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WATER RESOURCES DIV.
SALEM, OREGON

November 28, 2007

ATTN: Herb Mosgar
Water Rights and Adjudications Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: ATI Wah Chang Application for Permit to Use Surface Water

Herb:

On behalf of the applicant, ATI Wah Chang, please find enclosed an Application for a Permit to Use Surface Water and a check totaling \$1100 to cover the necessary filing fees for the application. The application fee was calculated as follows based on a request for 4.63 cfs for a single purpose of fish and wildlife use:

Base fee.....	\$500
1 st cfs	\$200
Next 4 cfs or fraction thereof (4 x \$100).....	<u>\$400</u>
Total.....	\$1100

Please send copies of all correspondence relating to this application to both the applicant and to my attention. If you have any questions regarding the enclosed application or the information contained therein, please call me at 541-753-0745. Thank you for your assistance and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman", is written over a white background.

GSI Water Solutions, Inc.
Adam Sussman

Enclosure: Application for Permit to Use Surface Water
Check totaling \$1100 to cover the necessary application fee

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Attachment A
Map

ATI Wah Chang's Application for a Permit to Use Surface Water

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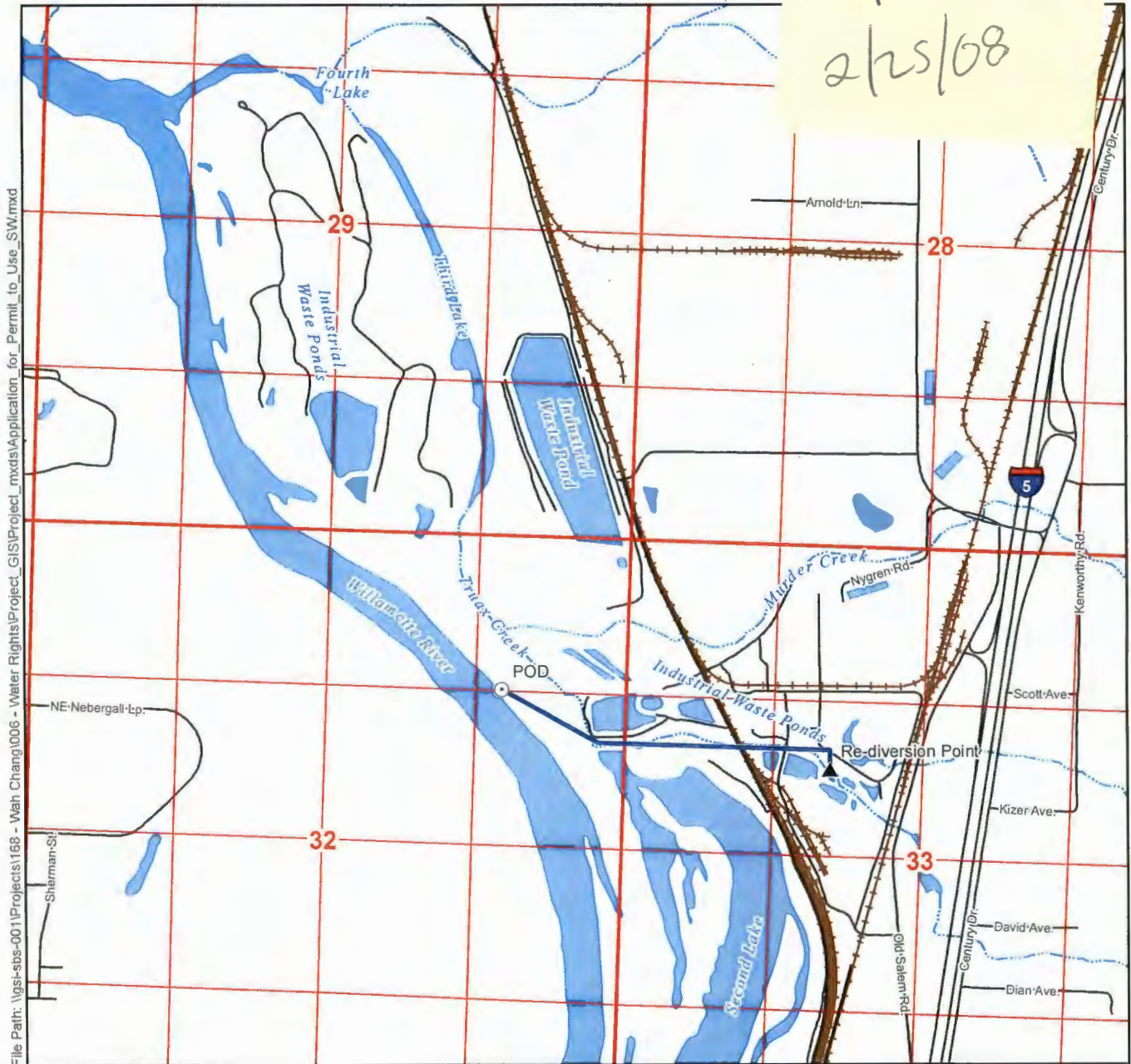
WATER RESOURCES DEPT
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Application for a Permit to Use Surface

In The Name of: **ATI Wah Chang**

Township 10 South, Range 3 West (W.M.)

Suppceded
2/25/08



File Path: \gis-sbs-001\Projects\168 - Wah Chang\006 - Water Rights\Project_GIS\Project_mxd\Application_for_Permit_to_Use_SW.mxd

Legend

- Point of Diversion (POD)
- ▲ Proposed Re-division into Truax Creek
- Surface Water Diversion Pipe
- ~ Watercourses
- Waterbodies
- ∩ Roads
- Railroads

POD Legal Description

Proposed Point of Diversion
Located 1320 feet South and 1080 feet West from the NE corner
of Section 32, Township 10 South, Range 3 West (W.M.)



Scale

1 inch equals 1,320 feet
0 330 660 1,320
Feet

Map Information

Map Projection: Oregon State Plane North Zone
Map Datum: North American Datum of 1983
Map Date: November 2, 2007
Prepared By: GSI Water Solutions, Inc.

Data Sources

City of Albany GIS, Oregon Geospatial Data Clearinghouse

Note

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.



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Attachment B
Land Use Information Form
ATI Wah Chang's Application for a Permit to Use Surface Water

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 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 proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: BARBARA CASTILLO Title: CITY ADMINISTRATOR/RECORDER
 Signature: [Signature] Phone: 541-928-4523 Date: 11/15/07
 Government Entity: CITY OF MILLERSBURG

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: _____



Oregon Water Resources Department Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: ATI Wah Chang
Mailing Address: 1600 Old Salem Rd NE, PO Box 460
City: Albany State: OR Zip: 97321 Day Phone: 541-926-4211 ext. 6729

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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:
10S	3W	32	NE 1/4		General Industrial	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	fish and wildlife uses
10S	3W	33	NW 1/4		General Industrial	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	fish and wildlife uses
10S	3W	29	NE 1/2		General Industrial	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	fish and wildlife uses
10S	3W	29	NW 1/4		General Industrial	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	fish and wildlife uses

List all counties and cities where water is proposed to be diverted, conveyed, or used. City of Millersburg

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Allocation of Conserved Water
- Permit Amendment or Ground Water Registration Modification
- Water-Right Transfer
- Limited Water Use License
- Exchange of Water

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Source of water: Reservoir/Pond Ground Water Surface Water (name) Willamette River

Estimated quantity of water needed: 4.63 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 Wildlife and fish life uses

Briefly describe: Wah Chang is filing a water right application to provide additional flow to Truax Creek to off-set any reduced flow that may occur if Wah Chang ceases to release water into the creek.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

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



Oregon

Theodore R. Kulongoski, Governor

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

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 jurisdictions 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.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan.

Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Attachment C
Section 7 Remarks

ATI Wah Chang's Application for a Permit to Use Surface Water

S-87046



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

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

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1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: ATI Wah Chang

Name and title of person applying: Doug Pennington

Mailing address of organization: 1600 Old Salem Rd NE, PO Box 460

Albany OR 97321-0460
City State Zip

Phone: 541-926-4211 ext. 6729
Day Evening

*Fax: 541-924-6874 *E-Mail address: doug.pennington@wahchang.com

* Optional information

For Department Use		
App. No. <u>587044</u>	Permit No. _____	Date _____

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2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Willamette River Tributary to: Columbia River
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). N/A

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
 - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Water Use.")
- No (Please check the appropriate box below.)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

N/A

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3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount			
Willamette River	fish life/ wildlife use	4.63	<input checked="" type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af

C. Period of Use

Indicate the time of year you propose to use the water: April 1--November 30
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1--October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: N/A
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): pump specification to be determined
- Head-gate (give dimensions): _____
- Other means (describe): _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other means (describe): _____

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C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length):

Diameter 18 inches Length approximately 3,000 lineal feet

Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? Water will be conveyed from the river via the pipe described above and re-diverted into Truax Creek via an approx. 200-foot long, 12-inch diameter pipe.

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Water will be conveyed via closed pipeline to prevent any evaporation and will be re-diverted immediately into Truax Creek.

5-87046

5. RESOURCE PROTECTION

A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: The diversion will be screened to prevent uptake of fish and other aquatic life.

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Minimal excavation or bank clearing is anticipated.

Any impacted riparian areas will be replanted promptly.

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: Applicant will do any work within the river only during the in-water

work period.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: Although no erosion is anticipated as a result of this project, any construction

activity will be monitored to prevent erosion from impacting water quality.

- Other: _____

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6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: Within five years of permit issuance

Proposed date construction will be completed: Within five years of permit issuance

Proposed date beneficial water use will begin: Within five years of permit issuance

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

See attached remarks

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8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

7. Remarks

Wah Chang has existing facilities to divert water from the Willamette River and use the water for manufacturing purposes, as authorized by Certificate 50306. (A copy of Certificate 50306 is attached.)

Flows in Truax Creek have been augmented by discharge from Wah Chang's facility following use under Certificate 50306. Wah Chang intends, however, to cease its releases of industrial process water into Truax Creek. Without the water use proposed in this application, Truax Creek would be mostly dry during the summer months. To maintain the customary flows in Truax Creek, Wah Chang is applying for a water right to divert water from the Willamette River and re-divert it directly into Truax Creek to benefit the fish and wildlife using the creek, Third Lake and Fourth Lake.

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9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant (If more than one applicant, all must sign.)

11/14/07
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us

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Attachment D
Legal Description of Property
ATI Wah Chang's Application for a Permit to Use Surface Water

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that WAH CHANG CORPORATION a corporation duly organized and existing under the laws of the State of New York, hereinafter called grantor, in consideration of Ten and other Dollars to grantor paid, does hereby grant, bargain, sell and convey unto WAH CHANG ALBANY CORPORATION, an Oregon corporation, hereinafter called grantee, and grantee's successors and assigns, that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Linn, and State of Oregon, described as follows, to-wit:

TRACT I

A part of the Exum Powell D.L.C. No. 44 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, described as follows: Beginning at a 1/2" iron rod which is North 88°57' East 2412.53 feet from a 1 1/2"x1 1/2" angle iron which said angle iron is South 1°30' East 1785.3 feet from a point on the South line of and South 88°54' West 3518.0 feet from the Southeast corner of the Isaac Miller, Sr. D.L.C. No. 46 in Township 10 South, Range 3 West, Willamette Meridian; thence North 88°57' East 1134.0 feet to a 1/2" iron pipe on the West line of an old county road; thence South 1°03' East along the West line of said old county road 242.6 feet to a 1" iron bolt on the West line of the Southern Pacific Railroad right of way; thence South 88°57' West 1134.0 feet to a 1/2" iron rod; thence North 1°03' West 242.6 feet to the point of beginning, containing 6.32 acres, more or less.

BEING the same premises conveyed by Carl S. Nygren and Persis H. Nygren, his wife, and Oscar Nygren to Wah Chang Corporation, by deed dated August 23, 1956 and recorded on August 24, 1956 in Book 250, page 458 of said Deed Records.

TRACT II

Part of Exum Powell D.L.C. No. 44 in Section 33, T.10S., R.3W., of the W.M., Linn County, Oregon, being a triangular shaped tract between the Oregon Electric Railway Company right of way and the Southern Pacific Company right of way as conveyed from Florence M. Cooper, Ralph F. Cooper and James E. Cooper to the Oregon Electric Railway Company by deed dated July 26, 1949 and recorded September 2, 1949 in Book 210, page 239, Deed Records of Linn County, Oregon, more particularly described as beginning at the Southeast corner of said D.L.C.; thence South 89° 58' West 2296.7 feet to the Easterly right of way line of the Oregon Electric Railway Company; thence North 14° 07' East along said right of way line 734.8 feet to the true point of beginning, said true point of beginning being at the point of convergence of said Easterly right of way line of the Oregon Electric Railway Company with the Westerly right of way line of the Southern Pacific Company; thence North easterly along the Easterly

1.

Application No. 56919
Permit No.

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right of way line of the Oregon Electric Railway Company on the arc of a curve to the left, the radius of which is 1980.8 feet and the long chord of which bears North 8° 50' East 1025.6 feet, a distance of 1037.7 feet; thence Northwesterly along said right of way line on the arc of a decreasing Talbot spiral to the left, the long chord of which bears North 26° 56' West 303.6 feet, a distance of 303.7 feet; thence North 28° 30' West along said right of way line 1663.4 feet to the most westerly south line of a tract described in deed from John Goetz to Carl S. Nygren and Oscar Nygren recorded March 24, 1934 in Book 141, page 331, Deed Records; thence North 89° 03' East along said South line 595.7 feet to an interior corner of said tract; thence South 0° 36' East 242.6 feet to the most southerly southwest corner of said tract; thence North 87° 53' East along the most southerly south line of said tract 1134 feet to the westerly right of way line of the Southern Pacific Company; thence South 14° 07' West along said right of way line 2634.7 feet to the true point of beginning.

Excepting therefrom a 30 foot right of way lying southerly of, contiguous to, and along the whole length of the most Easterly north line of the above description, as excepted in deed from H. Bryant and wife to John Petty recorded July 8, 1893 in Book 58, page 558, Deed Records; said most Easterly north line being more particularly described as beginning at the southeast corner of said Exam Powell D.L.C. No. 44, T. 10S., R. 3W., of the W.M.; thence South 89° 58' West 2295.7 feet to the Easterly right of way line of the Oregon Electric Railway Company; thence North 14° 07' East along said right of way line and the westerly right of way line of the Southern Pacific Company 3369.5 feet to the true point of beginning of the line to be described, said point being at the most easterly southeast corner of a tract conveyed by John Goetz to Carl S. Nygren and Oscar Nygren by deed recorded March 24, 1934 in Book 141, page 331, Deed Records; the line to be described beginning at said true beginning point and runs South 87° 53' West along the South line of said Nygren tract 1134 feet.

Also, excepting therefrom a strip of land 100 ft. wide and extending southerly from the most westerly north line of the above described tract to the Southern Pacific Company's westerly right of way line, this exception being more particularly described as follows: Beginning at the southeast corner of said D.L.C.; thence south 89° 58' West 2295.7 feet to the easterly right of way line of the Oregon Electric Railway Company; thence North 14° 07' East along said right of way line 734.8 feet to the true point of beginning, said true

2.

Application No. 56919
Permit No.

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point of beginning being at the point of convergence of said easterly right of way line of the Oregon Electric Railway Company with the westerly right of way line of the Southern Pacific Company; thence northwesterly along the said easterly right of way line of the Oregon Electric Railway Company on the arc of a curve to the left, the radius of which is 1960.8 feet and the long chord of which bears North 80° 50' West 1025.6 feet, a distance of 1037.7 feet; thence northwesterly along said right of way line on the arc of a decreasing Talbot spiral to the left, the long chord of which bears North 26° 56' West 303.6 feet, a distance of 303.7 feet; thence North 28° 30' West along said right of way line 1663.4 feet to the most westerly south line of a tract described in deed from John Goetz to Carl S. Nygren and Oscar Nygren recorded March 24, 1934 in Book 141, page 381, Deed Records; thence North 89° 03' East along said south line, 112.54 ft.; thence South 28° 30' East, 1,611.23 ft.; thence along an increasing spiral curve to the right, the long chord of which bears South 27° 00' East, 311.78 ft., a distance of 311.88 ft. through an angle of 40° 30'; thence along the arc of a 2060.08 ft. radius curve to the right, the long chord of which bears South 14° 22' East, 665.55 ft., a distance of 667.97 ft. to the Southern Pacific Company's westerly right of way line; thence South 14° 07' West, 422.84 ft. along said Southern Pacific Company's westerly right of way line to the true point of beginning.

TRACT III

Part of Exam Powell D.L.C. No. 44 in Section 33, T.10S., R.3W., of the W.M., being a triangular shaped tract between the old Pacific Highway and the Southern Pacific Company right of way more particularly described as beginning at the southeast corner of said D.L.C.; thence South 89° 58' West 2296.7 feet to the easterly right of way line of the Oregon Electric Railway Company; thence North 14° 07' East along said right of way line and the westerly right of way line of the Southern Pacific Company 1079.7 feet; thence North 89° 55' East 61.8 feet to the true point of beginning in the Easterly right of way line of the Southern Pacific Company, said true beginning point being at the northwest corner of a 6.50 acres tract described in deed from Everett G. Waller and wife to Joseph L. Johnson and wife recorded March 24, 1945 in Book 169, page 125, Deed Records; thence North 89° 55' East along the north line of said tract 380.2 feet to the westerly right of way line of the old Pacific Highway; thence North 7° 33' West along said westerly right of way line 998.2 feet to an intersection with the Easterly right of way line of the Southern Pacific

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Company; thence South 14° 07' West along said line 1020.9 feet to the true point of beginning.

Said Tracts II and III being the same premises conveyed by Oregon Electric Railway Company to Wah Chang Corporation by deed dated September 20, 1956 and recorded on October 22, 1956 in Book 251, Page 357 of said Deed Records.

TRACT IV

Beginning at an iron bar near the right bank of the Willamette River S. 1°30'E. 1785.3 feet from a point on the South line of and S. 88°54'W. 3518.0' from the Southeast corner of the Isaac Miller Sr. D.L.C. 46 in T.10 S., R.3 W. of the Will. Mer. in Linn County, Oregon; and running thence N. 88°54' E. along the South line of the Carl Nygren property and parallel to the South line of said D.L.C. 46, a distance of 1704.69 feet to a 1/2 inch iron rod on the Westerly right-of-way line of the Oregon Electric Railroad; thence S. 28°21'E. along the Westerly right-of-way of said Railroad 67.49 feet to a 1/2 inch iron rod; thence S. 88°54'W. parallel to the South line of said D.L.C. 46 a distance of 1725 feet, more or less, to the right bank of the Willamette River; thence Northwesterly down said bank to a point S. 88°54'W. of the place of beginning; thence N. 88°54'E. to the place of beginning, and containing 2.35 acres, more or less.

Tract IV above described being the same premises conveyed by Portland Manufacturing Company to Wah Chang Corporation by deed dated October 29, 1956 and recorded on November 15, 1956 in Book 251, page 651 of said Deed Records.

TRACT V

BEGINNING at the most northwesterly corner of the land described in deed dated November 20, 1959, from Oscar Nygren, et al., to Southern Pacific Company, recorded December 10, 1959, in Book 268, Page 633, Deed Records of Linn County, said corner being in the northeasterly line of land (100 feet wide) of the Oregon Electric Railway Company; thence along the northwesterly line of land described in said deed as follows: North 61°39' East 32.0 feet, North 68°46' East 405.18 feet, North 33°12' East 500.0 feet and North 71°33' East 469.60 feet to the northwesterly corner of that certain 16.295 acre parcel of land described in deed dated March 18, 1960 from Southern Pacific Company to Wood Fiberboard Company, recorded May 27, 1960, in Book 271, page 402, Deed Records

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of Linn County; thence South 1°06' East, leaving said northwesterly line and along the westerly line of last said 16.295 acre parcel of land, 831.57 feet to a point in a line parallel with and distant 51 feet northerly, measured at right angles, from the southerly line of land described in said deed dated November 20, 1959; thence South 88°54' West, along said parallel line, 672.09 feet to a point; thence westerly and northwesterly, along a curve to the right having a radius of 366.24 feet (tangent to said curve at last mentioned point in last described course and chord of said curve bears North 68°49'26" West 277.66 feet) an arc distance of 284.78 feet to a point in the southwesterly line of land described in said deed dated November 20, 1959 (said southwesterly line being also said northeasterly line of land of the Oregon Electric Railway Company); thence North 28° 21' West, along said southwesterly line, 21.49 feet to the point of beginning, containing an area of 12.66 acres, more or less.

TRACT VI

BEGINNING at the southwesterly corner of the land described in deed dated November 20, 1959, from Oscar Nygren, et al., to Southern Pacific Company, recorded December 10, 1959, in Book 268, page 633, Deed Records of Linn County, said corner being in the northeasterly line of land (100 feet wide) of the Oregon Electric Railway Company; thence North 28°21' West, along the southwesterly line of land described in said deed (being also said northeasterly line), 90.28 feet to a point; thence southeasterly and easterly along a curve to the left having a radius of 401.24 feet (tangent to said curve at last mentioned point bears South 58°13'28" East and chord of said curve bears South 74°39'44" East 227.08 feet) an arc distance of 230.23 feet to point in a line parallel with and distant 16 feet northerly, measured at right angles from the southerly line of land described in said deed; thence North 88°54' East, along said parallel line, 342.30 feet; thence South 1°06' East at right angles to said southerly line, 16.60 feet to a point in said southerly line; thence South 88°54' West, along said southerly line, 518.76 feet to the point of beginning, containing an area of 0.27 of an acre, more or less.

Tracts V and VI above described being the same premises conveyed by Southern Pacific Company to Wah Chang Corporation by deed dated August 31, 1960 and recorded on November 3, 1960 in Book 273, page 754 of said Deed Records.

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Tracts V and VI above described being subject to the following:

1. Easement granted to Mountain States Power Company for an electric transmission line by instrument recorded on April 22, 1929 in Book 136, page 429 of said Deed Records.
2. Agreement with Willamette Memorial Park, recorded on August 13, 1953 in Book 233, page 796 of said Deed Records, relating to certain burial grounds.
3. Rights of way for pipe line easements, pumping station and roadway granted to Western Kraft Corporation by instrument recorded on December 2, 1954 in Book 240, page 507 of said Deed Records, as modified and amended by instrument dated May 19, 1961 and recorded on June 1, 1961 in Book 276, page 847 of said Deed Records.
4. Easements for utility services, if any, which may affect said premises.
5. Rights of the public in portions of the premises lying within the boundaries of roads and highways.
6. Easements for slope and fills granted to Oregon Electric Railway by instrument recorded on June 29, 1950 in Book 215, page 675 and by instrument recorded on July 9, 1953 in Book 233, page 388 of said Deed Records.
7. Easement for use of roadway reserved in the deed to Southern Pacific Company, recorded on December 10, 1959 in Book 268, page 633, of said Deed Records.
8. Mineral reservations and easements reserved by Southern Pacific Company, its successors and assigns, as set forth in the deed from Southern Pacific Company to Wah Chang Corporation, dated August 31, 1960 and recorded on November 3, 1960 in Book 273, page 754 of said Deed Records.

TRACT VII

Beginning at an iron bar near the right bank of the Willamette River which is S 1°30' E 1785.3 feet from a point on the South line of and S 88°54' W 3518.0 feet from the Southeast corner of the Isaac Miller Sr. D.L.C. 46 in T 10 S., R 3 W., W.M., in Linn County, Oregon, thence S 28°21' E 67.49 feet to the true point of beginning, thence Southeasterly along the right bank of the Willamette River to a point which is S 35°46'30" E 510.29 feet from the true point of beginning; thence N 88°54' E 1630.22 feet to a point on the Westerly right of way line of the Oregon Electric Railroad; thence N 28°21' W along the Westerly right of way line of said railroad 472.09 feet; thence S 88°54' W 1704.37 feet to the true point of beginning, containing 16.06 acres more or less.

SUBJECT TO the reservation in favor of Simpson Timber Company, a Washington Corporation, its successors and assigns, of a perpetual easement to flood the premises designated as Tract VII above, which said easement is more fully described in the deed from said Simpson Timber Company to Wah Chang Corporation, a New York corporation.

TO HAVE AND TO HOLD the above described and granted premises unto the said grantee and grantee's successors and assigns forever.

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