



SCHWABE, WILLIAMSON & WYATT®  
ATTORNEYS AT LAW

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SHONEE D. LANGFORD

Direct Line: Salem 503-540-4261; Portland 503-796-2896

E-Mail: slangford@schwabe.com

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February 2, 2015

FEB 04 2015

SALEM, OR

Oregon Water Resources Department  
725 Summer St NE Ste A  
Salem, OR 97301-1271

Re: Certificate of Water Right Ownership Update – Flakeboard America Limited  
(Certificate 54268)

To Whom it May Concern:

Enclosed for filing on behalf of Flakeboard America Limited is a Certificate of Water Right Ownership Update form with supporting documentation. Please send all future correspondence relating to Certificate 54268 to Flakeboard America Limited.

Feel free to call me if you have any questions about the information in this form.

Best regards,

Shonee D. Langford

SDL:kdo  
Enclosure

Portland, OR 503.222.9981 | Salem, OR 503.540.4262 | Bend, OR 541.749.4044 | Eugene, OR 541.686.3299  
Seattle, WA 206.622.1711 | Vancouver, WA 360.694.7551 | Washington, DC 202.488.4302

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

# Certificate of Water Right Ownership Update

## NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. *If for multiple rights, a separate form for each right will be required.*

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

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## PROPERTY SELLER INFORMATION

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Applicant(s): Weyerhaeuser Company  
First Last  
 Mailing Address: 33663 Weyerhaeuser Way South  
Federal Way WA 98003  
City State Zip  
 Phone: \_\_\_\_\_  
Home Work Other

SALEM, OR

## PROPERTY BUYER INFORMATION

Applicant(s): Flakeboard America Limited Attn: Sean Coffey  
First Last  
 Mailing Address: 515 River Crossing Drive  
Fort Mill SC 29715  
City State Zip  
 Phone: 541-868-1806  
Home Work Other

## PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Linn Township: 10 S Range: 3 W Section: 28, 33

Tax Lot Number(s): 151 (Map 10S03W33A)

Street address of water right property: 2550 Old Salem Road NE, Albany, OR 97321

Water Right Information (attach copy of water right permit or certificate & final proof map):

Application #: S-29640 Permit #: S-23102 Certificate or Page #: 54268

Will all the lands associated with this water right be owned by the buyer?  Yes  No See Attachment A

Name of individual completing this form: Shonee Langford, Buyer's Attorney Phone: 503-540-4261

Signature: [Signature] Date: 2/2/15

*Please be sure to attach a copy of your property deed or legal description of the property.*

Attachment A

Flakeboard America Limited ("Flakeboard") owns a portion of the land associated with Certificate 54268. In 2006, Flakeboard purchased the land from former owner Weyerhaeuser, together with the right to use 1.0 cubic feet per second ("cfs") under Certificate 54268. On January 12, 2007, Weyerhaeuser filed documentation of the sale with the Oregon Water Resources Department (OWRD). On May 8, 2013, Weyerhaeuser's successor, International Paper Company, filed additional documentation with OWRD confirming the sale and including updated water right maps showing the current division of Certificate 54268 between multiple property ownerships. A copy of the most recent water right map (labeled "Attachment F") is enclosed with this ownership update form. Flakeboard continues to own 1.0 cfs under Certificate 54268 and is filing this form to update OWRD's records and to ensure that it receives copies of all future correspondence relating to this water right.

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LINN COUNTY, OREGON 2006-18397  
D-WVD  
Cnt=1 Str=1 COUNTER 07/28/2008 11:23:12 AM  
\$45.00 \$11.00 \$10.00 \$86.00

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



Steve Druckenmiller - County Clerk

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

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

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

Account No. 046884  
866446

Code: 08-05  
08-05

JAN 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON

SPECIAL WARRANTY DEED

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

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated the 26th day of July, 2006



**WEYERHAEUSER COMPANY**

By: [Signature]  
Title: Senior Vice President

Attest: [Signature]  
Secretary

After Recording Return To:  
AmeriTitle  
083134L





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## Exhibit A

IN LINN COUNTY OREGON:

## Parcel 1:

All that piece or parcel of land situated, lying and being in the Southwest  $\frac{1}{4}$  of Section 28 and the Northwest  $\frac{1}{4}$  of Section 33, Township 10 South, Range 3 West, Willamette Meridian in Linn County, Oregon; and more particularly described as follows:

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

## Parcel 2:

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

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



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

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

ALSO, SAVE AND EXCEPT the following:

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

Beginning at a point in the center line of a County Road distant South 17°20' East, 344.52 feet from the Southeast corner of the Isaac Miller Donation Land Claim No. 46, and also distant North 0°21' East, measured along said center line, 344.74 feet from the Southeasterly corner of the land described in Warranty Deed dated September 26, 1958 from Oscar Nygren to Western Kraft Corporation, recorded September 29, 1958 in Book 261, Page 652, Deed Records of Linn County; thence North 88°51' East 284.34 feet to the true point of beginning of this description. thence along the Northerly line of the land described in Warranty Deed dated November 20, 1959 from Oscar Nygren and Persia H. Nygren to Southern Pacific Company recorded December 10, 1959 in Volume 268, Page 630, Deed Records for Linn County, Oregon, North 88°51' East 76.92 feet to a 1/2 inch iron rod; thence along the Northeasterly line of said land described in last said deed, dated November 20, 1959, South 74°55' East 37.84 feet to a 1/2 inch iron rod on the Westerly edge of the Southern Pacific Company railroad right of way; thence along said Westerly right of way line, South 14°15' West 349.57 feet to a 1/2 x 3/8" iron rod; thence North 75°45' West 112.00 feet to a 1/2 x 3/8" iron rod; thence North 14°15' East 329.69 feet to the true point of beginning.

Parcel 3:

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



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

Parcel 4:

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

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

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

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



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

## SUBJECT TO:

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

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



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

End of Exceptions

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**EXHIBIT C**

IN LINN COUNTY OREGON:

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