrative Rules (OAR) 690-380-2130. Under these rules (OAR 690-380-2130) a surface water right may be transferred to a groundwater source if:

- a) The criteria in OAR 690-380-5000 are met;
- b) the new point of diversion (the wells) appropriate ground water from an aquifer that is hydraulically connected to the authorized surface source;
- c) The proposed change in point of diversion will affect the surface water source similarly to the authorized point of diversion specified in the water use subject to transfer;
- d) The withdrawal of groundwater at the new point of diversion (the wells) is located within 500 feet of the surface water source and is also located within 1,000 feet upstream or downstream of the original point of diversion as specified in the water use subject to transfer; or
- e) If the distance requirements are not met, the holder of a water use subject to transfer shall submit to the Department evidence prepared by a licensed geologist that demonstrates that the use of the groundwater at the new point of diversion [new wells] will meet the criterial set forth in OAR 690-380-2130 2 (a), (b) and (c).

The authorized surface water source for Certificate 54268 is the Willamette River. The wells to which a portion of Certificate 54268 will be transferred are within 500 feet of the river. The wells are, however, located more than 1,000 feet from the original point of diversion (near Millersburg). As a result, this report has been prepared to demonstrate that the use of groundwater at the new well locations meet the criteria set forth in OAR 690-380-2130 2(a), (b) and (c).

II. Criteria

OAR 690-380-2130 2(a). The criteria in OAR 690-380-5000 require that the water right to be transferred is subject to transfer and is not cancelled pursuant to ORS 540.610, the proposed transfer would not result in injury, and the proposed transfer would not result in enlargement. Certificate 54368 is a water right subject to transfer and has not been cancelled. The changes proposed in the transfer to the points of diversion/appropriation, place of use, and character of use would not result in injury or enlargement. We understand OWRD will evaluate these criteria as part of the transfer application review process.

OAR 690-380-2130 2 (b) and (c). As described in more detail below, the new points of diversion (the wells) appropriate groundwater from an aquifer that is hydraulically connected to the authorized surface water (the Willamette River). Moreover, use of groundwater from the wells will affect the surface water source similarly to the authorized point of diversion. The term "similarly" is defined in OAR 690-380-2130 11 (b) to mean the use of the groundwater from the new well affects the surface water source specified in water right being transferred and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping.

The following is a description of an analysis of the City's water wells and reasons why the proposed use of groundwater from the wells meets the above-described criteria for a surface water to groundwater transfer.

III. Analysis

The City has conducted several evaluations of the hydraulic connection of wells to the Willamette River at the proposed location. These evaluations included a Ranney collector study in 1972, installing a series of test wells and completing an aquifer test in 2006, and an 8-day aquifer test completed in 2008. The City provided GSI with several reports and the following information from the evaluations: 1) the aquifer parameters from the 1972 aquifer test associated with a Ranney Collector study, 2) the results of a 2-hour aquifer test in 2006, and 3) the raw data from the 2008 aquifer test.

Hydraulic Connection to the Willamette River. Based on the information obtained from the previous evaluations described above, the City's three production wells (Willamette Wells 1, 2 and 3) were installed in January 2007, and July and August 2008 along the edge of the Willamette River. The well logs are presented in Attachment A and the approximate locations of City's well are also shown on the Figure in this attachment. All three of the City's wells are located within 500 feet from the river. Willamette Well 1 is located 80 feet from the Willamette River; Willamette Well 2 is 25 feet from the river; and Willamette Well 3 is 80 feet from the river. All three wells develop groundwater from an approximately 20 foot thick gravel unit that is located above a blue clay layer between 50 and 57 feet below ground surface. A cross section showing the geologic formations in relationship to the Willamette River from the 2006 study is provided in Attachment B. This cross section is oriented approximately east west near the location of the current City's Willamette Well 1.

The cross-section shows there is a direct connection between the gravel aquifer and the adjacent Willamette River. The cross-section, in combination with the high transmissivity values calculated for each well (see description below), demonstrates the City's wells are completed in gravel deposit that is hydraulically connected to the Willamette River. Therefore, Willamette Wells 1, 2 and 3 appropriate groundwater from an aquifer that is hydraulically connected to the authorized surface water source (the Willamette River).

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Groundwater Use will Affect the Surface Water Source Similarly. GSI reviewed and plotted the 2008 aquifer test data to determine the aquifer parameters (transmissivity and storativity) in the vicinity of the three Willamette River wells (see water level plots in Attachment C). Unfortunately, limited static water level data was available either prior to or after the test and the transducer data recorded only a very small drawdown within the actual pumping wells. This indicates that the aquifer was not under much stress during the test and the wells likely could produce more water than the rates used in the aquifer test. GSI used a combination of the maximum drawdown observed in the transducer data and recorded notes at the base of the Pump Test Data Sheets to calculate a transmissivity (T) value for each well using the Theis equation. The calculated aquifer parameters from the 2008 test (Table 1) were similar to those determined from the previous aquifer test results (300,000 to 550,000 gallons per day per foot).

The 2003 Hunt Model was used to calculate the stream flow depletion created by pumping each of the Willamette River wells (Attachment D). The results of the calculation for each well (Willamette Wells 1, 2, and 3) indicate that the stream depletion created by pumping of the wellfield wells are 87 percent, 82 percent, and 91 percent, respectively, in 10 days of continuous pumping. These percentages significantly exceed the required minimum of 50 percent stream depletion within 10 days. The use of groundwater from each of the 3 wells (Willamette Wells 1, 2 and 3) would, therefore, affect the Willamette River similarly to the authorized point of diversion in Certificate 54268.

IV. Conclusion

The proposed changes to a portion of Certificate 54268 meets the requirements of OAR 690-380-2130. As discussed above, the criteria in OAR 690-380-5000 are met. The Willamette Wells 1, 2 and 3 appropriate water from a gravel unit that is hydraulically connected to the Willamette River. The proposed new wells are all located within 500 feet from the Willamette River. Although the wells are not located within 1000 feet downstream from the original point of diversion in Certificate 54268, the evidence provided in this report and its attachments demonstrates that the use of the groundwater at the new points of diversion would affect the Willamette River similarly to the authorized point of diversion. Accordingly, the proposed change would meet the criteria in OAR 690-380-2130(2).

References

- GSI 2006. *Cities of Independence and Monmouth – Collector Well Feasibility Study*. GSI Memorandum. Prepared for Ed Butts, 4B Engineering & Consulting. October 20, 2006.
- 4B Engineering & Consulting. *Cities of Independence and Monmouth – Willamette Wellfield Preliminary Data*. Report. Prepared Cities of Monmouth and Independence. May 2011.

TABLE 1
2008 7-Day Pumping Test
Aquifer Property Estimate & Stream Depletion
City of Independence

	TRANSMISSIVITY (T)				Stream Depletion
	Transducer Dataset ¹		Summary Statement ²		
	gpd/ft	ft ² /day	gpd/ft	ft ² /day	
Well 1	3,900,000	520,000	530,000	71,000	% at 10 days 87%
Well 2	8,200,000	1,090,000	620,000	83,000	82%
Well 3	1,200,000	160,000	37,000	4,900	91%

Notes:

1 = no static water level data provided for the wells, and transducer data provided required some interpretation

2 = Summary statement found at bottom of manual water level data summary sheet

Storativity value estimated to be 0.10 for all calculations due to proximity to the River

 = T values used in stream depletion calculations (largest T values showed the smallest depletion)

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ATTACHMENT A
Well Logs and Location Map

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STATE OF OREGON WATER SUPPLY WELL REPORT

WELL I.D. # L 68856 START CARD # 163044

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER: CITY OF INDEPENDENCE, Well Number, Address: P.O. Box 7, City: INDEPENDENCE, State: OR, Zip: 97351

(2) TYPE OF WORK: New Well, Deepening, Alteration, Abandonment

(3) DRILL METHOD: Rotary Air, Rotary Mud, Cable, Auger, Other

(4) PROPOSED USE: Domestic, Community, Industrial, Irrigation, Thermal, Injection, Livestock, Other: Municipal

(5) BORE HOLE CONSTRUCTION: Special Construction approval, Explosives used, Depth of Completed Well: 61 ft.

Table with columns for HOLE Diameter, From, To, SEAL Material, From, To, Sacks or pounds

How was seal placed: Method A, B, C, D, E, Other: Dry bentonite poured

Backfill placed from 38 ft. to 35 ft. Material: 1/4" chush drk.

Gravel placed from 61 ft. to 38 ft. Size of gravel: 1/8" x 1/4"

(6) CASING/LINER: Table with columns for Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded

Drive Shoe used: Inside, Outside, None

(7) PERFORATIONS/SCREENS: Perforations, Screens, Type: V-slot, Material: 304 S. Steel

Table with columns for From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner

(8) WELL TESTS: Minimum testing time is 1 hour

Table with columns for Pump, Bailer, Air, Flowing Artesian, Yield gal/min, Drawdown, Drill stem at, Time

Temperature of water: 50°, Depth Artesian Flow Found, Was a water analysis done?, Did any strata contain water not suitable for intended use?

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(9) LOCATION OF WELL by legal description: County: POLK, Township: 8S, N or S Range: 4W, Section: 33, Tax Lot: 201, Street Address: S. Corvallis Rd., Independence, OR

(10) STATIC WATER LEVEL: 24 ft. below land surface, Date: 01-16-07

(11) WATER BEARING ZONES: Depth at which water was first found: 35'

Table with columns for From, To, Estimated Flow Rate, SWL

(12) WELL LOG: Ground Elevation

Table with columns for Material, From, To, SWL

Date started: DECEMBER 11, '06 Completed: JANUARY 20, '07

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above.

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

POLK 52861

DRAFT

(START CARD) #

L 93614
196825

(1) OWNER: ^{Well Number #2}
Name City of Independence
Address P.O. Box
City Independence State Or Zip 97351

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other Municipal

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 53 ft.
Explosives used Yes No Type _____ Amount _____

Diameter	HOLE		Material	SEAL		Amount sacks or pounds
	From	To		From	To	
12"	0'	53'	Cement	27'	17'	40 SACKS
			Bentonite	17'	13'	28 SACKS
			Cement	13'	1.5'	15 SACKS
			Bentonite	1.5'	0'	3 SACKS

How was seal placed: Method A B C D E
 Other POURED - PROBED
Backfill placed from 27 ft. to 29 ft. Material 1/4" minus
Gravel placed from 29 ft. to 53 ft. Size of gravel 2 BROWN

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8"	13.5'	29'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8"	45.5'	53'		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) none

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type V-slot Material 304SS

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
29'	45.5'	100		8"	P.S.	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailor Air Flowing Artesian
Yield gal/min 45 GPM Drawdown 0' Drill stem at _____ Time 1 hr.

Temperature of Water 54° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Polk Latitude _____ Longitude _____
Township 8S N or S. Range 4W E. or W. WM. _____
Section 33 NW 1/4 NE 1/4
Tax Lot 201 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) S. Corvallis Rd, Independence, Or

(10) STATIC WATER LEVEL:
23.5 ft. below land surface. Date 07-16-08
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 19

From	To	Estimated Flow Rate	SWL
23'	46'	45+GPM	23.5

(12) WELL LOG:
Ground elevation _____

Material	From	To	SWL
Fill Gravel - Pit Run	0'	6'	
Clay - Sandy - Brown	6'	15'	
Sand, silt with clay + Gravel	15'	17'	
Gravel, small - medium w/ brown sand - loose	17'	46'	23.5'
Gravel, light w/ sand	46'	52'	23.5'
Clay - Blue	52'	57'	
Back filled w/ 1/4" minus	57'	53'	

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SEP 19 2008 WATER RESOURCES DEPT SALEM, OREGON

OWRD

Date started 06-09-08 Completed 07-16-08

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 633
Signed Michael Waldrop Date 07-27-08

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

POLK 52953

L93615
196828

(START CARD) #

(1) OWNER: Well Number #3B
 Name CITY OF INDEPENDENCE-MON.
 Address P.O. Box 7
 City INDEPENDENCE State OR Zip 97351

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other Municipal

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 56 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount	
Diameter	From	To	Material	From	To	sacks or pounds	
12"	0'	56'	CEMENT	0'	29'	48 SKS	

How was seal placed: Method A B C D E
 Other

Backfill placed from 31 ft. to 29 ft. Material 1/4" MINUS
 Gravel placed from 56 ft. to 31 ft. Size of gravel 3/8" ROUND

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	42'	31'	250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8"	49'	56'	250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) NONE

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type V-SLOT Material 304SS

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
31'	49'	100		8"	PS	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
45 to 60 gpm	0		1 hr.

Temperature of Water 54.0 Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County POLK Latitude _____ Longitude _____
 Township 8S N or S. Range 4W E or W. WM. _____
 Section 33 NW 1/4 NE 1/4
 Tax Lot 201 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) WELL #3B
S. Corvallis Rd., IND., OR 97351

(10) STATIC WATER LEVEL:
28 ft. below land surface. Date 08-19-08
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
 Depth at which water was first found 28'

From	To	Estimated Flow Rate	SWL
31'	49'	45+GPM	28'

(12) WELL LOG:
 Ground elevation _____

Material	From	To	SWL
FILL - SAND + GRAVEL	0'	12'	
CLAY - SILTY BROWN	12'	18'	
CLAY - BROWN	18'	25'	
CLAY - GRAVELLY	25'	27'	
GRAVELLY CLAY	27'	31'	
GRAVEL, SMALL - LARGE w/ some BROWN SAND	31'	50'	28'
BLUE CLAY	50'	56'	

Date started 07-24-08 Completed 08-20-08

(unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
 Date _____

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed Michael Waldrop WWC Number 633
 Date 09-01-08

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ATTACHMENT B
2006 Geologic Cross Section - City Well 1 Area

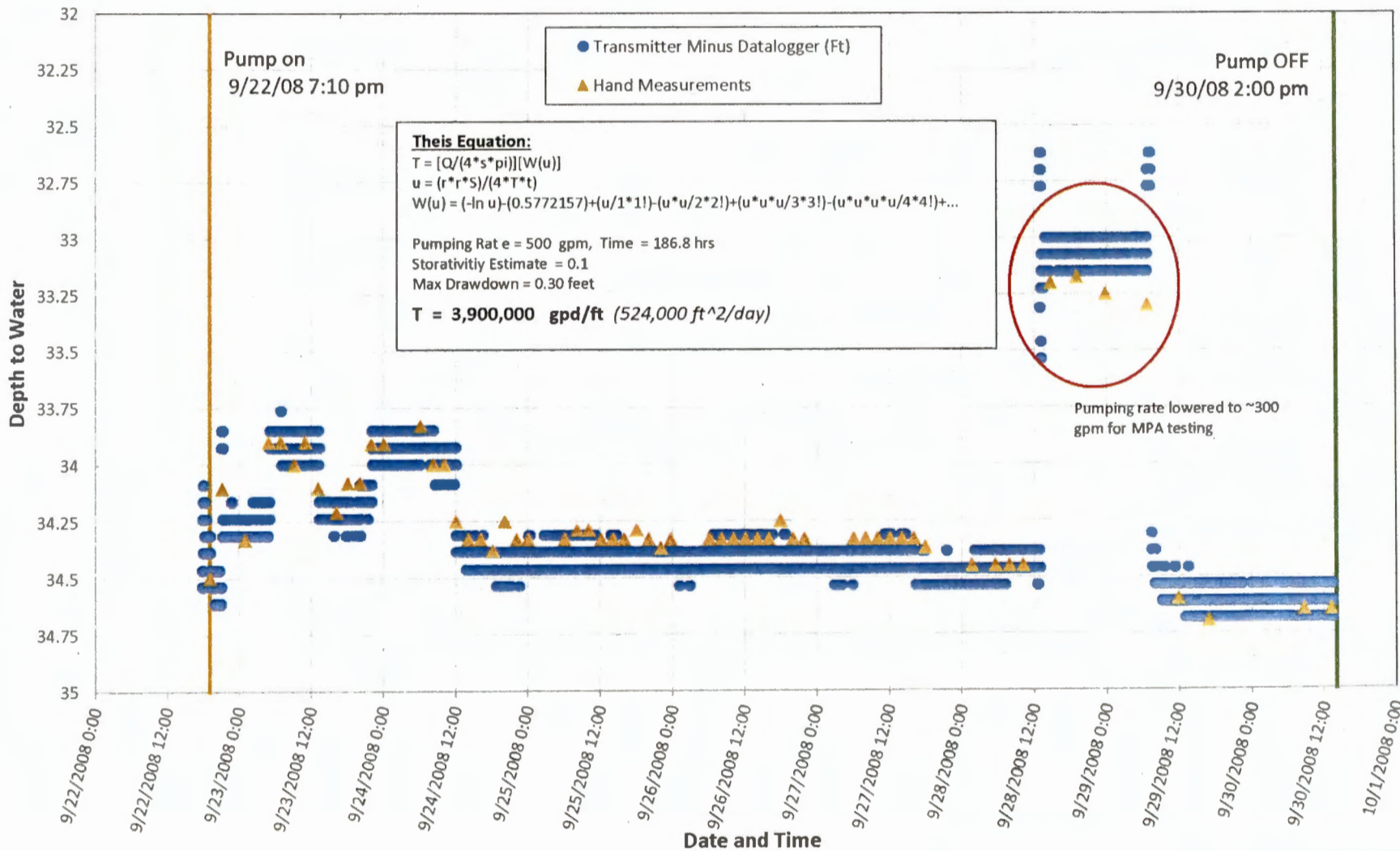
ATTACHMENT C
2008 Pump Test Parameter Evaluation

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Well 1 Pumping Test - Water Level Data

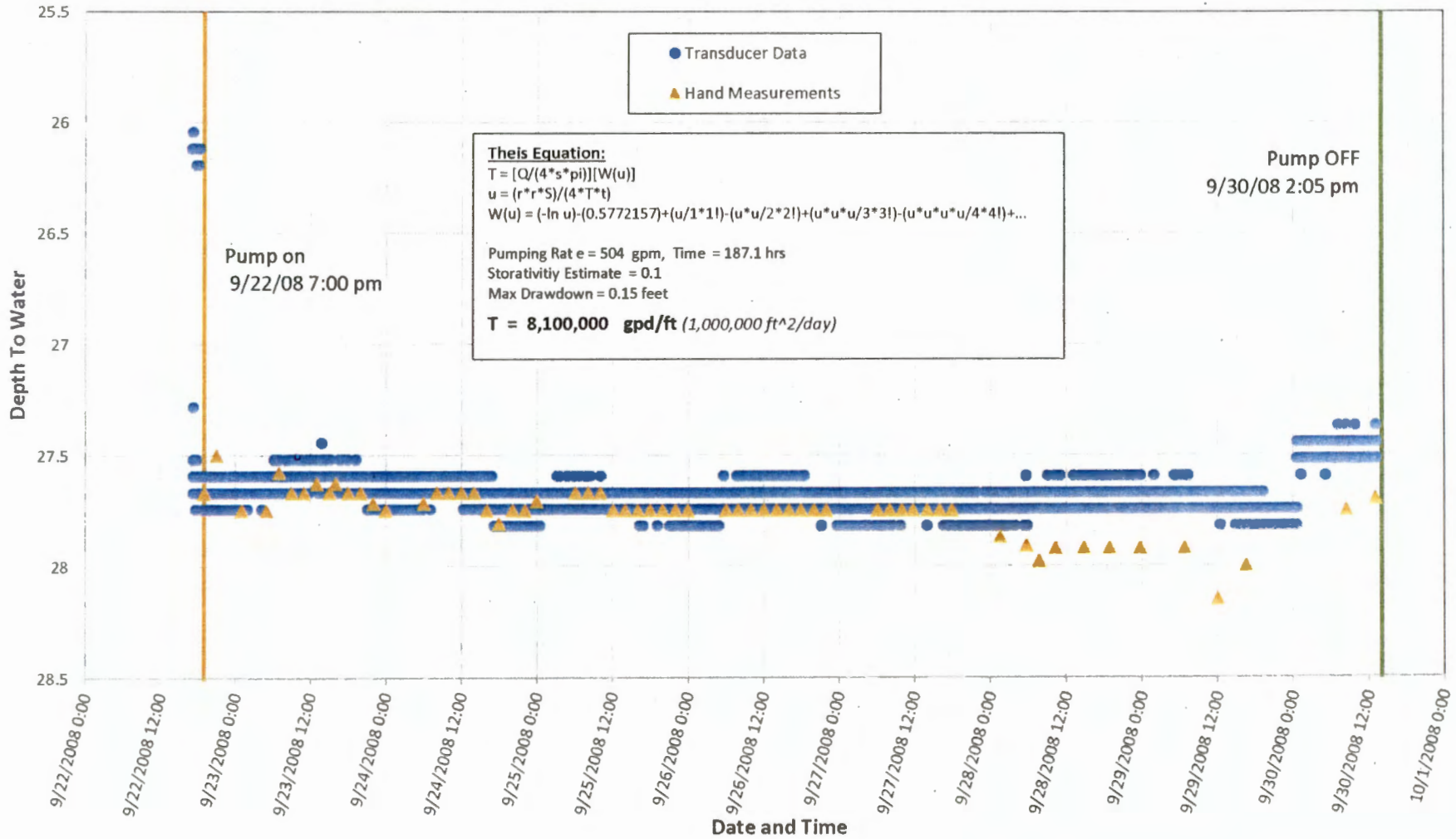


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Well 2 Pumping Test - Water Level Data

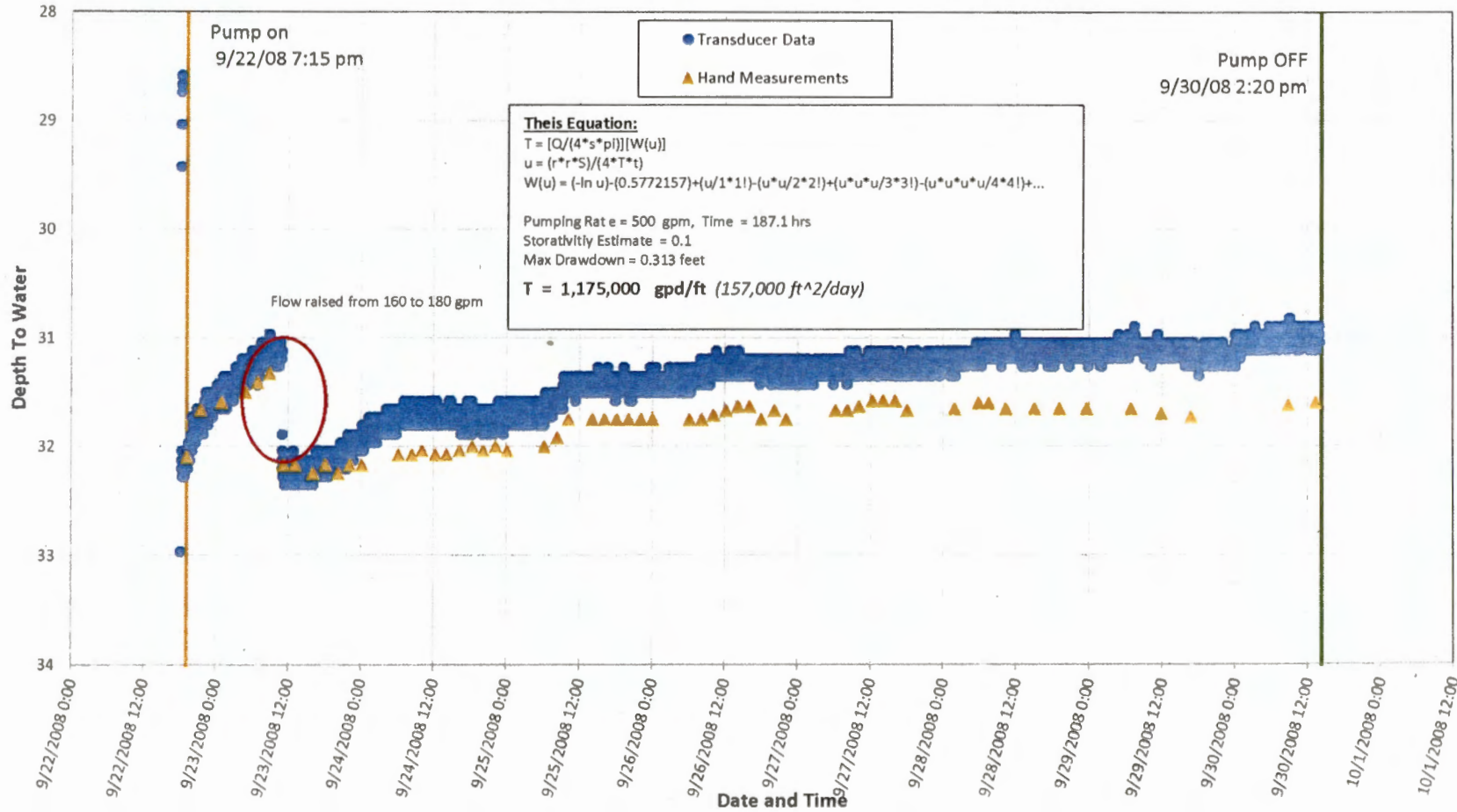


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Well 3 Pumping Test - Water Level Data



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WELL TEST DATA SHEET

4B Engineering & Consulting LLC, 3000 Market St. NE, Suite 527, Salem, OR 97301 Ph: 503-589-1115, Fax: 503-589-1118

Pg. _____ of _____

Owner's Name: <i>Cities of Monmouth and Independence</i>		Well Location: <i>Willamette River Wellfield (South)</i>	
Well Name/No.: #1 (South Well)		Date(s) of Test: <i>Sept 22, 2008 to Sept 30, 2008</i>	
Well Diameter:	Depth:	Static Level:	Screen/Perf at:
Test Pump Setting:	Test Pump Type:	Air Line/Probe/Transmitter	W/L Device Length: 41'
SWL After Test:	Drilled By:	Test Started: 1910 Hrs.	Test Stopped: 1400 Hrs.
Tested By (Firm): _____ Name: _____		Max. GPM: 500 @ 34.5' PWL After 188 Hrs.	

GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER	GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER
500	34.5'	9/22/08 7:10 pm		500	34.33'	8:01 am	
500	34.1'	9:10 pm		500	34.33'	10:02 am	
525	34.33'	9/23/08 1:00 am		500	34.33'	12:01 pm	
500	33.9'	5:00 am		500	34.33'	2:02 pm	
490	33.9'	7:00 am		500	34.33'	4:00 pm	
500	34'	9:15 am		500	34.25'	5:58 pm	
500	33.9'	11:05 am		500	34.33'	8:01 pm	
475	34.1'	1:15 pm		500	34.33'	9:56 pm	
490	34.21'	4:13 pm		500	34.33'	9/27/08 6:06 am	
500	34.08'	6:07 pm		500	34.33'	8:03 am	
525	34.08'	8:11 pm		500	34.33'	10:01 am	
525	33.91'	10:06 pm		500	34.33'	12:02 pm	
490	33.91'	9/24/08 12:07 am		500	34.33'	1:59 pm	
490	33.83'	6:09 am		500	34.33'	4:00 pm	
475	34.00'	8:17 am		500	34.37'	5:58 pm	
500	34.00'	10:06 am		500	34.45'	9/28/08 1:40 am	
475	34.25'	12:05 pm		500	34.45'	5:30 am	
500	34.33'	2:05 pm		500	34.45'	7:50 am	
500	34.33'	4:08 pm		500	34.45'	10:10 am	
500	34.38'	6:07 pm		300+	33.2'	2:40 pm	MPA started at 1:00 pm
500	34.25'	8:07 pm		300+	33.175'	7:00 pm	
500	34.33'	10:06 pm		300	33.25'	11:45 pm	
500	34.33'	9/25/08 12:01 am		300	33.3'	9/29/08 6:40 am	
520	34.33'	6:07 am		500	34.6'	11:50 am	
500	34.29'	8:11 am		500	34.7'	4:50 pm	
500	34.29'	10:05 am		500	34.65'	9/30/08 8:40 am	
500	34.33'	12:07 pm		500	34.65'	1:10 pm	
500	34.33'	2:03 pm					
500	34.33'	4:00 pm					
500	34.29'	6:02 pm					
500	34.33'	8:00 pm					
500	34.37'	10:01 pm					
500	34.33'	11:39 pm					
500	34.33'	9/26/08 6:04 am					

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Comments: Summary Capacity: 500 GPM @ 34.7' PWL (2' drawdown) (≈250 GPM/ft.)

By: _____ Firm: _____ Approved: _____ Firm: _____

WELL TEST DATA SHEET

4B Engineering & Consulting LLC, 3000 Market St. NE, Suite 527, Salem, OR 97301 Ph: 503-589-1115, Fax: 503-589-1118

Pg. _____ of _____

Owner's Name: <i>Cities of Monmouth and Independence</i>		Well Location: <i>Willamette River Wellfield (South)</i>	
Well Name/No.: #2		Date(s) of Test: <i>Sept 22, 2008 to Sept 30, 2008</i>	
Well Diameter: 8"	Depth:	Static Level:	Screen/Perf at:
Test Pump Setting:	Test Pump Type:	Air Line/Probe/Transmitter	W/L Device Length: 43.085'
SWL After Test:	Drilled By:	Test Started: 1900 Hrs.	Test Stopped: 1405 Hrs.
Tested By (Firm): _____ Name: _____		Max. GPM: @ _____	PWL After _____ Hrs.

GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER	GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER
510	27.67'	9/22/08 7:00 pm		510	27.75'	9/26/08 6:00 am	
500	27.5'	9:00 pm		500	27.75'	7:54 am	
500	27.75'	9/23/08 1:00 am		500	27.75'	9:57 am	
500	27.75'	5:00 am		500	27.75'	11:56 am	
500	27.58'	7:00 am		500	27.75'	1:59 pm	
510	27.67'	9:00 am		510	27.75'	3:56 pm	
500	27.67'	11:00 am		510	27.75'	5:51 pm	
500	27.63'	1:00 pm		500	27.75'	7:55 pm	
500	27.67'	3:00 pm		510	27.75'	9:51 pm	
500	27.63'	4:01 pm		510	27.75'	9/27/08 6:01 am	
510	27.67'	6:01 pm		500	27.75'	7:56 am	
510	27.67'	8:00 pm		500	27.75'	9:56 am	
500	27.72'	9:59 pm		510	27.75'	11:38 am	
510	27.75'	9/24/08 12:01 am		510	27.75'	1:54 pm	
500	27.72'	6:01 am		510	27.75'	3:56 pm	
510	27.67'	8:06 am		510	27.75'	5:53 pm	
510	27.67'	9:59 am		500	27.87'	9/28/08 1:30 am	
500	27.67'	11:59 am		500	27.91'	5:40 am	
500	27.67'	1:58 pm		500	27.98'	7:40 am	
510	27.75'	4:00 pm		500	27.92'	10:15 am	
510	27.81'	5:57 pm		510	27.92'	2:45 pm	
500	27.75'	8:03 pm		510	27.92'	6:50 pm	
510	27.75'	10:01 pm		510	27.92'	11:40 pm	
500	27.71'	11:55 pm		510	27.92'	9/29/08 6:45 am	
510	27.67'	9/25/08 6:02 am		500	28.15'	12:00 pm	
500	27.67'	8:04 am		500	28.0'	4:30 pm	
510	27.67'	10:01 am		480	27.75'	9/30/08 8:30 am	
510	27.75'	12:02 pm		480	27.70'	1:05 pm	
510	27.75'	1:58 pm					
500	27.75'	3:58 pm					
500	27.75'	5:56 pm					
500	27.75'	7:55 pm					
500	27.75'	9:57 pm					
510	27.75'	11:55 pm					

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Comments: Summary Capacity: 510 GPM @ 28' PWL (1.75' drawdown) (~275 GPM/ft.)

By: _____ Firm: _____ Approved: _____ Firm: _____

WELL TEST DATA SHEET

4B Engineering & Consulting LLC, 3000 Market St. NE, Suite 527, Salem, OR 97301 Ph: 503-589-1115, Fax: 503-589-1118

Pg. _____ of _____

Owner's Name: Cities of Monmouth and Independence		Well Location: Willamette River Wellfield (South)	
Well Name/No.: #3 (North Well)		Date(s) of Test: Sept 22, 2008 to Sept 30, 2008	
Well Diameter: 8"	Depth:	Static Level:	Screen/Perf at:
Test Pump Setting:	Test Pump Type:	Air Line/Probe/Transmitter	W/L Device Length: 40.83"
SWL After Test:	Drilled By:	Test Started: 1915 Hrs.	Test Stopped: 1420 Hrs.
Tested By (Firm):	Name:	Max. GPM: @	PWL After Hrs.

GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER	GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER
150	32.1'	9/22/08 7:15 pm		160	31.71'	10:08 am	
150	31.67'	9:30 pm		160	31.67'	12:12 pm	
160	31.6'	9/23/08 1:00 am		160	31.63'	2:12 pm	
160	31.5'	5:00 am		160	31.63'	4:05 pm	
160	31.41'	7:00 am		160	31.75'	6:04 pm	
160	31.33'	9:00 am		160	31.67'	8:10 pm	
180	32.17'	11:15 am	Raise flow	160	31.75'	10:03 pm	
170	32.17'	1:10 pm		160	31.67'	9/27/08 6:13 am	
170	32.25'	4:07 pm		160	31.67'	8:11 am	
170	32.17'	6:12 pm		160	31.63'	10:05 am	
170	32.25'	8:20 pm		160	31.58'	12:15 pm	
170	32.17'	10:15 pm		160	31.58'	2:04 pm	
170	32.17'	9/24/08 12:14 am		160	31.58'	4:04 pm	
170	32.08'	6:15 am		160	31.67'	6:04 pm	
170	32.08'	8:27 am		175	31.65'	9/28/08 1:50 am	
170	32.04'	10:11 am		175	31.6'	5:50 am	
170	32.08'	12:22 pm		175	31.6'	7:30 am	
170	32.08'	2:10 pm		175	31.65'	10:20 am	
170	32.04'	4:18 pm		175	31.65'	3:00 pm	
170	32.00'	6:26 pm		175	31.65'	7:05 pm	
165	32.04'	8:15 pm		175	31.65'	11:35 pm	
170	32.00'	10:14 pm		175	31.65'	9/29/08 6:50 am	
170	32.04'	9/25/08 12:09 am		175	31.7'	11:55 am	
170	32.00'	6:15 am		175	31.73'	4:45 pm	
170	31.92'	8:20 am		175	31.62'	9/30/08 8:50 am	
160	31.75'	10:12 am		175	31.6'	1:20 pm	
160	31.75'	2:09 pm					
160	31.75'	4:08 pm					
160	31.75'	6:08 pm					
160	31.75'	8:07 pm					
170	31.75'	10:09 pm					
160	31.75'	9/26/08 12:05 am					
160	31.75'	6:09 am					
160	31.75'	8:11 am					

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Comments: Summary Capacity: 175 GPM @ 31.7' PWL (8.6' drawdown) (=20 GPM/ft.)

By: _____ Firm: _____ Approved: _____ Firm: _____

Transmissivity from Specific Capacity using the Theis Equation **WELL 1**

Adapted from Vorhis (1979)

Theis Equation: $T = [Q/(4*s*\pi)]W(u)$
 $u = (r^2*S)/(4*Tt)$
 $W(u) = (-\ln u) - (0.5772157) + (u/1*1!) - (u^2/2*2!) + (u^3/3*3!) - (u^4/4*4!) + \dots$

T = transmissivity (L²/T)
s = drawdown (L)
S = storage coefficient (dimensionless)
pi = 3.141592654

r = radial distance (L)
t = time (T)
u = dimensionless
W(u) = well function

Note: Transmissivity is derived using an iterative process
The calculations use a known or assumed Storage Coefficient (S) provided by the user
Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration
The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration
Total Theis Equation Iterations = 25 iterations
Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001
Can accept answer if u in the last iteration is < 7.1

Note: Well efficiency is not included in the calculations

References:
Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry Enter Data Below (yellow boxes only)

Well Log ID or Comment for Records **Average Specific Capacity**

Pumping Rate (gpm) = Q = 500.00 (gpm)

Drawdown (feet) = s = 0.30 (feet)

Time (hours) = t = 186.8000 (hours)

Storage Coefficient = S = 0.100000 (dimensionless)

Well Diameter (Inches) = d = 8.0000 (Inches)

Press F9 to Calculate

Calculated Results Calculated Results

Transmissivity (ft²/day) = T = 524,164.64 (ft²/day)

Transmissivity (gpd/ft) = T = 3,921,024.09 (gpd/ft)

Transmissivity Difference = (last 2 iterations) 0.0000E+00 (ft²/day)
okay to use T if diff < 0.0001

u = (last iteration) 6.8087E-10
okay to use T if u < 7.1

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
0.30	0.10000	500.00	1.11	7.78	0.33			320,833.31		T = Q/s	
0.30	0.10000	500.00	1.11	7.78	0.33	1.1124E-09	20.0396	511,631.83	1.9080E+05	T = Theis Equation	1.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.9755E-10	20.5062	523,546.78	1.1915E+04	T = Theis Equation	2.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8187E-10	20.5293	524,134.53	5.8775E+02	T = Theis Equation	3.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8091E-10	20.5304	524,163.18	2.8646E+01	T = Theis Equation	4.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.57	1.3953E+00	T = Theis Equation	5.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	6.7965E-02	T = Theis Equation	6.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	3.3104E-03	T = Theis Equation	7.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	1.6125E-04	T = Theis Equation	8.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	7.8541E-06	T = Theis Equation	9.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	3.8248E-07	T = Theis Equation	10.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	1.8685E-08	T = Theis Equation	11.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	8.7311E-10	T = Theis Equation	12.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	0.0000E+00	T = Theis Equation	13.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	0.0000E+00	T = Theis Equation	14.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	0.0000E+00	T = Theis Equation	15.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	0.0000E+00	T = Theis Equation	16.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	0.0000E+00	T = Theis Equation	17.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	0.0000E+00	T = Theis Equation	18.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.84	0.0000E+00	T = Theis Equation	19.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	20.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	21.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	22.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	23.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	24.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	25.00

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WELL 1

Transmissivity from Specific Capacity using the Theis Equation
Adapted from Vorhis (1979)

Theis Equation: $T = [Q/(4 \cdot s \cdot \pi)] W(u)$
 $u = (r^2 \cdot S)/(4 \cdot T \cdot t)$
 $W(u) = (-\ln u) - (0.5772157) + (u/1 \cdot 1!) - (u^2/2 \cdot 2!) + (u^3/3 \cdot 3!) - (u^4/4 \cdot 4!) + \dots$

T = transmissivity (L²/T)
s = drawdown (L)
S = storage coefficient (dimensionless)
pi = 3.141592654

r = radial distance (L)
t = time (T)
u = dimensionless
W(u) = well function

Note: Transmissivity is derived using an iterative process
The calculations use a known or assumed Storage Coefficient (S) provided by the user
Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration
The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration
Total Theis Equation iterations = 25 iterations
Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001
Can accept answer if u in the last iteration is < 7.1

Note: Well efficiency is not included in the calculations

References:
Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry

Enter Data Below
(yellow boxes only)

Well Log ID or Comment for Records: Average Specific Capacity

Pumping Rate (gpm) = Q = 500.00 (gpm)

Drawdown (feet) = s = 2.00 (feet)

Time (hours) = t = 186.8000 (hours)

Storage Coefficient = S = 0.100000 (dimensionless)

Well Diameter (Inches) = d = 8.0000 (Inches)

Press F9 to Calculate

Calculated Results

Transmissivity (ft²/day) = T = 70,966.93 (ft²/day)

Transmissivity (gpd/ft) = T = 530,869.53 (gpd/ft)

Transmissivity Difference = 0.0000E+00 (ft²/day)
(last 2 iterations)
okay to use T if diff < 0.0001

u = 5.0289E-09
(last iteration)
okay to use T if u < 7.1

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
2.00	0.10000	500.00	1.11	7.78	0.33			48,125.00		T = Q/s	
2.00	0.10000	500.00	1.11	7.78	0.33	7.4159E-09	18.1424	89,479.44	2.1354E+04	T = Theis Equation	1.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.1366E-09	18.5097	70,885.80	1.4064E+03	T = Theis Equation	2.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0347E-09	18.5297	70,982.55	7.6744E+01	T = Theis Equation	3.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0292E-09	18.5308	70,968.89	4.1439E+00	T = Theis Equation	4.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.92	2.2383E-01	T = Theis Equation	5.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	1.2068E-02	T = Theis Equation	6.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	8.5124E-04	T = Theis Equation	7.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	3.5143E-05	T = Theis Equation	8.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	1.8965E-06	T = Theis Equation	9.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	1.0234E-07	T = Theis Equation	10.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	5.5152E-09	T = Theis Equation	11.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	3.0559E-10	T = Theis Equation	12.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	13.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	14.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	15.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	16.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	17.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	18.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	19.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	20.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	21.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	22.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	23.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	24.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	25.00

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WELL 2

Transmissivity from Specific Capacity using the Theis Equation
Adapted from Vorhis (1979)

Theis Equation: $T = [Q/(4 \cdot s \cdot \pi)] [W(u)]$
 $u = (r^2 \cdot S)/(4 \cdot T \cdot t)$
 $W(u) = (-\ln u) - (0.5772157) + (u/1 \cdot 1!) - (u^2/2 \cdot 2!) + (u^3/3 \cdot 3!) - (u^4/4 \cdot 4!) + \dots$

T = transmissivity (L²/T)
s = drawdown (L)
S = storage coefficient (dimensionless)
 $\pi = 3.141592654$

r = radial distance (L)
t = time (T)
u = dimensionless
W(u) = well function

Note: Transmissivity is derived using an iterative process
The calculations use a known or assumed Storage Coefficient (S) provided by the user
Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration
The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration
Total Theis Equation iterations = 25 iterations
Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001
Can accept answer if u in the last iteration is < 7.1

Note: Well efficiency is not included in the calculations

References:
Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry

Enter Data Below (yellow boxes only)

Well Log ID or Comment for Records: **Average Specific Capacity**

Pumping Rate (gpm) = Q = **504.00** (gpm)

Drawdown (feet) = s = **0.15** (feet)

Time (hours) = t = **187.1000** (hours)

Storage Coefficient = S = **0.100000** (dimensionless)

Well Diameter (Inches) = d = **8.0000** (Inches)
Press F9 to Calculate

Calculated Results

Transmissivity (ft²/day) = T = **1,094,703.23** (ft²/day)

Transmissivity (gpd/ft) = T = **8,188,949.39** (gpd/ft)

Transmissivity Difference = (last 2 iterations) = **0.0000E+00** (ft²/day)
okay to use T if diff < 0.0001

u = (last iteration) = **3.2549E-10**
okay to use T if u < 7.1

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
0.15	0.10000	504.00	1.12	7.80	0.33			646,799.96		T = Q/s	
0.15	0.10000	504.00	1.12	7.80	0.33	5.5089E-10	20.7423	1,067,619.26	4.2082E+05	T = Theis Equation	1.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.3375E-10	21.2434	1,093,413.78	2.5795E+04	T = Theis Equation	2.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2587E-10	21.2673	1,094,642.56	1.2288E+03	T = Theis Equation	3.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2551E-10	21.2684	1,094,700.36	5.7811E+01	T = Theis Equation	4.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.09	2.7182E+00	T = Theis Equation	5.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.22	1.2781E-01	T = Theis Equation	6.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	6.0091E-03	T = Theis Equation	7.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	2.8254E-04	T = Theis Equation	8.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	1.3284E-05	T = Theis Equation	9.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	6.2445E-07	T = Theis Equation	10.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	2.9569E-08	T = Theis Equation	11.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	12.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	13.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	14.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	15.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	16.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	17.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	18.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	19.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	20.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	21.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	22.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	23.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	24.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	25.00

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Transmissivity from Specific Capacity using the Theis Equation						WELL 2		Data Entry		Enter Data Below (yellow boxes only)			
Adapted from Vorhies (1979)								Well Log ID or Comment for Records		Average Specific Capacity			
Theis Equation: $T = [Q/(4 * \pi * L)]W(u)$ $u = (r^2 * S)/(4 * T * L)$ $W(u) = (-\ln u) - (0.5772157) + (u/1 * 1!) - (u^2/2 * 2!) + (u^3/3 * 3!) - (u^4/4 * 4!) + \dots$								Pumping Rate (gpm) = Q =		510.00		(gpm)	
T = transmissivity (L ² /T) s = drawdown (L) S = storage coefficient (dimensionless) pi = 3.141592654						r = radial distance (L) t = time (T) u = dimensionless W(u) = well function		Drawdown (feet) = s =		1.75		(feet)	
Note: Transmissivity is derived using an iterative process The calculations use a known or assumed Storage Coefficient (S) provided by the user Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration Total Theis Equation Iterations = 25 iterations Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001 Can accept answer if u in the last iteration is < 7.1								Time (hours) = t =		187.1000		(hours)	
Note: Well efficiency is not included in the calculations								Storage Coefficient = S =		0.100000		(dimensionless)	
References: Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524. Vorhies, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.								Well Diameter (Inches) = d =		8.0000		(Inches)	
										Press F9 to Calculate			
								Calculated Results		Calculated Results			
								Transmissivity (ft ² /day) = T =		83,458.13		(ft ² /day)	
								Transmissivity (gpd/ft) = T =		624,310.19		(gpd/ft)	
								Transmissivity Difference = (last 2 iterations)		0.0000E+00 okay to use T if diff < 0.0001		(ft ² /day)	
								u = (last iteration)		4.2694E-09 okay to use T if u < 7.1			
Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration		
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1							
						7.0000	1.1545E-04			W(u) calculation test			
1.75	0.10000	510.00	1.14	7.80	0.33			56,100.00		T = Q/s			
1.75	0.10000	510.00	1.14	7.80	0.33	6.3514E-09	18.2974	81,684.87	2.5585E+04	T = Theis Equation	1.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.3621E-09	18.6731	83,362.25	1.6774E+03	T = Theis Equation	2.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2743E-09	18.6934	83,453.00	9.0745E+01	T = Theis Equation	3.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2697E-09	18.6945	83,457.85	4.8570E+00	T = Theis Equation	4.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.11	2.5982E-01	T = Theis Equation	5.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6948	83,458.13	1.3898E-02	T = Theis Equation	6.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	7.4343E-04	T = Theis Equation	7.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	3.9767E-05	T = Theis Equation	8.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	2.1272E-06	T = Theis Equation	9.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	1.1381E-07	T = Theis Equation	10.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	6.0536E-09	T = Theis Equation	11.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	3.4925E-10	T = Theis Equation	12.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	13.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	14.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	15.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	16.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	17.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	18.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	19.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	20.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	21.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	22.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	23.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	24.00		
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	25.00		

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WELL 3

Transmissivity from Specific Capacity using the Theis Equation
Adapted from Vorhis (1979)

Theis Equation: $T = [Q/(4 \cdot s \cdot \pi)] W(u)$
 $u = (r^2 \cdot S)/(4 \cdot T \cdot t)$
 $W(u) = (-\ln u) - (0.5772157) + (u/1 \cdot 1!) - (u^2/2 \cdot 2!) + (u^3/3 \cdot 3!) - (u^4/4 \cdot 4!) + \dots$

T = transmissivity (L²/T)
s = drawdown (L)
S = storage coefficient (dimensionless)
pi = 3.141592654

r = radial distance (L)
t = time (T)
u = dimensionless
W(u) = well function

Note: Transmissivity is derived using an iterative process
The calculations use a known or assumed Storage Coefficient (S) provided by the user
Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration
The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration
Total Theis Equation iterations = 25 iterations
Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001
Can accept answer if u in the last iteration is < 7.1

Note: Well efficiency is not included in the calculations

References:
Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry

Enter Data Below
(yellow boxes only)

Well Log ID or Comment for Records Average Specific Capacity

Pumping Rate (gpm) = Q = 166.00 (gpm)

Drawdown (feet) = s = 0.31 (feet)

Time (hours) = t = 187.1000 (hours)

Storage Coefficient = S = 0.100000 (dimensionless)

Well Diameter (inches) = d = 8.0000 (Inches)
Press F9 to Calculate

Calculated Results

Transmissivity (ft²/day) = T = 157,014.36 (ft²/day)

Transmissivity (gpd/ft) = T = 1,174,549.08 (gpd/ft)

Transmissivity Difference = (last 2 iterations) = 0.0000E+00 (ft²/day)
okay to use T if diff < 0.0001

u = (last iteration) = 2.2693E-09
okay to use T if u < 7.1

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
0.31	0.10000	166.00	0.37	7.80	0.33			102,092.64		T = Q/s	
0.31	0.10000	166.00	0.37	7.80	0.33	3.4901E-09	18.8961	153,517.22	5.1425E+04	T = Theis Equation	1.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.3210E-09	19.3040	156,831.37	3.3142E+03	T = Theis Equation	2.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2720E-09	19.3254	157,004.89	1.7352E+02	T = Theis Equation	3.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2695E-09	19.3265	157,013.87	8.9839E+00	T = Theis Equation	4.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.34	4.6488E-01	T = Theis Equation	5.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	2.4053E-02	T = Theis Equation	6.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	1.2448E-03	T = Theis Equation	7.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	6.4398E-05	T = Theis Equation	8.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	3.3320E-06	T = Theis Equation	9.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	1.7241E-07	T = Theis Equation	10.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	8.9058E-09	T = Theis Equation	11.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	4.9477E-10	T = Theis Equation	12.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	13.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	14.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	15.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	16.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	17.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	18.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	19.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	20.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	21.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	22.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	23.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	24.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.38	0.0000E+00	T = Theis Equation	25.00

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Transmissivity from Specific Capacity using the Theis Equation **WELL 3**

Adapted from Vorhis (1979)

Theis Equation: $T = (Q/(4 \cdot s \cdot \pi)) [W(u)]$
 $u = (r^2 \cdot S)/(4 \cdot T \cdot t)$
 $W(u) = (-\ln u) - (0.5772157) + (u/1 \cdot 1!) - (u^2/2 \cdot 2!) + (u^3/3 \cdot 3!) - (u^4/4 \cdot 4!) + \dots$

T = transmissivity (L²/T)
s = drawdown (L)
S = storage coefficient (dimensionless)
pi = 3.141592654

r = radial distance (L)
t = time (T)
u = dimensionless
W(u) = well function

Note: Transmissivity is derived using an iterative process
The calculations use a known or assumed Storage Coefficient (S) provided by the user
Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration
The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration
Total Theis Equation Iterations = 25 iterations
Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001
Can accept answer if u in the last iteration is < 7.1

Note: Well efficiency is not included in the calculations

References:
Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry Enter Data Below (yellow boxes only)

Well Log ID or Comment for Records **Average Specific Capacity**

Pumping Rate (gpm) = Q = (gpm)

Drawdown (feet) = s = (feet)

Time (hours) = t = (hours)

Storage Coefficient = S = (dimensionless)

Well Diameter (Inches) = d = (Inches)
Press F9 to Calculate

Calculated Results Calculated Results

Transmissivity (ft²/day) = T = (ft²/day)

Transmissivity (gpd/ft) = T = (gpd/ft)

Transmissivity Difference = (ft²/day)
(last 2 iterations)
okay to use T if diff < 0.0001

u =
(last iteration)
okay to use T if u < 7.1

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
8.60	0.10000	175.00	0.39	7.80	0.33			3,917.15		T = Q/s	
8.60	0.10000	175.00	0.39	7.80	0.33	9.0963E-08	15.6356	4,873.88	9.5673E+02	T = Theis Equation	1.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.3107E-08	15.8541	4,942.00	8.8118E+01	T = Theis Equation	2.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2100E-08	15.8680	4,946.33	4.3284E+00	T = Theis Equation	3.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2036E-08	15.8689	4,946.80	2.7277E-01	T = Theis Equation	4.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	1.7190E-02	T = Theis Equation	5.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	1.0832E-03	T = Theis Equation	6.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	6.8281E-05	T = Theis Equation	7.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	4.3015E-06	T = Theis Equation	8.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	2.7108E-07	T = Theis Equation	9.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	1.7083E-08	T = Theis Equation	10.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	1.0759E-09	T = Theis Equation	11.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	8.8212E-11	T = Theis Equation	12.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	13.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	14.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	15.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	16.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	17.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	18.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	19.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	20.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	21.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	22.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	23.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	24.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.62	0.0000E+00	T = Theis Equation	25.00

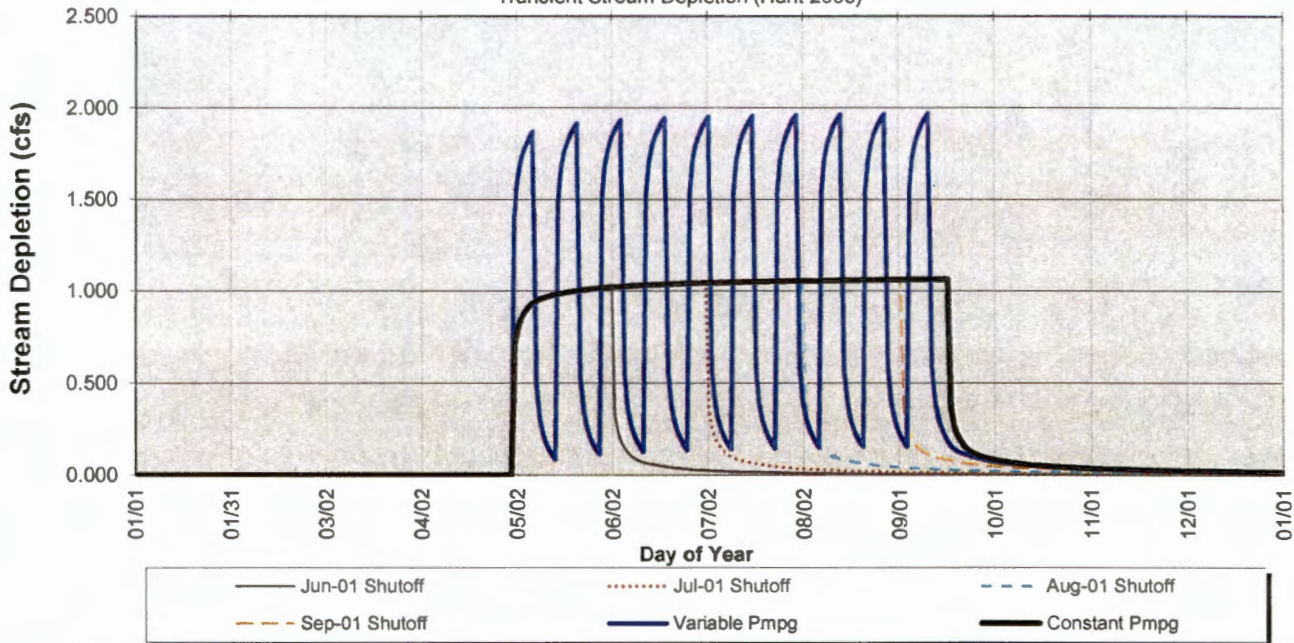
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ATTACHMENT D
Stream Depletion Evaluation

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POLK 52513 Well 1

Transient Stream Depletion (Hunt 2003)



Parameters:		Values	Units
Perpendicular from well to stream	a	80	ft
Well depth	d	61	ft
Aquifer transmissivity	T_ft	520,000	ft ² /day
Aquifer storativity or specific yield	S	0.1000	Dimensionless
Stream width	ws	350	ft
Aquitard vertical hydraulic conductivity	Kva	50.0000	ft/day
Aquitard saturated thickness	ba	20	ft
Aquitard thickness below stream	babs	20	ft
Aquitard porosity	n	0.100	Dimensionless
Maximum irrigated acres per well, on all water rights		0.00	acres
Maximum pumping rate on all water rights	Qmwr	3.0000	cfs
Maximum pumping rate per well, all water rights	Qmp	2.2200	cfs
Constant pumping rate for model (Qmp/2)	Qwc	1.1100	cfs
Variable weekly pumping rate for model (Qmp)	Qwv	2.2200	cfs
Pumping days in irrigation season		138	days
Total acre feet pumped at constant pumping rate, Qwc		303.83	acre feet
Model start date		01/01/2014	
Date Pump On		05/01/2014	

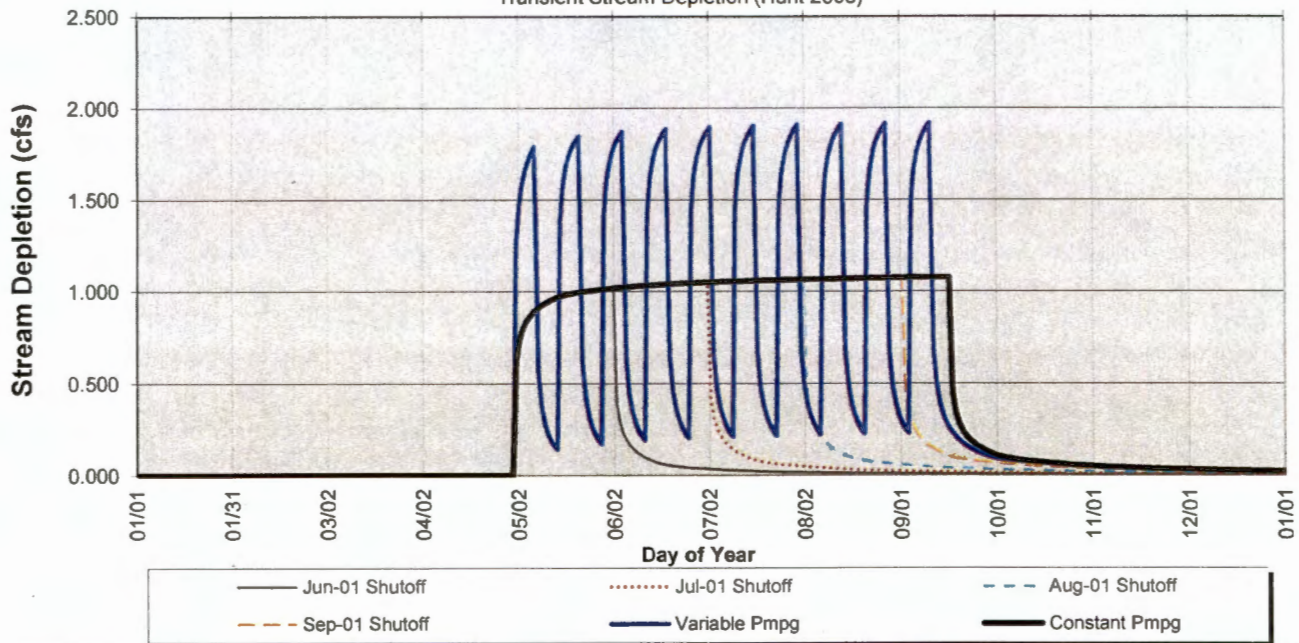
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Date	01/31	02/28	03/31	04/30	05/31	06/30	07/31	08/31	09/30	10/31	11/30	12/31
Stream Depl, %Q	0.0	0.0	0.0	0.0	91.8	94.0	95.0	95.7	7.9	3.3	2.1	1.5
Strm Depl, cfs	0.000	0.000	0.000	0.000	1.019	1.044	1.055	1.062	0.087	0.036	0.023	0.016
Strm Depl Jun-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	0.027	0.012	0.007	0.005	0.004	0.003	0.002
Strm Depl Jul-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	1.044	0.037	0.018	0.012	0.008	0.006	0.005
Strm Depl Aug-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	1.044	1.055	0.044	0.023	0.015	0.011	0.009
Strm Depl Sep-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	1.044	1.055	1.062	0.050	0.027	0.018	0.013
Relief after Jun-01 shutoff (SD= 1.021, cfs)						0.994	1.009	1.014	1.016	1.017	1.018	1.018
Relief after Jul-01 shutoff (SD= 1.044, cfs)							1.007	1.026	1.032	1.036	1.038	1.039
Relief after Aug-01 shutoff (SD= 1.055, cfs)								1.011	1.032	1.040	1.044	1.047
Relief after Sep-01 shutoff (SD= 1.062, cfs)									1.012	1.035	1.044	1.049
Stream depletion at 138 = 1.064 cfs												
Stream depletion at 30 days = 91.7 %												

Stream depletion at 10 days = 86.6 %

POLK 52861 Well 2

Transient Stream Depletion (Hunt 2003)



Parameters:		Values	Units
Perpendicular from well to stream	a	25	ft
Well depth	d	57	ft
Aquifer transmissivity	T _{ft}	1,090,000	ft ² /day
Aquifer storativity or specific yield	S	0.1000	Dimensionless
Stream width	ws	350	ft
Aquitard vertical hydraulic conductivity	K _{va}	50.0000	ft/day
Aquitard saturated thickness	ba	20	ft
Aquitard thickness below stream	babs	20	ft
Aquitard porosity	n	0.100	Dimensionless
Maximum irrigated acres per well, on all water rights		0.00	acres
Maximum pumping rate on all water rights	Q _{mwr}	3.0000	cfs
Maximum pumping rate per well, all water rights	Q _{mp}	2.2800	cfs
Constant pumping rate for model (Q _{mp} /2)	Q _{wc}	1.1400	cfs
Variable weekly pumping rate for model (Q _{mp})	Q _{wv}	2.2800	cfs
Pumping days in irrigation season		138	days
Total acre feet pumped at constant pumping rate, Q _{wc}		312.04	acre feet
Model start date		01/01/2014	
Date Pump On		05/01/2014	

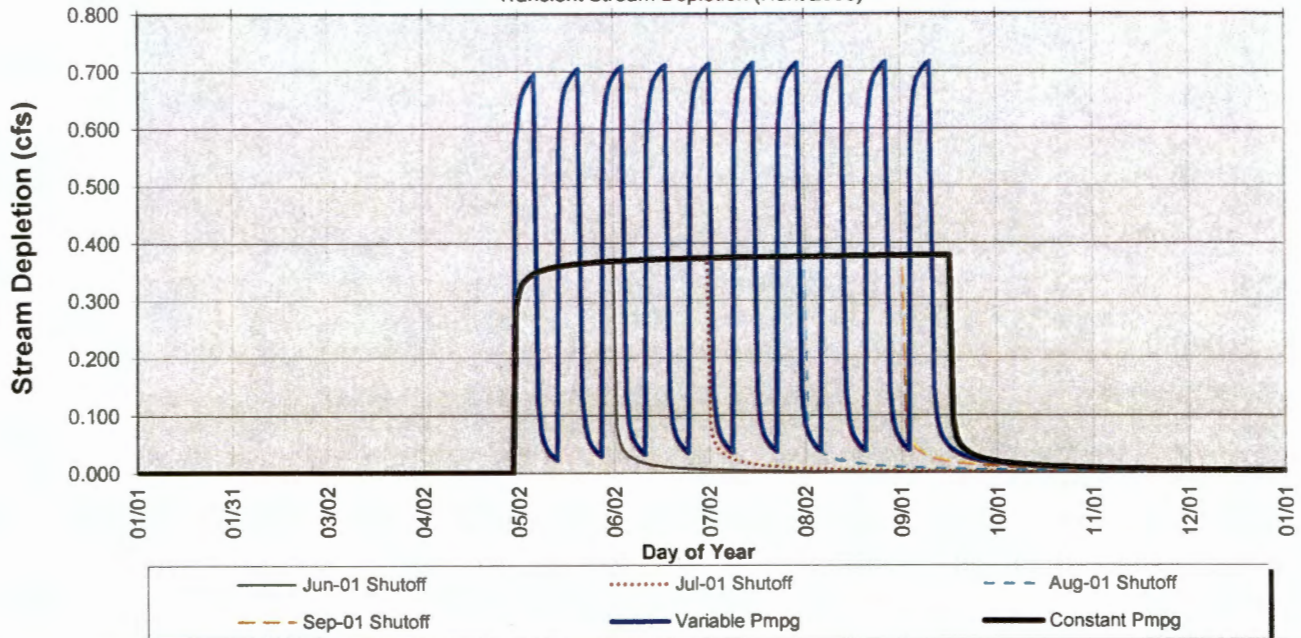
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Date	01/31	02/28	03/31	04/30	05/31	06/30	07/31	08/31	09/30	10/31	11/30	12/31
Stream Depl, %Q	0.0	0.0	0.0	0.0	89.1	92.0	93.4	94.2	9.9	4.4	2.8	2.0
Strm Depl, cfs	0.000	0.000	0.000	0.000	1.016	1.049	1.065	1.074	0.113	0.050	0.031	0.022
Strm Depl Jun-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.016	0.037	0.016	0.010	0.007	0.005	0.004	0.003
Strm Depl Jul-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.016	1.049	0.051	0.025	0.016	0.011	0.009	0.007
Strm Depl Aug-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.016	1.049	1.065	0.060	0.032	0.021	0.015	0.012
Strm Depl Sep-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.016	1.049	1.065	1.074	0.068	0.037	0.025	0.018
Relief after Jun-01 shutoff (SD= 1.018, cfs)						0.981	1.001	1.008	1.011	1.013	1.014	1.014
Relief after Jul-01 shutoff (SD= 1.050, cfs)							0.999	1.025	1.034	1.039	1.041	1.043
Relief after Aug-01 shutoff (SD= 1.065, cfs)								1.005	1.033	1.044	1.050	1.053
Relief after Sep-01 shutoff (SD= 1.074, cfs)									1.006	1.038	1.050	1.056
Stream depletion at 138 = 1.077 cfs												
Stream depletion at 30 days = 88.9 %												

Stream depletion at 10 days = 81.9 %

POLK 52953 Well 3

Transient Stream Depletion (Hunt 2003)



Parameters:		Values	Units
Perpendicular from well to stream	a	80	ft
Well depth	d	56	ft
Aquifer transmissivity	T _{ft}	160,000	ft ² /day
Aquifer storativity or specific yield	S	0.1000	Dimensionless
Stream width	ws	350	ft
Aquitard vertical hydraulic conductivity	K _{va}	50.0000	ft/day
Aquitard saturated thickness	ba	20	ft
Aquitard thickness below stream	babs	20	ft
Aquitard porosity	n	0.100	Dimensionless
Maximum irrigated acres per well, on all water rights		0.00	acres
Maximum pumping rate on all water rights	Q _{mwr}	3.0000	cfs
Maximum pumping rate per well, all water rights	Q _{mp}	0.7780	cfs
Constant pumping rate for model (Q _{mp} /2)	Q _{wc}	0.3890	cfs
Variable weekly pumping rate for model (Q _{mp})	Q _{wv}	0.7780	cfs
Pumping days in irrigation season		138	days
Total acre feet pumped at constant pumping rate, Q _{wc}		106.48	acre feet
Model start date		01/01/2014	
Date Pump On		05/01/2014	

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Date	01/31	02/28	03/31	04/30	05/31	06/30	07/31	08/31	09/30	10/31	11/30	12/31
Stream Depl, %Q	0.0	0.0	0.0	0.0	94.6	96.1	96.7	97.2	5.2	2.2	1.4	1.0
Strm Depl, cfs	0.000	0.000	0.000	0.000	0.368	0.374	0.376	0.378	0.020	0.008	0.005	0.004
Strm Depl Jun-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.368	0.006	0.003	0.002	0.001	0.001	0.001	0.001
Strm Depl Jul-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.368	0.374	0.009	0.004	0.003	0.002	0.001	0.001
Strm Depl Aug-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.368	0.374	0.376	0.010	0.005	0.004	0.003	0.002
Strm Depl Sep-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.368	0.374	0.376	0.378	0.012	0.006	0.004	0.003
Relief after Jun-01 shutoff (SD= 0.368, cfs)						0.362	0.366	0.367	0.367	0.368	0.368	0.368
Relief after Jul-01 shutoff (SD= 0.374, cfs)							0.365	0.370	0.371	0.372	0.372	0.373
Relief after Aug-01 shutoff (SD= 0.376, cfs)								0.366	0.371	0.373	0.374	0.374
Relief after Sep-01 shutoff (SD= 0.378, cfs)									0.366	0.372	0.374	0.375
Stream depletion at 138 = 0.379 cfs												
Stream depletion at 30 days = 94.5 %												

Stream depletion at 10 days = 90.9 %



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-12773

Review Due Date: _____

Applicant Name: International Paper Co

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Joel Plahn

Date of Review: Jan. 16, 2018

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No
Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.
4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?
 Yes No If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____ N/A
7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____ N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No
9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain: _____

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? Yes No If "Yes", explain: _____
12. What alternatives may be available for addressing any issues identified above: _____
13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked below:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)

a. *Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) or at each new point of diversion/appropriation.*

b. *The water user shall maintain the meters or measuring devices in good working order.*

c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)

a. *Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

*** The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

Weir

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-_____

In order to avoid enlargement of the right or injury to other rights, a _____ will be required to be installed **prior to diversion of water**, as a condition of this transfer:

at each point of diversion/appropriation (new and existing) or

at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: _____

District: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-_____

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

28

2700

2800

SWPSE

X M4 - POA

#3

X M3
X M1
- APOD

POA # 2

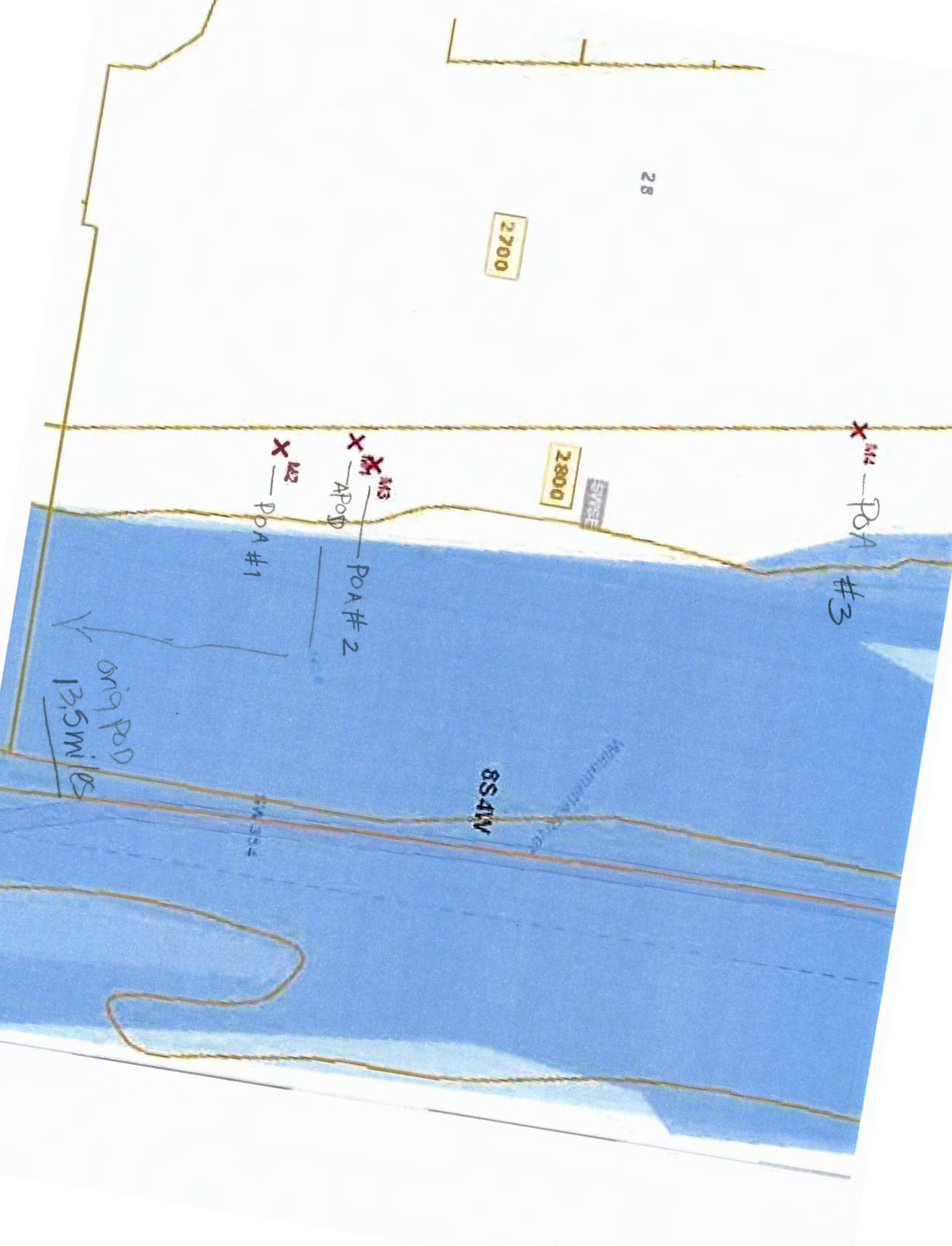
X M2
- POA # 1

orig POD
13.5 miles

8S4W

SWPSE

WINDMILL PILE



Groundwater Transfer Review Summary Form

Transfer/PA # T- 12773

GW Reviewer DENNIS ORLOWSKI Date Review Completed: SEP. 14, 2018

Summary of Enlargement (Same Source) Review:

The proposed transfer fails to keep the original place of use from receiving water from the same source.

Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source.

Summary of Well Construction Assessment:

The proposed POA does not have a well log.

The proposed POA does not appear to meet current well construction standards. Route through Well Construction and Compliance Section.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



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

Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-12773

Applicant Name: International Paper Company

Proposed Changes: POA APOA SW→GW RA
 USE POU OTHER

Reviewer(s): Dennis Orlowski

Date of Review: September 14, 2018

Date Reviewed by GW Mgr. and Returned to WRSD: 9/17/18

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other _____

1. Basic description of the changes proposed in this transfer: This proposed SW-GW transfer pertains to certificate 54268, which allocates 18.0 cfs from the Willamette River at a POA location near Albany. Certificate 54268 is for manufacturing (industrial) purposes.

The applicant proposes to transfer to the City of Independence a 2.0 cfs portion of certificate 54268 that is currently leased instream (IL-1434). The proposed change will allow the City to divert water from a downstream POD and three POA locations adjacent to the Willamette River.

The City's proposed POA/POD locations are adjacent to/within the Willamette River, approximately 20 river miles downstream of the authorized POD location for certificate 54268. The proposed POA/POD are:

- Willamette Well 1 (POLK 52513)
- Willamette Well 2 (POLK 52861)
- Willamette Well 3 (POLK 52953)
- POD 2 (proposed)

This groundwater review considers only the SW-GW component of the proposed transfer, i.e., from the authorized surface water POD to the three proposed groundwater POAs.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: The source authorized by certificate 54268 is surface water from the Willamette River, whereas the source for the three proposed POAs is groundwater obtained from Holocene floodplain and channel alluvium deposited by the Willamette River system (Conlon and others, 2005; Woodward and others, 1998).

OAR 690-380-2130 (2) establishes criteria by which OWRD may allow a transfer of a surface water POD to a groundwater POA, including the following:

- a) The criteria in OAR 690-380-5000 are met (i.e., general transfer considerations);
- b) **Hydraulic connection:** the new point of diversion appropriates ground water from an aquifer that is hydraulically connected to the authorized surface source; and
- c) **Similarity:** the proposed change in point of diversion will affect the surface water source similarly* to the authorized point of diversion specified in the water use subject to transfer; and
- d) **Proximity:** the withdrawal of groundwater at the new point of diversion is located within 500 feet of the surface water source and, when the surface water source is a stream, is also located within 1000 feet upstream or downstream of the original point of diversion as specified in the water use subject to transfer; or
- e) If the distance requirements in subsection (2)(d) of this rule are not met, the holder of a water use subject to transfer shall submit to the Department evidence prepared by a licensed geologist that demonstrates that the use of the groundwater at the new point of diversion will meet the criteria set forth in subsections (2)(a) to (c) of this rule.

(*Similarly means that the use of groundwater at the new point of diversion affects the surface water source specified in the permit or certificated or decreed water right and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping).

Because the proposed POA locations do not meet all of the “proximity” requirements of subsection (2)(d), the applicant submitted a report in accordance with (2)(e) of OAR 690-380-2130. The report is a technical memorandum entitled “City of Independence Willamette River Wellfield – Surface Water to Groundwater Transfer, Hydrogeologic Evaluation of Wells’ Connection to River”, dated 8 November 2017 and prepared by GSI Water Solutions, Inc. for the City of Independence. A revision to this report to correct the POA locations was submitted to OWRD on September 14, 2018.

The consultant’s report included development of analytical stream depletion models (Hunt, 2003) for each of the three proposed POA locations to demonstrate similarity. This review focused largely on evaluating those modeling results.

The criteria of OAR 690-380-2130 subsections (2b) and (2c) are evaluated for each of the three proposed POA locations as follows:

- **(2)(b) Hydraulic Connection:** the proposed POAs, “Willamette Wells 1, 2, and 3”, are located approximately 70, 40, and 80 feet, respectively, from the Willamette River. The applicant’s report provides evidence from previous studies that establishes hydraulic connection between all three wells and the river. Also, OWRD’s independent evaluation of local hydrogeologic conditions confirms that the shallow alluvial aquifer tapped by the three wells is hydraulically connected to the Willamette River.

Conclusion: all three proposed POAs are hydraulically connected to the Willamette River, the currently authorized source for certificate 54268.

- **(2)(c) Similarity:** the applicant's consultant used the Hunt 2003 2-dimensional analytical stream depletion model to demonstrate compliance with the "similarity" requirement of OAR 690-380-2130. This model is generally suitable for this application, though the values used for several model parameters are questionable, specifically:

- Aquifer transmissivity (T): The aquifer is generally characterized on the proposed POA well logs as a ~20 ft thick deposit of fine to coarse gravel with sand, overlain by 20-30 feet of low-permeability silt and clay. Aquifer transmissivity values ranging from 160,000 to 1,090,000 ft²/day were used for the applicant's stream depletion models. For the average saturated aquifer thickness (20 ft), these transmissivities yield horizontal hydraulic conductivity (K_h) values ranging from 8000 to 54,500 ft/day. These are much greater than K_h-values for gravel and sand deposits reported in the literature, which typically range from about 300-3000 ft/day (Halford and Kuniansky, 2002; Freeze and Cherry, 1979). Locally-derived parameter estimates, discussed below, are also much lower. Thus, the range of T values used in the applicant's model appears to be extraordinarily and possibly unrealistically high for the sand and gravel aquifer in this area.

The transmissivity values used for the applicant's stream depletion modeling appear to have been derived from possibly unreliable data from a 2008 aquifer test at the site, i.e., at some wells pre-test static water levels were apparently not recorded. Furthermore, an additional method used to estimate transmissivity from specific capacity data (Vorhis, 1979) does not consider the strong recharge effect of the adjacent Willamette River, and thus its use leads to gross overestimation of transmissivity values for use in the Hunt stream depletion models.

For similar hydrogeologic settings within the Willamette Valley, the USGS reports T-values ranging mostly from 10,000 to 100,000 ft²/day. More specifically, the USGS reports that aquifer tests conducted in three similarly-completed, high-yield (~1200 gpm) wells adjacent to the Willamette River yielded T-values from 76,000-79,000 ft²/day, with a fourth test at 270,000 ft²/day (Woodward and others, 1998). From this information, for our independent model comparison OWRD evaluated transmissivity values ranging from 20,000-100,000 ft²/day; though still quite high, this range is well supported in both the common literature and from locally-derived testing results.

- Aquitard parameters: both the aquitard vertical hydraulic conductivity value (K_{va} = 50 ft/day) and aquitard thickness below the stream (babs = 20 ft) used for the applicant's modeling appear excessively high. The aquitard as reported on the logs for the three proposed POAs is generally noted as "clay" or "silt", with minor occurrences of sand and gravel. More typical horizontal K-values for this type of deposit would range from about 0.001 to perhaps 1 ft/day (Halford and Kuniansky, 2002; Freeze and Cherry, 1979), far less than the 50 ft/day used for vertical hydraulic conductivity (K_{va}) in the applicant's models.

The same 20-ft thickness is used in the applicant's models for both the total aquitard saturated thickness (ba) and aquitard thickness below the stream (babs). The latter of these values, babs, does not appear to be supported by local stratigraphic information. Indeed, USGS bathymetric data suggests that the mainstem Willamette in this area has most likely incised through most, if not all, of the near-surface "aquitard" deposits. With this condition, the value for babs would be much less than 20 ft, representing perhaps only a relatively-thin (<3 ft) clogging layer within the stream bed.

Despite the use of markedly different model parameters, the results of OWRD's independent modeling show stream depletion percentages generally at or above 50% at 10 days of continuous simulated pumping.

Conclusion: all three proposed POAs meet the "similarity" requirement of OAR 690-380-2130.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

Yes No As discussed in Section 2 of this review, all three proposed POAs meet the hydraulic connection and similarity requirements of OAR 690-380-2130, and thus will effectively develop the same source authorized by certificate 54268.

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

Yes No Comments: It is uncertain if several residences located ~400-500 feet west of the proposed POAs utilize domestic wells. However, due to their proximity to and strong hydraulic connection with the Willamette River, the proposed POAs will obtain most water from the Willamette, and thus potential adverse impacts to other possible groundwater users are not expected.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes No If yes, explain: _____

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes No Comments: The proposed POAs will interfere only with the authorized source for certificate 54268, the Willamette River. No other surface water sources will be affected.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____ Minimal Significant

Stream: _____ Minimal Significant

Provide context for minimal/significant impact: _____

6. What conditions or other changes in the application are necessary to address any potential issues identified above: None

7. Any additional comments:

- **The three proposed POAs, existing wells POLK 52513, POLK 52861, and POLK 52593, all meet the SW-GW transfer criteria stipulated in OAR 690-380-2130.**

References:

Application T-12773 file.

Barlow, Paul M. and Leake, Stanley A., 2012, Streamflow Depletion by Wells – Understanding and Managing the Effects of Groundwater Pumping on Streamflow: U.S. Geological Survey Circular 1376.

Conlon, Terrence D., Wozinak, Karl C., Woodcock, Douglas, Herrera, Nora B., Fisher, Bruce J., Morgan, David S., Lee, Karl K., and Hinkle, Stephen R., 2005, Ground-Water Hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168.

Freeze, R.A, Cherry, J.A., 1979, Groundwater, Prentice-Hall, Inc.

Halford, Keith J. and Kuniandy, Eve, 2002, Documentation of Spreadsheets for the Analysis of Aquifer Test and Slug Test Data, US Geological Survey Open-File Report 02-197, 2002.

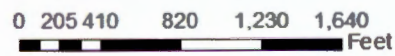
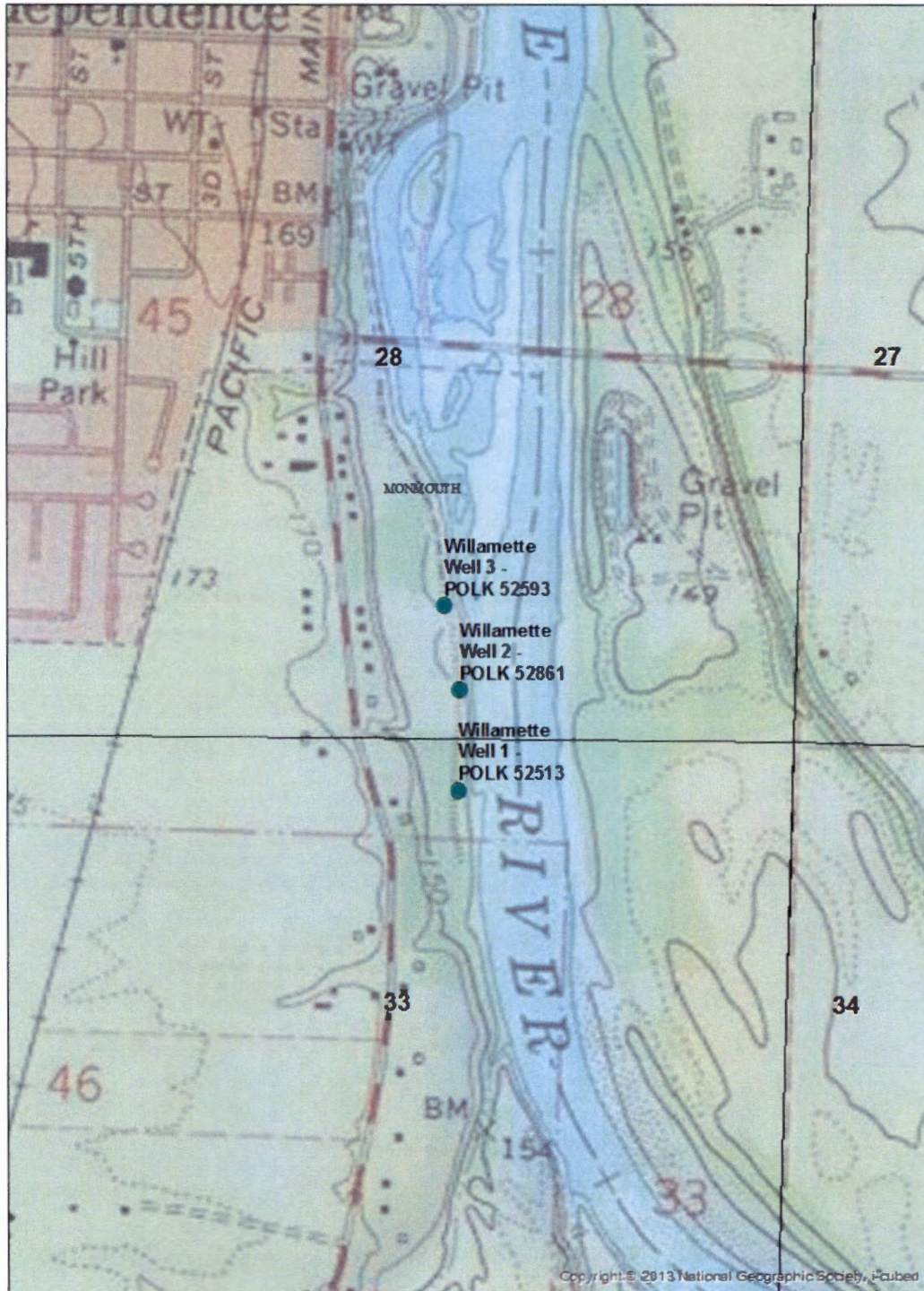
Hunt, B., 1999, Unsteady stream depletion from ground water pumping: Ground Water, V. 37, no. 1, p. 98-102.

Hunt, B., 2003, Unsteady stream depletion when pumping from semiconfined aquifer: Journal of Hydrologic Engineering, January/February, 2003.

Vorhis, R.C., 1979, Transmissivity from pumped well data, Well Log, National Water Well Association newsletter, Vol. 10, No. 11, December 1979, pp. 50-52.

Woodward, Dennis G., Gannett, Marshall W., and Vaccaro, John J., 1998, Hydrogeologic Framework of the Willamette Lowland Aquifer System, Oregon and Washington: U.S. Geological Survey Professional paper 1424-B.

Application T-12773, International Paper Company T8S, R4W - Sections 28 & 33



OWRD Hunt 2003 Stream Depletion Model Results – “Willamette Well 1”, POLK 52513

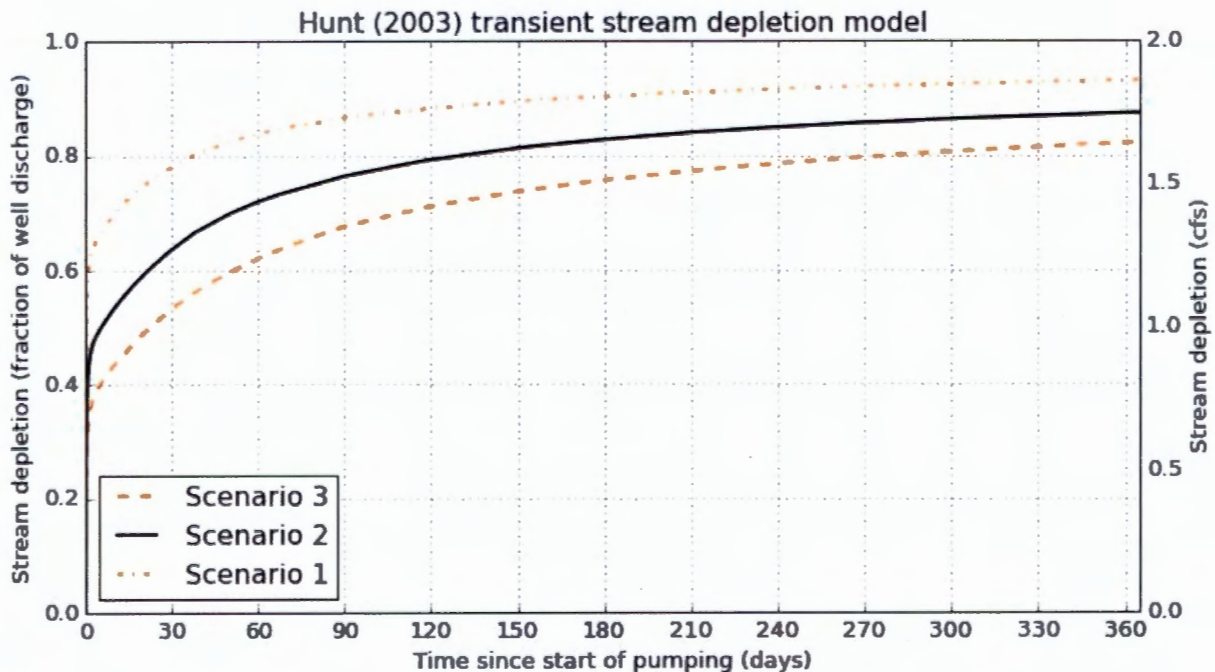
76 PyHunt stream depletion analysis tool

Application type:	T
Application number:	12773
Well number:	1
Stream Number:	1
Pumping rate (cfs):	2.0
Pumping duration (days):	365.0

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	70	70	70	ft
Aquifer transmissivity	T	30000.0	30000.0	30000.0	ft ² /day
Aquifer storativity	S	0.01	0.01	0.01	-
Aquitard vertical hydraulic conductivity	Kva	0.1	0.1	0.1	ft/day
Aquitard saturated thickness	ba	14.0	14.0	14.0	ft
Aquitard thickness below stream	babs	1.0	2.0	3.0	ft
Aquitard specific yield	Sya	0.1	0.1	0.1	-
Stream width	ws	550.0	550.0	550.0	ft

Stream depletion for Scenario 2:

Days	10	30	60	90	120	150	180	210	240	270	300	330	360
Depletion (%)	53	64	72	76	79	81	83	84	85	86	86	87	87
Depletion (cfs)	1.07	1.27	1.44	1.53	1.59	1.63	1.66	1.68	1.70	1.71	1.73	1.74	1.75



OWRD Hunt 2003 Stream Depletion Model Results – “Willamette Well 2”, POLK 52861

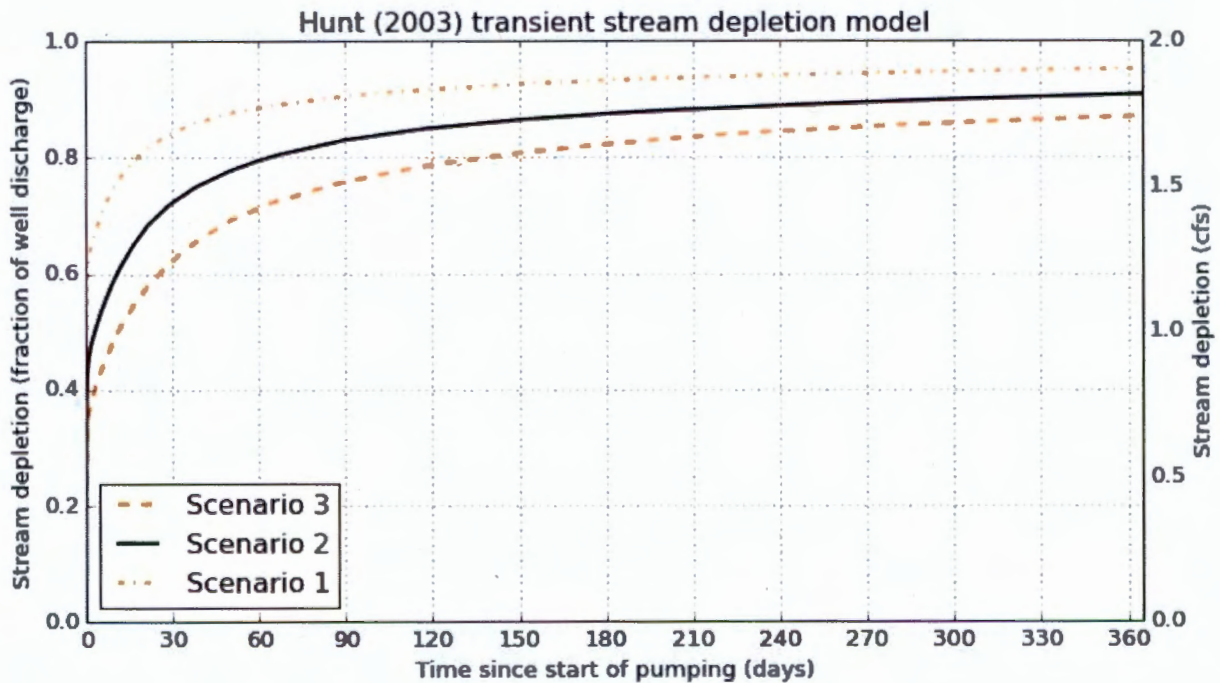
76 PyHunt stream depletion analysis tool

Application type: T
 Application number: 12773
 Well number: 2
 Stream Number: 1
 Pumping rate (cfs): 2.0
 Pumping duration (days): 365.0

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	40	40	40	ft
Aquifer transmissivity	T	50000.0	50000.0	50000.0	ft ² /day
Aquifer storativity	S	0.01	0.01	0.01	-
Aquitard vertical hydraulic conductivity	Kva	0.2	0.2	0.2	ft/day
Aquitard saturated thickness	ba	12.0	12.0	12.0	ft
Aquitard thickness below stream	babs	1.0	2.0	3.0	ft
Aquitard specific yield	Sya	0.1	0.1	0.1	-
Stream width	ws	500	500	500	ft

Stream depletion for Scenario 2:

Days	10	30	60	90	120	150	180	210	240	270	300	330	360
Depletion (%)	59	72	79	83	85	86	87	88	89	89	90	90	91
Depletion (cfs)	1.18	1.45	1.59	1.66	1.70	1.73	1.75	1.76	1.78	1.79	1.80	1.81	1.81



OWRD Hunt 2003 Stream Depletion Model Results – “Willamette Well 3”, POLK 52953

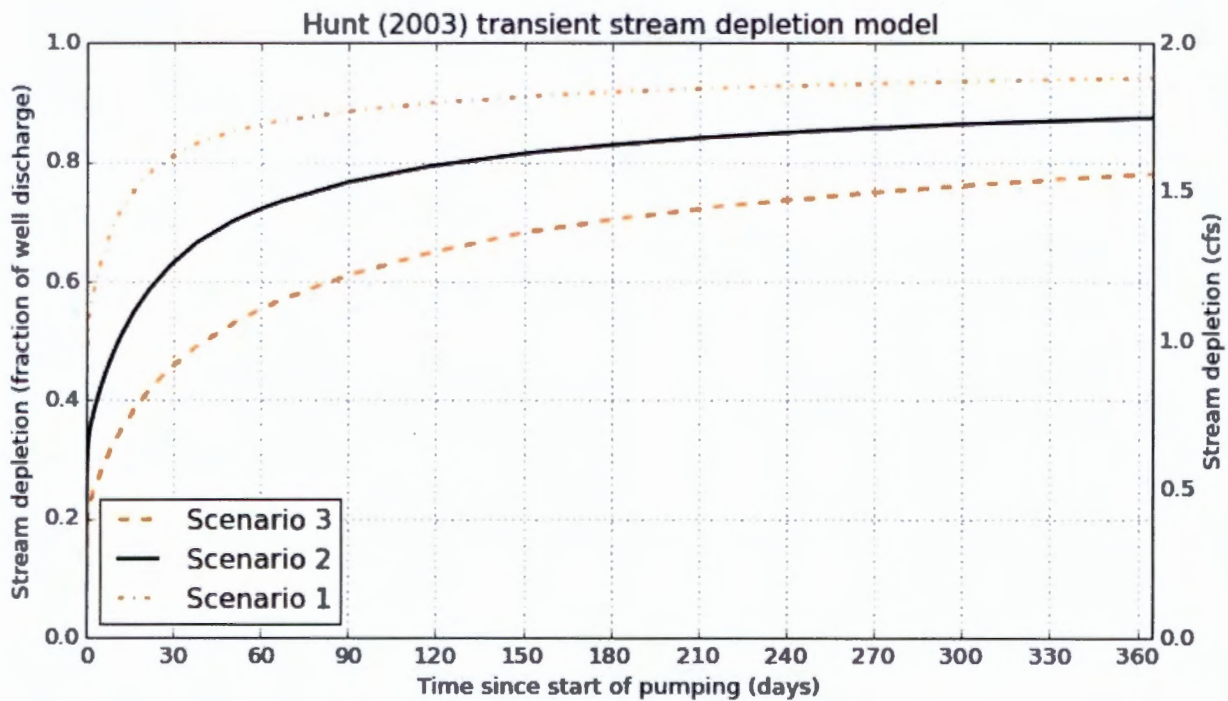
74 PyHunt stream depletion analysis tool

Application type:	T
Application number:	12773
Well number:	3
Stream Number:	1
Pumping rate (cfs):	2.0
Pumping duration (days):	365.0

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	80	80	80	ft
Aquifer transmissivity	T	20000.0	30000.0	50000.0	ft ² /day
Aquifer storativity	S	0.01	0.01	0.01	-
Aquitard vertical hydraulic conductivity	Kva	0.1	0.1	0.1	ft/day
Aquitard saturated thickness	ba	5.0	5.0	5.0	ft
Aquitard thickness below stream	babs	1.0	2	3	ft
Aquitard specific yield	Sya	0.1	0.1	0.1	-
Stream width	ws	550.0	550.0	550.0	ft

Stream depletion for Scenario 2:

Days	10	30	60	90	120	150	180	210	240	270	300	330	360
Depletion (%)	49	63	72	77	79	81	83	84	85	86	86	87	87
Depletion (cfs)	0.98	1.26	1.44	1.53	1.59	1.63	1.66	1.68	1.70	1.71	1.73	1.74	1.75



Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-12773

Date of review: 11/29/17

A. Please check box if you believe there is a potential for injury to an instream water right.

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on _____ [stream], tributary to _____, because _____.
(Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

1. Screen Maintain

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

2. Screen Now

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

3. Screen 2 Year

[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20__ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

4. Screen Future

[Use this option if fish are not currently present, but might possibly be at some future time.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

5. No Screen Needed

[Check this box if fish are not currently present, and are not expected in the future.]

Signature

Elise Kelley
Printed Name

(541) 757-5249
Phone

District Fish Biologist
Title

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-12773

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Marty Olsen

Address: 3561 Klindt Drive

City/State/Zip: The Dalles, OR 97058

Phone: (541) 296-8026

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Elise Kelley

Address: 7118 NE Vandenberg Ave.

City/State/Zip: Corvallis, OR 97333

Phone: (541) 757-5249

ANDREWS Marissa L * WRD

From: Elise X Kelley <Elise.X.Kelley@state.or.us>
Sent: Wednesday, November 29, 2017 3:12 PM
To: Marissa.L.Andrews@wrд.state.or.us
Subject: FW: OWRD: WR Transfer T 12773 (Regular) has been submitted for your District or Region. [ODFW]
Attachments: T-12773 city of independence from International Paper Form 54 signed.doc.pdf
Importance: High
Categories: Action Required

Hi Marissa,

ODFW's review is attached. The map did not indicate where POD 1 is but the application stated that it was upstream of the proposed POD 2. If that isn't the case, please let me know.

Thanks,
Elise

From: Peter A Samarin [<mailto:Peter.A.Samarin@state.or.us>]
Sent: Tuesday, November 28, 2017 8:36 AM
To: Alex Farrand (alex.farrand@state.or.us) <alex.farrand@state.or.us>; Elise X Kelley (elise.x.kelley@state.or.us) <elise.x.kelley@state.or.us>
Subject: FW: OWRD: WR Transfer T 12773 (Regular) has been submitted for your District or Region. [ODFW]
Importance: High

Not sure if this is within your district but it certainly isn't in the Rogue. Pete

From: wrd_automated_email@oregon.gov [mailto:wrd_automated_email@oregon.gov]
Sent: Monday, November 27, 2017 6:00 PM
To: wrd.upperrogue@state.or.us
Subject: OWRD: WR Transfer T 12773 (Regular) has been submitted for your District or Region. [ODFW]
Importance: High

ODFW review request for proposed water right transfer T 12773

Oregon Water Resources Department - Automated e-mail notice

Transfer Application Stakeholder(s): ** Applicant ** INTERNATIONAL PAPER COMPANY

Transfer Type: Regular
Notice Number: 1

Transfer Actions:

- POD - Point of Diversion change
- POU - Place of Use change

T-12773

RECEIVED

SEP 14 2018

OWRD

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Revised pages for Transfer Application T-12773

Dear Ms. Jaramillo:

On November 20, 2017 International Paper filed a Permanent Water Right Transfer (Transfer T-12773) with the Oregon Water Resources Department. Transfer T-12773 requests to change the point of diversion, place of use, and character of use for a 2.0 cfs portion of water right certificate 54268. The transfer application identified the location of a proposed point of diversion, as well as three proposed points of appropriation.

We understand that Dennis Orłowski is currently working on the groundwater review for Transfer T-12773, and he has requested modifications to the descriptions of the well locations. (The application originally included the locations included in existing information regarding those wells.) In response to that request, GSI has obtained more accurate location information for the proposed wells.

GSI is providing the enclosed revised portions of application T-12773, which include a revised page 6 of the application form and a new application map, both of which provide updated location descriptions for the proposed wells. In addition, GSI is providing a revised Geologist Report (which was provided in Attachment 6 of the application) that also reflects the updated well locations.

If you have any questions or concerns, please contact me at 541-257-9001.

Sincerely,



Adam Sussman
Principal Water Resources Consultant

Enclosures

CC: James Kirkpatrick, International Paper
Kie Cottam, City of Independence



RECEIVED

SEP 14 2018

OWRD

September 14, 2018

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Revised pages for Transfer Application T-12773

Dear Ms. Jaramillo:

On November 20, 2017 International Paper filed a Permanent Water Right Transfer (Transfer T-12773) with the Oregon Water Resources Department. Transfer T-12773 requests to change the point of diversion, place of use, and character of use for a 2.0 cfs portion of water right certificate 54268. The transfer application identified the location of a proposed point of diversion, as well as three proposed points of appropriation.

We understand that Dennis Orłowski is currently working on the groundwater review for Transfer T-12773, and he has requested modifications to the descriptions of the well locations. (The application originally included the locations included in existing information regarding those wells.) In response to that request, GSI has obtained more accurate location information for the proposed wells.

GSI is providing the enclosed revised portions of application T-12773, which include a revised page 6 of the application form and a new application map, both of which provide updated location descriptions for the proposed wells. In addition, GSI is providing a revised Geologist Report (which was provided in Attachment 6 of the application) that also reflects the updated well locations.

If you have any questions or concerns, please contact me at 541-257-9001.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman".

Adam Sussman
Principal Water Resources Consultant

Enclosures

CC: James Kirkpatrick, International Paper
Kie Cottam, City of Independence

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

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CERTIFICATE # 54268

Description of Water Delivery System

SEP 14 2018

System capacity: 38.92 cubic feet per second (cfs)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **There are four pumps at the point of diversion: two 200 HP pumps on the barge, and two 200 HP pumps on the bank. The pumps have 15 inch suctions and 10 inch discharges. The water is conveyed from the pump station to the paper mill water pond via 6,000 feet of 30-inch concrete underground pipe. Water from the pond is diverted to various locations on the mill site. Note: A 15 cfs portion of Certificate 54268, including the 2 cfs that is the subject of this transfer application, was leased instream in 2014 (IL-1434).**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

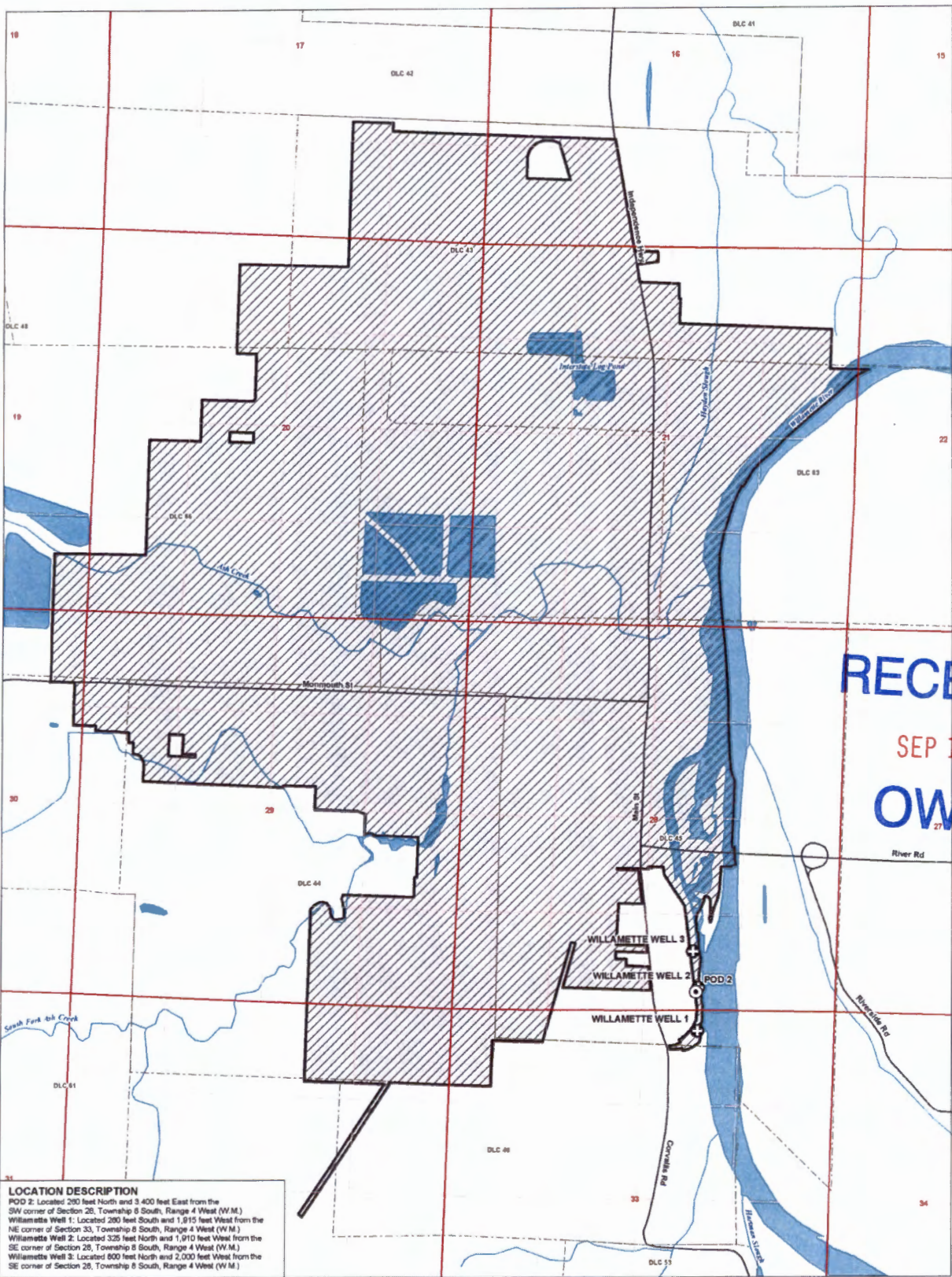
POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	10 S	3 W	32	NE	NE		1260 ft South & 1220 ft West from the NE corner of Sect. 32
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	8 S	4 W	28	SW	SE		260 ft North & 3400 ft East from SW Corner of Sect. 28
Willamette Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK 52513	8 S	4 W	33	NW	NE		260 ft South & 1,915 ft West from the NE corner of Sect. 33
Willamette Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK 52861	8 S	4 W	28	SW	SE		350 ft North & 1,910 ft West from the SE corner of Sect. 28
Willamette Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK 52953	8 S	4 W	28	SW	SE		800 ft North & 2,000 ft West from the SE corner of Sect. 28

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input checked="" type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.



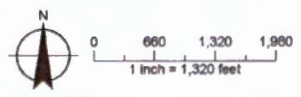
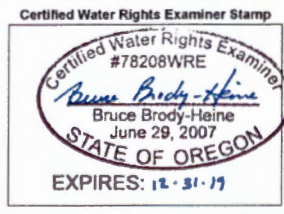
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LOCATION DESCRIPTION
 POD 2: Located 200 feet North and 5 400 feet East from the SW corner of Section 28, Township 8 South, Range 4 West (W.M.)
 Willamette Well 1: Located 280 feet South and 1,815 feet West from the NE corner of Section 33, Township 8 South, Range 4 West (W.M.)
 Willamette Well 2: Located 325 feet North and 1,910 feet West from the SE corner of Section 28, Township 8 South, Range 4 West (W.M.)
 Willamette Well 3: Located 600 feet North and 2,000 feet West from the SE corner of Section 28, Township 8 South, Range 4 West (W.M.)

- LEGEND**
- ⊙ Proposed POD
 - ⊕ Proposed POA
 - ▨ Proposed Place of Use (POU)
 - Donation Land Claim (DLC)
 - ⬛ City Limit
 - Major Road
 - ~ Watercourse
 - Waterbody

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.
MAP NOTES
 Date: September 8, 2018
 Data Sources: BLM, OWRD, ESRI, Linn Co., USGS

Application for a Water Right Transfer
Proposed Place of Use and Points of Diversion/Appropriation
Certificate 54268
 Township 8 South, Range 4 West (W.M.)





Technical Memorandum

To: Kie Cottam, City of Independence

From: Bruce Brody-Heine, RG, GSI Water Solutions, Inc.

Date: November 8, 2017

Revised September 13, 2018

(changes highlighted in yellow)

Re: City of Independence

Willamette River Wellfield - Surface Water to Groundwater Transfer
Hydrogeologic Evaluation of Wells' Connection to River

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I. Introduction

International Paper is, for the benefit of the City of Independence (City), transferring a portion of surface water right Certificate 54268 to the City's three groundwater production wells (Willamette Wells 1, 2 and 3) that are located immediately adjacent to the Willamette River. Oregon Water Resources Department's (OWRD) administrative rules allow for a surface water right to be transferred to a groundwater well under Oregon Administrative Rules (OAR) 690-380-2130. Under these rules (OAR 690-380-2130) a surface water right may be transferred to a groundwater source if:

- a) The criteria in OAR 690-380-5000 are met;
- b) the new point of diversion (the wells) appropriate ground water from an aquifer that is hydraulically connected to the authorized surface source;
- c) The proposed change in point of diversion will affect the surface water source similarly to the authorized point of diversion specified in the water use subject to transfer;
- d) The withdrawal of groundwater at the new point of diversion (the wells) is located within 500 feet of the surface water source and is also located within 1,000 feet upstream or downstream of the original point of diversion as specified in the water use subject to transfer; or
- e) If the distance requirements are not met, the holder of a water use subject to transfer shall submit to the Department evidence prepared by a licensed geologist that demonstrates that the use of the groundwater at the new point of diversion [new wells] will meet the criterial set forth in OAR 690-380-2130 2 (a), (b) and (c).

The authorized surface water source for Certificate 54268 is the Willamette River. The wells to which a portion of Certificate 54268 will be transferred are within 500 feet of the river. The wells are, however, located more than 1,000 feet from the original point of diversion (near Millersburg). As a result, this report has been prepared to demonstrate that the use of groundwater at the new well locations meet the criteria set forth in OAR 690-380-2130 2(a), (b) and (c).

II. Criteria

OAR 690-380-2130 2(a). The criteria in OAR 690-380-5000 require that the water right to be transferred is subject to transfer and is not cancelled pursuant to ORS 540.610, the proposed transfer would not result in injury, and the proposed transfer would not result in enlargement. Certificate 54368 is a water right subject to transfer and has not been cancelled. The changes proposed in the transfer to the points of diversion/appropriation, place of use, and character of use would not result in injury or enlargement. We understand OWRD will evaluate these criteria as part of the transfer application review process.

OAR 690-380-2130 2 (b) and (c). As described in more detail below, the new points of diversion (the wells) appropriate groundwater from an aquifer that is hydraulically connected to the authorized surface water (the Willamette River). Moreover, use of groundwater from the wells will affect the surface water source similarly to the authorized point of diversion. The term "similarly" is defined in OAR 690-380-2130 11 (b) to mean the use of the groundwater from the new well affects the surface water source specified in water right being transferred and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping.

The following is a description of an analysis of the City's water wells and reasons why the proposed use of groundwater from the wells meets the above-described criteria for a surface water to groundwater transfer.

III. Analysis

The City has conducted several evaluations of the hydraulic connection of wells to the Willamette River at the proposed location. These evaluations included a Ranney collector study in 1972, installing a series of test wells and completing an aquifer test in 2006, and an 8-day aquifer test completed in 2008. The City provided GSI with several reports and the following information from the evaluations: 1) the aquifer parameters from the 1972 aquifer test associated with a Ranney Collector study, 2) the results of a 2-hour aquifer test in 2006, and 3) the raw data from the 2008 aquifer test.

Hydraulic Connection to the Willamette River. Based on the information obtained from the previous evaluations described above, the City's three production wells (Willamette Wells 1, 2 and 3) were installed in January 2007, and July and August 2008 along the edge of the Willamette River. The well logs are presented in Attachment A and the approximate locations of City's well are also shown on the Figure in this attachment. All three of the City's wells are located within 500 feet from the river. Willamette Well 1 is located 80 feet from the Willamette River; Willamette Well 2 is 25 feet from the river; and Willamette Well 3 is 80 feet from the river. All three wells develop groundwater from an approximately 20 foot thick gravel unit that is located above a blue clay layer between 50 and 57 feet below ground surface. A cross section showing the geologic formations in relationship to the Willamette River from the 2006 study is provided in Attachment B. This cross section is oriented approximately east west near the location of the current City's Willamette Well 1.

The cross-section shows there is a direct connection between the gravel aquifer and the adjacent Willamette River. The cross-section, in combination with the high transmissivity values calculated for each well (see description below), demonstrates the City's wells are completed in gravel deposit that is hydraulically connected to the Willamette River. Therefore, Willamette Wells 1, 2 and 3 appropriate groundwater from an aquifer that is hydraulically connected to the authorized surface water source (the Willamette River).

Groundwater Use will Affect the Surface Water Source Similarly. GSI reviewed and plotted the 2008 aquifer test data to determine the aquifer parameters (transmissivity and storativity) in the vicinity of the three Willamette River wells (see water level plots in Attachment C). Unfortunately, limited static water level data was available either prior to or after the test and the transducer data recorded only a very small drawdown within the actual pumping wells. This indicates that the aquifer was not under much stress during the test and the wells likely could produce more water than the rates used in the aquifer test. GSI used a combination of the maximum drawdown observed in the transducer data and recorded notes at the base of the Pump Test Data Sheets to calculate a transmissivity (T) value for each well using the Theis equation. The calculated aquifer parameters from the 2008 test (Table 1) were similar to those determined from the previous aquifer test results (300,000 to 550,000 gallons per day per foot).

The 2003 Hunt Model was used to calculate the stream flow depletion created by pumping each of the Willamette River wells (Attachment D). The results of the calculation for each well (Willamette Wells 1, 2, and 3) indicate that the stream depletion created by pumping of the wellfield wells are 87 percent, 82 percent, and 91 percent, respectively, in 10 days of continuous pumping. These percentages significantly exceed the required minimum of 50 percent stream depletion within 10 days. The use of groundwater from each of the 3 wells (Willamette Wells 1, 2 and 3) would, therefore, affect the Willamette River similarly to the authorized point of diversion in Certificate 54268.

IV. Conclusion

The proposed changes to a portion of Certificate 54268 meets the requirements of OAR 690-380-2130. As discussed above, the criteria in OAR 690-380-5000 are met. The Willamette Wells 1, 2 and 3 appropriate water from a gravel unit that is hydraulically connected to the Willamette River. The proposed new wells are all located within 500 feet from the Willamette River. Although the wells are not located within 1000 feet downstream from the original point of diversion in Certificate 54268, the evidence provided in this report and its attachments demonstrates that the use of the groundwater at the new points of diversion would affect the Willamette River similarly to the authorized point of diversion. Accordingly, the proposed change would meet the criteria in OAR 690-380-2130(2).

References

- GSI 2006. *Cities of Independence and Monmouth – Collector Well Feasibility Study*. GSI Memorandum. Prepared for Ed Butts, 4B Engineering & Consulting. October 20, 2006.
- 4B Engineering & Consulting. *Cities of Independence and Monmouth – Willamette Wellfield Preliminary Data*. Report. Prepared Cities of Monmouth and Independence. May 2011.

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TABLE 1
2008 7-Day Pumping Test
Aquifer Property Estimate & Stream Depletion
City of Independence

	TRANSMISSIVITY (T)				Stream Depletion % at 10 days
	Transducer Dataset ¹		Summary Statement ²		
	gpd/ft	ft ² /day	gpd/ft	ft ² /day	
Well 1	3,900,000	520,000	530,000	71,000	87%
Well 2	8,200,000	1,090,000	620,000	83,000	82%
Well 3	1,200,000	160,000	37,000	4,900	91%

Notes:

1 = no static water level data provided for the wells, and transducer data provided required some interpretation

2 = Summary statement found at bottom of manual water level data summary sheet

Storativity value estimated to be 0.10 for all calculations due to proximity to the River

= T values used in stream depletion calculations (largest T values showed the smallest depletion)

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ATTACHMENT A

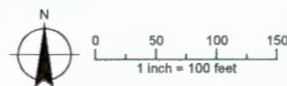
Well Logs and Location Map

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Attachment A



STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D. # L 68856
START CARD # 163044

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number _____
Name CITY OF INDEPENDENCE
Address P.O. Box 7
City INDEPENDENCE State OR Zip 97351

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other Municipal

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 61 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
12"	0'	61'	CEMENT	0'	35'	35 SACKS
			BENTONITE	0'	1'	1 SACK

How was seal placed: Method A B C D E
 Other Dry bentonite poured
Backfill placed from 38 ft. to 35 ft. Material 1/4" crush'd m.
Gravel placed from 61 ft. to 38 ft. Size of gravel 1/2" x 1/4"

Casing:	Diameter	From	To	Gauge	Steel			Plastic	Welded	Threaded
					✓	✓	✓			
	8"	33'	41'	.250"	✓	✓	✓			
	8"	56'	61'	.250"	✓	✓	✓			

Liner: _____
Drive Shoe used Inside Outside None
Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type V-slot Material 304 S. Steel

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
41'	56'	100		8"	PS	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 500 GPM Drawdown 5' - 2 1/4" Drill stem at _____ Time 71 hr. 5

Temperature of water 50° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use?
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County POLK Latitude _____ Longitude _____
Township 8S N or S Range 4W E or W. WM. _____
Section 33 NW 1/4 NE 1/4 _____
Tax Lot 201 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) S. Corvallis Rd., Independence, Or.

(10) STATIC WATER LEVEL:
24 ft. below land surface. Date 01-16-07
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 35' SEP 14 2018

From	To	Estimated Flow Rate	SWL
41'	56'	500 GPM	24'

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Gravel, sand, soil fill	0'	17.5'	
Dry Brown clay	17.5'	30'	
Brown clay w/ gravel, silt	30'	34'	
Gravel, small - large brown sand w-B.	34'	57'	24'
Blue-gray clay	57'	61'	

Date started DECEMBER 11, '06 Completed JANUARY 20, '07

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 633
Signed Michael Waldrop Date 02-08-07

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

POLK 52867 State

L 93614

(START CARD) # 196825

(1) OWNER: ⁿ Well Number #2
Name City of Independence
Address P.O. Box 7
City Independence State Or Zip 97351

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other Municipal

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 53 ft.
Explosives used Yes No Type Amount

HOLE Diameter	From		Material	SEAL From		To	Amount sacks or pounds
	To	To		To	To		
12"	0'	53'	Cement	27'	17'		40 SACKS
			Bentonite	17'	13'		28 SACKS
			Cement	13'	1.5'		15 SACKS
			Bentonite	1.5'	0'		3 SACKS

How was seal placed: Method A B C D E
 Other Downed - Probed
Backfill placed from 27 ft. to 29 ft. Material 1/4" minus
Gravel placed from 29 ft. to 53 ft. Size of gravel 1/8 round

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	3.5'	29'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8"	45.5'	53'		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Liner: _____

Final location of shoe(s) none

(7) PERFORATIONS/SCREENS:
 Perforations Method
 Screens Type V-slot Material 304SS

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
29'	45.5'	100		8"	RS.	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min 45 GPM Drawdown 0' Drill stem at Time 1 hr.

Temperature of Water 54° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Polk Latitude Longitude
Township 8S N or S. Range 4W E or W. WM.
Section 33 NW 1/4 NE 1/4
Tax Lot 201 Lot Block Subdivision
Street Address of Well (or nearest address) S. Corvallis Rd, Independence, Or

(10) STATIC WATER LEVEL:
23.5 ft. below land surface. Date 07-16-08
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 19 SEP 14 2018

From	To	Estimated Flow Rate	SWL
23'	46'	45 GPM	23.5

(12) WELL LOG:
Ground elevation _____

Material	From	To	SWL
Fill Gravel - Pit Run	0'	6'	
Clay - Sandy - Brown	6'	15'	
Sand, Silt with Clay + Gravel	15'	17'	
Gravel, small - medium w/ brown sand - loose	17'	46'	23.5'
Gravel, tight w/ sand	46'	52'	23.5'
Clay - Blue	52'	57'	
Back filled w/ 1/4" minus	57'	53'	

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SEP 18 2008
WATER RESOURCES DEPT
SALEM, OREGON

Date started 06-09-08 Completed 07-16-08
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 633
Signed Michael Waldrop Date 07-27-08

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

POLK 52953

L93615
196828
 (START CARD) #

(1) OWNER: Well Number #3B
 Name CITY OF INDEPENDENCE-MON
 Address P.O. Box 7
 City INDEPENDENCE State OR Zip 97351

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other Municipal

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 56 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
12"	0' 56'	CEMENT	0' 29'	48 SKS	

How was seal placed: Method A B C D E
 Other

Backfill placed from 31 ft. to 29 ft. Material 1/4" MINUS
 Gravel placed from 56 ft. to 31 ft. Size of gravel 3/8" ROUND

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	42'	31'	250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8"	49'	56'	250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Liner: _____

Final location of shoe(s) NONE

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type V-SLOT Material 304SS

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
31'	49'	100		8"	PS	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
45 gpm	0		1 hr.

Temperature of Water 54.0 Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County POLK Latitude _____ Longitude _____
 Township 8S N or S. Range 4W E or W. WM. _____
 Section 33 NW 1/4 NE 1/4
 Tax Lot 201 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) WELL #3B
S. Cornells Rd, IND, OR 97351

(10) STATIC WATER LEVEL:
28 ft. below land surface. Date 08-19-08
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
 Depth at which water was first found 28' SEP 14 2018

From	To	Estimated Flow Rate	SWL
31'	49'	45+GPM	28'

(12) WELL LOG:
 Ground elevation _____

Material	From	To	SWL
FILL - SAND + GRAVEL	0'	12'	
CLAY - SILTY BROWN	12'	18'	
CLAY - BROWN	18'	25'	
CLAY - GRAVELLY	25'	27'	
GRAVELLY CLAY	27'	31'	
GRAVEL, SMALL - LARGE w/ some BROWN SAND	31'	50'	28'
BLUE CLAY	50'	56'	

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 OVER THE COUNTER RECEIVED
 JUN 08 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

Date started 07-24-08 Completed 08-20-08

(unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
 WWC Number _____
 Signed _____ Date _____

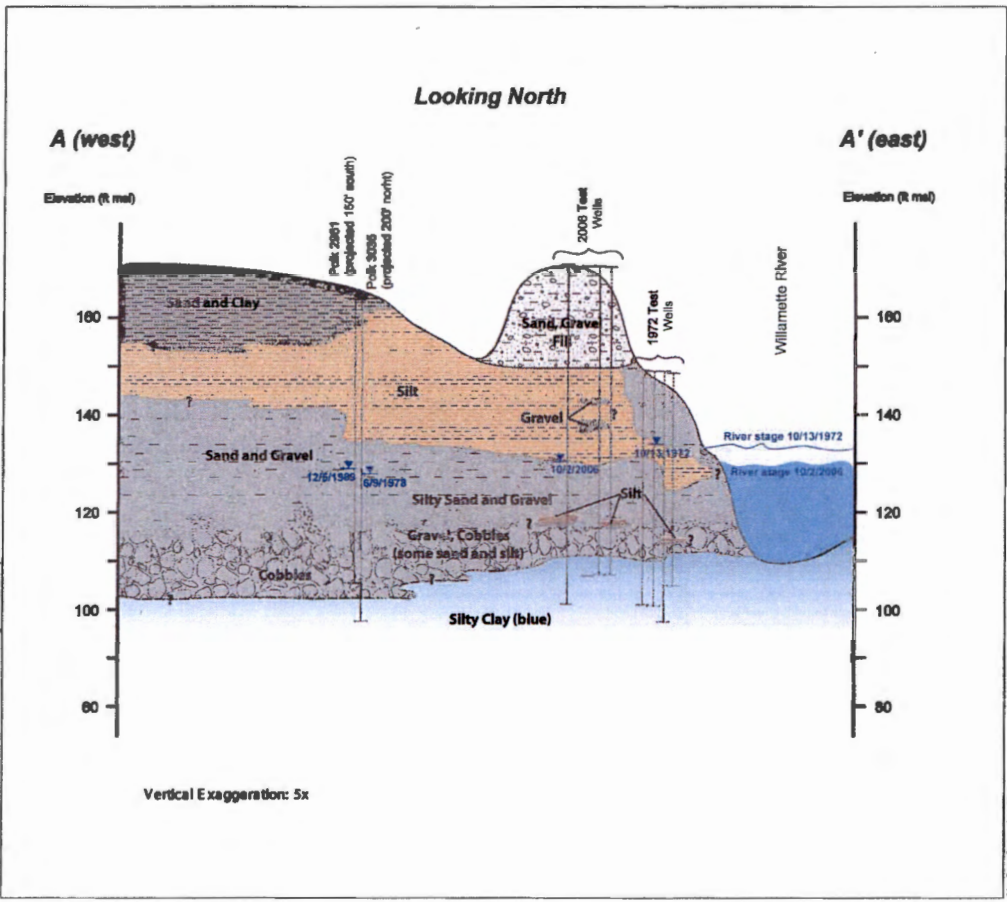
(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
 WWC Number 633
 Signed Michael Waldrop Date 09-01-08

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ATTACHMENT B
2006 Geologic Cross Section - City Well 1 Area



LEGEND

Geologic Units

- Silt
- Gravel
- Silty Sand and Gravel
- Sand and Clay
- Clay
- Static water level
- Well ID

Horizontal Scale

0 100 200
Feet

Figure 7
Geologic Cross Section A-A'
 Collector Well Feasibility Study
 Cities of Independence and Monmouth
 Groundwater Solutions, Inc.

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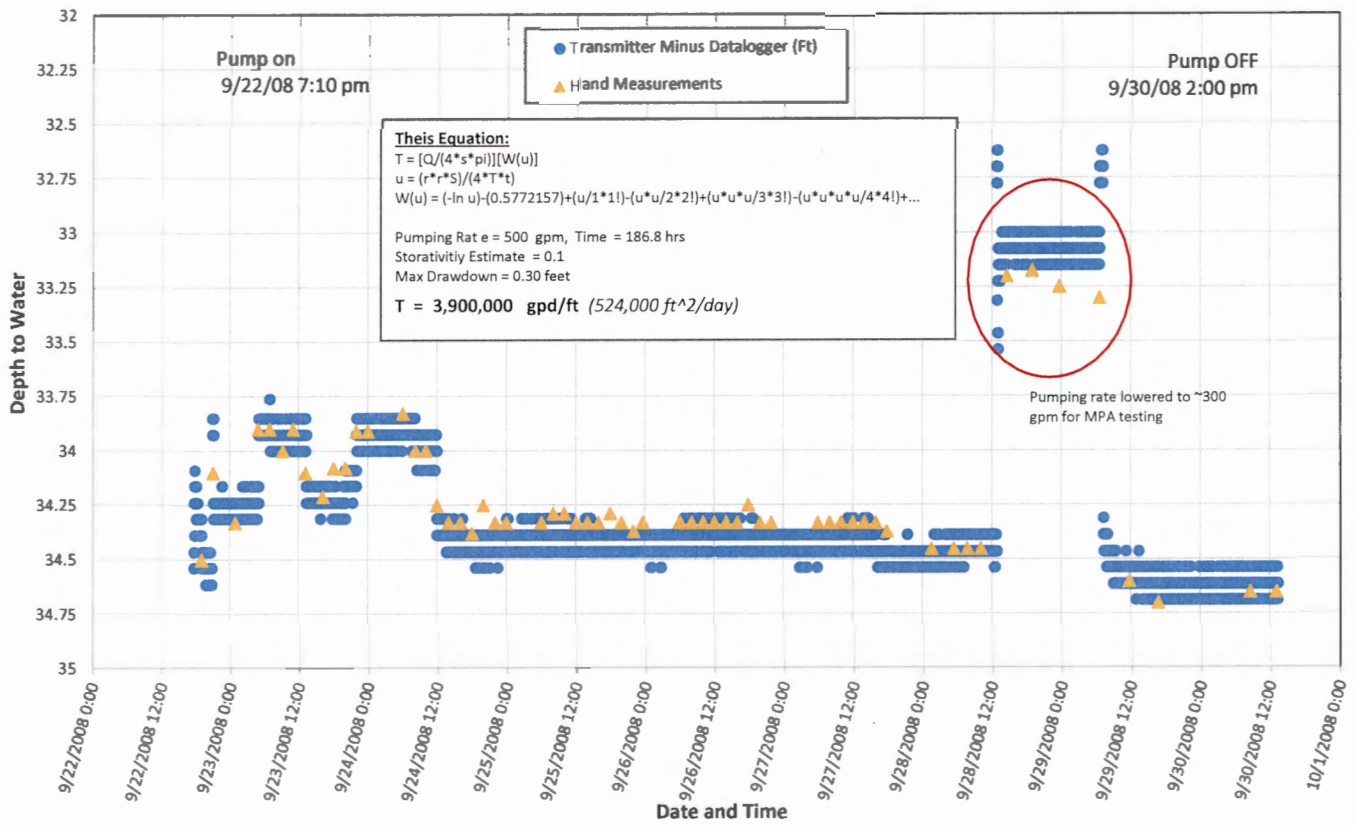
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ATTACHMENT C

2008 Pump Test Parameter Evaluation

Well 1 Pumping Test - Water Level Data

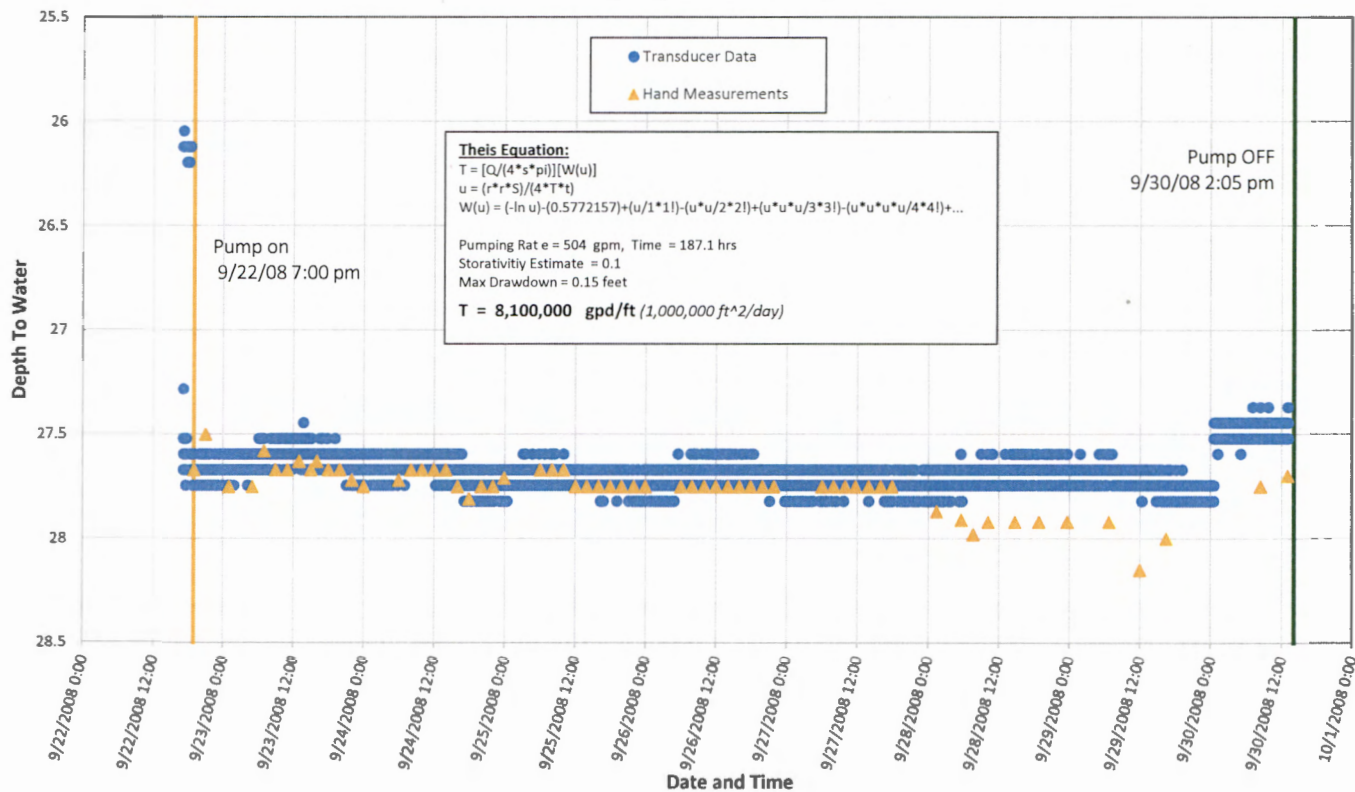


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Well 2 Pumping Test - Water Level Data

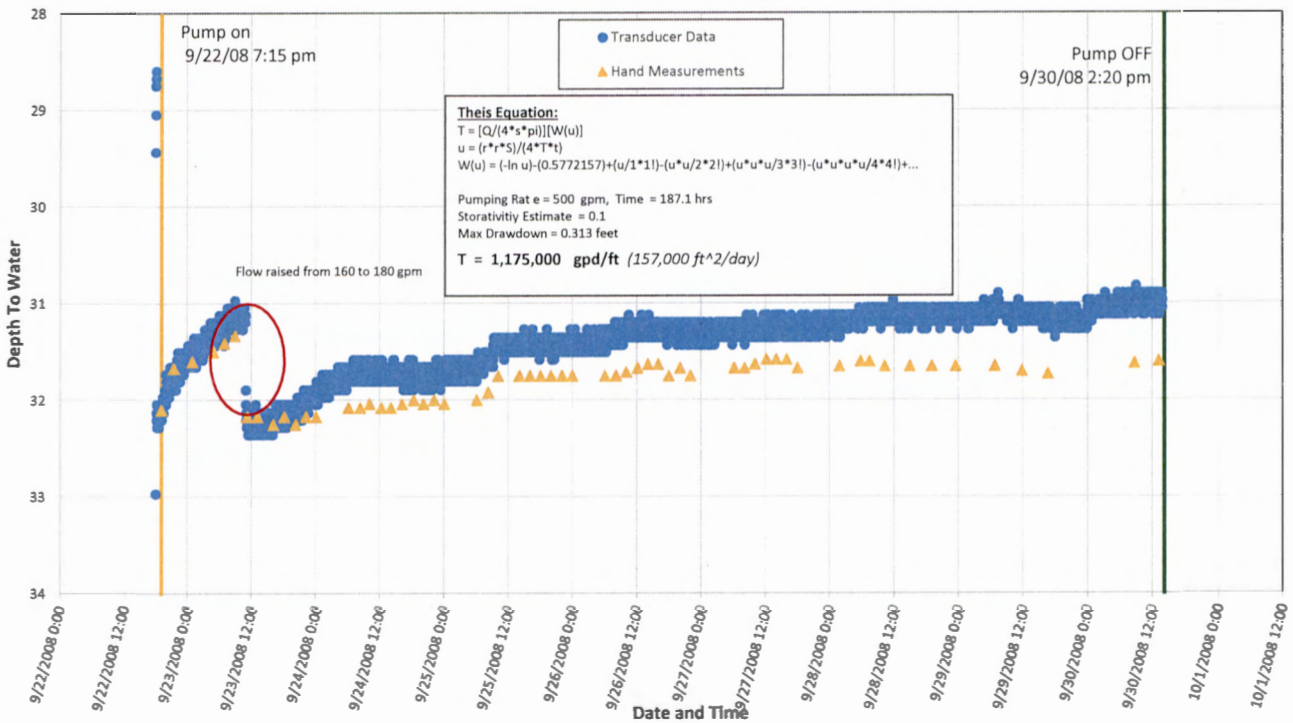


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Well 3 Pumping Test - Water Level Data



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WELL TEST DATA SHEET

4B Engineering & Consulting LLC, 3000 Market St. NE, Suite 527, Salem, OR 97301 Ph: 503-589-1115, Fax: 503-589-1118

Pg. _____ of _____

Owner's Name: Cities of Monmouth and Independence		Well Location: Willamette River Wellfield (South)	
Well Name/No.: #1 (South Well)		Date(s) of Test: Sept 22, 2008 to Sept 30, 2008	
Well Diameter:	Depth:	Static Level:	Screen/Perf at:
Test Pump Setting:	Test Pump Type:	Air Line/Probe/Transmitter	W/L Device Length: 41'
SWL After Test:	Drilled By:	Test Started: 1910 Hrs.	Test Stopped: 1400 Hrs.
Tested By (Firm): _____ Name: _____		Max. GPM: 500 @ 34.5' PWL After 188 Hrs.	

GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER	GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER
500	34.5'	9/22/08 7:10 pm		500	34.33'	8:01 am	
500	34.1'	9:10 pm		500	34.33'	10:02 am	
525	34.33'	9/23/08 1:00 am		500	34.33'	12:01 pm	
500	33.9'	5:00 am		500	34.33'	2:02 pm	
490	33.9'	7:00 am		500	34.33'	4:00 pm	
500	34'	9:15 am		500	34.25'	5:58 pm	
500	33.9'	11:05 am		500	34.33'	8:01 pm	
475	34.1'	1:15 pm		500	34.33'	9:56 pm	
490	34.21'	4:13 pm		500	34.33'	9/27/08 6:06 am	
500	34.08'	6:07 pm		500	34.33'	8:03 am	
525	34.08'	8:11 pm		500	34.33'	10:01 am	
525	33.91'	10:06 pm		500	34.33'	12:02 pm	
490	33.91'	9/24/08 12:07 am		500	34.33'	1:59 pm	
490	33.83'	6:09 am		500	34.33'	4:00 pm	
475	34.00'	8:17 am		500	34.37'	5:58 pm	
500	34.00'	10:06 am		500	34.45'	9/28/08 1:40 am	
475	34.25'	12:05 pm		500	34.45'	5:30 am	
500	34.33'	2:05 pm		500	34.45'	7:50 am	
500	34.33'	4:08 pm		500	34.45'	10:10 am	
500	34.38'	6:07 pm		300+	33.2'	2:40 pm	MPA started at 1:00 pm
500	34.25'	8:07 pm		300+	33.175'	7:00 pm	
500	34.33'	10:06 pm		300	33.25'	11:45 pm	
500	34.33'	9/25/08 12:01 am		300	33.3'	9/29/08 6:40 am	
520	34.33'	6:07 am		500	34.6'	11:50 am	
500	34.29'	8:11 am		500	34.7'	4:50 pm	
500	34.29'	10:05 am		500	34.65'	9/30/08 8:40 am	
500	34.33'	12:07 pm		500	34.65'	1:10 pm	
500	34.33'	2:03 pm					
500	34.33'	4:00 pm					
500	34.29'	6:02 pm					
500	34.33'	8:00 pm					
500	34.37'	10:01 pm					
500	34.33'	11:39 pm					
500	34.33'	9/26/08 6:04 am					

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Comments: Summary Capacity: 500 GPM @ 34.7' PWL (2' drawdown) (≈250 GPM/ft.)

By: _____ Firm: _____ Approved: _____ Firm: _____

WELL TEST DATA SHEET

4B Engineering & Consulting LLC, 3000 Market St. NE, Suite 527, Salem, OR 97301 Ph: 503-589-1115, Fax: 503-589-1118

Pg. _____ of _____

Owner's Name: Cities of Monmouth and Independence		Well Location: Willamette River Wellfield (South)	
Well Name/No.: #2		Date(s) of Test: Sept 22, 2008 to Sept 30, 2008	
Well Diameter: 8"	Depth:	Static Level:	Screen/Perf at:
Test Pump Setting:	Test Pump Type:	Air Line/Probe/Transmitter	W/L Device Length: 43.085'
SWL After Test:	Drilled By:	Test Started: 1900 Hrs.	Test Stopped: 1405 Hrs.
Tested By (Firm): _____ Name: _____		Max. GPM: @ _____	PWL After _____ Hrs.

GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER	GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER
510	27.67'	9/22/08 7:00 pm		510	27.75'	9/26/08 6:00 am	
500	27.5'	9:00 pm		500	27.75'	7:54 am	
500	27.75'	9/23/08 1:00 am		500	27.75'	9:57 am	
500	27.75'	5:00 am		500	27.75'	11:56 am	
500	27.58'	7:00 am		500	27.75'	1:59 pm	
510	27.67'	9:00 am		510	27.75'	3:56 pm	
500	27.67'	11:00 am		510	27.75'	5:51 pm	
500	27.63'	1:00 pm		500	27.75'	7:55 pm	
500	27.67'	3:00 pm		510	27.75'	9:51 pm	
500	27.63'	4:01 pm		510	27.75'	9/27/08 6:01 am	
510	27.67'	6:01 pm		500	27.75'	7:56 am	
510	27.67'	8:00 pm		500	27.75'	9:56 am	
500	27.72'	9:59 pm		510	27.75'	11:38 am	
510	27.75'	9/24/08 12:01 am		510	27.75'	1:54 pm	
500	27.72'	6:01 am		510	27.75'	3:56 pm	
510	27.67'	8:06 am		510	27.75'	5:53 pm	
510	27.67'	9:59 am		500	27.87'	9/28/08 1:30 am	
500	27.67'	11:59 am		500	27.91'	5:40 am	
500	27.67'	1:58 pm		500	27.98'	7:40 am	
510	27.75'	4:00 pm		500	27.92'	10:15 am	
510	27.81'	5:57 pm		510	27.92'	2:45 pm	
500	27.75'	8:03 pm		510	27.92'	6:50 pm	
510	27.75'	10:01 pm		510	27.92'	11:40 pm	
500	27.71'	11:55 pm		510	27.92'	9/29/08 6:45 am	
510	27.67'	9/25/08 6:02 am		500	28.15'	12:00 pm	
500	27.67'	8:04 am		500	28.0'	4:30 pm	
510	27.67'	10:01 am		480	27.75'	9/30/08 8:30 am	
510	27.75'	12:02 pm		480	27.70'	1:05 pm	
510	27.75'	1:58 pm					
500	27.75'	3:58 pm					
500	27.75'	5:56 pm					
500	27.75'	7:55 pm					
500	27.75'	9:57 pm					
510	27.75'	11:55 pm					

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Comments: **Summary Capacity: 510 GPM @ 28' PWL (1.75' drawdown) (≈275 GPM/ft.)**

By: _____ Firm: _____ Approved: _____ Firm: _____

WELL TEST DATA SHEET

4B Engineering & Consulting LLC, 3000 Market St. NE, Suite 527, Salem, OR 97301 Ph: 503-589-1115, Fax: 503-589-1118

Pg. ___ of ___

Owner's Name: Cities of Monmouth and Independence		Well Location: Willamette River Wellfield (South)	
Well Name/No.: #3 (North Well)		Date(s) of Test: Sept 22, 2008 to Sept 30, 2008	
Well Diameter: 8"	Depth:	Static Level:	Screen/Perf at:
Test Pump Setting:	Test Pump Type:	Air Line/Probe/Transmitter	W/L Device Length: 40.83"
SWL After Test:	Drilled By:	Test Started: 1915 Hrs.	Test Stopped: 1420 Hrs.
Tested By (Firm): _____ Name: _____		Max. GPM: @ _____ PWL After Hrs. _____	

GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER	GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER
150	32.1'	9/22/08 7:15 pm		160	31.71'	10:08 am	
150	31.67'	9:30 pm		160	31.67'	12:12 pm	
160	31.6'	9/23/08 1:00 am		160	31.63'	2:12 pm	
160	31.5'	5:00 am		160	31.63'	4:05 pm	
160	31.41'	7:00 am		160	31.75'	6:04 pm	
160	31.33'	9:00 am		160	31.67'	8:10 pm	
180	32.17'	11:15 am	Raise flow	160	31.75'	10:03 pm	
170	32.17'	1:10 pm		160	31.67'	9/27/08 6:13 am	
170	32.25'	4:07 pm		160	31.67'	8:11 am	
170	32.17'	6:12 pm		160	31.63'	10:05 am	
170	32.25'	8:20 pm		160	31.58'	12:15 pm	
170	32.17'	10:15 pm		160	31.58'	2:04 pm	
170	32.17'	9/24/08 12:14 am		160	31.58'	4:04 pm	
170	32.08'	6:15 am		160	31.67'	6:04 pm	
170	32.08'	8:27 am		175	31.65'	9/28/08 1:50 am	
170	32.04'	10:11 am		175	31.6'	5:50 am	
170	32.08'	12:22 pm		175	31.6'	7:30 am	
170	32.08'	2:10 pm		175	31.65'	10:20 am	
170	32.04'	4:18 pm		175	31.65'	3:00 pm	
170	32.00'	6:26 pm		175	31.65'	7:05 pm	
165	32.04'	8:15 pm		175	31.65'	11:35 pm	
170	32.00'	10:14 pm		175	31.65'	9/29/08 6:50 am	
170	32.04'	9/25/08 12:09 am		175	31.7'	11:55 am	
170	32.00'	6:15 am		175	31.73'	4:45 pm	
170	31.92'	8:20 am		175	31.62'	9/30/08 8:50 am	
160	31.75'	10:12 am		175	31.6'	1:20 pm	
160	31.75'	2:09 pm					
160	31.75'	4:08 pm					
160	31.75'	6:08 pm					
160	31.75'	8:07 pm					
170	31.75'	10:09 pm					
160	31.75'	9/26/08 12:05 am					
160	31.75'	6:09 am					
160	31.75'	8:11 am					

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Comments: **Summary Capacity: 175 GPM @ 31.7' PWL (8.6' drawdown) (≈20 GPM/ft.)**

By: _____ Firm: _____ Approved: _____ Firm: _____

Transmissivity from Specific Capacity using the Theis Equation						WELL 1		Data Entry		Enter Data Below (yellow boxes only)	
Adapted from Vorhis (1979)								Well Log ID or Comment for Records		Average Specific Capacity	
Theis Equation: $T = \frac{Q}{4\pi s} W(u)$								Pumping Rate (gpm) = Q =		500.00 (gpm)	
$u = \frac{r^2 S}{4tL^2}$								Drawdown (feet) = s =		0.30 (feet)	
$W(u) = (-\ln u) - 0.5772157 + (u^{1/4}) - (u^{3/2}) + (u^{5/4}) - (u^{7/4}) + \dots$								Time (hours) = t =		188.8000 (hours)	
T = transmissivity (L ² /T)								Storage Coefficient = S =		0.100000 (dimensionless)	
s = drawdown (L)						r = radial distance (L)		Well Diameter (Inches) = d =		8.0000 (Inches)	
S = storage coefficient (dimensionless)						t = time (T)		Press F9 to Calculate			
pi = 3.141592654						u = dimensionless					
W(u) = well function											
Note: Transmissivity is derived using an iterative process								Calculated Results		Calculated Results	
The calculations use a known or assumed Storage Coefficient (S) provided by the user								Transmissivity (ft ² /day) = T =		524,164.64 (ft ² /day)	
Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration								Transmissivity (gpd/ft) = T =		3,921,024.00 (gpd/ft)	
The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration								Transmissivity Difference =		0.0000E+00 (ft ² /day)	
Total Theis Equation Iterations = 25 iterations								(last 2 iterations)		okay to use T if diff < 0.0001	
Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001								u =		6.8087E-10	
Can accept answer if u in the last iteration is < 7.1								(last iteration)		okay to use T if u < 7.1	
Note: Well efficiency is not included in the calculations											
References:											
Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.											
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.											
Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1648E-04			W(u) calculation test	
0.30	0.10000	500.00	1.11	7.78	0.33			320,833.31		T = Q/s	
0.30	0.10000	500.00	1.11	7.78	0.33	1.1124E-09	20.0390	511,831.83	1.9080E+05	T = Theis Equation	1.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.9759E-10	20.5062	523,546.78	1.1915E+04	T = Theis Equation	2.00
0.30	0.10000	500.00	1.11	7.78	0.33	8.8187E-10	20.5293	524,134.53	5.8775E+02	T = Theis Equation	3.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8091E-10	20.5304	524,183.19	2.8646E+01	T = Theis Equation	4.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.57	1.3953E+00	T = Theis Equation	5.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	8.7985E-02	T = Theis Equation	6.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	3.3104E-03	T = Theis Equation	7.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	1.6125E-04	T = Theis Equation	8.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	7.8541E-06	T = Theis Equation	9.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	3.8248E-07	T = Theis Equation	10.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	1.8695E-08	T = Theis Equation	11.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	8.7311E-10	T = Theis Equation	12.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	13.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	14.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	15.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	16.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	17.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	18.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	19.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	20.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	21.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	22.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	23.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	24.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	25.00

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Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1548E-04			W(u) calculation test	
2.00	0.10000	500.00	1.11	7.78	0.33			48,128.00		T = Q/s	
2.00	0.10000	500.00	1.11	7.78	0.33	7.4159E-09	18.1424	89,479.44	2.1354E+04	T = Theis Equation	1.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.1386E-09	18.5097	70,885.80	1.4084E+03	T = Theis Equation	2.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0347E-09	18.5297	70,962.55	7.8744E+01	T = Theis Equation	3.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0292E-09	18.5308	70,968.69	4.1439E+00	T = Theis Equation	4.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.92	2.2363E-01	T = Theis Equation	5.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	1.2088E-02	T = Theis Equation	6.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	8.5124E-04	T = Theis Equation	7.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	3.5143E-05	T = Theis Equation	8.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	1.8685E-06	T = Theis Equation	9.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	1.0234E-07	T = Theis Equation	10.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	5.5152E-09	T = Theis Equation	11.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	3.0599E-10	T = Theis Equation	12.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	13.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	14.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	15.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	16.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	17.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	18.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	19.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	20.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	21.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	22.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	23.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	24.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,968.93	0.0000E+00	T = Theis Equation	25.00

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Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1845E-04			W(u) calculation test	
0.15	0.10000	504.00	1.12	7.80	0.33		848,799.96			T = Q/s	
0.15	0.10000	504.00	1.12	7.80	0.33	5.5089E-10	20.7423	1,087,619.28	4.2082E+05	T = Theis Equation	1.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.3375E-10	21.2434	1,093,413.78	2.5786E+04	T = Theis Equation	2.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2587E-10	21.2673	1,094,642.56	1.2288E+03	T = Theis Equation	3.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2551E-10	21.2884	1,094,700.38	5.7811E+01	T = Theis Equation	4.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.09	2.7182E+00	T = Theis Equation	5.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.22	1.2781E-01	T = Theis Equation	6.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	8.0091E-03	T = Theis Equation	7.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	2.8254E-04	T = Theis Equation	8.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	1.3284E-05	T = Theis Equation	9.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	6.2445E-07	T = Theis Equation	10.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	2.9569E-08	T = Theis Equation	11.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	12.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	13.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	14.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	15.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	16.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	17.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	18.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	19.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	20.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	21.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	22.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	23.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	24.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2885	1,094,703.23	0.0000E+00	T = Theis Equation	25.00

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Transmissivity from Specific Capacity using the Theis Equation							Date Entry		Enter Data Below (yellow boxes only)		
WELL 2							Well Log ID or Comment for Records		Average Specific Capacity		
Adapted from Vorhis (1979)							Pumping Rate (gpm) = Q =		510.00 (gpm)		
Theis Equation: $T = \frac{Q(4\pi^2 S)}{4\pi^2 L^2} W(u)$							Drawdown (feet) = s =		1.75 (feet)		
$u = (r^2 S) / (4 T t)$							Time (hours) = t =		187.1000 (hours)		
$W(u) = (-\ln u) - 0.5772157 + (u^{1.1}) - (u^{2.2}) + (u^{3.3}) - (u^{4.4}) + \dots$							Storage Coefficient = S =		0.100000 (dimensionless)		
T = transmissivity (L ² /T)							Well Diameter (Inches) = d =		8.0000 (Inches)		
s = drawdown (L)							Press F9 to Calculate				
S = storage coefficient (dimensionless)							Calculated Results		Calculated Results		
pi = 3.141592654							Transmissivity (ft ² /day) = T =		83,458.13 (ft ² /day)		
r = radial distance (L)							Transmissivity (gpd/ft) = T =		624,316.18 (gpd/ft)		
t = time (T)							Transmissivity Difference = (last 2 iterations)		0.0000E+00 okay to use T if diff < 0.0001 (ft ² /day)		
u = dimensionless							u = (last iteration)		4.2694E-09 okay to use T if u < 7.1		
W(u) = well function											
Note: Transmissivity is derived using an iterative process											
The calculations use a known or assumed Storage Coefficient (S) provided by the user											
Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration											
The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration											
Total Theis Equation iterations = 25 iterations											
Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001											
Can accept answer if u in the last iteration is < 7.1											
Note: Well efficiency is not included in the calculations											
References:											
Vorhis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.											
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.											
Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1540E-04			W(u) calculation test	
1.75	0.10000	510.00	1.14	7.80	0.33			56,100.00		T = Q/s	
1.75	0.10000	510.00	1.14	7.80	0.33	6.3514E-09	18.2974	81,684.87	2.5585E+04	T = Theis Equation	1.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.3621E-09	18.6731	83,362.25	1.6774E+03	T = Theis Equation	2.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2743E-09	18.6934	83,453.00	9.0745E+01	T = Theis Equation	3.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2697E-09	18.6945	83,457.85	4.8570E+00	T = Theis Equation	4.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.11	2.5882E-01	T = Theis Equation	5.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	1.3698E-02	T = Theis Equation	6.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	7.4343E-04	T = Theis Equation	7.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	3.9787E-05	T = Theis Equation	8.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	2.1272E-06	T = Theis Equation	9.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	1.1381E-07	T = Theis Equation	10.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	6.0536E-09	T = Theis Equation	11.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	3.4925E-10	T = Theis Equation	12.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	13.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	14.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	15.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	16.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	17.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	18.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	19.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	20.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	21.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	22.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	23.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	24.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	25.00

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Transmissivity from Specific Capacity using the Theis Equation						WELL 3		Data Entry		Enter Data Below (yellow boxes only)	
Adapted from Vorhis (1979)								Well Log ID or Comment for Records		Average Specific Capacity	
Theis Equation: $T = [Q/(4*s*\pi)]*W(u)$ $u = (r^2*S)/(4*T*t)$ $W(u) = (-\ln u) - (0.5772157) + (u^{1.1}) - (u^2/2!) + (u^3/3!) - (u^4/4!) + \dots$								Pumping Rate (gpm) = Q =		166.00 (gpm)	
T = transmissivity (L ² /T) s = drawdown (L) S = storage coefficient (dimensionless) pi = 3.141592654								Drawdown (feet) = s =		0.31 (feet)	
r = radial distance (L) t = time (T) u = dimensionless W(u) = well function								Time (hours) = t =		187.1000 (hours)	
Note: Transmissivity is derived using an iterative process The calculations use a known or assumed Storage Coefficient (S) provided by the user Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration Total Theis Equation iterations = 25 iterations Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001 Can accept answer if u in the last iteration is < 7.1								Storage Coefficient = S =		0.100000 (dimensionless)	
Note: Well efficiency is not included in the calculations								Well Diameter (Inches) = d =		8.0000 (Inches) Press F9 to Calculate	
References: Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524. Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log. National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.								Calculated Results		Calculated Results	
								Transmissivity (ft ² /day) = T =		157,014.36 (ft ² /day)	
								Transmissivity (gpd/ft) = T =		1,174,549.08 (gpd/ft)	
								Transmissivity Difference = (last 2 iterations)		0.0000E+00 okay to use T if diff < 0.0001 (ft ² /day)	
								u = (last iteration)		2.2693E-09 okay to use T if u < 7.1	
Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1548E-04			W(u) calculation test	
								102,092.64		T = Q/s	
0.31	0.10000	166.00	0.37	7.80	0.33	3.4801E-09	18.8981	153,517.22	5.1425E+04	T = Theis Equation	1.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.3210E-09	19.3040	156,831.37	3.3142E+03	T = Theis Equation	2.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2720E-09	19.3254	157,004.89	1.7352E+02	T = Theis Equation	3.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2695E-09	19.3285	157,013.87	8.9639E+00	T = Theis Equation	4.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.34	4.9489E-01	T = Theis Equation	5.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	2.4033E-02	T = Theis Equation	6.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	1.2446E-03	T = Theis Equation	7.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	6.4386E-05	T = Theis Equation	8.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	3.3320E-09	T = Theis Equation	9.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	1.7241E-07	T = Theis Equation	10.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	8.9058E-09	T = Theis Equation	11.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	4.8477E-10	T = Theis Equation	12.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	13.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	14.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	15.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	16.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	17.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	18.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	19.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	20.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	21.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	22.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	23.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	24.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3286	157,014.36	0.0000E+00	T = Theis Equation	25.00

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Transmissivity from Specific Capacity using the Theis Equation						WELL 3		Data Entry		Enter Data Below (yellow boxes only)	
Adapted from Vorhis (1979)								Well Log ID or Comment for Records		Average Specific Capacity	
Theis Equation: $T = \frac{Q}{4\pi^2} \frac{W(u)}{u}$								Pumping Rate (gpm) = Q =		175.00 (gpm)	
$u = \frac{r^2 S}{4Tt}$								Drawdown (feet) = s =		8.60 (feet)	
$W(u) = -\ln u - 0.5772157 + (u^{1/4})^{-1} - (u^{1/2})^{-1} + (u^{3/4})^{-1} - (u^{1/4})^{-1} + \dots$								Time (hours) = t =		187.1000 (hours)	
T = transmissivity (L ² /T)								Storage Coefficient = S =		0.100000 (dimensionless)	
s = drawdown (L)						r = radial distance (L)		Well Diameter (inches) = d =		8.0000 (Inches)	
S = storage coefficient (dimensionless)						t = time (T)		Press F9 to Calculate			
pi = 3.141592654						u = dimensionless					
W(u) = well function											
Note: Transmissivity is derived using an iterative process								Calculated Results		Calculated Results	
The calculations use a known or assumed Storage Coefficient (S) provided by the user								Transmissivity (ft ² /day) = T =		4,946.62 (ft ² /day)	
Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration								Transmissivity (gpd/ft) = T =		37,803.27 (gpd/ft)	
The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration								Transmissivity Difference =		0.0000E+00 (ft ² /day)	
Total Theis Equation Iterations = 25 iterations								(last 2 iterations)		okay to use T if diff < 0.0001	
Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001								u =		7.2032E-08	
Can accept answer if u in the last iteration is < 7.1								(last iteration)		okay to use T if u < 7.1	
Note: Well efficiency is not included in the calculations											
References:											
Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.											
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.											
Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1648E-04			W(u) calculation test	
8.60	0.10000	175.00	0.39	7.80	0.33			3,917.16		T = Q/s	
8.60	0.10000	175.00	0.39	7.80	0.33	9.0963E-06	15.6366	4,873.88	9.5673E+02	T = Theis Equation	1.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.3107E-06	15.8541	4,942.00	6.8118E+01	T = Theis Equation	2.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2100E-06	15.8680	4,946.33	4.3264E+00	T = Theis Equation	3.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2039E-06	15.8689	4,946.60	2.7277E-01	T = Theis Equation	4.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	1.7190E-02	T = Theis Equation	5.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	1.0832E-03	T = Theis Equation	6.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	6.8261E-05	T = Theis Equation	7.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	4.3015E-07	T = Theis Equation	8.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	2.7108E-07	T = Theis Equation	9.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	1.7083E-08	T = Theis Equation	10.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	1.0799E-09	T = Theis Equation	11.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	6.8212E-11	T = Theis Equation	12.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	13.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	14.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	15.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	16.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	17.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	18.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	19.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	20.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	21.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	22.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	23.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	24.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-06	15.8689	4,946.62	0.0000E+00	T = Theis Equation	25.00

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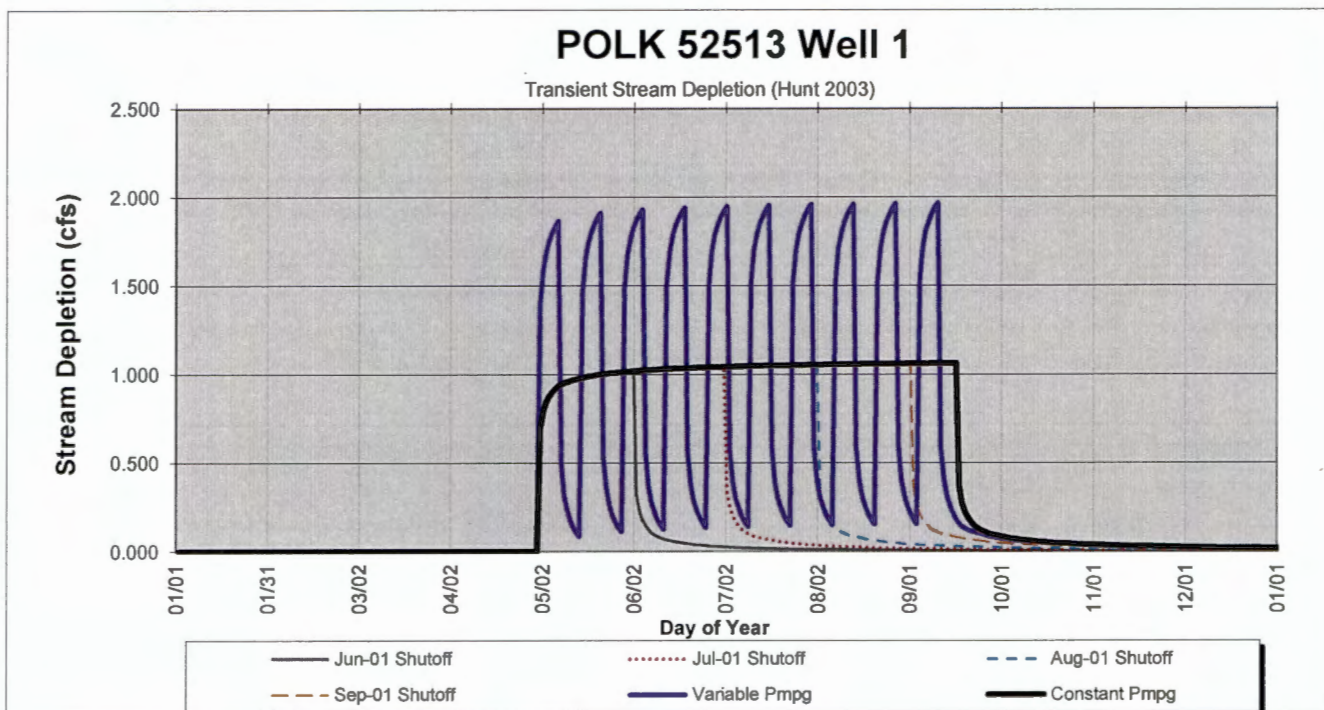
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ATTACHMENT D

Stream Depletion Evaluation



Parameters:		Values	Units
Perpendicular from well to stream	a	90	ft
Well depth	d	61	ft
Aquifer transmissivity	T_ft	520,000	ft ² /day
Aquifer storativity or specific yield	S	0.1000	Dimensionless
Stream width	ws	350	ft
Aquitard vertical hydraulic conductivity	Kva	50.0000	ft/day
Aquitard saturated thickness	ba	20	ft
Aquitard thickness below stream	babs	20	ft
Aquitard porosity	n	0.100	Dimensionless
Maximum irrigated acres per well, on all water rights		0.00	acres
Maximum pumping rate on all water rights	Qmwr	3.0000	cfs
Maximum pumping rate per well, all water rights	Qmp	2.2200	cfs
Constant pumping rate for model (Qmp/2)	Qwc	1.1100	cfs
Variable weekly pumping rate for model (Qmp)	Qwv	2.2200	cfs
Pumping days in irrigation season		138	days
Total acre feet pumped at constant pumping rate, Qwc		303.83	acre feet
Model start date		01/01/2014	
Date Pump On		05/01/2014	

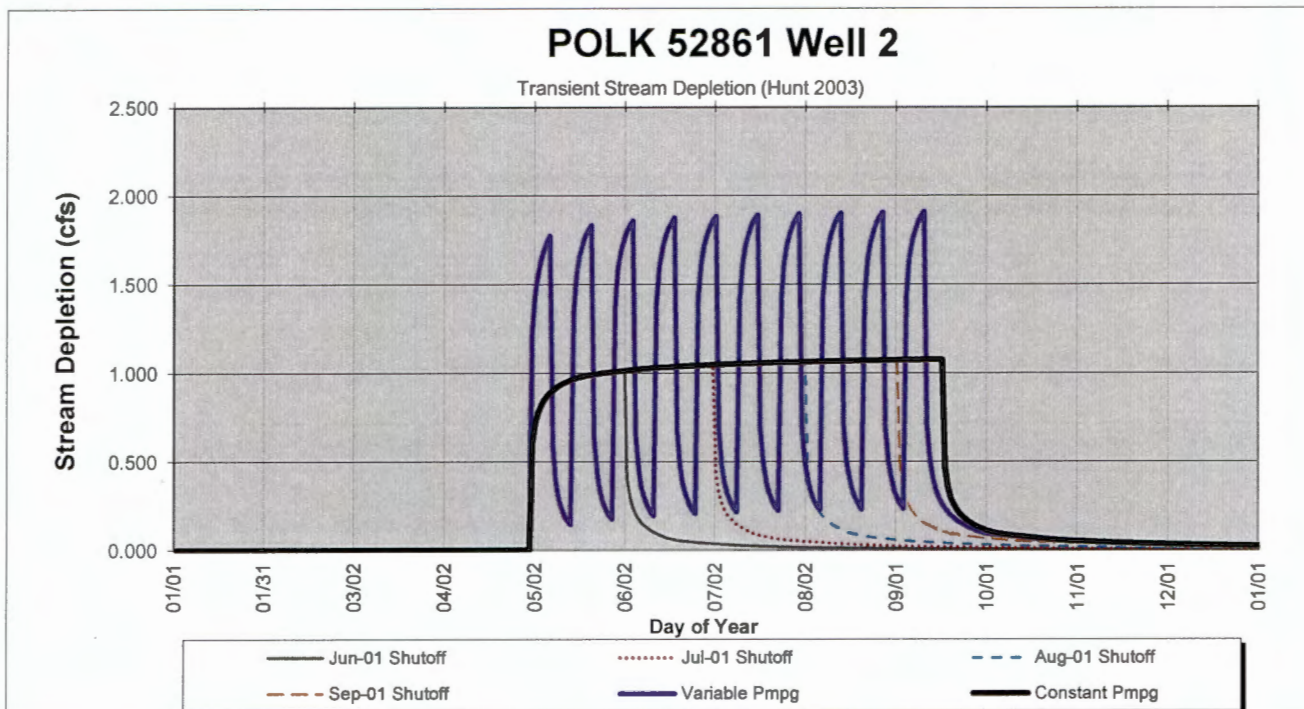
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Date	01/31	02/28	03/31	04/30	05/31	06/30	07/31	08/31	09/30	10/31	11/30	12/31
Stream Depl, %Q	0.0	0.0	0.0	0.0	91.8	94.0	95.0	95.6	7.9	3.3	2.1	1.5
Strm Depl, cfs	0.000	0.000	0.000	0.000	1.019	1.043	1.055	1.061	0.088	0.037	0.023	0.017
Strm Depl Jun-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	0.027	0.012	0.007	0.005	0.004	0.003	0.002
Strm Depl Jul-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	1.043	0.037	0.018	0.012	0.008	0.006	0.005
Strm Depl Aug-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	1.043	1.055	0.044	0.023	0.015	0.011	0.009
Strm Depl Sep-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	1.043	1.055	1.061	0.050	0.027	0.018	0.014
Relief after Jun-01 shutoff (SD= 1.020, cfs)						0.993	1.008	1.013	1.015	1.016	1.017	1.018
Relief after Jul-01 shutoff (SD= 1.044, cfs)							1.006	1.025	1.032	1.035	1.037	1.039
Relief after Aug-01 shutoff (SD= 1.055, cfs)								1.011	1.031	1.039	1.044	1.046
Relief after Sep-01 shutoff (SD= 1.062, cfs)									1.011	1.035	1.043	1.048
Stream depletion at 138 = 1.064 cfs												
Stream depletion at 30 days = 91.6 %												

Stream depletion at 10 days = 86.5 %



Parameters:		Values	Units
Perpendicular from well to stream	a	95	ft
Well depth	d	57	ft
Aquifer transmissivity	T_ft	1,090,000	ft ² /day
Aquifer storativity or specific yield	S	0.1000	Dimensionless
Stream width	ws	350	ft
Aquitarid vertical hydraulic conductivity	Kva	50.0000	ft/day
Aquitarid saturated thickness	ba	20	ft
Aquitarid thickness below stream	babs	20	ft
Aquitarid porosity	n	0.100	Dimensionless
Maximum irrigated acres per well, on all water rights		0.00	acres
Maximum pumping rate on all water rights	Qmwr	3.0000	cfs
Maximum pumping rate per well, all water rights	Qmp	2.2800	cfs
Constant pumping rate for model (Qmp/2)	Qwc	1.1400	cfs
Variable weekly pumping rate for model (Qmp)	Qwv	2.2800	cfs
Pumping days in irrigation season		138	days
Total acre feet pumped at constant pumping rate, Qwc		312.04	acre feet
Model start date		01/01/2014	
Date Pump On		05/01/2014	

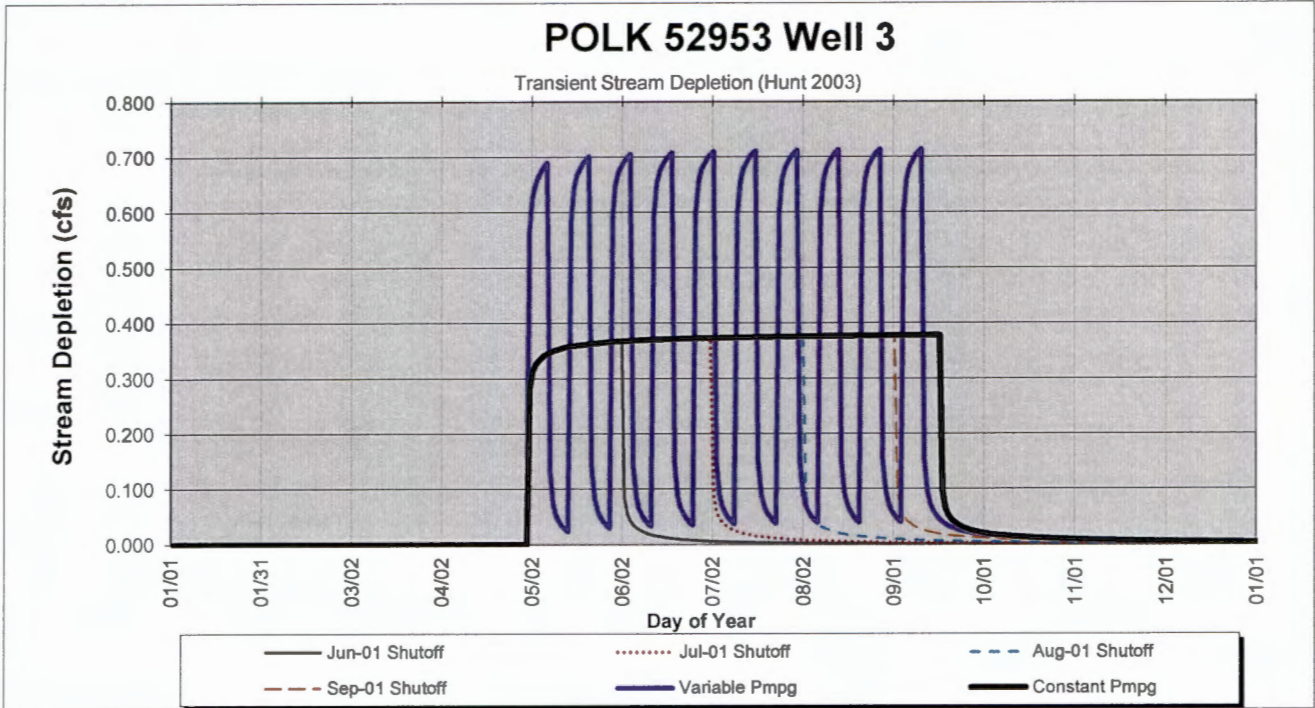
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Date	01/31	02/28	03/31	04/30	05/31	06/30	07/31	08/31	09/30	10/31	11/30	12/31
Stream Depl, %Q	0.0	0.0	0.0	0.0	88.8	91.8	93.2	94.1	10.2	4.5	2.8	2.0
Strm Depl, cfs	0.000	0.000	0.000	0.000	1.012	1.047	1.063	1.072	0.116	0.051	0.032	0.023
Strm Depl Jun-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.012	0.038	0.017	0.010	0.007	0.005	0.004	0.003
Strm Depl Jul-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.012	1.047	0.052	0.026	0.016	0.012	0.009	0.007
Strm Depl Aug-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.012	1.047	1.063	0.062	0.033	0.021	0.016	0.012
Strm Depl Sep-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.012	1.047	1.063	1.072	0.070	0.038	0.025	0.019
Relief after Jun-01 shutoff (SD= 1.014, cfs)						0.976	0.998	1.004	1.007	1.009	1.010	1.011
Relief after Jul-01 shutoff (SD= 1.047, cfs)							0.995	1.022	1.031	1.036	1.039	1.040
Relief after Aug-01 shutoff (SD= 1.063, cfs)								1.001	1.030	1.042	1.048	1.051
Relief after Sep-01 shutoff (SD= 1.073, cfs)									1.002	1.035	1.047	1.054
Stream depletion at 138 = 1.076 cfs												
Stream depletion at 30 days = 88.6 %												

Stream depletion at 10 days = 81.4 %



Parameters:		Values	Units
Perpendicular from well to stream	a	100	ft
Well depth	d	56	ft
Aquifer transmissivity	T_ft	160,000	ft ² /day
Aquifer storativity or specific yield	S	0.1000	Dimensionless
Stream width	ws	350	ft
Aquitard vertical hydraulic conductivity	Kva	50.0000	ft/day
Aquitard saturated thickness	ba	20	ft
Aquitard thickness below stream	babs	20	ft
Aquitard porosity	n	0.100	Dimensionless
Maximum irrigated acres per well, on all water rights		0.00	acres
Maximum pumping rate on all water rights	Qmwr	3.0000	cfs
Maximum pumping rate per well, all water rights	Qmp	0.7780	cfs
Constant pumping rate for model (Qmp/2)	Qwc	0.3890	cfs
Variable weekly pumping rate for model (Qmp)	Qwv	0.7780	cfs
Pumping days in irrigation season		138	days
Total acre feet pumped at constant pumping rate, Qwc		106.48	acre feet
Model start date		01/01/2014	
Date Pump On		05/01/2014	

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Date	01/31	02/28	03/31	04/30	05/31	06/30	07/31	08/31	09/30	10/31	11/30	12/31
Stream Depl, %Q	0.0	0.0	0.0	0.0	94.4	95.9	96.6	97.0	5.4	2.3	1.4	1.0
Strm Depl, cfs	0.000	0.000	0.000	0.000	0.367	0.373	0.376	0.378	0.021	0.009	0.006	0.004
Strm Depl Jun-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.367	0.007	0.003	0.002	0.001	0.001	0.001	0.001
Strm Depl Jul-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.367	0.373	0.009	0.004	0.003	0.002	0.002	0.001
Strm Depl Aug-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.367	0.373	0.376	0.011	0.006	0.004	0.003	0.002
Strm Depl Sep-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.367	0.373	0.376	0.378	0.012	0.007	0.004	0.003
Relief after Jun-01 shutoff (SD= 0.367, cfs)						0.361	0.365	0.366	0.366	0.367	0.367	0.367
Relief after Jul-01 shutoff (SD= 0.373, cfs)							0.364	0.369	0.370	0.371	0.372	0.372
Relief after Aug-01 shutoff (SD= 0.376, cfs)								0.365	0.370	0.372	0.373	0.374
Relief after Sep-01 shutoff (SD= 0.378, cfs)									0.365	0.371	0.373	0.374
Stream depletion at 138 = 0.378 cfs												
Stream depletion at 30 days = 94.3 %												

Stream depletion at 10 days = 90.5 %



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 21, 2015

VIA E-MAIL

INTERNATIONAL PAPER COMPANY
3521 OLD SALEM ROAD NE
ALBANY, OR 97321

SUBJECT: Water Right Transfer Application T-12065

Your water right transfer is in one of three phases of processing. Enclosed is a revised draft of our Preliminary Determination regarding Transfer Application T-12065. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the revised draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.

Conditions to your water right...

The Watermaster has required a water measurement device at the new diversion point prior to diversion of water.

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen.** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2046. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

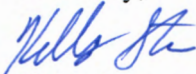
Issuance of the revised Preliminary Determination will occur shortly after we receive:

1. your written response to the conditions and proposed action in the revised draft Preliminary Determination (e-mail is acceptable).

If we do not receive the items listed above by November 20, 2015, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@ wrd.state.or.us if I may be of assistance if I may be of assistance.

Sincerely,



Kelly Starnes
Transfer Program Analyst
Transfer and Conservation Section

cc: Transfer Application file T-12065
Michael Mattick, District 2 Watermaster *(via e-mail)*
Joel Plahn, District 16 Watermaster *(via e-mail)*
Adam Sussman, GSI Water Solutions, Agent for the receiving landowner *(via e-mail)*
Bruce Brody-Heine, GSI Water Solutions, CWRE #78208 *(via e-mail)*
Dave Filippi, attorney for applicant *(via e-mail)*

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-12065, Linn County)

R e v i s e d

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN POINT OF DIVERSION,
PLACE OF USE, AND CHARACTER
OF USE

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

INTERNATIONAL PAPER COMPANY
3251 OLD SALEM RD NE
ALBANY, OR 97321

Findings of Fact

1. On May 21, 2015, INTERNATIONAL PAPER COMPANY filed an application to change the point of diversion, place of use, and character of use of a 7.75 cubic foot per second portion of Certificate 85736. The Department assigned the application number T-12065.
2. McMinnville Water and Light, P.O. Box 638, McMinnville, OR 97128, is the receiving water user who will be responsible for completion of the changes.
3. On May 8, 2013, the Department received a notice for specific to general industrial use change per ORS 540.520(9). The authorized place of use resulting from this notice is described in Finding No. 8. **No. 9**
4. On June 1, 2015, the receiving water user requested that the Department allow 30 years for the completion of the transfer. The requested date of completion is described in Condition No. 8 of this order.
5. On November 21, 2014, Instream Lease IL-1435, recorded at Special Order Volume 93, page 840, was approved for a 7.75 cfs portion of Certificate 85736.
6. On _____, 2015, Instream Lease IL-1435 was terminated by request of the applicant. The termination order was recorded at Special Order Volume __, page ____.

7. Notice of the application for transfer was published on June 2, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On September 11, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12065 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 12, 2015, for the applicant to respond. The applicant's attorney requested that the Department amend the draft Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. The portion of the right to be transferred is as follows:

Certificate: 85736 in the name of WEYERHAEUSER COMPANY (perfected under Permit S-47184)

Use: INDUSTRIAL/MANUFACTURING USE

Priority Date: OCTOBER 29, 1982

Rate: 7.75 CUBIC FEET PER SECOND

Source: WILLAMETTE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

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

Authorized Place of Use:

INDUSTRIAL/MANUFACTURING USE					
Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	SW NE	46
10 S	3 W	WM	29	NE NW	46
10 S	3 W	WM	29	NE NW	55
10 S	3 W	WM	29	NW NW	55
10 S	3 W	WM	29	SW NW	46
10 S	3 W	WM	29	SW NW	55
10 S	3 W	WM	29	SE NW	46
10 S	3 W	WM	29	SE NW	55
10 S	3 W	WM	29	NE SW	46
10 S	3 W	WM	29	SE SW	46
10 S	3 W	WM	29	SE SW	55
10 S	3 W	WM	29	NE SE	46
10 S	3 W	WM	29	NW SE	46
10 S	3 W	WM	29	SW SE	44
10 S	3 W	WM	29	SW SE	46
10 S	3 W	WM	29	SE SE	44
10 S	3 W	WM	29	SE SE	46
10 S	3 W	WM	32	NE NE	44
10 S	3 W	WM	32	NW NE	44
10 S	3 W	WM	33	NW NW	44

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10. Transfer Application T-12065 proposes to move the authorized point of diversion approximately 57.0 river miles downstream to within a reach described as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	27	NE NE	LOCATION A (UPSTREAM ENDPOINT OF PROPOSED REACH) - 650 FEET SOUTH AND 550 FEET WEST FROM THE NE CORNER OF SECTION 27
4 S	3 W	WM	22	SW SW	LOCATION B (DOWNSTREAM ENDPOINT OF PROPOSED REACH) - 1300 FEET NORTH AND 1140 FEET EAST FROM THE SW CORNER OF SECTION 22

11. Transfer Application T-12065 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE SERVICE AREA BOUNDARIES OF McMINNVILLE WATER AND LIGHT, CITY OF DAYTON, CITY OF LAFAYETTE, AND CITY OF CARLTON.

12. Transfer Application T-12065 also proposes to change the character of use to municipal use.
13. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

14. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
15. A pump and pipeline system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12065.
16. The proposed changes would not result in enlargement of the right.
17. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The change in point of diversion, change in place of use, change in character of use, and timeline for completion proposed in Transfer Application T-12065 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and 690-380-5140. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12065 is approved, the final order will include the following:

1. *The change in point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-12065 are approved.*
2. *Except as provided in ORS 540.510(3)(a), the right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 85736 and any related decree.*
3. *Water right Certificate 85736 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of diversion.*
 - b. *The water user shall maintain the meter or measuring device in good working order.*
 - c. *The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

7. *The transferred portion of Certificate 85736 (7.75 cfs) shall no longer be used at the former place of use.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2046**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2015.

D R A F T

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This revised draft Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@ wrd.state.or.us.



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

November 27, 2017

INTERNATIONAL PAPER COMPANY
6400 POPLAR
MEMPHIS, TN 38197

Reference: Application T- 12773

On November 20, 2017, we received your water right Transfer application. The application was accompanied by \$3780.00. Our receipt number 125220 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed *and* to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well and/or as the original POD.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use, or from the new point of diversion until a final order approving the transfer application has been issued by the Department.

In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0807.

Cc: Watermaster Dist. #2 (*via email*)
Adam Sussman, Agent

Enclosure



Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation; Additional point of diversion or appropriation; Historic POD; Place of use; Character of use; Instream; Substitution; or Exchange.

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before December 28, 2017. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

Transfer	<u>T 12773</u>
Water Right	Cert:54268
County/Basin	Linn / Willamette(2)
Applicant Name	INTERNATIONAL PAPER COMPANY 6400 POPLAR MEMPHIS, TN 38197
Proposed Change	PLACE OF USE,USE,POINT OF DIVERSION, SURFACE WATER TO GROUND WATER
Sources/TRSQ40Q160	WILLAMETTE RIVER > COLUMBIA RIVER / 10.00S 3.00W 32 NENE
Use/Quantity	INDUSTRIAL/MANUFACTURING USES / 18.000 CFS
Priority Date	12/23/1954

Transfer	<u>T 12774</u>
Water Right	Cert:74512 , Cert:48966
County/Basin	Jackson / Rogue(15)
Applicant Name	EBNESAJJAD, GIN GUEI JOY LUCK FARM, INC. 225 WEST RAPP RD TALENT, OR 97540
Proposed Change	ADDITIONAL POINT OF DIVERSION
Sources/TRSQ40Q160	WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 26 SENW WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 26 NESW WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 26 NWSE WAGNER CREEK > BEAR CREEK / 38.00S 1.00W 35 NWNW
Use/Quantity	DOMESTIC / 0.020 CFS DOMESTIC / 0.240 CFS DOMESTIC / 1.250 CFS IRRIGATION / 0.130 CFS
Priority Date	12/31/1852, 12/31/1854, 12/31/1864, 12/31/1854



Oregon Water Resources Department
Transfer Fee Calculation for Permanent (Non-District) Transfer

- [Main](#) [Help](#)
- [Return](#) [Contact Us](#)

Today's Date: Monday, November 20, 2017		Fee Calculation				
Base Fee (includes one type of change to one water right for up to 1 cfs)		\$1,160.00				
Fill in information below-- Check each box that applies.						
Types of Change Proposed:						
<input checked="" type="checkbox"/> Place of Use						
<input checked="" type="checkbox"/> Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD						
<input checked="" type="checkbox"/> Character of Use		\$1,860.00				
Enter total number of water rights included in transfer. <input style="width: 50px;" type="text" value="1"/>		\$0.00				
<input checked="" type="checkbox"/> Check this box if you propose to add or change a well, or change from a surface water POD to a well.		\$410.00				
<input checked="" type="checkbox"/> Check this box if you propose to change the place of use or character of use for a NON-irrigation right.						
Enter the cfs included in the transfer: <input style="width: 50px;" type="text" value="2.0"/>						
<input checked="" type="checkbox"/> Check this box if you propose to change the place of use or character of use for an irrigation right.						
Enter the following for the primary certificates on the land included in the transfer. (If a supplemental certificate also covers the same land as an included primary right, only list the primary.)						
Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR	If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
54268			2.0			
Total Transfer CFS(rounded up to the next whole cfs): 2.00						\$350.00
Subtotal:						\$3,780.00
Check each box that applies.						
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.						
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.						
Discount:						
Transfer Fee:						\$3,780.00
<input type="button" value="Return to Edit"/>		<input type="button" value="Clear"/>				

✓CH

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **125220**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: City of Independence

APPLICATION _____

BY: _____

PERMIT _____

CASH: CHECK: # 61387 OTHER: (IDENTIFY) _____

TRANSFER T-12773

TOTAL REC'D \$ 3,780.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES _____ \$ _____
 _____ OTHER: (IDENTIFY) _____ \$ _____
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

0407 COPY & TAPE FEES _____ \$ _____
 0410 RESEARCH FEES _____ \$ _____
 0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
 0240 EXTENSION OF TIME _____ \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE		RECORD FEE
0203 GROUND WATER	\$	0202	\$
0205 TRANSFER	\$	0204	\$
	\$ <u>3780.00</u>		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE		LICENSE FEE
LANDOWNER'S PERMIT	\$	0219	\$
OTHER (IDENTIFY) _____		0220	\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE _____ \$ _____ CARD # _____
 0210 MONITORING WELLS _____ \$ _____ CARD # _____
 _____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) _____ \$ _____
 0231 HYDRO LICENSE FEE (FW/WRD) _____ \$ _____
 _____ HYDRO APPLICATION _____ \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **125220** DATED: 11/20/17 BY: CWethrich

Regular Permanent Water Right Transfer Application Checklist

Checked by Codi Date 11.10.17

Certs & acres involved: <u>DOD S→GR</u>
Changes: <u>POU USE</u>
cfs involved: _____
Source: _____

(If OK, check box to left; if not, fill in the blank)

- 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- 2. Are fees included and correct? Fee paid: _____
If not, the correct fee would be: _____, so the amount missing is: _____
 - ▶ If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE *or* (Supplemental to Primary)] are counted as one type
- 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____
- 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
 N/A Form D needed from _____ (district)
- 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.



City of Independence, Oregon

November 15, 2017

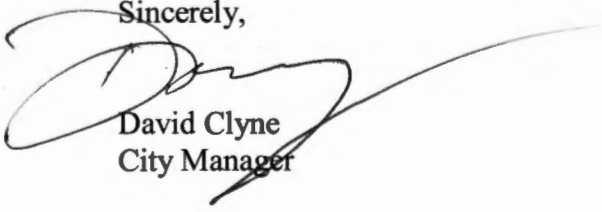
Lisa Jaramillo
725 Summer Street NE, Suite A
Salem, OR 97301-0900

Dear Ms. Jaramillo;

As you are aware, the City of Independence (City) has entered into an agreement with International Paper Company (IP) to acquire a 2.0 cfs portion of IP's water right certificate 54268. Following approval of the transfer by Oregon Water Resources Department (OWRD), the City will be responsible for completing the requested changes. For the reasons described below, we are requesting (pursuant to OAR 690-380-5140) that OWRD allow 30 years to complete this transfer.

Completion of the requested transfer (change in character of use, place of use, point of diversion and groundwater points of appropriation) will require the City to establish the necessary financing and to complete numerous long-term activities: obtain required state and federal permits, develop engineering plans, develop intergovernmental agreements, and fully construct the necessary infrastructure, including distribution lines, pump stations and water treatment facilities. For these reasons, and to ensure the success of this critical water supply planning project, a period of 30 years to complete the proposed transfer is requested and justified. Please contact me if you need additional information. My telephone number is 503-837-1171.

Sincerely,


David Clyne
City Manager

T 12773

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OWRD



KEVIN J. HAVENS
SENIOR COUNSEL CORPORATE REAL ESTATE
AND GLOBAL SUPPLY CHAIN

LEGAL DEPARTMENT
1740 INTERNATIONAL DRIVE
TOWER IV, 9-037
MEMPHIS, TENNESSEE 38197

TELEPHONE (901) 419-1935
EFAX (901) 214-1909
kevin.havens@ipaper.com

November 16, 2017

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

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Re: Application for Water Right Transfer for Certificate 54268

OWRD

Dear Ms. Jaramillo:

Please find enclosed an Application for a Permanent Water Right Transfer, which requests to transfer a 2.0 cfs portion of water right certificate 54268. I am also enclosing the required application fee of \$3,780.

Certificate 54268 authorizes the use of up to 18.0 cfs for industrial purposes. A 17.0 cfs portion of Certificate 54268 is held by International Paper Company. As described in the ownership updated submitted for this certificate on February 4, 2015, Flakeboard America Limited owns a portion of the land to which Certificate 54268 is appurtenant and a 1.0 cfs portion of the water right. Of the 17 cfs of Certificate 54268 held by International Paper Company, 15 cfs is currently leased for instream use under IL-1434. The enclosed transfer application proposes to change a 2 cfs portion of the 15 cfs leased for instream use under IL-1434. No changes are proposed to the 1.0 cfs portion of the certificate held by Flakeboard America Limited. The transfer is being pursued for the benefit of the City of Independence (City).

The enclosed transfer application proposes to make multiple changes. The character of use is proposed to be changed from industrial to municipal purposes. The place of use is proposed to be changed from lands owned by International Paper Company to the City's service area. Finally, the point of diversion is proposed to be moved downstream on the Willamette River. The proposed point of diversion is identified in the application, as well as three proposed points of appropriation. In other words, a surface water to groundwater change is requested as part of this transfer. No changes are proposed for the remaining portions of Certificate 54268 (15.0 cfs held by International Paper Company, and 1 cfs held by Flakeboard America Limited). We understand that a remaining right certificate will be issued for the portion of Certificate 54268 not affected by this transfer.

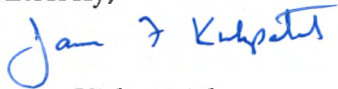
Due to the extent of the work required to complete construction and to put the 2.0 cfs to beneficial use, we request that OWRD allow 30 years to complete this transfer. Please see the

T 12773

attached letter from the City for additional information about the need for this time to complete development under the transfer.

If you have any questions or concerns, please contact Adam Sussman with GSI Water Solutions, Inc. Adam's telephone number is 541-257-9001.

Sincerely,



James Kirkpatrick
Manager, Facility Analysis & Strategic Studies

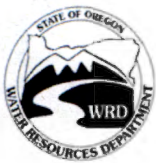
Enclosures

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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 Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 54268 See Attachment 1**
 Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- Completed Transfer Application Map. See Attachment 2
- Completed Evidence of Use Affidavit and supporting documentation. See Attachment 3
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. See Attachment 4
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. See Attachment 5
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability. See Attachment 6

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

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Part 2 of 5 – Transfer Application Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME International Paper Company			PHONE NO. 901-419-4961	ADDITIONAL CONTACT NO.
ADDRESS 6400 Poplar				FAX NO.
CITY Memphis	STATE TN	ZIP 38197	E-MAIL JIM.KIRKPATRICK@IPAPER.COM	
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.				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME GSI Water Solutions			PHONE NO. 541-257-9001	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Blvd., Suite 240				FAX NO.
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL asussman@gsisw.com	
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.				

Explain in your own words what you propose to accomplish with this transfer application, and why: The Applicant, for the benefit of the City of Independence, is requesting to transfer a 2.0 cfs portion of Certificate 54268 that is currently leased instream (IL-1434). The requested changes will allow the City to divert the water at a downstream point of diversion and three points of appropriation, and to use the water for municipal purposes within the City's service area. The point of diversion, place of use, and character of use for the remaining 16.0 cfs portion of the water right will not change.

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Polk County Itemizer-Observer

I (we) affirm that the information contained in this application is true and accurate.



James Kirkpatrick
Applicant signature

James Kirkpatrick, Manager, Facility Analysis & Strategic Studies
Print Name (and Title if applicable)

11/16/17
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL


Describe any special ownership circumstances here: N/A

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.) N/A

IRRIGATION DISTRICT NAME	ADDRESS		
CITY	STATE	ZIP	

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity. N/A

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

 To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

See Attachment 4

ENTITY NAME	ADDRESS		
City of Independence	P.O. Box 7		
CITY	STATE	ZIP	
Independence	OR	97351	

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 54268

Description of Water Delivery System

System capacity: 38.92 cubic feet per second (cfs)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **There are four pumps at the point of diversion: two 200 HP pumps on the barge, and two 200 HP pumps on the bank. The pumps have 15 inch suctions and 10 inch discharges. The water is conveyed from the pump station to the paper mill water pond via 6,000 feet of 30-inch concrete underground pipe. Water from the pond is diverted to various locations on the mill site. Note: A 15 cfs portion of Certificate 54268, including the 2 cfs that is the subject of this transfer application, was leased instream in 2014 (IL-1434).**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	10	S	3	W	32	NE	NE		1260 ft South & 1220 ft West from the NE corner of Sect. 32
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	8	S	4	W	28	SW	SE		260 ft North & 3400 ft East from SW Corner of Sect. 28
Willamette Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK 52513	8	S	4	W	33	NW	NE		349 ft South & 2,071 ft West from the NE corner of Sect. 33
Willamette Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK 52861	8	S	4	W	28	SW	SE		189 ft North & 2,088 ft West from the SE corner of Sect. 28
Willamette Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK 52953	8	S	4	W	28	SW	SE		714 ft North & 2,163 ft West from the SE corner of Sect. 28

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input checked="" type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed. Revised

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 54268

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acr es	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acr es	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
See the table of "from lands" in Attachment 7 (as described in the specific to general industrial use change notice submitted on May 15, 2013)							Industrial/ Manufacturing	POD 1	12/23/ 1954	POU, POD, USE, SW/GW	Within the service area boundary of the City of Independence							Municipal	POD 2, Willamette Well 1, Willamette Well 2 & Willamette Well 3	12/23/ 1954
TOTAL ACRES:												TOTAL ACRES:								

Additional remarks: Certificate 54268 authorizes the use of up to 18.0 cfs for industrial/manufacturing use. The authorized place of use is described in the specific to general industrial use change notice submitted to OWRD on May 15, 2013. The Applicant holds a 17 cfs portion that is appurtenant to the lands described in Attachment 7. The Applicant is requesting to transfer a 2.0 cfs portion of its portion of Certificate 54268. The proposed change would reduce the authorized rate within the Applicant's entire place of use for Certificate 54268. The POD, POU, and use of the remaining 16 cfs will not change (i.e., the use will remain as industrial/manufacturing use, at the existing POD, and at the existing POU). In addition, a 15 cfs portion of Certificate 54268 was leased instream in 2014 instream lease IL-1434.

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Revised 7/27/2011

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the “from” or the “to” lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **Although there are other water rights on the “to” lands, the proposed use is municipal purposes, so “layered” water rights are not applicable.**



Pursuant to ORS 540.510, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation) N/A

For a change from Supplemental Irrigation Use to Primary Irrigation Use N/A

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department’s web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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Attachment 1
Water Right Certificate 54268
Application for a Water Right Transfer – Certificate 54268

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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,

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 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

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Attachment 2
Current and Proposed Points of Diversion /
Appropriation and Place of Use Maps
Application for a Water Right Transfer – Certificate 54268

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Attachment 3
Evidence of Use Affidavit
Application for a Water Right Transfer – Certificate 54268

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Application for Water Right Transfer

Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Tennessee)
) ss
 County of SHELBY)

I, JAMES KIRKPATRICK, in my capacity as MANAGER FACILITY ANALYSIS & STRATEGIC STUDIES,
 mailing address 6400 POPLAR, MEMPHIS, TN 38197
 telephone number (901) 419-4961, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: IL-1434 (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

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3. The water right was used for: (e.g., crops, pasture, etc.): INSTREAM USE

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Jan + K... [Signature]
Signature of Affiant

11/16/17
Date

Signed and sworn to (or affirmed) before me this 16th day of November, 2017.



[Signature]
Notary Public for Oregon SHELBY COUNTY,
TENNESSEE

My Commission Expires: 5-11-19

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Lease Application) DETERMINATION and
IL-1434, Linn County) FINAL ORDER ON PROPOSED
) INSTREAM LEASE

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Vaughn Pieschl, Site Manager
International Paper
3521 Old Salem Rd. NE
Albany, OR 97321

Findings of Fact

1. On September 17, 2014, International Paper filed an application to lease a portion of Certificates 54268 and 85736 for instream use. The applicant also requested to lease two water rights resulting from Transfer T-7526. The Department assigned the application number IL-1434.
2. On May 8, 2013, the Department received what appears to be a notice for specific to general industrial use change. For purposes of instream leasing, the portions of Certificate 54268 and 85736 that may be leased to instream use are the water rights of record and will be described consistent with the certificates in this order.
3. On October 6, 2014, the Department requested additional information about the water rights requested to be leased instream under IL-1434 and IL-1435 by International Paper. The additional information requested by the Department was received on October 17, 2014.
4. On November 4, 2014, Certificates 89604 and 89606 were issued based upon completion actions authorized under Transfer T-7526.
5. On November 7, 2014, the Department identified that additional fees were necessary to complete the lease application. The additional fees were received on December 5, 2014.

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This is a final order in other than 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.

6. The portion of the first right to be leased has been clarified from the lease application and is as follows:

Certificate: 54268 in the name of Willamette Industries, Inc. (perfected under Permit S-23102)

Use: Manufacturing Use

Priority Date: December 23, 1954

Quantity: **Rate:** 15.0 Cubic Foot per Second (CFS)

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	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	NW NE	44
10 S	3 W	WM	33	NE NW	44

7. The portion of the second right to be leased has been clarified from the lease application and is as follows:

Certificate: 85736 in the name of Weyerhaeuser Company (perfected under Permit S-47184)

Use: Industrial/Manufacturing Use

Priority Date: October 29, 1982

Quantity: **Rate:** 4.25 CFS

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD):

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	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

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Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	33	NE NW	44

8. Certificate 85736 allows the diversion of up to 12 CFS. The remaining 7.75 CFS is being leased instream under IL-1435.

9. The third right to be leased is as follows:

Certificate: 89604 in the name of International Paper Co. (perfected under Permit S-20469)

Use: Industrial Uses

Priority Date: June 11, 1943

Quantity: **Rate:** 2.0 CFS

Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source
21 S	1 W	WM	31	NE SE	Culp Creek
21 S	1 W	WM	32	NW SW	Row River

Source: Willamette River, tributary to the Columbia River

Authorized Point of Diversion (POD) on the Willamette River:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

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10. Certificate 89604 identifies the source for diversion as the Willamette River and identifies the actual source of water as Culp Creek and Row River. Culp Creek is tributary to the Row River and the Row River is tributary to the Coast Fork Willamette River. The Coast Fork Willamette River is tributary to the Willamette River. Water is conveyed from the original points of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89604 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from Culp Creek and Row River.

11. The fourth right to be leased is as follows:

Certificate: 89606 in the name of International Paper Company (perfected under Permit S-14106)
Use: Industrial Use
Priority Date: November 2, 1939
Quantity: **Rate:** 1.93 CFS
Limit: The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Source	Measured Distances
21 S	1 W	WM	30	NW SW	Row River	30 FEET SOUTH AND 30 FEET WEST FROM THE SW CORNER OF LOT 3 (SE NW), SECTION 30

Source: Willamette River, tributary to the Columbia River
Authorized Point of Diversion (POD) on the Willamette River:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	28	SW NW	46
10 S	3 W	WM	28	N ½ SW ¼	46
10 S	3 W	WM	28	NE SW	47
10 S	3 W	WM	29	NW NE	46
10 S	3 W	WM	29	NW NE	55
10 S	3 W	WM	29	S ½ NE ¼	46
10 S	3 W	WM	29	E ½ NW ¼	46
10 S	3 W	WM	29	NW ¼	55
10 S	3 W	WM	29	SE NW	
10 S	3 W	WM	29	E ½ SW ¼	46
10 S	3 W	WM	29	E ½ SW ¼	
10 S	3 W	WM	29	SE SW	44
10 S	3 W	WM	29	SE ¼	46
10 S	3 W	WM	29	S ½ SE ¼	44
10 S	3 W	WM	29	S ½ SE ¼	
10 S	3 W	WM	32	N ½ NE ¼	44

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Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	32	NW NE	
10 S	3 W	WM	32	SE NE	44
10 S	3 W	WM	32	SE NE	
10 S	3 W	WM	33	W ½ NW ¼	44

12. Certificate 89606 identifies the source for diversion as the Willamette River and identifies the actual source of water as the Row River. Row River is tributary to the Coast Fork Willamette River and the Coast Fork Willamette River is tributary to the Willamette River. Water is conveyed from the original point of diversion through the Row River and the Coast Fork Willamette River to the point of diversion on the Willamette River. Instream water rights begin at the authorized point of diversion. The authorized point of diversion for Certificate 89606 is on the Willamette River. For purposes of this lease, the source for the instream use shall be the Willamette River and limited to the quantities available from the Row River.
13. Certificates 54268, 85736 89604, and 89606 do not specify an authorized period of use. However, the use is for manufacturing and/or industrial, which are considered year round uses unless otherwise specified in the Certificate.
14. There is another industrial right (Certificate 54268) appurtenant to the same place of use as described in Certificate 85736. The entirety of Certificate 54268 is proposed to be leased to instream use under IL-1434.
15. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1) on September 30, 2014. This notice, however, did not include Certificates 89604 and 89606, which had not yet been issued. Following issuance of Certificates 89604 and 89605, the lease application was re noticed on November 11, 2014. No comments were received.

16. The instream use is as follows:
Willamette River, tributary to the Columbia River

Instream Reach: At the POD (as described in Finding of Fact No. 6)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
54268	12/23/1954	15.00	10,859.50	January 1 – December 31

Instream Reach: At the POD (as described in Findings of Fact No. 7, 9 and 11)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
85736	10/29/1982	4.25	3076.86	January 1 – December 31
89604	6/11/1943	2.00	1447.93	
89606	11/2/1939	1.93	1397.26	
Total Instream		8.18	5922.05	

17. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights.

18. The protection of flows at the authorized points of diversion is appropriate, considering:
 - a. The instream water use is located at the recorded points of diversion;
 - b. The location of confluences with other streams downstream of the points of diversion.
 - c. There are no known areas of natural loss of streamflow to the river bed downstream from the points of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the points of the instream water right.
19. The total monthly quantities of water to be protected under existing and proposed instream rights at the points will provide for a beneficial purpose.
20. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the points do not exceed the estimated average natural flow.
21. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
22. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
23. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed for an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
24. The Lessor requested that the instream use begin in October, 2014, and terminate in October, 2019. Instream leases are based upon calendar years and terms may not exceed five years. The lease may commence upon the date this final order is issued and may terminate on December 31, 2018.
25. The Lessor has requested the option of terminating the lease early with written notice to the Department.

Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

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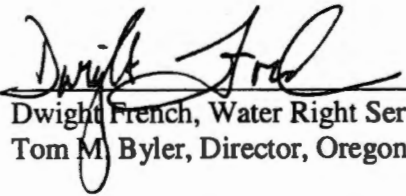
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Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water from Certificates 89604 and 89606 and the portions of Certificate 54268 and 85736 leased to instream use.
3. The term of the lease will commence upon approval of the instream lease and terminate on December 31, 2018. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (January 1 through December 31) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this 5 day of December, 2014.



Dwight French, Water Right Services Division Administrator, for
Tom M. Byler, Director, Oregon Water Resources Department

This document was prepared by Laura Wilke and if you have any questions, please call 503-986-0884.

DEC 8 2014

Mailing date: _____

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Attachment 4
Land Use Information Forms
Application for a Water Right Transfer – Certificate 54268

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Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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T 12773

Land Use Information Form



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

Applicant(s): International Paper Company

Mailing Address: 6400 Poplar

City: Memphis

State: TN

Zip Code: 38197

Daytime Phone: 901-419-4961

A. Land and Location

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

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

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

City of Independence

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 2.0 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

The Applicant is transferring a 2.0 cfs portion of water right certificate 54268 for the benefit of the City of Independence. The requested changes will allow the City to divert water from the Willamette River for Municipal use within its service area.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

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

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

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

Name: Zach Pulz, AICP Title: City Planner
 Signature: [Signature] Phone: (503) 837-1104 Date: 11/15/2017
 Government Entity: City of Independence

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

Receipt for Request for Land Use Information

Applicant name: _____ RECEIVED
 City or County: _____ Staff contact: _____ NOV 20 2017
 Signature: _____ Phone: _____ Date: _____ OWRD

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Attachment 5

Well Logs

Application for a Water Right Transfer – Certificate 54268

T 12773

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.763)

WELL ID. # L 68856
START CARD # 163044

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number _____
Name CITY OF INDEPENDENCE
Address P.O. Box 7
City INDEPENDENCE State OR Zip 97351

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other Municipal

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 61 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
12"	0'	61'	CEMENT	0'	35'	35 SACKS
			BENTONITE	0'	1'	1 SACK

How was seal placed: Method A B C D E
 Other Dry bentonite poured
Backfill placed from 38 ft. to 35 ft. Material 1/4" crushed rk.
Gravel placed from 61 ft. to 38 ft. Size of gravel 1/2" x 3/4"

Casing:	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
		8"	43'	41'	.250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	8"	56'	61'	.250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type V-SLOT Material 304 S. Steel

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
41'	56'	100		8"	PS	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 500 GPM Drawdown 5'-2 1/4" Drill stem at _____ Time 71 hrs

Temperature of water 50° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use?
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County POLK Latitude _____ Longitude _____
Township 85 N or S Range 4W E or W. WM.
Section 33 NW 1/4 NE 1/4
Tax Lot 201 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) S. Corvallis Rd., Independence, Or.

(10) STATIC WATER LEVEL:
24 ft. below land surface. Date 01-16-07
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 35'

From	To	Estimated Flow Rate	SWL
41'	56'	500 GPM	24'

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Gravel, sand, soil fill	0'	17.5'	
Dry Brown clay	17.5'	30'	
Brown clay w/ Gravel, silt	30'	34'	
Gravel, small-large brown sand w-B.	34'	57'	24'
Blue-gray clay	57'	61'	

Date started DECEMBER 11, '06 Completed JANUARY 20, '07

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
WVC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WVC Number 633
Signed Michael Waldrop Date 02-08-07

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

Polk State
POLK 52861

L 93614

(START CARD) # **19625**

(1) OWNER: *City of Independence* Well Number **#2**
Name *City of Independence*
Address *P.O. Box 7*
City *Independence* State *Or* Zip *97351*

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other *Municipal*

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well **53** ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount
Diameter	From To	Material	From To	sacks or pounds
12"	0' 53'	Cement	27' 17'	40 SACKS
		Bentonite	17' 13'	28 SACKS
		Cement	13' 1.5'	15 SACKS
		Bentonite	1.5' 0'	3 SACKS

How was seal placed: Method A B C D E
 Other *Downed - probed*
Backfill placed from **27** ft. to **29** ft. Material *1/4" minus*
Gravel placed from **29** ft. to **53** ft. Size of gravel *1/8 round*

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	3.5'	29'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8"	45.5'	53'		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Liner: _____

Final location of shoe(s) *none*

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type *V-slot* Material *304SS*

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
29'	45.5'	100		8"	P.S.	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian
Yield gal/min **45 GPM** Drawdown **0'** Drill stem at _____ Time **1 hr.**

Temperature of Water **54°** Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County *Polk* Latitude _____ Longitude _____
Township *8S* N or S. Range *4W* E or W. WM. _____
Section *33* NW 1/4 NE 1/4
Tax Lot *201* Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) *S. Corvallis Rd, Independence, Or*

(10) STATIC WATER LEVEL:
23.5 ft. below land surface. Date **07-16-08**

(11) WATER BEARING ZONES:
Depth at which water was first found **19**

From	To	Estimated Flow Rate	SWL
23'	46'	45+GPM	23.5

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Fill Gravel - Pit Run	0'	6'	
Clay - Sandy - Brown	6'	15'	
Sand, silt with Clay + Gravel	15'	17'	
Gravel, small - medium w/ brown sand - loose	17'	46'	23.5'
Gravel, light w/ sand	46'	52'	23.5'
Clay - Blue	52'	57'	
Back filled w/ 1/4" minus from 57' to 53'			

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Date started **06-09-08** Completed **07-16-08**
(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed _____ WWC Number _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed *Michael Waldrop* WWC Number **633** Date **07-27-08**

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

POLK 52953

L93615

(START CARD) #

196828

(1) OWNER: Well Number #3B
 Name CITY OF INDEPENDENCE-MON
 Address P.O. Box 17
 City INDEPENDENCE State OR Zip 97351

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other Municipal

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 56 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
12"	0' 56'	CEMENT	0' 29'	48 SKS

How was seal placed: Method A B C D E
 Other _____

Backfill placed from 31 ft. to 29 ft. Material 1/4" MINUS
 Gravel placed from 56 ft. to 31 ft. Size of gravel 3/8" ROUND

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	42'	31'	250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8"	49'	56'	250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) NONE

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type V-SLOT Material 304SS

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
31'	49'	100		8"	PS	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
45 to 60 gpm	0		1 hr.

Pump Bailer Air Flowing Artesian

Temperature of Water 54.0 Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County POLK Latitude _____ Longitude _____
 Township 85 N or S. Range 4W E or W. WM. _____
 Section 33 NW 1/4 NE 1/4
 Tax Lot 201 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) WELL #3B
S. COWALLIS RD., IND., OR 97351

(10) STATIC WATER LEVEL:
28 ft. below land surface. Date 08-19-08
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
 Depth at which water was first found 28'

From	To	Estimated Flow Rate	SWL
31'	49'	45+ GPM	28'

(12) WELL LOG:
 Ground elevation _____

Material	From	To	SWL
FILL - SAND + GRAVEL	0'	12'	
CLAY - SILTY BROWN	12'	18'	
CLAY - BROWN	18'	25'	
CLAY - GRAVELLY	25'	27'	
GRAVELLY CLAY	27'	31'	
GRAVEL, SMALL - LARGE w/ SOME BROWN SAND	31'	50'	28'
BLUE CLAY	50'	56'	

Date started 07-24-08 Completed 08-20-08

(unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____ Date _____

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
 Signed Michael Waldrop WWC Number 633 Date 09-01-08

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**Attachment 6
Geologist Report**

Application for a Water Right Transfer – Certificate 54268

T 12773



Technical Memorandum

To: Kie Cottam, City of Independence

From: Bruce Brody-Heine, RG, GSI Water Solutions, Inc.

Date: November 8, 2017

Re: City of Independence
Willamette River Wellfield - Surface Water to Groundwater Transfer
Hydrogeologic Evaluation of Wells' Connection to River



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I. Introduction

International Paper is, for the benefit of the City of Independence (City), transferring a portion of surface water right Certificate 54268 to the City's three groundwater production wells (Willamette Wells 1, 2 and 3) that are located immediately adjacent to the Willamette River. Oregon Water Resources Department's (OWRD) administrative rules allow for a surface water right to be transferred to a groundwater well under Oregon Administrative Rules (OAR) 690-380-2130. Under these rules (OAR 690-380-2130) a surface water right may be transferred to a groundwater source if:

- a) The criteria in OAR 690-380-5000 are met;
- b) the new point of diversion (the wells) appropriate ground water from an aquifer that is hydraulically connected to the authorized surface source;
- c) The proposed change in point of diversion will affect the surface water source similarly to the authorized point of diversion specified in the water use subject to transfer;
- d) The withdrawal of groundwater at the new point of diversion (the wells) is located within 500 feet of the surface water source and is also located within 1,000 feet upstream or downstream of the original point of diversion as specified in the water use subject to transfer; or
- e) If the distance requirements are not met, the holder of a water use subject to transfer shall submit to the Department evidence prepared by a licensed geologist that demonstrates that the use of the groundwater at the new point of diversion [new wells] will meet the criterial set forth in OAR 690-380-2130 2 (a), (b) and (c).

The authorized surface water source for Certificate 54268 is the Willamette River. The wells to which a portion of Certificate 54268 will be transferred are within 500 feet of the river.

The wells are, however, located more than 1,000 feet from the original point of diversion (near Millersburg). As a result, this report has been prepared to demonstrate that the use of groundwater at the new well locations meet the criteria set forth in OAR 690-380-2130 2(a), (b) and (c).

II. Criteria

OAR 690-380-2130 2(a). The criteria in OAR 690-380-5000 require that the water right to be transferred is subject to transfer and is not cancelled pursuant to ORS 540.610, the proposed transfer would not result in injury, and the proposed transfer would not result in enlargement. Certificate 54368 is a water right subject to transfer and has not been cancelled. The changes proposed in the transfer to the points of diversion/appropriation, place of use, and character of use would not result in injury or enlargement. We understand OWRD will evaluate these criteria as part of the transfer application review process.

OAR 690-380-2130 2 (b) and (c). As described in more detail below, the new points of diversion (the wells) appropriate groundwater from an aquifer that is hydraulically connected to the authorized surface water (the Willamette River). Moreover, use of groundwater from the wells will affect the surface water source similarly to the authorized point of diversion. The term "similarly" is defined in OAR 690-380-2130 11 (b) to mean the use of the groundwater from the new well affects the surface water source specified in water right being transferred and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping.

The following is a description of an analysis of the City's water wells and reasons why the proposed use of groundwater from the wells meets the above-described criteria for a surface water to groundwater transfer.

III. Analysis

The City has conducted several evaluations of the hydraulic connection of wells to the Willamette River at the proposed location. These evaluations included a Ranney collector study in 1972, installing a series of test wells and completing an aquifer test in 2006, and an 8-day aquifer test completed in 2008. The City provided GSI with several reports and the following information from the evaluations: 1) the aquifer parameters from the 1972 aquifer test associated with a Ranney Collector study, 2) the results of a 2-hour aquifer test in 2006, and 3) the raw data from the 2008 aquifer test.

Hydraulic Connection to the Willamette River. Based on the information obtained from the previous evaluations described above, the City's three production wells (Willamette Wells 1, 2 and 3) were installed in January 2007, and July and August 2008 along the edge of the Willamette River. The well logs are presented in Attachment A and the approximate locations of City's well are also shown on the Figure in this attachment. All three of the City's wells are located within 500 feet from the river. Willamette Well 1 is located 90 feet from the Willamette River; Willamette Well 2 is 95 feet from the river; and Willamette Well 3 is 100 feet from the river. All three wells develop groundwater from an approximately 20 foot thick gravel unit that is located above a blue clay layer between 50 and 57 feet below ground surface. A cross section showing the geologic formations in relationship to the Willamette River from the 2006 study is provided in Attachment B. This cross section is oriented approximately east west near the location of the current City's Willamette Well 1. The cross-section shows there is a direct connection between the gravel aquifer and the adjacent Willamette River. The cross-section, in combination with the high transmissivity

values calculated for each well (see description below), demonstrates the City's wells are completed in gravel deposit that is hydraulically connected to the Willamette River. Therefore, Willamette Wells 1, 2 and 3 appropriate groundwater from an aquifer that is hydraulically connected to the authorized surface water source (the Willamette River).

Groundwater Use will Affect the Surface Water Source Similarly. GSI reviewed and plotted the 2008 aquifer test data to determine the aquifer parameters (transmissivity and storativity) in the vicinity of the three Willamette River wells (see water level plots in Attachment C). Unfortunately, limited static water level data was available either prior to or after the test and the transducer data recorded only a very small drawdown within the actual pumping wells. This indicates that the aquifer was not under much stress during the test and the wells likely could produce more water than the rates used in the aquifer test. GSI used a combination of the maximum drawdown observed in the transducer data and recorded notes at the base of the Pump Test Data Sheets to calculate a transmissivity (T) value for each well using the Theis equation. The calculated aquifer parameters from the 2008 test (Table 1) were similar to those determined from the previous aquifer test results (300,000 to 550,000 gallons per day per foot).

The 2003 Hunt Model was used to calculate the stream flow depletion created by pumping each of the Willamette River wells (Attachment D). The results of the calculation for each well (Willamette Wells 1, 2, and 3) indicate that the stream depletion created by pumping of the wellfield wells are 87 percent, 81 percent, and 91 percent, respectively, in 10 days of continuous pumping. These percentages significantly exceed the required minimum of 50 percent stream depletion within 10 days. The use of groundwater from each of the 3 wells (Willamette Wells 1, 2 and 3) would, therefore, affect the Willamette River similarly to the authorized point of diversion in Certificate 54268.

IV. Conclusion

The proposed changes to a portion of Certificate 54268 meets the requirements of OAR 690-380-2130. As discussed above, the criteria in OAR 690-380-5000 are met. The Willamette Wells 1, 2 and 3 appropriate water from a gravel unit that is hydraulically connected to the Willamette River. The proposed new wells are all located within 500 feet from the Willamette River. Although the wells are not located within 1000 feet downstream from the original point of diversion in Certificate 54268, the evidence provided in this report and its attachments demonstrates that the use of the groundwater at the new points of diversion would affect the Willamette River similarly to the authorized point of diversion. Accordingly, the proposed change would meet the criteria in OAR 690-380-2130(2).

References

- GSI 2006. *Cities of Independence and Monmouth - Collector Well Feasibility Study*. GSI Memorandum. Prepared for Ed Butts, 4B Engineering & Consulting. October 20, 2006.
- 4B Engineering & Consulting. *Cities of Independence and Monmouth - Willamette Wellfield Preliminary Data*. Report. Prepared Cities of Monmouth and Independence. May 2011.

TABLE 1
2008 7-Day Pumping Test
Aquifer Property Estimate & Stream Depletion
City of Independence

	TRANSMISSIVITY (T)				Stream Depletion
	Transducer Dataset ¹		Summary Statement ²		
	gpd/ft	ft ² /day	gpd/ft	ft ² /day	
Well 1	3,900,000	520,000	530,000	71,000	% at 10 days 87%
Well 2	8,200,000	1,090,000	620,000	83,000	81%
Well 3	1,200,000	160,000	37,000	4,900	91%

Notes:

1 = no static water level data provided for the wells, and transducer data provided required some interpretation

2 = Summary statement found at bottom of manual water level data summary sheet

Storativity value estimated to be 0.10 for all calculations due to proximity to the River

 = T values used in stream depletion calculations (largest T values showed the smallest depletion)

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WELL TEST DATA SHEET

4B Engineering & Consulting LLC, 3000 Market St. NE, Suite 527, Salem, OR 97301 Ph: 503-589-1115, Fax: 503-589-1118

Pg. ___ of ___

Owner's Name: Cities of Monmouth and Independence		Well Location: Willamette River Wellfield (South)	
Well Name/No.: #1 (South Well)		Date(s) of Test: Sept 22, 2008 to Sept 30, 2008	
Well Diameter:	Depth:	Static Level:	Screen/Perf at:
Test Pump Setting:	Test Pump Type:	Air Line/Probe/Transmitter	W/L Device Length: 41'
SWL After Test:	Drilled By:	Test Started: 1910 Hrs.	Test Stopped: 1400 Hrs.
Tested By (Firm):		Name:	Max. GPM: 500 @ 34.5' PWL After 188 Hrs.

GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER	GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER
500	34.5'	9/22/08 7:10 pm		500	34.33'	8:01 am	
500	34.1'	9:10 pm		500	34.33'	10:02 am	
525	34.33'	9/23/08 1:00 am		500	34.33'	12:01 pm	
500	33.9'	5:00 am		500	34.33'	2:02 pm	
490	33.9'	7:00 am		500	34.33'	4:00 pm	
500	34'	9:15 am		500	34.25'	5:58 pm	
500	33.9'	11:05 am		500	34.33'	8:01 pm	
475	34.1'	1:15 pm		500	34.33'	9:56 pm	
490	34.21'	4:13 pm		500	34.33'	9/27/08 6:06 am	
500	34.08'	6:07 pm		500	34.33'	8:03 am	
525	34.08'	8:11 pm		500	34.33'	10:01 am	
525	33.91'	10:06 pm		500	34.33'	12:02 pm	
490	33.91'	9/24/08 12:07 am		500	34.33'	1:59 pm	
490	33.83'	6:09 am		500	34.33'	4:00 pm	
475	34.00'	8:17 am		500	34.37'	5:58 pm	
500	34.00'	10:06 am		500	34.45'	9/28/08 1:40 am	
475	34.25'	12:05 pm		500	34.45'	5:30 am	
500	34.33'	2:05 pm		500	34.45'	7:50 am	
500	34.33'	4:08 pm		500	34.45'	10:10 am	
500	34.38'	6:07 pm		300+	33.2'	2:40 pm	MPA started at 1:00 pm
500	34.25'	8:07 pm		300+	33.175'	7:00 pm	
500	34.33'	10:06 pm		300	33.25'	11:45 pm	
500	34.33'	9/25/08 12:01 am		300	33.3'	9/29/08 6:40 am	
520	34.33'	6:07 am		500	34.6'	11:50 am	
500	34.29'	8:11 am		500	34.7'	4:50 pm	
500	34.29'	10:05 am		500	34.65'	9/30/08 8:40 am	
500	34.33'	12:07 pm		500	34.65'	1:10 pm	
500	34.33'	2:03 pm					
500	34.33'	4:00 pm					
500	34.29'	6:02 pm					
500	34.33'	8:00 pm					
500	34.37'	10:01 pm					
500	34.33'	11:39 pm					
500	34.33'	9/26/08 6:04 am					

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OWRD

Comments: Summary Capacity: 500 GPM @ 34.7' PWL (2' drawdown) (≈250 GPM/ft.)

By: _____ Firm: _____ Approved: _____ Firm: _____

T 12773

WELL TEST DATA SHEET

4B Engineering & Consulting LLC, 3000 Market St. NE, Suite 527, Salem, OR 97301 Ph: 503-589-1115, Fax: 503-589-1118

Pg. ___ of ___

Owner's Name: Cities of Monmouth and Independence		Well Location: Willamette River Wellfield (South)	
Well Name/No.: #2		Date(s) of Test: Sept 22, 2008 to Sept 30, 2008	
Well Diameter: 8"	Depth:	Static Level:	Screen/Perf at:
Test Pump Setting:	Test Pump Type:	Air Line/Probe/Transmitter	W/L Device Length: 43.085'
SWL After Test:	Drilled By:	Test Started: 1900 Hrs.	Test Stopped: 1405 Hrs.
Tested By (Firm):	Name:	Max. GPM: @	PWL After Hrs.

GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER	GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER
510	27.67'	9/22/08 7:00 pm		510	27.75'	9/26/08 6:00 am	
500	27.5'	9:00 pm		500	27.75'	7:54 am	
500	27.75'	9/23/08 1:00 am		500	27.75'	9:57 am	
500	27.75'	5:00 am		500	27.75'	11:56 am	
500	27.58'	7:00 am		500	27.75'	1:59 pm	
510	27.67'	9:00 am		510	27.75'	3:56 pm	
500	27.67'	11:00 am		510	27.75'	5:51 pm	
500	27.63'	1:00 pm		500	27.75'	7:55 pm	
500	27.67'	3:00 pm		510	27.75'	9:51 pm	
500	27.63'	4:01 pm		510	27.75'	9/27/08 6:01 am	
510	27.67'	6:01 pm		500	27.75'	7:56 am	
510	27.67'	8:00 pm		500	27.75'	9:56 am	
500	27.72'	9:59 pm		510	27.75'	11:38 am	
510	27.75'	9/24/08 12:01 am		510	27.75'	1:54 pm	
500	27.72'	6:01 am		510	27.75'	3:56 pm	
510	27.67'	8:06 am		510	27.75'	5:53 pm	
510	27.67'	9:59 am		500	27.87'	9/28/08 1:30 am	
500	27.67'	11:59 am		500	27.91'	5:40 am	
500	27.67'	1:58 pm		500	27.98'	7:40 am	
510	27.75'	4:00 pm		500	27.92'	10:15 am	
510	27.81'	5:57 pm		510	27.92'	2:45 pm	
500	27.75'	8:03 pm		510	27.92'	6:50 pm	
510	27.75'	10:01 pm		510	27.92'	11:40 pm	
500	27.71'	11:55 pm		510	27.92'	9/29/08 6:45 am	
510	27.67'	9/25/08 6:02 am		500	28.15'	12:00 pm	
500	27.67'	8:04 am		500	28.0'	4:30 pm	
510	27.67'	10:01 am		480	27.75'	9/30/08 8:30 am	
510	27.75'	12:02 pm		480	27.70'	1:05 pm	
510	27.75'	1:58 pm					
500	27.75'	3:58 pm					
500	27.75'	5:56 pm					
500	27.75'	7:55 pm					
500	27.75'	9:57 pm					
510	27.75'	11:55 pm					

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Comments: Summary Capacity: 510 GPM @ 28' PWL (1.75' drawdown) (=275 GPM/ft.)

By: _____ Firm: _____ Approved: _____ Firm: _____

OWRD

Transmissivity from Specific Capacity using the Theis Equation

WELL 2

Adapted from Vorhis (1979)

Theis Equation: $T = [Q/(4*s*pi)]W(u)$
 $u = (r^2*S)/(4*T*t)$
 $W(u) = (-\ln u) - (0.5772157) + (u/1*1!) - (u^2/2*2!) + (u^3/3*3!) - (u^4/4*4!) + \dots$

T = transmissivity (L²/T)
 s = drawdown (L)
 S = storage coefficient (dimensionless)
 pi = 3.141592654

r = radial distance (L)
 t = time (T)
 u = dimensionless
 W(u) = well function

Note: Transmissivity is derived using an iterative process

The calculations use a known or assumed Storage Coefficient (S) provided by the user. Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration. The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration. Total Theis Equation iterations = 25 iterations. Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001. Can accept answer if u in the last iteration is < 7.1.

Note: Well efficiency is not included in the calculations

References:

This, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.

Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry

Enter Data Below
(yellow boxes only)

Well Log ID or Comment for Records	Average Specific Capacity	
Pumping Rate (gpm) = Q =	504.00	(gpm)
Drawdown (feet) = s =	0.15	(feet)
Time (hours) = t =	187.1000	(hours)
Storage Coefficient = S =	0.100000	(dimensionless)
Well Diameter (inches) = d =	8.0000	(inches)

Press F9 to Calculate

Calculated Results	Calculated Results	
Transmissivity (ft ² /day) = T =	1,094,703.23	(ft ² /day)
Transmissivity (gpd/ft) = T =	8,188,949.39	(gpd/ft)
Transmissivity Difference = (last 2 iterations)	0.0000E+00 okay to use T if diff < 0.0001	(ft ² /day)
u = (last iteration)	3.2549E-10 okay to use T if u < 7.1	

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
0.15	0.10000	504.00	1.12	7.80	0.33			646,799.96		T = Q/s	
0.15	0.10000	504.00	1.12	7.80	0.33	5.5089E-10	20.7423	1,067,619.26	4.2082E+05	T = Theis Equation	1.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.3375E-10	21.2434	1,093,413.78	2.5795E+04	T = Theis Equation	2.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2587E-10	21.2673	1,094,642.56	1.2288E+03	T = Theis Equation	3.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2551E-10	21.2684	1,094,700.38	5.7811E+01	T = Theis Equation	4.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.09	2.7182E+00	T = Theis Equation	5.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.22	1.2781E-01	T = Theis Equation	6.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	6.0091E-03	T = Theis Equation	7.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	2.8254E-04	T = Theis Equation	8.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	1.3284E-05	T = Theis Equation	9.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	6.2445E-07	T = Theis Equation	10.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	2.9569E-08	T = Theis Equation	11.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	12.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	13.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	14.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	15.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	16.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	17.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	18.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	19.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	20.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	21.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	22.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	23.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	24.00
0.15	0.10000	504.00	1.12	7.80	0.33	3.2549E-10	21.2685	1,094,703.23	0.0000E+00	T = Theis Equation	25.00

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WELL 1

Transmissivity from Specific Capacity using the Theis Equation

Adapted from Vorhis (1979)

Theis Equation: $T = [Q/(4*s*\pi)]W(u)$
 $u = (r^2*S)/(4*T*t)$
 $W(u) = (-\ln u) - (0.5772157) + (u/1*1!) - (u^2/2*2!) + (u^3/3*3!) - (u^4/4*4!) + \dots$

T = transmissivity (L²/T)
s = drawdown (L)
S = storage coefficient (dimensionless)
pi = 3.141592654

r = radial distance (L)
t = time (T)
u = dimensionless
W(u) = well function

Note: Transmissivity is derived using an iterative process
The calculations use a known or assumed Storage Coefficient (S) provided by the user
Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration
The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration
Total Theis Equation iterations = 25 iterations
Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001
Can accept answer if u in the last iteration is < 7.1

Note: Well efficiency is not included in the calculations

References:
Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry

Enter Data Below
(yellow boxes only)

Well Log ID or Comment for Records: Average Specific Capacity

Pumping Rate (gpm) = Q = 500.00 (gpm)

Drawdown (feet) = s = 2.00 (feet)

Time (hours) = t = 186.8000 (hours)

Storage Coefficient = S = 0.100000 (dimensionless)

Well Diameter (inches) = d = 8.0000 (inches)

Press F9 to Calculate

Calculated Results

Transmissivity (ft²/day) = T = 70,966.93 (ft²/day)

Transmissivity (gpd/ft) = T = 530,869.53 (gpd/ft)

Transmissivity Difference = (last 2 iterations) = 0.0000E+00 (ft²/day)
okay to use T if diff < 0.0001

u = (last iteration) = 5.0289E-09
okay to use T if u < 7.1

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
2.00	0.10000	500.00	1.11	7.78	0.33			48,125.00		T = Q/s	
2.00	0.10000	500.00	1.11	7.78	0.33	7.4159E-09	18.1424	69,479.44	2.1354E+04	T = Theis Equation	1.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.1368E-09	18.5097	70,885.80	1.4064E+03	T = Theis Equation	2.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0347E-09	18.5297	70,982.55	7.6744E+01	T = Theis Equation	3.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0292E-09	18.5308	70,966.69	4.1439E+00	T = Theis Equation	4.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.92	2.2363E-01	T = Theis Equation	5.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	1.2068E-02	T = Theis Equation	6.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	6.5124E-04	T = Theis Equation	7.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	3.5143E-05	T = Theis Equation	8.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	1.8965E-06	T = Theis Equation	9.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	1.0234E-07	T = Theis Equation	10.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	5.5152E-09	T = Theis Equation	11.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	3.0559E-10	T = Theis Equation	12.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	13.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	14.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	15.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	16.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	17.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	18.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	19.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	20.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	21.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	22.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	23.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	24.00
2.00	0.10000	500.00	1.11	7.78	0.33	5.0289E-09	18.5308	70,966.93	0.0000E+00	T = Theis Equation	25.00

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WELL TEST DATA SHEET

4B Engineering & Consulting LLC, 3000 Market St. NE, Suite 527, Salem, OR 97301 Ph: 503-589-1115, Fax: 503-589-1118

Pg. _____ of _____

Owner's Name: Cities of Monmouth and Independence		Well Location: Willamette River Wellfield (South)	
Well Name/No.: #3 (North Well)		Date(s) of Test: Sept 22, 2008 to Sept 30, 2008	
Well Diameter: 8"	Depth:	Static Level:	Screen/Perf at:
Test Pump Setting:	Test Pump Type:	Air Line/Probe/Transmitter	W/L Device Length: 40.83"
SWL After Test:	Drilled By:	Test Started: 1915 Hrs.	Test Stopped: 1420 Hrs.
Tested By (Firm): _____ Name: _____		Max. GPM: @ _____	PWL After _____ Hrs.

GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER	GPM	PUMPING LEVEL	TIME OF DAY	CONDITION OF WATER
150	32.1'	9/22/08 7:15 pm		160	31.71'	10:08 am	
150	31.67'	9:30 pm		160	31.67'	12:12 pm	
160	31.6'	9/23/08 1:00 am		160	31.63'	2:12 pm	
160	31.5'	5:00 am		160	31.63'	4:05 pm	
160	31.41'	7:00 am		160	31.75'	6:04 pm	
160	31.33'	9:00 am		160	31.67'	8:10 pm	
180	32.17'	11:15 am	Raise flow	160	31.75'	10:03 pm	
170	32.17'	1:10 pm		160	31.67'	9/27/08 6:13 am	
170	32.25'	4:07 pm		160	31.67'	8:11 am	
170	32.17'	6:12 pm		160	31.63'	10:05 am	
170	32.25'	8:20 pm		160	31.58'	12:15 pm	
170	32.17'	10:15 pm		160	31.58'	2:04 pm	
170	32.17'	9/24/08 12:14 am		160	31.58'	4:04 pm	
170	32.08'	6:15 am		160	31.67'	6:04 pm	
170	32.08'	8:27 am		175	31.65'	9/28/08 1:50 am	
170	32.04'	10:11 am		175	31.6'	5:50 am	
170	32.08'	12:22 pm		175	31.6'	7:30 am	
170	32.08'	2:10 pm		175	31.65'	10:20 am	
170	32.04'	4:18 pm		175	31.65'	3:00 pm	
170	32.00'	6:26 pm		175	31.65'	7:05 pm	
165	32.04'	8:15 pm		175	31.65'	11:35 pm	
170	32.00'	10:14 pm		175	31.65'	9/29/08 6:50 am	
170	32.04'	9/25/08 12:09 am		175	31.7'	11:55 am	
170	32.00'	6:15 am		175	31.73'	4:45 pm	
170	31.92'	8:20 am		175	31.62'	9/30/08 8:50 am	
160	31.75'	10:12 am		175	31.6'	1:20 pm	
160	31.75'	2:09 pm					
160	31.75'	4:08 pm					
160	31.75'	6:08 pm					
160	31.75'	8:07 pm					
170	31.75'	10:09 pm					
160	31.75'	9/26/08 12:05 am					
160	31.75'	6:09 am					
160	31.75'	8:11 am					

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Comments: **Summary Capacity: 175 GPM @ 31.7' PWL (8.6' drawdown) (≈20 GPM/ft.)**

By: _____ Firm: _____ Approved: _____ Firm: _____

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Transmissivity from Specific Capacity using the Theis Equation

WELL 1

Adapted from Vorhis (1979)

Theis Equation: $T = [Q/(4*s*\pi)]W(u)$
 $u = (r^2*S)/(4*T*t)$
 $W(u) = (-\ln u) - (0.5772157) + (u/1*1) - (u^2/2*2!) + (u^3/3*3!) - (u^4/4*4!) + \dots$

T = transmissivity (L²/T)
 s = drawdown (L)
 S = storage coefficient (dimensionless)
 pi = 3.141592654

r = radial distance (L)
 t = time (T)
 u = dimensionless
 W(u) = well function

Note: Transmissivity is derived using an iterative process

The calculations use a known or assumed Storage Coefficient (S) provided by the user
 Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration
 The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration
 Total Theis Equation iterations = 25 iterations
 Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001
 Can accept answer if u in the last iteration is < 7.1

Note: Well efficiency is not included in the calculations

References:

Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.

Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry

Enter Data Below
(yellow boxes only)

Well Log ID or Comment for Records	Average Specific Capacity	
Pumping Rate (gpm) = Q =	500.00	(gpm)
Drawdown (feet) = s =	0.30	(feet)
Time (hours) = t =	186.8000	(hours)
Storage Coefficient = S =	0.100000	(dimensionless)
Well Diameter (inches) = d =	8.0000	(inches)
Press F9 to Calculate		

Calculated Results	Calculated Results	
Transmissivity (ft ² /day) = T =	524,164.64	(ft ² /day)
Transmissivity (gpd/ft) = T =	3,921,024.09	(gpd/ft)
Transmissivity Difference = (last 2 iterations)	0.0000E+00 okay to use T if diff < 0.0001	(ft ² /day)
u = (last iteration)	6.8087E-10 okay to use T if u < 7.1	

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
0.30	0.10000	500.00	1.11	7.78	0.33			320,833.31		T = Q/s	
0.30	0.10000	500.00	1.11	7.78	0.33	1.1124E-09	20.0396	511,831.63	1.9080E+05	T = Theis Equation	1.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.9755E-10	20.5082	523,546.78	1.1915E+04	T = Theis Equation	2.00
0.30	0.10000	500.00	1.11	7.78	0.33	8.8167E-10	20.5293	524,134.53	5.8775E+02	T = Theis Equation	3.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8091E-10	20.5304	524,163.18	2.8646E+01	T = Theis Equation	4.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.57	1.3953E+00	T = Theis Equation	5.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	6.7965E-02	T = Theis Equation	6.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	3.3104E-03	T = Theis Equation	7.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	1.6125E-04	T = Theis Equation	8.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	7.8541E-06	T = Theis Equation	9.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	3.8248E-07	T = Theis Equation	10.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	1.8685E-08	T = Theis Equation	11.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	8.7311E-10	T = Theis Equation	12.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	13.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	14.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	15.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	16.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	17.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	18.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	19.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	20.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	21.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	22.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	23.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	24.00
0.30	0.10000	500.00	1.11	7.78	0.33	6.8087E-10	20.5304	524,164.64	0.0000E+00	T = Theis Equation	25.00

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Transmissivity from Specific Capacity using the Theis Equation

WELL 2

Adapted from Vorhies (1979)

Theis Equation: $T = [Q/(4*s*pi)]W(u)$
 $u = (r^2*S)/(4*t*L)$
 $W(u) = (-\ln u) - (0.5772157) + (u^{1.1}) - (u^2/2) + (u^3/3) - (u^4/4) + \dots$

T = transmissivity (L²/T)
 s = drawdown (L)
 S = storage coefficient (dimensionless)
 pi = 3.141592654

r = radial distance (L)
 t = time (T)
 u = dimensionless
 W(u) = well function

Note: Transmissivity is derived using an iterative process

The calculations use a known or assumed Storage Coefficient (S) provided by the user. Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration. The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration. Total Theis Equation iterations = 25 iterations. Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001. Can accept answer if u in the last iteration is < 7.1.

Note: Well efficiency is not included in the calculations

References:

Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
 Vorhies, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry

Enter Data Below
(yellow boxes only)

Well Log ID or Comment for Records	Average Specific Capacity	
Pumping Rate (gpm) = Q =	510.00	(gpm)
Drawdown (feet) = s =	1.75	(feet)
Time (hours) = t =	187.1000	(hours)
Storage Coefficient = S =	0.100000	(dimensionless)
Well Diameter (inches) = d =	8.0000	(inches)
Press F9 to Calculate		

Calculated Results	Calculated Results	
Transmissivity (ft ² /day) = T =	83,458.13	(ft ² /day)
Transmissivity (gpd/ft) = T =	624,310.19	(gpd/ft)
Transmissivity Difference = (last 2 iterations)	0.0000E+00 okay to use T if diff < 0.0001	(ft ² /day)
u = (last iteration)	4.2694E-09 okay to use T if u < 7.1	

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
1.75	0.10000	510.00	1.14	7.80	0.33			58,100.00		T = Q/s	
1.75	0.10000	510.00	1.14	7.80	0.33	6.3514E-09	18.2974	81,684.87	2.5585E+04	T = Theis Equation	1.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.3621E-09	18.6731	83,362.25	1.6774E+03	T = Theis Equation	2.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2743E-09	18.6934	83,453.00	9.0745E+01	T = Theis Equation	3.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2697E-09	18.6945	83,457.85	4.8570E+00	T = Theis Equation	4.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.11	2.5982E-01	T = Theis Equation	5.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	1.3898E-02	T = Theis Equation	6.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	7.4343E-04	T = Theis Equation	7.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	3.9767E-05	T = Theis Equation	8.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	2.1272E-06	T = Theis Equation	9.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	1.1381E-07	T = Theis Equation	10.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	6.0536E-09	T = Theis Equation	11.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	3.4925E-10	T = Theis Equation	12.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	13.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	14.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	15.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	16.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	17.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	18.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	19.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	20.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	21.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	22.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	23.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	24.00
1.75	0.10000	510.00	1.14	7.80	0.33	4.2694E-09	18.6946	83,458.13	0.0000E+00	T = Theis Equation	25.00

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WELL 3

Transmissivity from Specific Capacity using the Theis Equation

Adapted from Vorhis (1979)

Theis Equation: $T = [Q/(4*s*\pi)]W(u)$
 $u = (r^2*S)/(4*T*t)$
 $W(u) = (-\ln u) - (0.5772157) + (u^{1*1}) - (u^2*2!) + (u^3*3!) - (u^4*4!) + \dots$

T = transmissivity (L²/T)
 s = drawdown (L)
 S = storage coefficient (dimensionless)
 pi = 3.141592654

r = radial distance (L)
 t = time (T)
 u = dimensionless
 W(u) = well function

Note: Transmissivity is derived using an iterative process

The calculations use a known or assumed Storage Coefficient (S) provided by the user. Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration. The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration. Total Theis Equation iterations = 25 iterations. Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001. Can accept answer if u in the last iteration is < 7.1.

Note: Well efficiency is not included in the calculations

References:

Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
 Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

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Data Entry

Enter Data Below
(yellow boxes only)

Well Log ID or Comment for Records	Average Specific Capacity	
Pumping Rate (gpm) = Q =	166.00	(gpm)
Drawdown (feet) = s =	0.31	(feet)
Time (hours) = t =	187.1000	(hours)
Storage Coefficient = S =	0.100000	(dimensionless)
Well Diameter (inches) = d =	8.0000	(inches)
Press F9 to Calculate		

Calculated Results	Calculated Results	
Transmissivity (ft ² /day) = T =	157,014.36	(ft ² /day)
Transmissivity (gpd/ft) = T =	1,174,549.08	(gpd/ft)
Transmissivity Difference = (last 2 iterations)	0.0000E+00 okay to use T if diff < 0.0001	(ft ² /day)
u = (last iteration)	2.2693E-09 okay to use T if u < 7.1	

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
0.31	0.10000	166.00	0.37	7.80	0.33			102,092.64		T = Q/s	
0.31	0.10000	166.00	0.37	7.80	0.33	3.4901E-09	18.8861	153,517.22	5.1425E+04	T = Theis Equation	1.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.3210E-09	19.3040	156,831.37	3.3142E+03	T = Theis Equation	2.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2720E-09	19.3254	157,004.89	1.7352E+02	T = Theis Equation	3.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2695E-09	19.3265	157,013.87	8.9839E+00	T = Theis Equation	4.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.34	4.6486E-01	T = Theis Equation	5.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	2.4053E-02	T = Theis Equation	6.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	1.2448E-03	T = Theis Equation	7.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	6.4396E-05	T = Theis Equation	8.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	3.3320E-06	T = Theis Equation	9.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	1.7241E-07	T = Theis Equation	10.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	8.9058E-09	T = Theis Equation	11.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	4.9477E-10	T = Theis Equation	12.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	13.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	14.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	15.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	16.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	17.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	18.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	19.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	20.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	21.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	22.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	23.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	24.00
0.31	0.10000	166.00	0.37	7.80	0.33	2.2693E-09	19.3266	157,014.36	0.0000E+00	T = Theis Equation	25.00

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Transmissivity from Specific Capacity using the Theis Equation

WELL 3

Adapted from Vorhis (1979)

Theis Equation: $T = [Q/(4*s*\pi)]W(u)$
 $u = (r^2*S)/(4*T*t)$
 $W(u) = (-\ln u) - (0.5772157) + (u^{1.1}) - (u^2/2) + (u^3/3) - (u^4/4) + \dots$

T = transmissivity (L²/T)
 s = drawdown (L)
 S = storage coefficient (dimensionless)
 pi = 3.141592654

r = radial distance (L)
 t = time (T)
 u = dimensionless
 W(u) = well function

Note: Transmissivity is derived using an iterative process

The calculations use a known or assumed Storage Coefficient (S) provided by the user. Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration. The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration. Total Theis Equation iterations = 25 iterations. Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001. Can accept answer if u in the last iteration is < 7.1.

Note: Well efficiency is not included in the calculations

References:

Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
 Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry

Enter Data Below
(yellow boxes only)

Well Log ID or Comment for Records	Average Specific Capacity	
Pumping Rate (gpm) = Q =	175.00	(gpm)
Drawdown (feet) = s =	8.60	(feet)
Time (hours) = t =	187.1000	(hours)
Storage Coefficient = S =	0.100000	(dimensionless)
Well Diameter (inches) = d =	8.0000	(inches)
Press F9 to Calculate		

Calculated Results	Calculated Results	
Transmissivity (ft ² /day) = T =	4,946.62	(ft ² /day)
Transmissivity (gpd/ft) = T =	37,003.27	(gpd/ft)
Transmissivity Difference = (last 2 iterations)	0.0000E+00 okay to use T if diff < 0.0001	(ft ² /day)
u = (last iteration)	7.2032E-08 okay to use T if u < 7.1	

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
8.60	0.10000	175.00	0.39	7.80	0.33			3,917.15		T = Q/s	
8.60	0.10000	175.00	0.39	7.80	0.33	9.0963E-08	15.6356	4,873.88	9.5673E+02	T = Theis Equation	1.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.3107E-08	15.8541	4,942.00	8.8118E+01	T = Theis Equation	2.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2100E-08	15.8680	4,946.33	4.3264E+00	T = Theis Equation	3.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2036E-08	15.8689	4,946.80	2.7277E-01	T = Theis Equation	4.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	1.7190E-02	T = Theis Equation	5.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	1.0832E-03	T = Theis Equation	6.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	6.8261E-05	T = Theis Equation	7.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	4.3015E-06	T = Theis Equation	8.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	2.7106E-07	T = Theis Equation	9.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	1.7083E-08	T = Theis Equation	10.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	1.0759E-09	T = Theis Equation	11.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	8.8212E-11	T = Theis Equation	12.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	13.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	14.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	15.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	16.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	17.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	18.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	19.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	20.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	21.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	22.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	23.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	24.00
8.60	0.10000	175.00	0.39	7.80	0.33	7.2032E-08	15.8689	4,946.82	0.0000E+00	T = Theis Equation	25.00

T 12773

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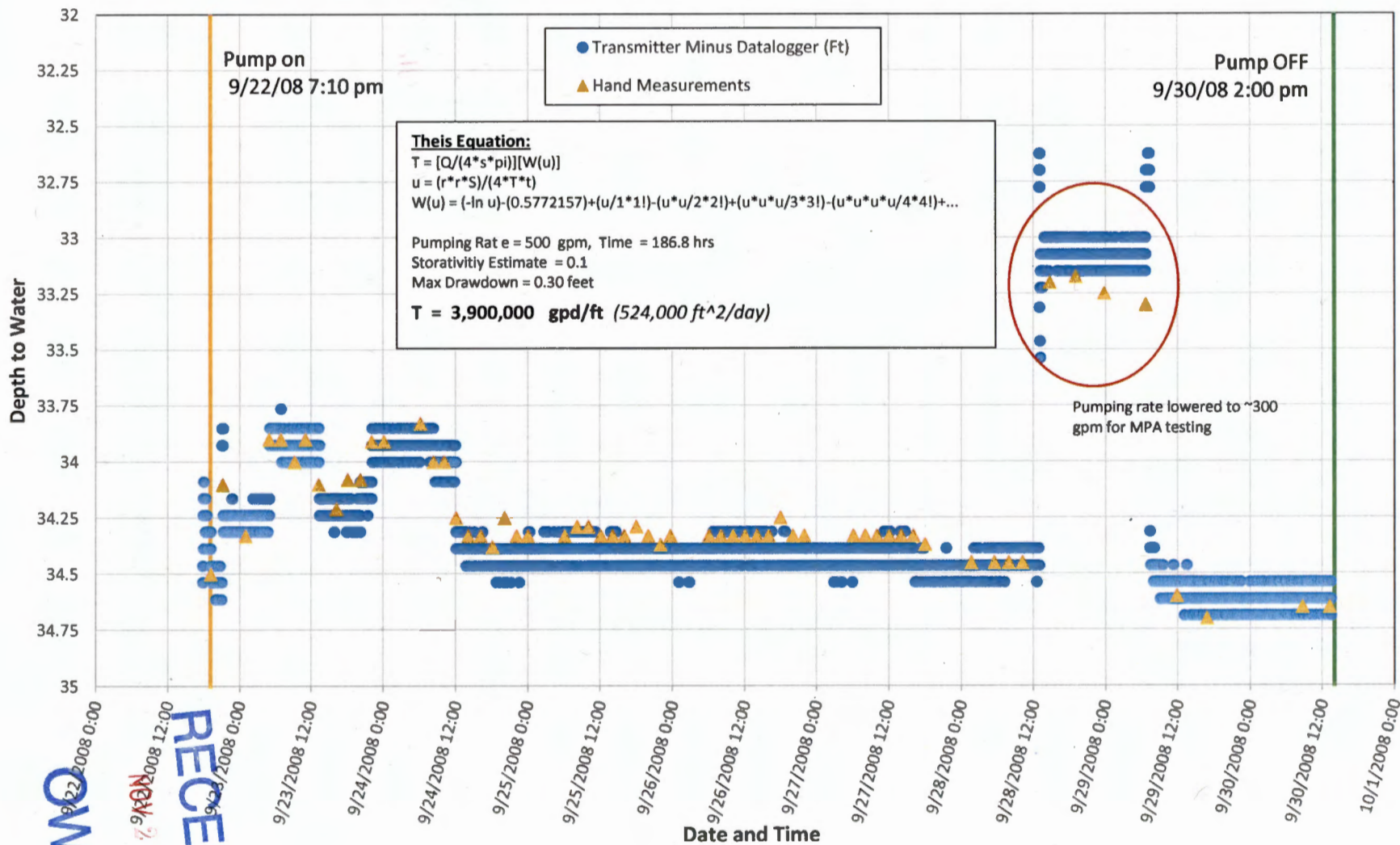
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ATTACHMENT D

Stream Depletion Evaluation

Well 1 Pumping Test - Water Level Data



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 10/1/2017
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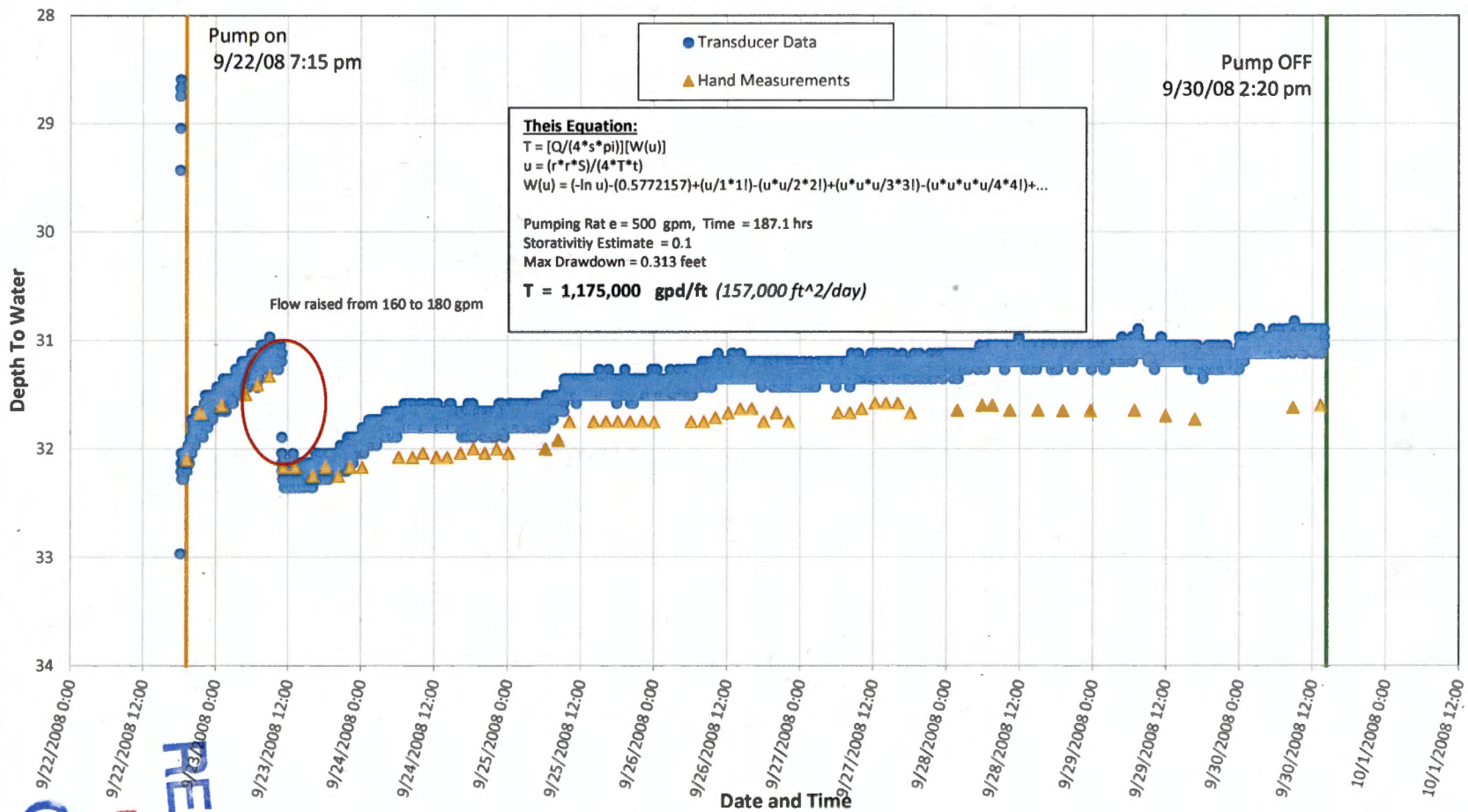
NOV 20 2017

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ATTACHMENT C

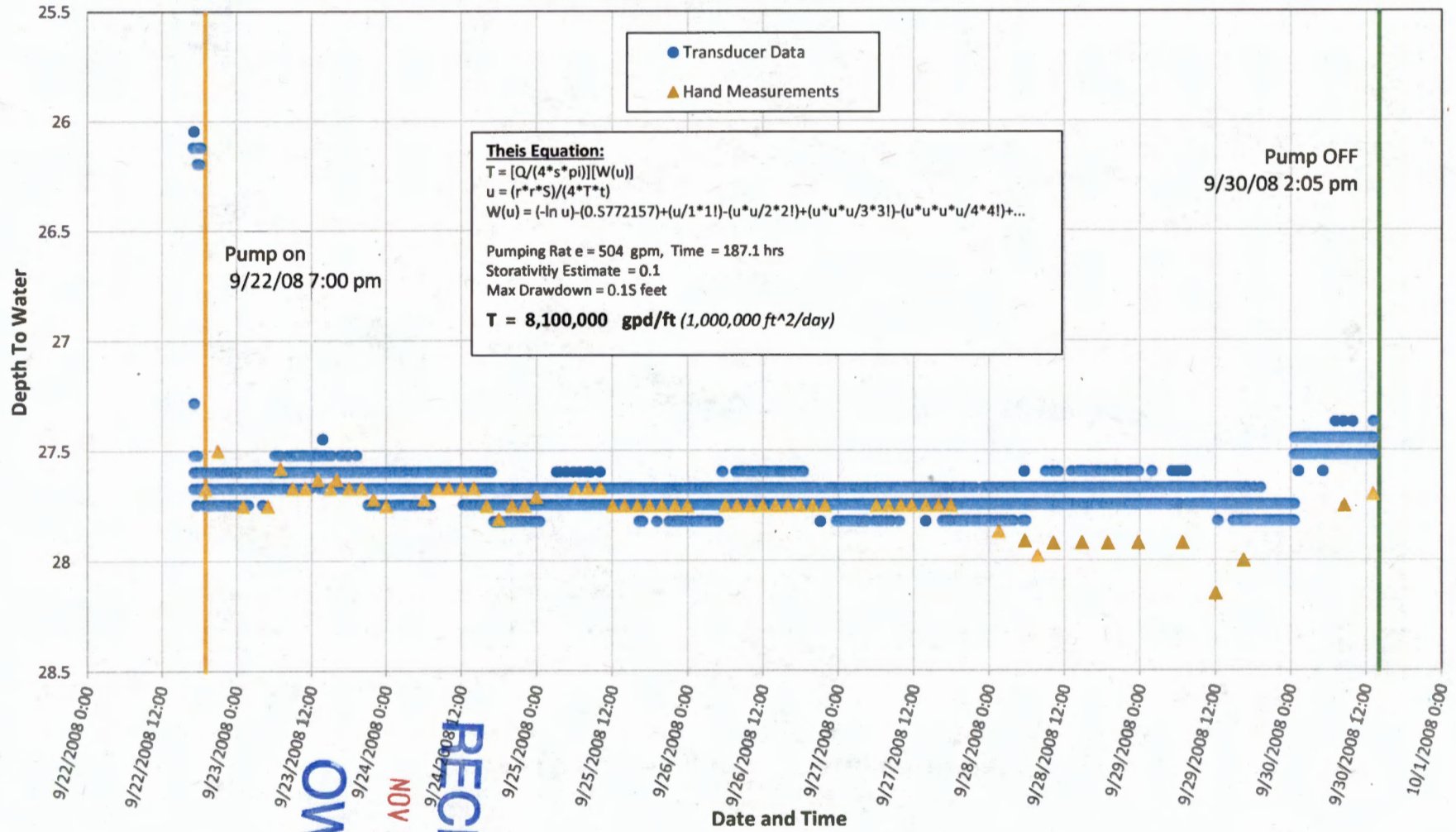
2008 Pump Test Parameter Evaluation

Well 3 Pumping Test - Water Level Data



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Well 2 Pumping Test - Water Level Data



T 12773

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 NOV 20 2017
 OWRD

POLK 52861 State

L 93614
196825

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

(START CARD) #

(1) OWNER: City of Independence
Well Number #2
Name City of Independence
Address P.O. Box 7
City Independence State Or Zip 97351

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other Municipal

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 53 ft.
Explosives used Yes No Type Amount

HOLE Diameter	From	To	SEAL		Amount
			Material	From To	
12"	0'	53'	Cement	27' 17'	40 SACKS
			Bentonite	17' 13'	28 SACKS
			Cement	13' 1.5'	15 SACKS
			Bentonite	1.5' 0'	3 SACKS

How was seal placed: Method A B C D E
 Other powdered - probod
Backfill placed from 27 ft. to 29 ft. Material 1/4" minus
Gravel placed from 29 ft. to 53 ft. Size of gravel 28 round

Casing/Liner Diameter	From	To	Gauge	Material			
				Steel	Plastic	Welded	Threaded
Casing: 8"	13.5'	29'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	8"	45.5'	53'	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) none

(7) PERFORATIONS/SCREENS:
 Perforations Method
 Screens Type V-slot Material 304SS

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
29'	45.5'	100		8"	P.S.	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
45 GPM	0'		1 hr.

Temperature of Water 54° Depth Artesian Flow Found
Was a water analysis done? Yes By whom
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Polk Latitude Longitude
Township 8S N or S. Range 4W E or W. WM.
Section 33 NW 1/4 NE 1/4
Tax Lot 201 Lot Block Subdivision
Street Address of Well (or nearest address) S. Corvallis Rd, Independence, Or

(10) STATIC WATER LEVEL:
23.5 ft. below land surface. Date 07-16-08
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 19

From	To	Estimated Flow Rate	SWL
23'	46'	45+GPM	23.5

(12) WELL LOG:
Ground elevation

Material	From	To	SWL
Fill Gravel - Pit Run	0'	6'	
Clay - Sandy - Brown	6'	15'	
Sand, silt with Clay + Gravel	15'	17'	
Gravel, small - medium w/ brown sand - loose	17'	46'	23.5'
Gravel, light w/ sand	46'	52'	23.5'
Clay - Blue	52'	57'	
Back filled w/ 1/4" minus from 57' to 53'			

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NOV 20 2017 SEP 18 2008
WATER RESOURCES DEPT
SALEM, OREGON
OWRD

Date started 06-09-08 Completed 07-16-08

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed _____ WWC Number _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Michael Waldrop WWC Number 633 Date 07-27-08

STATE OF OREGON WATER SUPPLY WELL REPORT (as required by ORS 537.765)

WELL I.D. # L 68856 START CARD # 163044

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER: CITY OF INDEPENDENCE, Well Number 1, Address P.O. Box 7, City INDEPENDENCE, State OR, Zip 97351

(2) TYPE OF WORK: New Well, Deepening, Alteration, Abandonment

(3) DRILL METHOD: Rotary Air, Rotary Mud, Cable, Auger, Other

(4) PROPOSED USE: Domestic, Community, Industrial, Irrigation, Thermal, Injection, Livestock, Other Municipal

(5) BORE HOLE CONSTRUCTION: Special Construction approval, Depth of Completed Well 61 ft.

Table with columns: HOLE Diameter, SEAL Material, Sacks or pounds. Includes entries for CEMENT and BENTONITE.

How was seal placed: Method A, B, C, D, E, Other Dry bentonite poured. Backfill placed from 38 ft. to 35 ft. Material 1/4" chush'd rk.

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes entries for 8" casing and liner.

Drive Shoe used: Inside, Outside, None. Final location of shoe(s)

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Includes entry for V-slot screens.

(8) WELL TESTS: Minimum testing time is 1 hour. Pump, Bailer, Air, Flowing Artesian. Yield 500 GPM, Drawdown 5'-2 1/4", Time 71 hr.

Temperature of water 50 degrees, Depth Artesian Flow Found, Was a water analysis done? Yes, Did any strata contain water not suitable for intended use?

(9) LOCATION OF WELL by legal description: County POLK, Township 8S, Range 4W, Section 33, NW 1/4, NE 1/4, Street Address of Well S. Corvallis Rd., Independence, OR.

(10) STATIC WATER LEVEL: 24 ft. below land surface. Date 01-16-07

(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWL. Includes entry for 4' to 56' at 500 GPM.

(12) WELL LOG: Table with columns: Material, From, To, SWL. Includes entries for Gravel, sand, soil fill, Dry Brown clay, Brown clay w/ gravel, silt, Gravel, small-large brown sand w-B., Blue-gray clay.

Date started DECEMBER 11, '06 Completed JANUARY 20, '07 (unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above.

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

POLK 52953

L93615
196828
 (START CARD) #

(1) OWNER: Well Number #3B
 Name CITY OF INDEPENDENCE-MON
 Address P.O. BOX 17
 City INDEPENDENCE State OR Zip 97351

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other Municipal

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 56 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
12"	0' 56'	CEMENT	0' 29'	48 SKS	

How was seal placed: Method A B C D E
 Other

Backfill placed from 31 ft. to 29 ft. Material 1/4" MINUS
 Gravel placed from 26 ft. to 31 ft. Size of gravel 3/8" ROUND

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	42'	31'	1.250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8"	49'	56'	1.250"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Liner: _____

Final location of shoe(s) NONE

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type V-SLOT Material 304 SS

From	To	Slot size	Number	Diameter	Tube/pipe size	Casing	Liner
31'	49'	100		8"	PS	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
45 fpm	0		1 hr.

Temperature of Water 54.0 Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County POLK Latitude _____ Longitude _____
 Township 8S N or S. Range 4W E or W. WM. _____
 Section 33 NW 1/4 NE 1/4
 Tax Lot 201 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) WELL #3B
S. CORVALLIS RD., IND., OR 97351

(10) STATIC WATER LEVEL:
28 ft. below land surface. Date 08-19-08
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
 Depth at which water was first found 28'

From	To	Estimated Flow Rate	SWL
31'	49'	45+GPM	28'

(12) WELL LOG:
 Ground elevation _____

Material	From	To	SWL
FILL - SAND + GRAVEL	0'	12'	
CLAY - SILTY BROWN	12'	18'	
CLAY - BROWN	18'	25'	
CLAY - GRAVELLY	25'	27'	
GRAVELLY CLAY	27'	31'	
GRAVEL, SMALL - LARGE w/ SOME BROWN SAND	31'	50'	28'
BLUE CLAY	50'	56'	

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 WATER RESOURCES DEPT
 SALEM, OREGON

Date started 07-24-08 Completed 08-20-08
 (unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

WWC Number _____
 Signed _____ Date _____

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

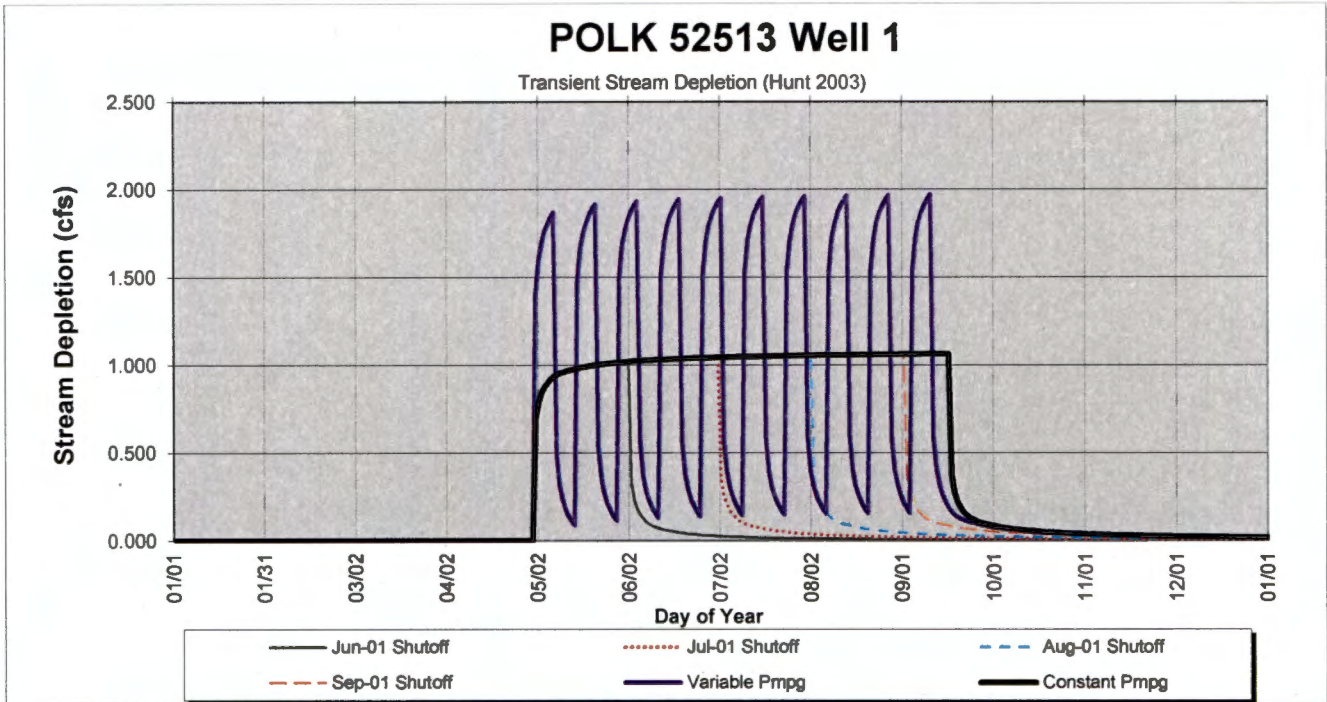
WWC Number 633
 Signed Michael Waldrop Date 09-01-08

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ATTACHMENT B
2006 Geologic Cross Section - City Well 1 Area



Parameters:		Values	Units
Perpendicular from well to stream	a	90	ft
Well depth	d	61	ft
Aquifer transmissivity	T_ft	520,000	ft ² /day
Aquifer storativity or specific yield	S	0.1000	Dimensionless
Stream width	ws	350	ft
Aquitard vertical hydraulic conductivity	Kva	50.0000	ft/day
Aquitard saturated thickness	ba	20	ft
Aquitard thickness below stream	babs	20	ft
Aquitard porosity	n	0.100	Dimensionless
Maximum irrigated acres per well, on all water rights		0.00	acres
Maximum pumping rate on all water rights	Qmwr	3.0000	cfs
Maximum pumping rate per well, all water rights	Qmp	2.2200	cfs
Constant pumping rate for model (Qmp/2)	Qwc	1.1100	cfs
Variable weekly pumping rate for model (Qmp)	Qwv	2.2200	cfs
Pumping days in irrigation season		138	days
Total acre feet pumped at constant pumping rate, Qwc		303.83	acre feet
Model start date		01/01/2014	
Date Pump On		05/01/2014	

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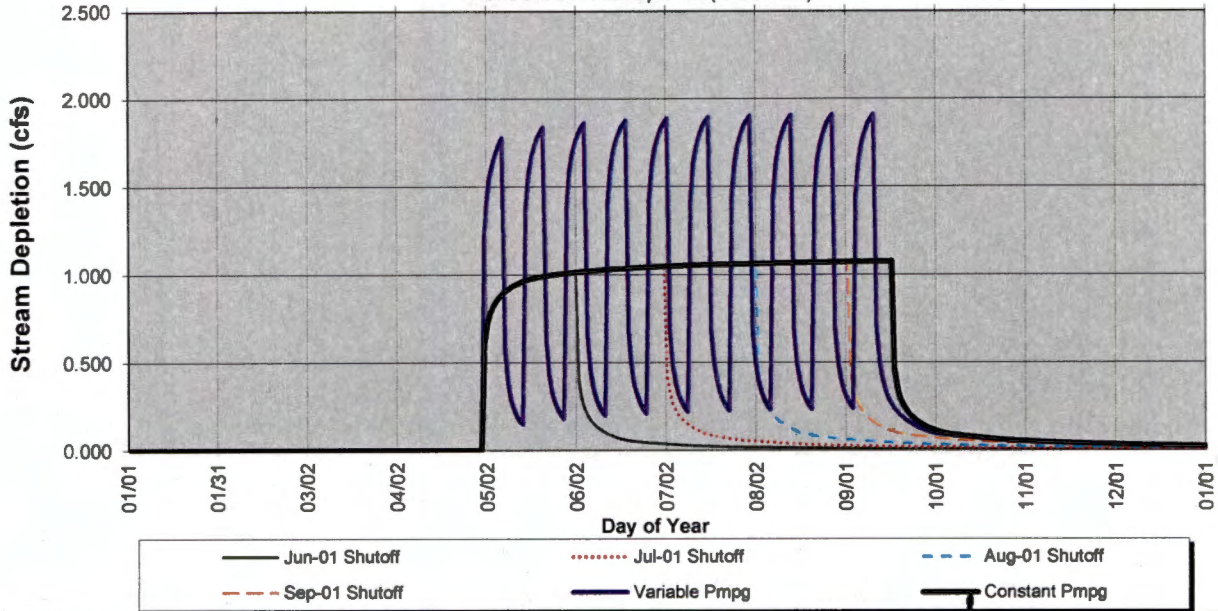
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Date	01/31	02/28	03/31	04/30	05/31	06/30	07/31	08/31	09/30	10/31	11/30	12/31
Stream Depl. %Q	0.0	0.0	0.0	0.0	91.8	94.0	95.0	95.6	7.9	3.3	2.1	1.5
Strrm Depl. cfs	0.000	0.000	0.000	0.000	1.019	1.043	1.055	1.061	0.088	0.037	0.023	0.017
Strm Depl Jun-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	0.027	0.012	0.007	0.005	0.004	0.003	0.002
Strm Depl Jul-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	1.043	0.037	0.018	0.012	0.008	0.006	0.005
Strm Depl Aug-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	1.043	1.055	0.044	0.023	0.015	0.011	0.009
Strm Depl Sep-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.019	1.043	1.055	1.061	0.050	0.027	0.018	0.014
Relief after Jun-01 shutoff (SD= 1.020, cfs)						0.993	1.008	1.013	1.015	1.016	1.017	1.018
Relief after Jul-01 shutoff (SD= 1.044, cfs)							1.006	1.025	1.032	1.035	1.037	1.039
Relief after Aug-01 shutoff (SD= 1.055, cfs)								1.011	1.031	1.039	1.044	1.046
Relief after Sep-01 shutoff (SD= 1.062, cfs)									1.011	1.035	1.043	1.048
Stream depletion at 138 = 1.064 cfs												
Stream depletion at 30 days = 91.6 %												

Stream depletion at 10 days = 86.5 %

POLK 52861 Well 2

Transient Stream Depletion (Hunt 2003)



Parameters:		Values	Units
Perpendicular from well to stream	a	95	ft
Well depth	d	57	ft
Aquifer transmissivity	T _{ft}	1,090,000	ft ² /day
Aquifer storativity or specific yield	S	0.1000	Dimensionless
Stream width	ws	350	ft
Aquitard vertical hydraulic conductivity	Kva	50.0000	ft/day
Aquitard saturated thickness	ba	20	ft
Aquitard thickness below stream	babs	20	ft
Aquitard porosity	n	0.100	Dimensionless
Maximum irrigated acres per well, on all water rights		0.00	acres
Maximum pumping rate on all water rights	Qmwr	3.0000	cfs
Maximum pumping rate per well, all water rights	Qmp	2.2800	cfs
Constant pumping rate for model (Qmp/2)	Qwc	1.1400	cfs
Variable weekly pumping rate for model (Qmp)	Qwv	2.2800	cfs
Pumping days in irrigation season		138	days
Total acre feet pumped at constant pumping rate, Qwc		312.04	acre feet
Model start date		01/01/2014	
Date Pump On		05/01/2014	

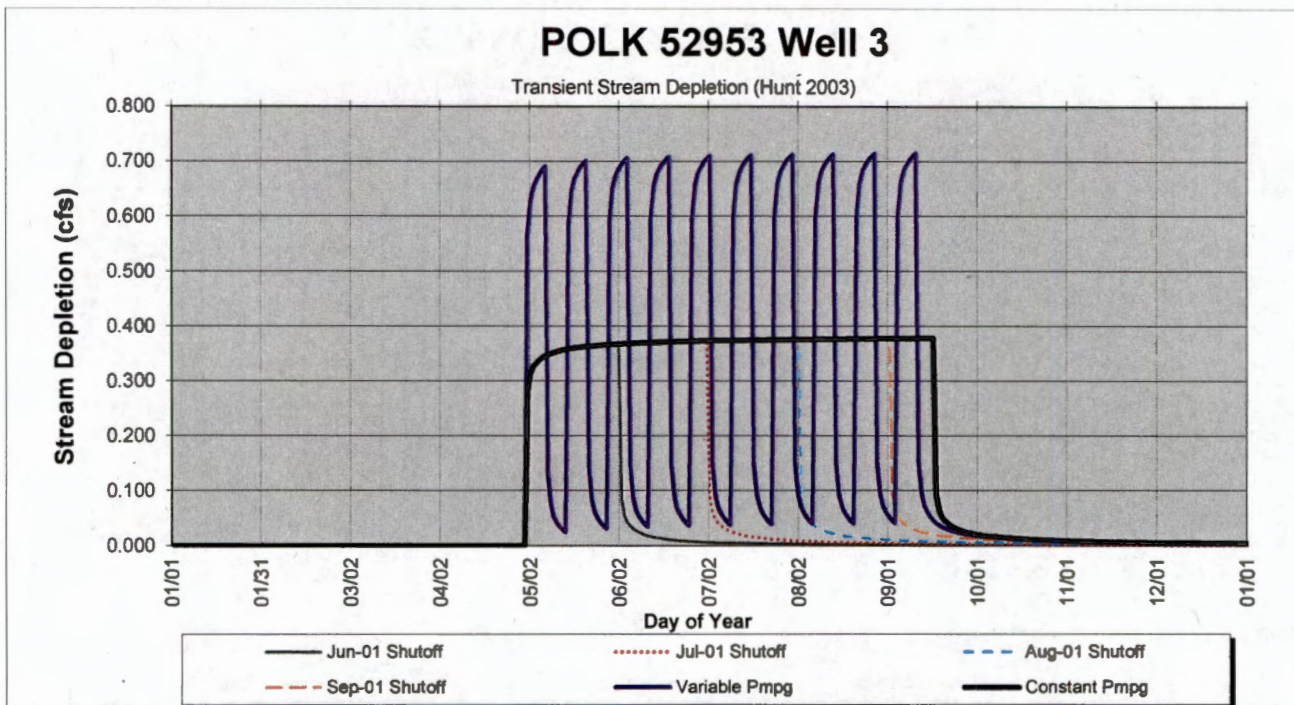
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Date	01/31	02/28	03/31	04/30	05/31	06/30	07/31	08/31	09/30	10/31	11/30	12/31
Stream Depl, %Q	0.0	0.0	0.0	0.0	88.8	91.8	93.2	94.1	10.2	4.5	2.8	2.0
Strrm Depl, cfs	0.000	0.000	0.000	0.000	1.012	1.047	1.063	1.072	0.116	0.051	0.032	0.023
Strm Depl Jun-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.012	0.038	0.017	0.010	0.007	0.005	0.004	0.003
Strm Depl Jul-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.012	1.047	0.052	0.026	0.016	0.012	0.009	0.007
Strm Depl Aug-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.012	1.047	1.063	0.062	0.033	0.021	0.016	0.012
Strm Depl Sep-01 shutoff, cfs	0.000	0.000	0.000	0.000	1.012	1.047	1.063	1.072	0.070	0.038	0.025	0.019
Relief after Jun-01 shutoff (SD= 1.014, cfs)						0.976	0.998	1.004	1.007	1.009	1.010	1.011
Relief after Jul-01 shutoff (SD= 1.047, cfs)							0.995	1.022	1.031	1.036	1.039	1.040
Relief after Aug-01 shutoff (SD= 1.063, cfs)								1.001	1.030	1.042	1.048	1.051
Relief after Sep-01 shutoff (SD= 1.073, cfs)									1.002	1.035	1.047	1.054
Stream depletion at 138 = 1.076 cfs												
Stream depletion at 30 days = 88.6 %												

Stream depletion at 10 days = 81.4 %



Parameters:		Values	Units
Perpendicular from well to stream	a	100	ft
Well depth	d	56	ft
Aquifer transmissivity	T_ft	160.000	ft ² /day
Aquifer storativity or specific yield	S	0.1000	Dimensionless
Stream width	ws	350	ft
Aquitard vertical hydraulic conductivity	Kva	50.0000	ft/day
Aquitard saturated thickness	ba	20	ft
Aquitard thickness below stream	babs	20	ft
Aquitard porosity	n	0.100	Dimensionless
Maximum irrigated acres per well, on all water rights		0.00	acres
Maximum pumping rate on all water rights	Qmwr	3.0000	cfs
Maximum pumping rate per well, all water rights	Qmp	0.7780	cfs
Constant pumping rate for model (Qmp/2)	Qwc	0.3890	cfs
Variable weekly pumping rate for model (Qmp)	Qwv	0.7780	cfs
Pumping days in irrigation season		138	days
Total acre feet pumped at constant pumping rate, Qwc		106.48	acre feet
Model start date		01/01/2014	
Date Pump On		05/01/2014	

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Date	01/31	02/28	03/31	04/30	05/31	06/30	07/31	08/31	09/30	10/31	11/30	12/31
Stream Depl, %Q	0.0	0.0	0.0	0.0	94.4	95.9	96.6	97.0	5.4	2.3	1.4	1.0
Strm Depl, cfs	0.000	0.000	0.000	0.000	0.367	0.373	0.376	0.378	0.021	0.009	0.006	0.004
Strm Depl Jun-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.367	0.007	0.003	0.002	0.001	0.001	0.001	0.001
Strm Depl Jul-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.367	0.373	0.009	0.004	0.003	0.002	0.002	0.001
Strm Depl Aug-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.367	0.373	0.376	0.011	0.006	0.004	0.003	0.002
Strm Depl Sep-01 shutoff, cfs	0.000	0.000	0.000	0.000	0.367	0.373	0.376	0.378	0.012	0.007	0.004	0.003
Relief after Jun-01 shutoff (SD= 0.367, cfs)						0.361	0.365	0.366	0.366	0.367	0.367	0.367
Relief after Jul-01 shutoff (SD= 0.373, cfs)							0.364	0.369	0.370	0.371	0.372	0.372
Relief after Aug-01 shutoff (SD= 0.376, cfs)								0.365	0.370	0.372	0.373	0.374
Relief after Sep-01 shutoff (SD= 0.378, cfs)									0.365	0.371	0.373	0.374
Stream depletion at 138 = 0.378 cfs												
Stream depletion at 30 days = 94.3 %												

Stream depletion at 10 days = 90.5 %

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Attachment 7

From Lands Table

Application for a Water Right Transfer – Certificate 54268

T 12773

<p style="text-align: center;">AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.</p>											
Twp	Rng	Sec	¼	¼	Tax Lot	DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	
10	S	3	W	21	SE	SE		54	Industrial/ Manufact.	POD 1	12/23/ 1954
				21	SW	SE		54			
				28	NE	NE		47			
				28	NW	NE		47			
				28	NE	NW		47			
				28	SW	NE		47			
				28	SE	NW		47			
				28	NW	SE		47			
				28	NW	SE		44			
				28	NE	SW		47			
				28	NE	SW		44			
				28	SW	SE		44			
				28	SE	SW		44			
TOTAL ACRES:											

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T 12773



1586 West Thornton Lake Drive NW
Albany, Oregon 97321
541-971-7668 Mobile
541-926-5956 Evenings
Henricks@peak.org

Wednesday, May 15, 2013

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

Attn: Dwight French

Re: International Paper Company paper mill property located in Linn County, Albany, Oregon and **Certificate 54268**, 1) below, **place of use clarification under ORS 540.520(9) 1999 SB301**. Refer to attached map / drawing item F below. Other map attachments are for clarity of intent for final water distribution.

Background: International Paper Company (IP) is in the process of demolishing and marketing the Albany paper mill facility / site. IP's intentions are to take advantage of the existing infrastructure and create 3 parcels that maximize the sites potential and future use for manufacturing.

In 1954 Willamette Industries, Inc. applied for the first water right on the property and built a paper mill referred to as Western Kraft on the property. In 2002 Weyerhaeuser Company acquired the property from Willamette Industries, Inc. IP purchased the property in 2008 from Weyerhaeuser Company and is the current owner. All of the water rights at the mill have been in continuous use and the pumping system at the point of diversion is ready, willing, and able to pump the entire rate of the combined existing rights.

The place of use, point of diversion, rate, delivery system, and type of use of all four existing water rights, 1), 2), 3), & 4) below, are not being changed by the creation of the 3 parcels from the single parent parcel. A transfer application is not required with the State of Oregon Water Resources Department (WRD) that manages water rights to create and allocate the places of use for the rights. Site service agreements will be created as part of the sales to address specific water service commitments between parties.

ORS 540.520(9), Senate Bill 301 from Oregon 1999 legislative session, allows the place of use on manufacturing sites to be the property of record owned at or before the priority date. Prior to this bill manufacturing water rights were mapped showing a very limited place of use when in actuality the water was piped throughout the facility. It was not uncommon to see a single boiler building shown on the map as the place of use when the site consisted of several hundred acres of land. This bill provided a statute for the certificate holder to use the water where it was intended to be used and has been used on the entire acreage (refer to attachment "G" page 3).

Existing Water Rights pertinent to the Parent Parcel:

- 1) **Certificate no. 54268**, Permit no. S- 23102, Application no. S-29640
Priority Date: December 23, 1954 Type of use: Manufacturing
Rate: 18.0 cubic feet per second (cfs)
Original right for paper mill prior to construction.
- 2) **Certificate no. 85736**, Permit no. S-47184, Application no. S-64515
Priority Date: October 29, 1982 Type of use: Manufacturing
Rate: 12.0 cfs

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Additional water for plant modernization and additional capacity.

3) Transfer No. 7526

- a. Certificate no. 68559, Permit no. 14106
Priority Date: November 2, 1939 Type of use: Log deck sprinkling
Rate: 1.93 cfs
- b. Certificate no. 20829, Permit no. 20469
Priority Date: June 11, 1943 Type of use: Manufacturing
Rate: 2.0 cfs
- c. Certificate no. 20873, Permit no. 20514
Priority Date: January 23, 1951 Type of use: Manufacturing
Rate: 1.2 cfs

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5.13 cfs total transferred downstream from Culp Creek to cover all paper mill lands, fill some gaps, and cogeneration facility.

4) Permit no. 54030, Application no. S-84780

Priority Date: June 7, 2001 Type of use: Irrigation of 254.6 acres
Rate: 3.18 cfs and 2.5 acre-feet for each acre irrigated during the irrigation season each year.
Water Resources Commission Willamette Basin Exception - Water from the aeration pond (sludge) was being land applied under State of Oregon Department of Environmental Quality (DEQ) permit. The water was used to grow a crop and hence needed a water right from the WRD. It is a limited irrigation right tied to the source of the aeration pond as the point of diversion.

Objective: To create the appropriate maps / drawings for recordation of the three parcels being created that clearly show the place of use and rate for each of the four existing water rights pertinent to the parent parcel. These maps / drawings are attached and described as follows;

ATTACHMENTS

- A. **Land Sale.DWG** – Proposed Sale Parcels #'s 1, 2, &3
This map shows the 3 parcels being created from the single parent parcel each having a different hachuring and lists the water right / rights associated with each hachured parcel.
- B. **APM-08-4777-P-01** – Final Proof Survey Map for **Permit S-54030 4) above**. This is an irrigation right with a source as the aeration pond. This shows acreage included in **Sale Parcel #1**.
- C. **MISC-02-4276-P-01 REV. 3** – Final Proof Survey Map for **Transfer 7526 3)b above**.
This is an amendment map, dated November 9th, 2012, that shows 254.6 acres, highlighted light brown, as receiving 1.2 cfs from certificate 20873 on acreage included in **Sale Parcel #1**. Certificate 20873 is one of three certificates that make up T-7526.
- D. **MISC-02-4276-P-01 REV. 3** – Final Proof Survey Map for **Transfer 7526 3)a above**.
This is an amendment map, dated November 9th, 2012, that shows 365.3 acres, highlighted light green, as receiving 1.93 cfs from certificate 68559 and 2.0 cfs from certificate 20829 on acreage included in **Sale Parcel #2**. Certificates 68559 and 20829 are two of three certificates that make up T-7526.
- E. **Drawing No. 3650P03 (APM-99-3650-P-03 Rev 0)** – ORS 540.520(9) SB 301 Lands for **Certificate 85736 2) above**. This map shows the place of use and is intended to be the new final proof map in the water right file. This shows acreage included in **Sale Parcel #2**.
- F. **Drawing No. 3650P02 (APM 99-3650-P-02 Rev 0)** – ORS 540.520(9) SB 301 Lands for **Certificate 54268 1) above**. This map shows the place of use and is intended to be the new final proof map in the water right file. This shows acreage included in **Sale Parcel #3**. This also

shows that 1.0 cfs of the total 18 cfs was sold to Flakeboard America in 2007. This was noted by a letter sent to the State of Oregon Water Resources Department with the site service agreement and is found in the water right file at which time the Claim of Beneficial Use map for T-7526 was amended to remove the Flakeboard site from the place of use and is also noted in the aforementioned letter.

G. Drawing No. 3650P01R1 (APM-99-3650-P-01 Rev 1) – ORS 540.520(9) SB 301 Lands for the parent parcel being divided into three parcels shown in "A" above. This map was created September of 1999 to show the paper mill lands that had water rights available for manufacturing use. This is the base map used to equitably divide the water on the three newly created parcels as shown on attachments E & F above.

H. MISC-02-4276-P-01 REV. 3 – Stamped and Signed Final Proof Survey Map for Transfer 7526. Map amendment dated November 9th, 2012. Map change shows, 254.6 acres, as receiving 1.2 cfs from certificate 20873 and 365.3 acres, as receiving 1.93 cfs from certificate 68559 and 2.0 cfs from certificate 20829. This map was amended to clarify the place of use of each of the three water rights involved in the transfer prior to certificate issuance.

Summary: The place of use for **water right 1) above, Certificate 54268 is Sale Parcel #3** as shown on the **attached map F** above, Drawing No. 3650P02. The type of use, point of diversion, rate, and delivery system remain unchanged. This is the only water right covering the mapped lands of parcel #3.

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

Sincerely,

J. Edward Henricks
OR PLS, CWRE No. 170

cc:

Dan M. Davis
International Paper Company
Manager Surplus Properties
6400 Poplar Avenue
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Enclosure(s): Attachments A,B,C,D,E,F,G, & H

C:\Users\KGrigsby\6SIWS\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content Outlook\7XT7APQX\certificate 54268 wrd 2012 letter.docx

**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

"Attachment F"

ACREAGE SUMMARY

CERTIFICATE 54268 - PERMIT S-23102
17.0 CFS PLACE OF USE

SECTION	QUARTERS	ACRES	DLC
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	18.0	ACRES DLC 47
	NE 1/4, SW 1/4	1.0	ACRES DLC 47
SECTION 33	SW 1/4, SE 1/4	5.9	ACRES DLC 44
	SE 1/4, SW 1/4	4.0	ACRES DLC 44
	SE 1/4, SW 1/4	5.8	ACRES DLC 44
		5.9	ACRES DLC 44
		134.5	ACRES

CERTIFICATE 54268 - PERMIT S-23102
1.0 CFS PLACE OF USE

SECTION	QUARTERS	ACRES	DLC
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



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NOTE:

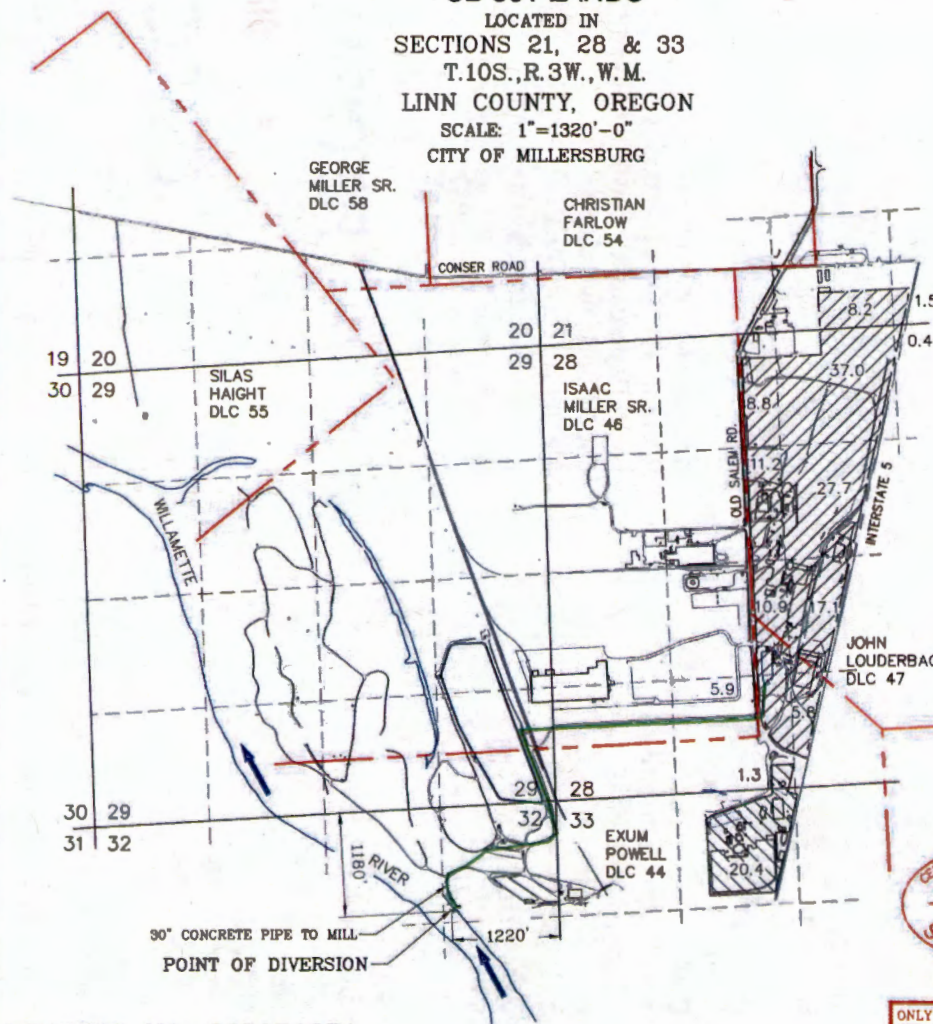
THIS MAP SHOWS THE PLACE OF USE UNDER 1999 SB 301 ORS 540.520(9) FOR WATER RIGHT CERTIFICATE 54268. THE RATE IS SPLIT 17.0 CFS TO TAX LOT 400 AND 1.0 CFS TO TAX LOT 151 AS NOTED IN THE ACREAGE SUMMARY. IN 2007 TAX LOT 150 WAS SOLD TO FLAKEBOARD AMERICA AND IN THE SALE AGREEMENT 1.0 CFS OF THE 18.0 CFS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

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ATTACHMENT A

Well Logs and Location Map

T 12773

Well 3 (L93615)

T8S, R4W, Sec 28

Well 2 (L93614)

Well 1 (L68856)

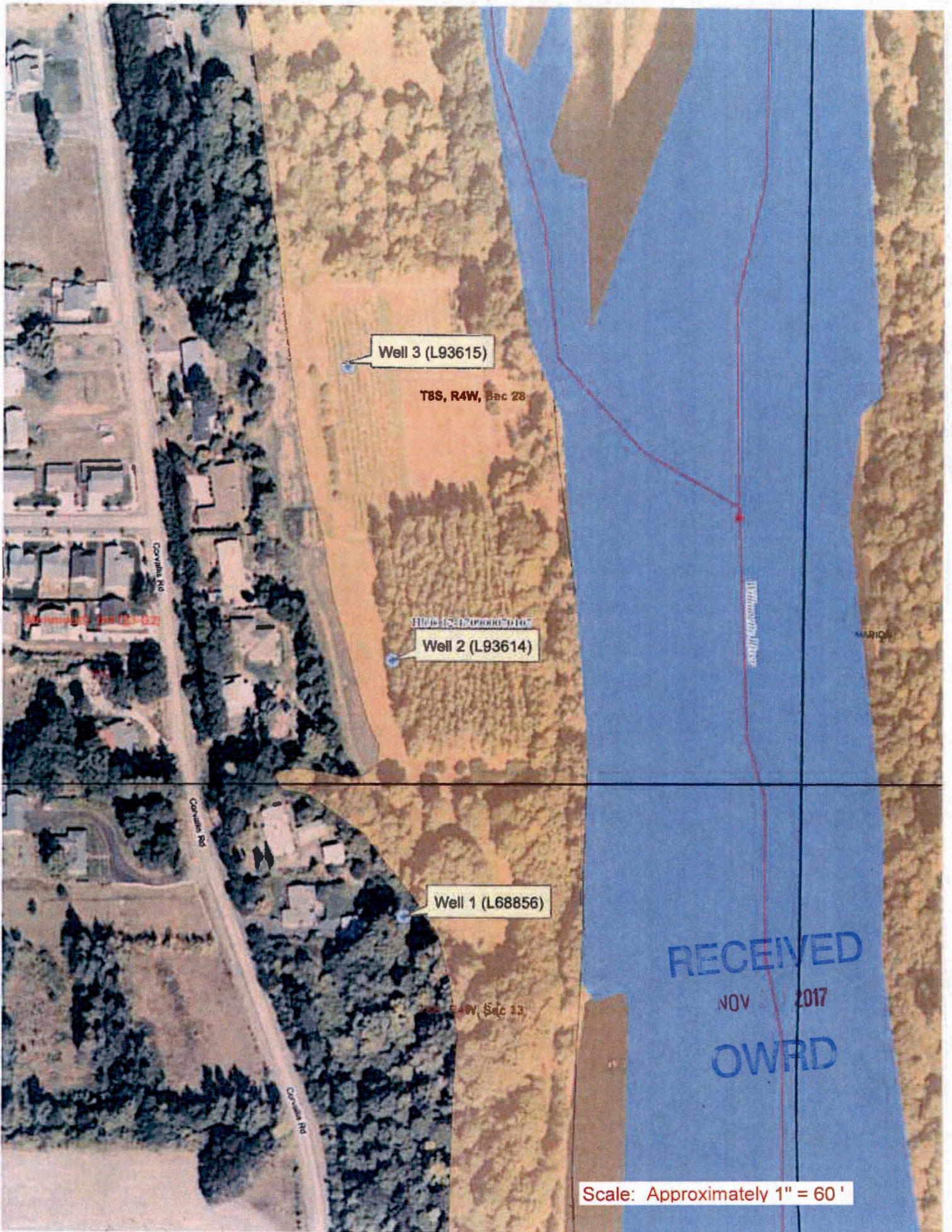
Sec 13

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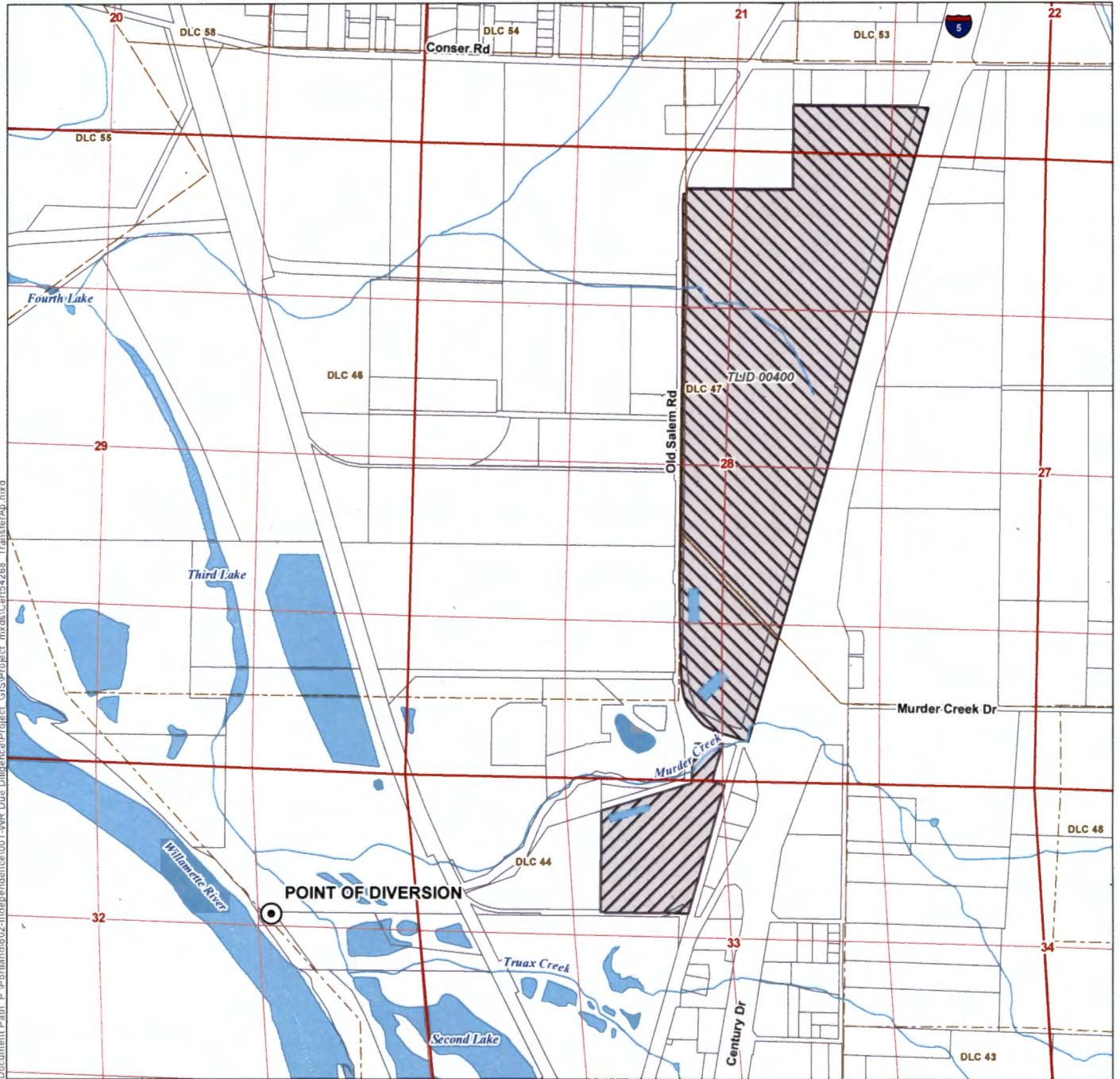
Scale: Approximately 1" = 60'



Application for a Water Right Transfer Authorized Place of Use/Point of Diversion

Certificate 54268

Township 10 South, Range 3 West (W.M.)



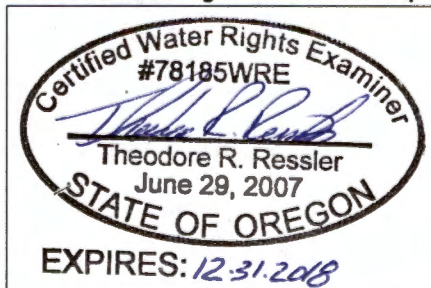
LEGEND

- Point of Diversion (POD)
- Authorized POU, Not Subject to the Transfer
- Authorized POU, Subject to the Transfer
- Tax Lot
- Donation Land Claim (DLC)
- Watercourse
- Waterbody

POD LOCATION DESCRIPTION

Point of Diversion
Located 1260 feet South and 1220 feet West from the NE corner of Section 32, Township 10 South, Range 3 West (W.M.)

Certified Water Rights Examiner Stamp



DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: November 6, 2017
Data Sources: BLM, DWRD, ESRI, Linn Co, USGS

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0 600 1200
1 inch = 1,320 feet



T 12773

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

COPY

In the Matter of Transfer Application
T-12773, Linn and Polk Counties

*issue
revised*

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE FROM A SURFACE WATER
POINT OF DIVERSION TO
GROUNDWATER POINTS OF
APPROPRIATION, A CHANGE IN
POINT OF DIVERION, CHANGES IN
PLACE OF USE, AND CHARACTER
OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

INTERNATIONAL PAPER COMPANY
6400 POPLAR AVE
MEMPHIS, TN 38197

Receiving Water User

CITY OF INDEPENDENCE
P.O. BOX 7
INDEPENDENCE, OR 97351

Findings of Fact

1. On November 20, 2017, INTERNATIONAL PAPER COMPANY filed an application to change from a surface water point of diversion to groundwater points of appropriation, a change in point of diversion, to change the place of use, and to change the character of use under Certificate 54268. The Department assigned the application number T-12773.
2. The City of Independence is the receiving water user who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 28, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

4. On September 14, 2018, the applicant submitted an amended application page describing the ~~points of diversion~~ ^{and} appropriation and types of changes requested as well as a geologist report and maps.

submitted an amended application page, geologist report and map to correct the locations of the amended wells

*correct
locations
of proposed*

IL-1434 54268 15 cfs
 IL-1704 54268 2 cfs

5. On September 6, 2018, Instream Lease IL-1704, recorded at Special Order Volume ~~109~~¹⁰⁸⁻²⁰⁶, Pages ~~374-376~~³⁷³ the order was approved for a 2.0 Cubic Feet Per Second (CFS) portion of Certificate 54268.
6. On _____, 2019, Instream Lease IL-1704 was terminated by request of the applicant. The termination order was recorded at Special Order Volume 112, Page _____.
7. The portion of the right to be transferred is as follows:

Certificate: 54268 in the name of WILLAMETTE INDUSTRIES, INC. (perfected under Permit S-23102)
Use: MANUFACTURING
Priority Date: DECEMBER 23, 1954
Rate: 2.0 CUBIC FEET PER SECOND
Source: WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	32	NE NE	44	1260 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

MANUFACTURING					
Twp	Rng	Mer	Sec	Q-Q	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	44
10 S	3 W	WM	28	NE SW	47
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	NW NE	44
10 S	3 W	WM	33	NE NW	44

21 SW
 21 SE
 21 NE
 47
 47

8. Transfer Application T-12773 proposes a change in point of diversion approximately 13.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	SW SE	260 FEET NORTH AND 3400 FEET EAST FROM THE SW CORNER OF SECTION 28

9. Transfer Application T-12773 proposes to change from a surface water point of diversion to a groundwater point of appropriation (wells) with approximate distances in miles from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	33	NW NE	WILLAMETTE WELL 1 - 260 FEET SOUTH AND 1915 FEET WEST FROM THE NE CORNER OF SECTION 33	13.5

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 2 - 350 FEET NORTH AND 1910 FEET WEST FROM THE SE CORNER OF SECTION 28	13.2
8 S	4 W	WM	28	SW SE	WILLAMETTE WELL 3 - 800 FEET NORTH AND 2000 FEET WEST FROM THE SE CORNER OF SECTION 28	14.0

8. Transfer Application T-12773 proposes to change the place of use of the right to:

MUNICIPAL
WITHIN THE SERVICE BOUNDARY OF THE CITY OF INDEPENDENCE

9. Transfer Application T-12773 proposes to change the character of use to municipal use.
10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present with the five year period prior to submittal of Transfer Application T-12773.
13. The proposed points of appropriation meet the requirements of ORS 540.531 and OAR 690-380-2130(2).
14. The proposed changes would not result in enlargement of the right.
15. The proposed changes would not result in injury to other water rights.
16. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion and the change from a surface water point of diversion to groundwater points of appropriation and the change in place of use and the change in character of use proposed in Transfer Application T-12773 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12773 is approved, the final order will include the following:

- 1. The change in point of diversion and change from a surface water point of diversion to groundwater points of appropriation and change in place of use and change in character of use proposed in Transfer Application T-12773 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 54268 and any related decree.*
- 3. Water right Certificate 54268 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The quantity of water diverted at the new point of diversion (POD 2), and new points of appropriation (Willamette Wells 1, 2, and 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
- 5. The wells from which the water is taken under this right shall be constructed so that the use of the well will affect the surface water similarly to the use of the original authorized point of diversion.*
- 6. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
- 7. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*
- 8. All applicable restrictions that existed at the original point of diversion shall apply to the proposed well.*
- 9. The original date of priority shall be retained. However, if within five years after approving the transfer, the Department finds the transfer results in substantial interference with existing groundwater rights that would not have occurred in the absence of the transfer, the proposed well shall be subordinate to any existing right injured by the transferred water right.*

10. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
11. *The transferred portion of Certificate 54268 (2.0 CFS) shall no longer be used at the former place of use.*
12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
13. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____,

D R A F T

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.