

Application for Water Right
Temporary or Drought Temporary Transfer
 Part 1 of 5 – Minimum Requirements Checklist



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

This temporary 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.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 92994**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2020 End Year: 2022.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the 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.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

<input type="checkbox"/> Application fee not enclosed/or is insufficient <input type="checkbox"/> Land Use Form not enclosed or incomplete <input type="checkbox"/> Additional signature(s) required Other/Explanation _____ Staff: _____ 503-986-0____	<input type="checkbox"/> Map not included or incomplete <input type="checkbox"/> Part _____ is incomplete
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Part 2 of 5 – Temporary Transfer Application Map Checklist

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- 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 temporary 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) to convey water to the new temporary place of use, 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°).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Farmland Reserve, Inc.		PHONE NO. (509) 734-1195	ADDITIONAL CONTACT NO.
ADDRESS PO Box 2308		FAX NO. (509) 734-1092	
CITY Pasco	STATE WA	ZIP 99302	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 Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Jens Rasmussen		PHONE NO. (509) 820-3234	ADDITIONAL CONTACT NO.
ADDRESS (same)		FAX NO.	
CITY	STATE	ZIP	E-MAIL jasmussen@agrinw.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:
 Irrigate the described lands for a period of two years or until a permanent change can be completed
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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


 Applicant signature

Patrick Tolman, Vice President for Farmland Reserve, Inc.
 Print Name (and Title if applicable)

3/17/20
 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

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

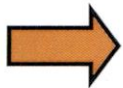
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME Columbia Improvement District	ADDRESS 501 Columbia Ave	
CITY Boardman	STATE OR	ZIP 97818

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME Morrow County	ADDRESS 100 S. Court St.	
CITY Heppner	STATE OR	ZIP 97836

ENTITY NAME Umatilla County	ADDRESS 216 SE Fourth Street	
CITY Pendleton	STATE OR	ZIP 97801

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Part 5 of 5 – Water Right Information

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CERTIFICATE # _____

Water Right Certificate # 92994

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) OR

CID System - 142,000 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 is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters and then into the CID canal. From the canal, water re-enters an underground pipeline and is pumped into the sprinkler system.

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)
CID Pump Station	<input checked="" type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4	N	25	E	2	NE	N W		South 86 Degrees 22 minutes 46 Seconds West, 2829 feet from the NE Corner of Section 2
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" 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.

(page intentionally left blank for formatting)

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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 Temporary Changes to Water Right Certificate # 92994

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands)										PROPOSED (the "to" or "on" lands)												
The listing that appears on the Certificate BEFORE PROPOSED CHANGES										The listing as it would appear AFTER PROPOSED CHANGES												
List only that part or portion of the water right that will be changed.										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	"	"	100	"	15.0	Irrigation	POD #1 POD #2	1901	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901
"	"	"	"	"	"	"	"	EXAMPLE	"	"	2	S	9	E	2	SW	NW	500	"	5.0	POD #6	1901
4	N	26	E	16	NE	3418	14.68	Irrigation	CID Pump Station	1973	2	N	28	E	7	NE	NE	1300	30.31	Irrigation	CID Pump Station	1973
"	"	"	"	"	NE	"	39.98	"	"	"	"	"	"	"	"	NW	NE	"	16.29	"	"	"
"	"	"	"	"	SW	"	14.21	"	"	"	"	"	"	"	"	SW	NE	"	9.03	"	"	"
"	"	"	"	"	SE	"	2.41	"	"	"	"	"	"	"	"	SE	NE	1300 & 1400	32.03	"	"	"
"	"	"	"	"	NE	"	36.63	"	"	"	"	"	"	"	8	SW	NW	1501	4.53	"	"	"
"	"	"	"	"	NW	"	26.31	"	"	"	"	"	"	"	"	NE	SW	1700	0.24	"	"	"
"	"	"	"	"	SE	"	2.20	"	"	"	"	"	"	"	"	NW	SW	1701	36.26	"	"	"
"	"	"	"	"	NE	"	12.31	"	"	"	"	"	"	"	"	SW	SW	1701	19.9	"	"	"
"	"	"	"	"	NW	"	0.86	"	"	"	"	"	"	"	"	SW	SW	1701	"	"	"	"
TOTAL ACRES										TOTAL ACRES												
148.59										148.59												

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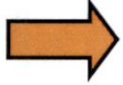
TACS

Additional remarks: The lands described herein represent a portion of the certificate, only the land transferred is listed

For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the “from” or the “to” lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **Permits S-55601, S-55190, S-55192 & S-54663 identify the “To” lands as supplemental. These permits WILL NOT be used on the lands described in this application, though it is possible that they will be exercised in the same or adjacent quarter-quarter sections.**



Pursuant to ORS 540.525, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- Well log(s) 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 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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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)
) ss
 County of MORROW)

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I, JENS RASMUSSEN, in my capacity as LAND AND GOVERNMENTAL AFFAIRS MANAGER,
 mailing address PO BOX 2308 PASCO, WA 99302
 telephone number (509)820-3234, 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 # 92994; **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: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

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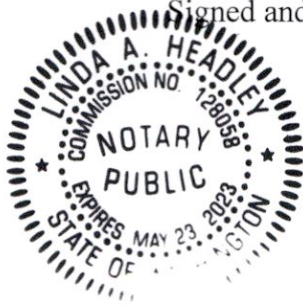
(continues on reverse side)

- 3. The water right was used for: (e.g., crops, pasture, etc.): TREES
- 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

3-17-2020
 Date

Signed and sworn to (or affirmed) before me this 17th day of March, 2020



[Signature]
 Notary Public for Washington

My Commission Expires: 5/23/23

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

MCTC 9453

AFTER RECORDING RETURN TO:

Kirton McConkie
50 East South Temple
Salt Lake City, UT 84111
Attention: Tyler Buswell

C/O MID COLUMBIA TITLE CO.
P.O. BOX 290
BOARDMAN OR 97818

**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO:**

Farmland Reserve, Inc.
79 South Main Street, Suite 1000
Salt Lake City, UT 84111
Attention: Rex Burgener

MORROW COUNTY, OREGON **2016-37526**
D-WVD
Cnt=1 Stn=23 TC **02/02/2016 11:41:35 AM**
\$105.00 \$11.00 \$20.00 \$10.00 **\$146.00**



00027947201600375280210216

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



SPECIAL WARRANTY DEED

BOARDMAN TREE FARM, LLC, a Delaware limited liability company ("**Grantor**"), with an address at c/o Greenwood Resources, Inc., 1500 SW First Avenue, Suite 1150, Portland, Oregon 97201, conveys and specially warrants to **FARMLAND RESERVE, INC.** a Utah nonprofit corporation ("**Grantee**"), with an address at 79 South Main Street, Suite 1000, Salt Lake City, Utah 84111, the real property described on Exhibit A attached hereto (the "**Property**"), free of liens and encumbrances created or suffered by Grantor.

The Property is conveyed by Grantor and accepted by Grantee subject to those matters described on Exhibit B attached hereto.

The true consideration for this conveyance is \$129,957,200.00.

TOGETHER WITH (i) all buildings located on the Property, (ii) all roads, bridges and other improvements located on the Property, (iii) all water rights and other rights to the use of water owned by Grantor appurtenant to or used in connection with the Property, (iv) surface and subsurface rights of the Property owned by Grantor, including, without limitation, all appurtenant mineral, gas, oil, and geothermal rights, and (v) all other privileges, appurtenances, easements in respect thereof and other rights appertaining to the Property.

RESERVING UNTO GRANTOR and its successors, assigns, permittees, invitees, and contractors all right, title and interest in and to and the exclusive right to cut, remove and appropriate all trees and timber of all sizes, species and grades, standing and down, live and dead, merchantable and unmerchantable, located upon the portion of the Property described and depicted in attached Exhibit C until March 1, 2024. The reservation contained herein is subject to the terms and conditions of that certain Agricultural Lease beginning of even date herewith by and between Grantee, as lessor, and Grantor, as lessee, and will continue, if not earlier terminated, until March 1, 2024. In addition, that portion of the Property subject to the reservation contained herein is subject to the terms and conditions of that certain Water Delivery

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Agreement of even date herewith by and between Grantee and Grantor running concurrent with the Agricultural Lease described above.

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

DATED effective as of February 2, 2016.

GRANTOR:

BOARDMAN TREE FARM, LLC,
a Delaware limited liability company

By: GreenWood Tree Farm Fund, LP,
a Delaware limited partnership,
its Sole Member

By: GTFF GP, LLC,
a Delaware limited liability company,
its General Partner

By: GreenWood Resources, Inc.
a Delaware corporation,
its Managing Member

By: 
Name: Jeff Nuss
Title: President and CEO

[notary acknowledgment appears on the following page]

STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

This instrument was acknowledged before me this 29th day of January, 2016, by Jeff Nuss, the President and CEO of Greenwood Resources, Inc., a Delaware corporation, on behalf of such company, in its capacity as Sole Member of GTFF GP, LLC, a Delaware limited liability company, in its capacity as General Partner of Greenwood Tree Farm Fund, LP, a Delaware limited partnership, in its capacity as Managing Member of Boardman Tree Farm, LLC, a Delaware limited liability company, as its voluntary act and deed.

WITNESS my hand and official seal hereto affixed the day and year first above written.



C. Stonecipher
Print Name: Cathleen Stonecipher
NOTARY PUBLIC for the State of Oregon
My Commission Expires: 1-28-19

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EXHIBIT A

Legal Description of the Property

Real property in the City of Boardman, County of Morrow, State of Oregon, described as follows:

PARCEL 1:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 25 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MORROW AND STATE OF OREGON; THENCE SOUTH 80 DEGREES 23' 31" WEST A DISTANCE OF 2,454.17 FEET; THENCE NORTH 60 DEGREES 13' 53" WEST 150 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 29 DEGREES 46' 07" EAST A DISTANCE OF 85 FEET; THENCE SOUTH 60 DEGREES 13' 53" EAST A DISTANCE OF 50 FEET; THENCE NORTH 29 DEGREES 46' 07" EAST A DISTANCE OF 65 FEET; THENCE NORTH A DISTANCE OF 229.76 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 2; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 2 TO A POINT ON THE ORDINARY HIGH WATER LINE OF THE COLUMBIA RIVER AS SAID ORDINARY HIGH WATER LINE EXISTED ON NOVEMBER 3, 1967; THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID ORDINARY HIGH WATER LINE A DISTANCE OF 186 FEET, MORE OR LESS, TO A POINT WHICH LIES NORTH 60 DEGREES 13' 53" WEST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 60 DEGREES 13' 53" EAST TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

PARCEL I OF PARTITION PLAT 2005-3, IN THE COUNTY OF MORROW AND STATE OF OREGON.

PARCEL 3:

ALL THAT PORTION OF SECTIONS 16 AND 17 IN TOWNSHIP 4 NORTH, RANGE 26, EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MORROW AND STATE OF OREGON LYING NORTH OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY.

EXCEPTING THEREFROM ALL OF PARTITION PLAT 1996-1, IN THE COUNTY OF MORROW AND STATE OF OREGON.

ALSO EXCEPTING THEREFROM THAT PORTION LYING WITHIN PATERSON FERRY ROAD.

PARCEL 4:

PARCEL 2 OF PARTITION PLAT 2006-5, IN THE COUNTY OF MORROW AND STATE OF OREGON.

TOGETHER WITH THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 26, EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MORROW AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF THE EAST LINE OF SAID SOUTHEAST QUARTER 583.30 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE WEST A DISTANCE OF 600.00 FEET; THENCE NORTH A DISTANCE OF 400.00 FEET; THENCE EAST A DISTANCE OF 341.09 FEET; THENCE NORTH 31°17'08" EAST A DISTANCE OF 157.48 FEET; THENCE NORTH 89°52'12" EAST A DISTANCE OF 177.13 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE; THENCE SOUTH A DISTANCE OF 534.98 FEET TO THE POINT OF BEGINNING.

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ALSO TOGETHER WITH A PERPETUAL IRRIGATION SYSTEM AND PIPELINE EASEMENT AS RESERVED IN STATUTORY SPECIAL WARRANTY DEED RECORDED NOVEMBER 15, 2002, AS MICROFILM NO. 2002-6026, MORROW COUNTY MICROFILM RECORDS.

PARCEL 5:

PARCEL I OF PARTITION PLAT 1994-6, IN THE COUNTY OF MORROW AND STATE OF OREGON.

TOGETHER WITH A PARCEL OF LAND LOCATED IN TOWNSHIP 3 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MORROW AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

SECTION 4: THE SOUTHWEST QUARTER.

SECTION 5: THE SOUTH HALF.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, AND RUNNING THENCE WEST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 5 A DISTANCE OF 933.39 FEET; THENCE SOUTHEASTERLY IN A STRAIGHT LINE TO A POINT ON THE EAST LINE OF SAID SECTION 5, SAID POINT BEING 933.39 FEET SOUTH, MEASURED ALONG SAID EAST LINE FROM THE POINT OF BEGINNING; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 933.39 FEET TO THE POINT OF BEGINNING.

SECTION 6: ALL.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: A 33.00 FOOT RIGHT-OF-WAY ALONG AND ACROSS THE EAST END OF THE NORTH HALF OF SECTION 6, WHICH IS RESERVED BY THE HELLBERG'S.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 6; THENCE SOUTH 00°23' EAST ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 2,707.32, MORE OR LESS TO THE EAST QUARTER CORNER; THENCE SOUTH 88°52' WEST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION A DISTANCE OF 200.00 FEET; THENCE NORTH 00°23' WEST PARALLEL WITH THE EAST LINE OF SAID SECTION A DISTANCE OF 2,705.92 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION; THENCE NORTH 88°28' EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 6; THENCE SOUTH 88°28" WEST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 200.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°23" EAST PARALLEL WITH THE EAST LINE OF SAID SECTION A DISTANCE OF 600.00 FEET; THENCE NORTH 45°57'30" WEST A DISTANCE OF 939.97 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION; THENCE NORTH 88°28' EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 600.00 FEET TO THE TRUE POINT OF BEGINNING.

SECTION 7: ALL.

SECTION 8: THE SOUTH HALF.

SECTION 9: THE SOUTH HALF AND THE NORTHWEST QUARTER.

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PARCEL 6:

EASEMENTS FOR PIPELINE TO COLUMBIA RIVER:

EASEMENT FOR WATER PIPELINES, SUBJECT TO THE TERMS AND PROVISIONS THEREOF, AS CONVEYED BY THE PORT OF MORROW TO EASTERN OREGON FARMING CO., BY INSTRUMENT RECORDED NOVEMBER 20, 1973 AS M-6240, MORROW COUNTY MICROFILM RECORDS.

EASEMENT FOR WATER PIPELINES, SUBJECT TO THE TERMS AND PROVISIONS THEREOF, AS CONVEYED BY MORROW COUNTY TO EASTERN OREGON FARMING CO., BY INSTRUMENT RECORDED OCTOBER 5, 1973 AS M-6086, MORROW COUNTY MICROFILM RECORDS.

EASEMENT FOR WATER PIPELINES, SUBJECT TO THE TERMS AND PROVISIONS THEREOF, AS CONVEYED BY DESERT MAGIC INC. TO EASTERN OREGON FARMING CO., BY INSTRUMENT RECORDED DECEMBER 24, 1973 AS M-6320, MORROW COUNTY MICROFILM RECORDS.

RIGHT OF WAY AGREEMENT, SUBJECT TO THE TERMS AND PROVISIONS THEREOF EXECUTED BY THE UNITED STATES OF AMERICA, IN FAVOR OF EASTERN OREGON FARMING COMPANY, RECORDED NOVEMBER 14, 1975 AS M-8808, MORROW COUNTY DEED RECORDS.

EASEMENTS FOR PIPELINES AND PUMPING STATION, SUBJECT TO THE TERMS AND PROVISIONS THEREOF, AS RESERVED IN DEEDS FROM EASTERN OREGON FARMING CO., TO PAUL T. JASA, RECORDED MAY 17, 1974 AS M-6832 AND M-6833, MORROW COUNTY MICROFILM RECORDS.

EASEMENT FOR PIPELINE, SUBJECT TO THE TERMS AND PROVISIONS THEREOF, AS RESERVED IN DEED FROM POTLATCH CORPORATION TO THE PORT OF MORROW, RECORDED NOVEMBER 17, 1997 AS MICROFILM NO. M-52738, MORROW COUNTY MICROFILM RECORDS.

END OF EXHIBIT A

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EXHIBIT B

Title Exceptions

1. Unpatented mining claims whether or not shown by the Public Records.
2. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
3. The rights of the public in County Roads, State and U.S. Highways.
4. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land has become disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.
5. The premises are within the boundaries of the Columbia Improvement District, and are subject to the levies, assessments and easements thereof, if any.
6. The premises are within the boundaries of the West Extension Irrigation District, and are subject to the levies, assessments and easements thereof, if any.
7. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Columbia River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
8. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Columbia River or has been formed by the process of accretion or has been created by artificial means or has accreted to such portion so created.
9. Mineral Reservations, including the terms and provisions thereof, as reserved in Patent from United States of America, to Northern Pacific Railroad Lands, recorded January 12, 1897, in Book L, Page 77, Morrow County Deed Records. (Affects 4N 25, Section 2 and Partition Plat 2005-3)
10. Reservations, including the terms and provisions thereof, as reserved in Deed from the Northern Pacific Railroad Company, to Oregon Land & Water Company, in Books, Page 342, Morrow County Deed Records. (Affects 4N 26, Sections 17, 21, 25, 27 and 33)
11. Mineral Reservations, including the terms and provisions thereof, as reserved in deed from Northern Pacific Railway Company, to Malcomb S. Corrigall, recorded December 16, 1906, in Book U, Page 1, Morrow County Deed Records. (Affects 3N 26, Section 13)
12. Mineral Reservations, including the terms and provisions thereof, as reserved in Deed from Northern Pacific Railway Company, to John Kilkenny, recorded December 20, 1906, in Book U, Page 25, Morrow County Deed Records. (Affects 3N 27, Sections 5 and 9)

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13. Rights of Ways for Ditches, Canals and Reservoir Site for irrigation purposes, including the terms and provisions thereof, as set forth in Deed from the State Land Board to M.D. Clerk, recorded March 11, 1908 in Book U, Page 516, Morrow County Deed Records. (Affects 4N 26, Section 16)
14. Rights of way for Ditches, Canals and Reservoir Site for irrigation purposes, including the terms and provisions thereof, as set forth in Deed from the State Land Board to Effie J. Gilliam, recorded May 4, 1911 in Book Y, Page 359, Morrow County Deed Records. (4N 26, Section 16)
15. Right of Way, including the terms and provisions thereof, in favor of Pacific Telephone & Telegraph Company, recorded May 12, 1942, in Book 47, Page 379, Morrow County Deed Records. (Affects 4N 26, Sections 29 and 33)
16. Right of Way, including the terms and provisions thereof, in favor of Pacific Telephone & Telegraph Company, recorded June 23, 1942, in Book 47, Page 415, Morrow County Deed Records. (Affects 4N 26, Section 19)
17. Conditions, Restrictions and Reservations, including the terms and provisions thereof, as disclosed in Deed recorded October 29, 1953 in Book 57, Page 397, Morrow County Deed Records. By and between Northern Pacific Railway, as Grantor and A. C. and Rosella Lindsay, as Grantees. (Affects 3N 26, Section 11 and 3N 27, Section 7)
18. Right of Way, including the terms and provisions thereof, in favor of Pacific Telephone & Telegraph Company, recorded January 14, 1954, in Book 57, Page 594, Morrow County Deed Records. (Affects 4N 26, Section 27)
19. Conditions, Restrictions and Reservations, including the terms and provisions thereof, as disclosed in Deed recorded January 29, 1954 in Book 58, Page 30, Morrow County Deed Records. By and between Northern Pacific Railway Company, as Grantor and Patrick Carty, as Grantee. (Affects 3N 26, Sections 3 and 7)
20. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded September 18, 1961, in Book 66, Page 483, Morrow County Deed Records. (Affects 4N 26, Sections 17, 19, and 29)
21. Right of Way for Electric Transmission and Distributing lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association recorded September 18, 1961 in Book 66, Page 484, Morrow County Microfilm Records (Affects 4N 26, Sections 17, 19 and 29)
22. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded May 3, 1962, in Book 67, Page 572, Morrow County Deed Records. (Affects 4N 26, Sections 23)
23. Reservations in Patent, including the terms and provisions thereof, recorded May 27, 1963 in Book 69, Page 230, Morrow County Deed Records. By and between the United States of America, as Grantor and the State of Oregon, as Grantee. (Affects 3N 26, Sections 2, 6, 8 and 12, and 3N 27, Sections 4, 6 and 8)
24. Easements and Reservations, including the terms and provisions thereof, recorded July 10, 1963 in Book 69, Page 302, Morrow County Deed Records. By and between the State of Oregon, as

- Grantor and Lawrence D. Lindsay and Rosella Lindsay. (Affects 3N 26, Sections 2 and 9 and 3N 27, Sections 6 and 8)
25. Easement for Right-of-Way, including the terms and provisions thereof, in favor of Morrow County, recorded December 20, 1960, in Book 70, Page 121, Morrow County Deed Records. (Affects 3N 26, Sections 1 and 11 and 3N 27, Sections 6 and 7)
 26. Easement for Right-of-Way, including the terms and provisions thereof, in favor of Morrow County, recorded December 27, 1963, in Book 70, Page 159, Morrow County Deed Records. (Affects 3N 26, Section 12)
 27. Easement for Right-of Way, including the terms and provisions thereof, in favor of Morrow County, recorded January 29, 1964, in Book 70, Page 284, Morrow County Deed Records. (Affects 3N 27, Section 4)
 28. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded August 27, 1964, as in Book 71, Page 162, Morrow County Deed Records. (Affects 3N 26, Section 3)
 29. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded August 27, 1964, as in Book 71, Page 163, Morrow County Deed Records. (Affects 3N 27, Section 6)
 30. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded August 27, 1964, as in Book 71, Page 164, Morrow County Deed Records. (Affects 3N 27, Section 5)
 31. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded August 27, 1964, as in Book 71, Page 165, Morrow County Deed Records. (Affects 3N 27, Section 5)
 32. Access Restrictions, including the terms and provisions thereof, as conveyed to the State of Oregon by and through its State Highway Commission, by Deed recorded October 26, 1965 in Book 72, Page 440, Morrow County Deed Records. (Affects 4N 26, Section 16)
 33. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded August 27, 1964, as in Book 73, Page 44, Morrow County Deed Records. (Affects 3N 26, Section 3)
 34. Access Restrictions, including the terms and provisions thereof, as conveyed to the State of Oregon by and through its State Highway Commission, by Deed recorded April 13, 1966 in Book 73, Page 297, Morrow County Deed Records. (Affects 4N 26, Section 17)
 35. Covenants, Conditions, Restrictions and Flowage Easement, including the terms and provisions thereof, as contained in Deed from the United States of America to the Port of Morrow, Oregon, recorded November 3, 1967 as M-229, Morrow County Microfilm Records. (Affects 4N 25 2)
 36. Reservations of mineral deposits, and rights of way for ditches and canals, as contained in Patent from the United States of America to Oscar E. Peterson, recorded December 18, 1967 as M-303, Morrow County Microfilm Records. (Affects 4N 26, Section 20)

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37. Reservations of mineral deposits, and rights of way for ditches and canals, and right of way in favor of Pacific Telephone and Telegraph Company, as contained in Patent from the United States of America to Paul C. Cimmiyotti et ux., recorded December 22, 1967 as M-315, Morrow County Microfilm Records.
(Affects 4N 26, Section 28)
38. Reservations of mineral deposits, and rights of way for ditches and canals, and right of way for Federal Aid Highway, as contained in Patent from the United States of America to Clark G. Key, recorded March 14, 1968 as M-462, Morrow County Microfilm Records. (Affects 4N 26, Section 22)
39. Reservations of mineral deposits, and rights of way for ditches and canals, and right of way in favor of Pacific Telephone and Telegraph Company, as contained in Patent from the United States of America to Joe Andrews, recorded March 29, 1968 as M-487, Morrow County Microfilm Records. (Affects 4N 26, Section 34)
40. Reservations of mineral deposits, and rights of way for ditches and canals, right of Union Pacific Railroad (successor to Oregon Railroad and Navigation Company, and right of way for a Federal Aid Highway, as contained in Patent from the United States of America to Joe Andrews, recorded March 29, 1968 as M-488, Morrow County Microfilm Records. (Affects 4N 26, Section 24)
41. Reservations of mineral deposits, and rights of way for ditches and canals, and right of way in favor of Pacific Telephone and Telegraph Company, as contained in Patent from the United States of America to Joe Andrews, recorded March 29, 1968 as M-489, Morrow County Microfilm Records. (Affects 4N 26, Section 26)
42. Reservations of mineral deposits, and rights of way for ditches and canals, as contained in Patent from the United States of America to Yakima-Boardman Land Co, recorded April 12, 1968 as M-524, Morrow County Microfilm Records. (Affects 4N 26, Section 32)
43. Covenants relating to an irrigation system, including the terms and provisions thereof, as contained in Deed from Joe Andrews et al., to Farm Chemicals Inc., recorded February 21, 1969 as M-1141, and as contained in Deed from Joe Andrews to Farm Chemicals Inc., recorded February 21, 1967 as M-1142, Morrow County Microfilm Records, as amended by Water Agreement recorded June 26, 1975 as M-8246. (Affects 4N 26, Sections 16, 17, 19, 21, 23, 25, 27, 29, 33, 35, and 36)

Said covenants have been amended by a Memorandum of Water Delivery Agreement, including the terms and provisions thereof, recorded January 19, 2007 as Microfilm No. 2007-18554. By and between Potlatch Forest Holdings, Inc. and Judy R. Andrews (as guardian for Katherine Marie Andrews-Pulver), Judy R. Andrews (as guardian for Sara Rae Andrews), and Judy R. Andrews, ("Andrews")
44. Easements and Conditions, including the terms and provisions thereof, as disclosed in Deed recorded April 3, 1969 as Microfilm No. M-1204, Morrow County Microfilm Records. (Affects 4N 26, Section 32)
45. Easements, Conditions and Restrictions, including the terms and provisions thereof, as disclosed in Deed recorded April 11, 1969 as Microfilm No. M-1230, Morrow County Microfilm Records. (Affects 4N 26, Section 33)

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46. Easement for private roadway, including the terms and provisions thereof, as contained in Deed to Paul C. Cimmiyotti et ux., recorded April 11, 1969 as M-1232, Morrow County Microfilm Records. (Affects 4N 26, Section 35)
47. Easement for erosion control fences, including the terms and provisions thereof, in favor of Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company, recorded April 20, 1972 as M-4656, Morrow County Microfilm Records. (Affects 4N 26, Sections 16 and 23)
48. Easement for Right-of-Way, including the terms and provisions thereof, in favor of Morrow County, recorded February 19, 1974, as Microfilm No. M-6519, Morrow County Microfilm Records. (Affects 3N 26, Section 13)
49. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla County Electric Cooperative Association, recorded March 25, 1974, as Microfilm No. M 6643, Morrow County Microfilm Records. (4N 26, Section 19)
50. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded March 25, 1974, as Microfilm No. M-6644, Morrow County Microfilm Records. (4N 26, Sections 20, 21, 22, 27, 28, 32, 33 and 34)
51. Easement for pipeline, including the terms and provisions thereof, in favor of Sabre Farms Inc., recorded April 15, 1974 as M-6706, Morrow County Microfilm Records. (Affects 4N 26, Section 19)
52. Easement for pipeline, including the terms and provisions thereof, in favor of Sabre Farms Inc., recorded April 15, 1974 as M-6707, Morrow County Microfilm Records. (Affects a portion of the appurtenant easement recorded as M-6833 in 3N 26, Section 7)
53. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded April 16, 1974, as Microfilm No. 6712, Morrow County Microfilm Records. (Affects 3N 26, Sections 7 and 13)
54. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded April 16, 1974, as Microfilm No. 6713, Morrow County Microfilm Records. (Affects 3N 27, Sections 7 and 8)
55. Easement for Right-of-Way, including the terms and provisions thereof, in favor of Morrow County, recorded May 1, 1974, as Microfilm No. M-6771, Morrow County Microfilm Records. (Affects 3N 27, Sections 7 and 8)
56. Easement for Water Canal Maintenance, including the terms and provisions thereof, in favor of Sabre Farms, Inc., recorded July 3, 1974, as Microfilm No. M-6989, Morrow County Microfilm Records. (Affects 3N 26, Section 12)
57. Covenants Relating to Water Delivery, including the terms and provisions thereof, recorded July 3, 1974 as Microfilm No. M-6990, Morrow County Microfilm Records. By and between Frank Warren and Iva Warren, as Grantors and Sabre Farms, Inc., as Grantee. Provided however that no exception is made for instruments recorded in Morrow County Deed Records in Book 67, Page

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- 676; Book 68, Page 450; Book 69, Page 33; Book 69, Page 374; Book 69, Page 391; and Book 69, Page 469, which are of no further effect. (Affects 3N 26, Section 13)
58. Avigation Easements, in favor of the United States of America, including the terms and provisions thereof, recorded September 10, 1974 as Microfilm No. M-7239, Morrow County Microfilm Records. (Affects 3N 26, Section 13)
 59. Avigation Easements, in favor of the United States of America, including the terms and provisions thereof, recorded September 10, 1974 as Microfilm No. M-7240, Morrow County Microfilm Records. (Affects 3N 26, Sections 11 and 13 and 3N 27, Sections 7 and 8)
 60. Avigation Easements, in favor of the United States of America, including the terms and provisions thereof, recorded September 10, 1974 as Microfilm No. M-7241, Morrow County Microfilm Records. (Affects 3N 26, Section 13)
 61. Avigation Easements, in favor of the United States of America, including the terms and provisions thereof, recorded September 10, 1974 as Microfilm No. M-7242, Morrow County Microfilm Records. (Affects 3N 26, Section 12)
 62. Water Delivery Agreement, including the terms and provisions thereof, recorded October 18, 1974 as Microfilm No. M-7354, Morrow County Microfilm Records. By and between Porter-Perginer, Inc., as Grantor and Sabre Farms, Inc. as Grantee. Provided however that no exception is made for the instruments recorded in Morrow County Deed Records in Book 68, Page 420; Book 68, Page 232; Book 68, Page 425; Book 69, Page 369; Book 69, Page 371, Book 68, Page 384 and Book 69, page 469 which are of no further effect. (Affects 3N 26, Section 13)
 63. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded February 10, 1975, as Microfilm No. 7697, Morrow County Microfilm Records. (Affects 3N 26, Section 6)
 64. Water Agreement, including the terms and provisions thereof, between Eastern Oregon Farming Co., and Oscar E. Peterson et al., recorded June 26, 1975 as M-8246, Morrow County Microfilm Records. (Affects 4N 26, Sections 16 and 36)
 65. Covenants contained in Land Exchange Agreement, including the terms and provisions thereof, between Oscar E. Peterson et al, recorded June 26, 1975 as M-8247, Morrow County Microfilm Records. (Affects 4N 26, Sections 33 and 36)
 66. Perpetual non-exclusive easement for ingress and egress over the South 20 feet of the North half of Sections 35 and 36, including the terms and provisions thereof, as contained in Deed to Oscar E. Peterson et. al., recorded June 26, 1975 as M-8248, Morrow County Microfilm Records. (Affects 4N 26, Sections 35 and 36)
 67. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded April 20, 1976, as Microfilm No. M-9459, Morrow County Microfilm Records. (Affects 4N 26, Sections 23, 24, 25, 26, 35 and 36)

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68. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded October 3, 1976, as Microfilm No. 10214, Morrow County Microfilm Records. (Affects 3N 27, Sections 6 and 7)
69. Easement for ingress and egress, including the terms and provisions thereof, in favor of George S. Bulow, recorded May 31, 1978 as Microfilm No. M-13424. (Affects 3N 26, Section 3)
70. Conveyance and Easement, including the terms and provisions thereof, recorded June 28, 1978 Microfilm No. M-13581, And Assignment of Permits and Easements, recorded June 28, 1978 as Microfilm No. M-13583, Morrow County Microfilm Records. By and between Sabre Farms, Inc., as Grantor and Columbia Improvement District, as Grantee. (Affects all parcels)
71. Right of Way Easement and Agreement, including the terms and provisions thereof, in favor of Telephone Utilities of Eastern Oregon Inc., an Oregon corporation, recorded August 21, 1991 as M-37190, Morrow County Microfilm Records. (Affects portion in 4N 26, Sections 16, 17 and 18)
72. Water Well and Access Easement Agreement, including the terms and provisions thereof, recorded December 31, 1992 as Microfilm No. M-39718, Morrow County Microfilm Records. By and between Potlatch Corporation, as Grantor and Pacific Northwest Farming Company, as Grantee.
73. Assignment of Water Rights, including the terms and provisions thereof, recorded December 31, 1992 as Microfilm No. M-39721, Morrow County Microfilm Records. Assigned and conveyed to Potlatch Corporation.
74. Assignment and Assumption of Water Delivery Contract, including the terms and provisions thereof, recorded December 31, 1992 as Microfilm No. M-39722, Morrow County Microfilm Records. Assigned to Potlatch Corporation.
75. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded January 28, 1994, as Microfilm No. M-42089, Morrow County Microfilm Records. (Affects 3N 27, Sections 4, 5, 6, 7, 8 and 9)
76. Telephone Line Right of Way Easement, including the terms and provisions thereof, in favor of Telephone Utilities of Eastern Oregon, Inc., dba PTI Communications, recorded May 16, 1994 as Microfilm No. M-42734, Morrow County Microfilm Records. (Affects a portion of 4N 26, Sections 16 and 22)
77. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded September 26, 1994, as Microfilm No. M-43655, Morrow County Microfilm Records. (Affects 3N 27, Sections 4, 5, 6, 7, 8 and 9)
78. Memorandum of Lease, including the terms and provisions thereof, recorded July 13, 2000 as Microfilm No. 2000-1530, Morrow County Microfilm Records, by and between Potlatch Corporation, as Landlord and American Tower, L.P., as Tenant. (Affects 4N 26, Section 27)

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79. Road Easement Agreement, including the terms and provisions thereof, recorded May 15, 2002 as Microfilm No. 2002-4248, Morrow County Microfilm Records. (Affects 3N 36, Sections 7 and 8 and 3N 27, Section 16)
80. Easements and Reservations, including the terms and provisions thereof, recorded November 15, 2002 as Microfilm No. 2002-6026, Morrow County Microfilm Records. By and between, Potlatch Corporation, as Grantor and American Onion, Inc., as Grantee.
81. Memorandum of Water Delivery Agreement (West Farm), including the terms and provisions thereof, recorded November 15, 2002 as Microfilm No. 2002-6027, by and between Potlatch Corporation and American Onion, Inc. (Affects 4N 26, Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36)
82. Memorandum of Water Delivery Agreement (East Farm), including the terms and provisions thereof, recorded November 15, 2002 as Microfilm No. 2002-6028, by and between Potlatch Corporation and American Onion, Inc. (Affects 4N 26, Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36)
83. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded February 21, 2003, as Microfilm No. 2003-6927, and rerecorded April 23, 2003 as Microfilm No. 2003-7415, Morrow County Microfilm Records. (Affects 4N 26, Section 17)
84. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded August 24, 2004, as Microfilm No. 2004-11941, Morrow County Microfilm Records. (Affects 4N 26, Section 34)
85. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded September 13, 2004, as Microfilm No. 2004-12090, Morrow County Microfilm Records. (Affects 4N 26, Section 34)
86. Limitations in the validity of the Right of Way Agreement recorded as M-8808, on Exhibit "B". Prior to insuring any right to cross the Irrigation Canal, we should be furnished with consent to an assignment of the rights. Said consent needs to be executed by the United State of America by and through the Department of the Interior, Bureau of Reclamation, and should include a statement that the Right-of-Way agreement is in effect as of the date of the policy to be issued.
87. Memorandum of Water Delivery Agreement, including the terms and provisions thereof, recorded January 16, 2007 as Microfilm No. 2007- 18533, Morrow County Microfilm Records. By and between Potlatch Forest Holdings, Inc. and Ann R. Cimmiyotti.
88. Assignment of Water Rights, including the terms and provisions thereof, recorded May 15, 2007 as Microfilm No. 2007-19339, Morrow County Microfilm Records. By and between Potlatch Forest Holdings, Inc., as Assignor and Greenwood Tree Farm Fund, LP, as Assignee.
89. Memorandum of Assignment of Licenses and Permits, including the terms and provision thereof, recorded May 15, 2007 as Microfilm No. 2007-19342, Morrow County Microfilm Records.
90. Easement Exchange, including the terms and provisions thereof, by and between, Boardman Tree Farm, LLC, a Delaware Limited Liability Company, Sage Hollow Ranch, LLC, an Oregon



Limited Liability Company and Galactic Orchards, LLC, a Washington Limited Liability Company, recorded March 12, 2008 as Microfilm 2008-21387, Morrow County Microfilm Records.

91. Avigation Easement, including the terms and provisions thereof, between Boardman Tree Farm, LLC, in favor of The United States of America, acting by and through the Department of the Navy, Naval Facilities Engineering Command- Northwest (NAVFAC-NW), dated November 05, 2012 and recorded November 05, 2012, as Microfilm No. 2012-31146, Morrow County Microfilm Records. (Affects 3N 26, Sec. 6 & 7)
92. Water Delivery Agreement Amendment, between Homestead Farms, Inc. and Boardman Tree Farm, LLC, including the terms and provisions thereof, recorded December 23, 2014, as Microfilm No. 2014-35297, Morrow County Microfilm Records.

END OF EXHIBIT B

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EXHIBIT C

Description of Leased Premises

(See attached)

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Row Labels	Acres
1	274.41
016-01	69.73
016-02	68.57
016-03	68.57
016-04	67.53
2	279.25
018-01	70.20
018-02	69.88
018-03	69.73
018-04	69.44
3	139.54
020-01	69.98
020-03	69.56
4	279.95
027-01	69.39
027-02	69.81
027-03	69.39
027-04	71.36
5	176.40
028-01	48.31
028-02	68.99
028-04	41.24
028-03 west	17.86
6	966.85
025-01	69.93
025-02	69.26
025-03	69.76
025-04	69.51
029-02	68.42
029-04	40.67
030-01	68.82
030-03	40.77
030-04	39.93
031-01	68.82
031-02	68.47
031-03	39.39
031-04	38.18
032-01	68.82
032-02	68.99
032-03	38.23
032-04	38.87
7	344.67
034-03	71.02
034-04	66.10

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039-01	36.70
039-02	69.34
039-03	66.17
028-03 east	35.34
8	268.28
041-01	69.09
041-02	69.07
041-03	64.84
041-04	65.29
9	288.92
043-01	68.89
043-02	78.48
043-03	65.68
043-04	75.86
10	292.62
401-01	38.18
401-02	38.62
401-03	38.55
401-04	38.87
402-01	37.29
402-02	28.27
402-03	40.01
402-04	32.84
11	460.53
701-01	39.34
701-02	37.12
701-03	40.77
701-04	38.77
702-01	36.50
702-02	36.84
702-03	38.42
702-04	38.72
703-01	40.50
703-02	38.62
703-03	36.65
703-04	38.28
12	1262.39
705-01	38.05
705-02	37.49
705-03	40.01
705-04	39.46
706-01	37.96
706-02	38.25
706-03	40.18
706-04	40.18
709-01	39.93
709-02	39.69

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709-03	37.68
709-04	38.45
801-01	37.58
801-02	38.77
801-03	38.45
801-04	39.51
807-01	38.33
807-02	39.64
807-03	37.14
807-04	38.97
901-01	36.65
901-02	38.80
901-03	39.59
901-04	41.49
902-01	41.27
902-02	40.03
902-03	40.55
902-04	38.89
903-01	42.63
903-02	42.23
903-03	42.92
903-04	41.64
13	141.20
914-01	39.19
914-02	38.03
914-03	28.54
914-04	35.43
14	151.82
708-01	35.26
708-02	37.36
708-03	39.41
708-04	39.78
15	489.27
806-01	33.01
806-02	36.99
806-03	40.92
806-04	39.12
811-01	38.67
811-02	38.97
811-03	36.57
811-04	36.42
812-01	39.96
812-02	38.82
812-03	52.14
812-04	57.67
16	1328.36
101-01	42.65

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101-02	42.35
101-03	40.38
101-04	40.13
102-01	43.10
102-02	42.58
102-03	39.59
102-04	39.44
104-01	39.56
104-02	39.29
104-03	38.82
104-04	38.72
105-01	36.97
105-02	36.74
105-04	40.48
106-01	36.42
106-02	34.40
106-03	40.08
106-04	38.84
107-01	40.45
107-02	39.66
107-03	40.06
107-04	38.25
108-01	39.93
108-02	39.73
108-03	37.46
108-04	38.30
201-01	37.04
201-03	39.49
201-04	39.02
202-01	36.50
202-02	34.67
202-03	38.89
202-04	38.38
17	316.02
711-01	40.13
711-02	40.92
711-03	39.04
711-04	38.92
803-01	36.13
803-02	38.84
803-03	41.61
803-04	40.43
18	59.60
047-02	28.66
047-03	30.94
Grand Total	7520.09

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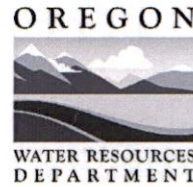
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Supplemental Form D

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Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)



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

[For transfers submitted under OAR Chapter 690 Division 380]

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

NAME FARMLAND RESERVE, INC.			PHONE (HM)
PHONE (WK) (509) 734-1195	CELL	FAX (509) 734-1092	
ADDRESS PO Box 2308			
CITY PASCO	STATE WA	ZIP 99302	E-MAIL**

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME COLUMBIA IMPROVEMENT DISTRICT			PHONE (HM)
PHONE (WK) (541) 481-8454	CELL	FAX	
ADDRESS PO Box 47			
CITY BOARDMAN	STATE OR	ZIP 97818	E-MAIL**

** By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	92994	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

- YES NO One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES NO All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

- YES NO One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES NO All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

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COMMENTS OR ADDITIONAL INFORMATION

4. APPLICANT'S SIGNATURE

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:
 email, phone, postal mail, in person, or other (please specify) _____
- (2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Pat Tolman Pat Tolman 3/7/20
Applicant Signature Name (print) Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

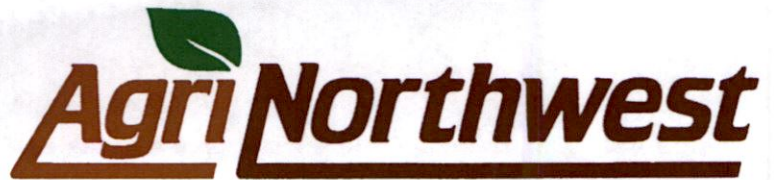
District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.
- YES NO After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.
- YES NO The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier Name (print), Title Date

13399



P.O. BOX 2308 TRI-CITIES, WA 99302-2308
509-734-1195

March 17, 2020

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

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Re: Temporary Water Right Transfer for Certificate 92994

To Whom It May Concern,

Pleased find the enclosed Application for Water Right Temporary Transfer for AgriNorthwest and Farmland Reserve, Inc (FRI). The purpose of this transfer is to temporarily change the place of use for certificate 92994 to irrigate lands within the boundaries of the Columbia Improvement District.

All required application documents and the filing fee are included in this packet. We were informed that the Department is unable to accept digital submissions, but we are willing and able to provide digital copies of any of the forms or data included herein if we are allowed to take advantage of the discounted per-acre rate listed in the fee schedule.

If you have any questions regarding this application, please contact Nathan Rau by phone at (509) 820-3231 or by email at nrau@agrinw.com.

Sincerely,

Jens Rasmussen
Land and Governmental Affairs Manager
Office: (509) 820-3234
Mobile: (509) 222-8621
P.O. Box 2308, Tri-Cities, WA 99302
jrasmussen@agrinw.com

6716 WEST RIO GRANDE
KENNEWICK, WA 99336