



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 necessary):

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).

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STATE OF OREGON  
 COUNTY OF                      UMATILLA  
**CERTIFICATE OF WATER RIGHT**

**This is to certify, That      MERLE GEHRKE**

of Route 2, Box 13, Echo                      , State of Oregon 97826                      , has made  
 proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of  
 Four wells

a tributary of      Stage Gulch                      for the purpose of  
 irrigation of 2289.4 acres

under Permit No. G-7929                      and that said right to the use of said waters has been perfected in  
 accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from  
 February 15, 1978  
 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is  
 limited to an amount actually beneficially used for said purposes, and shall not exceed  
 28.61 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is  
 located in the                      SE 1/4 SW 1/4, Section 33, SW 1/4 SE 1/4, Section 32,  
 NE 1/4 SE 1/4, Section 29, SE 1/4 NE 1/4, Section 28, T4N, R30E, WM; 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 1/4 \*

The amount of water used for irrigation, together with the amount secured under any other right  
 existing for the same lands, shall be limited to                      one-eightieth of one cubic foot per second  
 per acre, or its equivalent for each acre irrigated and shall be further limited  
 to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated  
 during the irrigation season of each year

and shall

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

A description of the place of use under the right hereby confirmed, and to which such right is  
 appurtenant, is as follows:

\* Corner Section 28.

SEE NEXT PAGE

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30.4 acres NE 1/4 NW 1/4  
35.4 acres NW 1/4 NW 1/4  
36.6 acres SW 1/4 NW 1/4  
33.2 acres SE 1/4 NW 1/4  
32.0 acres NE 1/4 SW 1/4  
35.4 acres NW 1/4 SW 1/4  
39.9 acres SW 1/4 SW 1/4  
28.8 acres SE 1/4 SW 1/4  
Section 27

39.2 acres NE 1/4 NE 1/4  
39.6 acres NW 1/4 NE 1/4  
36.4 acres SW 1/4 NE 1/4  
34.0 acres SE 1/4 NE 1/4  
34.4 acres NE 1/4 NW 1/4  
31.6 acres NW 1/4 NW 1/4  
32.2 acres SW 1/4 NW 1/4  
30.8 acres SE 1/4 NW 1/4  
40.0 acres NE 1/4 SW 1/4  
31.6 acres NW 1/4 SW 1/4  
30.9 acres SW 1/4 SW 1/4  
40.0 acres SE 1/4 SW 1/4  
40.0 acres NE 1/4 SE 1/4  
38.0 acres NW 1/4 SE 1/4  
32.4 acres SW 1/4 SE 1/4  
39.8 acres SE 1/4 SE 1/4  
Section 28

38.4 acres NE 1/4 NE 1/4  
31.1 acres NW 1/4 NE 1/4  
32.0 acres SW 1/4 NE 1/4  
33.0 acres SE 1/4 NE 1/4  
32.0 acres NE 1/4 SE 1/4  
30.4 acres NW 1/4 SE 1/4  
31.4 acres SW 1/4 SE 1/4  
42.2 acres SE 1/4 SE 1/4  
Section 29

31.4 acres NE 1/4 NE 1/4  
15.2 acres NW 1/4 NE 1/4  
38.8 acres SW 1/4 NE 1/4  
35.0 acres SE 1/4 NE 1/4  
36.0 acres NE 1/4 SE 1/4  
35.2 acres NW 1/4 SE 1/4  
10.5 acres SW 1/4 SE 1/4  
16.0 acres SE 1/4 SE 1/4  
Section 32

37.2 acres NE 1/4 NE 1/4  
38.8 acres NW 1/4 NE 1/4  
40.0 acres SW 1/4 NE 1/4  
34.4 acres SE 1/4 NE 1/4  
38.1 acres NE 1/4 NW 1/4  
39.4 acres NW 1/4 NW 1/4  
38.5 acres SW 1/4 NW 1/4  
39.1 acres SE 1/4 NW 1/4  
24.1 acres NE 1/4 SW 1/4  
40.0 acres NW 1/4 SW 1/4  
24.4 acres SW 1/4 SW 1/4  
17.4 acres SE 1/4 SW 1/4  
18.8 acres NE 1/4 SE 1/4  
39.0 acres NW 1/4 SE 1/4  
13.2 acres SW 1/4 SE 1/4  
22.4 acres SE 1/4 SE 1/4  
Section 33

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38.6 acres NE 1/4 NW 1/4  
 38.5 acres NW 1/4 NW 1/4  
 37.0 acres SW 1/4 NW 1/4  
 34.0 acres SE 1/4 NW 1/4  
 12.8 acres NE 1/4 SW 1/4  
 27.9 acres NW 1/4 SW 1/4  
 2.8 acres SW 1/4 SW 1/4

Section 34

Township 4 North, Range 30 East, Wm

18.8 acres NE 1/4 NE 1/4  
 36.4 acres NW 1/4 NE 1/4  
 17.6 acres SW 1/4 NE 1/4  
 33.2 acres SE 1/4 NE 1/4  
 27.6 acres NE 1/4 NW 1/4  
 0.6 acres NW 1/4 NW 1/4  
 0.2 acres SW 1/4 NW 1/4  
 7.2 acres SE 1/4 NW 1/4

Section 4

35.4 acres NE 1/4 NE 1/4  
 28.0 acres NW 1/4 NE 1/4  
 29.6 acres SW 1/4 NE 1/4  
 27.2 acres SE 1/4 NE 1/4

Section 5

Township 3 North, Range 30 East, WM

*The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.*

*WITNESS the signature of the Water Resources Director, affixed*

*this date, December 17, 1984*

*/s/ William H. Young*

*Water Resources Director*

*Recorded in State Record of Water Right Certificates, Volume 47 , page 52675*

4631C

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3/64

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

  
2014-6240391 1 of 3

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

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 2014-624039  
Fee \$54.0

Office of County Records

*Steve Churchill*

Records Officer  
1023363 P3

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

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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.

PIONEER TITLE CO. 43176-1  
126 SE COURT, PEND. OR 97801

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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 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.



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- 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.

[Signature]  
Lloyd P. Piercy  
Date: December 18, 2014

[Signature]  
Lois J. Piercy  
Date: 12/18, 2014

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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.

[Signature]  
Notary Public State of Oregon NOTARY SEAL





