

CW-62



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for Allocation and Use of Conserved Water

Please type or print in dark ink. If your application is found to be incomplete, inaccurate or does not include the required fees, we will return it to you. If any requested information does not apply to your application, insert "n/a." If you need additional space to answer any of the questions, attach a separate sheet of writing paper and reference the section number and question. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Name: St. Hilaire BrothersHermiston Farm, LLC, Carl St. Hilaire, Manager
Address: 84186 Highway 37, Hermiston, OR 97838
Phone(s): (541)564-1000
*Fax: (541)564-6000 *E-Mail address: carl@jshfarms.com

*Optional information

2. AGENT INFORMATION

The agent listed is authorized to represent the applicant in all matters relating to this allocation of conserved water application.

Name: Martha O. Pagel, Schwabe, Williamson & Wyatt
Address: 530 Center Street NE, Suite 400, Salem, OR 97301
Phone(s): (503)540-4260
*Fax: (503)399-1645 *E-Mail address: mpagel@schwabe.com

*Optional information

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3. IRRIGATION & WATER CONTROL DISTRICTS

Is the project within the boundaries of an irrigation district or water control district?

Yes No

If yes, include Exhibit E and list the name and mailing address of the district:

Did an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553 file this allocation of conserved water?

Yes No

If yes, when was the District's OAR 690-018-0025 allocation of conserved water policy adopted? _____

4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in Section 4 must be completed for each certificate, permit, decree, or other right involved in the proposed allocation of conserved water.

Water Right Subject to Transfer (check and complete **one** of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>53117 & 53118</u> Certificate Number	<u>35522 & 36418</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

Name on Permit, Certificate, or Decree: Certificate 53117- Mutual Life Insurance Company of New York

County: Umatilla

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Provide the following information about the water right of record:

1. Priority Date: August 18, 1970
2. Source of Water: Columbia River
3. Type of Use: Irrigation

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Does the application have a water right involving more than one water right holder?

Yes No

If yes, are all water right holders applying for this allocation of conserved water?

Yes No. If no, see Exhibit J.

A) What is the maximum rate and annual duty (volume) of water that may be diverted as stated on the water right of record? *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

1. Rate* (cfs): 29.5 cfs
Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm

2. Duty* (acre feet): 5967 AF @ 4.5 AF/acre
Note: 1 cfs = 1.983471 ac-ft/day

* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

B) What is the maximum amount of water that can be diverted using the pre-project facilities? *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

1. Rate (cfs): 67.0 cfs
2. Duty (acre feet): 13,538 AF

C) Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail to confirm that the applicant is ready, willing, and able to exercise the right.*

The river pump station consists of seven 800 horsepower (Hp) turbine pumps. These pump through buried steel and PVC mainline to a booster station with four 250 Hp and two 400 Hp turbine pumps near the northwest corner of the farm, and thence in two buried PVC lines to a system of 29 center pivots and a small area of handlines. See Attachment 2 for system capacity data.

5. CONSERVATION MEASURES

A) Describe the type of project, check all that apply:

- On-Farm efficiency project
 Distribution project, such as a ditch piping or lining project
 Other, _____

B) Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, see point of diversion requirement for Exhibit B. *Provide sufficient detail for public noticing the project.*

Name on Permit, Certificate, or Decree: Certificate 53118- Mutual Life Insurance Company of New York

County: Umatilla

Provide the following information about the water right of record:

1. Priority Date: August 17, 1972
2. Source of Water: Columbia River
3. Type of Use: Irrigation

Does the application have a water right involving more than one water right holder?

Yes No

If yes, are all water right holders applying for this allocation of conserved water?

Yes No. If no, see Exhibit J.

A) What is the maximum rate and annual duty (volume) of water that may be diverted as stated on the water right of record? (If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)

1. Rate* (cfs): 37.5 cfs
Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm
2. Duty* (acre feet): 7571 AF @ 4.5 AF/acre
Note: 1 cfs = 1.983471 ac-ft/day

* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

B) What is the maximum amount of water that can be diverted using the pre-project facilities? (If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)

1. Rate (cfs): 67.0 cfs
2. Duty (acre feet): 13,538 AF

C) Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). Provide sufficient detail to confirm that the applicant is ready, willing, and able to exercise the right.

The river pump station consists of seven 800 horsepower (Hp) turbine pumps. These pump through buried steel and PVC mainline to a booster station with four 250 Hp and two 400 Hp turbine pumps near the northwest corner of the farm, and thence in two buried PVC lines to a system of 29 center pivots and a small area of handlines. See Attachment 2 for system capacity data.

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5. CONSERVATION MEASURES

A) Describe the type of project, check all that apply:

- On-Farm efficiency project
 Distribution project, such as a ditch piping or lining project
 Other, _____

B) Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, see point of diversion requirement for Exhibit B. Provide sufficient detail for public noticing the project.

Attachment 1 (2 pages) shows the improvements made over the past five years and additional planned improvements scheduled over the next 5 years. Improved efficiencies thus far have involved replacing or re-fitting center pivots with low pressure sprinklers and drop tubes, pressure regulators, wireless radio controls and a Variable Speed drive (VSD) at the river station. Planned improvements would replace the remaining pivots, install infrared leak detection systems, moisture monitoring sites, and would add another VSD at the booster station. The applicant's costs for improvements thus far have exceeded \$1,000,000.

C) Place of Use*: Entirety of both rights affected

Township	Range	Section	Quarter/Quarter	Total No. Acres
* Not required for a distribution project that does not propose to affect the on-farm rate or duty. If the entire water right is being affected, just state "entire right affected."				

6. CONSERVED WATER

A) What amount of water will be needed for the existing, authorized use after implementing conservation measures? *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

1. Rate* (cfs): C.53117- 19.7 C.53118- 25.0 Total- 44.7
 2. Duty* (acre feet): C.53117- 4309 C.53118- 5468 Total- 9777

* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

B) What amount of water will be conserved as a result of the implementation of the conservation measures? Subtract 6A from the smaller of 4A or 4B under "irrigation system" above.

1. Rate* (cfs): C.53117-9.8 C.53118- 12.5 Total- 22.3
 2. Duty* (acre feet): C.53117- 1658 C.53118- 2103 Total- 3761

* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

C) What portions of the conserved water will be allocated to the state and applicant?

1. Portion going to the state (list by percent, rate and duty):
25 Percent 5.58 Rate (cfs) 940 Duty (AF)
 2. Portion going to the applicant (list by percent, rate and duty):
75 Percent 16.72 Rate (cfs) 2821 Duty (AF)

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D) The priority for the conserved water is requested to be:

The same as the original right, or
 One minute junior to the original right.

E) If all or part of the applicants' portion of the conserved water is to be used for an out-of-stream use at an identified location:

1. Name and address of the person using the water: Unknown
 2. Description of the type of beneficial use of the water: Irrigation
 3. Legal description of the place of use: Unknown

F) If all or part of the applicants' portion of the conserved water is to be leased*, dedicated or temporarily reserved instream, a statement identifying the quantity of water to be managed as an instream water right: Applicant's portion of conserved water, or 16.72 cfs & 2821 AF

* Water can be temporarily protected instream without filing an OAR 690-077 Instream Lease application.

7. LOCATION OF PROPOSED USE

- A) For new out-of-stream uses, describe the boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right would be located. This is land other than that to which this water right is appurtenant. See Exhibit B. The new place of use is not determined at this time.
- B) For instream uses, to the extent possible, identify the stream reach(es) for which the state's portion of the conserved water should be managed under an instream water right. Be as explicit as possible, by giving river miles, or other identifying information that might be included in the instream certificate.
Instream reach to be from applicant's point of diversion to the mouth of the Columbia River.
- C) Describe the proposed benefit to instream uses.
 for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
 other, please describe: _____

8. MITIGATION

- A) Describe any expected effects on other water rights from the proposed allocation of conserved water. Identify what currently happens to the water that is proposed to be conserved.
Any excess water historically lost through evaporation and deep percolation. Since the source (river) is 3-5 miles to the north, no return flows are known to occur.
- B) Describe any mitigation or other measures that are planned to avoid harm to other water rights.
None. No harm to other rights is known.

9. FUNDING

If more than 25% of the conserved water is proposed to be allocated to the applicant then provide Exhibit C and identify what portion of project funds (expressed as a percentage) come from federal or state public sources that are not subject to repayment. 0%

Does the Oregon Watershed Enhancement Board (OWEB) have a contractual interest in this project?

Yes No If yes, what is the OWEB project number? _____

10. PROJECT SCHEDULE

If project is not yet complete:

Proposed date construction has/will begin: 2005

Proposed date construction will be completed and notice of project completion will be filed: 2014 or earlier

Proposed date the project will be finalized: 2014 or earlier

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If project is already complete:

Date it was implemented: N/A (Provide Exhibit K)

The applicant requests:

That the allocation be finalized, or

Additional time be granted to prove that the project worked to the applicant's satisfaction before finalizing the allocation of conserved water. Indicate the amount

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of time desired _____ (up to five years after completion of the project may be allocated).

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11. ACKNOWLEDGMENT OF FORFEITURE

Complete this if the Certified Water Right Examiner's map shows less acreage has been irrigated over the past five years than allowed under the right.

I am aware that 0 acre(s) have not been irrigated for the last five years and I am abandoning that portion of the water right and make no further claim for the water. I ask that this 0 acre(s) portion of the right be permanently canceled.

12. EXHIBITS

Check each of the following attachments included with this application. All attachments are required unless otherwise noted. The application will be returned if all required attachments are not included.

Exhibit (Form) A – Evidence of Use Affidavits

- Provide if 1) it is an on-farm efficiency project, or 2) specific acreage is being affected by the project. *Consult with Department staff regarding the evidence needed for distribution projects.* At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy. The form is available at

Exhibit B – Map

- Provide if the entire water right is not part of the conservation project and/or new lands shall receive water. *Consult with Department staff if there is any question regarding the need for submittal.* See OAR 690-018-0040(17) and 690-018-0062(3)(a).

Exhibit C - Project Funding Description

- Provide if more than 25% of water goes to applicant. See OAR 690-018-0040(18).

Exhibit D – Identification and Resolution of Water Right Conflicts

- Provide if construction has begun or been completed and if more than 25% of the project costs have been expended prior to filing this application. See OAR 690-018-0040(19).

Exhibit E – Letter of Approval from the Irrigation District

- Provide if project is located within boundaries of an irrigation district and the district is not the applicant. See OAR 690-018-0040(20).

Exhibit F – District Conserved Water Policy

- Provide if applicant is an Irrigation District or Water Control District. See OAR 690-018-0040(21) & 690-018-0025.

Exhibit G - Land Use Information Form

- See OAR 690-018-0040(22).
The land use form is available at:

Exhibit H - Ownership & Lien Information

- Provide if application involves:
- on-farm efficiency project, and/or
 - distribution project affecting specified lands. Provide a report of ownership and lien information or a current recorded deed to the subject lands.

Exhibit I – Support Letters from ODFW, DEQ and OPRD

- Letters from ODFW, DEQ, and OPRD indicating that they have been consulted and indicating that at least one of the agencies attests that conserved water is needed to support instream uses. See OAR 690-018-0050(4)(f).

Exhibit J – Water Right Clarification & Notification of Affected Persons

- Provide if the application involves water rights for
- lands under multiple ownerships and not all of the water right holders are applicants, and the project is not being submitted by a District as a distribution project and/or
 - which the current final proof survey maps for lands involved in the application do not adequately describe the location of the place of use or the associated priority dates of the associated water rights

Consult with Department staff if there is any question regarding the need for submittal.

Exhibit K – Evidence that the Project was Implemented Within 5 Years.

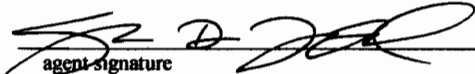
- Provide if project was completed before application submittal. See OAR 690-018-0040(12)(a).

Fees:

- Amount enclosed: \$ 1,150.00
See OAR 690-018-0040(25) and the Department's Fee Schedule at

13. SIGNATURE

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

applicant signature	name (print)	date
	Shanee D. Langford	8/6/09
agent signature	name (print) Attorney for Applicant	date

- Before submitting your application, be sure you have:**
- Answered each question completely.
 - Included the required attachments.
 - Provided original signatures for all water right holders or other parties with an interest in the right.
 - Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
County of Umatilla) ss

I, Carl St. Hilaire, in my capacity as manager/operator of St. Hilaire Brothers Hermiston Farm, LLC, mailing address 84186 Highway 37, Hermiston, OR 97838, telephone number (541)564-1000, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water rights proposed for Allocation and Use of Conserved Water as described on the accompanying application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **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.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

3. My knowledge is specific to the use of water at the following locations:

-All lands covered by Water Right Certificates 53117 & 53118;

4. The water rights were exercised for the authorized purpose described below (e.g., crops grown):

-Irrigation of onions, spearmint, peppermint, dill, potatoes, corn, peas, alfalfa and grain crops

5. The water delivery system used to apply water as authorized by the right is described in the application;

6. One or more of the following documentations supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,

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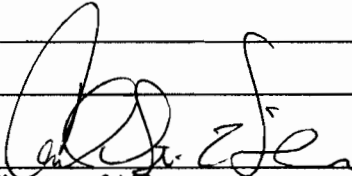
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Dedicated power usage records or receipts,

Instream lease number _____,

Other: _____

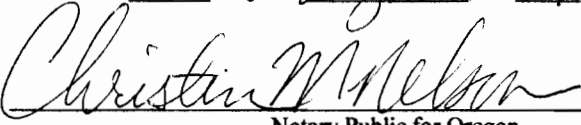


Signature of Affiant

8/5/09
Date

Signed and sworn to (or affirmed) before me this 5th day of August, 2009.





Notary Public for Oregon

My Commission Expires: August 30, 2012

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SALEM, OREGON

River Pump Station Page 1 of 2

07/29/09 08:45:20 Billing History (Usage/¢)

PAGE 1

Queries/GD0403PRT2

Customer Name	Location #	Account #	Sub	Mo Yr	Billing Days	Total Kwh Usage	Total Energy \$
XXXXXX	4216704	3175100	12	12 2008	31	54,000	0.00
XXXXXX	4216704	3175100	12	11 2008	31	11,583	7.96
XXXXXX	4216704	3175100	12	10 2008	31	11,249	8.34
XXXXXX	4216704	3175100	12	09 2008	31	11,169	8.54
XXXXXX	4216704	3175100	12	08 2008	31	11,388	8.54
XXXXXX	4216704	3175100	12	07 2008	31	11,344	8.54
XXXXXX	4216704	3175100	12	06 2008	31	11,508	8.54
XXXXXX	4216704	3175100	12	05 2008	31	11,508	8.54
XXXXXX	4216704	3175100	12	04 2008	31	11,508	8.54
XXXXXX	4216704	3175100	12	03 2008	31	11,508	8.54
XXXXXX	4216704	3175100	12	02 2008	31	11,508	8.54
XXXXXX	4216704	3175100	12	01 2008	31	11,508	8.54
TOTAL						5,598,000	285,560.76
XXXXXX	4216704	3175100	12	12 2007	31	0	0.00
XXXXXX	4216704	3175100	12	11 2007	31	114,000	0.00
XXXXXX	4216704	3175100	12	10 2007	31	508,000	7.84
XXXXXX	4216704	3175100	12	09 2007	31	1,472,000	27,865.93
XXXXXX	4216704	3175100	12	08 2007	31	1,670,000	61,957.64
XXXXXX	4216704	3175100	12	07 2007	31	1,648,000	51,201.83
XXXXXX	4216704	3175100	12	06 2007	31	1,920,000	78,092.82
XXXXXX	4216704	3175100	12	05 2007	31	1,854,000	76,264.00
XXXXXX	4216704	3175100	12	04 2007	31	0	0.00
XXXXXX	4216704	3175100	12	03 2007	31	0	0.00
XXXXXX	4216704	3175100	12	02 2007	31	0	0.00
XXXXXX	4216704	3175100	12	01 2007	31	0	0.00
TOTAL						6,314,000	277,644.41
XXXXXX	4216704	3175100	12	12 2006	31	0	0.00
XXXXXX	4216704	3175100	12	11 2006	31	324,000	15,941.88
XXXXXX	4216704	3175100	12	10 2006	31	772,000	39,731.81
XXXXXX	4216704	3175100	12	09 2006	31	1,062,000	40,734.46
XXXXXX	4216704	3175100	12	08 2006	31	1,310,000	47,802.45
XXXXXX	4216704	3175100	12	07 2006	31	1,468,000	58,822.45
XXXXXX	4216704	3175100	12	06 2006	31	1,468,000	58,822.45
XXXXXX	4216704	3175100	12	05 2006	31	1,468,000	58,822.45
XXXXXX	4216704	3175100	12	04 2006	31	1,468,000	58,822.45
XXXXXX	4216704	3175100	12	03 2006	31	1,468,000	58,822.45
XXXXXX	4216704	3175100	12	02 2006	31	1,468,000	58,822.45
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TOTAL						5,560,000	239,899.39
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XXXXXX	4216704	3175100	12	11 2005	31	404,000	19,941.88
XXXXXX	4216704	3175100	12	10 2005	31	554,000	25,145.08

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River Pump Station Page 2 of 2

07/27/09 08:45:20 Billing History (Usage/£)

PAGE 2

Queries: 000403PRT2

Customer Name	Location #	Account #	Sub	Mc Yr	Billing Days	Total kWh Usage	Total Energy #
000000000000000000	4216704	3175100	1	08 2005	31	923.000	381.361 89
000000000000000000	4016704	3175100	1	07	31	986.000	361.005 19
000000000000000000	4016704	3175100	1	06	31	1.144.000	501.331 58
000000000000000000	4216704	3175100	1	04	31	868.000	401.264 39
000000000000000000	4216704	3175100	1	03	31	512.000	251.859 41
000000000000000000	4216704	3175100	1	02	28	276.000	14.479 00
000000000000000000	4216704	3175100	1	01	31	0	00 00
TOTAL						5,505,000	248,364 08
000000000000000000	4216704	3175100	1	12 2004	31	0	00 00
000000000000000000	4016704	3175100	1	11	31	18.000	2,132 00
000000000000000000	4016704	3175100	1	10	31	388.000	14,600 00
000000000000000000	4016704	3175100	1	09	31	838.000	37,159 11
000000000000000000	4016704	3175100	1	08	31	838.000	37,159 11
000000000000000000	4216704	3175100	1	06	31	1.162.000	50,028 29
000000000000000000	4216704	3175100	1	05	31	1.290.000	56,759 06
000000000000000000	4216704	3175100	1	04	31	822.000	40,800 00
000000000000000000	4216704	3175100	1	03	31	822.000	40,800 00
000000000000000000	4216704	3175100	1	02	31	0	00 00
000000000000000000	4216704	3175100	1	01	31	0	00 00
TOTAL						5,044,000	282,316 93

FINAL TOTALS TOTAL 10,122,000 1,333,785.57

* * * E N D O F R E P O R T * * *

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Booster Pump Station Page 1 of 2

07/29/09 08:45:00 Billing History (Worksheet)

PAGE 1

004149700403PRTE

Customer Name	Location #	Account #	Sub	Mo	Yr	Billing Days	Total kWh Usage	Total Energy \$
000000000000000000	000000000000000000	000000000000000000	000000000000000000	12	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	11	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	10	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	09	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	08	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	07	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	06	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	05	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	04	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	03	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	02	2008	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	01	2008	01	0.00	0.00
TOTAL							543.040	86.086.85
000000000000000000	000000000000000000	000000000000000000	000000000000000000	12	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	11	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	10	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	09	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	08	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	07	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	06	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	05	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	04	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	03	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	02	2007	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	01	2007	01	0.00	0.00
TOTAL							1,999.120	93,056.52
000000000000000000	000000000000000000	000000000000000000	000000000000000000	12	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	11	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	10	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	09	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	08	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	07	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	06	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	05	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	04	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	03	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	02	2006	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	01	2006	01	0.00	0.00
TOTAL							1,730.880	80,306.73
000000000000000000	000000000000000000	000000000000000000	000000000000000000	12	2005	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	11	2005	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	10	2005	01	0.00	0.00
000000000000000000	000000000000000000	000000000000000000	000000000000000000	09	2005	01	0.00	0.00
TOTAL							1,085.480	4,050.92
TOTAL							17,516.880	81,580.00

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COOPERATIVE

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Booster Pump Station Page 2 of 2

07/29/04 03 45 00 Billing History (Usage/ft)

PAGE 2

Queries/GDO403PR12

Customer	Year	Location #	Account #	Sub	Mo	Yr	Billing Days	Total kWh Usage	Total Energy \$
0000000000	07	0000000000	175100	10	07	2005	01	311.040	19,084.000
0000000000	08	0000000000	175100	10	07	2005	01	327.390	17,894.000
0000000000	09	0000000000	175100	10	04	2005	01	360.100	18,560.000
0000000000	10	0000000000	175100	10	03	2005	01	377.840	18,829.000
0000000000	11	0000000000	175100	10	01	2005	01	360.000	18,241.000
							TOTAL	1,636,720	77,538.51
0000000000	07	0000000000	175100	10	12	2004	01	6.040	0.000
0000000000	08	0000000000	175100	10	11	2004	01	3.600	0.000
0000000000	09	0000000000	175100	10	08	2004	01	3.000	0.000
0000000000	10	0000000000	175100	10	07	2004	01	8.800	27.800
0000000000	11	0000000000	175100	10	06	2004	01	4.400	0.000
0000000000	12	0000000000	175100	10	05	2004	01	4.800	0.000
0000000000	01	0000000000	175100	10	04	2004	01	151.000	1,520.500
0000000000	02	0000000000	175100	10	03	2004	01	15.000	0.000
							TOTAL	2,001,509	99,145.80
FINAL TOTALS									436,126.09

*** END OF REPORT ***

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 SALEM, OREGON



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: St. Hilaire Brothers Hermiston Farm, LLC Carl St. Hilaire, Managing Member

Mailing Address: 84186 Highway 37

Hermiston OR 97838 Daytime Phone: (541)564-1000

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:			Proposed Land Use:
See attached	map			1200, 1201,		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
<u>5N</u>	<u>30</u>			1302, 1303,		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
				1304, 1390,		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
				1500, 1900		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation

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

Umatilla County

B. Description of Proposed Use

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

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

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SALEM, OREGON

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

Estimated quantity of water needed: 67 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-municipal Instream Other _____

Briefly describe:

A water conservation project on the lands shown on the attached map will result in 22.3 cfs and 4513 acre-feet of conserved water, of which 75% (16.72 cfs) may be used for irrigation on new lands if approved by OWRD. The location of the new lands has not yet been determined.

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

Receipt for Request for Land Use Information

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

Exhibit G

AUG 06 2009

For Local Government Use Only

WATER RESOURCES DEPT
SALEM, OREGON

The following section must be completed by a planning official from each county and city listed unless the project is located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152.056
 - Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
- If approvals have been obtained but all appeal periods have not ended, check "Being pursued".**

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

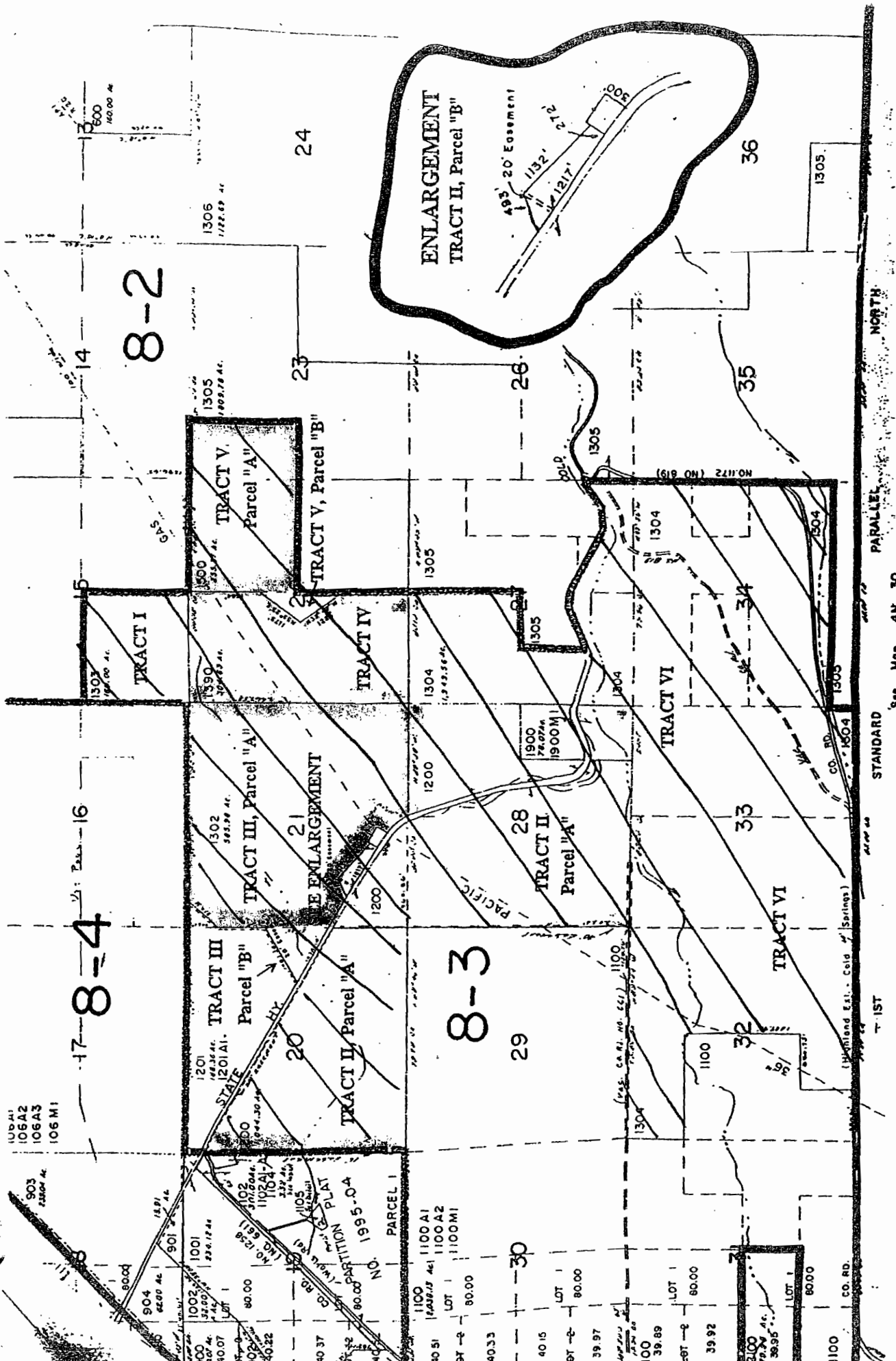
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Richard Jennings Title: Senior Planner
 Signature: [Signature] Phone: 278-6249 Date: 8-4-09
 Government Entity: Umatilla County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant Name: _____
 City or County: _____ Staff Contact: _____
 Signature: _____ Phone: _____ Date: _____



PARALLEL NORTH
STANDARD
See Mn 4N 5N

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WATER RESOURCES DEPT
SALEM, OREGON

This map was prepared for assessment purposes

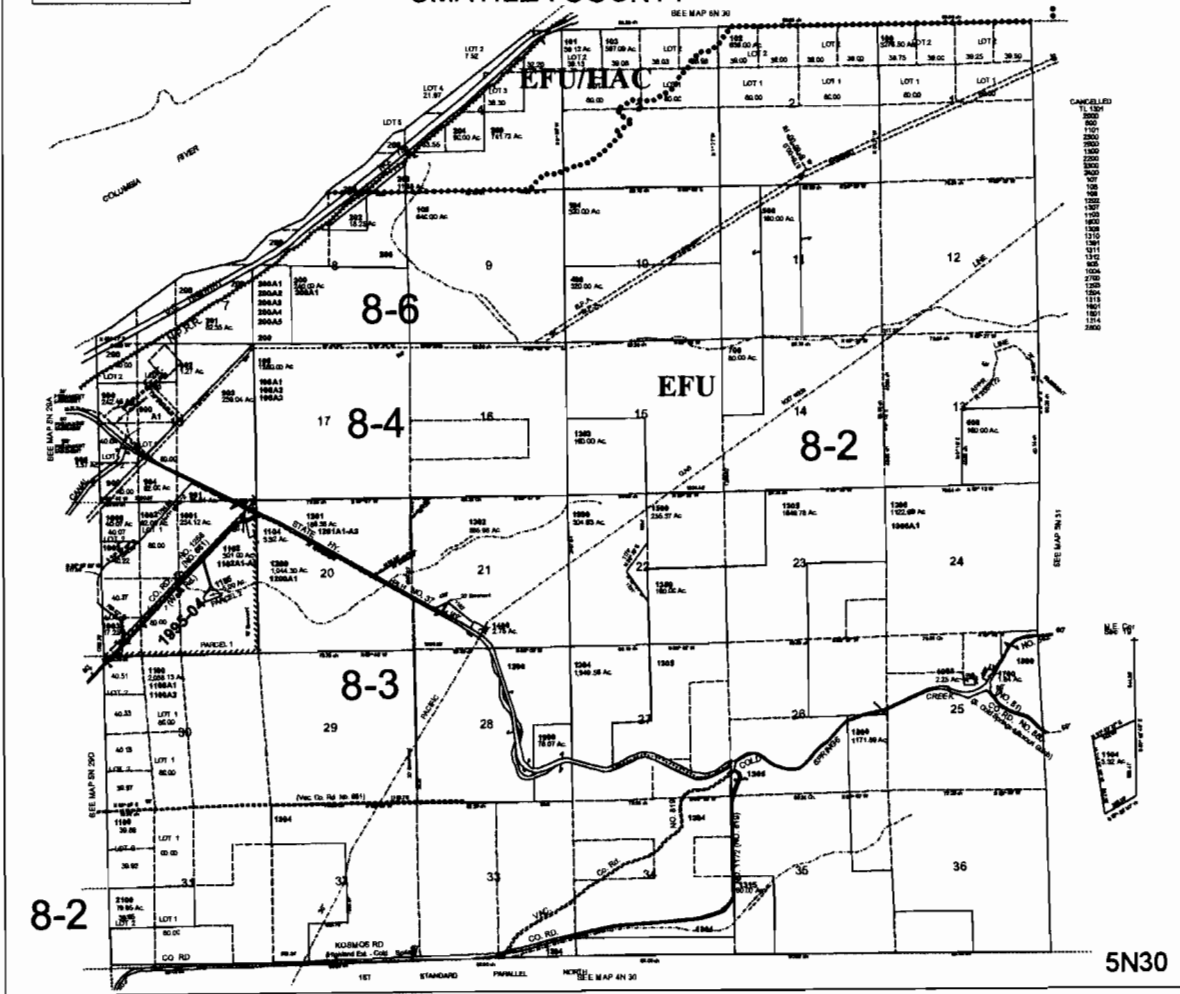
1" = 2000'

T5N R30E WM UMATILLA COUNTY

2/28/05

5N 30

AERIAL PHOTO NO NZ 1P-34-35 & 68, 70, 72, 90-96



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SALEM, OREGON

DEED

JSH TO ST. HILAIRE BROTHERS

RECORDED MAY 16, 2007

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AUG 06 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

Exhibit H



2007-5190571 1 of 11

State of Oregon)
County of Umatilla)

This instrument was received and recorded on

05-16-07 at 11:30

in the record of instrument code type DE-LD

Instrument Number 2007-5190571
Fee 75.00

Office of County Records

John Hamilton
Records Officer

Recording requested by and
When recorded, return to:

Pioneer Escrow, Inc.
PO Box 187/630 S Hwy 395
Hermiston, OR 97838

Until a change is requested, all tax
statements shall be sent to:

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

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Property Tax No.: MAY 16 2007

UMATILLA COUNTY
RECORDS

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Document #101

STATUTORY WARRANTY DEED

JSH FARMS, INC., a Washington Corporation ("Grantor") conveys and warrants to St. Hilaire Brothers Hermiston Farm, LLC, an Oregon limited liability company, ("Grantee"), the real property in Umatilla County, State of Oregon described in attached Exhibit A free and clear of all liens and encumbrances and exceptions except as set forth in attached Exhibit B.

The true and actual consideration for this conveyance is EIGHT MILLION FOUR HUNDRED AND SEVENTY FIVE THOUSAND (\$8,475,000) dollars.

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

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WATER RESOURCES DEPT
SALEM, OREGON



2007-5190571 2 of 11

DATED this 14th day of May, 2007.

GRANTOR:

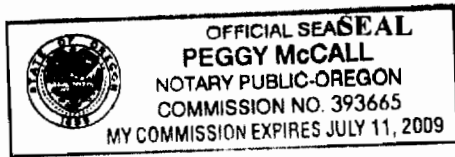
JSH FARMS, INC., a Washington Corporation

By: [Signature]
Carl St. Hilaire, President

STATE OF OREGON)
) ss.
County of Umatilla)

This instrument was acknowledged before me on this 14 day of May, 2007
by Carl St. Hilaire, President of JSH Farms, Inc., a Washington corporation, and on its behalf.

[Signature]
Notary Public for Oregon
My Commission Expires: 7-11-2009



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AUG 06 2009

WATER RESOURCES DEPT
SALEM, OREGON



2007-5190571 3 of 11

EXHIBIT A
TO
STATUTORY WARRANTY DEED

Legal Description and Encumbrances

TRACT I:

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 15: Southwest Quarter.

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT II, Parcel "A":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 20: All that portion lying Southwesterly of the Oregon State Highway No. 37.

Section 21: All that portion lying Southwesterly of the Oregon State Highway No. 37.

Section 28: All.

Excepting from the above described lands that tract of land conveyed to the State of Oregon, Department of Transportation, Highway Division by deed recorded in Microfilm R-260, Page 390, Office of County Records and any other portion lying within the right-of-way of the State Highway.

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT II, Parcel "B":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 21: Beginning at a point on the Northerly right-of-way line of Oregon State Highway No. 37 which lies South 58° 39' 44" East, 864 feet from where the Northerly line intersects the West line of said Section 21 and the True Point of Beginning for this description; thence South 58° 39' 44" East, along the Northerly line of said Highway, 1,217 feet thence North 72° 49' 18" East, 272 feet, thence North 48° 29' 02" West, 1,132 feet; thence South 66° 19' 14" West, 493 feet to the point of beginning.

Excepting therefrom that portion lying within that tract of land conveyed to the State of Oregon, by deed recorded in Book 170, Page 215, Deed Records and any other portion of the State Highway right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

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WATER RESOURCES DEPT
SALEM, OREGON



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TRACT III, Parcel "A":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 21: All that portion lying Northeasterly of the Oregon State Highway No. 37.

Excepting therefrom that tract of land conveyed to the State of Oregon by deed recorded in Book 170, Page 215, Deed Records.

Also Excepting therefrom, Beginning at a point on the Northerly right-of-way line of Oregon State Highway No. 37 which lies South 58° 39' 44" East, 864 feet from where the Northerly line intersects the West line of said Section 21 and the True Point of Beginning for this description; thence South 58° 39' 44" East, along the Northerly line of said Highway, 1,217 feet; thence North 72° 49' 18" East, 272 feet; thence North 48° 29' 02" West, 1,132 feet; thence South 66° 19' 14" West, 493 feet to the point of beginning.

Also Excepting therefrom that tract conveyed to ARZ by deed recorded in Microfilm R-85, Page 96, Office of County Records.

Also Excepting therefrom any portion lying within the State Highway right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT III, Parcel "B":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 20: Beginning at a point on the East line of said Section 20 which lies South 0° 05' 12" East, 1,948.74 feet from the Northeast corner of said Section 20 and the True Point of Beginning for this description; thence South 0° 05' 12" East along the East line of said Section 20, a distance of 1,551.32 feet to the Northerly right-of-way line of the Oregon State Highway No. 37; thence North 58° 39' 44" West, along the Northerly right-of-way line of said highway, 1,478.14 feet; thence North 58° 09' 34" East, 1,483.38 feet to the point of beginning.

All being East of the Willamette Meridian, Umatilla County, Oregon.

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WATER RESOURCES DEPT
SALEM, OREGON



TRACT IV:

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 22: West Half.

Excepting therefrom, beginning at a point on the North-South centerline of said Section 22, which said point lies 1,684 feet South of the North Quarter corner of said Section 22 and the True Point of Beginning for this description; thence South along said North-South centerline, 1,971 feet; thence North 33° 47' West, 1,221 feet; thence North 35° 23' East, 1,173 feet to the point of beginning.

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT V, Parcel "A":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 22: Northeast Quarter.

Section 23: West Half of the Northwest Quarter.

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT V, Parcel "B":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 22: Beginning at a point on the North-South centerline of said Section 22, which said point lies 1,684 feet South of the North Quarter corner of said Section 22 and the True Point of Beginning for this description; thence South along said North-South centerline, 1,971 feet; thence North 33° 47' West, 1,221 feet; thence North 35° 23' East, 1,173 feet to the point of beginning.

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT VI:

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 27: Northwest Quarter.
West Half of the Southwest Quarter.

Section 27: All that portion of the Southeast Quarter of the Southwest Quarter and of the South Half of the Southeast Quarter lying Southerly of the Oregon State Highway No. 37.

Section 32: East Half.
North Half of the Northwest Quarter.
Southeast Quarter of the Southwest Quarter.

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WATER RESOURCES DEPT
SALEM, OREGON



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- Section 33: All.
- Section 34: North Half.
North Half of the South Half.
North Half of the South Half of the South Half.

Excepting from the above described lands that tract of land conveyed to the State of Oregon, Department of Transportation, Highway Division by deed recorded in Microfilm R-124, Page 1165, Microfilm R-209, Page 1626 and Microfilm R-260, Page 390, Office of County Records and any other portion of the described lands lying within the State Highway and County Road right-of-ways.

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT VII (Easements):

Parcel A:

An Permanent Easement and Right of Way recorded in Book 294, Page 491 and corrected by Easement recorded in Book 331, Page 271, Deed Records of Umatilla County, Oregon from Juniper Limited Partnership to Tom Kosmos, et al, to construct, inspect, maintain and repair underground pipelines for purposes of conveying water.

Parcel B:

An Permanent Easement and Right of Way recorded in Book 317, Page 177, Deed Records of Umatilla County, Oregon from Juniper Limited Partnership to Tom Kosmos, for a pipeline and appurtenances thereto.

Parcel C:

An Easement for the construction, operation, and maintenance of water pumping plant, and irrigation pipeline, together with the necessary appurtenances connected therewith granted by the United States of American, Secretary of the Army to Joanne I. Kosmos, dated November 18, 1999 (said instrument is unrecorded)

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WATER RESOURCES DEPT
SALEM, OREGON



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EXHIBIT B

EXCEPTIONS

- 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.
- 2) The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 3) Reservations in federal patents and acts authorizing the same.
- 4) The following specific Title Report Exceptions:

#12 - additional taxes if property disqualified from special farm use.

#13 - mineral reservations and easements in US Patents.

#14 -Rights of utilities and of the owners of said existing facilities, if any there be, to operate, reconstruct, and maintain their utility facilities presently located within the boundaries that portion of the described lands lying within the formerly right of way of the State Highway and County Road, now vacated, including but not limited to those contained in Abandonment and Retention Resolution

Recorded: January 29, 1996 in Microfilm R-284, Page 110, Office of Umatilla County Records.

#15 - Mineral Reservations, including the terms and provisions thereof, contained in Deed
Grantor: Northern Pacific Railway Company
Recorded: July 22, 1912 in Book 81, Page 37, Deed Records.
(Affects lands in Sec. 21)

#16 - Mineral Reservations, including the terms and provisions thereof, contained in deed
Grantor: Northern Pacific Railway Company
Recorded: September 12, 1912 in Book 81, Page 147, Deed Records.
(Affects lands in SW-1/4 of SE-1/4 of Sec. 27 and ALL of Sec. 33)

#17 - Mineral Reservations, including the terms and provisions thereof, contained in Deed
Grantor: Northern Pacific Railway Company
Recorded: May 13, 1941 in Book 161, Page 131, Deed Records.
(Affects lands in SW-1/4 of SE-1/4, W-1/2 of Sec. 27)

#18. - Oil and Gas Reservations, including the terms and provisions thereof, contained in Patent
Grantee: Cold Springs Ranches, Inc.
Recorded: July 7, 1965 in Book 280, Page 563, Deed Records.
(Affects lands in SE-1/4 of NE-1/4 of Sec. 34)

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WATER RESOURCES DEPT
SALEM, OREGON



- #19 - Oil and Gas Reservations, including the terms and provisions thereof, contained in Patent
Grantee: Tom Kosmos
Recorded: May 30, 1974 in Book 337, Page 541, Deed Records.
(Affects lands in E-1/2 of SE-1/4 of Sec. 28)
- #20. - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: September 6, 1960 in Book 260, Page 77, Deed Records.
(Affects lands in NE-1/4 of Sec. 22)
- #21 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: September 10, 1960 in Book 260, Page 217, Deed Records.
Amended: March 12, 1962 in Book 267, Page 15, Deed Records.
Amended: January 15, 1979 in Microfilm R-44, Page 1318, Office of Umatilla County Records. (Affects lands in NE-1/4 of Sec. 22)
- #22 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: September 20, 1960 in Book 260, Page 219, Deed Records.
Amended: March 12, 1962 in Book 267, Page 16, Deed Records.
Amended: March 13, 1981 in Microfilm R-77, Page 1307, Office of Umatilla County Records. (Affects lands in Secs. 21 and 22)
- #23 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: September 20, 1960 in Book 260, Page 221, Deed Records.
Amended: March 12, 1962 in Book 267, Page 18, Deed Records.
Amended: January 15, 1979 in Microfilm R-44, Page 1321
Amended: March 13, 1981 in Microfilm R-77, Page 1313, Office of Umatilla County Records. (Affects lands in W-1/2 and NW-1/4 of NE-1/4 of Sec. 28)
- #24 - Easement, including the terms and provisions thereof
Grantee: Pacific Northwest Pipeline Corporation
Recorded: September 20, 1960 in Book 260, Page 223, Deed Records.
Amended: March 12, 1962 in Book 267, Page 19, Deed Records.
Amended: January 15, 1979 in Microfilm R-44, Page 1327, Office of Umatilla County Records. (Affects lands in Sec. 32)
- #25 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: June 1, 1961 in Book 263, Page 399, Deed Records.
(Affects lands in Secs. 21 and 22)
- #26 - Easement, including the terms and provisions thereof
Grantee: United States of America
Recorded: February 23, 1966 in Book 283, Page 343, Deed Records.
Amended: January 19, 1971 in Book 310, Page 578, Deed Records.
Amended: January 31, 1986 in Microfilm R-134, Page 225, Office of Umatilla County Records. (Affects lands in N-1/2 of NW-1/4 of Sec. 20)



- #27 - Easement, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: May 21, 1969 in Book 299, Page 631, Deed Records.
Amended: February 16, 1970 in Book 305, Page 17, Deed Records.
(Affects lands in Sec. 20 lying Northerly of Highway)

- #28 - Easement for pipeline, including the terms and provisions thereof
Grantee: Cold Spring Ranches, Inc.
Recorded: June 24, 1971 in Book 313, Page 582, Deed Records.
(Affects lands in 20, 21 and 28)

- #29 - Easement, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: March 14, 1972 in Book 319, Page 553, Deed Records.
(Affects lands in Secs. 20, 21 and 28)

- #30 - Easement, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: September 17, 1973 in Book 331, Page 370, Deed Records.
(Affects lands in Secs. 32, 33 and 34)

- #31 - Easement for pipeline, including the terms and provisions thereof
Grantee: Cold Springs Ranches, Inc.,
Recorded: November 27, 1973 in Book 333, Page 177, Deed Records.
(Affects lands in Sec. 33)

- #32 - Easement for electric transmission line, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: February 11, 1974 in Book 335, Page 121, Deed Records.
(Affects lands in Sec. 33)

- #33 - Easement for electric transmission line, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: April 4, 1974 in Book 336, Page 300, Deed Records.
(Affects lands in Sec. 27 and 34)

- #34 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: August 20, 1981 in Microfilm R-83, Page 1531, Office of
Umatilla County Records. (Affects lands in Sec. 21 lying Sly of Highway)

- #35 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: October 15, 1985 in Microfilm R-130, Page 1384, Office of
Umatilla County Records. (Affects lands in SE-1/4 of SW-1/4 of Sec. 21)

- #36 - License, including the terms and provisions, between
First Party: Pacific Gas Transmission Company
Second Party: Cascade Natural Gas Corporation
Recorded: April 11, 1986 in Microfilm R-136, Page 1203, Office of
Umatilla County Records. (Affects lands in SE-1/4 of SW-1/4 of Sec. 21)



#38 - Access Restrictions and Easements, including the terms and provisions thereof, contained under Deed

Grantor: Tom Kosmos
Grantee: State of Oregon, Dept. of Transportation, Highway Division
Recorded: August 27, 1991 in Microfilm R-209, Page 1626, Office of Umatilla County Records. (Affects lands in Secs. 20, 21, 27 and 28)

#39 - Access Restrictions and Easements, including the terms and provisions thereof, contained under Deed

Grantor: Tom Kosmos
Grantee: State of Oregon, Dept. of Transportation, Highway Division
Recorded: September 23, 1994 in Microfilm R-260, Page 390, Office of Umatilla County Records. (Affects lands in Secs. 20, 21, 27 and 28)

#41 - Terms and provisions contained under Easement for pipeline

Grantor: Juniper Limited Partnership
Grantee: Tom Kosmos, et al
Recorded: July 1, 1968 in Book 294, Page 491, Deed Records.
Amended: September 10, 1973 in Book 331, Page 271, Deed Records.

#42 - Terms and provisions contained under Easement

Grantor: Juniper Limited Partnership
Grantee: Tom Kosmos
Recorded: October 6, 1971 in Book 317, Page 177, Deed Records.

#43 - Terms and provisions contained under Easement

Grantor: United States of America, Secretary of the Army
Grantee: Joanne I. Kosmos
Dated: November 18, 1999
(unrecorded)

#44 - Terms and provisions contained under Application and Permit to Occupy or perform operations upon a State Highway

Grantee: Tom Kosmos
Recorded: February 9, 1972 in Book 319, Page 186, Deed Records.

#45 Terms and provisions contained under Application and Permit to Occupy or perform operations upon a State Highway

Grantee: Tom Kosmos
Recorded: February 9, 1972 in Book 319, Page 187, Deed Records.

#46 Terms and provisions contained under Agreement for Pipeline Crossing

Grantor: Oregon-Washington Railroad & Navigation Company, et al
Grantee: Tom Kosmos
Recorded: February 24, 1972 in Book 319, Page 355, Deed Records.
Amended: May 12, 1972 in Book 320, Page 627, Deed Records.
Amended: April 24, 1974 in Book 336, Page 570, Deed Records.

#47 - Terms and provisions contained under Agreement for Pipeline Crossing

Grantor: Oregon-Washington Railroad & Navigation Company, et al
Grantee: Tom Kosmos
Recorded: May 30, 1972 in Book 321, Page 272, Deed Records.



#48 Terms and provisions contained under Application and Permit to Appropriate the public water of the State of Oregon
Grantee: Tom Kosmos
Recorded: February 9, 1972 in Book 319, Page 181, Deed Records.

And as further affected by Certificate of Water Right
Dated: May 7, 1985
Recorded: Volume 48, Page 53117 42138 in the State of Oregon Record of Water Right Certificates

#49 - Terms and provisions contained under Application and Permit to Appropriate the public water of the State of Oregon
Grantee: Tom Kosmos
Recorded: February 23, 1973 in Book 326, Page 438, Deed Records.

#50 - Terms and provisions contained under Application and Permit to Appropriate the public waters of the State of Oregon
Grantee: Tom Kosmos
Recorded: March 13, 1973 in Book 327, Page 101, Deed Records.

And as further affected by Certificate of Water Right
Dated: May 7, 1985
Recorded: Volume 48, Page 53117 50508 in the State of Oregon Record of Water Right Certificates

#51 - Terms and provisions contained under Permit and Agreement for pipeline and pumping plant, between
Grantor: United States of America, Bonneville Administration
Grantee: Tom Kosmos
disclosed by Assignment
Recorded: May 12, 1972 in Book 320, Page 638, Deed Records.

#61 - The property described herein consists of portions that are contiguous. Access to such parcels may be through these adjoining tracts. Rights of access to the property are limited to those county roads which abut or pass through the property described herein, and no representation is made that all parcels and/or parts thereof have physical access.

#64 - Oil and Gas Lease, including the terms and provisions thereof
Lessor: Joanne I. Kosmos
Lessee: Springfield Oil Company
Recorded: June 29, 2006 in Instrument No. 2006-5030462, Office of Umatilla County Records.

5) A fifty percent (50%) tenancy-in-common interest in all oil and gas on the property reserved by Joanne I. Kosmos in her deed to JSH Farms, Inc., subject to the terms and conditions of an agreement between Grantor and JSH Farms, Inc. entitled "Agreements and Covenants Concerning Oil and Gas Rights - JSH Farms, Inc. & Joanne I. Kosmos". Said deed from Joanne I. Kosmos to JSH Farms, Inc. is being recorded before this deed, on the same day this deed is being recorded.

6) "Agreements and Covenants Concerning Oil and Gas Rights" between - JSH Farms, Inc. & Joanne I. Kosmos" which is being recorded before this deed, on the same day this deed is being recorded.
(End of Exhibit B)

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JSH Farms, documented Conservation Plan 2005-2009

WATER RESOURCES DEPT
SALEM, OREGON

Pivot #	Acres	Last 5 Years-2005-2009 Conservation [1]		
		New Pivot [2]	Low Pressure System [3]	Wireless Pivot [4] Monitoring & Control
1	92.7	New Pivot+Low Pressure Sprinkler	Low pressure sprinkler	Yes
2	137.1	New Pivot+Low Pressure Sprinkler		Yes
3	63.9	New Pivot+Low Pressure Sprinkler	Low pressure sprinkler	Yes
4	47.7			Yes
5	130.1			Yes
6	123.4		Low pressure sprinkler	Yes
7	125.3	New Pivot+Low Pressure Sprinkler		Yes
8	32.6	New Pivot+Low Pressure Sprinkler		Yes
9	96.9	New Pivot+Low Pressure Sprinkler		Yes
10	46.4	New Pivot+Low Pressure Sprinkler		Yes
11	127.2	New Pivot+Low Pressure Sprinkler		Yes
12	85.7		Low pressure sprinkler	Yes
13	145.2			Yes
14	127.4	New Pivot+Low Pressure Sprinkler		Yes
15	126.8			Yes
16	124.9			Yes
17	128.9	New Pivot+Low Pressure Sprinkler		Yes
18	49.3		Low pressure sprinkler	Yes
19	125.7		Low pressure sprinkler	Yes
20	124.9		Low pressure sprinkler	Yes
21	102.8		Low pressure sprinkler	Yes
22	59.6		Low pressure sprinkler	Yes
23	130.1		Low pressure sprinkler	Yes
24	123.4		Low pressure sprinkler	Yes
25	122.4	New Pivot+Low Pressure Sprinkler	Low pressure sprinkler	Yes
26	125.9		Low pressure sprinkler	Yes
27	128.2	New Pivot+Low Pressure Sprinkler	Low pressure sprinkler	Yes
29	23.1			
Pumps		Installed one 400 Horsepower Variable Speed Drive at Booster Station [5]		

[1] Invoices on file

[2] New pivot is a replacement of old one with new low pressure sprinklers, pressure regulators& drop tubes

[3] Low pressure sprinklers, pressure regulators and drop tubes

[4] Wireless radios also controls pumps and booster for better water management

[5] Variable Speed Drive will match exactly flow & pressure anywhere in the farm and eliminate waste

JSH Farms Conservation Plan for next 5 years 2010-2014

Pivot #	Acres	Next 5 Years-2010-2014 Conservation [1]				
		New Pivot [2]	Low Pressure System [3]	Leak Detection	Moisture Monitoring /Irrigation Scheduling	
1	92.7		Low pressure sprinkler	infrared	yes	Yes
2	137.1		Low pressure sprinkler	infrared	yes	Yes
3	63.9		Low pressure sprinkler	infrared	yes	Yes
4	47.7		Low pressure sprinkler	infrared	yes	Yes
5	130.1		Low pressure sprinkler	infrared	yes	Yes
6	123.4	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
7	125.3		Low pressure sprinkler	infrared	yes	Yes
8	32.6		Low pressure sprinkler	infrared	yes	Yes
9	96.9		Low pressure sprinkler	infrared	yes	Yes
10	46.4		Low pressure sprinkler	infrared	yes	Yes
11	127.2		Low pressure sprinkler	infrared	yes	Yes
12	85.7	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
13	145.2		Low pressure sprinkler	infrared	yes	Yes
14	127.4		Low pressure sprinkler	infrared	yes	Yes
15	126.8		Low pressure sprinkler	infrared	yes	Yes
16	124.9		Low pressure sprinkler	infrared	yes	Yes
17	128.9		Low pressure sprinkler	infrared	yes	Yes
18	49.3	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
19	125.7	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
20	124.9	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
21	102.8	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
22	59.6	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
23	130.1	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
24	123.4	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
25	122.4		Low pressure sprinkler	infrared	yes	Yes
26	125.9	New Pivot+Low pressure sprinkler	Low pressure sprinkler	infrared	yes	Yes
27	128.2		Low pressure sprinkler	infrared	yes	Yes
29	23.1		Low pressure sprinkler	infrared	yes	Yes
Pumps		Install one 800 Horsepower Variable Speed Drive at River station [4]				

[1] Invoices on file

[2] New pivot is a replacement of old one with new low pressure sprinklers, pressure regulators& drop tubes

[3] Low pressure sprinklers, pressure regulators and drop tubes

[4] Variable Speed Drive will match exactly flow & pressure anywhere in the farm and eliminate waste

**JSH Farms Pump Capacity Calculations based on spreadsheet from Oregon
Water Resources Department's web site:**

There are 7 x800 horsepower pumps on the river station in the McNary Pool. River pumping station lifts varies from 4 to 6 feet depending on river operation and pressure varies depending on number of pivots that are turned on and the location/elevation of pivots and normally ranges from 220 psi and above. Below are estimated calculations from OWRD's spreadsheet.

Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 5600 (7 x 800 horsepower)
Efficiency = 7.04
Lift = 5
PSI = 230

Results Calculated

(hp)(efficiency) = 39424
Head based on psi = 584.3
Total dynamic head = 589.3
(head + lift)

Pump Capacity = 66.90 cubic feet per second

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