

Name of Stream Willamette river

Trib. of Columbia River

Use Fire Protection / mfa County Yamhill

Quantity of water (CFS) 10 No. of Acres 1

Name of ditch

App# 511404 Per # 581010 Cert # 90014 PR Date _____

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

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

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

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

Change in PGU USE APDA

Date Filed 3/31/2022

Initial notice date 4/19/2022

DPD issued date,

PD issued date 3/1/2024

PD notice date 3/5/2024

Date of FO 4/26/2024 Vol 129 Page 1225-1229

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments: 9.25.2024 City of Newberg 414 E First St., Newberg, OR 97132

Irrigation District_

Agent stoei russ_kirk_maaq@stoei.com

GSI water solutions Kim Grigby

CWRE

CC's list City of newbera

Yamhill County

□ - Oversized map – Location

FEES PAID

Date	Amount	Receipt #
3-31-2022	\$6,410.00	137804
9-6-24	\$120.00	143725

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

7020 3160 0000 6754 0483

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article

City of Newberg
 Attn: Lance Calvert
 414 East First St
 Newberg, OR 97132



9590 9402 6816 1074 5412 94

2. Article Number (Transfer from service label)

7020 3160 0000 6754 0483

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Sharon Corson-Smail* ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Sharon Corson-Smail

C. Date of Delivery

3/7/24

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

RECEIVED

MAR 12 2024

OWRD

3. Service Type

- ☐ Adult Signature ☐ Priority Mail Express®
- ☐ Adult Signature Restricted Delivery ☐ Registered Mail™
- ☐ Certified Mail® ☐ Registered Mail Restricted Delivery
- ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™
- ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)



Oregon

Tina Kotek, 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.oregon.gov/owrd

September 25, 2024

Cable Huston LLP
Attorneys at Law
Attn: Clark Balfour
1455 SW Broadway, Suite 1500
Portland, OR 97201-3412

Reference: Transfer T-13963

The assignment from WestRock Northwest, LLC to City of Newberg has been recorded in the records of the Water Resources Department.

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

Our records have been changed accordingly and the original request is enclosed. Receipt number 143725 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 #143725

cc: WestRock Northwest LLC – 1000 Abernathy Road, NE, Atlanta, GA 30328
City of Newberg – 414 E First St, Newberg, OR 97132
Kirk B. Maag; Stoel Rives LLP – 760 SW Ninth Ave, Suite 3000, Portland, OR 97205
GSI Water Solutions, Inc.; Attn: Kimberly Grigsby - 1600 SW Western Boulevard, Suite 240 Corvallis, OR 97333
OWRD WMCP
Data Center, OWRD (cover letter & request)
File

2024-07-25

Oregon Water Resources Department: Fee for Assignment 1
of T-13963 - 32284.001

\$120.00

Received
SEP 06 2024
OWRDCHECK DATE
7/25/24CONTROL NUMBER
114903

TOTALS



\$120.00

STATE OF OREGON
WATER RESOURCES DEPARTMENT725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 143725

INVOICE #

RECEIVED FROM:

Cable Huston LLP
Attorneys At Law

BY:

CASH:

☐

CHECK: #

☒

114903

OTHER: (IDENTIFY)

☐

APPLICATION

PERMIT

TRANSFER

T-13963

TOTAL REC'D

\$ 120.00

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

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

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

0250 OTHER

(IDENTIFY)

Assignment

\$120.00

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

RECEIVED

OVER THE COUNTER

\$

RECEIPT: 143725

DATED: 9/6/24

BY: m-mills

Request for Assignment



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/owrd

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, WestRock Northwest, LLC

(Name of Current Holder of Record)

1000 Abernathy Road, NE

(Mailing Address)

Atlanta, GA, 30328 (770) 326-8130

(City) (State) (Zip) (Phone #)

- ☒ hereby assign all my interest in and to the entire application/permit/transfer order/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 order/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 order/limited license/groundwater statement; (example, adding an additional person)

Application # _____; Permit # _____; Transfer Order # T-13963;

Limited License # _____; Groundwater Statement # _____;

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

City of Newberg

(Name of New Owner)

414 E First ST

(Mailing Address)

Newberg, OR 97132

(City) (State) (Zip)

(503) 537-1234

(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 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 25TH day of JULY, 2024.
(Day) (Month) (Year)

Signature of Current Holder of Record

Mikal B. Haislip
Mikal B. Haislip, as Senior Vice President and Treasurer of WestRock Northwest, LLC

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

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 # 143725

For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MFB

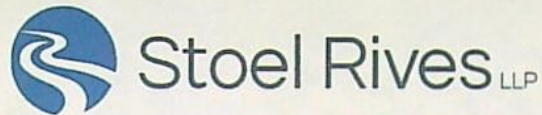
The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

Received by OWRD

SEP 06 2024

Salem, OR

Assign - Approve
WJB 9-25-2024



September 4, 2024

Kirk B. Maag
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9546
kirk.maag@stoel.com

VIA UPS

Mary Bjork
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Assignment of Water Right Transfer T-13963

Dear Ms. Bjork:

On April 26, 2024, the Oregon Water Resources Department issued a final order approving Transfer T-13963, which was filed by Westrock Northwest, LLC ("WestRock"). The transfer added a point of diversion and changed the authorized place of use and character of use for Certificate 90014. As described in the transfer application, the water right was changed for the benefit of the City of Newberg ("City").

Westrock is filing the enclosed Request for Assignment to assign Transfer T-13963 to the City. Westrock has also enclosed the required fee of \$120. Certificate 90014 (and now Transfer T-13963) is held by WestRock, although WestRock is no longer the owner of the certificate's authorized place of use. WestRock retained ownership of Certificate 90014 during a previous land sale transaction. (A copy of the Purchase and Sale Agreement, which expressly excludes water rights, was provided in Attachment D of the application for Transfer T-13963.) Accordingly, WestRock understands that no notification of other property owners is required as part of this Request for Assignment.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'K. Maag', written over the typed name.

Kirk B. Maag

Enclosures

Received by OWRD

SEP 06 2024

Salem, OR



Received by OWRD

SEP 06 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: WestRock Northwest LLC

1000 Abernathy Rd. NE Atlanta GA 30328

Transaction Type: Assignment

Fees Received: \$ 17000

☐ Cash ☒ Check: Check No. 114903

Name(s) on Check: Cable Huston LLP

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Nick Reese
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

MONEY SLIP

DATE: 9/6/24

RECEIPT #: 143725

RECEIVED FROM: Cable Huston LLP
ATTORNEYS AT LAW

APPLICATION

PERMIT

TRANSFER

CASH CHECK #

OTHER (IDENTIFY)

☐

114903

☐

TOTAL REC'D \$ 120.00

1083 TREASURY

4170 MISC CASH ACCT.

0407 COPIES

\$

OTHER:

(IDENTIFY)

\$

0243 Instream Lease

0244 Muni-Water Mgmt. Plan

0245 Cons. Water

1083 TREASURY

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

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

RECORD FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0607 TREASURY

0467 HYDROELECTRIC

0233 POWER LICENSE FEE (FW/WRD)

LIC NUMBER

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

SPECIAL INSTRUCTIONS:

RECEIVED
OVER THE COUNTER

☐ RETURN TO APPLICANT -- LETTER ATTACHED



Received by OWRD

SEP 06 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: WestRock Northwest LLC

1000 Abernathy Rd. NE Atlanta GA 30328

Transaction Type: Assignment

Fees Received: \$ 12000

☐ Cash

☒ Check:

Check No. 114903

Name(s) on Check: Cable Hester LLP

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Nick Reese

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

BJORK Mary F * WRD

From: ZIELINSKI Vicki J * WRD
Sent: Wednesday, September 25, 2024 11:52 AM
To: BJORK Mary F * WRD; WRD_DL_ASD Support
Subject: RE: Address needed on check for Receipt #143725

Hi Mary,

Here you go:

CABLE HUSTON LLP
ATTORNEYS AT LAW
1455 SW BROADWAY, SUITE 1500
PORTLAND, OR 97201

Thank you!

Vicki J. Zielinski

Office Specialist, Administrative Services Division
725 Summer St NE Suite A | Salem OR 97301 | Phone 503-986-0928



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From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Wednesday, September 25, 2024 11:47 AM
To: WRD_DL_ASD Support <WRD_DL_ASDSupport@water.oregon.gov>
Cc: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: Address needed on check for Receipt #143725

Hi,

I'm finally able to complete this pink slip from 9/6/2024. Thanks for your patience!

Before I send it for receipting, please forward the address on the following check:

Check #114903 from Cable Huston LLP Attorneys at Law (Receipt # 143725) received 9/6/2024 for \$120.

Thanks so much!

Mary F. Bjork

Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, September 25, 2024 1:06 PM
To: BALFOUR Clark
Cc: BJORK Mary F * WRD
Subject: RE: Transfer T-13963

Hi Clark,

I forgot to mention that because Cable Huston submitted payment for the assignment, we'll send the original copies per our process, to the address below.

Cable Huston LLP
Attorneys at Law
Attn: Clark Balfour
1455 SW Broadway, Suite 1500
Portland, OR 97201-3412

Thanks,

Mary F. Bjork
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895

From: Clark Balfour <cbalfour@cablehuston.com>
Sent: Wednesday, September 25, 2024 11:44 AM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Cc: Maag, Kirk B. <kirk.maag@stoel.com>; Kim Grigsby <kgrigsby@gsiws.com>; CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>; LUONGO Dante J * WRD <Dante.J.LUONGO@water.oregon.gov>; COPE Kerri H * WRD <Kerri.H.COPE@water.oregon.gov>; Adam Sussman <asussman@gsiws.com>
Subject: Re: Transfer T-13963

You don't often get email from cbalfour@cablehuston.com. [Learn why this is important](#)

Thanks
Sent from my iPhone

On Sep 25, 2024, at 11:32 AM, BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov> wrote:

Thank you Clark and Kirk for your replies. I understand that the City wants the Department to process the assignment even though the City was established as the receiving landowner on the transfer final order (T-13963, SP OR V131 P1225).

I have accepted the submitted request. Copies of the confirmation letter will be sent to the following:

WestRock Northwest LLC
City of Newberg

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, September 25, 2024 11:32 AM
To: BALFOUR Clark; Maag, Kirk B.
Cc: Kim Grigsby; CLARK Gerald E * WRD; LUONGO Dante J * WRD; COPE Kerri H * WRD; Adam Sussman; BJORK Mary F * WRD
Subject: RE: Transfer T-13963

Thank you Clark and Kirk for your replies. I understand that the City wants the Department to process the assignment even though the City was established as the receiving landowner on the transfer final order (T-13963, SP OR V131 P1225).

I have accepted the submitted request. Copies of the confirmation letter will be sent to the following:

WestRock Northwest LLC
City of Newberg
Kirk Maag
Kim Grigsby
OWRD WMCP staff

Best regards,

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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From: Clark Balfour <cbalfour@cablehuston.com>
Sent: Tuesday, September 24, 2024 11:27 AM
To: Maag, Kirk B. <kirk.maag@stoel.com>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Cc: Kim Grigsby <kgrigsby@gsiws.com>; CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>; LUONGO Dante J * WRD <Dante.J.LUONGO@water.oregon.gov>; COPE Kerri H * WRD <Kerri.H.COPE@water.oregon.gov>; Adam Sussman <asussman@gsiws.com>
Subject: RE: Transfer T-13963

You don't often get email from cbalfour@cablehuston.com. [Learn why this is important](#)

Hi Mary,

Please feel free to contact Kim Grigsby, Adam Sussman or me if you have any questions.

Clark

CABLE HUSTON

Clark Balfour
Partner | Cable Huston LLP
1455 SW Broadway, Suite 1500
Portland, OR 97201-3412
Phone 503-224-3092

Please let me know if you have questions or information to share on the request.

Thanks,

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, July 31, 2024 10:56 AM
To: Adam Sussman
Cc: Kim Grigsby; BJORK Mary F * WRD
Subject: RE: Assignment of Transfer T-13963

Hi Adam,

I have copied your request regarding a forthcoming assignment to file T-13963.

Best regards,

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Adam Sussman <asussman@gsiws.com>
Sent: Wednesday, July 31, 2024 9:59 AM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Cc: Kim Grigsby <kgrigsby@gsiws.com>
Subject: Assignment of Transfer T-13963

Hi Mary:

This assignment of T-13963 to City of Newberg is headed your way. Can you please include GSI (Kim Grigsby) on your confirmation letter list of cc's. Thanks so much and hope you are having a great summer.

Adam

Adam Sussman

Principal Water Resources Consultant

direct: 541.257.9001 | mobile: 541.602.5188

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

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



Oregon

Tina Kotek, 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

April 26, 2024

Westrock Northwest, LLC

Attn: John Stakel

1000 Abernathy Rd NE

Atlanta, GA 30328

REFERENCE: Transfer Application T-13963

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, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)
Kirk B. Maag, Kim Grigsby, Agent
Yamhill County Planning Department, Local Government
City of Newberg, Local Government

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

In the Matter of Transfer Application	)	FINAL ORDER
T-13963, Yamhill County	)	APPROVING AN ADDITIONAL 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

WESTROCK NORTHWEST LLC
ATTN: JOHN STAKEL
1000 ABERNATHY RD NE
ATLANTA, GA 30328

Receiving Landowner

CITY OF NEWBERG
ATTN: LANCE CALVERT
414 EAST FIRST ST
NEWBERG, OR 97132

Findings of Fact

1. On March 31, 2022, WESTROCK NORTHWEST LLC. filed an application for an additional point of diversion, to change the place of use, and to change the character of use under Certificates 90014. The Department assigned the application number T-13963.
2. THE CITY OF NEWBERG is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on July 26, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On April 13, 2020, Instream Lease IL-1782 was approved for a five-year period of 2020-2024 seasons and was recorded at Special Order Volume 116, page 417. The lease was protecting 8.0 cfs of Certificate 90014.

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 April 10, 2024, Instream Lease IL-1782 was terminated by request of the applicant prior to the 2024 season. The termination order was recorded at Special Order Volume 129, page 1068.
6. On November 2, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13963 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 2, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
7. On March 1, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13963 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 5, 2024, and in the Newberg Graphic newspaper on March 7, 2024, and March 14, 2024 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
8. The right to be transferred is as follows:

Certificate: 90014 in the name of SP NEWSPRINT CO. (perfected under Permit S-8106)
Use: MANUFACTURING AND FIRE PROTECTION.
Priority Date: JULY 30, 1927
Rate: 8.0 CUBIC FEET PER SECOND
Source: WILLAMETTE RIVER, tributary to the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	2 W	WM	29	SE NW	55	ORIGINAL - 2130 FEET SOUTH AND 260 FEET WEST FROM THE NW CORNER OF SNOWDEN DLC 68
3 S	2 W	WM	29	NW NW	55	ADDITIONAL - 1630 FEET SOUTH AND 1400 FEET WEST FROM THE NW CORNER OF SNOWDEN DLC 68

Authorized Place of Use:

MANUFACTURING AND FIRE PROTECTION					
Twp	Rng	Mer	Sec	Q-Q	DLC
3 S	2 W	WM	29	NE NW	55

9. Transfer Application T-13963 proposes an additional point of diversion approximately 650 feet downstream to within a reach described as:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	2 W	WM	29	SE NW	55	LOCATION A (UPSTREAM ENDPOINT OF PROPOSED REACH) - 2290 FEET SOUTH AND 130 FEET WEST FROM THE NW CORNER, OF SNOWDEN DLC 68

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	2 W	WM	29	SW NE	68	LOCATION B (DOWNSTREAM ENDPOINT OF PROPOSED REACH) - 2720 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SNOWDEN DLC 68

10. Transfer Application T-13963 also proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE SERVICE AREA BOUNDARIES OF THE CITY OF NEWBERG

11. Transfer Application T-13963 proposes to change the character of use to municipal use.
12. 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 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

13. 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.
14. A water delivery 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-13963.
15. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
16. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
17. The proposed changes would not result in enlargement of the right.
18. The proposed change would not result in injury to other existing water rights.
19. All other application requirements are met.

Conclusions of Law

The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-13963 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.

Now, therefore, it is ORDERED:

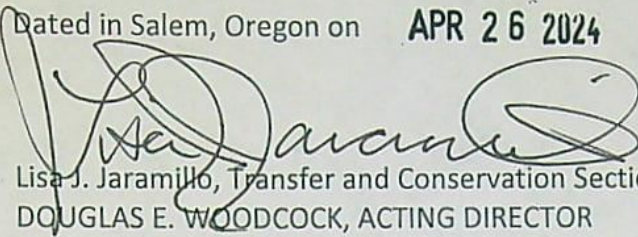
1. The additional point of diversion, change in place of use and change in character of use proposed in Transfer Application T-13963 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 90014 and any related decree.
3. Water right Certificate 90014 is cancelled.
4. The quantity of water diverted at the additional point of diversion, together with the amount diverted from the authorized point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
5. Water shall be acquired from the same source of surface water as the original points of diversion.
6. The former place of use of the transferred right shall no longer receive water under the right.
7. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and 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 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.

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2055**. 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 in Salem, Oregon on **APR 26 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **APR 29 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13963

Transfer Specialist:

Transfer Type: Regular Transfer

Dante Luongo

Applicant: WESTROCK NORTHWEST LLCATTN JOHN STAKEL 1000 ABERNATHY RD NE ATLANTA, GA 30328 Email: _____ Phone: _____		Agent: ☐ N/A KIRK B. MAAG 760 SW NINTH AVE SUITE 3000 PORTLAND, OR 97205 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Yamhill County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	S11664	S8106	90014	☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: March 31, 2022	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE; USE	
Fees Pd: 6410.00	WM District: 16	ODFW District:
Initial Public Notice: April 19, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>4-21-23</u> Initials: <u>DL</u>	Date: <u>11-2-2023</u> Initials: <u>PKS</u>	Date: <u>12-14-23</u> Initials: <u>DL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: <u>12-5-23</u> Initials: <u>DL</u>	Date: <u>12-12-23</u> Initials: <u>PKS</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: <u>3/1/24</u>
FO	Date: <u>4-11-24</u> Initials: <u>DL</u>	Date: <u>4-18-24</u> Initials: <u>PKS</u>	Date: <u>4-19-24</u> Initials: <u>DL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <u>4-25-24</u>	Date: <u>4/26/24</u>

Special Issues: _____

Special Order Volume: Vol. 129 Pages 1225-1229



Oregon

Tina Kotek, 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.oregon.gov/owrd

April 10, 2024

Lessor

WestRock Northwest LLC

1000 Abernathy Road

Atlanta, Georgia 30328

john.stakel@westrock.com

On April 3, 2024, the Department received a request to terminate Instream Lease IL-1782. This lease has been terminated by the Department.

Enclosed is a copy of the final order terminating instream lease IL-1782.

If you have any questions, please call me at (503) 979-9872 or email me at sarah.a.henderson@water.oregon.gov.

Sincerely,

Sarah Henderson

Transfer and Conservation Section

cc: Watermaster District #16 (via e-mail)

Kirk Maag, Attorney (via e-mail kirk.maag@stoel.com)

T-13963 & Dante Luongo

File IL-1782

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Lease IL-1782
Yamhill County

) FINAL ORDER TERMINATING
) INSTREAM LEASE

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

WestRock Northwest LLC
1000 Abernathy Road
Atlanta, Georgia 30328
john.stakel@westrock.com

Findings of Fact

1. On January 23, 2020, WestRock Northwest LLC filed an application involving the entirety of Certificates 37977 and 90014 for instream use. The Department assigned the application number IL 1782.
2. The lease application requested to protect water instream for five years, terminating on December 31, 2024. A Final Order approving this lease was issued by the Department on April 13, 2020, as evidenced by Special Order Volume 116, Page 417.
3. On April 3, 2024, the Department received a request from John Stakel of WestRock Northwest, LLC to terminate the lease prior to the 2024 instream use period.
3. The lease was exercised during the 2020, 2021, 2022, and 2023 water use periods.

Conclusions of Law

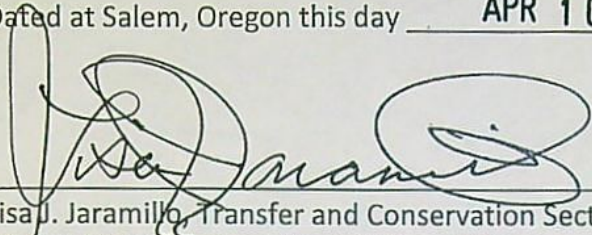
The Department concludes that terminating the lease in advance of the 2024 instream use period is consistent with OAR 690-077.

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.

Now, therefore it is ORDERED:

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this day APR 10 2024.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: APR 11 2024

*This document was prepared by Sarah
Henderson. If you have any questions,
please call 503-979-9872.*

Check Date: 1/16/2024

026547

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
T-13963 Notice	1/16/2024	0023322	84.52			84.52
Oregon Water Resources Department						
Beneficial Checking 1		00275	84.52			84.52
		TOTAL	84.52			84.52

RECEIVED

JAN 19 2024

OWRD

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 # 142263

INVOICE #

RECEIVED FROM: GSI Water Solutions, Inc.

BY:

CASH: ☐ CHECK: # 26547 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 84.52

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$
D207 OTHER: (IDENTIFY) Newspaper Notice \$ 84.52

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: 142263

DATED: 1-19-2024 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

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 # 142263

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	LANDOWNER'S PERMIT	\$	0220	\$

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OTHER (IDENTIFY)

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	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

CEIPT: 142263

DATED: 1-19-2024 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Attached is a check in the amount of \$84.52 (PCA #46118) for Newspaper Notice for Transfer T-13963 made out to Oregon Water Resources Department (or OWRD)

- "for T- 13963 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: Dante Luongo

RECEIVED

JAN 19 2024

OWRD

**Pamplin
MediaGroup**

PO Box 22109 Portland, OR 97269-2169
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

Received
MAR 29 2024
OWRD

Received
MAR 29 2024
OWRD

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Yamhill, ss I, Kristine Humphries, being first duly sworn, depose and say that I am the Principal Clerk of the Newberg Graphic, a newspaper of general circulation, published in Yamhill County, Oregon, as defined by ORS 193.010 and 193.020, that

SEE EXHIBIT A

Ad#: 312825

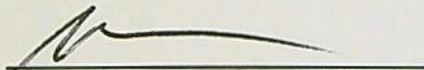
Owner: Oregon Water Resources Department

Description: Notice of Preliminary Determination for

Water Right Transfer T-13963

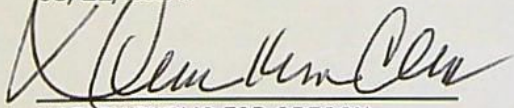
A copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 week(s) in the following issue:

03/14/2024, 03/21/2024



Kristine Humphries (Principal Clerk)

Subscribed and sworn to before me this
03/21/2024.



NOTARY PUBLIC FOR OREGON

Acct #: 149038

Attn: ELYSE D. RICHMAN

OREGON WATER RESOURCES DEPARTMENT
725 SUMMER STREET SE, SUITE A
SALEM, OR 97301



EXHIBIT A

Notice of Preliminary Determination for Water Right Transfer T-13963

T-13963 filed by Westrock Northwest LLC, 1000 Abernathy Road NE, Atlanta, GA 30328, proposes a change in point of diversion, a change in place of use, and a change in character of use under Certificate 90014. The right allows the use of 8.0 cubic feet per second from the Willamette River in Sec. 29, T3S, R2W, WM for manufacturing and fire protection in Sec. 29. The applicant proposes to move the points of diversion within Sec. 29, T3S, 2W, WM, to change the place of use to within the service area boundaries of the City of Newberg, 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, March 21, 2024. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published Mar. 14 & 21, 2024.

NG312825

Received
MAR 29 2024
OWRD



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building

January 25, 2024

VIA CERTIFIED MAIL AND E-MAIL

Applicant

WESTROCK NORTHWEST LLC
ATTN JOHN STAKEL
1000 ABERNATHY RD NE
ATLANTA, GA 30328

SUBJECT: Water Right Transfer Application T-13963

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13963. 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 Newberg Graphic 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 don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

7020 3160 0000 6754 0476

U.S. Postal Service TM CERTIFIED MAIL [®] RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com .	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4 [®]	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13963, Yamhill County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL 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

WESTROCK NORTHWEST LLC
ATTN: JOHN STAKEL
1000 ABERNATHY RD NE
ATLANTA, GA 30328

Receiving Landowner

CITY OF NEWBERG
ATTN: LANCE CALVERT
414 EAST FIRST ST
NEWBERG, OR 97132

Findings of Fact

1. On March 31, 2022, WESTROCK NORTHWEST LLC. filed an application to add an additional point of diversion, to change the place of use, and to change the character of use under Certificates 90014. The Department assigned the application number T-13963.
2. THE CITY OF NEWBERG is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on July 26, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On April 13, 2020, Instream Lease IL-1782, recorded at Special Order Volume 116, page 417, was approved for 8.0 cfs of Certificate 90014.
5. On November 2, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13963 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 2, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a

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 the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

6. The right to be transferred is as follows:

Certificate: 90014 in the name of SP NEWSPRINT CO. (perfected under Permit S-8106)
Use: MANUFACTURING AND FIRE PROTECTION.
Priority Date: JULY 30, 1927
Rate: 8.0 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
3 S	2 W	WM	29	SE NW	55	ORIGINAL - 2130 FEET SOUTH AND 260 FEET WEST FROM THE NW CORNER OF SNOWDEN DLC 68
3 S	2 W	WM	29	NW NW	55	ADDITIONAL - 1630 FEET SOUTH AND 1400 FEET WEST FROM THE NW CORNER OF SNOWDEN DLC 68

Authorized Place of Use:

MANUFACTURING AND FIRE PROTECTION					
Twp	Rng	Mer	Sec	Q-Q	DLC
3 S	2 W	WM	29	NE NW	55

7. Transfer Application T-13963 proposes an additional point of diversion approximately 650 feet downstream to within a reach described as:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	2 W	WM	29	SE NW	55	LOCATION A (UPSTREAM ENDPOINT OF PROPOSED REACH) - 2290 FEET SOUTH AND 130 FEET WEST FROM THE NW CORNER, OF SNOWDEN DLC 68
3 S	2 W	WM	29	SW NE	68	LOCATION B (DOWNSTREAM ENDPOINT OF PROPOSED REACH) - 2720 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SNOWDEN DLC 68

8. Transfer Application T-13963 also proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE SERVICE AREA BOUNDARIES OF THE CITY OF NEWBERG

9. Transfer Application T-13963 proposes to change the character of use to municipal use.
10. 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 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

11. 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.
12. A water delivery 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-13963.
13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
15. The proposed changes would not result in enlargement of the right.
16. The proposed change would not result in injury to other existing water rights.
17. All other application requirements are met.

Determination and Proposed Action

The additional point of diversion, change in place of use, and change in character of use proposed in Transfer Application T-13963 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-13963 is approved, the final order will include the following:

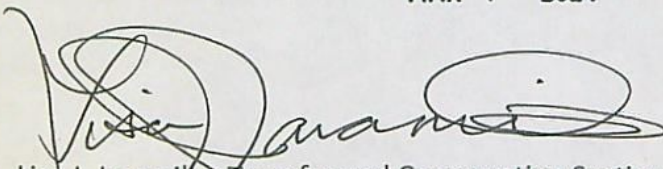
1. *The additional point of diversion, change in place of use and change in character of use proposed in Transfer Application T-13963 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 90014 and any related decree.*
3. *Water right Certificate 90014 is cancelled.*
4. *The quantity of water diverted at the additional point of diversion, together with the amount diverted from the authorized point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Water shall be acquired from the same source of surface water as the original points of diversion.*

6. *The former place of use of the transferred right shall no longer receive water under the right.*
7. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and 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 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.

8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2055**. 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 in Salem, Oregon on **MAR 1 - 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary

Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



RECEIVED

JUL 14 2022

OWRD

July 12, 2022

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

RE: Amended Pages for Water Right Transfer T-13963, in the Name of WestRock Northwest, LLC

Dear Kelly:

GSI Water Solutions, Inc. (GSI) submitted a transfer application (T-13963) on behalf of WestRock Northwest, LLC (Applicant) in March 2022. We have subsequently identified an error in the application. On pages 8 and 10, the original application incorrectly included a reference to an additional point of appropriation (APOA), rather than an additional point of diversion (APOD). On behalf of the Applicant, GSI is submitting the enclosed amended pages for T-13963 to correct this error. The corrected text is highlighted in yellow.

Please let us know if you have any questions. My telephone number is 541-257-9004.

Sincerely,

A handwritten signature in dark ink, reading "Kimberly Grigsby". The signature is written in a cursive, flowing style.

Kimberly Grigsby
Principal Water Resources Consultant

Enclosure: Amended transfer application pages 8 and 10

Part 5 of 5 – Water Right Information

CERTIFICATE # 90014

Description of Water Delivery System

System capacity: 22.3 cfs (8.0cfs under this right) cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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. Water was diverted from POD 1 through a 16-inch intake at the low water line of the Willamette River, and pumped, using two 100 hp 12-inch disc turbine pumps, through 148 ft of 20-inch welded steel pipe to the place of use. Water was also diverted from POD 2 through a 12-foot forebay and wet well, and pumped, using three 400 hp vertical turbine pumps, through 30-inch raw water pipe to the place of use. Water was then conveyed throughout the place of use via a closed pipe system. Currently, Certificate 90014 is leased instream (IL-1782).

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	☒ Authorized ☐ Proposed		3	S	2	W	29	SE	NW	DLC 55	2,130 feet South and 260 feet West from NW Corner, Snowden DLC 68
POD 2	☒ Authorized ☐ Proposed		3	S	2	W	29	NW	NW	DLC 55	1,630 feet South and 1,400 feet West from NW Corner, Snowden DLC 68
POD 3	The proposed point of diversion will be located between Location A and Location B										
Location A	☐ Authorized ☒ Proposed		3	S	2	W	29	SE	NW	DLC 55	2,290 feet South and 130 feet West from the NW corner of Snowden DLC 68
Location B	☐ Authorized ☒ Proposed		3	S	2	W	29	SW	NE	DLC 68	2,720 feet South and 300 feet East from the NW corner of Snowden DLC 68

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☒ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☒ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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 # 90014

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	Acre	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	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU/USE/ APOD	City of Newberg Service Area – See Attachment B								Municipal	POD 1, POD 2, POD 3	7/30/1927		
TOTAL ACRES:											TOTAL ACRES:										N/A					

Additional remarks: Due to the large infrastructure and capital investment required to make the proposed changes, the Applicant is requesting 30 years to complete the transfer.

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APR 25 2022

OWRD

April 20, 2022

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

RE: Water Right Transfer Application T-13963 – Updated Land Use Information Form from Yamhill County

Dear Kelly,

Please find enclosed an updated Land Use Information Form (LUIF) to be included in Transfer Application T-13963. When reviewing the transfer this updated LUIF should be used in place of the Yamhill County LUIF submitted with the original application packet. The original LUIF included incorrect information that the county planner provided unintentionally.

Please let us know if you have any questions. My phone number is 541-753-0933.

Thank you,

Sincerely,

A handwritten signature in blue ink that reads "Zach Pike-Urlacher". The signature is fluid and cursive, with the first and last names being more prominent.

Zach Pike-Urlacher
Water Resources Analyst

Enclosures: Updated Land Use Information Form from Yamhill County

RECEIVED

APR 25 2022

Land Use Information Form

OWRD

OREGON



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Applicant(s): WestRock Northwest, LLC ATTN: John StakelMailing Address: 1000 Abernathy Road NECity: AtlantaState: GAZip Code: 30328Daytime Phone: 770-326-8130

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>3S</u>	<u>2W</u>	<u>29</u>	<u>SENW</u>	<u>ROW</u>	<u>HI</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>Municipal</u>
<u>3S</u>	<u>2W</u>	<u>29</u>	<u>SWNE</u>	<u>ROW</u>	<u>HI</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>Municipal</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Yamhill County

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 RiverEstimated quantity of water needed: 8.0 ☒ 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:

WestRock Northwest, LLC, is filing a water right transfer for the benefit of the City of Newberg. 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. →

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): Section 402 and 1101 YCZO
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

Site Design Review (SDR) is required for this permitted use in the YCZO.

Name: Desiree Lundeen Title: Associate Planner
 Signature: [Signature] Phone: (503) 434-7516 Date: 4/11/22
 Government Entity: Yamhill County Planning Department

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: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

APR 25 2022

OWRD

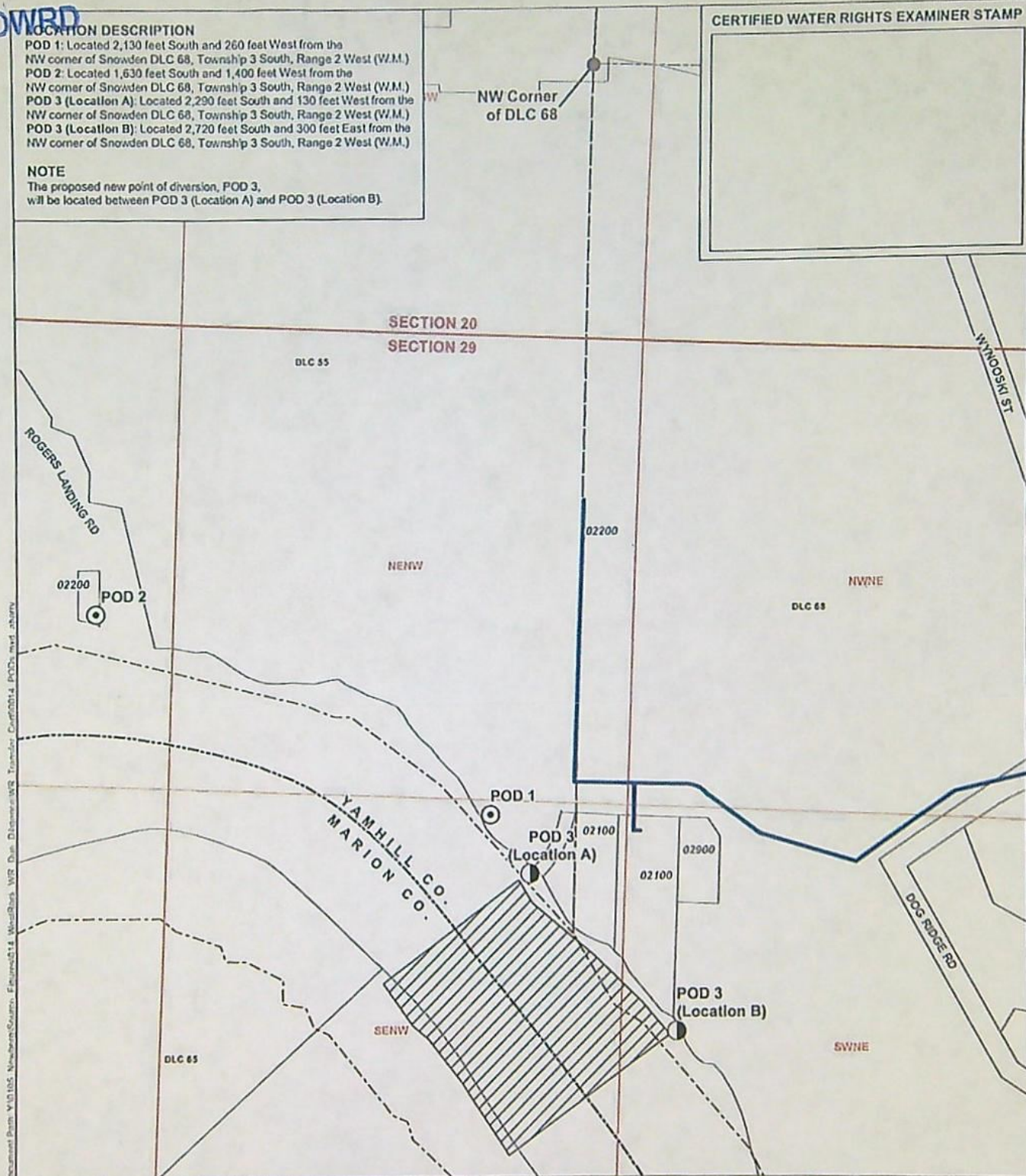
LOCATION DESCRIPTION

POD 1: Located 2,130 feet South and 260 feet West from the NW corner of Snowden DLC 68, Township 3 South, Range 2 West (W.M.)
 POD 2: Located 1,630 feet South and 1,400 feet West from the NW corner of Snowden DLC 68, Township 3 South, Range 2 West (W.M.)
 POD 3 (Location A): Located 2,290 feet South and 130 feet West from the NW corner of Snowden DLC 68, Township 3 South, Range 2 West (W.M.)
 POD 3 (Location B): Located 2,720 feet South and 300 feet East from the NW corner of Snowden DLC 68, Township 3 South, Range 2 West (W.M.)

NOTE

The proposed new point of diversion, POD 3, will be located between POD 3 (Location A) and POD 3 (Location B).

CERTIFIED WATER RIGHTS EXAMINER STAMP



LEGEND

Point of Diversion (POD)

Authorized

Proposed

Conveyance

Proposed Diversion Area

Donation Land Claim (DLC)

Tax Lot

City Boundary

County Boundary

Watercourse

Waterbody

Application for a Permanent Water Right Transfer in the Name of WestRock Northwest, LLC

Authorized and Proposed Points of Diversion Map

Certificate 90014

Yamhill County

Township 3 South, Range 2 West (W.M.)

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.

Date: March 2, 2022

Data Sources: BLM, ESRI, OWRD, USGS, Yamhill Co., Marion Co., City of Newberg



0 200 400
1 inch = 400 feet





Oregon
Kate Brown, Governor

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

April 13, 2022

WESTROCK NORTHWEST LLC
ATTN JOHN STAKEL
1000 ABERNATHY RD NE
ATLANTA, GA 30328

Reference: Application T-13963

On March 31, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$6410.00. Our receipt number 137804 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 our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

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 appropriation 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.

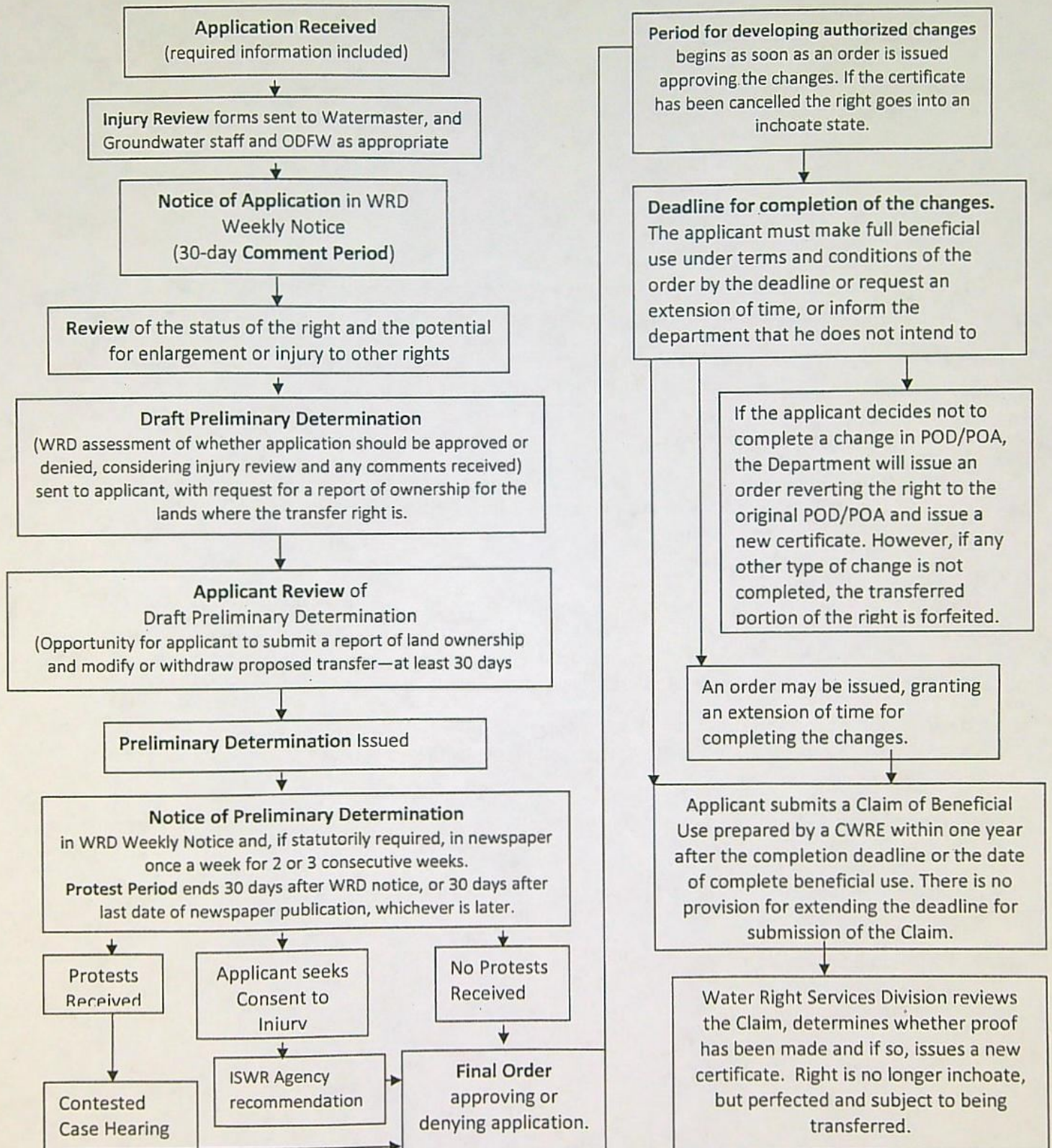
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #16, Gregory J. Wacker (*via email*)
Yamhill County
Receiving Landowner
City of Newberg
Yamhill County Planning Department
Kirk B. Maag, Kim Grigsby, Agent

Enclosure

Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



STATE OF OREGON
WATER RESOURCES DEPARTMENT725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

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

RECEIPT # 137804

INVOICE #

RECEIVED FROM:

BY:

CASH:

CHECK #

OTHER: (IDENTIFY)

☐☒

24435

☐

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 410.00

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

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 6,410.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

\$

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: 137804

DATED: 3-31-2022

BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

RECEIVED
MAR 31 2022

OWRD

OWRD
725 Summer St. NE, Suite H
Salem, OR 97301-1271
Trans for Application Fee3/18/22
\$6410.00

Application for Permanent Water Right Transfer



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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.

RECEIVED

MAR 31 2022

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

OWRD

- ☒ 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. **The required application fee of \$6,410 is enclosed.**
- ☒ 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: 90014 (Attachment A)**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- ☒ Completed Transfer Application Map. **(Attachment B)**
- ☒ Completed Evidence of Use Affidavit and supporting documentation. **(Attachment C)**
- ☐ ☒ N/A* Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) ***A purchase and sale agreement in which the Applicant retained ownership of the water right is enclosed. (Attachment D)**
- ☐ ☒ 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 Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. 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. **(Attachment E)**
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ 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.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

OWRD

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 3 of 5 – Fee Worksheet

[illegible]

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as $1/40$ or $1/80$ of a cfs per acre; multiply number of acres proposed for change by either 0.025 ($1/40$) or 0.0125 ($1/80$). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs , since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME WestRock Northwest, LLC ATTN: John Stakel			PHONE NO. 770-326-8130	ADDITIONAL CONTACT NO.
ADDRESS 1000 Abernathy Road NE				FAX NO.
CITY Atlanta	STATE GA	ZIP 30328	E-MAIL	
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/BUSINESS NAME Stoel Rives LLP (Attn: Kirk Maag)			PHONE NO. 503-294-9546	ADDITIONAL CONTACT NO. 541-881-9613
ADDRESS 760 SW Ninth Ave, Ste 3000				FAX NO.
CITY Portland	STATE OR	ZIP 97205	E-MAIL kirk.maag@stoel.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, Inc. ATTN: Kimberly Grigsby			PHONE NO. 541-257-9004	ADDITIONAL CONTACT NO.
ADDRESS 1600 Western Boulevard, Suite 240				FAX NO.
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL kgrigsby@gsiws.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 Newberg, is proposing to change the character of use of Certificate 90014 from industrial use to municipal use, add a point of diversion, and change the place of use to the City of Newberg Service Area. Certificate 90014 is currently leased instream (IL-1782). Due to the large infrastructure and capital investment required to make the proposed changes, the Applicant is requesting 30 years to complete the transfer.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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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By my signature below, I confirm that I understand:

- 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: Newberg Graphic.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

I (we) affirm that the information contained in this application is true and accurate.



Applicant signature

John Stakel, Senior Vice President
Print Name (and Title if applicable)

3-29-2022
Date

Applicant signature

Print Name (and Title if applicable)

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 * -N/A (See purchase and sale agreement provided in Attachment D in which the Applicant retained ownership of the water right.)

*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 The water right, however, is in the process of being sold.

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:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING OWNER NAME City of Newberg ATTN: Kaaren Hofmann		PHONE NO. 503-537-1223	ADDITIONAL CONTACT NO.
ADDRESS 414 East First Street		FAX NO.	
CITY Newberg	STATE OR	ZIP 97132	E-MAIL Kaaren.Hofmann@newbergoregon.gov
Describe any special ownership circumstances: The Applicant sold the land to which the subject water right is appurtenant; however the water rights were specifically excluded from the sale. (See purchase and sale			

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agreement provided in Attachment D.) Accordingly, an affidavit of consent from the landowner is not applicable because the Applicant continues to hold the water right. The Applicant is in the process of selling the water right to the City of Newberg, contingent on approval of this transfer application.

The confirming Certificate shall be issued in the name of: ☐ Applicant ☒ Receiving Owner At closing, the Applicant will assign the transfer to the City of Newberg.

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☐ 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.)

IRRIGATION DISTRICT NAME N/A	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.

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.

ENTITY NAME Yamhill County	ADDRESS 525 NE 4th Street	
CITY McMinnville	STATE OR	ZIP 97128

ENTITY NAME City of Newberg	ADDRESS 414 E First St.	
CITY Newberg	STATE OR	ZIP 97132

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Part 5 of 5 – Water Right Information

CERTIFICATE # 90014

Description of Water Delivery System

System capacity: 22.3 cfs (8.0cfs under this right) cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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. Water was diverted from POD 1 through a 16-inch intake at the low water line of the Willamette River, and pumped, using two 100 hp 12-inch disc turbine pumps, through 148 ft of 20-inch welded steel pipe to the place of use. Water was also diverted from POD 2 through a 12-foot forebay and wet well, and pumped, using three 400 hp vertical turbine pumps, through 30-inch raw water pipe to the place of use. Water was then conveyed throughout the place of use via a closed pipe system. Currently, Certificate 90014 is leased instream (IL-1782).

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	☒ Authorized ☐ Proposed		3	S	2	W	29	SE	NW	DLC 55	2,130 feet South and 260 feet West from NW Corner, Snowden DLC 68
POD 2	☒ Authorized ☐ Proposed		3	S	2	W	29	NW	NW	DLC 55	1,630 feet South and 1,400 feet West from NW Corner, Snowden DLC 68
POD 3	The proposed point of diversion will be located between Location A and Location B										
Location A	☐ Authorized ☒ Proposed		3	S	2	W	29	SE	NW	DLC 55	2,290 feet South and 130 feet West from the NW corner of Snowden DLC 68
Location B	☐ Authorized ☒ Proposed		3	S	2	W	29	SW	NE	DLC 68	2,720 feet South and 300 feet East from the NW corner of Snowden DLC 68

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|--|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☒ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☒ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ 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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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 # 90014

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	Acres	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	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU/USE/ APOA	City of Newberg Service Area – See Attachment B				Municipal	POD 1, POD 2, POD 3	7/30/1927						
TOTAL ACRES:										TOTAL ACRES:										N/A						

Additional remarks: Due to the large infrastructure and capital investment required to make the proposed changes, the Applicant is requesting 30 years to complete the transfer.

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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 N/A-This water right is for industrial use and the proposed use is municipal, so "layering" does not apply.

If YES, list the certificate, water use permit, or ground water registration numbers: _____.

 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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use -N/A

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: -N/A

- ☐ 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 -N/A

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 A

Certificate 90014

Application for a Permanent Water Right Transfer - WestRock Northwest, LLC

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STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SP NEWSPRINT CO.
PO BOX 70
NEWBERG OR 97132-0070

confirms the right to use the waters of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER for
MANUFACTURING AND FIRE PROTECTION.

This right was perfected under Permit S-8106. The date of priority is JULY 30, 1927. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 8.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	2 W	WM	29	NW NW	55	ADDITIONAL - 1630 FEET SOUTH AND 1400 FEET WEST FROM NW CORNER, SNOWDEN DLC 68
3 S	2 W	WM	29	SE NW	55	ORIGINAL - 2130 FEET SOUTH AND 260 FEET WEST FROM NW CORNER, SNOWDEN DLC 68

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
3 S	2 W	WM	29	NE NW	55

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

Water shall be acquired by the additional point of diversion from the same surface water source as the original point of diversion.

The water user shall maintain a fish screen or fish by-pass device.

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

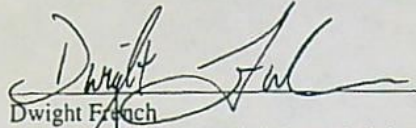
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION approved by orders of the Water Resources Director entered September 20, 2000, at Special Order Volume 54, Page 734, approving Transfer Application 8361, and December 6, 2000 at Special Order Volume 54, Page 888, amending Transfer Application 8361, supercedes Certificate 37773, State Record of Water Right Certificates.

MAR 27 2015

Issued _____.



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

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Attachment B

Application Maps

Application for a Permanent Water Right Transfer - WestRock Northwest, LLC

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From: STARNES Patrick K * WRD
To: Zach Pike-Urlacher
Cc: Kim Grigsby
Subject: RE: Inquiry regarding "proposed diversion area" and map scale waiver request
Date: Monday, February 28, 2022 11:29:02 AM

Good Morning Zach,

I see no problem with using a defined stream reach as the location of the proposed POD. Just make sure the end points of the reach are described by the measured distance from the nearby survey monument as you would a "normal" proposed POD.

The Department grants a map scale waiver for the attached place of use map.

Please include a copy of this e-mail when you submit the transfer application..

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: Zach Pike-Urlacher <zpikeurlacher@gsiws.com>
Sent: Monday, February 28, 2022 10:54 AM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Cc: Kim Grigsby <kgrigsby@gsiws.com>
Subject: Inquiry regarding "proposed diversion area" and map scale waiver request

Kelly,

We are working on putting together a water right transfer for the benefit of the City of Newberg and would like to propose a short reach as the area where an additional point of diversion will be developed (see attached point of diversion map, Cert. 90014). We used this approach for a previous transfer application that was approved by OWRD (see Cert. 85736 proposed diversion area map). We are curious if you foresee any issues with us employing this strategy again?

We would also like to request a map scale waiver for the attached place of use map.

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Please let us know if you have any questions.

Thanks,

Zach

Zach Pike-Urlacher

Water Resources Analyst

direct: 541.753.0933 | mobile: 360.739.2303

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

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

pronouns: he, him

Please note: GSI is open for business, although most of us are working remotely. I'm available by phone or email, as always.

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Attachment C

Evidence of Use Affidavit

Application for a Permanent Water Right Transfer - WestRock Northwest, LLC

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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 ~~Oregon~~ Georgia)
) ss
County of ~~YAMHILL~~ Fulton

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I, JOHN STAKEL, in my capacity as WESTROCK SENIOR VICE PRESIDENT,
mailing address 1000 Abernathy Road NE, Atlanta, GA, 30328
telephone number 770-326-8130, 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-1782 (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)

(continues on reverse side)

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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.

[Signature]

Signature of Affiant

3-29-2022

Date

Signed and sworn to (or affirmed) before me this 29th day of March, 20 22.[Signature]
Notary Public for Oregon GeorgiaMy Commission Expires: December 17, 2022

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☐ Aerial photos containing sufficient detail to establish location and date of photograph	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. 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
☒ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number (<u>IL-1782</u>)

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Lease Application) DETERMINATION and
IL-1782, Yamhill 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

WestRock Northwest LLC
1000 Abernathy Road
Atlanta, Georgia 30328
john.stakel@westrock.com

Findings of Fact

- On January 23, 2020, WestRock Northwest LLC filed an application involving the entirety of Certificates 37977 and 90014 for instream use. The Department assigned the application number IL-1782.
- The first right to be leased is as follows:

Certificate: 37977 in the name of Spaulding Pulp & Paper Co. (perfected under Permit S-28142)

Use: Manufacture of Pulp and Paper

Priority Date: June 28, 1962

Quantity: **Rate:** 19.7 Cubic Feet per Second (CFS)

Source: Willamette River, tributary of Columbia River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	2 W	WM	29	NW NW	55	1630 FEET SOUTH AND 1400 FEET WEST FROM THE NW CORNER OF SNOWDEN DLC 68
3 S	2 W	WM	29	SE NW	55	2130 FEET SOUTH AND 260 FEET WEST FROM THE NW CORNER OF SNOWDEN DLC 68

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.

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Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
3 S	2 W	WM	20	SW SW	55
3 S	2 W	WM	20	SE SW	55
3 S	2 W	WM	29	NW NE	68
3 S	2 W	WM	29	NE NW	68
3 S	2 W	WM	29	NE NW	55
3 S	2 W	WM	29	NW NW	55

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

Certificate: 90014 in the name of SP Newsprint Co. (perfected under Permit S-8106)

Use: Manufacturing and Fire Protection

Priority Date: July 30, 1927

Quantity: Rate: 8.0 Cubic Feet per Second (CFS)

Source: Willamette River, tributary of Columbia River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	2 W	WM	29	NW NW	55	ADDITIONAL - 1630 FEET SOUTH AND 1400 FEET WEST FROM THE NW CORNER OF SNOWDEN DLC 68
3 S	2 W	WM	29	SE NW	55	ORIGINAL - 2130 FEET SOUTH AND 260 FEET WEST FROM THE NW CORNER OF SNOWDEN DLC 68

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC
3 S	2 W	WM	29	NE NW	55

4. Certificates 37977 and 90014 do not specify the period of allowed use. However, use of water for manufacturing of pulp and paper, and manufacturing and fire protection are assumed to be 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: or has been modified is clarified from the lease application to prevent injury and enlargement and is as follows:
Willamette River, tributary of Columbia River

Instream Reach: At the POD's (as described in Finding of Fact No. 2)

Certificate	Use	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
37977	Manufacturing	June 28, 1962	19.700	14,265.15	January 1 through December 31
90014	Manufacturing	July 30, 1927	8.000	5,791.74	
90014	Fire Protection		0.003	2.40	

7. Other conditions to prevent injury and enlargement are:

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

8. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights.
9. The protection of flows at the authorized points 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.
10. The total monthly quantities of water to be protected under the existing and proposed instream rights at the points will provide for a beneficial purpose.
11. 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.
12. 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.
13. 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.
14. 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.
15. The Lessor has requested that the lease terminate on December 31, 2025, however an instream lease may only be active for a period of five years. Therefore, the lease will

terminate on December 31, 2024. The lease may commence on the date this final order is signed.

16. The Lessor has requested the option of terminating the lease early with written notice to the Department.

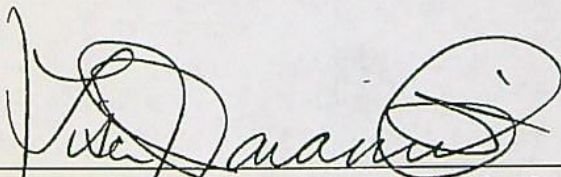
Conclusions of Law

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 upon approval of the instream lease and terminate on December 31, 2024. 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 APR 13 2020.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director, Oregon Water Resources Department

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Mailing date: APR 14 2020

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

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Attachment D

Purchase and Sale Agreement

Application for a Permanent Water Right Transfer - WestRock Northwest, LLC

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AGREEMENT OF SALE

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THIS AGREEMENT OF SALE is made and entered by and between Commercial Development Company, Inc., a Missouri corporation, or its assignee ("Purchaser"), and WestRock Northwest, LLC, a Delaware limited liability company ("Seller"), as of the 17th day of December 2019 (the "Effective Date").

WITNESSETH:

Seller hereby agrees to sell and convey to Purchaser, and Purchaser hereby agrees to purchase from Seller, the Property, as hereinafter defined, subject to the Permitted Exceptions, for the Purchase Price and upon and subject to the terms, provisions, and conditions hereinafter set forth. This Agreement of Sale does not include any sale of Water Rights, as hereinafter defined, all of which are retained by Seller.

ARTICLE I.

Definitions; Purchase Price

Section 1.1 Definitions. As used in this Agreement, the terms listed below, when they appear with their initial letters capitalized, shall have the following meanings unless the context in which they occur requires otherwise:

(a) "Agreement" means, and the words "herein," "hereof," "hereunder," and words of similar import, shall refer to, this Agreement of Sale.

(b) "Closing" means the consummation of the purchase of the Property by Purchaser from Seller in accordance with the terms and provisions of Article III, which Closing shall occur "New York style" through the Title Company on the Closing Date.

(c) "Closing Date" means no later than fifteen (15) days following the completion of the "Due Diligence Period."

(d) Omitted.

(e) "Due Diligence Period" means the sixty-five (65) day period commencing on the Effective Date.

(f) "Effective Date" means the date set forth in the first paragraph hereinabove and on which a copy of this Agreement is fully executed by both parties hereto and delivered to Purchaser.

(g) "Environmental Condition" means any physical condition or condition with respect to the environment which arose in the past and is continuing, now exists or may hereafter be found to exist in, on, under, or about the Property, its improvements or the area surrounding the Property or off-site, whether or not yet discovered, and includes, but is not limited to, contamination of the environment (including, without limitation, ambient air, surface or subsurface

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soil or strata, air, water (whether surface water or ground water) or sediments) by Hazardous Substances; the presence of Hazardous Substances, including chemicals, process materials, and hazardous or other wastes, which are located or stored upon the Property or migrated from the Property; and impacts to or natural resource damages arising from conditions in, on or under the Property.

(h) "Environmental Laws" means any and all laws, statutes, ordinances, rules, regulations, judgments, orders, decrees, permits, licenses, or other governmental restrictions or requirements relating to pollution or protection of human health, natural resources, and the environment, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. §9601 *et seq.*), the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §6901 *et seq.*), the Clean Air Act, as amended (42 U.S.C. §7401, *et seq.*), the Clean Water Act, as amended (33 U.S.C. §1251, *et seq.*), the Occupational Safety and Health Act of 1970, as amended, (29 U.S.C. § 651, *et seq.*), and the implementing regulations adopted pursuant thereto, as well as all state and local counterparts.

(i) "Environmental or Property Liability" means all debts, actions, causes of action, lawsuits, claims, demands, judgments, fines, penalties and other liabilities and obligations of every kind and nature, whether past, present or future, known or unknown, fixed or contingent, arising from or relating to the Property, including without limitation, any Environmental Condition. The term "Environmental or Property Liability" shall include fines, penalties, bodily injuries, property damage, investigation, monitoring, removal actions, remediation (active or passive), risk assessment, containment and/or natural resource damages, arising from or relating to: (i) past, present and future industrial activities on the Property; (ii) CERCLA, RCRA or any other Environmental Law; and (iii) Hazardous Substances, including, without limitation, process chemicals, asbestos-containing materials and/or lead-based paint, stored or present on the Property.

(j) "Escrow Deposit" means, initially, the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) in immediately available federal funds which shall be delivered by Purchaser to the Escrow Holder by certified check or wire transfer within two (2) business days after the Effective Date. On the expiration date of the Due Diligence Period, Purchaser shall deposit an additional ONE FIFTY THOUSAND DOLLARS (\$150,000.00) in immediately available federal funds with the Escrow Holder, at which time "Escrow Deposit" shall mean the entire TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) then being held by the Escrow Holder.

(k) "Escrow Holder" means the Title Company.

(l) "Excluded Matters" shall have the meaning described in Section 2.5(a).

(m) "Governmental Regulations" means any and all laws, ordinances, rules, regulations, statutes, building codes, zoning ordinances, restrictions, judgments, orders or decrees and other matters of all governmental authorities or courts of competent jurisdiction having jurisdiction over the Property.

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(n) "Hazardous Substances" means any "hazardous substance", "hazardous waste" "hazardous chemical", "hazardous material", "toxic substance", "pollutant" or "contaminant" as those terms are defined by Environmental Laws, including, without limitation, asbestos, oil, petroleum, lead-based paint, mold and polychlorinated biphenyls ("PCBs").

(o) "Improvements" means all (i) buildings and/or improvements heretofore constructed upon the Land and (ii) omitted; excluding, however, the Retained Fixtures and Equipment and/or any To Be Recycled Fixtures and Equipment.

(m) "Land" means that approximately 207.5 acres less City transfers, see **Exhibit A and A-1** of real property located at 1301 Wynooski Road, Newberg, Oregon 97132 comprised of tracts or parcels listed on Exhibit A attached hereto and made a part hereof for all purposes, together with all and singular the rights, easements, and appurtenances pertaining thereto, including any right, title, and interest of Seller in and to adjacent streets, alleys, or rights-of-way, to the extent that such rights, titles, and interests pertain to the real property described on said exhibit.

(n) "Miscellaneous Contracts" means all of Seller's interest in any service contracts, maintenance arrangements, or other agreements affecting the operation of the Land and/or Improvements assumed by Purchaser at Closing.

(o) "Permitted Exceptions" means those exceptions or conditions to title to the Property approved by Purchaser pursuant to Section 2.1 hereof.

(p) "Personal Property" means the personal property of Seller listed on Exhibit B attached hereto and made a part hereof for all purposes which will be sold to Purchaser as part of the transaction contemplated herein.

(q) "Property" means the Land, the Personal Property, the Improvements and Seller's interest in the Miscellaneous Contracts, excluding, however, any and all Water Rights.

(r) "Purchase Price" means \$10,250,000.00.

(s) "Retained Fixtures and Equipment" means those fixtures and equipment set forth on Exhibit C attached hereto and made a part hereof for all purposes which will be removed and retained by Seller prior to Closing.

(t) "Survey" means any current plat of survey of the Land and Improvements, prepared by a Registered Public Surveyor or a Registered Professional Engineer duly and currently licensed by the State within which the Land and Improvements are located.

(u) "Title Binder" means the Commitment for Owner's Title Insurance Policy issued by the Title Company.

(v) "Title Company" means First American Title Insurance Company.

(w) "Title Policy" means the Title Insurance Policy issued by the Title Company.

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(x) "To Be Recycled Fixtures and Equipment" means those fixtures and equipment set forth on Exhibit D attached hereto and made a part hereof for all purposes which will be dismantled, removed, and properly recycled by Purchaser as set forth in Section 3.6 below.

(y) "Water Rights" means the right to use or withdraw water from any water source, including, without limitation, any and all water rights now or formerly associated with the Land, the Personal Property, the Improvements, and Seller's prior activities at the Land, including but not limited to those water rights identified in State of Oregon Certificates of Water Rights # 37977 (for 19.7 cubic feet per second) and # 90014 (for 8.0 cubic feet per second).

(z) "Warranties" means all warranties and guaranties, if any, relating to the Personal Property, or any part thereof.

Section 1.2 Payment of Purchase Price. The Purchase Price, subject to adjustments for pro-rations as hereinafter provided for, shall be paid in full in cash at Closing by wire transfer of immediately available federal funds to a bank account of the Title Company.

ARTICLE II.

Title and Survey; Approval of Documents; Inspections; Conditions

Section 2.1 Review of Survey and Title Binder by Purchaser. Within thirty (30) days after the Effective Date, Seller shall deliver to Purchaser the Title Binder and copies of all exceptions to title set forth therein. Within twenty-five (25) days after the aforesaid delivery, Purchaser shall deliver to Seller a copy of the Survey along with such objections as Purchaser may have, in its sole discretion, to anything contained in or set forth on the Title Binder and/or the Survey. Any exceptions to title shown in the Title Binder and on the Survey to which Purchaser does not so object shall be deemed to be the Permitted Exceptions.

Section 2.2 Seller's Right to Cure Purchaser's Objections. If Purchaser delivers objections to exceptions contained in the Title Binder or the Survey to Seller in accordance with Section 2.1 hereof, then Seller may, in its sole discretion, prior to the expiration of the Due Diligence Period, satisfy such objections at no cost to Purchaser; provided that Seller shall not (except as set forth in the immediately following sentence) be obligated to expend any funds to cure any such exceptions to title. Notwithstanding the foregoing, on or before Closing, Seller shall, at Seller's sole cost and expense, eliminate all liens securing financial obligations encumbering the Property, including, without limitation, tax liens, judgment liens and mechanic's and materialmen's liens. In the event Seller delivers written notice to Purchaser before the expiration of the Due Diligence Period that Seller is unable or unwilling to satisfy such objections, other than the monetary objections required to be cured by Seller as contemplated in the preceding sentence, Purchaser may either waive such objections and proceed to close the transaction contemplated hereby or terminate this Agreement by notice delivered to Seller prior to Closing in which event the Escrow Deposit shall be returned to Purchaser and the parties shall have no further obligations to the other except for those set forth herein that expressly survive the termination of this Agreement. The failure of Seller to deliver the notice to

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EIGHTH AMENDMENT TO
PROPERTY TRANSFER AGREEMENT

THIS EIGHTH AMENDMENT TO PROPERTY TRANSFER AGREEMENT (this "Amendment") is made as of the Effective Date (defined below), between **WESTROCK NORTHWEST, LLC**, a Delaware limited liability company (the "Seller"), and **COMMERCIAL DEVELOPMENT COMPANY, INC.**, a Missouri corporation ("Purchaser").

WITNESSETH:

WHEREAS, Seller and Purchaser are parties to that certain Agreement of Sale dated December 17, 2019 as amended on February 19, 2020, March 23, 2020, May 18, 2020, May 27, 2020, June 1, 2020, June 12, 2020, and June 22, 2020 (collectively the "Sale Agreement"), relating to the purchase and sale of certain real property more particularly described therein and containing approximately 207.5 acres in Newberg, Oregon; and

WHEREAS, the parties desire to amend the Sale Agreement as hereinafter provided.

NOW, THEREFORE, in consideration of the mutual benefits accruing hereunder, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. All capitalized terms used in this Amendment that are not defined herein shall have the meanings ascribed to them in the Sale Agreement.
2. Closing Date. The Closing Date defined in Section 1.1(c) of the Sale Agreement is hereby amended to mean "fifteen (15) days after the end of the Survey Period."
3. Due Diligence. The Due Diligence Period defined in Section 1.1(e) of the Sale Agreement shall expire on the earlier of: (i) full execution and delivery of this Amendment, or (ii) June 30, 2020 at 5:00 P.M. Eastern Time. Notwithstanding the preceding, Purchaser retains its rights set forth in Section 2.1 and 2.2 of the Sale Agreement relative to the Survey. Purchaser has an additional fifty (50) days from the date of this Amendment to obtain the Survey and assert objections thereto, if any (the "Survey Period"). Purchaser shall continue to have the right to access the Property for inspection and investigation purposes for Purchaser's intended future use, subject to the requirements for such access in Section 2.4 of the Sale Agreement.
4. Purchase Price. The Purchase Price defined in Section 1.1(r) of the Sale Agreement is hereby amended to be \$4,500,000.00.
5. Insurance Policy. The parties agree the insurance policies identified in and attached as Exhibit A, with an election for \$100,000.00 in deductible for both for Purchaser's and Seller's policies, and otherwise containing the terms set forth in Section 2.5(f) of the Sale Agreement (as amended by the Second Amendment to Property Transfer Agreement), are acceptable to each party, approved by the Seller, and will together constitute the "Insurance Policy" as defined in the

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Sale Agreement. In addition to the binder already required under Section 3.3(vi) of the Sale Agreement, within thirty (30) days of the Closing Purchaser shall deliver to Seller fully executed versions of the Insurance Policy. Further, notwithstanding anything to the contrary in Section 2.5(f) of the Sale Agreement (as amended by the Second Amendment to Property Transfer Agreement), as to premiums payable for the Insurance Policy, Purchaser shall be solely responsible for the first \$500,000.00 in premiums, with the cost for any additional premiums above \$500,000.00 ("Excess Premiums") for the Insurance Policy split and paid equally in a timely manner by the parties, and with each party to provide the other written evidence of its payment of its portion of any such Excess Premiums on request by the other.

6. Exhibit D of the Sale Agreement is deleted and replaced with the Exhibit D attached to this Amendment.

7. Water Rights - Right of First Refusal. Seller agrees to grant to Purchaser, effective as of the Closing and only if the transaction contemplated by the Sale Agreement closes, a right of first refusal to purchase a portion of the Certificated Rights (the "ROFR"), subject to the terms and conditions set forth in this Section. As used in this Section, the term "Certificated Rights" refers to State of Oregon Certificates of Water Right Nos. 37977 and 90014, which together authorize the use of 27.7 cubic feet per second of water.

a. ROFR. The ROFR shall apply only to 7.74 cubic feet per second of the total rate authorized to be used under the Certificated Rights (the "Burdened Rights"), and Seller shall retain all right to sell, transfer, exchange, grant an option to purchase, or otherwise dispose of any other portion of the Certificated Rights (the "Remaining Rights") without regard to the right of first refusal granted under this Section, including the right to sell, transfer, exchange, grant an option to purchase, or otherwise dispose of the Remaining Rights *before* taking any such action with respect to the Burdened Rights. The following terms and conditions shall apply to the ROFR:

i. Seller agrees not to sell, transfer, exchange, grant an option to purchase, or otherwise dispose of the Burdened Rights without first offering the Burdened Rights to Purchaser on the terms and conditions set forth in this Section.

A. When Seller receives from a third party (the "Third-Party Offeror") a bona fide offer to purchase the Burdened Rights, or a part of or an interest in the Burdened Rights, that Seller desires to accept, Seller must give Purchaser written notice (the "ROFR Notice") of the price, terms, and conditions of the offer and deliver a copy of the offer (the "Offer") to Purchaser.

B. When Purchaser receives the ROFR Notice and a copy of the Offer, Purchaser will have the prior and preferential right to purchase all Certificated Rights to be sold (including both any Burdened Rights and any other Certificated Rights to be sold) (the "Offered Rights") as described in the Offer at the same price and on the same terms and conditions as are contained in the Offer. Purchaser shall have no right to elect to purchase only a portion of Certificated Rights described in the Offer.

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C. Purchaser will have 20 calendar days from the date that Purchaser receives the ROFR Notice and a copy of the Offer to notify Seller whether Purchaser elects to purchase under the terms of the Offer. If Purchaser elects to exercise its right to purchase, then in addition to giving Seller written notice of its election within the 20-day period, Purchaser also must tender an amount equal to 25 percent of the purchase price reflected in the Offer as an earnest-money deposit (the "ROFR Deposit") to be held and used in accordance with the terms of the Offer. The amount of the ROFR Deposit will be calculated based on the maximum purchase price that would be paid to Purchaser under the Offer, without considering any purchase price adjustments contained in the Offer.

D. If Purchaser fails to timely exercise its right to purchase under the terms of this Section, then Seller will be entitled to sell the Offered Rights (including the part of or interest in the Burdened Rights covered by the Offer) according to the terms of the Offer to the Third-Party Offeror, subject to the terms of the following paragraph. If the sale contemplated by the Offer closes, the ROFR will terminate and be of no further force or effect as to the part of or interest in the Burdened Rights sold pursuant to the Offer.

E. If Purchaser fails to timely exercise its right to purchase under the terms of this Section, and for any reason Seller does not sell or convey the Offered Rights to the Third-Party Offeror on materially the same terms contained in the Offer, then Seller must resubmit the Offer or any other offer to Purchaser before selling the Burdened Rights (or the part of or interest in the Burdened Rights), and such offers will be subject to the ROFR.

b. Term. The term of the ROFR commences on the Closing Date and, unless earlier terminated pursuant to this Section 7, terminates five (5) years after the Closing Date. Purchaser will cooperate in providing Seller with any instruments that Seller reasonably may require for the purpose of removing from the public record any cloud on title to the Burdened Rights attributable in any manner to the grant or existence of the ROFR, as provided under subsection d. of this Section below.

c. No Assignment. Except to a limited liability company having substantially similar ownership and management as Purchaser, Purchaser shall not have the right to assign the ROFR without the prior written consent of Seller, which consent shall not be unreasonably withheld.

d. Recording. On request of Purchaser, Seller agrees to join in executing a memorandum of the ROFR, to be filed for record in the official records of Yamhill County, Oregon, to give notice to the public of the rights of Purchaser regarding the ROFR. Purchaser will pay the cost of recording the memorandum. The memorandum must note the date that the ROFR expires, and Purchaser will join in executing a termination

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agreement when the ROFR has expired or terminated, failing which, Seller may execute the termination agreement on behalf of Purchaser.

e. Warranty. Seller represents and warrants that it is the sole owner of the Burdened Rights but provides no other representation or warranty regarding the Burdened Rights.

f. "AS-IS, WHERE-IS" SALE. Purchaser acknowledges that any purchase of the Burdened Rights (or any other Certificated Rights) will be on an "AS-IS, WHERE-IS" basis, with all faults. Except as expressly set forth in this Section, Purchaser acknowledges that neither Seller nor any agents of Seller have made any representations or warranties to Purchaser, express or implied, and will not be liable for any representations and warranties of any nature. Purchaser acknowledges that Purchaser, as of the Closing Date, will have had adequate opportunity to investigate the Burdened Rights (or any other Certificated Rights) to Purchaser's satisfaction, either independently or through agents of Purchaser's choosing, and that in purchasing the Burdened Rights (or any other Certificated Rights) Purchaser will not rely on Seller or its agents as to the condition of the Burdened Rights (or any other Certificated Rights) or any other matter pertaining to the Burdened Rights (or any other Certificated Rights). Purchaser shall bear all costs and risks associated with any government or third-party approvals required to put the Burdened Rights (or any other Certificated Rights) to the use intended by Purchaser.

g. Consents. Seller and Purchaser agree to act in good faith and with fair dealing with one another in the execution, performance, and implementation of the terms and conditions of the ROFR. Whenever the consent, approval, or other action of a party is required under any provision of this Section, such consent, approval, or other action will not be unreasonably withheld, delayed, or conditioned by the party unless the provision in question expressly authorizes the party to withhold or deny consent or approval or to decline to take action in accordance with a different standard, in which case the consent or approval or the decision to not take action may be withheld, delayed, or conditioned in accordance with the different standard. Any provision indicating that consent is not to be unreasonably withheld will be interpreted to mean that consent will not be unreasonably withheld, delayed, or conditioned.

8. The Sale Agreement, as modified by this Amendment, shall continue in full force and effect.

9. This Amendment may be executed in counterparts, each of which shall be deemed an original document, but all of which shall together constitute a single agreement. The signature of any party to any counterpart shall be deemed a signature to and may be appended to any other counterpart. Facsimile and/or electronically transmitted signatures via pdf shall be deemed valid as originals.

[Signatures appear on the following page.]

IN WITNESS WHEREOF, this Amendment has been executed by the parties effective as of the last of the dates written below (the "Effective Date").

SELLER:

WESTROCK NORTHWEST, LLC,
a Delaware limited liability company

DocuSigned by:
By: John Stakel

95A501CABF244B8
Print Name: John Stakel

Title: Senior Vice President & Treasurer

Date: 6/30/2020

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MR

PURCHASER:

COMMERCIAL DEVELOPMENT COMPANY, INC.,
a Missouri corporation

DocuSigned by:
By: Michael Roberts

DE298F2FD71A499
Print Name: Michael Roberts

Title: Vice president

Date: 6/30/2020

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March 22, 2022

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

RE: Application for a Water Right Transfer - Certificate 90014

Dear Mr. Starnes:

Please find enclosed an Application for a Permanent Water Right Transfer, which requests to transfer water right Certificate 90014. Also enclosed please find the required application fee of \$6,410.

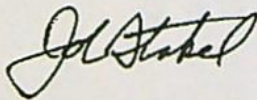
Certificate 90014 is held by WestRock Northwest, LLC (WestRock), but the transfer is being pursued for the benefit of the City of Newberg (City). Please note that WestRock is no longer the owner of the authorized place of use of Certificate 90014, but, as further documented in this application, WestRock retained ownership of Certificate 90014 during the recent land sale transaction.

The enclosed transfer application proposes to make multiple changes to Certificate 90014 including changing the character of use from industrial to municipal use, adding a point of diversion, and changing the place of use to the City's Service Area.

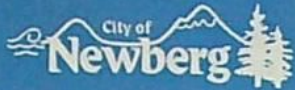
Due to the extent of the permitting, financing and infrastructure improvements required to complete construction and to put the full 8.0 cfs to beneficial use, we request that OWRD allow 30 years to complete this transfer. Please see the attached letter from City of Newberg for additional information about the need for this time to complete development under the transfer.

If you have any questions or concerns, please contact Kim Grigsby with GSI Water Solutions, Inc. Kim's phone number is 541-257-9004.

Sincerely,



John Stakel
Senior Vice President



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MAR 31 2022

OWRD

March 18, 2022

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

RE: Water Right Transfer Application for the Benefit of City of Newberg – Certificate 90014

Dear Mr. Starnes:

The City of Newberg (City) has entered into an agreement with WestRock Northwest, LLC to acquire water right Certificate 90014 following approval of this transfer application. The transfer proposes multiple changes to Certificate 90014: changing the character of use and place of use, and adding a point of diversion. Once OWRD approves the transfer application, the City will be responsible for completing the requested changes. For the reasons described below, we are requesting that OWRD allow 30 years to complete this transfer.

Completion of the requested transfer for Certificate 90014 will require the City to obtain the necessary financing, conduct extensive planning, obtain required state and federal permits, develop engineering plans, as well as to construct the necessary infrastructure. Delivery of water for municipal use within the City's Service Area will also require significant planning, construction and financing. For these reasons, allowing 30 years to complete the proposed transfer is justified.

Please contact me if you need additional information. My telephone number is 503-537-1223.

Sincerely,

Kaaren Hofmann, PE
City Engineer

LOCATION DESCRIPTION

Authorized PODs

POD 1: Located 2,130 feet South and 260 feet West from the NW corner of Snowden DLC 68, Township 3 South, Range 2 West (W.M.)
POD 2: Located 1,630 feet South and 1,400 feet West from the NW corner of Snowden DLC 68, Township 3 South, Range 2 West (W.M.)

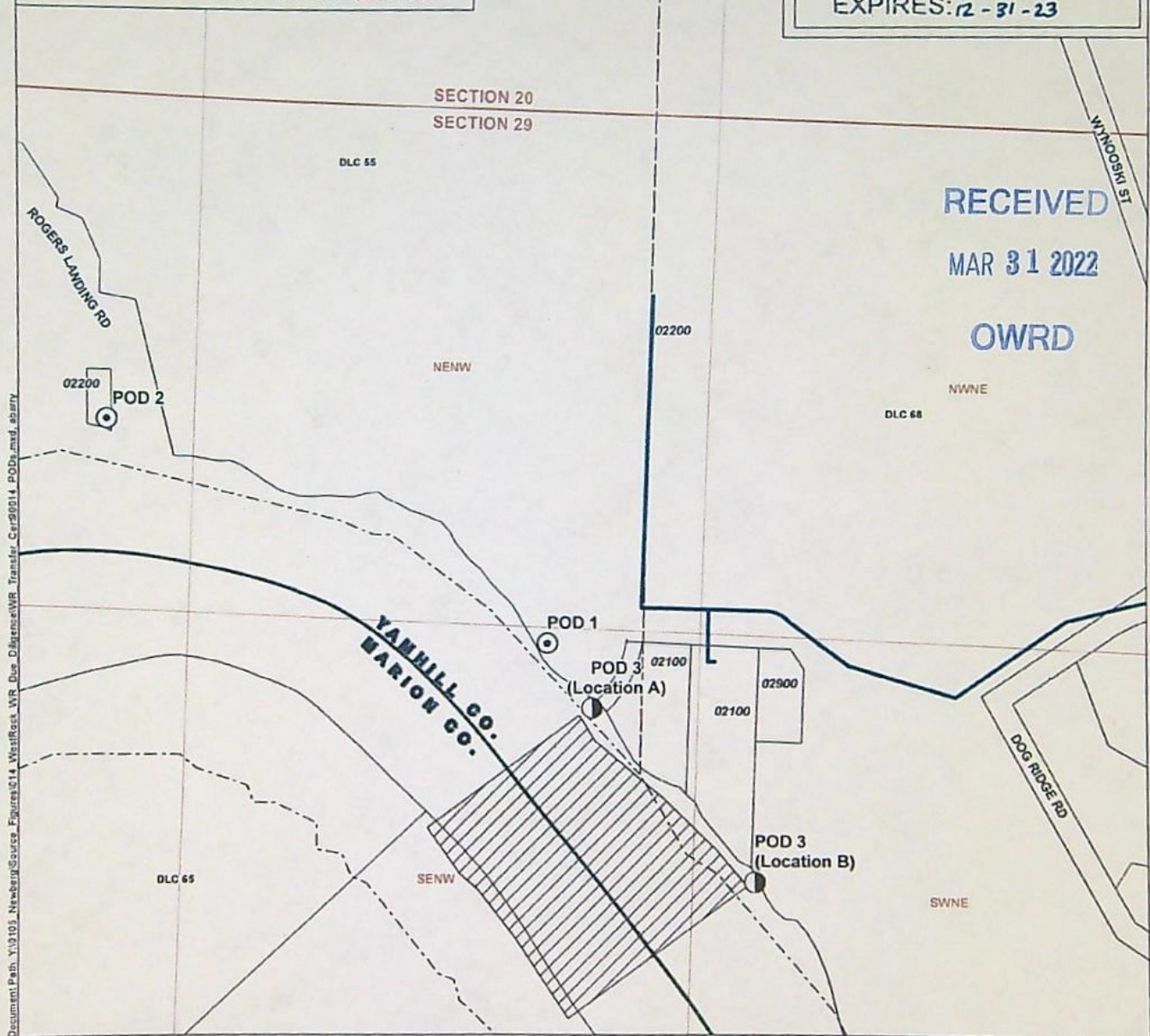
Proposed Additional PODs

POD 3 (Location A): Located 2,290 feet South and 130 feet West from the NW corner of Snowden DLC 68, Township 3 South, Range 2 West (W.M.)
POD 3 (Location B): Located 2,720 feet South and 300 feet East from the NW corner of Snowden DLC 68, Township 3 South, Range 2 West (W.M.)

NOTE

The proposed new point of diversion, POD 3, will be located between POD 3 (Location A) and POD 3 (Location B).

CERTIFIED WATER RIGHTS EXAMINER STAMP



LEGEND

Point of Diversion (POD)	Conveyance	City Boundary
Authorized	Proposed Diversion Area	County Boundary
Proposed Additional	Donation Land Claim (DLC)	Watercourse
	Tax Lot	Waterbody

Application for a Permanent Water Right Transfer in the Name of WestRock Northwest, LLC Authorized and Proposed Additional Points of Diversion Map

Certificate 90014

Yamhill County
Township 3 South, Range 2 West (W.M.)

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.
Date: March 21, 2022
Data Sources: BLM, ESRI, OWRD, USGS, Yamhill Co., Marion Co., City of Newberg



0 200 400
1 inch = 400 feet

13963



LOCATION DESCRIPTION

Authorized PODs

POD 1: Located 2,130 feet South and 260 feet West from the NW corner of Snowden DLC 68, Township 3 South, Range 2 West (W.M.)
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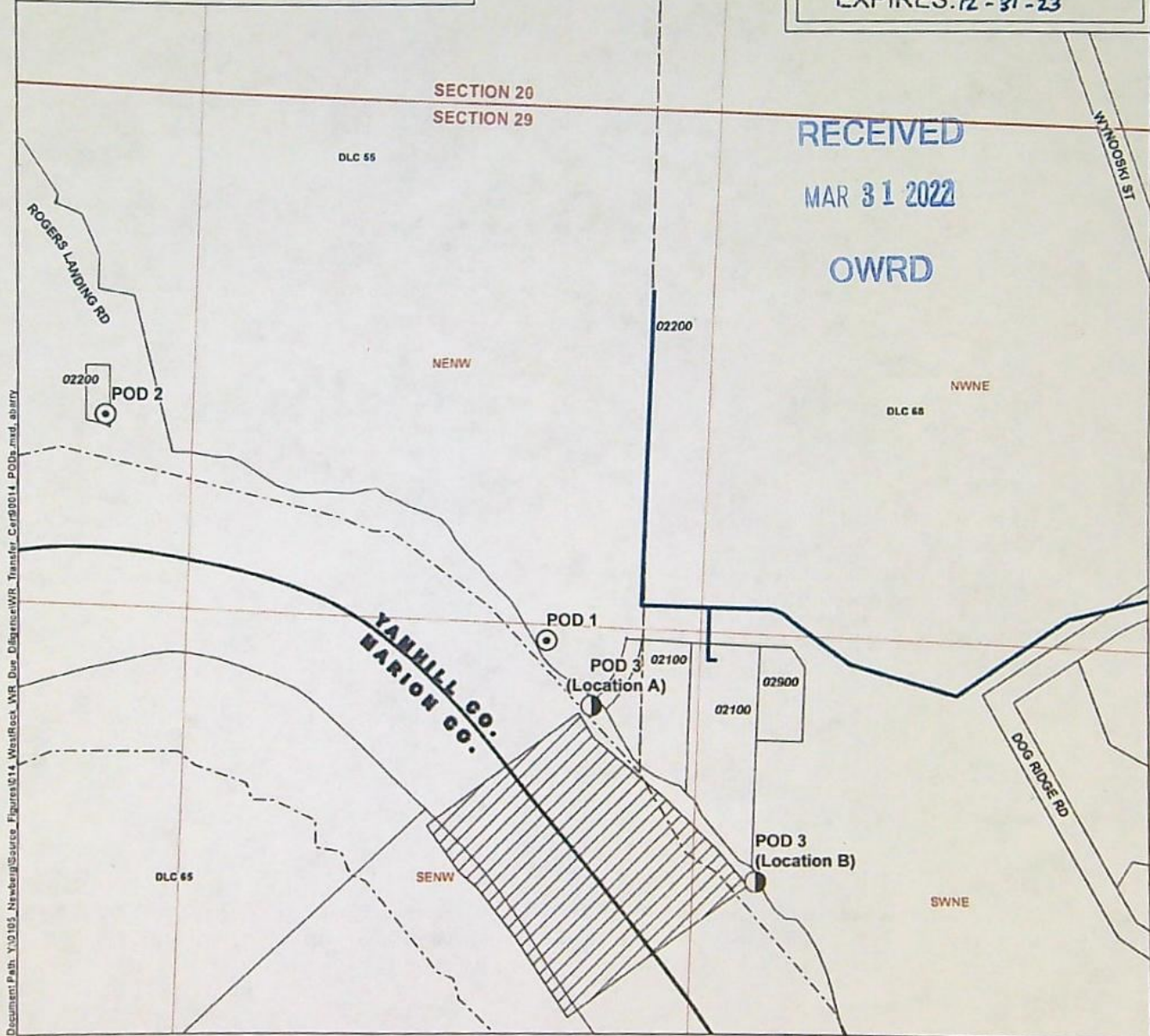
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CERTIFIED WATER RIGHTS EXAMINER STAMP



LEGEND

Point of Diversion (POD)	Conveyance	City Boundary
Authorized	Proposed Diversion Area	County Boundary
Proposed Additional	Donation Land Claim (DLC)	Watercourse
	Tax Lot	Waterbody

Application for a Permanent Water Right Transfer in the Name of WestRock Northwest, LLC Authorized and Proposed Additional Points of Diversion Map

Certificate 90014

Yamhill County
Township 3 South, Range 2 West (W.M.)

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.
Date: March 21, 2022
Data Sources: BLM, ESRI, OWRD, USGS, Yamhill Co., Marion Co., City of Newberg



0 200 400
1 inch = 400 feet



Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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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.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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OWRD

Applicant(s): WestRock Northwest, LLC ATTN: John Stake

Mailing Address: 1000 Abernathy Road NE

City: Atlanta

State: GA

Zip Code: 30328

Daytime Phone: 770-326-8130

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	X X	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>3S</u>	<u>2W</u>	<u>29</u>	<u>SENW</u>	<u>ROW</u>	<u>HI</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>Municipal</u>
<u>3S</u>	<u>2W</u>	<u>29</u>	<u>SWNE</u>	<u>ROW</u>	<u>HI</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>Municipal</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Yamhill County

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: 8.0 ☒ 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:

WestRock Northwest, LLC, is filing a water right transfer for the benefit of the City of Newberg. 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. →

For Local Government Use Only

OWRD

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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

The diversion of water for municipal use is permitted. However, any construction for a water supply system will require an application for Site Design Review per Section 703.02(I) of the YCZO

Name: Desiree Lundeen Title: Associate Planner
 Signature: [Signature] Phone: (503) 434-7516 Date: 3/
 Government Entity: Yamhill County Planning Department

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: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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Attachment E

Land Use Information Form

Application for a Permanent Water Right Transfer – WestRock Northwest, LLC

13963

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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NOTE TO APPLICANTS

OWRD

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:

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 - 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;
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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.

Land Use Information Form

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MAR 31 2022

OWRD



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Applicant(s): WestRock Northwest, LLC ATTN: John Stake

Mailing Address: 1000 Abernathy Road NE

City: Atlanta

State: GA

Zip Code: 30328

Daytime Phone: 770-326-8130

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:
See City of Newberg Service Area on Attached Map						☐ Diverted ☒ Conveyed ☒ Used	<u>Municipal</u>
_____	_____	_____	_____	_____	_____	☐ Diverted ☐ Conveyed ☐ Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Newberg

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: 8.0 ☒ 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:

WestRock Northwest, LLC, is filing a water right transfer for the benefit of the City of Newberg. 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. →

For Local Government Use Only

OWRD

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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:	
Development within City limits requires compliance with NMC Title 15 Development Code	See Comprehensive Plan and Title 15 Development Code	☐ Obtained ☐ Denied	☒ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: Doug Rux Title: Community Development Director

Signature:  Phone: (503) 537-1212 Date: 3/23/2022

Government Entity: City of Newberg

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.

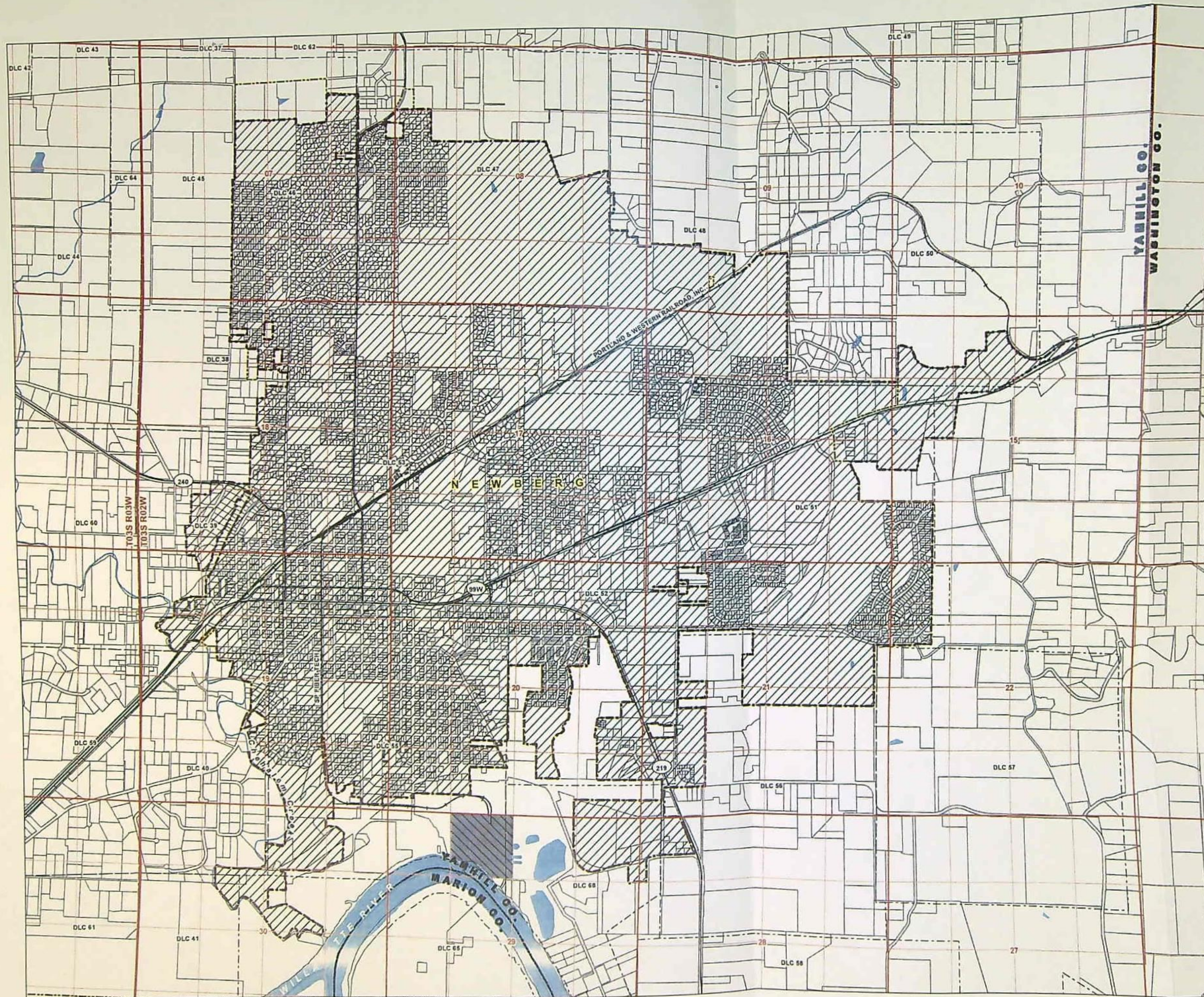
Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

13963



**Application for a Permanent
Water Right Transfer
in the Name of WestRock
Northwest, LLC
Authorized and Proposed
Place of Use Map**

Certificate 90014

Yamhill County
Township 3 South,
Range 2 West (W.M.)

LEGEND

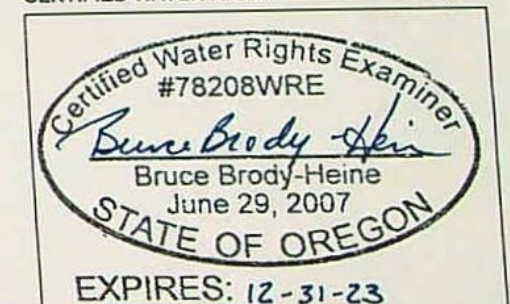
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- City Service Area
- Donation Land Claim (DLC)
- Tax Lot
- County Boundary
- City Boundary
- Railroad
- Major Road
- Watercourse
- Waterbody

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MAR 31 2022

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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.



0 1,000 2,000 3,000
1 inch = 2,000 feet

Date: March 21, 2022
Data Sources: BLM, ESRI, OWRD, USGS,
Yamhill Co., Marion Co., City of Newberg



Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-

Checked by: <u>Scott</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	☒ POU	☒ POD	☒ APOD
Date: <u>4/5/22</u>		Gov Action	Surface to Ground	☒ USE	☐ POA	☐ APOA
Fee Received: <u>6410</u>						
Calculated Fee: <u>6410</u>			How many rights to be Transferred? Certificate # <u>90014</u>			
Additional Observations: <u>Current landowner does not own water right.</u>						

If OK and complete, check box to the left; if NOT, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
 - ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.
Name of the district: _____
 - ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
 - ☒ 4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
 - ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
 - ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? ☐ Yes ☐ No
 - ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☒ N/A.
 - ☒ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
 - ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.
- OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **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.

Actions taken: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

[illegible]

Oregon Water Resources Department
Transfer Fee Calculation for Permanent (Non-District) Transfer

[Main](#) [Return](#)

Today's Date: Tuesday, April 5, 2022

Fee
Calculation

Base Fee (includes one type of change to one water right for up to 1 cfs)

\$1,360.00

Fill in information below-- Check each box that applies.

Types of Change Proposed:

- ☒ Place of Use
☒ Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD
☒ Character of Use

\$2,180.00

Enter total number of water rights included in transfer.

1

\$0.00

☐ Check this box if you propose to add or change a well, or change from a surface water POD to a well.

Enter total number of groundwater wells (POAs) included in transfer.

\$0.00

☒ 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:

8

☐ Check this box if you propose to change the place of use or character of use for an irrigation right.

Total Transfer CFS(rounded up to the next whole cfs): 8.00

\$2,870.00

Subtotal:

\$6,410.00

Check each box that applies.

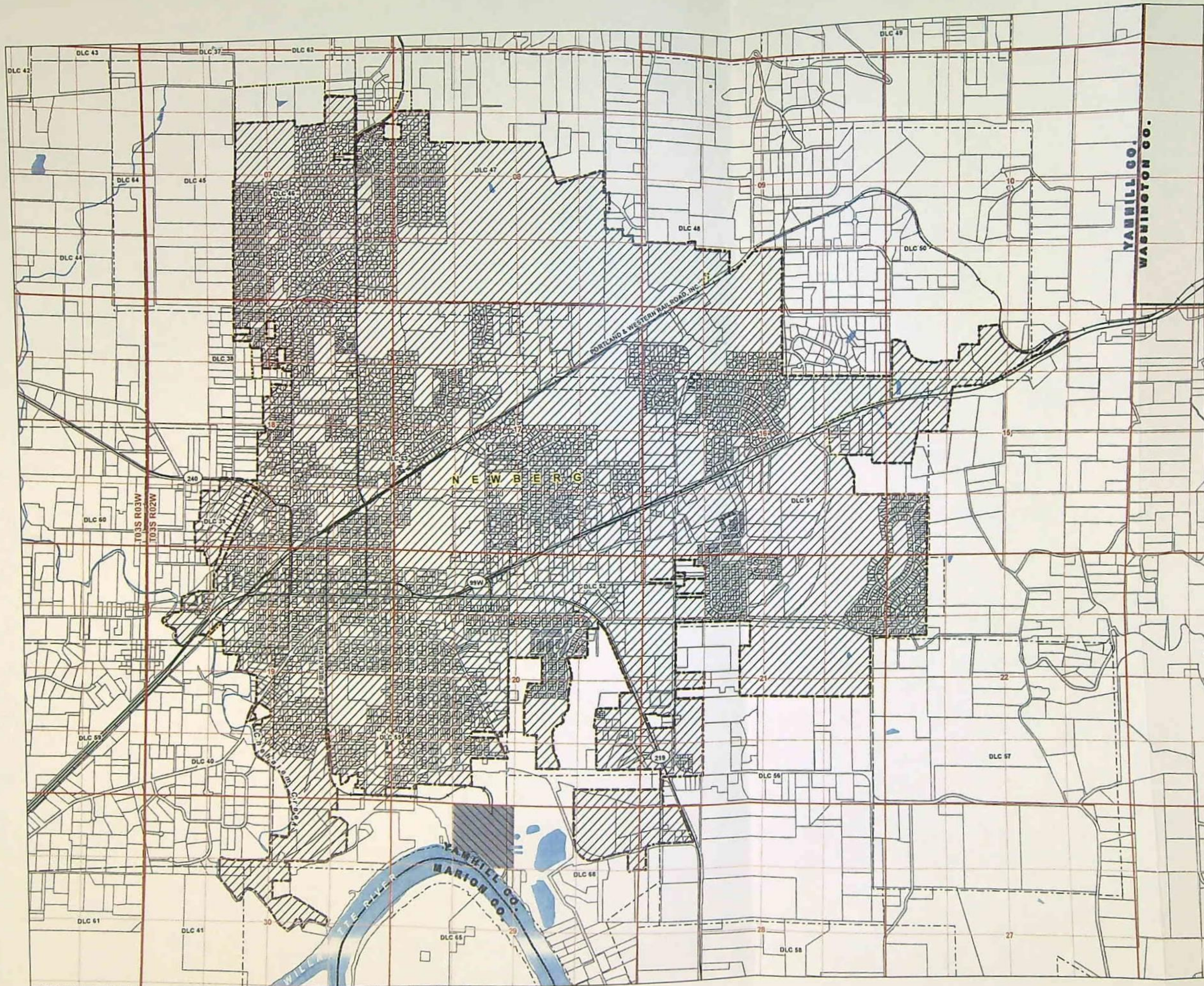
- ☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.
☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee:

\$6,410.00

[Return to Edit](#) [Clear](#)



**Application for a Permanent
Water Right Transfer
in the Name of WestRock
Northwest, LLC
Authorized and Proposed
Place of Use Map**

Certificate 90014
Yamhill County
Township 3 South,
Range 2 West (W.M.)

LEGEND

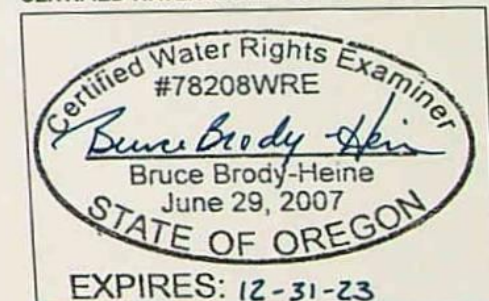
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- Proposed Place of Use (POU)
- City Service Area
- Donation Land Claim (DLC)
- Tax Lot
- County Boundary
- City Boundary
- Railroad
- Major Road
- Watercourse
- Waterbody

RECEIVED

MAR 31 2022

OWRD

CERTIFIED WATER RIGHTS EXAMINER STAMP



DISCLAIMER

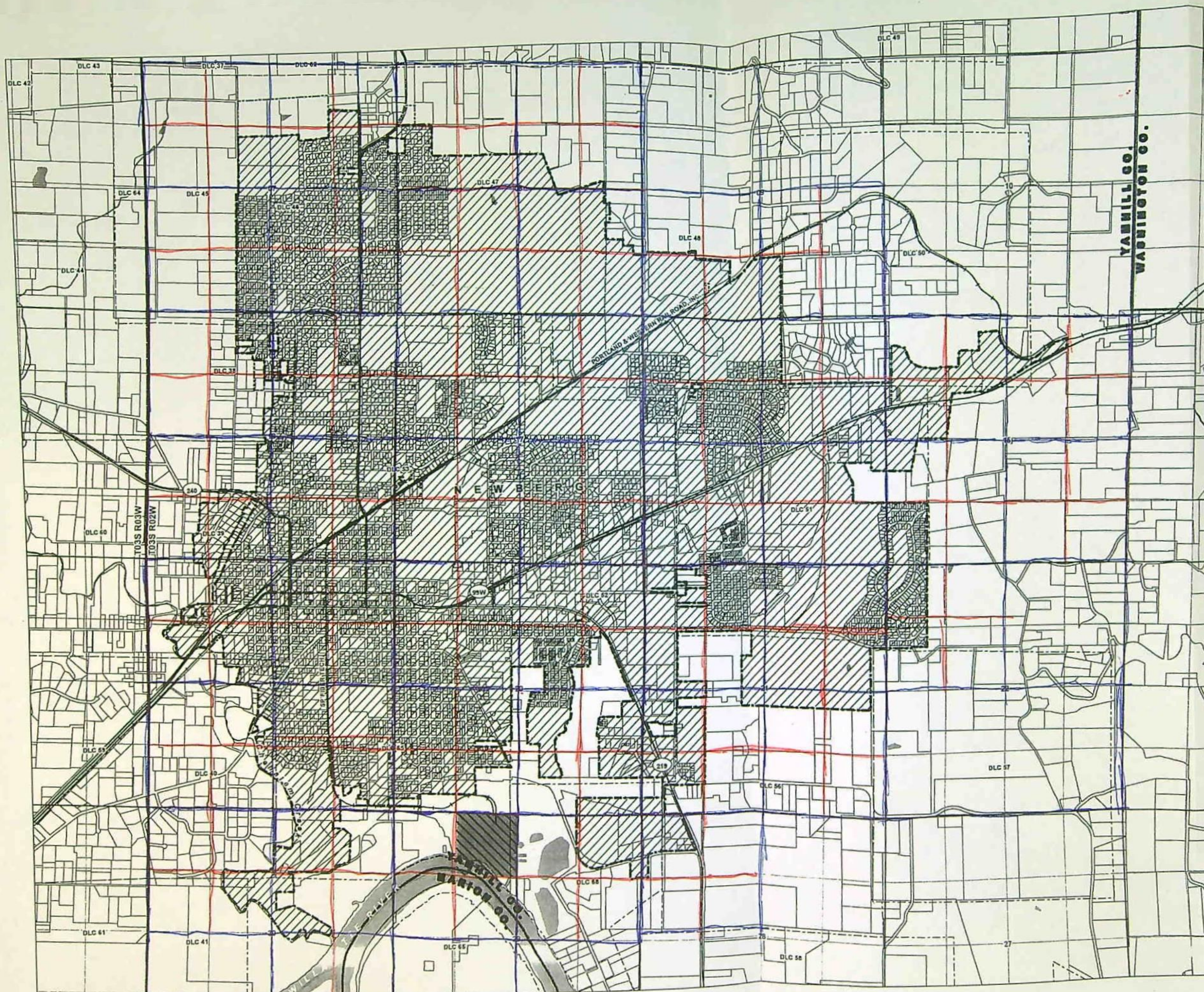
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13963
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1 inch = 2,000 feet

Date: March 21, 2022
Data Sources: BLM, ESRI, OWRD, USGS,
Yamhill Co., Marion Co., City of Newberg





**Application for a Permanent
Water Right Transfer
in the Name of WestRock
Northwest, LLC
Authorized and Proposed
Place of Use Map**

Certificate 90014

Yamhill County
Township 3 South,
Range 2 West (W.M.)

LEGEND

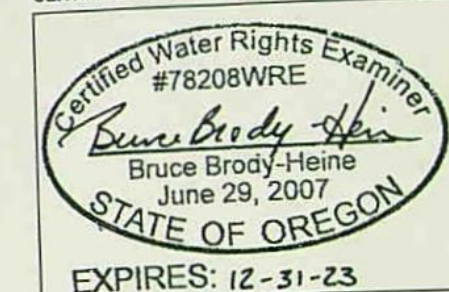
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- Waterbody

RECEIVED

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OWRD

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.

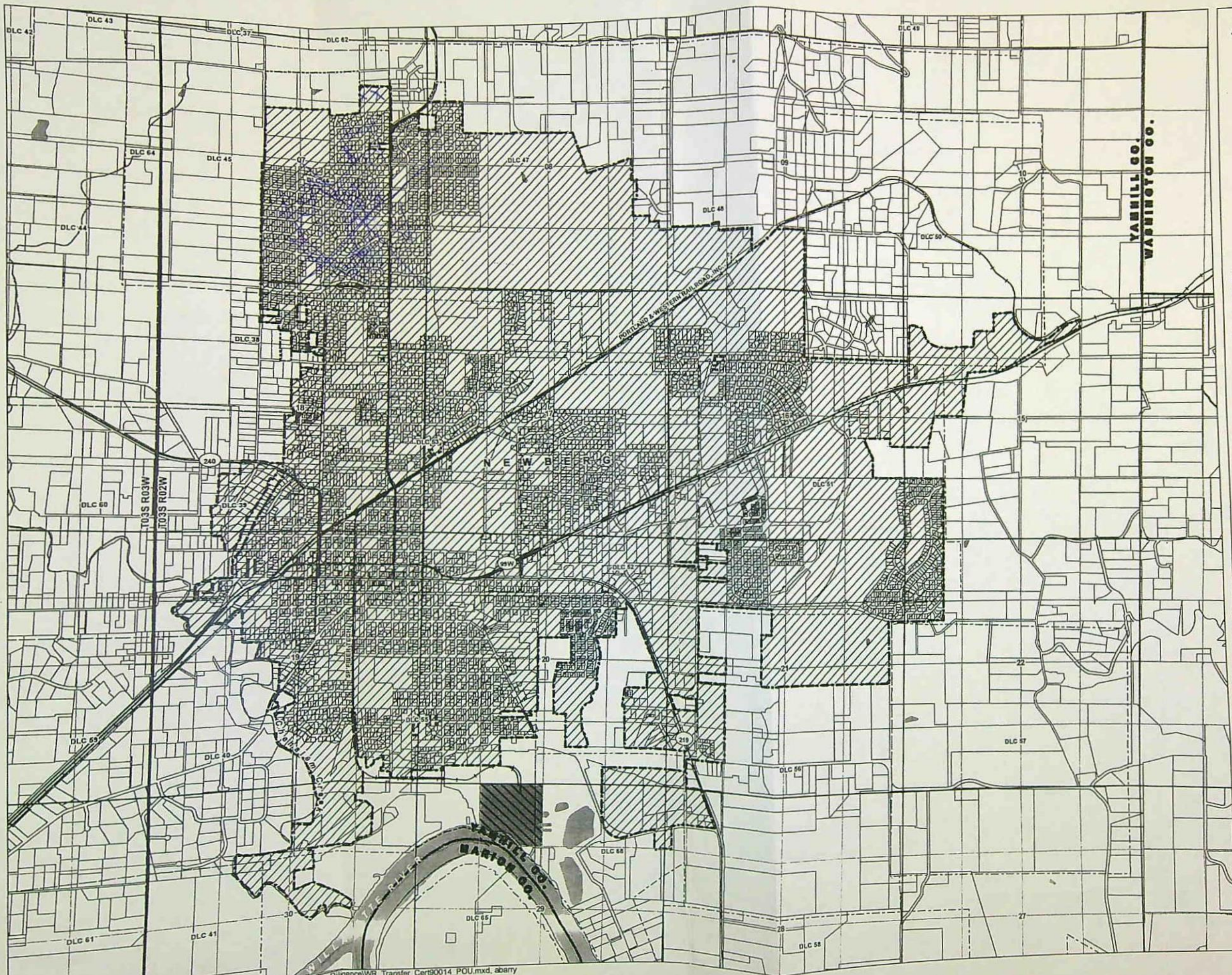


13963

0 1,000 2,000 3,000
1 inch = 2,000 feet

Date: March 21, 2022
Data Sources: BLM, ESRI, OWRD, USGS,
Yamhill Co., Marion Co., City of Newberg





**Application for a Permanent
Water Right Transfer
in the Name of WestRock
Northwest, LLC
Authorized and Proposed
Place of Use Map**

Certificate 90014

Yamhill County
Township 3 South,
Range 2 West (W.M.)

LEGEND

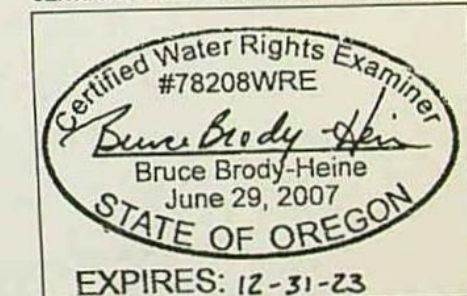
- Authorized Place of Use (POU)
- Proposed Place of Use (POU)
- City Service Area
- Donation Land Claim (DLC)
- Tax Lot
- County Boundary
- City Boundary
- Railroad
- Major Road
- Watercourse
- Waterbody

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