

Temporary

Name St Hilaire Brothers Hermiston Farm LLC

DESCRIPTION OF WATER RIGHT(S)

Address 84186 Hwy 37Hermiston OR 97838Name of Stream WellTrib. of Stage GulchUse IrrigationCounty Umatilla

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G 81047Per # G 1929Cert # 80295

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in PODate Filed 6/19/2022Initial notice date 6/14/2022

DPD issued date

PD issued date

PD notice date

Date of FO 10/19/2022 Vol 125 Page 980

C-Date

COBU due date

COBU Received date

Certificate issued

FEES PAID

Date

Amount

Receipt #

6-9-2022\$2053.76138369

FEES REFUNDED

Date

Amount

Receipt #

Assignments:

Irrigation District

Agent Shanee Langford Schwabe Williamson & Wyatt

CWRE

CC's list Umatilla County☐ - Oversized map - Location



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 19, 2022

ST HILAIRE BROTHERS HERMISTON FARM LLC
84186 HIGHWAY 37
HERMISTON, OR 97838

REFERENCE: District Temporary Transfer Application T-14028

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

The temporary change shall be effective at the **beginning of the 2022 irrigation season**. The use shall revert to the original authorized place of use at the end of the **2027 irrigation season**.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,

Julie C. Baustian

Water Rights Services Support
Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)
Umatilla County
Shonee D. Langford, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A TEMPORARY
T-14028, Umatilla County	)	CHANGE IN PLACE OF USE

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ST. HILAIRE BROTHERS HERMISTON FARM, LLC
84186 HIGHWAY 37
HERMISTON, OR 97838

Findings of Fact

1. On June 9, 2022, ST HILAIRE BROTHERS HERMISTON FARM, LLC filed an application to temporarily change the place of use under Certificate 80295 for a period of 5 years. The Department assigned the application number T-14028.
2. Notice of the application for transfer was published on June 24, 2022, pursuant to OAR 690-380-4000.
3. The portion of the right to be transferred is as follows:

Certificate:	80295 in the name of MERLE GEHRKE (perfected under Permit G-7929)
Use:	IRRIGATION of 408.8 ACRES
Priority Date:	FEBRUARY 15, 1978
Rate:	5.11 CUBIC FEET PER SECOND (CFS)

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

Source: FOUR WELLS, in the STAGE GULCH BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Description/Measured Distances
4 N	30 E	WM	33	SE SW	WELL 1 - 1030 FEET NORTH AND 2420 FEET EAST FROM THE SW CORNER OF SECTION 33
4 N	30 E	WM	32	SW SE	WELL 2 - 980 FEET NORTH AND 1640 FEET WEST FROM THE SW CORNER OF SECTION 33
4 N	30 E	WM	29	NE SE	WELL 3- 2170 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 29
4 N	30 E	WM	28	SE NE	WELL 4 - 930 FEET NORTH AND 240 FEET WEST FROM THE E1/4 CORNER OF SECTION 28

Authorized Place of Use

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	4	NE NE	6.3
3 N	30 E	WM	4	NW NE	1.3
3 N	30 E	WM	4	SW NE	1.7
3 N	30 E	WM	4	SE NE	1.6
3 N	30 E	WM	4	NE NW	2.3
3 N	30 E	WM	4	NW NW	0.4
3 N	30 E	WM	4	SW NW	0.2
3 N	30 E	WM	4	SE NW	0.5
3 N	30 E	WM	5	NE NE	3.2
3 N	30 E	WM	5	NW NE	1.4
3 N	30 E	WM	5	SW NE	1.3
3 N	30 E	WM	5	SE NE	1.2
4 N	30 E	WM	27	NE NW	1.4
4 N	30 E	WM	27	NW NW	1.5
4 N	30 E	WM	27	SW NW	1.1
4 N	30 E	WM	27	SE NW	1.1
4 N	30 E	WM	27	NE SW	1.3
4 N	30 E	WM	27	NW SW	2.0
4 N	30 E	WM	27	SW SW	10.7
4 N	30 E	WM	27	SE SW	1.5
4 N	30 E	WM	28	NE NE	0.7
4 N	30 E	WM	28	NW NE	0.2
4 N	30 E	WM	28	SW NE	16.4
4 N	30 E	WM	28	SE NE	1.9
4 N	30 E	WM	28	NE NW	2.8
4 N	30 E	WM	28	NW NW	1.6
4 N	30 E	WM	28	SW NW	3.3

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	28	SE NW	20.3
4 N	30 E	WM	28	NE SW	0.7
4 N	30 E	WM	28	NW SW	3.9
4 N	30 E	WM	28	SW SW	2.0
4 N	30 E	WM	28	SE SW	1.0
4 N	30 E	WM	28	NE SE	0.2
4 N	30 E	WM	28	NW SE	2.2
4 N	30 E	WM	28	SW SE	3.0
4 N	30 E	WM	28	SE SE	9.4
4 N	30 E	WM	29	NE NE	1.7
4 N	30 E	WM	29	NW NE	2.3
4 N	30 E	WM	29	SW NE	1.4
4 N	30 E	WM	29	SE NE	1.5
4 N	30 E	WM	29	NE SE	11.5
4 N	30 E	WM	29	NW SE	1.4
4 N	30 E	WM	29	SW SE	0.9
4 N	30 E	WM	32	NE NE	1.5
4 N	30 E	WM	32	NW NE	1.6
4 N	30 E	WM	32	SW NE	0.4
4 N	30 E	WM	32	SE NE	1.0
4 N	30 E	WM	32	NE SE	6.4
4 N	30 E	WM	32	NW SE	19.0
4 N	30 E	WM	32	SW SE	10.5
4 N	30 E	WM	32	SE SE	10.8
4 N	30 E	WM	33	NE NE	31.4
4 N	30 E	WM	33	NW NE	7.7
4 N	30 E	WM	33	SE NE	16.7
4 N	30 E	WM	33	NE NW	19.7
4 N	30 E	WM	33	NW NW	0.2
4 N	30 E	WM	33	SW NW	1.3
4 N	30 E	WM	33	SE NW	7.1
4 N	30 E	WM	33	NE SW	5.4
4 N	30 E	WM	33	SE SW	15.2
4 N	30 E	WM	33	NE SE	16.1
4 N	30 E	WM	33	NW SE	14.4
4 N	30 E	WM	33	SW SE	8.3
4 N	30 E	WM	33	SE SE	21.2
4 N	30 E	WM	34	NE NW	7.7
4 N	30 E	WM	34	NW NW	30.6
4 N	30 E	WM	34	SW NW	7.7
4 N	30 E	WM	34	SE NW	1.0
4 N	30 E	WM	34	NE SW	1.0
4 N	30 E	WM	34	NW SW	11.1
4 N	30 E	WM	34	SW SW	1.5
Total:					408.8

4. Transfer Application T-14028 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	29	SW SW	9.5
4 N	30 E	WM	29	SE SW	9.2
4 N	30 E	WM	30	SW SE	0.2
4 N	30 E	WM	30	SE SE	0.2
4 N	30 E	WM	31	NE NE	31.1
4 N	30 E	WM	31	NW NE	31.5
4 N	30 E	WM	31	SW NE	23.3
4 N	30 E	WM	31	SE NE	23.5
4 N	30 E	WM	31	NE SE	22.8
4 N	30 E	WM	31	NW SE	16.5
4 N	30 E	WM	31	SW SE	23.2
4 N	30 E	WM	31	SE SE	32.1
4 N	30 E	WM	32	NE NW	36.1
4 N	30 E	WM	32	NW NW	36.1
4 N	30 E	WM	32	SW NW	18.6
4 N	30 E	WM	32	SE NW	22.6
4 N	30 E	WM	32	NE SW	36.5
4 N	30 E	WM	32	NW SW	28.1
4 N	30 E	WM	32	SW SW	2.8
4 N	30 E	WM	32	SE SW	4.9
Total:					408.8

Temporary Transfer Review Criteria

- Water has been sed within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- Water use Permit S-55183 is appurtenant to some of the land to which Temporary Transfer T-14028 is proposed to be used. The primary irrigation use under water use Permit S-55183 shall remain unexercised during the term of this temporary transfer.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
- The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-14028 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

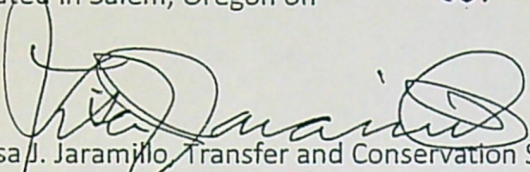
Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-14028 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 80295 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 80295.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. The use of the remaining water right described by Certificate 80295 shall continue to be in accordance with the terms and conditions of Certificate 80295.

Dated in Salem, Oregon on

OCT 19 2022



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

Mailing Date:

OCT 20 2022

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14028

Transfer Specialist: Scott

Transfer Type: Temporary Transfer

Applicant: ST HILAIRE BROTHERS HERMISTON FARM LLC 84186 HIGHWAY 37 HERMISTON, OR 97838 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A SHONEE D. LANGFORD 530 CENTER ST NE SUITE 730 SALEM, OR 97301-3756 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Umatilla County Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	80295
<input type="checkbox"/>				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: June 9, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 2053.76	WM District: 5	ODFW District:
Initial Public Notice: 06/14/2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: 10/3/22 Initials: Scott	Date: 10/4/22 Initials: Jim	Date: _____ Initials: _____	Date: 10/11/22 Initials: PKS	Date: 10/12/22 Initials: Scott	Date: 10/12/22	Date: 10/9/2022

Special Issues: Renewals of Temps T-11616 & T-12821

Special Order Volume: Vol. 120 Pages 920

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14028

Review Due Date:

Applicant Name: St Hilaire Brothers

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Greg Silbernagel

Date of Review: 07/22/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
This water right is within the Stage Gulch Critical Groundwater Area and receives an allocation annually.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☐ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☒ Yes ☐ No If "Yes", explain:

Unknown. The map is not sufficient to accurately assess this. The concern is that the applicant is proposing to remove the outside edge of circles but has not identified the remaining acres within each circle. The original certificate map only identifies total acres within each quarter quarter. Whenever there is multiple circles, the individual acres are not documented. Due to lack of information, I am unable to determine if acres are actually being dried up.

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source?
☐ Yes ☐ No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?
☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

See mapping and lack of information on question 9. I've attached an example of the issue from the original water rights map.

13. What alternatives may be available for addressing any issues identified above:

New maps needed because remaining rights have not been identified. Acreage needs broken out for each circle within each quarter quarter. If there is more than one circle in a quarter quarter, I need to know the acreage amount of each portion of that circle within the quarter quarter to do an enlargement analysis.

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14028



In order to avoid enlargement of the right or injury to other rights, a totalizing flowmeter will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: 541-969-1677

Email: Greg.M.Silbernagel@water.oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 15, 2022

ST HILAIRE BROTHERS HERMISTON FARM LLC
84186 HIGHWAY 37
HERMISTON, OR 97838

Reference: Application T-14028

On June 9, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$2053.76. Our receipt number 138369 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use or from the new point of diversion/appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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

Cc: Watermaster Dist. #5, Gregory M. Silbernagel (via email)
Umatilla County
Shonee D. Langford, Agent

Enclosure



June 9, 2022

Shonee D. Langford
T: 503-540-4261
slangford@schwabe.com

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: Temporary Transfer Application

To Whom it May Concern:

Enclosed for filing on behalf of St. Hilaire Brothers Hermiston Farm, LLC is an Application for Temporary Transfer with supporting documentation. Also enclosed is a check in the amount of \$2,053.76 to cover the application fee. I will serve as the applicant's agent.

As noted in the application, this is essentially a request to renew prior transfer T-12821 (and T-11616 before that). For prior transfer application T-12821, the department agreed to accept the existing map and Table 2 from T-11616. We have enclosed those documents again in support of this application.

Please feel free to call me if you have any questions or need additional information to complete your review.

Best regards,

A handwritten signature in blue ink, appearing to read "Shonee D. Langford".

Shonee D. Langford

SDL:asc
Enclosures

cc: Client (w/encl.; via email)

PDX\119604\163010\SDL\33826060.1

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **138369**

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

INVOICE # _____

RECEIVED FROM: St Hilaire Brothers Herrmiston
BY: Farm, LLC

APPLICATION	
PERMIT	
TRANSFER	<u>T-14028</u>

CASH: ☐ CHECK: # 1645 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$2,053.76

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
	OTHER: (IDENTIFY)	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	<u>\$2053.76</u>		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

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

RECEIPT: **138369**

DATE: 6-9-2022 BY: Mindy Carlsen

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

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.
- ☒ 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: 80295**
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: 2023 End Year: 2027.**
- ☐ ☒ 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.
- ☒ *See note Current recorded deed for the land **from** which the authorized place of use is temporarily being moved. *NOTE: Applicant owns water right separately from underlying land per attached Certificate of Ownership Update Form and Statutory Warranty Deed.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.) See highlighted note above.
- ☐ ☒ 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 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. **Items a, b, c and d above apply to this transfer.**
- ☐ ☒ 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):

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

Part 2 of 5 – Temporary Transfer Application Map Checklist

14028

OWRD
JUN 09 2022
RECEIVED
TACS

RECEIVED
JUN 09 2022

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.
- ☒ *See note 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. *NOTE: When the applicant filed for prior temporary transfer T-12821, OWRD accepted the enclosed T-11616 map.
- ☒ 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. See highlighted note above. Lands left unchanged are not identified on T-11616 map.
- ☒ ☐ 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°).

14028

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME St. Hilaire Brothers Hermiston Farm, LLC			PHONE NO. 541-564-1000	ADDITIONAL CONTACT NO. See agent contact info.
ADDRESS 84186 Highway 37				FAX NO.
CITY Hermiston	STATE OR	ZIP 97838-6393	E-MAIL carl@jshfarms.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

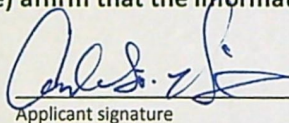
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Shonee Langford / Schwabe, Williamson & Wyatt, P.C.			PHONE NO. 503-540-4261	ADDITIONAL CONTACT NO.
ADDRESS 530 Center Street N.E., Suite 730				FAX NO. 503-796-2900
CITY Salem	STATE OR	ZIP 97301	E-MAIL slangford@schwabe.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: Temporarily transfer the place of use for 408.8 acres of irrigation. This is essentially a renewal of Transfer T-12821 and T-11616 before that.

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

ST. HILAIRE BROTHERS HERMISTON FARM, LLC

By: **Carl St. Hilaire, Manager**

Print Name (and Title if applicable)

Date

6/7/2022

Applicant signature

Print Name (and Title if applicable)

Date

RECEIVED

JUN 09 2022

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☒ No ***See note below**

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.

***NOTE: The applicant is the sole owner of the water right proposed for transfer, a portion of which is owned by the applicant and another portion of which is located on land owned by Lloyd and Lois Piercy. Ownership of the water right has been severed from the land by deed from Lloyd and Lois Piercy to the applicant, St. Hilaire Brothers Hermiston Farm, LLC. Please see attached copies of related Certificate of Ownership Update Form and Statutory Warranty Deed, which are on file with the Oregon Water Resources Department. Please direct any questions concerning ownership of the water rights to applicant's agent, Shonee Langford.**

14028

☐ 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 N/A	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME N/A	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 Umatilla County	ADDRESS 216 SE 4th Street	
CITY Pendleton	STATE OR	ZIP 97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

JUN 09 2022

OWRD

14028

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 80295

Description of Water Delivery System

System capacity: 28.31 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The source of water for this system is groundwater. There are four wells on the property. Well #1 (UMAT 3007) is 600 feet deep, Well #2 (UMAT 3004) is 600 feet deep, Well #4 (UMAT 3000) is 665 feet deep, and Well #4 (UMAT 2999) is 950 feet deep. Wells #1, #2, and #3 all have 16 inch casings while Well #4 has an 18" casing. There are 500 hp turbine pumps in each well. Well #2 has a 50 hp centrifugal booster pump and Well #3 has two 60 hp centrifugal booster pumps. The system has a looping network of mainlines that connect the four wells. This network is also connected to a regulating reservoir that maintains a constant head throughout the system. Twenty-seven center pivots are supplied off the mainline loop through laterals. In addition to the center pivots, areas can be irrigated using wheel-lines and/or handlines from risers located along sections of mainline. The head maintained by the regulating reservoir is adequate to operate all but three of the center pivots which each has its own small booster pump. All the pipelines are buried; many of the mainline sections are steel while most of the laterals are PVC. Pipe sizes of the various sections vary depending on the required capacity through that section; sizes range from 20 inch steel down to 6 inch PVC. There is a flow meter at each of the four wells. These meters are read weekly and monthly totals are reported annually.

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)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 3007	4	N	30	E	33	SE	SW	3100	1030 Feet North and 2420 Feet East from the SW Corner of Sec. 33
Well 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 3004	4	N	30	E	32	SW	SE	3100	980 Feet North and 1640 Feet West from the SW Corner of Sec. 33
Well 3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 3000	4	N	30	E	29	NE	SE	3103	2170 Feet North and 50 Feet West from the SE Corner of Sec. 29
Well 4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 2999	4	N	30	E	28	SE	NE	3103	930 Feet North and 240 Feet West from the E ¼ Corner of Sec. 28

RECEIVED

14028 JUN 09 2022

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

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

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> 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.

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 # 80295

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, 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.

[illegible]

Additional remarks: _____

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: Permit S-55183



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

RECEIVED

JUN 9 2022

140WRD

Klamath Basin/County Drought Transfer Applications

Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? ☐ Yes ☐ No*

**Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

14028

RECEIVED
 JUN 09 2022
OWRD

Langford, Shonee D.

From: HENDERSON Sarah A * WRD <Sarah.A.Henderson@oregon.gov>
Sent: Wednesday, December 06, 2017 1:21 PM
To: Langford, Shonee D.
Subject: T-11616 Information
Attachments: Tables of From and To.pdf

TABLE 2

Hi Shonee,

I do not see a problem with you using the already filled in tables from the previous temporary transfer, for the new temporary transfer. As long as everything is the same on those tables.

I have attached the tables for you. You can also include this email for reference in the new app.

Have a wonderful day.

Sarah

Sarah Henderson | Transfer Specialist, Transfer and Conservation Division
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0890 | Fax: 503.986.0901
Email: sarah.a.henderson@oregon.gov | Web: <http://www.oregon.gov/owrd>

RECEIVED

JUN 09 2022

OWRD

RECEIVED BY OWRD

JUN 13 2013

Please use additional pages of Table 2 as needed

Table 2. Description of Temporary Changes to Water Right Certificate # 80295

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, 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 ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES									
Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date
2 S	9 E	15	NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2 S	9 E	1	NW NW	500	1	10.0		POD #5	1901
...	...	...	...	...	...	...	EXAMPLE	...	...	...	2 S	9 E	2	SW NW	500		5.0		POD #6	1901
3 N	30 E	4	NE NE	400		6.3	1R	1-4	1978	POU	4 N	30 E	29	SW SW	320		9.5	1R	1-4	1978
			NW NE			1.3								SE SW			9.2			
			SW NE			1.7							30	SW SE			0.2			
			SE NE			1.6								SE SE			0.2			
			NE NW			2.3							31	NE NE			31.1			
			NW NW			0.4								NW NE			31.5			
			SW NW			0.2								SW NE			23.3			
			SE NW			0.5								SE NE			23.5			
		5	NE NE			3.2								NE SE			22.8			
			NW NE			1.4								NW SE			16.5			
TOTAL ACRES						18.9														
							TOTAL ACRES													

Additional remarks: _____

14028 OWRD

RECEIVED
JUN 09 2012

Revised 1/1/2012

Table 2
Temporary Transfer Application Page 1 of 8

T011616

TACS

RECEIVED BY OWRD

JUN 13 2013

Please use additional pages of Table 2 as needed

Table 2. Description of Temporary Changes to Water Right Certificate # 80295

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, 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 ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES									
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	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	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date
2 S	9 E	15	NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2 S	9 E	1	NW NW	500	1	10.0		POD #5	1901
EXAMPLE											2 S	9 E	2	SW NW	500		5.0		POD #6	1901
3 N	30 E	5	SW NE	400		1.3	IR	1-4	1978	POU	4 N	30 E	31	SW SE	3200		23.2	IR	1-4	1978
			SE NE			1.2								SE SE			32.1			
4 N	30 E	27	NE NW	3100		1.4							32	NE NW			36.1			
			NW NW			1.5								NW NW			36.1			
			SW NW			1.1								SW NW			18.6			
			SE NW			1.1								SE NW			22.6			
			NE SW			1.3								NE SW			36.5			
			NW SW			2.0								NW SW			28.1			
			SW SW			10.1								SW SW			2.8			
			SE SW			1.5								SE SW			4.9			
TOTAL ACRES						23.1					TOTAL ACRES						241			

Additional remarks: _____

Table 2

Temporary Transfer Application Page 7 of 8

TACS

T011616

14028

OWRD

JUN 09 2012

Revised 2/1/2012

RECEIVED

RECEIVED BY OWRD

JUN 13 2013

Please use additional pages of Table 2 as needed

Table 2. Description of Temporary Changes to Water Right Certificate # 80295

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, 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 ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES									
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)	Priorit Date
1	S	9	E 15	NE NW	100	15.0	Irrigation	POD #1 POD #2	1901	POD POD	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	30	E 25	NE NE	300	0.7	IR	1-4	1978	POD										
				NW NE		0.2														
				SW NE		16.4														
				SE NE		1.9														
				NE NW		2.8														
				NW NW		1.6														
				SW NW		3.3														
				SE NW		20.3														
				NE SW		0.7														
				NW SW		3.9														
TOTAL ACRES						51.8					TOTAL ACRES									

Additional remarks: _____

RECEIVED BY OWRD

JUN 13 2013

Please use additional pages of Table 2 as needed

Table 2. Description of Temporary Changes to Water Right Certificate # 80295

List only the parcels that will be changed. For the acreage in each 1/4 1/4, 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 ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES									
Twp	Rng	Sec	1/4 1/4	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	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	S	9	E 15	NE NW	100	15.0	Irrigation	POD = 1 POD = 2	1901	POU/POD	2	S	9	E 1	NW NW	500	1	10.0	POD = 5	1901
EXAMPLE											2	S	9	E 2	SW NW	500		5.0	POD = 6	1901
4	N	30	E 28	SW SW	300	2.0	OR	1-4	1978	POU										
				SE SW		1.0														
				NE SE		0.2														
				NW SE		2.2														
				SW SE		3.0														
				SE SE		9.4														
			29	NE NE		1.7														
				NW NE		2.3														
				SW NE		1.4														
				SE NE		1.5														
TOTAL ACRES						24.7	TOTAL ACRES													

Additional remarks: _____.

RECEIVED
JUN 09 2022
OWRD

Revised 2/1/2012

Temporary Transfer Application Page 7 of 8

TACS

1011016

RECEIVED BY OWRD

JUN 13 2013

Please use additional pages of Table 2 as needed

Table 2. Description of Temporary Changes to Water Right Certificate # 80295

List only the part ~~SALEM OWRD~~ that will be changed. For the acreage in each 1/4 1/4, 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 ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES									
Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901
EXAMPLE											2	S	9	E 2 SW NW	500		5.0		POD #6	1901
4	N	30	E 29 NE SE	3100		11.5	IR	14	1978	POU										
			NW SE			1.4														
			SW SE			6.9														
		32	NE NE			1.5														
			NW NE			1.6														
			SW NE			0.4														
			SE NE			1.0														
			NE SE			6.4														
			NW SE			19.0														
			SW SE			10.5														
TOTAL ACRES						54.2	TOTAL ACRES													

Additional remarks: _____.

14028

OWRD

RECEIVED
JUN 09 2013

Rev 2/1/2012

Temporary Transfer Application Page 7 of 8

1011616

TACS

Table 2 5

RECEIVED BY OWRD

JUN 13 2013

Please use additional pages of Table 2 as needed

Table 2. Description of Temporary Changes to Water Right Certificate # 80295

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, 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 ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES									
Twp	Rng	Sec	1/4 1/4	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	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date
1	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POD/POD	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	30	E 32 SE SE	200		10.8	1R	1-4	1978	POD										
			33 NE NE			31.4														
			NW NE			7.7														
			SE NE			10.7														
			NE NW			19.7														
			NW NW			0.2														
			SW NW			1.3														
			SE NW			7.1														
			NE SW			5.4														
			SE SW			15.2														
TOTAL ACRES						115.5	TOTAL ACRES													

Additional remarks: _____

14028

OWRD

RECEIVED
JUN 09 2022

Revised 2/1/2012

Temporary Transfer Application, Page 7 of 8

Table 2

1011616

TACS

RECEIVED BY OWRD

JUN 13 2013

Please use additional pages of Table 2 as needed

Table 2. Description of Temporary Changes to Water Right Certificate # 80295

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, 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 ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES									
Twp	Rng	Sec	1/4 1/4	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	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date
2 S	9 E	15	NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU POD	2 S	9 E	1	NW NW	500	1	10.0		POD #5	1901
..	..	..	..	..	..	..	EXAMPLE	..	..	..	2 S	9 E	2	SW NW	500		5.0		POD #6	1901
4 N	30 E	33	NE SE	3100		16.1	1R	1-4	1978	POU										
			NW SE			14.4														
			SW SE			8.3														
			SE SE			21.2														
		34	NE NW			7.7														
			NW NW			30.6														
			SW NW			7.7														
			SE NW			1.0														
			NE SW			1.0														
			NW SW			11.1														
TOTAL ACRES						119.1	TOTAL ACRES													

Additional remarks: _____

14028

OWRD

RECEIVED
JUN 09 2013

Revised 2/1/2012

Temporary Transfer Application Page 7 of 8

Table 2

1011616

TACS

RECEIVED BY OWRD

JUN 13 2013

Please use additional pages of Table 2 as needed

Table 2. Description of Temporary Changes to Water Right Certificate # 80295

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, 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 ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES									
Twp	Rng	Sec	1/4 1/4	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	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2 S	9 E	15	NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POD POD	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	30 E	34	SW SW	3100		1.5	12	14	1978	P&U										
TOTAL ACRES						1.5														
							TOTAL ACRES													

Additional remarks: _____

Grand Total 408.8

Grand Total 408.8

14028

RECEIVED
JUN 09 2013
OWRD
Revised 12/1/12

1011616

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)
County of UMATILLA) ss

I, CARL ST. HILAIRE, in my capacity as MANAGER OF ST. HILAIRE BROTHERS HERMISTON FARM, LLC,
mailing address 84186 HIGHWAY 37, HERMISTON, OR 97838-6393
telephone number (541)564-1000, 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 # 80295/ TEMPORARY TRANSFER T-12821 (SPECIAL ORDER VOL. 107, PAGE 930); 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)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF CROPS

14028 RECEIVED
JUN 09 2022
TACS
OWRD

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 of Affiant
Carl St. Hilaire

6/7/2022

Date



Signed and sworn to (or affirmed) before me this 7th day of June, 2022.

[Signature]

Notary Public for Oregon WA

My Commission Expires: 7-29-24

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 checked="" type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers <i>See attached farm lease.</i>	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

JUN 09 2022

OWRD

14028

TACS

ORIGINAL

FARM GROUND AND IRRIGATION SYSTEMS LEASE

From

ST. HILAIRE BROTHERS HERMISTON FARM, LLC

to

JSH FARMS, INC.

on

PIERCY FARM

Lease Years: 2015, 2016, 2017, 2018, & 2019

I

PARTIES

THIS FARM GROUND AND IRRIGATION SYSTEMS LEASE is entered into between ST. HILAIRE BROTHERS HERMISTON FARM, LLC, an Oregon limited liability company ("LANDLORD"), and JSH FARMS, INC., a Washington Corporation authorized to do business in Oregon ("TENANT"), on the date LANDLORD and TENANT have both signed this agreement. LANDLORD and TENANT are referred to in this lease together as the "parties".

II

AGREEMENTS

IN CONSIDERATION of the mutual promises, performances and covenants of the parties contained in this agreement, TENANT leases from LANDLORD, and LANDLORD leases to TENANT, the below described "premises" on the following terms and conditions.

1. PREMISES LEASED.

The "premises" leased consist of that real property known as the Piercy Farm and all of its irrigation equipment and water rights.

2. TERM.

This is a five (5) crop year lease, and the term of this lease shall begin on November 1, 2014, and shall end and terminate as to each circle leased when TENANT has harvested all of its crops from that circle in 2019, or on October 31, 2019, whichever date is earlier. If TENANT stays on the farm after the expiration of the term, this lease shall continue on a year-to-year basis on the same terms.

3. RENT.

a. As rent for each crop year, \$650 an acre rent shall be paid for each acre farmed which can receive 3 acre feet of water in that crop year as allocated by the Oregon Department of Water Resources. The rent shall be paid 50% on March 1 of each year and 50% on October 1 of each year. TENANT may pay off the rent in advance at any time—even in year before the crop year.

b. All rent payments shall be made to LANDLORD at LANDLORD's notice address in this lease.

4. ELECTRICITY POWER AND DEMAND CHARGES.

**ORIGINAL
RECEIVED**

JUN 09 2022

14028 OWRD

- a. TENANT shall pay all electricity charges and electricity demand charges necessary to operate the irrigation systems for each crop year when those charges are due.
- b. TENANT shall place the electricity accounts into its name, and LANDLORD shall consent to TENANT doing this. Upon the termination of this lease, LANDLORD shall change the accounts back into LANDLORD's name, and TENANT shall consent to LANDLORD doing this.

5. TAXES.

LANDLORD shall pay all real property and personal property taxes due upon the premises and not allow the premises to go into tax foreclosure.

6. CROPS.

Any crops may be raised upon the premises, including but not limited to mint, dill, potatoes and onions.

7. ASSIGNMENT.

TENANT may not assign this lease.

8. SUBLEASING.

TENANT may sublease all or part of the premises.

9. MAINTENANCE, REPAIRS AND REPLACEMENTS.

TENANT shall have all repair, maintenance and replacement duties and obligations as to the leased premises and its irrigation equipment and systems and shall keep said equipment and systems in good operating condition.

10. INSURANCE AND INDEMNIFICATION.

- a. Insurance. TENANT shall carry public liability and personal injury insurance with limits of not less than \$1,000,000 combined single limit, insuring against claims made arising out of TENANT's farming activities on the premises. Proof of said insurance shall be provided to LANDLORD within fifteen days of request and within fifteen days of the date both parties have signed this agreement. Said insurance shall name LANDLORD as an additional insured.
- b. Indemnification. TENANT shall defend, indemnify and hold LANDLORD harmless against all claims, liabilities, losses, costs, damages, or other expenses of every kind and nature sustained by LANDLORD or threatened against LANDLORD, including attorney's fees and all other expenses of litigation, arising out of any activity of TENANT and its agents and employees and invitees on the premises and farm, and any failure of TENANT to promptly and faithfully satisfy its obligations under this lease.

11. LIENS.

TENANT shall keep the premises free from all liens and other encumbrances at all times and indemnify, defend, and hold LANDLORD and its premises harmless therefrom.

RECEIVED

OWRD

JUN 09 2022
14028

12. OPERATION OF IRRIGATION SYSTEMS.

TENANT shall be responsible for the operation of the irrigation systems, and shall operate them in a good and proper manner.

13. FARMING PRACTICES.

- a. TENANT shall farm, plow, fertilize, irrigate, till, cultivate, control weeds, control pests, insects and crop diseases on the premises in conformity with good practices of husbandry in the area for said crops and said premises.
- b. TENANT shall have no obligation to control weeds, pests or insects on any real property other than the farm ground leased.

14. USE OF CHEMICALS, FERTILIZERS AND OTHER APPLICATIONS; REPORTING; COMPLIANCE WITH LAWS.

- a. TENANT shall not place, spread or irrigate upon the premises, or allow the placement, spreading or irrigating upon the premises, of any fertilizers, chemicals, pesticides, herbicides, or other substances, not generally used in the farming of the crops to be grown on the premises, using good practices of husbandry.
- b. TENANT shall not use any chemicals, pesticides, herbicides, or other regulated substances upon the premises or crops which are not approved for such use by the United States or the State of Oregon. Additionally, any chemicals, pesticides, herbicides or other regulated substances used upon the premises or crops shall be used only in conformity with all applicable federal and state statutes, rules and regulations and all labeling requirements.
- c. Upon request TENANT shall provide LANDLORD with records of all chemicals, pesticides, herbicides or other regulated substances used upon the premises and crops.
- d. In its use of the premises, adjacent areas and the accesses to the premises, TENANT and its agents, employees and invitees shall at all times comply with all federal, state and local rules, regulations, statutes, ordinances and laws.

15. HAZARDOUS WASTES OR SUBSTANCES.

During the term of this lease, TENANT shall not intentionally, negligently, or otherwise place or allow to be placed upon the premises or the farm, any hazardous wastes or substances. If any hazardous wastes or substances are placed, allowed to be placed, spilled upon, or allowed to run onto the premises or farm during the lease term by TENANT or its agents, employees or TENANT's guests or invitees, regardless of fault or cause, then TENANT shall be responsible for cleaning up said wastes or substances in accordance with all federal and state statutes, rules and regulations and shall pay any injured parties for any damage therefrom. For the purpose of this lease, "hazardous wastes or substances" shall have the broadest meanings and definitions possible as made under federal and state laws, rules and regulations, but shall not include chemicals, pesticides and fertilizer used in farming, provided those substances are used as required by federal and state laws, statutes, rules and regulations.

RECEIVED

JUN 09 2022

16. NO DAMAGE BY TENANT.

- a. TENANT and its agents and employees and invitees, shall not intentionally, negligently or otherwise, damage in any manner, the water appropriation structures, or water appropriation delivery and application equipment.
- b. TENANT and its agents, employees and invitees, shall not intentionally, negligently or otherwise damage in any manner neither the non-leased portions of LANDLORD's farm nor any other property of LANDLORD, LANDLORD's tenants, or others allowed by LANDLORD or LANDLORD's tenants on the farm.

17. NO WASTE.

TENANT shall not lay waste to the premises, nor allow any waste to occur to the premises.

18. CONDITION AT TERMINATION.

- a. After harvesting its crops, TENANT shall have no obligation to work the ground in any way or to remove crops or crop residues, but TENANT shall be responsible to remove all non-crop material such as bags, cans, sacks, equipment, trash, and any other non-crop material from the premises which were placed there by TENANT or agents or employees of TENANT.
- b. Upon termination of this lease, TENANT shall leave the premises in the same condition as at the beginning of the lease, reasonable wear and tear excepted.
- c. Any improvements to the water delivery systems shall be dealt with as agreed to elsewhere in this lease.

19. PROTECTION OF MINT AND MINT ROOT STOCK.

LANDLORD acknowledges that the nature and character of the mint raised by TENANT upon the premises is confidential to TENANT, and that during and after this lease, LANDLORD shall not test, sample or take cuttings of the mint or their root stock and shall not use the mint root stock left by TENANT to raise mint before or after the termination of this lease. Additionally, during and after this lease, LANDLORD shall not allow any third party to test, sample, or take cuttings of said mint or mint root stock, and shall not allow any third parties to use the mint root stock to raise mint or for any other purpose.

20. QUIET ENJOYMENT.

LANDLORD covenants that it is in rightful possession of the premises and is fully empowered to lease the premises, and that it will provide TENANT with quiet enjoyment of the premises.

21. LANDLORD'S RIGHT TO ENTRY.

- a. During the term of this lease, LANDLORD and its agents and employees shall have a right of entry onto the premises at reasonable times to inspect the premises to determine TENANT's compliance with this lease, and to show the premises to LANDLORD's mortgagees, prospective purchasers and tenants.
- b. LANDLORD and its agents and employees shall also have a right of entry onto the premises at reasonable times to perform any maintenance, repairs, work or alterations, that

RECEIVED
JUN 09 2022
COWARD

LANDLORD is required to perform under this lease, or which LANDLORD deems reasonably necessary.

22. SUCCESSOR INTERESTS.

The covenants, conditions and terms of this lease shall extend to and be binding upon and inure to the benefit of the heirs, administrators, and executors of the parties hereto, provided, however, nothing contained in this paragraph shall alter any restriction against assignment.

23. DEFAULT BY TENANT.

The occurrence of any of the following shall constitute a default by TENANT under this lease:

- a. Failure of TENANT to pay any rent installment due within ten (10) days of written notice by LANDLORD of non-payment.
- b. Failure of TENANT to comply with any term or condition of this lease or to fulfill any obligation of the lease other than the payment of rent, within thirty (30) days after written notice by LANDLORD specifying the nature of the default with reasonable particularity. If the breach is such that TENANT cannot remedy it within the deadline, then TENANT shall have a reasonable period of time to remedy the breach, provided it acts promptly and with diligence to remove it.
- c. TENANT abandons the premises.
- d. Insolvency of TENANT; an assignment by TENANT for the benefit of creditors; the filing by TENANT of a voluntary petition in bankruptcy including a Chapter 7, 11, 12 and 13 bankruptcy filing; an adjudication that TENANT is bankrupt; the appointment of a receiver of the properties of TENANT; the filing of an involuntary petition of bankruptcy against TENANT and TENANT's failure to secure a dismissal of the petition within thirty (30) days after filing; attachment of, garnishment of, levying on, or execution upon the leasehold interest herein and the failure of TENANT to secure discharge of said attachment, garnishment, levy or execution within thirty (30) days.

24. LANDLORD'S REMEDIES.

- a. If TENANT breaches this lease in any manner, or becomes in default of any term or condition of this lease, LANDLORD shall be entitled to any and all remedies and damages available to it according to the law of the state the premises are located in and this lease.
- b. If this lease is terminated for any reason, LANDLORD's remedy for damages shall survive its termination and LANDLORD shall be entitled to any and all remedies and damages available to it by law and this lease.
- c. In the event of a termination of this lease, TENANT shall vacate the premises immediately, and leave the premises in the condition that it is supposed to be in at the termination of this lease. In addition, LANDLORD may re-enter the premises, take possession of the premises, and remove any persons or property from the premises by legal action or by self-help with the use of reasonable force and without liability for damages for that action.

JUN 09 2022

OWRD

14028

- RECEIVED
JUN 09 2022
OWRD
- d. Following termination or abandonment, LANDLORD may relet the premises and in that connection may relet all or part of the premises alone or in conjunction with other properties, for a term longer or shorter than the term of this lease, upon any reasonable terms and conditions.
- e. In the event of a termination of this lease on default, LANDLORD shall be entitled to recover immediately, without waiting until the due date of any future rent or until the date fixed for expiration of the lease term, all of the following as damages:
- (1) The difference between:
 - (a) The value of all of TENANT's duties and obligations due LANDLORD under this lease, including the obligation to pay rent, from the date of default until the end of the lease term, minus
 - (b) The reasonable rental value of the premises and circle irrigation equipment to the end of the term after LANDLORD has retaken the premises and circle irrigation equipment and has them ready for rent. The "reasonable rental value" of the premises shall be determined by looking at all relevant factors, including but not limited to actual rent paid, being paid or to be paid by third parties, and the rentability of the premises.
 - (2) The reasonable costs of termination, re-entry, repossession and reletting, including without limitation the cost of any clean-up, or any other expense occasioned by TENANT's failure to quit the premises and circle irrigation equipment upon termination and to leave them in the required condition, plus any attorney's fees, court costs, broker commissions and advertising costs associated with the foregoing. The attorney's fees that LANDLORD shall be entitled to shall not be limited to those involved in court action and on appeal, but shall include any and all attorney's fees and attorney's costs and expenses incurred by LANDLORD from when LANDLORD first retained said attorney to advise him of his LANDLORD's rights and remedies under the lease due to a default or a potential default by TENANT under the lease or to assist him in declaring a default under the lease.
- f. In seeking recovery for his damages due to TENANT's default, LANDLORD may elect not to seek to recover all of his damages in one single action or suit, but may sue from time to time for his damages due when they become better known and more definitely provable, and may do that as many times as is necessary to recover all of his damages. If LANDLORD elects to seek damages in this manner, the damages sought shall be the same as those available to LANDLORD in the above paragraph, but with the damages only determined to the date recovery is sought to with LANDLORD being entitled to seek damages accruing two weeks prior to any trial for damages.

25. DEFAULT BY LANDLORD.

LANDLORD shall be in default under the terms of this lease, if LANDLORD fails to comply with any term or condition of this lease or to fulfill any obligation of the lease within thirty (30) days after written notice by TENANT specifying the nature of the default with reasonable particularity. If the

breach is such that LANDLORD cannot remedy it within the deadline, then LANDLORD shall have a reasonable period of time to remedy the breach, provided it acts promptly and with diligence to remove it.

26. TENANT'S REMEDIES.

In the event of a default under this lease by LANDLORD, TENANT shall be entitled to each and every remedy available by law and this agreement.

27. ATTORNEY'S FEES.

In the event that any action, suit or other legal proceeding arises concerning this lease or its provisions, including, but not limited to enforcement of the payment of rent, forcible entry and unlawful detainer actions, and the enforcement of lease provisions, and the interpretation of this lease, the prevailing party shall recover reasonable attorney's fees, attorney's costs, suit or action expenses including deposition costs and expert witness costs, and court costs from the other at trial and on appeal and in arbitration.

28. CHOICE OF LAWS; JURISDICTION; VENUE.

If any litigation arises concerning this lease, the parties consent and agree that the courts of the state where the premises are located in shall have sole and exclusive jurisdiction over the parties and the subject matter of any such litigation, and the law of that state shall apply. The parties also consent and agree that venue for any litigation shall lie exclusively and solely in the county where the premises are located, and they do hereby consent and agree to submit themselves to the jurisdiction of said courts. The jurisdiction of the federal courts is waived.

29. COMPLETE UNDERSTANDING.

This writing and document constitutes the full and complete understanding by and between the parties, concerning the leasing of the premises, and all other matters covered in this lease.

30. NOTICE.

- a A party shall be considered to have received any notice due under the terms of this lease when it has been received by a party personally or at its business office by email, fax or personal delivery, or three (3) days after it has been mailed to the party at the following indicated addresses by both regular mail and by certified mail return receipt requested:

TENANT's Notice Address:

ATTN: Carl St. Hilaire
JSH Farms, Inc., 84186 Highway 37, Hermiston, Oregon 97838-6393
Fax: 541-564-6000
email: carl@jshfarms.com

LANDLORD's Notice Address:

ATTN: Carl St. Hilaire
St. Hilaire Brothers Hermiston Farm, LLC
84186 Highway 37, Hermiston, Oregon 97838-6393
Fax: 541-564-6000
email: carl@jshfarms.com

RECEIVED
JUN 09 2022
OWRD

- b. Parties may change their notice address by giving written notice to the other party of a change.

31. NEUTRAL CONSTRUCTION.

The parties acknowledge and agree that this agreement has been negotiated with each party having the opportunity to consult with legal counsel and to negotiate its terms. Accordingly this agreement will be construed without regard to which party drafted all or part of this agreement.

32. MODIFICATIONS.

This lease may not be modified unless said modification is in writing and signed by LANDLORD and TENANT. Oral modifications are not binding.

33. TIME OF THE ESSENCE.

Time is of the essence of this agreement.

34. NO WAIVER.

The failure of either party to timely assert any right or rights that it might have under the terms of this lease shall not constitute a waiver of that party's right or rights.

35. CAPTIONS.

All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this lease.

36. SEVERABILITY.

If any term or provision of this lease is found to be invalid or void by any court, said finding shall have no effect on the remaining terms and provisions of this lease, and said remaining terms and provisions shall remain in full force and effect.

READ AND AGREED TO:

ST. HILAIRE BROTHERS HERMISTON FARM, LLC, "LANDLORD"

By: 

Carl St. Hilaire, Manager

Date: December 18, 2014

JSH FARMS, INC, a Washington Corporation, "TENANT"

By: 

Carl St. Hilaire, President

Date: December 18, 2014

L:\gla\files\St. Hilaire\Piercy\Piercy Option Exercise\Documents\Lease Brothers to JSH

RECEIVED

JUN 09 2022

OWRD

14028

64
3

After Recording, Return To:

Pioneer Escrow Company
PO Box 187
Hermiston, Oregon 97838

Send All Tax Statements To:

St. Hilaire Brothers Hermiston Farm, LLC
84186 Highway 37
Hermiston, OR 97838-6393

Consideration: \$5,750,000, and
Good and Valuable Consideration paid to a Qualified
Intermediary pursuant to an IRC Section 1031 Tax Deferred Exchange

Umatilla County
Received: 12/19/2014



1023363

STATUTORY WARRANTY DEED

Lloyd P. Piercy and Lois J. Piercy

To

St. Hilaire Brothers Hermiston Farm, LLC
ORS 93.855

LLOYD P. PIERCY and LOIS J. PIERCY, GRANTORS, convey and warrant to ST. HILAIRE BROTHERS HERMISTON FARM, LLC, an Oregon limited liability company, GRANTEE, the following described real property and water rights situated in Umatilla County, Oregon, free of encumbrances except as specifically set forth herein, to-wit:

Parcel 2 of Partition Plat No. 2014-11, (Instrument No. 2014-6230418, Office of Umatilla County Records) located in Sections 4 and 5 of Township 3 North, Range 30, and Sections 27, 28, 29, 30, 31, 32, 33 and 34 of Township 4 North, Range 30, all being East of the Willamette Meridian, Umatilla County, Oregon. Excepting therefrom any portion lying in the County Road right-of-ways.

TOGETHER WITH all water rights appurtenant to the above-described real property, including but not limited to water rights evidenced by Certificate of Water Right 88817 and a portion of Certificate of Water Right 80295 (both perfected under Permit G-7929).

TOGETHER WITH water rights evidenced by a portion of Certificate of Water Right 80295 and appurtenant to the following described real property:

Parcel 3, Partition Plat 2014-11, recorded on November 24, 2014 as instrument No. 2014-6230418, Office of Umatilla County Records, Umatilla County, Oregon.

Also that certain parcel of land located South of Stage Gulch Road, described as follows:

The North Half of Section 4 and the Northeast Quarter of Section 5, Township 3 North, Range 30 East, Willamette Meridian, Umatilla County, Oregon.

Also that portion of Section 33 and the East Half of Section 32, Township 4 North, Range 30 East, Willamette Meridian, Umatilla County, Oregon, lying South of the Centerline of Stage Gulch Road (Co. Rd. #1100) as it was rebuilt and as it exists in April 2014.

Excepting Therefrom that portion of said North Half of said Section 4 and the Northeast Quarter of said Section 5 lying North of the Centerline of Stage Gulch Road (Co. Rd. #1100) as it was rebuilt and as it exists in April 2014.

Subject to any and all water rights of way and roads.

SUBJECT TO:

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.

State of Oregon
County of Umatilla



Instrument received
and recorded on
12/19/2014 11:57:18 AM

in the record of instrument
code type DE

Instrument number 2014-6240391
Fee \$64.00

Office of County Records

Steve Churchill

Records Officer
1023363 P3

RECEIVED

JUN 09 2022

OWRD

14028

(4)

PIONEER TITLE CO. 93176-1
126 SE COURT ID. OR 97801

2. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : October 23, 1939 in Book 120, Page 623, Deed Records.



3. Easement, including the terms and provisions thereof
Grantee : Inland Power & Light Company
Recorded : January 19, 1923 in Book 123, Page 87, Deed Records.

4. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : August 6, 1947 in Book 180, Page 569, Deed Records.

5. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : August 6, 1947 in Book 180, Page 578, Deed Records.

6. Easement, including the terms and provisions thereof
Grantee : Pacific Northwest Pipeline Corporation on
Recorded : December 12, 1955 in Book 230, Page 308, Deed Records.

7. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : September 25, 1992 in Microfilm R-225, Page 1675, Office of Umatilla County Records.

8. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : September 25, 1992 in Microfilm R-225, Page 1678, Office of Umatilla County Records.

9. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : January 24, 1994 in Microfilm R-248, Page 13, Office of County Records.

10. Option and Easement Agreement, including the terms and provisions thereof
First Party : Lloyd P. Piercy, et ux
Second Party : Level 3 Communications LLC
Recorded : August 5, 1999 in Document No. 1999-3550679, Office of County Records.

11. Option and Easement Agreement, including the terms and provisions thereof
First Party : Lloyd P. Piercy, et ux
Second Party : Level 3 Communications LLC
Recorded : January 29, 2000 in Document No. 2000-3640664 Office of County Records.

12. Terms and Provisions contained under Access Easement
Grantee : Lloyd P. Piercy, et ux
Recorded : June 15, 2007 in Instrument No. 2007-5210094, Office of Umatilla County Records.

13. Easements shown on Partition Plat No. 2007-22
Recorded : June 20, 2007 in Instrument No. 2007-5210330, Office of Umatilla County Records.

14. Oil and Gas Lease, including the terms and provisions thereof, disclosed by Notice and Memorandum assignments thereof, between
Lessor : Lloyd P. Piercy and Lois J. Piercy, husband and wife
Lessee : Springfield Oil Company
Dated : January 19, 2006
Recorded : September 25, 2006, Instrument No. 2006-5080182,
Umatilla County Records.

RECEIVED

JUN 09 2022

OWRD

14028

15. Unrecorded Lease Agreement (for cell tower and appurtenances) given by Lloyd Piercy and Lois Piercy on May 29, 1998, to BMCT, L.P., a limited partnership. Said lease was assigned to Triton Cellular Partners of Bend LLC, Triton Communications LLC and their affiliates. Said lease was then assigned to RCC Holdings LLC.
16. Easements and covenants shown on Partition Plat No. 2014-11, Recorded on November 24, 2014, as instrument No. 2014-623113, Office of Umatilla County Records.
6230418
17. Terms and provisions contained under Modification of Access Easement
Grantor: Lucas A. Wagner, et. al.
Grantee: Lloyd P. Piercy and Lois J. Piercy
Recorded: November 14, 2014, in Instrument no. 2014-6230157, Office of Umatilla County Records.



The true and actual consideration for this conveyance is \$5,750,000 which includes irrigation equipment and water rights, and good and valuable consideration paid to a Qualified Intermediary pursuant to an IRC Section 1031 Tax Deferred Exchange

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.

MADE, GRANTED AND DATED ON December 18, 2014.

Lloyd P. Piercy

Date: December 18, 2014

Lois J. Piercy

Date: 12/18, 2014

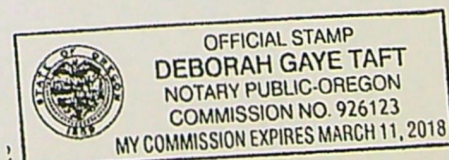
RECEIVED
JUN 09 2022
OWRD

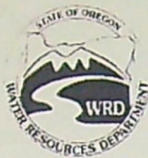
STATE OF OREGON, COUNTY OF UMATILLA) ss

This instrument was acknowledged before me on December, 18, 2014 by Lloyd P. Piercy and Lois J. Piercy.

Myraft
Notary Public State of Oregon

NOTARY SEAL





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.

PROPERTY SELLER INFORMATION

Applicant(s): Lloyd P. and Lois J. Piercy
First Last
Mailing Address: 33297 Riverview Drive
Hermiston OR 97838
City State Zip
Phone: 541-567-1506 541-376-8442
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): St. Hilaire Brothers Hermiston Farm, LLC ATTN: Carl St. Hilaire, Manager
First Last
Mailing Address: 84186 Highway 37
Hermiston OR 97838-6393
City State Zip
Phone: 541-564-1000
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if needed)

County: Umatilla Township: 3N, 4N Range: 30E Section: See deed
Tax Lot Number(s): See attached description of new partition parcel
Street address of water right property: N/A

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

Application #: G-8647 Permit #: G-7929 Certificate or Page #: 80295

Will all the lands associated with this water right be owned by the buyer? ☒ Yes ☐ No Buyer owns entire Certificate, but not all lands described therein. See attached.

Name of individual completing this form: Shonee D. Langford, Attorney Phone: 503-540-4261

Signature: Shonee D. Langford Date: 2/3/15

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

Attachment to Ownership Update

Certificate 80295

St. Hilaire Brothers Hermiston Farm, LLC (St. Hilaire) has purchased the real property described as follows:

Parcel 2 of Partition Plat No. 2014- 11, recorded on 11/24/2014
 , 2014, as Instrument No. 2014- 6230418, Office of County
Records, Umatilla County, Oregon.

Portions of the water rights under Certificate 80295 are appurtenant to the above-described real property and portions are appurtenant to adjacent real property owned by Lloyd and Lois Piercy (Piercy).

Piercy has conveyed all water rights described in Certificate 80295 to St. Hilaire, including portions of the water rights that are appurtenant to property still own by Piercy (see attached deed).

RECEIVED

JUN 09 2022

OWRD

14028

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MERLE GEHRKE
ROUTE 2, BOX 13
ECHO, OREGON 97826

confirms the right to use the waters of FOUR WELLS in the STAGE GULCH BASIN for IRRIGATION OF 2265.0 ACRES.

This right was perfected under Permit G-7929. The date of priority is FEBRUARY 15, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 28.31 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 33, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 4 N, R 30 E, W.M.; WELL 1-1030 FEET NORTH AND 2420 FEET EAST, WELL 2-980 FEET NORTH AND 1640 FEET WEST, BOTH FROM SW CORNER SECTION 33, WELL 3-2170 FEET NORTH AND 50 FEET WEST FROM SE CORNER SECTION 29, WELL 4-930 FEET NORTH AND 240 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 28.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

T-8688.VC

Page 1 of 3

80295

RECEIVED

14028 JUN 09 2022

OWRD

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

NE¼ NW¼	30.40 ACRES
NW¼ NW¼	35.40 ACRES
SW¼ NW¼	36.60 ACRES
SE¼ NW¼	33.20 ACRES
NE¼ SW¼	32.00 ACRES
NW¼ SW¼	35.29 ACRES
SW¼ SW¼	39.21 ACRES
SE¼ SW¼	28.80 ACRES

SECTION 27

NE¼ NE¼	39.20 ACRES
NW¼ NE¼	39.60 ACRES
SW¼ NE¼	36.40 ACRES
SE¼ NE¼	34.00 ACRES
NE¼ NW¼	34.40 ACRES
NW¼ NW¼	31.60 ACRES
SW¼ NW¼	25.59 ACRES
SE¼ NW¼	30.80 ACRES
NE¼ SW¼	40.00 ACRES
NW¼ SW¼	29.37 ACRES
SW¼ SW¼	30.90 ACRES
SE¼ SW¼	40.00 ACRES
NE¼ SE¼	39.82 ACRES
NW¼ SE¼	38.00 ACRES
SW¼ SE¼	32.40 ACRES
SE¼ SE¼	39.01 ACRES

SECTION 28

NE¼ NE¼	38.40 ACRES
NW¼ NE¼	31.10 ACRES
SW¼ NE¼	32.00 ACRES
SE¼ NE¼	32.17 ACRES
NE¼ SE¼	32.00 ACRES
NW¼ SE¼	30.40 ACRES
SW¼ SE¼	31.40 ACRES
SE¼ SE¼	42.20 ACRES

SECTION 29

NE¼ NE¼	31.40 ACRES
NW¼ NE¼	15.20 ACRES
SW¼ NE¼	38.80 ACRES
SE¼ NE¼	35.00 ACRES
NE¼ SE¼	36.00 ACRES
NW¼ SE¼	35.20 ACRES
SW¼ SE¼	10.50 ACRES
SE¼ SE¼	16.00 ACRES

SECTION 32

NE¼ NE¼	37.20 ACRES
NW¼ NE¼	38.80 ACRES
SW¼ NE¼	40.00 ACRES
SE¼ NE¼	34.40 ACRES
NE¼ NW¼	38.10 ACRES
NW¼ NW¼	39.40 ACRES
SW¼ NW¼	38.50 ACRES
SE¼ NW¼	39.10 ACRES
NE¼ SW¼	24.10 ACRES
NW¼ SW¼	40.00 ACRES
SW¼ SW¼	24.40 ACRES
SE¼ SW¼	17.12 ACRES
NE¼ SE¼	18.80 ACRES
NW¼ SE¼	39.00 ACRES
SW¼ SE¼	12.13 ACRES
SE¼ SE¼	22.40 ACRES

SECTION 33

NE¼ NW¼	33.98 ACRES
NW¼ NW¼	38.50 ACRES
SW¼ NW¼	34.36 ACRES
SE¼ NW¼	34.00 ACRES
NE¼ SW¼	12.80 ACRES
NW¼ SW¼	23.55 ACRES
SW¼ SW¼	2.80 ACRES

SECTION 34

TOWNSHIP 4 NORTH,
RANGE 30 EAST, W.M.

RECEIVED 14028
JUN 09 2022

OWRD

NE¼ NE¼ 18.80 ACRES
NW¼ NE¼ 36.40 ACRES
SW¼ NE¼ 17.60 ACRES
SE¼ NE¼ 33.20 ACRES
NE¼ NW¼ 27.60 ACRES
NW¼ NW¼ 0.60 ACRES
SW¼ NW¼ 0.20 ACRES
SE¼ NW¼ 7.20 ACRES

SECTION 4

NE¼ NE¼ 35.40 ACRES
NW¼ NE¼ 28.00 ACRES
SW¼ NE¼ 29.60 ACRES
SE¼ NE¼ 27.20 ACRES

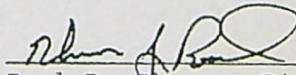
SECTION 5
TOWNSHIP 3 NORTH,
RANGE 30 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 52675, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 04 2003, approving Transfer Application 8688.

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

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

WITNESS the signature of the Water Resources Director,
affixed JUN 04 2003.


Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80295.

T-8688.VC

Page 3 of 3

14028 RECEIVED
JUN 09 2022

OWRD

64
3

After Recording, Return To:
Pioneer Escrow Company
PO Box 187
Hermiston, Oregon 97838

Send All Tax Statements To:
St. Hilaire Brothers Hermiston Farm, LLC
84186 Highway 37
Hermiston, OR 97838-6393

Consideration: \$5,750,000, and
Good and Valuable Consideration paid to a Qualified
Intermediary pursuant to an IRC Section 1031 Tax Deferred Exchange

Umatilla County
Received: 12/19/2014



1023363

STATUTORY WARRANTY DEED

Lloyd P. Piercy and Lois J. Piercy
To

St. Hilaire Brothers Hermiston Farm, LLC
ORS 93.855

LLOYD P. PIERCY and LOIS J. PIERCY, GRANTORS, convey and warrant to ST. HILAIRE BROTHERS HERMISTON FARM, LLC, an Oregon limited liability company, GRANTEE, the following described real property and water rights situated in Umatilla County, Oregon, free of encumbrances except as specifically set forth herein, to-wit:

Parcel 2 of Partition Plat No. 2014-11, (Instrument No. 2014-6230418, Office of Umatilla County Records) located in Sections 4 and 5 of Township 3 North, Range 30, and Sections 27, 28, 29, 30, 31, 32, 33 and 34 of Township 4 North, Range 30, all being East of the Willamette Meridian, Umatilla County, Oregon. Excepting therefrom any portion lying in the County Road right-of-ways.

TOGETHER WITH all water rights appurtenant to the above-described real property, including but not limited to water rights evidenced by Certificate of Water Right 88817 and a portion of Certificate of Water Right 80295 (both perfected under Permit G-7929).

TOGETHER WITH water rights evidenced by a portion of Certificate of Water Right 80295 and appurtenant to the following described real property:

Parcel 3, Partition Plat 2014-11, recorded on November 24, 2014 as instrument No. 2014-6230418, Office of Umatilla County Records, Umatilla County, Oregon.

Also that certain parcel of land located South of Stage Gulch Road, described as follows:

The North Half of Section 4 and the Northeast Quarter of Section 5, Township 3 North, Range 30 East, Willamette Meridian, Umatilla County, Oregon.

Also that portion of Section 33 and the East Half of Section 32, Township 4 North, Range 30 East, Willamette Meridian, Umatilla County, Oregon, lying South of the Centerline of Stage Gulch Road (Co. Rd. #1100) as it was rebuilt and as it exists in April 2014.

Excepting Therefrom that portion of said North Half of said Section 4 and the Northeast Quarter of said Section 5 lying North of the Centerline of Stage Gulch Road (Co. Rd. #1100) as it was rebuilt and as it exists in April 2014.

Subject to any and all water rights of way and roads.

SUBJECT TO:

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.

State of Oregon
County of Umatilla

2014-6240391 1 of 3

Instrument received
and recorded on
12/19/2014 11:57:18 AM

in the record of instrument
code type DE

Instrument number 2014-62403
Fee \$64.

Office of County Records

Steven Churchill

Records Officer
1023363 P3

RECEIVED

JUN 09 2022

OWRD

PIONEER TITLE CO. 43178-1
126 SE COURT, PEND. OR 97801

14028

(4)

2. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : October 23, 1939 in Book 120, Page 623, Deed Records.



3. Easement, including the terms and provisions thereof
Grantee : Inland Power & Light Company
Recorded : January 19, 1923 in Book 123, Page 87, Deed Records.

4. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : August 6, 1947 in Book 180, Page 569, Deed Records.

RECEIVED

JUN 09 2022

OWRD

5. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : August 6, 1947 in Book 180, Page 578, Deed Records.

6. Easement, including the terms and provisions thereof
Grantee : Pacific Northwest Pipeline Corporation on
Recorded : December 12, 1955 in Book 230, Page 308, Deed Records.

7. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : September 25, 1992 in Microfilm R-225, Page 1675, Office of Umatilla County Records.

8. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : September 25, 1992 in Microfilm R-225, Page 1678, Office of Umatilla County Records.

9. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : January 24, 1994 in Microfilm R-248, Page 13, Office of County Records.

10. Option and Easement Agreement, including the terms and provisions thereof
First Party : Lloyd P. Piercy, et ux
Second Party : Level 3 Communications LLC
Recorded : August 5, 1999 in Document No. 1999-3550679, Office of County Records.

11. Option and Easement Agreement, including the terms and provisions thereof
First Party : Lloyd P. Piercy, et ux
Second Party : Level 3 Communications LLC
Recorded : January 29, 2000 in Document No. 2000-3640664 Office of County Records.

12. Terms and Provisions contained under Access Easement
Grantee : Lloyd P. Piercy, et ux
Recorded : June 15, 2007 in Instrument No. 2007-5210094, Office of Umatilla County Records.

13. Easements shown on Partition Plat No. 2007-22
Recorded : June 20, 2007 in Instrument No. 2007-5210330, Office of Umatilla County Records.

14. Oil and Gas Lease, including the terms and provisions thereof, disclosed by Notice and Memorandum and assignments thereof, between
Lessor : Lloyd P. Piercy and Lois J. Piercy, husband and wife
Lessee : Springfield Oil Company
Dated : January 19, 2006
Recorded : September 25, 2006, Instrument No. 2006-5080182, Umatilla County Records.

14028

15. Unrecorded Lease Agreement (for cell tower and appurtenances) given by Lloyd Piercy and Lois Piercy on May 29, 1998, to BMCT, L.P., a limited partnership. Said lease was assigned to Triton Cellular Partners of Bend LLC, Triton Communications LLC and their affiliates. Said lease was then assigned to RCC Holdings LLC.
16. Easements and covenants shown on Partition Plat No. 2014-11, Recorded on November 24, 2014, as instrument No. 2014-6230157, Office of Umatilla County Records.
6230418
17. Terms and provisions contained under Modification of Access Easement
Grantor: Lucas A. Wagner, et. al.
Grantee: Lloyd P. Piercy and Lois J. Piercy
Recorded: November 14, 2014, in Instrument no. 2014-6230157, Office of Umatilla County Records.



The true and actual consideration for this conveyance is \$5,750,000 which includes irrigation equipment and water rights, and good and valuable consideration paid to a Qualified Intermediary pursuant to an IRC Section 1031 Tax Deferred Exchange

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.

MADE, GRANTED AND DATED ON December 18, 2014.

Lloyd P. Piercy

Date: December 18, 2014

Lois J. Piercy

Date: 12/18, 2014

RECEIVED

JUN 09 2022

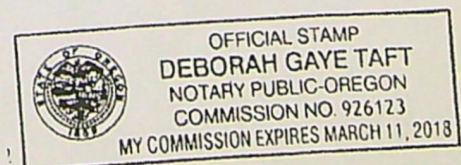
OWRD

STATE OF OREGON, COUNTY OF UMATILLA) ss

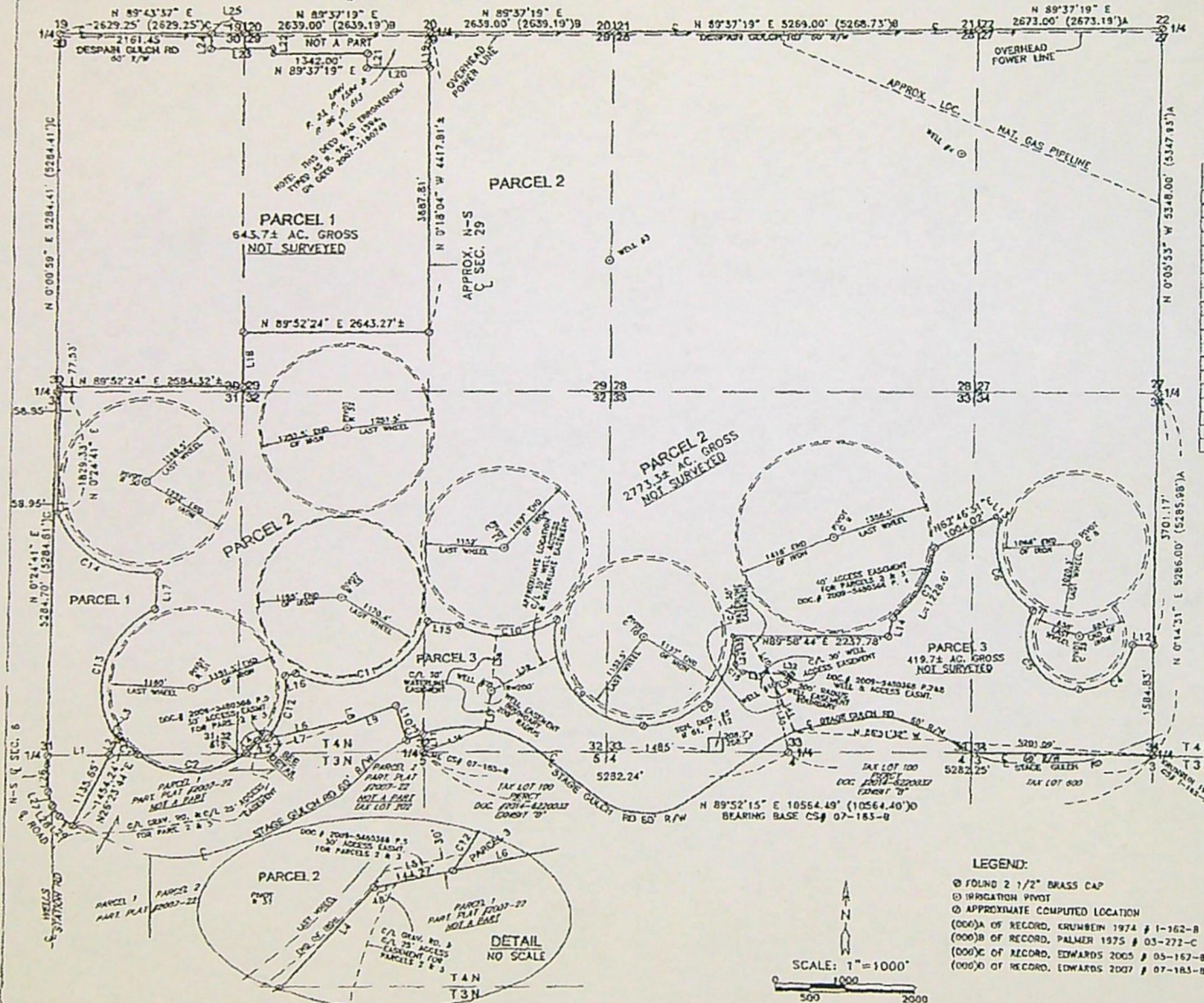
This instrument was acknowledged before me on December 18, 2014 by Lloyd P. Piercy and Lois J. Piercy.

Myraft
Notary Public State of Oregon

NOTARY SEAL



PARTITION PLAT 2014-11
IN SECTIONS 4, 5 & 6, T 3 N, R 30 E, & IN SECS. 27, 28, 29, 30, 31,
32, 33, & 34, T 4 N, R 30 E, W.M., UMATILLA COUNTY, OREGON
#LD-4N-972-14



CURVE TABLE

#	RADIUS	ARC	CHORD	DELTA
C-1	1213.97	308.71'	N 42°22'49" W 385.04'	11°13'04"
C-2	1213.97	1638.81'	N 89°32'50" E 1313.80'	77°15'27"
C-3	1890.58	250.89'	N 47°38'26" E 250.00'	7°43'45"
C-4	781.00	1106.00'	N 48°25'51" E 1015.87'	81°08'17"
C-5	781.00	1819.15'	N 50°36'28" W 1584.37'	118°47'24"
C-6	1145.30	1105.81'	N 20°35'51" W 1403.05'	78°01'41"
C-7	1487.50	1228.81'	N 29°57'50" E 1118.04'	47°58'02"
C-8	1218.50	2040.81'	N 44°28'05" E 1850.47'	91°05'50"
C-9	1218.50	2235.64'	N 39°14'28" W 2007.29'	101°22'02"
C-10	1583.00	1483.47'	N 56°32'13" E 1404.84'	65°12'32"
C-11	1294.40	2338.78'	N 47°24'50" E 2032.15'	109°28'10"
C-12	1291.00	945.20'	N 13°17'35" E 934.23'	41°06'55"
C-13	1291.00	2248.58'	N 14°40'18" E 1974.95'	99°42'40"
C-14	1331.50	1873.03'	N 38°48'38" E 1683.94'	78°25'40"
C-15	110.00	173.19'	N 45°03'45" E 155.85'	90°12'29"

LINE TABLE:

L-1	N 89°52'20" E 884.34'
L-2	N 28°23'44" E 236.28'
L-3	N 28°23'44" E 88.30'
L-4	N 47°18'34" E 246.44'
L-5	N 78°01'09" E 144.27'
L-6	N 78°01'09" E 1108.85'
L-7	N 78°01'09" E 1253.12'
L-8	N 19°02'27" W 48.78'
L-9	N 89°02'58" E 752.29'
L-10	N 17°32'58" W 525.22'
L-11	N 23°28'28" W 281.11'
L-12	N 90°00'00" E 302.47'
L-13	N 47°34'08" W 87.52'
L-14	N 12°05'10" E 281.45'
L-15	N 82°51'11" W 485.07'
L-16	N 77°37'05" E 158.18'
L-17	N 75°55'35" E 542.44'
L-18	N 0°24'41" E 868.27'
L-19	N 0°12'01" W 530.00'
L-20	N 89°37'19" E 895.00'
L-21	N 0°12'01" W 217.00'

LINE TABLE:

L-22	N 0°12'01" W 83.00'
L-23	N 89°37'19" E 888.80'
L-24	N 0°12'01" W 236.00'
L-25	N 89°47'30" E 487.00'
L-26	N 73°32'54" W 318.43'
L-27	N 18°53'37" W 218.47'
L-28	N 35°15'37" W 191.18'
L-29	N 37°14'48" W 238.23'
L-30	N 17°57'04" W 1508.07'
L-31	N 40°09'42" E 246.84'
L-32	N 87°41'09" W 185.60'
L-33	N 80°10'02" W 809.02'
L-34	N 7°02'37" E 163.63'
L-35	N 27°13'30" W 258.84'
L-36	N 89°48'50" E 844.23'
L-37	N 9°14'05" E 354.19'
L-38	N 4°16'42" E 808.99'
L-39	N 4°02'37" E 1062.13'
L-40	N 27°54'28" W 837.57'
L-41	N 23°04'49" W 748.18'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dennis Edwards
OREGON
JULY 18, 1991
D. DENNIS EDWARDS
9 5 1

RENEWED 12/31/2015

STATE OF OREGON,
COUNTY OF UMATILLA

I certify that this instrument was received and
recorded

ON November 24, 2014
at 11:31 a'clock AM, in the record of
PLATS of said County.

YEAR 2014 NUMBER 11

OFFICE OF COUNTY RECORDS

By: *Steve Chubb*, Records Officer

Fees \$ 78.00 No. 2014-6230418

THIS IS AN EXACT COPY: *Dennis Edwards*
D. DENNIS EDWARDS

SHEET 1 OF 2

JOB# 51401002
EDWARDS SURVEYING P.O. BOX 763
541-567-3336 HERBSTON, OREGON 97838
DRAWN BY JMC

RECEIVED
JUN 09 2022
OWRD
14028

PARTITION PLAT 2014-11

IN SECTIONS 4, 5 & 6, T 3 N, R 30 E, & IN SECTIONS 27, 28, 29, 30, 31, 32, 33, & 34, T 4 N, R 30 E, W.M., UMATILLA COUNTY, OREGON
#LD-4N-972-14

SURVEYOR'S CERTIFICATE & NARRATIVE:

I, G. DENNIS EDWARDS, AM A REGISTERED SURVEYOR OF THE STATE OF OREGON AND HAVE PREPARED THIS PLAT.
THIS PLAT IS NOT SURVEYED. I SURVEYED AND SET MONUMENTS ON THE NORTH LINE OF PARCEL 1, PARTITION PLAT 2007-22 IN CS# 07-183-B. IN FEBRUARY 2009 I SURVEYED THE PIVOTS AS SHOWN ON THIS MAP AND COMPUTED AND DESCRIBED THE LINE SHOWN AS THE LINE COMMON TO PARCELS 2 AND 3 FOR A THEN PROPOSED LEASE AGREEMENT. I SET NO MONUMENTS IN THAT SURVEY AND I DID NOT FILE IT. I FILED THAT SURVEY IN SEPTEMBER 2014 SO THE RELATION OF SAID LINE TO MONUMENTS WHICH WERE TIED CAN BE DETERMINED. THE LOCATION OF THE PIVOTS SHOWN ON THIS MAP ARE AS THEY WERE IN 2009. I BASED THE BEARINGS SHOWN ON THIS MAP ON THE TOWNSHIP LINE AS SHOWN ON MY SURVEY # 07-183-B.

THE EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE LISTED BELOW.
THIS TRACT OF LAND IS DESCRIBED IN DEEDS TO LLOYD AND LOIS PIERCY RECORDED ON DOCUMENTS 2014-6220633, EXHIBIT "T" AND 2014-6220173, EXHIBIT "B" AND IS DESCRIBED AS FOLLOWS:

DESCRIPTION: THE WEST HALF OF SECTIONS 27 AND 34; ALL OF SECTIONS 28, 29, 32, AND 33; THE EAST HALF OF SECTIONS 20 AND 31; ALL IN TOWNSHIP 4 NORTH, RANGE 30 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY OREGON.

EXCEPTING THEREFROM THAT TRACT OF LAND DECEDED TO R. D. LLOYD IN THE NW 1/4 OF SAID SECTION 29 AND THE NE 1/4 OF SAID SECTION 30 AS DESCRIBED ON AEL 23, PAGE 1594, AND ON FEL 96, PAGE 618, UMATILLA COUNTY DEED RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE SE 1/4 OF SECTION 31 AND THE SW 1/4 OF SECTION 32 WHICH LIE WITHIN PARTITION PLAT 2007-22.

ALSO EXCEPTING THEREFROM THAT PORTION OF SECTION 33 AND THE EAST HALF OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 30 EAST, LYING SOUTH OF THE CENTERLINE OF STAGE GULCH ROAD (CO. RD. #1100) AS IT WAS REBUILT AND AS IT EXISTS IN APRIL 2014.

ALSO EXCEPTING THEREFROM ANY AND ALL WATER RIGHTS OF WAY AND ROADS, DESCRIBED CONTIGUOUSLY, ALL THAT PORTION OF THE NW 1/4 OF SECTION 5 AND THE NE 1/4 OF SECTION 8, TOWNSHIP 3 NORTH, RANGE 30 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON LYING NORTH OF PARTITION PLAT 2007-22.

ALSO THAT PORTION OF THE NORTH HALF OF SECTION 4 AND THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 30 EAST, LYING NORTH OF THE CENTERLINE OF STAGE GULCH ROAD (CO. RD. #1100) AS IT WAS REBUILT AND AS IT EXISTS IN APRIL 2014.

EXCEPTING THEREFROM ANY AND ALL WATER RIGHTS OF WAY AND ROADS.

OWNER'S DECLARATION:

WE THE OWNERS OF THE HEREON DESCRIBED LAND, HEREBY DECLARE THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED.

WE ACKNOWLEDGE THE ROADWAYS AND THE EASEMENTS AS LISTED BELOW. THE APPROXIMATE LOCATION OF SOME ARE SHOWN ON SHEET ONE.

WE HEREBY DEDICATE 30 FOOT WIDE EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF IRRIGATION PIPELINES, AS SHOWN, FROM:

WELL #1 SOUTHEASTERLY TO THE CENTERLINE OF STAGE GULCH ROAD,
WELL #2 SOUTHERLY TO A POINT ON THE CENTERLINE OF STAGE GULCH ROAD,
WELL #3 NORTHEASTERLY TO A POINT ON THE SOUTH LINE OF PARCEL 2.

THE ABOVE DESCRIBED EASEMENTS ARE FOR THE USE OF PARCEL 2 AND THE POSSIBLE FUTURE USE OF PARCEL 1 AND OF TAX LOT 100 WHICH LIES SOUTH OF SAID PARCEL 5.

WE ALSO HEREBY DEDICATE A 300 FOOT RADIUS CIRCLE THE CENTER OF WHICH IS WELL #2 FOR PARCEL 2 TO ACCESS AND MAINTAIN SAID WELL #2.

WE ALSO HEREBY DEDICATE A 30 FOOT WIDE EASEMENT FOR ACCESS TO WELL #2 AND FOR THE MAINTENANCE OF AN EXISTING PIPELINE, APPROXIMATELY AS SHOWN, RUNNING FROM SAID WELL #2 NORTHEASTERLY ALONG AN EXISTING PIPELINE TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 2.

THIS WELL AND ACCESS EASEMENT AND ALSO THE WELL AND ACCESS EASEMENT FOR WELL #1 AS SHOWN ON DOC. #2009-5480366, PAGES 7 & 8, ARE FOR THE USE OF PARCEL 2 AND THE POSSIBLE FUTURE USE OF PARCEL 1 AND OF TAX LOT 100 LYING SOUTH OF PARCEL 3.

THE TWO ACCESS EASEMENTS WHICH RUN ALONG THE SOUTH LINE OF PARCEL 2, (THE 30' WIDE ONE LYING IN THE SW 1/4 OF SECTION 32 AND THE 40 FOOT WIDE ONE LYING IN THE EAST HALF OF SECTION 33), ARE FOR THE USE OF BOTH PARCELS 2 AND 3.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

G. Dennis Edwards

OREGON
JULY 16, 1971
G. DENNIS EDWARDS
RENEWED 12/31/2015

LLOYD P. PIERCY, OWNER
LOIS PIERCY, OWNER

STATE OF OREGON
COUNTY OF UMATILLA

BEFORE ME THIS 14 DAY OF November 2014
APPEARED LLOYD P. PIERCY, OWNER AND LOIS P. PIERCY,
OWNER AND ACKNOWLEDGED THE FOREGOING DECLARATION.

David Wm Hadley
NOTARY PUBLIC FOR OREGON
David Wm Hadley
PRINTED NAME

COMMISSION NO. 922634
MY COMMISSION EXPIRES 11-26-17

EASEMENTS WHICH MAY AFFECT THIS PROPERTY

GRANTEE	DATE	DOCUMENT
DINLAND POWER & LIGHT CO.	1923	B. 123, P. 87, DEED RECORDS
UMATILLA ELECTRIC COOP. ASSN.	1939	B. 120, P. 623, DEED RECORDS
"	1939	B. 120, P. 636, DEED RECORDS
"	1947	B. 180, P. 569, DEED RECORDS
"	1947	B. 180, P. 578, DEED RECORDS
"	1992	R. 225, P. 1675, UMATILLA COUNTY RECORDS
"	1992	R. 225, P. 1678, UMATILLA COUNTY RECORDS
"	1994	R. 248, P. 15, UMATILLA COUNTY RECORDS
PACIFIC NORTHWEST PIPELINE CORP.	1955	B. 250, P. 309, DEED RECORDS
LLOYD P. PIERCY, et ux	2007	DOC. # 2007-5210094 UMATILLA COUNTY RECORDS
(EASEMENTS SHOWN ON PARTITION PLAT 2007-22)	2007	DOC. # 2007-5210330 UMATILLA COUNTY RECORDS

OPTION & EASEMENT AGREEMENTS WHICH MAY AFFECT THIS PROPERTY

LEVEL 3 COMMUNICATIONS LLC & LLOYD P. PIERCY, et ux	1999	DOC. # 1999-3550578 UMATILLA COUNTY RECORDS
LEVEL 3 COMMUNICATIONS LLC & LLOYD P. PIERCY, et ux	2000	DOC. # 2000-3640554 UMATILLA COUNTY RECORDS
JPD LAND & JSH FARMS	2012	DOC. # 2012-5930750 UMATILLA COUNTY RECORDS
L. P. PIERCY, et ux & JSH FARMS	2009	DOC. # 2009-5480365 UMATILLA COUNTY RECORDS
L. P. PIERCY, et ux & JSH FARMS	2009	DOC. # 2009-5480366 UMATILLA COUNTY RECORDS

OIL & GAS AGREEMENT WHICH MAY AFFECT THIS PROPERTY

(SPRINGFIELD OIL CO.)	2006	DOC. # 2006-5080182 UMATILLA COUNTY RECORDS
SAVANT RESOURCES LLC	2007	DOC. # 2007-5140631 UMATILLA COUNTY RECORDS
LLOYD P. PIERCY, et ux	2007	DOC. # 2007-5170447 UMATILLA COUNTY RECORDS
HUSKY EXPLORATION	2010	DOC. # 2010-5750299 UMATILLA COUNTY RECORDS

APPROVALS:

UMATILLA COUNTY SURVEYOR

APPROVED THIS 18 DAY OF Nov. 2014

UMATILLA COUNTY SURVEYOR

UMATILLA COUNTY PLANNING DEPARTMENT

APPROVED THIS 24TH DAY OF November, 2014

UMATILLA COUNTY PLANNING DIRECTOR

UMATILLA COUNTY TAX COLLECTOR

TAXES ARE PAID IN FULL

APPROVED THIS 17 DAY OF Nov. 2014

UMATILLA COUNTY TAX COLLECTOR

STATE OF OREGON,
COUNTY OF UMATILLA

I certify that this instrument was received and recorded

ON November 24, 2014
at 1:31 o'clock A.M. in the record of
PLATS of said County.
YEAR NUMBER Slide
2014 11

OFFICE OF COUNTY RECORDS

By: Steve Churchill, Records Officer

Fees \$ 78.00 No. 2014-6230418

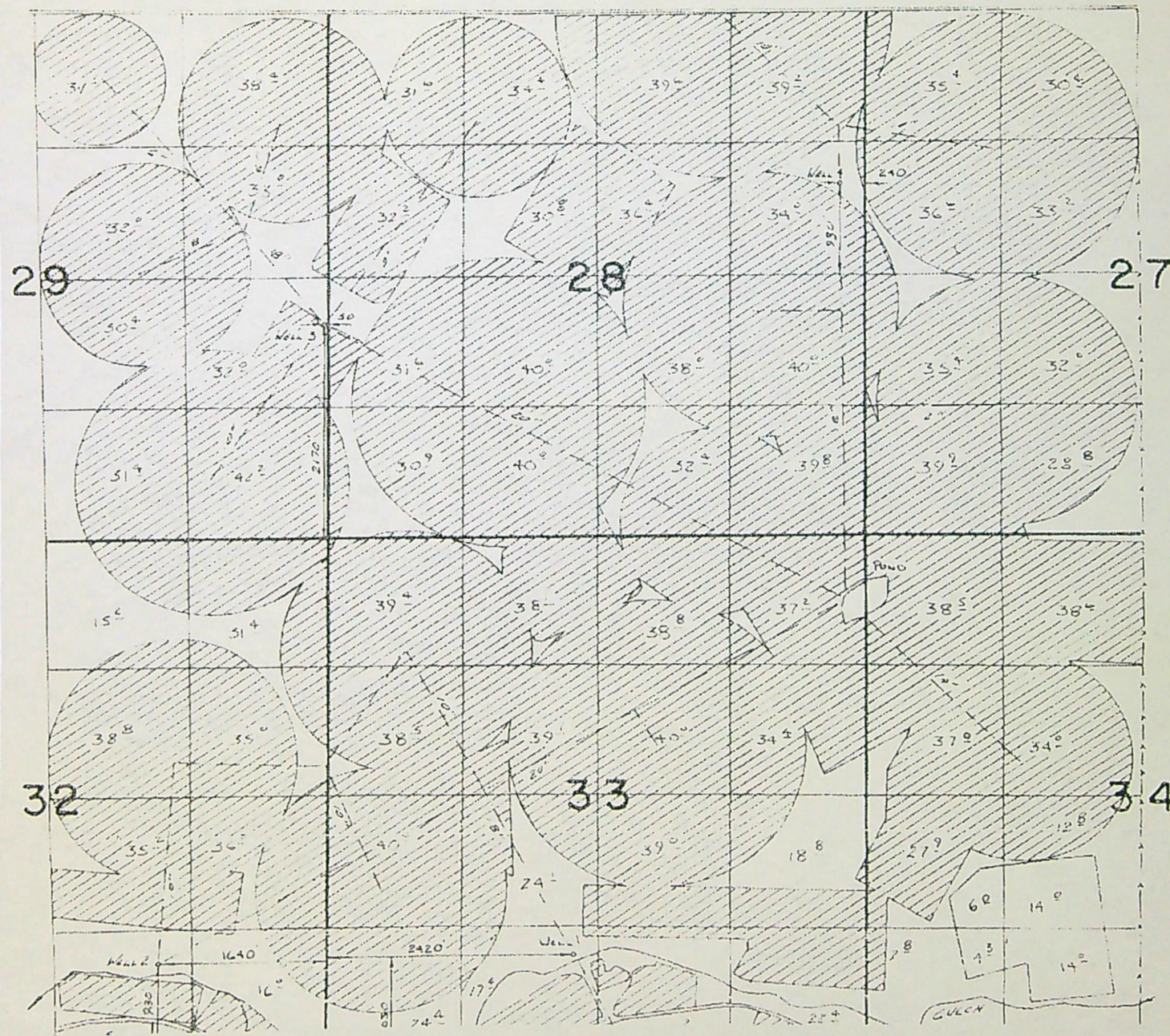
THIS IS AN EXACT COPY: G. Dennis Edwards

SHEET 2 OF 2

JOB# S1401002
EDWARDS SURVEYING P.O. BOX 763
541-567-3336 HERMISTON, OREGON 97838
DRAWN BY JMC

RECEIVED
JUN 09 2022
OWRD

T. 584N., R. 30E., W.M.



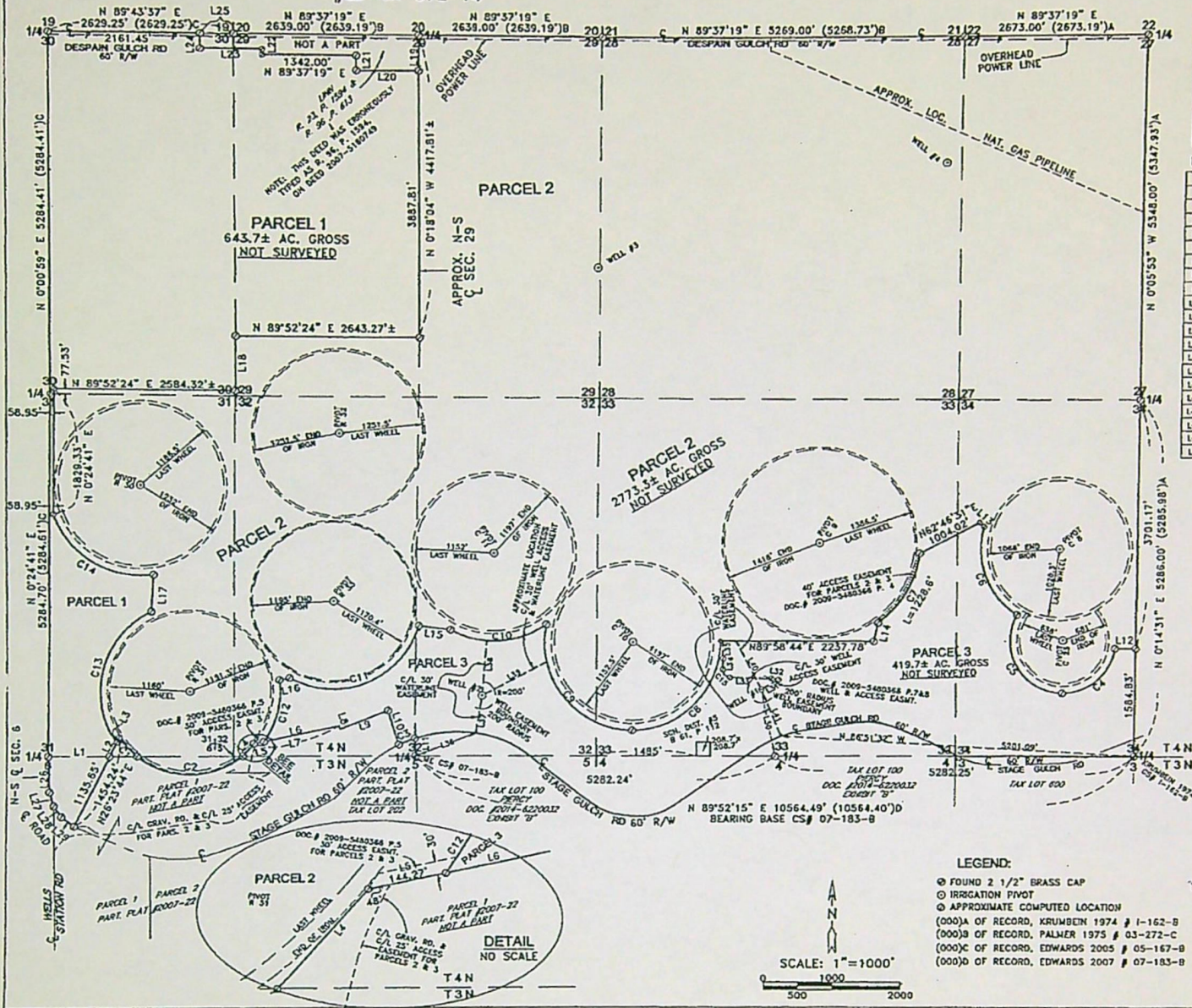
RECEIVED

JUN 09 2022

OWRD
14028

PARTITION PLAT 2014-11

IN SECTIONS 4, 5 & 6, T 3 N, R 30 E, & IN SECS. 27, 28, 29, 30, 31, 32, 33, & 34, T 4 N, R 30 E, W.M., UMATILLA COUNTY, OREGON
#LD-4N-972-14



CURVE TABLE:

#	RADIUS	ARC	CHORD	DELTA
C-1	1215.97	346.71'	N 47°22'49" E 383.08'	W 15°04'
C-2	1215.97	1636.91'	N 89°57'30" E 1515.68'	78°41'51"
C-3	1850.58	250.99'	N 67°54'26" E 250.80'	78°41'51"
C-4	781.00	1106.00'	N 49°25'51" E 1015.87'	80°08'17"
C-5	781.00	1619.15'	N 30°34'28" W 1444.37'	118°49'04"
C-6	1165.50	1505.61'	N 23°39'51" W 1403.05'	78°41'51"
C-7	1467.50	1228.61'	N 29°57'50" E 1193.04'	47°38'07"
C-8	1294.50	2650.61'	N 44°38'05" E 1850.47'	26°03'30"
C-9	1294.50	2336.64'	N 39°14'29" W 2037.29'	107°09'02"
C-10	1303.00	1453.07'	N 85°17'19" E 1404.84'	48°08'24"
C-11	1294.40	2336.78'	N 67°54'26" E 2032.13'	107°09'02"
C-12	1291.00	945.20'	N 13°27'25" E 924.25'	41°24'55"
C-13	1291.00	2248.59'	N 1°40'16" E 1974.93'	99°47'40"
C-14	1331.50	1823.03'	N 50°46'28" W 1685.94'	78°28'48"
C-15	110.00	175.18'	N 45°03'48" E 155.85'	90°12'28"

LINE TABLE:

L-1	N 89°52'20" E 584.54'	L-22	N 0°12'01" W 83.00'
L-2	N 26°23'44" E 230.29'	L-23	N 89°37'19" E 868.80'
L-3	N 20°13'44" E 88.30'	L-24	N 0°12'01" W 230.00'
L-4	N 41°14'34" E 248.44'	L-25	N 89°42'30" E 457.80'
L-5	N 78°01'09" E 144.27'	L-26	N 2°32'54" W 518.43'
L-6	N 78°01'09" E 1108.85'	L-27	N 16°53'37" W 212.67'
L-7	N 78°01'09" E 1253.12'	L-28	N 55°15'27" W 191.18'
L-8	N 19°07'27" W 46.76'	L-29	N 53°14'46" W 230.22'
L-9	N 69°02'59" E 752.80'	L-30	N 11°53'06" W 1005.07'
L-10	N 17°32'28" W 525.24'	L-31	N 40°09'42" E 284.84'
L-11	N 2°26'28" W 261.11'	L-32	N 82°41'09" W 103.60'
L-12	N 90°00'00" E 302.47'	L-33	N 88°10'02" W 609.62'
L-13	N 47°34'08" W 87.52'	L-34	N 2°02'27" E 163.69'
L-14	N 12°05'10" E 281.46'	L-35	N 2°21'30" W 259.86'
L-15	N 82°51'11" W 465.07'	L-36	N 68°48'30" E 944.23'
L-16	N 77°57'05" E 150.15'	L-37	N 9°24'05" E 554.69'
L-17	N 3°55'53" E 542.44'	L-38	N 4°26'42" E 608.99'
L-18	N 0°24'41" E 808.27'	L-39	N 62°02'37" E 1042.13'
L-19	N 0°12'01" W 530.00'	L-40	N 27°54'28" W 807.57'
L-20	N 89°37'19" E 858.00'	L-41	N 2°20'49" W 746.55'
L-21	N 0°12'01" W 217.00'		

REGISTERED
PROFESSIONAL
LAND SURVEYOR

G. Dennis Edwards
OREGON
JAN 14, 1971
G. DENNIS EDWARDS
51
RENEWED 12/31/2015

STATE OF OREGON,
COUNTY OF UMATILLA }
I certify that this instrument was received and
recorded
ON November 24, 2014
at 11:31 o'clock AM, in the record of
PLATS of said County.
YEAR NUMBER SIDE
2014 11

OFFICE OF COUNTY RECORDS

By: Steve Churchill, Records Officer

Fees \$ 78.00 No. 2014-6230418

LEGEND:

- FOUND 2 1/2" BRASS CAP
- IRRIGATION PIVOT
- APPROXIMATE COMPUTED LOCATION
- (000)A OF RECORD, KRUMBEIN 1974 # 1-162-B
- (000)B OF RECORD, PALMER 1975 # 03-272-C
- (000)C OF RECORD, EDWARDS 2005 # 05-167-B
- (000)D OF RECORD, EDWARDS 2007 # 07-183-B

THIS IS AN EXACT COPY: *G. Dennis Edwards*
G. DENNIS EDWARDS

SHEET 1 OF 2

JOB# S1401002
EDWARDS SURVEYING P.O. BOX 753
541-567-3336 HERMISTON, OREGON 97838
DRAWN BY JWC

JUN 09 2022

OWRD

14028

PARTITION PLAT 2014-11

IN SECTIONS 4, 5 & 6, T 3 N, R 30 E, & IN SECTIONS 27, 28, 29, 30, 31,
32, 33, & 34, T 4 N, R 30 E, W.M., UMATILLA COUNTY, OREGON
#LD-4N-972-14

SURVEYOR'S CERTIFICATE & NARRATIVE:

I, G. DENNIS EDWARDS, AM A REGISTERED SURVEYOR OF THE STATE OF OREGON AND HAVE PREPARED THIS PLAT.

THIS PLAT IS NOT SURVEYED. I SURVEYED AND SET MONUMENTS ON THE NORTH LINE OF PARCEL 1, PARTITION PLAT 2007-22 IN CS# 07-183-B, IN FEBRUARY 2009. I SURVEYED THE PLOTS AS SHOWN ON THIS MAP AND COMPUTED AND DESCRIBED THE LINE SHOWN AS THE LINE COMMON TO PARCELS 2 AND 3 FOR A THEN PROPOSED LEASE AGREEMENT. I SET NO MONUMENTS IN THAT SURVEY AND I DID NOT FILE IT. I FILED THAT SURVEY IN SEPTEMBER 2014 SO THE RELATION OF SAID LINE TO MONUMENTS WHICH WERE TIED CAN BE DETERMINED. THE LOCATION OF THE PLOTS SHOWN ON THIS MAP ARE AS THEY WERE IN 2009. I BASED THE BEARINGS SHOWN ON THIS MAP ON THE TOWNSHIP LINE AS SHOWN ON MY SURVEY # 07-183-B.

THE EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE LISTED BELOW.

THIS TRACT OF LAND IS DESCRIBED IN DEEDS TO LLOYD AND LOIS PIERCY RECORDED ON DOCUMENTS 2014-6220033, EXHIBIT "B" AND 2014-6220173, EXHIBIT "B" AND IS DESCRIBED AS FOLLOWS:

DESCRIPTION: THE WEST HALF OF SECTIONS 27 AND 34; ALL OF SECTIONS 28, 29, 32, AND 33; THE EAST HALF OF SECTIONS 30 AND 31; ALL IN TOWNSHIP 4 NORTH, RANGE 30 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY OREGON.

EXCEPTING THEREFROM THAT TRACT OF LAND DEEDED TO R. D. LIND IN THE NW 1/4 OF SAID SECTION 29 AND THE NE 1/4 OF SAID SECTION 30 AS DESCRIBED ON REEL 23, PAGE 1594, AND ON REEL 96, PAGE 613, UMATILLA COUNTY DEED RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE SE 1/4 OF SECTION 31 AND THE SW 1/4 OF SECTION 32 WHICH LIE WITHIN PARTITION PLAT 2007-22.

ALSO EXCEPTING THEREFROM THAT PARCEL DEEDED TO SCHOOL DISTRICT #5 IN BOOK 61, PAGE 112, WHICH IS THE EAST 200.7 FEET OF THE WEST 1683.7 FEET OF THE SOUTH 200.7 FEET OF SAID SECTION 33.

ALSO EXCEPTING THEREFROM THAT PORTION OF SECTION 33 AND THE EAST HALF OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 30 EAST, LYING SOUTH OF THE CENTERLINE OF STAGE GULCH ROAD (CO. RD. #1100) AS IT WAS REBUILT AND AS IT EXISTS IN APRIL 2014.

ALSO EXCEPTING THEREFROM ANY AND ALL WATER RIGHTS OF WAY AND ROADS.

DESCRIPTION CONTINUED: ALL THAT PORTION OF THE NW 1/4 OF SECTION 3 AND THE NE 1/4 OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 30 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON LYING NORTH OF PARTITION PLAT 2007-22.

ALSO THAT PORTION OF THE NORTH HALF OF SECTION 4 AND THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 30 EAST, LYING NORTH OF THE CENTERLINE OF STAGE GULCH ROAD (CO. RD. #1100) AS IT WAS REBUILT AND AS IT EXISTS IN APRIL 2014.

EXCEPTING THEREFROM ANY AND ALL WATER RIGHTS OF WAY AND ROADS.

OWNER'S DECLARATION:

WE THE OWNERS OF THE HEREOF DESCRIBED LAND, HEREBY DECLARE THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED.

WE ACKNOWLEDGE THE ROADWAYS AND THE EASEMENTS AS LISTED BELOW. THE APPROXIMATE LOCATION OF SOME ARE SHOWN ON SHEET ONE.

WE HEREBY DEDICATE 30 FOOT WIDE EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF IRRIGATION PIPELINES, AS SHOWN, FROM:

WELL #1 SOUTHEASTERLY TO THE CENTERLINE OF STAGE GULCH ROAD,
WELL #1 NORTHWESTERLY TO A POINT ON THE SOUTH LINE OF PARCEL 2,
WELL #2 SOUTHERLY TO A POINT ON THE CENTERLINE OF STAGE GULCH ROAD,
WELL #2 NORTHERLY TO A POINT ON THE SOUTH LINE OF PARCEL 2.

THE ABOVE DESCRIBED EASEMENTS ARE FOR THE USE OF PARCEL 2 AND THE POSSIBLE FUTURE USE OF PARCEL 1 AND OF TAX LOT 100 WHICH LIES SOUTH OF SAID PARCEL 3.

WE ALSO HEREBY DEDICATE A 200 FOOT RADIUS CIRCLE THE CENTER OF WHICH IS WELL #2 FOR PARCEL 2 TO ACCESS AND MAINTAIN SAID WELL #2.

WE ALSO HEREBY DEDICATE A 30 FOOT WIDE EASEMENT FOR ACCESS TO WELL #2 AND FOR THE MAINTENANCE OF AN EXISTING PIPELINE, APPROXIMATELY AS SHOWN, RUNNING FROM SAID WELL #2 NORTHEASTERLY ALONG AN EXISTING PIPELINE TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 2.

THIS WELL AND ACCESS EASEMENT AND ALSO THE WELL AND ACCESS EASEMENT FOR WELL #1 AS SHOWN ON DOC. #2009-5480366, PAGES 7 & 8, ARE FOR THE USE OF PARCEL 2 AND THE POSSIBLE FUTURE USE OF PARCEL 1 AND OF TAX LOT 100 LYING SOUTH OF PARCEL 3.

THE TWO ACCESS EASEMENTS WHICH RUN ALONG THE SOUTH LINE OF PARCEL 2, (THE 30' WIDE ONE LYING IN THE SW 1/4 OF SECTION 32 AND THE 40 FOOT WIDE ONE LYING IN THE EAST HALF OF SECTION 33), ARE FOR THE USE OF BOTH PARCELS 2 AND 3.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

G. Dennis Edwards

OREGON
JULY 16, 1971
G. DENNIS EDWARDS
#51
RENEWING 12/31/2015

LLOYD P. PIERCY, OWNER
Lloyd Piercy
LOIS A. PIERCY, OWNER

STATE OF OREGON }
COUNTY OF UMATILLA }
BEFORE ME THIS 14 DAY OF November, 2014
APPEARED LLOYD P. PIERCY, OWNER AND LOIS A. PIERCY,
OWNER AND ACKNOWLEDGED THE FOREGOING DECLARATION.

David Wm Hadley
DAVID Wm Hadley
PRINTED NAME

COMMISSION NO. 922634
MY COMMISSION EXPIRES 11-26-17

EASEMENTS WHICH MAY AFFECT THIS PROPERTY

GRANTEE	DATE	DOCUMENT
INLAND POWER & LIGHT CO.	1923	B. 123, P. 87, DEED RECORDS
UMATILLA ELECTRIC COOP. ASSN.	1939	B. 120, P. 623, DEED RECORDS
"	1939	B. 120, P. 636, DEED RECORDS
"	1947	B. 180, P. 569, DEED RECORDS
"	1947	B. 180, P. 578, DEED RECORDS
"	1992	R. 225, P. 1675, UMATILLA COUNTY RECORDS
"	1992	R. 225, P. 1678, UMATILLA COUNTY RECORDS
"	1994	R. 248, P. 13, UMATILLA COUNTY RECORDS
PACIFIC NORTHWEST PIPELINE CORP.	1955	B. 230, P. 308, DEED RECORDS
LLOYD P. PIERCY, et ux	2007	DOC. # 2007-5210094 UMATILLA COUNTY RECORDS
(EASEMENTS SHOWN ON PARTITION PLAT 2007-22)	2007	DOC. # 2007-5210330 UMATILLA COUNTY RECORDS

OPTION & EASEMENT AGREEMENTS WHICH MAY AFFECT THIS PROPERTY

LEVEL 3 COMMUNICATIONS LLC & LLOYD P. PIERCY, et ux	1999	DOC. # 1999-3550679 UMATILLA COUNTY RECORDS
LEVEL 3 COMMUNICATIONS LLC & LLOYD P. PIERCY, et ux	2000	DOC. # 2000-3640664 UMATILLA COUNTY RECORDS
JPD LAND & JSH FARMS	2012	DOC. # 2012-5930750 UMATILLA COUNTY RECORDS
L. P. PIERCY, et ux & JSH FARMS	2009	DOC. # 2009-5480365 UMATILLA COUNTY RECORDS
L. P. PIERCY, et ux & JSH FARMS	2009	DOC. # 2009-5480366 UMATILLA COUNTY RECORDS

OIL & GAS AGREEMENT WHICH MAY AFFECT THIS PROPERTY

(SPRINGFIELD OIL CO.)	2006	DOC. # 2006-5080182 UMATILLA COUNTY RECORDS
SAVANT RESOURCES LLC <td>2007 <th>DOC. # 2007-5140631 UMATILLA COUNTY RECORDS</th> </td>	2007 <th>DOC. # 2007-5140631 UMATILLA COUNTY RECORDS</th>	DOC. # 2007-5140631 UMATILLA COUNTY RECORDS
LLOYD P. PIERCY, et ux <td>2007 <th>DOC. # 2007-5170447 UMATILLA COUNTY RECORDS</th> </td>	2007 <th>DOC. # 2007-5170447 UMATILLA COUNTY RECORDS</th>	DOC. # 2007-5170447 UMATILLA COUNTY RECORDS
HUSKY EXPLORATION <td>2010 <th>DOC. # 2010-5730299 UMATILLA COUNTY RECORDS</th> </td>	2010 <th>DOC. # 2010-5730299 UMATILLA COUNTY RECORDS</th>	DOC. # 2010-5730299 UMATILLA COUNTY RECORDS

APPROVALS:

UMATILLA COUNTY SURVEYOR

APPROVED THIS 18 DAY OF Nov, 2014

David Wm Hadley
UMATILLA COUNTY SURVEYOR

UMATILLA COUNTY PLANNING DEPARTMENT

APPROVED THIS 21st DAY OF November, 2014

Cal Mublet
UMATILLA COUNTY PLANNING DIRECTOR

UMATILLA COUNTY TAX COLLECTOR

TAXES ARE PAID IN FULL

APPROVED THIS 17 DAY OF Nov, 2014

Brynnie Gandy
UMATILLA COUNTY TAX COLLECTOR

STATE OF OREGON,
COUNTY OF UMATILLA }
I certify that this instrument was received and recorded
ON November 24, 2014
at 11:31 o'clock A.M., in the record of
PLATS of said County,
YEAR 2014 NUMBER 11 SLIDE

OFFICE OF COUNTY RECORDS

By: *Steve Church*, Records Officer

Fees \$ 78.00 No. 2014-6230418

THIS IS AN EXACT COPY: *G. Dennis Edwards*
G. DENNIS EDWARDS

SHEET 2 OF 2

JOB# 51401002
EDWARDS SURVEYING P.O. BOX 763
541-567-3336 HERMISTON, OREGON 97838
DRAWN BY JMC

RECEIVED

JUN 09 2022

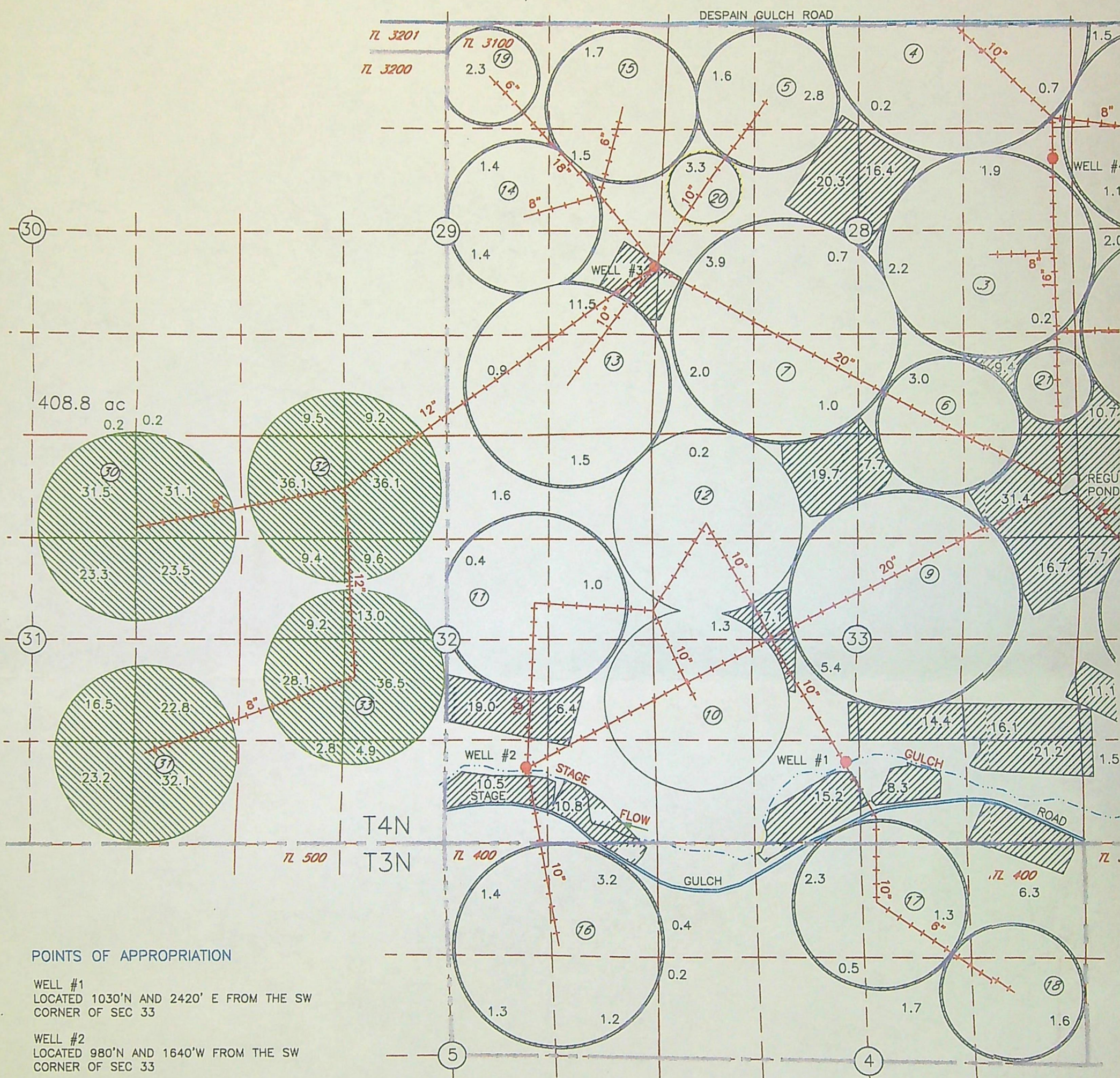
OWRD

14028

SALEM, OR

5 YEAR TEMPORARY TRANSFER MAP
CERTIFICATE 80295
LLOYD P. & LOIS J. PIERCY
R30E. WM, UMATILLA CO

T-11



FLOW METERS ARE LOCATED AT THE WELLS

NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION
OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION
RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

OWRD

JUN 09 2022

RECEIVED

14028

 **AMALI CONSULTING LLC**
Water. Environment. People

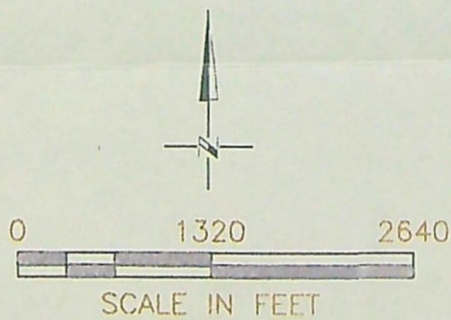
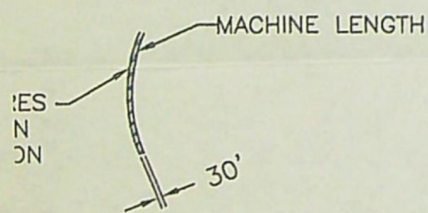
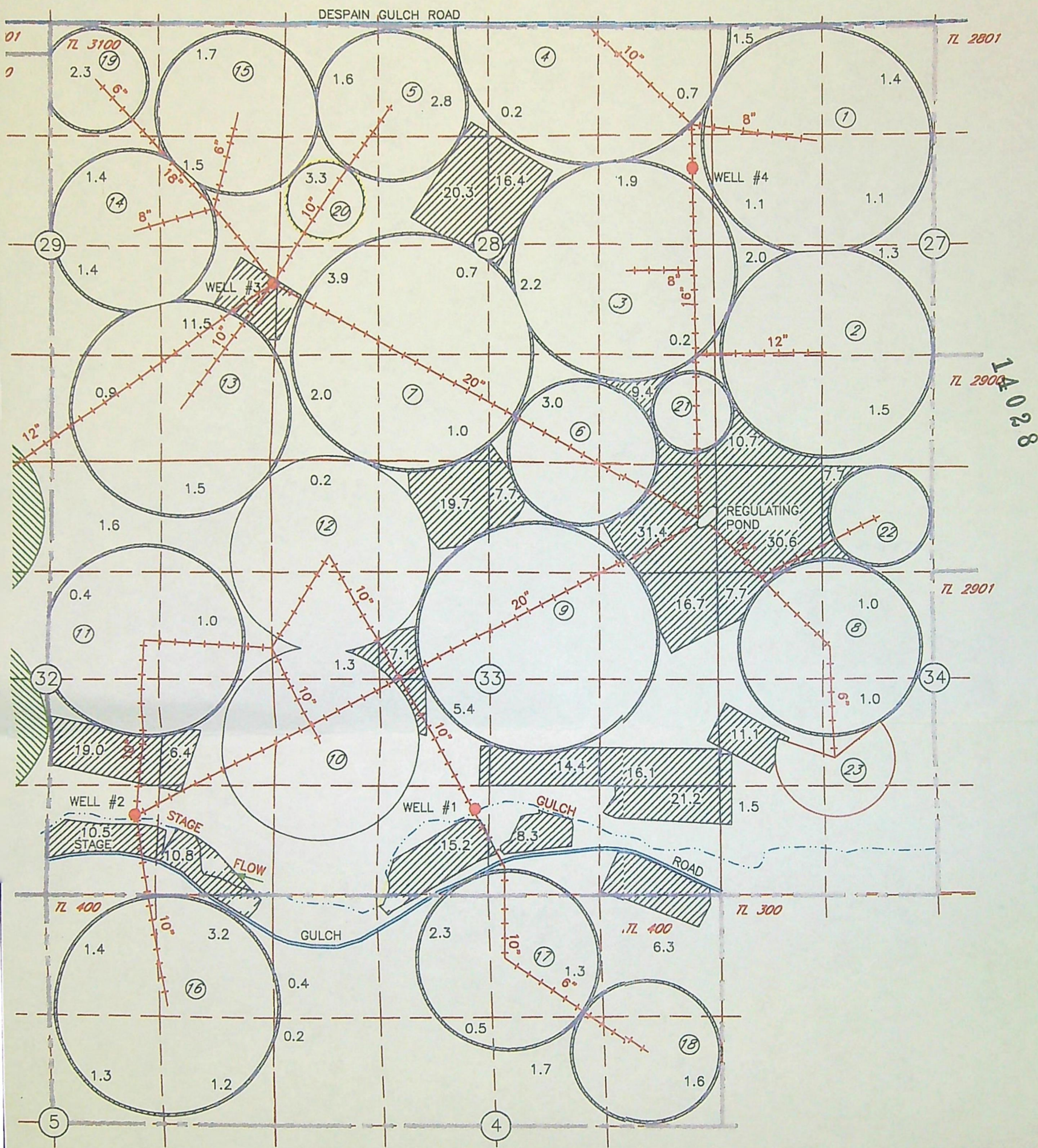
9790 SW 151st Ave.
Beaverton, OR 97007

5 YEAR TEMPORARY TRANSFER MAP

CERTIFICATE 80295

LLOYD P. & LOIS J. PIERCY
R30E. WM, UMATILLA CO

T-11616

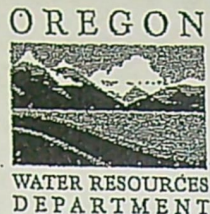


FROM	408.8 AC
TO	408.8 AC

AMALI CONSULTING LLC
Water. Environment. People

9790 SW 151st Ave.
Beaverton, OR 97007

TU11616



RECEIVED

JUN 09 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: ST HILAIRE BROTHERS HERMISTON FARMS

Yo Shonae Langford @ Schwabe, Williamson & Wyatt PC

Transaction Type: TEMP TRANS

Fees Received: \$ 2053¹⁶

☐ Cash

☒ Check:

Check No. 1045

Name(s) on Check: ST. HILAIRE BROTHERS HERMISTON FARMS

Address on Check: 84186 HWY 37

HERMISTON OR 97038

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: C. Holmes

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

Regular Temporary Water Right Transfer Application Checklist

Checked by Cula

Date 6/10/22

A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

If ☒ OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled?
If not; which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.