

December 2, 2022

**Via U.S. First-Class Mail and Email**

Chair Marci Grail, Council Chair  
Councilmembers, EFSC

Todd Cornett, Siting Division Administrator

Oregon Department of Energy  
550 Capitol Street NE, First Floor  
Salem, OR 97310

**Re: Public Hearing on DPO on ASC, West End Solar Project**

Dear Chair Grail and Councilmembers:

This letter has been prepared in response to the comments made by members of the Energy Facility Siting Council (EFSC, or Council) at the public hearing held on November 17, 2022 on the Draft Proposed Order (DPO) on the Application for Site Certificate for the West End Solar Project (Project).

This letter and additional documents submitted respond to councilmembers' questions regarding EE West End Solar LLC's (the Applicant) request for the Statewide Agricultural Goal 3 exception. We will appreciate the Council's consideration and review of the following supplemental documents, which align with evidence and information submitted in the Project's Application for Site Certificate, Exhibit K and during the DPO hearing:

- Attachment 1. Testimonial declaration of property owner Steve Scott confirming that his property (Tract 2) has no irrigation water rights and explaining why agricultural crops are not viable without irrigation.
- Attachment 2. Testimonial declarations of property owner Art Prior explaining why his property (Tract 1) does not have irrigation water rights and why agricultural crops are not viable without irrigation.
- Attachment 3. Copy of the legal recording of the Landowner's Notice of East Improvement District.
- Attachment 4. Final Order Before the Water Resources Department of Oregon In the Matter of the Determination of a Critical Groundwater Area in the Stage Gulch Area, Umatilla County; and
- Attachment 5. Additional information supporting regional demonstration why the site boundary is not viable for dry land agricultural production.

Additional information is also included at the end of this letter to address Councilmember Condon's comments provided during the DPO hearing regarding the Applicant's organizational expertise and financial capability.

### **Additional Discussion and Evidence Regarding Statewide Agricultural Goal 3 Exception**

The Project is located in Umatilla County and includes an approximately 50 megawatt (MW) solar energy facility that would occupy up to 324 acres on Exclusive Farm Use zoned land. Related or supporting facilities include a 70 MW lithium-ion energy storage system, 15-acre collector and switchyard substation, 15 miles of underground 34.5 kilovolt (kV) collector line system, Supervisory Control and Data Acquisition (SCADA) System, driveway and internal access roads, an Operation and Maintenance (O&M) enclosure, construction staging area, and approximately 3 miles of perimeter fence. No generation tie-line is proposed.

The Project site boundary is composed of two tracts:

- Tract 1 (4N29C0000500) is owned by Windblown Solar LLC owned by Art Prior; and
- Tract 2 (4N29C0000200) is owned by Steven and Wanda Scott, doing business as S&W Properties.

The Project's solar generation facilities would permanently occupy more than 12 acres of high-value farmland—high-value farmland solely due to the Project site's location within the American Viticultural Area (AVA) designation per Oregon Revised Statute (ORS) 195.300(10)(f)—and 20 acres of arable land. Pursuant to Oregon Administrative Rule (OAR) 660-033-0130(38), siting of the Project's solar generation facilities requires an exception to Statewide Planning Goal 3. In the DPO, Oregon Department of Energy (ODOE) staff recommended that Council find that a goal exception under OAR 345-022-0030(4)(c) is appropriate for the following reasons:

1. Locational Dependency
2. Minimal Direct Impacts to Agriculture within Subject Tracts
3. Minimal Indirect Impacts to Agriculture within Surrounding Area
4. Minimal Impacts to Resources Protected by Council standards

In their deliberations on the Statewide Planning Goal 3 exception at the November 17, 2022, hearing, Councilmembers Jenkins, Howe, and Beier requested clarifications in the record and additional evidence to justify the reasons for a Goal 3 exception. Councilmember Jenkins asked for more justification specific to the “minimal direct impacts to agriculture within subject tracts” reason. He requested evidence specific to 1) lack of available irrigation water for the Project tracts; 2) why the subject tracts cannot support dry land agriculture. The Applicant notes that Council did not request more justification regarding the reasons 1, 3, and 4 listed above and assumedly agrees with these reasons. Therefore, the Project qualifies for an exception from Statewide Planning Goal 3 based on the locational dependency, minimal indirect impacts to agriculture within surrounding area, and minimal impacts to resources protected by Council standards reasons. However, in an effort to be responsive to Councilmembers Jenkins, Howe, and Beier, we offer the following information to provide more evidence and provide clarification of details in the record that were discussed during the November 17, 2022, DPO hearing in regard to the “minimal direct impacts to agriculture in the subject tracts” reason.

**1. Request for evidence regarding the lack of available irrigation water at the two parcels within the site boundary.**

- Additional evidence was provided during the November 17, 2022, DPO hearing via testimony from the two landowners, Steve Scott and Art Prior, regarding the irrigation status of the two parcels located within the site boundary. In addition to the testimony provided during the DPO hearing, please see **Attachment 1** for further testimony from Steve Scott and **Attachment 2** for further testimony from Art Prior confirming the lack of irrigation water available at the two Project parcels.
- **Attachment 3** is a copy of the legal recording of the Landowner's Notice of East Improvement District, adopted December 4, 2018. This document lists all of the parcels included in the East Improvement District. Notably, the two tax parcels that make up the Project site boundary (4N29C0000500 and 4N29C0000200) are not listed in this document. Therefore, this document provides evidence that the area within the site boundary is not included in the East Improvement District (nor is the site boundary located in any other irrigation district – see Figure K-9 in Attachment 2).
  - Councilmembers may be interested to note that parcels 4N29160000100 (located NE of the site boundary), 4N29C00000100 (located east of the site boundary), 4N29C00000300 (located south of the site boundary), and 4N29190000100 (located west of the site boundary) are all listed in **Attachment 3** and therefore are all located within the East Improvement District.
  - Councilmembers Jenkins and Howe voiced some confusion over the references in Section 4.2 of the Final Application for Site Certificate (FASC) Exhibit K where existing agricultural uses on properties surrounding the site boundary were discussed. The parcels owned by Windblown Ranch located east and northeast of the site boundary (4N29160000100 and 4N29C00000100) were referenced as historically having no irrigation and being uncultivated but recently being planted with peas, corn, and potatoes. Art Prior provided clarification regarding these statements in his testimony on November 17, 2022. To reiterate his comments, these two parcels located east and northeast of the site boundary are included in the East Improvement District (as evidenced in **Attachment 2**, see Figure K-9) and portions of these parcels (located east of the Project's land use analysis area), have recently been developed with irrigation infrastructure. That is why portions of these two parcels have recently been planted with high value crops that require irrigation water. As the two parcels located in the Project site boundary are not within an irrigation district nor do they have ground water irrigation rights (as evidenced by Figure K-7 in FASC Exhibit K and in Figure K-9 in **Attachment 2**), high-value crops that require irrigation in this region of the state are not feasible within the site boundary.

- **Attachment 4** is a copy of the Final Order Before the Water Resources Department of Oregon In the Matter of the Determination of a Critical Groundwater Area in the Stage Gulch Area, Umatilla County. On page 5 of this document is a map of the Stage Gulch Critical Groundwater Area (CGWA) with the approximate location of the Project site boundary outlined in red and located in subarea A. As noted in finding of fact item #11, the Stage Gulch CGWA is overdrawn and as stated in the conclusions of law, the Stage Gulch CGWA is closed to any further appropriation. On page 16 of the Final Order it states “It is FURTHER ORDERED that no new application for a permit to appropriate water from either the upper or the deep basalt groundwater reservoirs within the Stage Gulch Critical Groundwater Area be accepted for filing.” Therefore, **Attachment 4** provides evidence to the Council that new groundwater appropriations for irrigation of agricultural land within the site boundary is not feasible.

**2. Request for evidence regarding why the subject tracts cannot support dry land agriculture.**

- As set forth in Exhibit K of the FASC, Section 8.1 and the landowners’ testimonies:
  - The land within the Project Site Boundary is currently uncultivated, therefore the removal of this land from Goal 3 production would not remove land from agricultural production as this land is fallow.
  - Since owning Tract 1 (which was acquired in 1990), Art Prior of Windblown Solar has conducted no farming on the site.
  - Since owning Tract 2 (which was acquired in 2011), Steve and Wanda Scott attempted to cultivate dry land wheat over two separate growing seasons (once in 2013 and once in 2015). However, neither harvest made enough money to cover the costs of farming. More details regarding the costs vs revenue of these two attempts to farm dryland wheat at Tract 2 are provided in **Attachment 1**. Since 2015, the Scotts have left the property fallow as dry land wheat farming was not shown to be economical.
  - Both Tracts are primarily composed of 1B Adkins fine sandy loam soils (Tract 1: 102 acres, 63% of parcel; Tract 2: 133 acres, 82% of parcel), which when unirrigated, is classified by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) as land capability class 4 soils, which are the lowest of the arable soil classifications<sup>1</sup> and per the NRCS “have very severe limitations that reduce the choice of plants or that require very careful management, or both<sup>2</sup>.” The NRCS also assigns an “e” capability subclass which indicates that the main hazard to the soils is the

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<sup>1</sup> NRCS soil capability classes 1 through 4 are generally considered arable soils whereas NRCS soil classes 5 through 8 are generally considered nonarable soils. Reference: Helms, Douglas. 1992. Readings in the History of the Soil Conservation Service, Washington, DC: Soil Conservation Service, 1992, pp. 60-73.

<sup>2</sup> NRCS. 2019 Web Soil Survey Map. Electronic document, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Last modified May 20, 2020

risk of erosion unless close-growing plant cover is maintained. Furthermore, NRCS assigns a 1 rating (the highest rating) for wind erodibility<sup>2</sup>.

- The limited arable soils (the 1B Adkins fine sandy loam soils) on the parcel do not retain moisture due to the low percentage of organic matter (less than 1 percent) and soil's low water holding capacity (approximately 2 inches per foot)<sup>3</sup>. In contrast, these same soils perform well for certain irrigated crops such as potatoes (as evidenced by the irrigated crops on similar soils on other properties in the vicinity of this parcel) because the Adkins fine sandy loam is easy to till/dig root crops from and drains well thus reducing risk of disease or rot. However, as the land within the site boundary has no irrigation water, any planted crops must rely on soil moisture and precipitation. And given the arid climate and the soil type, dryland crop cultivation is extremely limited.
- The remaining acreage of both Tracts (Tract 1: 60 acres, 37% of parcel; Tract 2: 29 acres, 18% of parcel) are composed of 74B Quincy fine sand soils which are a class 7 non-irrigated soil type. Per the NRCS, these soils "have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat<sup>2</sup>."
- Additional evidence regarding the arable soil characteristics within the site boundary.
  - As stated above, the only arable soils located within the site boundary are the 1B Adkins fine sandy loam soils, which have the lowest capability class (Class 4) of the arable soils definition. According to the NRCS, the Adkins series are suitable for "dryland wheat, irrigation cropland, and range<sup>4</sup>." As the two Tracts have no irrigation water rights, the only suitable agricultural use for the limited Class 4 arable soils located in the site boundary is dryland wheat or range.
  - NRCS soils report identifies irrigated and nonirrigated average crop yields per acre by soil map unit<sup>5</sup>. The average yields per acre assume a high level of management to obtain the indicated yields (i.e. application of fertilizer, control of weeds, erosion control, etc.). The average crop yields are based mainly on the experience and records of farmers, conservationists, and extension agents. Available yield data from nearby counties and results of field trials and demonstrations also are considered. For the 1B Adkins fine sandy loam soils, the NRCS assigns an average of 13 bushels per acre for winter wheat. In contrast, were the 1B Adkins fine sandy loam soils

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<sup>3</sup> NRCS. 2019 Web Soil Survey Map. Available Water Capacity for 1B Atkins fine sandy loam.

<sup>4</sup> NRCS. Official Soil Series Description View by Name. Available at: <https://soilseries.sc.egov.usda.gov/osdname.aspx>. Accessed November 29, 2022.

<sup>5</sup> NRCS. 2019 Web Soil Survey Map. Vegetative Productivity. Irrigated and Nonirrigated Yields by Map Unit Component.

irrigated, the NRDS assigns an average of 130 bushels per acre for winter wheat. No other nonirrigated crop yields (including pasture and dry beans) were identified by the NRCS. All other crop types only showed a crop yield when irrigated.

- Per the USDA, National Agricultural Statistics Services<sup>6</sup>, the average yield per acre of winter wheat in Oregon in 2021 was 45 bushels per acre.
- The soil properties and qualities of the arable soils located in the site boundary described above provide evidence that dryland crop cultivation for the Adkins soils are limited to dryland wheat and due to the limitations of the soils, the yield per acre is low compared to the state's average yield for winter wheat per acre.
- Additional evidence regarding the increased costs outpacing the returns for dryland wheat farming.
  - As noted in Exhibit K of the ASC, review of U.S. Geological Survey historic aerial photography including photos from 1952, 1958, 1970, and 1977, show that some dry land crop cultivation appeared to have occurred in the site boundary in the 1950s and 1970s<sup>7</sup>. However, according to both Project landowners, dry land farming on these two parcels is not currently viable due to the combination of the low production value of the underlying soils and the rising costs of fertilizer, herbicides, and fuel (see **Attachments 1 and 2**).
  - Although the 2022/23 season-average price of wheat is projected at a record high of \$9.20 per bushel, wheat prices are currently volatile given the uncertainty of the war in Ukraine. However, even putting aside current economic trends, the ten-year average price of wheat of \$5.61 per bushel, has not outpaced the increasing costs of cultivation.
  - The USDA Economic Research Service publishes cost and return estimates for major production regions of the US for corn, soybeans, wheat, and other agricultural commodities. The most recent data set was published on October 2, 2022 and provides cost and return estimates from 1998 through 2021<sup>8</sup>(a copy of this data table is included in **Attachment 5**). Based on this published data set, the ten-year average price of wheat seed in the “Basin and Range” production region (which includes the Columbia Basin and

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<sup>6</sup> USDA. National Agricultural Statistics Service. 2021 State Agriculture Overview. Available at: [https://www.nass.usda.gov/Quick\\_Stats/Ag\\_Overview/stateOverview.php?state=OREGON](https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=OREGON). Accessed November 29, 2022.

<sup>7</sup> USGS (U.S. Geological Survey). 2021. Historic aerial photographs and maps of Umatilla County, 1914 – 1993. Accessed August 2021.

<sup>8</sup> USDA Economic Research Service. Wheat Production Costs and Returns Per Planted Acre, Excluding Government Payments. Updated: October 03, 2022. Available at: <https://www.ers.usda.gov/data-products/commodity-costs-and-returns/>

Umatilla County) was \$19.39 per acre, the ten-year average price of fertilizer per acre was \$54.55, the ten-year average price of chemicals/herbicide per acre was \$24.29, and the ten-year average price of fuel/lube/electricity per acre was \$14.92. Using these average costs per acre and applying them to the site boundary acreage of 323 acres, would equal an average cost of \$113.15 per acre, or a total of \$36,545.84 per crop. Assuming the site boundary were to yield 13 bushels per acre (the NRCS average assigned to the Adkins Soil Series) for a total harvest of 4,199 bushels, and assuming the ten-year average price wheat at \$5.61 per bushel, we can estimate a gross return of \$23,556.39. Using these ten-year averages of both costs and returns would equal a net loss of \$12,989.45 per crop. This is a conservative calculation as it does not take into account additional costs such as labor, depreciation of farm equipment, taxes, insurance, etc.

- The above information from the USDA Economic Research Service illustrates the fact that the low yield associated with the Atkins Soil Series severely limits the economic viability of cultivating dry land wheat within the Project Site Boundary. Using the ten-year average price of wheat per bushel and the ten-year average of the costs illustrated above, the land within the site boundary would need to produce a minimum of 21 bushels per acres to come close to breaking even. This is an unlikely outcome given the soil types within the site boundary and the lack of available irrigation water.
- Further evidence of the regional challenges the Columbia Basin wheat farmers are facing in regard to the rising costs and volatile wheat market is provided in the two articles included in **Attachment 5**:
  - “War in Ukraine darkens economic outlook for Pacific Northwest wheat farmers” published March 12, 2022 and updated March 22, 2022. Written by Sage Van Wing.
  - “Northwest farmers face rising costs and uncertain future as Ukraine war impacts agriculture” published March 31, 2022. Written by Anna King.
- As evidenced by these articles, the cost of fertilizer and herbicide has significantly increased in the past year and outpaced the rising price of wheat per bushel. Thus, further underlying the difficulty farmers with parcels that can only produce low-yield wheat crops have to cover costs and achieve a profit.

We hope the additional information set forth above and attached provides the information Councilmembers Jenkins, Howe, and Beier were seeking to justify why the Project’s site boundary should be removed from Goal 3 Agricultural protection. We believe the Project has provided sufficient justification for an exception to Statewide Planning Goal 3 under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c) and that an exception is warranted to allow a locationally dependent

facility that will fulfill important state and county goals, by providing renewable energy while minimizing impacts on local farming practices.

### **Additional Discussion and Evidence Regarding the Applicant's Organizational Expertise and Financial Capability**

During the November 17, 2022 hearing, Councilmember Condon asked a number of questions related to the Applicant's organizational expertise and financial capability. Specifically, she asked how the Applicant would ensure that it has access to the financial and organizational resources of its parent company to address potential compliance and liability issues for the project. The following responds to Councilmember Condon's questions.

Like other EFSC-jurisdictional facilities, the Applicant relies on the organizational strength expertise, and experience of its parent company and affiliates to develop and operate successful projects. Although the Applicant does not believe that any EFSC standards require the Applicant to provide a parent guarantee, the Applicant agreed to provide one to demonstrate that the Applicant may rely upon the financial resources of its parent company<sup>9</sup>. Otherwise, the Applicant feels there is substantial evidence in the existing record to demonstrate that the Applicant has the financial, technical, and organizational resources to address potential operational issues. Additionally, EFSC and the Department have the tools to manage any potential compliance issues for any project. Specifically:

***The Applicant is a member-managed LLC.*** As outlined in Exhibit A of the FASC, West End Solar is a member-managed limited liability company with Eurus Solar Holdings LLC as the sole member. As such, Eurus Solar Holdings LLC has control of the management and conduct of EE West End Solar LLC. Indeed, the LLC Agreement for EE West End Solar (FASC Attachment A-3 to Exhibit A) provides that the management of EE West End Solar "shall be under the direction of the Member (Eurus Solar Holdings LLC) or managers designated by the Member". Eurus Solar Holdings LLC takes its responsibility as sole member seriously. As outlined in Exhibit D of the FASC, Eurus Solar Holdings LLC has managed the successful development and operation of other solar farms in the United States, and Eurus Energy companies have developed many other successful solar and wind farm facilities throughout the United States and worldwide – all projects have been developed and operated by LLCs or similar types of special project companies.

***The Project is and will remain covered by comprehensive insurance.*** Like all other Eurus Energy project entities, the Applicant EE West End Solar LLC has been and will continue to be covered by comprehensive business, property and liability insurance. As is typical of all

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<sup>9</sup> Applicant is amenable to providing a Performance Guarantee but suggests a minor edit to **Recommended Organizational Expertise Conditions 1** as noted in redline below:

*Prior to construction, the certificate holder shall submit to the Department a guarantee signed by its parent company guaranteeing payment and performance of the certificate holder's obligations under the site certificate using the form provided in Final Order on ASC Attachment D or a similar form.*

This minor edit will give the Applicant and EFSC some flexibility in the final format of the Performance Guarantee at the time of its execution.



utility-scale renewable energy projects, property damage and liability coverage will be greatly expanded once the Project breaks ground and then again financed, constructed and operated. The Applicant and all entities involved in the Project development and operation (including every party from banks to landowners to construction companies to power purchasers) have a vested interest in making sure the value of the project assets are protected and therefore full insurance coverage is maintained for the life of the Project.

***The Project will have significant value.*** During operations, EE West End Solar LLC will own the Project, which will have an estimated value of \$80 million dollars, and will generate revenue from a power purchase agreement or from selling power into the wholesale market. Not only would it be a fatal business decision (and a public relations disaster) for Eurus Solar Holdings LLC to walk away from a project with a compliance issue, Eurus Solar Holdings LLC would not forfeit the value of a project LLC-owned project by doing so.

***Existing site certificate conditions adequately address issues of potential noncompliance.*** There are multiple proposed site certificate conditions in place to address potential issues of noncompliance. For example, with respect to fire, the certificate holder is required to prepare an operational emergency management and wildfire mitigation plan, notify the Department within 72 hours of fires or explosions, and initiate and complete appropriate action to correct the conditions or circumstances.

***EFSC has existing authority to address issues of noncompliance.*** Under OAR Chapter 345, Division 29, EFSC has authority to address violations of EFSC rules or orders, or any terms or conditions of a site certificate. Following issuance of a notice of violation and any enforcement conference, the Department has the authority to issue civil penalties and, following a contested case proceeding, to revoke or suspend a site certificate. If needed, EFSC could then draw upon the bond to restore the Project site.

If you have any questions, or require further information, please contact me at: [rcurulla@eurusenergy.com](mailto:rcurulla@eurusenergy.com) or 858.717.9201.

Best Regards,



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Chair Grail, EFSC

CC: Sarah Esterson, ODOE  
Kellen Tardaewether, ODOE  
Anthony Cresap, Eurus Energy America Corp.  
Sarah Stauffer Curtiss, Stoel Rives LLP  
Leslie McClain, Tetra Tech

**Attachments:**

- Attachment 1. Testimonial declaration of property owner Steve Scott.
- Attachment 2. Testimonial declarations of property owner Art Prior.
- Attachment 3. Copy of the legal recording of the Landowner's Notice of East Improvement District.
- Attachment 4. Final Order Before the Water Resources Department of Oregon In the Matter of the Determination of a Critical Groundwater Area in the Stage Gulch Area, Umatilla County.
- Attachment 5. Additional information supporting regional demonstration why the site boundary is not viable for dry land agricultural production.

**Attachment 1. Testimonial declaration of property owner Steve Scott**

**BEFORE THE  
ENERGY FACILITY SITING COUNCIL  
OF THE STATE OF OREGON**

)  
In the Matter of the Application for Site Certificate )  
for the West End Solar Project )  
\_\_\_\_\_ )

**DECLARATION OF STEVE SCOTT**

I, the undersigned, declare under penalty of perjury under the laws of the State of Oregon that the following is true and correct to the best of my knowledge:

1. My name is Steve Scott. My wife, Wanda Scott, and I own approximately 160 acres of land in Umatilla County, located in township 4N, range 29E, Section 20 on Umatilla County tax parcel 200. Tax parcel 200 is also referred to as Tract 1 in the West End Solar Project’s (Project) Final Application for Site Certificate (FASC).
  
2. I grew up in Stanfield and my wife grew up in Hermiston. We raised our family in Hermiston. I grew up working on farms and had always wanted to farm my own land.
  
3. We had an opportunity to buy Tract 2 in 2011. We knew Tract 2 had no water rights, but we bought the land thinking we could cultivate dryland wheat. After investing in a used combine, we attempted to cultivate dryland wheat twice on Tract 2 – once in 2013 and once in 2015.
  
4. The best dryland wheat production on Tract 2 was in 2013 with about 14 bushels per acre. In 2015, we averaged 11 bushels per acre. Yield in both years was low considering that Oregon’s average yield for winter wheat in 2013 was 62 bushels per acre and in 2015 was 47 bushels per acre<sup>1</sup>. Given the low yield, we did not achieve a net profit in either year.

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<sup>1</sup> USDA National Agricultural Statistics Service. Small Grains Summary for 2013 and 2015. Available at <https://downloads.usda.library.cornell.edu/usda-esmis/files/5t34sj573/zs25xc125/1r66j372m/SmalGraiSu-09-30->

5. We were able to sell our harvested wheat in 2013 for \$7.36 per bushel and received a check from the grain buyer for \$11,628 (this was revenue received after applied discounts for storage, time in elevator, taxes, and wheat quality). In 2015 we sold our harvest for \$5.55 per bushel and received a check for \$8,097 (again, this was after applied discounts). However, the costs associated with each crop, which include seed, fertilizer, herbicides, fuel, and labor, added up to more than the gross revenue from the wheat sales in both years. To illustrate this fact, according to the USDA Economic Research Service<sup>2</sup>, in 2015, the average price of seed per acre in the Basin and Range Farm Resource Region (which includes Umatilla County) was \$19.95, the price of fertilizer per acre was \$47.51, the price of chemicals/herbicide was \$22.32, and the price of fuel/lube/electricity was \$12.54. These costs are representative of what we spent in 2015 on our dryland wheat crop. Using those average costs per acre, this equals approximately \$16,370 in costs for our 160 acres in 2015. This does not take into account the fixed costs, which include depreciation of the combine, taxes, and insurance.

6. Ultimately, after our second attempt to cultivate wheat on Tract 2 without producing a net profit, my wife and I decided to leave Tract 2 fallow. Although the price of winter wheat has recently gone up (\$7.26 per bushel in 2021<sup>1</sup>) the costs associated with wheat production (i.e. fertilizer, fuel, herbicides) have also gone up and have only been exacerbated in recent years with events that have disrupted global fertilizer and herbicide supply such as Hurricane Ida in Texas which took out a fertilizer plant and the war in Ukraine ( much of the fertilizer and herbicides used by the wheat industry are produced near the Black Sea). Therefore, we anticipate that Tract 2 would remain fallow in the future as we do not anticipate being able to achieve a net profit dryland farming this land.

7. What makes Tract 2 different from the surrounding agricultural lands is that we have no ground water irrigation water rights or surface water irrigation water rights (from an irrigation

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[2013.pdf](https://downloads.usda.library.cornell.edu/usda-esmis/files/5t34sj573/s7526f71r/x346d670c/SmalGraiSu-09-30-2016.pdf) and <https://downloads.usda.library.cornell.edu/usda-esmis/files/5t34sj573/s7526f71r/x346d670c/SmalGraiSu-09-30-2016.pdf>

<sup>2</sup> USDA Economic Research Service. Wheat Production Costs and Returns Per Planted Acre, Excluding Government Payments. Updated: October 03, 2022. Available at: <https://www.ers.usda.gov/data-products/commodity-costs-and-returns/>

district or otherwise). As our property is located within the Stage Gulch Critical Groundwater Area, acquisition of new groundwater irrigation water rights is not allowed. Tract 2 was never considered for inclusion in the East Improvement District and our attempts to obtain an uninterrupted supply of irrigation water for Tract 2 have been unsuccessful. Likewise, the prospect of being included in either Stanfield Irrigation District or Hermiston Irrigation District is highly unlikely as it would require a federal boundary adjustment processes (requiring an Act of Congress and the U.S. Bureau of Reclamation to conduct a NEPA analysis and possibly an ESA consultation), the need to go through both state boundary adjustment process (requiring an inclusion petition, public notice, public comment, and approval), and a due to the unavailability of water.

8. Irrigation water supply must be uninterrupted to successfully raise potatoes and other water intensive crops. Developing water rights, especially uninterrupted water rights, for Tract 2 would likely be unsuccessful. Without irrigation water, higher value crops are not feasible on our property due to the low rain fall and due to the soil types within Tract 2. Tract 2 is mostly composed of 1B Adkins fine sandy loam (82%), which when unirrigated, is severely limited in agricultural potential and are highly susceptible to wind erosion (Class 4e soils type). Dryland wheat is the only non-irrigated crop associated with this soil series per the U.S. Department of Agriculture's soil survey. A portion of Tract 2 (18%) is composed of 74B Quincy fine sand soils which are a class 7 non-irrigated soil type. These soils are considered unsuitable for cultivation per the USDA.

9. I consider the use of our land, and specifically less productive farmland, to be an important part of meeting Oregon's clean energy mandates. Our property is an example of low-yield agricultural land that should be repurposed and should receive a Goal 3 Exception based on the information in the record.

10. I am available to the Siting Council to answer any questions regarding my testimony for the Council to fully understand why agricultural activities on Tract 2 are not economically viable and why the West End Solar Project will be beneficial to our family, to the County, and to the State of Oregon.

SIGNED at Umatilla County, Oregon on this 1<sup>st</sup> day of December 2022

Signed: Steve Scott

Printed Name: Steve Scott

**Attachment 2. Testimonial declaration of property owner Art Prior**



**BEFORE THE  
ENERGY FACILITY SITING COUNCIL  
OF THE STATE OF OREGON**

)  
In the Matter of the Application for Site Certificate )  
for the West End Solar Project )  
\_\_\_\_\_ )

**DECLARATION OF ART PRIOR**

I, the undersigned, declare under penalty of perjury under the laws of the State of Oregon that the following is true and correct to the best of my knowledge:

1. My name is Art Prior and I own Windblown Solar LLC. Windblown Solar LLC owns approximately 160 acres of land in Umatilla County, located in township 4N, range 29E, Section 20 on Umatilla County tax parcel 500. Tax parcel 500 is also referred to as Tract 1 in the West End Solar Project’s (Project) Final Application for Site Certificate (FASC).
2. I also own Windblown Ranch Inc. Windblown Ranch Inc. owns several parcels located west and east of Tract 1 (see attached Figure K-9). Windblown Ranch Inc. acquired Tract 1 in 1990 and transferred it to Windblown Solar LLC in 2018.
3. I have farmed in Umatilla County since the early 1980s. I have experience in irrigated and dryland farming. I have grown the following crops: wheat, potatoes, peas, corn, and alfalfa.
4. Since Windblown Ranch Inc. acquired Tract 1, it has not been cultivated for agricultural use. To my knowledge, the Tract 1 parcel has never had water rights or been irrigated.
5. Without irrigation water, it is not feasible to plant high value crops on Tract 1 due to the low rain fall and soil types, and there is low potential for dryland crop yield. Tract 1 is mostly composed of 1B Adkins fine sandy loam (102 acres, 63% of parcel), which when unirrigated, is severely limited in agricultural potential and are highly erodible (NRCS Class 4e soils type). A

remaining area of the parcel (60 acres, 37% of parcel) is composed of 74B Quincy fine sand soils which are a class 7 non-irrigated soil type. These soils are unsuitable for cultivation. The limited arable soils (the 1B Adkins fine sandy loam soils) on the parcel do not retain moisture due to the low percentage of organic matter (less than 1 percent) and soil's low water holding capacity. As evidenced by the irrigated crops on similar soils on other properties in the vicinity of this parcel, the Adkins fine sandy loam does well for certain irrigated crops as the sandy loam drains well, reducing risk of disease or rot and making it easy to dig/harvest root crops. But for dryland cultivation, this soil type is extremely limiting and cultivation of these soils can actually be detrimental due to risk of wind erosion.

6. Dry land wheat farming is not economically feasible on Tract 1 given the limited acreage of arable soils (102 acres), the low potential for dryland crop yield, and the high costs of wheat cultivation (i.e., fertilizer, fuel, herbicides) which increase every year and have only been exacerbated in recent years. Therefore, Tract 1 has remained fallow and is likely to remain fallow in the future.

7. Tract 1 has no irrigation water. Tract 1 is located within the Stage Gulch Critical Groundwater Area; therefore, acquisition of new groundwater irrigation water rights is not allowed.

8. Tract 1 is not located within the Stanfield Irrigation District or the Hermiston Irrigation District and inclusion into either one of these districts is highly unlikely due to the unavailability of water and the need to go through a federal boundary adjustment processes (which would require an Act of Congress and require the U.S. Bureau of Reclamation to conduct a NEPA analysis and possibly an ESA consultation), as well as go through a state boundary adjustment process (requiring an inclusion petition, public notice, public comment, and approval).

9. A new irrigation district was formed in 2018, called the East Improvement District (EID). I was able to secure some irrigation water rights through the EID for my agricultural landholdings in the vicinity of this newly formed irrigation district (see attached Figure K-9). However, the total acre-feet of uninterrupted irrigation water rights I obtained was less than

what would be required to irrigate all of my land holdings in the vicinity of the EID. Therefore, I had to prioritize which of my properties to include in the EID.

10. I opted to apply the water rights I secured through the EID to certain parcels owned by Windblown Ranch Inc. (see attached Figure K-9) and to exclude Tract 1 from the EID because it is site constrained by the existing Bonneville Power Administration and PacifiCorp transmission lines and located farther from the existing EID irrigation infrastructure than some of my other parcels. The existing transmission lines create an obstruction that limits a center pivot irrigation system from covering a full 360-degree circle thus increasing the per-acre cost to irrigate the parcel as infrastructure costs (e.g. hardware, pipes, etc.) are the same for a center pivot irrigation system regardless if the pivot covers the full 360-degree circle or a partial circle.

11. As shown on attached Figure K-9, the Windblown Ranch Inc. parcels under cultivation are within the boundaries of the EID.


12. I have no concern that the Project would negatively impact the current farm activities occurring on my nearby lands or on other neighboring properties during Project operation. Furthermore, potential temporary impacts from construction of the Project such as traffic, dust, or risk of weed infestations will be avoided through the minimization measures described in the record.

13. Tract 1 is an example of less productive farmland than should be considered for conversion to help meet the state's clean energy targets. This parcel is an example of low-yield agricultural land that should be repurposed and should receive a Goal 3 Exception based on the information in the record.

14. Currently Tract 1 provides no agricultural revenue as it is fallow land with low potential for agricultural productivity. The income generated from leasing Tract 1 to the Project owner will provide a consistent income stream that will be beneficial to my agricultural uses on my other parcels in Umatilla County.

13. I am available to the Siting Council to answer any questions regarding my testimony for the Council to fully understand why agricultural activities on the Tract 1 parcel is not economically viable and why the West End Solar Project will be beneficial to my agricultural enterprises in Umatilla County and to the State of Oregon.

SIGNED at Umatilla County, Oregon on this 1 day of December 2022













Signed:  \_\_\_\_\_

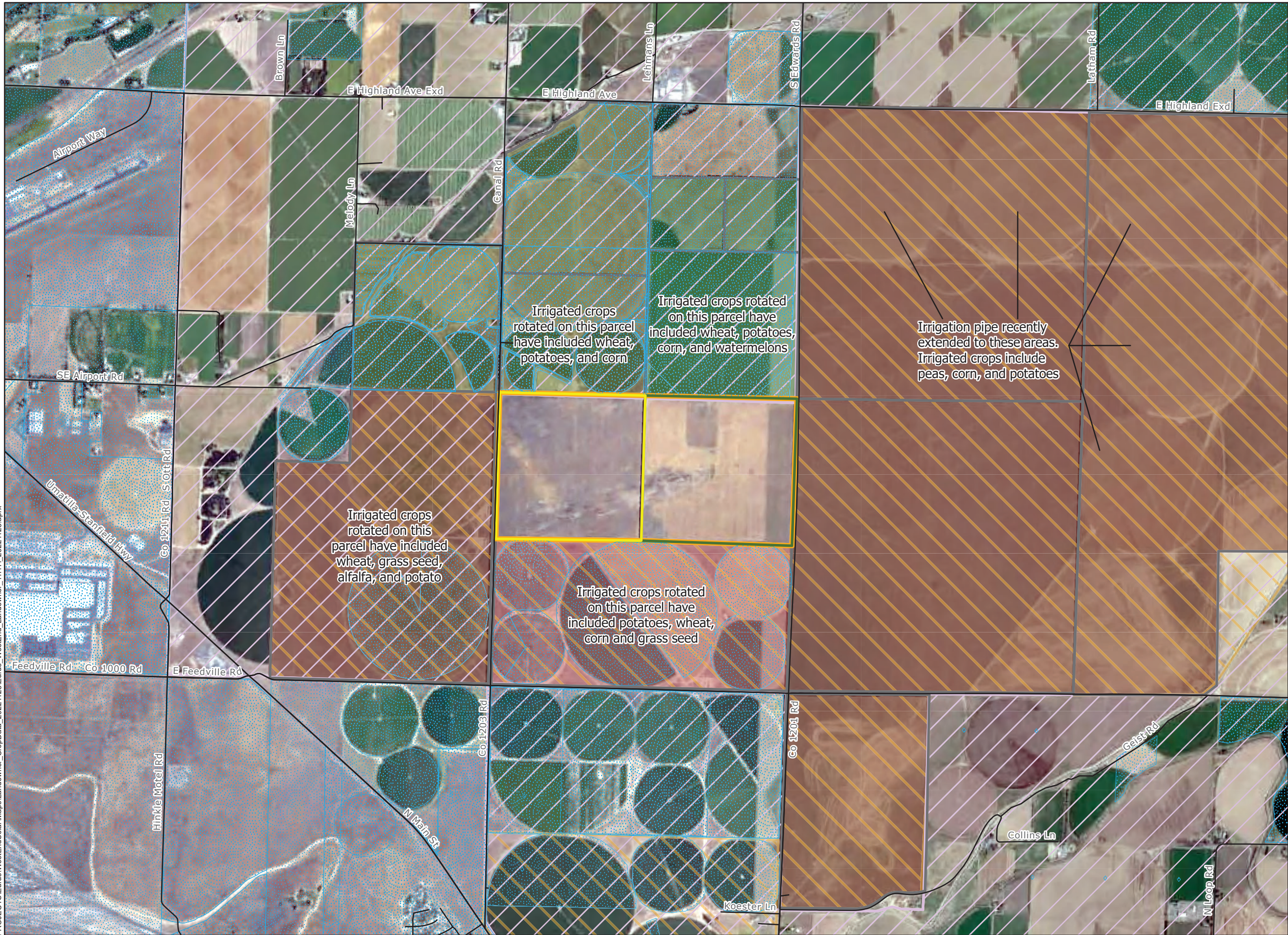
Printed Name: ARTHUR PRICE

# West End Solar Project

## Figure K-9 Adjacent Land Uses

UMATILLA COUNTY, OR

-  Proposed Site Boundary
-  Tract 1
-  Tract 2
-  Local Roads
-  Taxlot
-  East Improvement District (Irrigation District)
-  Stanfield Irrigation District
-  Place of Use Groundwater Irrigation Water Rights
-  Stanfield Hutterian Brethren Properties
-  Walchli Farm Properties
-  Windblown Ranch Properties
-  Windy River Properties




P:\GIS\PROJECTS\Eurus\WestEndSolar\Maps\Landowner\_CropData\_20221128\Eurus\_WestEnd\_Landowner\_11171\_20221128.aprx

**Attachment 3. Copy of the legal recording of the Landowner's Notice of East Improvement District.**

**RECORDING COVER SHEET**

(Please print or type)

State of Oregon  
County of Umatilla



Instrument received  
and recorded on  
02/01/2019 11:38:00 AM  
in the record of instrument  
code type DE-INC

Instrument number 2019-6820128  
\$761.00  
Office of County Records

*John Churchill*  
Records Officer P13

**After recording return to:** ORS 205.234(1)(c)

JOSEPH H. HOBSON, JR  
SCHWABE WILLIAMSON & WYATT  
530 CENTER STREET NE, SUITE 730  
SALEM, OR 97301

*This space is  
Reserved*

**1. Title(s) of the transaction(s)** ORS 205.234(1)(a)

LANDOWNERS' NOTICE OF EAST IMPROVEMENT DISTRICT ORS 554.190

**2. Direct party(ies) / grantor(s)** ORS 205.234(1)(b)

ARTHUR PRIOR  
PLEASE SEE ATTACHED PAGE TO THIS RECORDING COVER SHEET

**3. Indirect party(ies) / grantee(s) Trust Deed / Mortgage Assignee Address** ORS 205.234(1)(b)&(g)

EAST IMPROVEMENT DISTRICT, a public corporation formed under ORS Chapter 554

**4. True and actual consideration:**  
ORS 205.234(1) Amount in dollars or other

**\$ ZERO**

Other:

**5. Send tax statements to:** ORS 205.234(1)(e)

NO CHANGE

**6. Satisfaction of lien, order, or warrant:**

ORS 205.234(1)(f)

FULL

PARTIAL

**7. The amount of the monetary obligation imposed  
by the lien, order, or warrant:** ORS 205.234(1)(f)  
**\$N/A**

**8. Previously recorded document reference:** N/A

**9. If this instrument is being re-recorded complete the following statement:** ORS 205.244(2)

"Rerecorded at the request of N/A

to correct N/A

previously recorded in book N/A and page N/A, or as fee number N/A"

Print Form

Reset Form



**ATTACHMENT TO RECORDING COVER SHEET:**

**2. Direct Party(ies) / grantors(s)**

Rupp Ranches, an Oregon Partnership

Randy Rupp aka Randall Rupp aka Randy F. Rupp

Randy Rupp and Luz Rupp

Michael G. Thorne, Trustee, Michael and Jill Thorne Revocable Trust #1

Jill A. Thorne, Trustee, Michael and Jill Thorne Revocable Trust #2

Todd M. Thorne

Patti J. Thorne

Clifford C. Bracher and Judith K. Bracher

Randolph Bracher and Charene Bracher

Cold Springs Canyon, LLC, an Oregon limited liability company

Royale Columbia Farms, Inc, an Oregon corporation

Hawman Properties, LLC, an Oregon limited liability company

JB Land, LLC, an Oregon limited liability company

JPD Land Company, LLC, an Oregon limited liability company

Windblown Ranch, Inc. aka Wind Blown Ranch, Inc., an Oregon domestic corporation

Windy River, LLC, an Oregon limited liability company

Brian & Duane, LLC, an Oregon limited liability company

Ditchen Land Company, LLC, an Oregon limited liability company

St. Hilaire Brothers Hermiston Farm, LLC, an Oregon limited liability company

Farmland Reserve, Inc., a Utah non-profit corporation

Recording Requested by:  
JOSEPH H. HOBSON, JR.  
SCHWABE WILLIAMSON & WYATT  
530 CENTER STREET NE, STE 730  
SALEM, OR 97301

After Recording Return to:  
JOSEPH H. HOBSON, JR.  
SCHWABE WILLIAMSON & WYATT  
530 CENTER STREET NE, STE 730  
SALEM, OR 97301

---

**LANDOWNERS' NOTICE**  
**OF**  
**EAST IMPROVEMENT DISTRICT**

**Adopted December 4, 2018**

**TO WHOM IT MAY CONCERN:**

1. The owners of the Lands described in the attached "Exhibit A - Lands" give notice to whom it may concern that they have made the covenants contained in attached Exhibit 1 – Covenants By Landowners of East Improvement District.
2. The capitalized terms appearing in this Landowners' Notice are defined by the East Improvement District Rules and Regulations.
3. The owners of the Lands have incorporated themselves under the corporate name of "East Improvement District" by filing the Articles with the Office of the Secretary of State on July 19, 2016. The Oregon Secretary of State assigned State Registry Number 1234248-97 to the District. The Articles were also filed with the Umatilla County Office of County Records.

4. The District was formed as an Oregon District Improvement Nonprofit Corporation, organized under the provisions of ORS Chapter 554 as a Corporation for Use or Control of Water. The Articles provide that the District was formed for the general purpose of providing irrigation water to the Lands. The Articles also provide that the District was formed for the specific purposes of applying for water rights, designing and constructing a water system, securing funding, and carrying out other activities consistent with the general purpose and as provided in ORS 554.350.
5. The Lands will be improved as described in the Articles.
6. The Lands are not uniformly benefited by the District Works. The Bylaws apportion benefits among the District Parcels.
7. The Lands described in the Articles shall be subject to the lien of assessments by the District for the Works and the improvement of the Lands.
8. The District shall record this Landowners' Notice incorporating the Covenants as provided in ORS 554.190 in Umatilla County Office of County Records. After recording, the Landowner's Notice shall be a covenant to the District, to its creditors, and among its Members, attaching to and running with the Lands.
9. As provided in ORS 554.170, neither this Landowners' Notice nor the Covenants may be altered, amended, modified or rescinded during the life of the District without the consent of Members representing or owning two-thirds of the Lands in the District and persons having an interest in such Lands and the District and its creditors if any there are. For purposes of such a vote the representative voting mechanism set forth in Article 6 of the Articles shall control.
10. This document may be executed in counterparts, each of which shall be considered an original and all of which together shall constitute one and the same document. The Secretary of the District is authorized and directed to assemble one document from all counterparts of that document for the purpose of filing or recording the document. Email transmission of any signed original document, and retransmission of any signed email transmission, will be the same as delivery of an original. At the request of the District the Members shall confirm email transmitted signatures by signing an original document.

*[Signature pages follow.]*

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 1A**

**RUPP RANCHES,  
an Oregon partnership**

By: RANDY RUPP AND LUZ RUPP

Its: Partner

By:   
\_\_\_\_\_


Randy Rupp

By:   
\_\_\_\_\_

Luz Rupp

By: RLT RANCHES, LLC

Its: Partner

By:   
\_\_\_\_\_

Randy Rupp

Its: Manager

By: RLA RANCHES, LLC

Its: Partner

By:   
\_\_\_\_\_

Randy Rupp

Its: Manager

*[Signatures continue on following page.]*

By: TYLER RUPP  
Its: Partner

By: \_\_\_\_\_  
Tyler Rupp

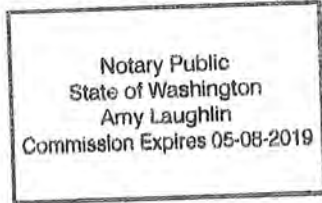
By: ANGELA RUPP  
Its: Partner

By:   
Angela Rupp

*[Notary Acknowledgments on following pages.]*

STATE OF Washington )  
OREGON )  
County of Benton ) : ss.

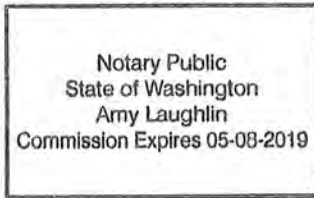
This Landowner's Notice was acknowledged before me on December 14, 2018 by RANDY RUPP and LUZ RUPP as PARTNER of RUPP RANCHES.



Amy Laughlin  
Notary Public  
Printed Name: Amy Laughlin  
My Commission Expires: 5/8/2019

STATE OF Washington )  
OREGON )  
County of Benton ) : ss.

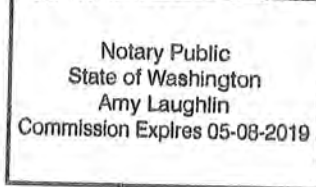
This Landowner's Notice was acknowledged before me on December 14, 2018 by RANDY RUPP as MANAGER of RLT RANCHES, LLC, PARTNER of RUPP RANCHES.



Amy Laughlin  
Notary Public  
Printed Name: Amy Laughlin  
My Commission Expires: 5/8/2019

STATE OF Washington )  
OREGON )  
County of Benton ) : ss.

This Landowner's Notice was acknowledged before me on December 14, 2018 by RANDY RUPP as MANAGER of RLA RANCHES, LLC, PARTNER of RUPP RANCHES.



Amy Laughlin  
Notary Public  
Printed Name: Amy Laughlin  
My Commission Expires: 5/8/2019

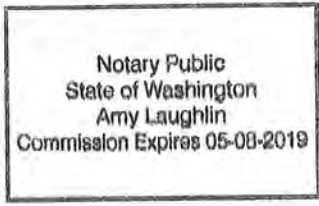
STATE OF OREGON )  
 : ss.  
County of \_\_\_\_\_)

This Landowner's Notice was acknowledged before me on \_\_\_\_\_, 2018  
by TYLER RUPP as PARTNER of RUPP RANCHES.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

*Washington*  
STATE OF ~~OREGON~~ )  
 : ss.  
County of *Benton* )


This Landowner's Notice was acknowledged before me on *December 14*, 2018  
by ANGELA RUPP as PARTNER of RUPP RANCHES.



*Amy Laughlin*  
\_\_\_\_\_  
Notary Public  
Printed Name: *Amy Laughlin*  
My Commission Expires: *5/8/2019*

By: TYLER RUPP

Its: Partner

By:  \_\_\_\_\_  
Tyler Rupp

By: ANGELA RUPP

Its: Partner

By: \_\_\_\_\_  
Angela Rupp

*[Notary Acknowledgments on following pages.]*



STATE OF Idaho )  
OREGON )  
: ss.  
County of Idaho )

This Landowner's Notice was acknowledged before me on January 2, 2018<sup>9</sup>  
by TYLER RUPP as PARTNER of RUPP RANCHES.



Jess Adams  
\_\_\_\_\_  
Notary Public  
Printed Name: Jessica Adams  
My Commission Expires: Aug 30, 2024  
Grangerville, Id

STATE OF OREGON )  
 )  
: ss.  
County of \_\_\_\_\_ )

This Landowner's Notice was acknowledged before me on \_\_\_\_\_, 2018  
by ANGELA RUPP as PARTNER of RUPP RANCHES.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 1B**

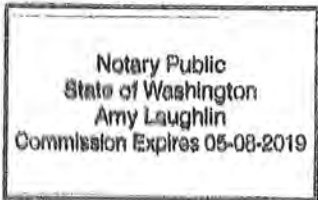
**RANDY RUPP aka RANDALL RUPP aka RANDY F. RUPP**

*[Handwritten signature of Randall F. Rupp]*

\_\_\_\_\_  
Randall F. Rupp

STATE OF ~~OREGON~~ Washington )  
County of Benton ) : ss.

This Landowner's Notice was acknowledged before me on December 14, 2018 by RANDY RUPP, aka, RANDALL RUPP, aka RANDY F. RUPP.



Amy Laughlin  
Notary Public  
Printed Name: Amy Laughlin  
My Commission Expires: 5/8/2019

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 1C**

**RANDY RUPP and LUZ RUPP**

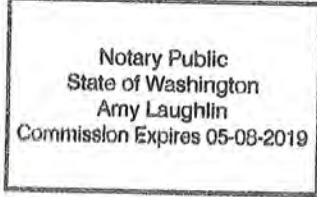
  
\_\_\_\_\_  
Randy Rupp

  
\_\_\_\_\_  
Luz Rupp

*[Notary Acknowledgments on following page.]*

STATE OF Washington )  
OREGON )  
County of Benton ) : ss.

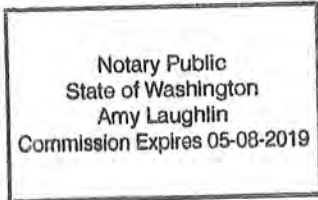
This Landowner's Notice was acknowledged before me on December 14, 2018 by RANDY RUPP.



Amy Laughlin  
Notary Public  
Printed Name: Amy Laughlin  
My Commission Expires: 5/8/2019

STATE OF Washington )  
OREGON )  
County of Benton ) : ss.

This Landowner's Notice was acknowledged before me on December 14, 2018 by LUZ RUPP.



Amy Laughlin  
Notary Public  
Printed Name: Amy Laughlin  
My Commission Expires: 5/8/2019

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 1D**  
**MICHAEL AND JILL THORNE REVOCABLE TRUST #1**

By: \_\_\_\_\_  
Michael G. Thorne, Trustee

**MICHAEL AND JILL THORNE REVOCABLE TRUST #2**

By: \_\_\_\_\_  
Jill A. Thorne, Trustee

**TODD M. THORNE**

  
\_\_\_\_\_  
Todd M. Thorne

**PATTI J. THORNE**

  
\_\_\_\_\_  
Patti J. Thorne

*[Notary Acknowledgments on following pages.]*

STATE OF OREGON )  
 : ss.  
County of \_\_\_\_\_)

This Landowner's Notice was acknowledged before me on \_\_\_\_\_, 2018  
by MICHAEL G. THORNE as TRUSTEE of the MICHAEL AND JILL THORNE REVOCABLE TRUST #1.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON )  
 : ss.  
County of \_\_\_\_\_)

This Landowner's Notice was acknowledged before me on \_\_\_\_\_, 2018  
by JILL THORNE as TRUSTEE of the MICHAEL AND JILL THORNE REVOCABLE TRUST #2.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON )  
 : ss.  
County of UMATILLA )

This Landowner's Notice was acknowledged before me on December 21<sup>st</sup>, 2018  
by TODD M. THORNE.

Trina N. Wicklander  
\_\_\_\_\_  
Notary Public  
Printed Name: TRINA N. WICKLANDER  
My Commission Expires: NOV. 30, 2019



STATE OF OREGON )  
 : SS.  
County of UMATILLA )

This Landowner's Notice was acknowledged before me on December 21<sup>st</sup>, 2018  
by PATTI J. THORNE.



Trina N. Wicklander  
Notary Public  
Printed Name: TRINA N. WICKLANDER  
My Commission Expires: NOV. 30, 2019

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 1D**

**MICHAEL AND JILL THORNE REVOCABLE TRUST #1**

By: *Michael G. Thorne, Trustee*  
Michael G. Thorne, Trustee

**MICHAEL AND JILL THORNE REVOCABLE TRUST #2**

By: *Jill A. Thorne, Trustee*  
Jill A. Thorne, Trustee

**TODD M. THORNE**

\_\_\_\_\_  
Todd M. Thorne

**PATTI J. THORNE**

\_\_\_\_\_  
Patti J. Thorne

*[Notary Acknowledgments on following pages.]*



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Diego )  
On 12-21-18 before me, Katherine A King Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Michael & Thorne, Jill A Thorne  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Lendowners Notice of E Improvement District  
Document Date: 12/14/18 Number of Pages: 122  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

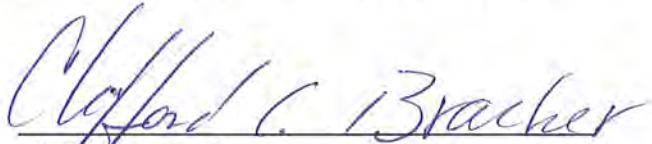
Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

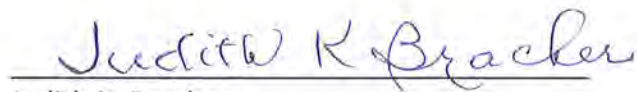
Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 2A**

**CLIFFORD C. BRACHER and JUDITH K. BRACHER**

  
Clifford C. Bracher

  
Judith K. Bracher

*[Notary Acknowledgments on following page.]*

STATE OF OREGON )  
 : SS.  
County of Umatilla )

This Landowner's Notice was acknowledged before me on December 12, 2018  
by CLIFFORD C. BRACHER.



Cara J. Hosley  
Notary Public  
Printed Name: Cara J. Hosley  
My Commission Expires: July 24, 2022

STATE OF OREGON )  
 : SS.  
County of Umatilla )

This Landowner's Notice was acknowledged before me on December 12, 2018  
by JUDITH K. BRACHER.



Cara J. Hosley  
Notary Public  
Printed Name: Cara J. Hosley  
My Commission Expires: July 24, 2022

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 2B**

**RANDOLPH BRACHER and CHARENE BRACHER**



\_\_\_\_\_

Randolph Bracher



\_\_\_\_\_

Charene Bracher

*[Notary Acknowledgments on following page.]*

STATE OF OREGON )  
 : ss.  
County of Umatilla

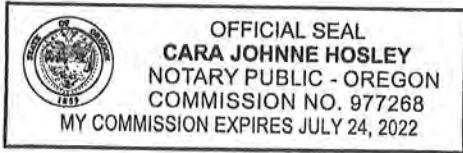
This Landowner's Notice was acknowledged before me on December 12, 2018  
by RANDOLPH BRACHER.



Cara J. Hosley  
Notary Public  
Printed Name: Cara J. Hosley  
My Commission Expires: July 24, 2022

STATE OF OREGON )  
 : ss.  
County of Umatilla

This Landowner's Notice was acknowledged before me on December 12, 2018  
by CHARENE BRACHER.

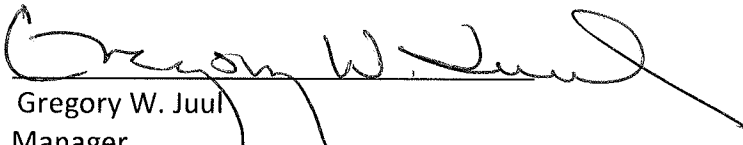


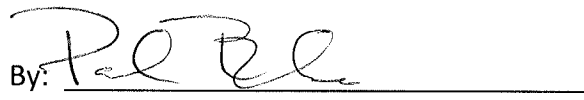
Cara J. Hosley  
Notary Public  
Printed Name: Cara J. Hosley  
My Commission Expires: July 24, 2022

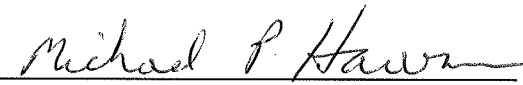
IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 2C**

**COLD SPRINGS CANYON, LLC,  
An Oregon limited liability company**

By:   
Gregory W. Juul  
Its: Manager

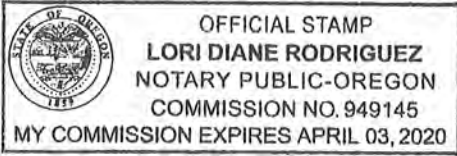
By:   
Paul Bracher  
Its: Manager

By:   
Michael P. Hawman  
Its: Manager

*[Notary Acknowledgments on following pages.]*

STATE OF OREGON )  
 : ss.  
County of Umatilla )

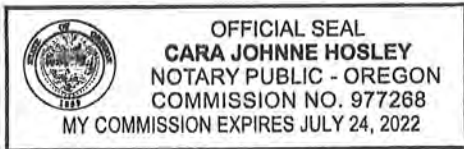
This Landowner's Notice was acknowledged before me on Dec 6, 2018  
by GREGORY W. JUUL as MANAGER of COLD SPRINGS CANYON, LLC.



Lori Diane Rodriguez  
Notary Public  
Printed Name: LORI DIANE RODRIGUEZ  
My Commission Expires: Apr 3, 2020

STATE OF OREGON )  
 : ss.  
County of Umatilla )

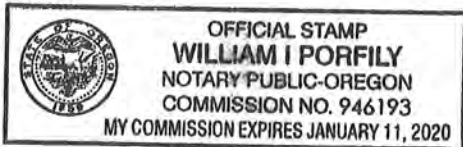
This Landowner's Notice was acknowledged before me on December 12, 2018  
by PAUL BRACHER as MANAGER of COLD SPRINGS CANYON, LLC.



Cara Johnne Hosley  
Notary Public  
Printed Name: Cara J. Hosley  
My Commission Expires: July 24, 2022

STATE OF OREGON )  
 : ss.  
County of Umatilla )

This Landowner's Notice was acknowledged before me on 12-13, 2018  
by MICHAEL P. HAWMAN as MANAGER of COLD SPRINGS CANYON, LLC.

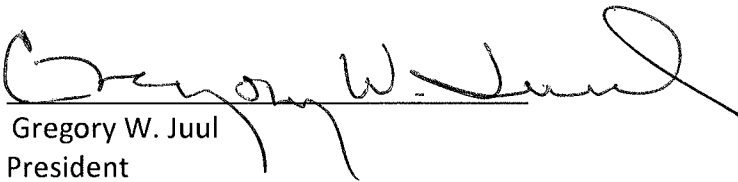


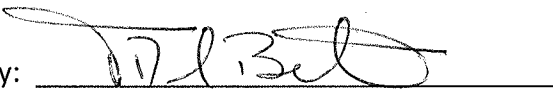
William I. Porfily  
Notary Public  
Printed Name: William I Porfily  
My Commission Expires: Jan 11, 2020

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 2D**

**ROYALE COLUMBIA FARMS, INC.,**  
**An Oregon corporation**

By:   
Gregory W. Juul  
Its: President

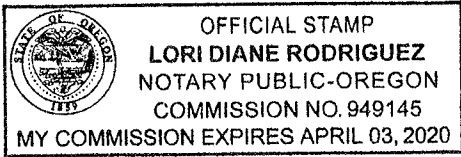
By:   
Troy A. Betz  
Its: Secretary

*[Notary Acknowledgments on following page.]*



STATE OF OREGON )  
 : ss.  
County of Umatilla )

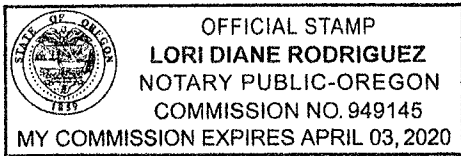
This Landowner's Notice was acknowledged before me on Dec 6, 2018 by  
GREGORY W. JUUL as PRESIDENT of ROYALE COLUMBIA FARMS, INC.



Lori Diane Rodriguez  
Notary Public  
Printed Name: LORI DIANE RODRIGUEZ  
My Commission Expires: Apr 3, 2020

STATE OF OREGON )  
 : ss.  
County of Umatilla )

This Landowner's Notice was acknowledged before me on Dec 6, 2018  
by TROY A. BETZ as SECRETARY of ROYALE COLUMBIA FARMS, INC.



Lori Diane Rodriguez  
Notary Public  
Printed Name: LORI DIANE RODRIGUEZ  
My Commission Expires: Apr 3, 2020

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 2E**

**HAWMAN PROPERTIES, LLC,  
An Oregon limited liability company**

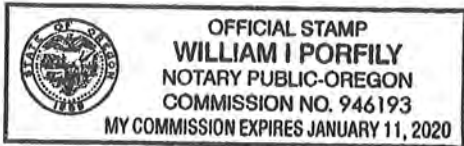
By: Michael P. Hawman  
Michael P. Hawman  
Its: Manager

By: Grace A. Hawman  
Grace A. Hawman  
Its: Manager

*[Notary Acknowledgments on following page.]*

STATE OF OREGON )  
 : ss.  
County of Umatilla )

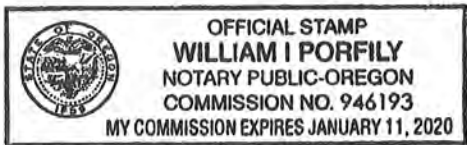
This Landowner's Notice was acknowledged before me on 12-13, 2018  
by MICHAEL P. HAWMAN as MANAGER of HAWMAN PROPERTIES, LLC.



William I Porfily  
Notary Public  
Printed Name: William I Porfily  
My Commission Expires: JAN 11, 2020

STATE OF OREGON )  
 : ss.  
County of Umatilla )

This Landowner's Notice was acknowledged before me on 12-13, 2018  
by GRACE A. HAWMAN as MANAGER of HAWMAN PROPERTIES, LLC.

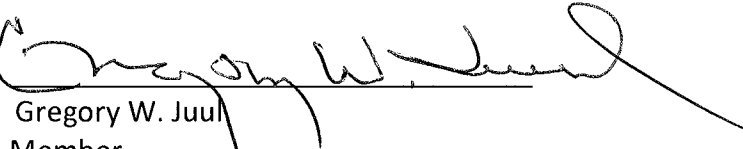


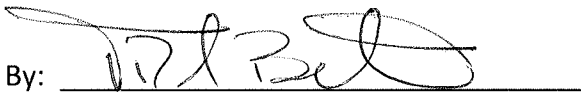
William I Porfily  
Notary Public  
Printed Name: William I Porfily  
My Commission Expires: JAN 11, 2020

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 2F**

**JB LAND, LLC,**  
**An Oregon limited liability company**

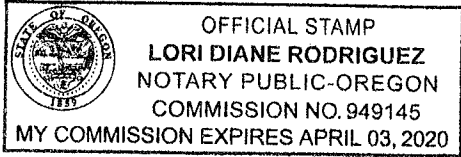
By:   
Gregory W. Juul  
Its: Member

By:   
Troy A. Betz  
Its: Member

*[Notary Acknowledgments on following page.]*

STATE OF OREGON )  
 : ss.  
County of Umatilla )

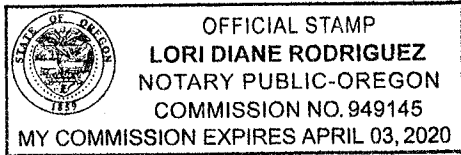
This Landowner's Notice was acknowledged before me on Dec 6, 2018  
by GREGORY W. JUUL as MEMBER of JB LAND, LLC.



Lori Diane Rodriguez  
Notary Public  
Printed Name: LORI DIANE RODRIGUEZ  
My Commission Expires: Apr 3, 2020

STATE OF OREGON )  
 : ss.  
County of Umatilla )

This Landowner's Notice was acknowledged before me on Dec 6, 2018  
by TROY A. BETZ as MEMBER of JB LAND, LLC.



Lori Diane Rodriguez  
Notary Public  
Printed Name: LORI DIANE RODRIGUEZ  
My Commission Expires: Apr 3, 2020

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 2G**

**JPD LAND COMPANY, LLC,  
An Oregon limited liability company**

By: Char Bracher  
Char Bracher

Its: Member  
By: Randy Bracher  
Randy Bracher

Its: Member  
By: Judith Bracher  
Judith Bracher

Its: Member  
By: Friday Bracher  
Friday Bracher

Its: Member  
By: Paul Bracher  
Paul Bracher

Its: Member  
By: Clifford Bracher  
Clifford Bracher

Its: Member

*[Notary Acknowledgments on following pages.]*

STATE OF OREGON )

County of Umatilla : ss.

This Landowner's Notice was acknowledged before me on December 12, 2018  
by CHAR BRACHER as MEMBER of JPD LAND COMPANY, LLC.



Cara J. Hosley  
Notary Public  
Printed Name: CARA J. Hosley  
My Commission Expires: July 24, 2022

STATE OF OREGON )

County of Umatilla : ss.

This Landowner's Notice was acknowledged before me on December 12, 2018  
by RANDY BRACHER as MEMBER of JPD LAND COMPANY, LLC.

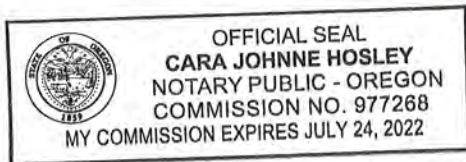


Cara J. Hosley  
Notary Public  
Printed Name: CARA J. Hosley  
My Commission Expires: July 24, 2022

STATE OF OREGON )

County of Umatilla : ss.

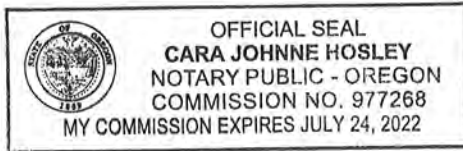
This Landowner's Notice was acknowledged before me on December 12, 2018  
by JUDITH BRACHER as MEMBER of JPD LAND COMPANY, LLC.



Cara J. Hosley  
Notary Public  
Printed Name: CARA J. Hosley  
My Commission Expires: July 24, 2022

STATE OF OREGON )  
 : ss.  
County of Umatilla)

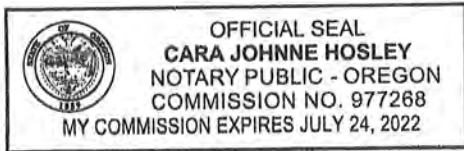
This Landowner's Notice was acknowledged before me on December 12, 2018  
by FRIDAY BRACHER as MEMBER of JPD LAND COMPANY, LLC.



Cara J. Hosley  
Notary Public  
Printed Name: Cara J. Hosley  
My Commission Expires: July 24, 2022

STATE OF OREGON )  
 : ss.  
County of Umatilla)

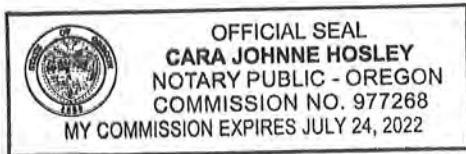
This Landowner's Notice was acknowledged before me on December 12, 2018  
by PAUL BRACHER as MEMBER of JPD LAND COMPANY, LLC.



Cara J. Hosley  
Notary Public  
Printed Name: Cara J. Hosley  
My Commission Expires: July 24, 2022

STATE OF OREGON )  
 : ss.  
County of Umatilla)

This Landowner's Notice was acknowledged before me on December 12, 2018  
by CLIFFORD BRACHER as MEMBER of JPD LAND COMPANY, LLC.



Cara J. Hosley  
Notary Public  
Printed Name: Cara J. Hosley  
My Commission Expires: July 24, 2022



IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 3A**

**ARTHUR PRIOR**

Arthur Prior

STATE OF OREGON            )  
  : ss.  
County of Lumatilla    )

This Landowner's Notice was acknowledged before me on December 24th, 2018 by ARTHUR PRIOR.

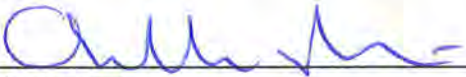


Kina Garrett  
Notary Public  
Printed Name: Kina Garrett  
My Commission Expires: 2-21-21

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 3B**

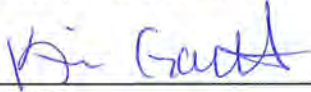
**WINDBLOWN RANCH, INC. aka WIND BLOWN RANCH, INC.,  
An Oregon domestic corporation**

By:   
Arthur Prior  
Its: President

STATE OF OREGON                    )  
  : ss.  
County of Linn                    )

This Landowner's Notice was acknowledged before me on December 24<sup>th</sup> 2018 by ARTHUR PRIOR as PRESIDENT of WINDBLOWN RANCH, INC. aka WIND BLOWN RANCH, INC.



  
Notary Public  
Printed Name: Kina Garrett  
My Commission Expires: 2-21-21

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

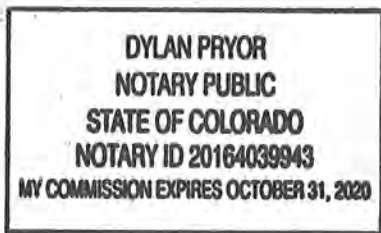
**EAST IMPROVEMENT DISTRICT MEMBER NO. 4A**

**WINDY RIVER, LLC,  
An Oregon limited liability company**

By: Carrie Burns  
Carrie Burns  
Its: Authorized Signatory

*Colorado*  
STATE OF OREGON )  
: ss.  
County of Arapahoe )

This Landowner's Notice was acknowledged before me on December 26, 2018 by CARRIE BURNS as AUTHORIZED SIGNATORY of WINDY RIVER, LLC.




Dylan Pryor  
Notary Public  
Printed Name: Dylan Pryor  
My Commission Expires: 10-31-20

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 5A**

**BRIAN & DUANE, LLC,  
An Oregon limited liability company**

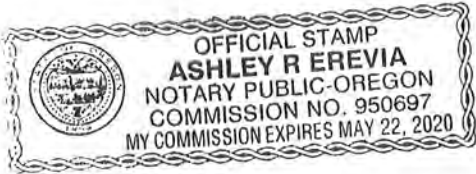
By:   
Darrin Ditchen  
Its: Member

By: \_\_\_\_\_  
Duane Ditchen  
Its: Member

*[Notary Acknowledgments on following page.]*

STATE OF OREGON )  
 : ss.  
County of Umatilla )

This Landowner's Notice was acknowledged before me on December 27th, 2018  
by DARRIN DITCHEN as MEMBER of BRIAN & DUANE, LLC.



Ashley Erevia  
Notary Public  
Printed Name: Ashley Erevia  
My Commission Expires: 5/22/20

STATE OF OREGON )  
 : ss.  
County of \_\_\_\_\_ )

This Landowner's Notice was acknowledged before me on \_\_\_\_\_, 2018  
by DUANE DITCHEN as MEMBER of BRIAN & DUANE, LLC.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 5A**

**BRIAN & DUANE, LLC,  
An Oregon limited liability company**

By: \_\_\_\_\_  
Darrin Ditchen

Its: Member

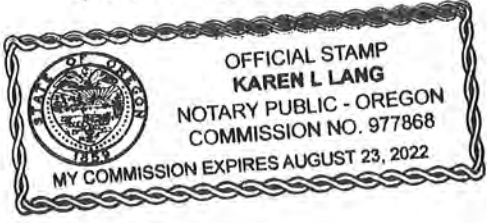
By:   
Duane Ditchen

Its: Member

*[Notary Acknowledgments on following page.]*

STATE OF OREGON )  
 : ss.  
County of Marion )

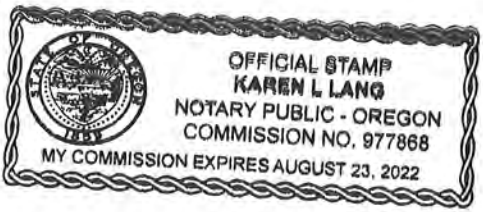
This Landowner's Notice was acknowledged before me on Dec 28th, 2018  
by DARRIN DITCHEN as MEMBER of BRIAN & DUANE, LLC.



Karen L Lang  
Notary Public  
Printed Name: Karen L Lang  
My Commission Expires: Aug 23, 2022

STATE OF OREGON )  
 : ss.  
County of Marion )

This Landowner's Notice was acknowledged before me on Dec 20th, 2018  
by DUANE DITCHEN as MEMBER of BRIAN & DUANE, LLC.




Karen L Lang  
Notary Public  
Printed Name: Karen L Lang  
My Commission Expires: Aug 23, 2022

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 5B**

**DITCHEN LAND COMPANY, LLC,  
An Oregon limited liability company**

By:   
Eldon D. Ditchen  
Its: Manager

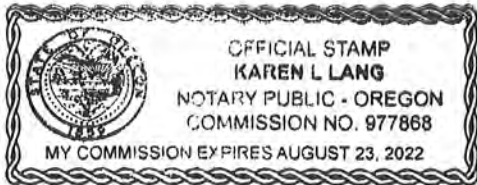
By:   
David L. Ditchen  
Its: Manager

*[Notary Acknowledgments on following page.]*



STATE OF OREGON )  
 : ss.  
County of Marion )

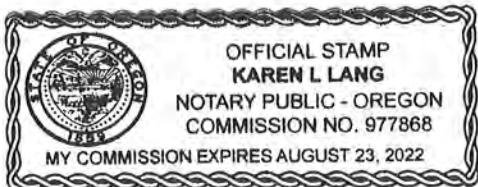
This Landowner's Notice was acknowledged before me on Dec 28th, 2018  
by ELDON D. DITCHEN as MANAGER of DITCHEN LAND COMPANY, LLC.



Karen L Lang  
Notary Public  
Printed Name: Karen L Lang  
My Commission Expires: Aug 23, 2022

STATE OF OREGON )  
 : ss.  
County of Marion )

This Landowner's Notice was acknowledged before me on Dec 20th, 2018  
by DAVID L. DITCHEN as MANAGER of DITCHEN LAND COMPANY, LLC.



Karen L Lang  
Notary Public  
Printed Name: Karen L Lang  
My Commission Expires: Aug 23, 2022

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 6A**

**ST. HILAIRE BROTHERS HERMISTON FARM, LLC,  
An Oregon limited liability company**

By: [Handwritten Signature]  
Carl St. Hilaire  
Its: Manager

STATE OF OREGON             )  
  : ss.  
County of Umatilla         )

This Landowner's Notice was acknowledged before me on December 4, 2018 by CARL ST. HILAIRE as MANAGER of ST. HILAIRE BROTHERS HERMISTON FARM, LLC.



Lori Diane Rodriguez  
Notary Public  
Printed Name: LORI DIANE RODRIGUEZ  
My Commission Expires: Apr 3, 2020

IN WITNESS WHEREOF the parties hereto have executed this Landowner's Notice as of the date first written above.

**EAST IMPROVEMENT DISTRICT MEMBER NO. 7A**

**FARMLAND RESERVE, INC.,  
A Utah non-profit corporation**

By: Don M. Sleight  
Don M. Sleight  
Its: Chief Executive Officer

By: Paul L. Allen  
Paul L. Allen  
Its: Secretary

[Notary Acknowledgments on following page.]

*P*  
12/20/2018

STATE OF Utah )  
 : ss.  
County of Salt Lake )

This Landowner's Notice was acknowledged before me on December 21, 2018  
by DON M. SLEIGHT as CHIEF EXECUTIVE OFFICER of FARMLAND RESERVE, INC.



Diane Lunt  
Notary Public  
Printed Name: Diane Lunt  
My Commission Expires: 3/24/2020

STATE OF Utah )  
 : ss.  
County of Salt Lake )

This Landowner's Notice was acknowledged before me on December 21, 2018 by  
PAUL L. ALLEN as SECRETARY of FARMLAND RESERVE, INC.



Diane Lunt  
Notary Public  
Printed Name: Diane Lunt  
My Commission Expires: 3/24/2020

**EXHIBIT A – East Improvement District Member No. 1A**

Pioneer Title Company Order No.: **97975.1**

EID Member No. 1A

Fee Simple Owner: **Rupp Ranches**, an Oregon general partnership consisting of  
RANDY RUPP and LUZ RUPP (together as one partner)  
TYLER RUPP (partner)  
ANGELA RUPP (partner)  
RLT RANCHES, LLC, an Oregon limited liability company (partner)  
RLA RANCHES, LLC, an Oregon limited liability company (partner)

Umatilla County, Oregon

Tax Lots:

Code No. 1-4, Map No. 5N-31, Tax Lot 400, Serial No. 105760 (Tract 1)

Code No. 1-4, Map No. 5N-31, Tax Lot 500, Serial No. 105764 (Tract 2)

Code No. 1-4, Map No. 6N-31, Tax Lot 200, Serial No. 106231 (Tract 3)

Code No. 1-9, Map No. 6N-31, Tax Lot 200, Serial No. 166508 (Tract 3)

Code No. 8-6, Map No. 6N-31, Tax Lot 200, Serial No. 127866 (Tract 3)

Code No. 8-21, Map No. 6N-31, Tax Lot 200, Serial No. 166509 (Tract 3)

Code No. 8-6, Map No. 6N-31, Tax Lot 301, Serial No. 143780 (Tract 4)

Code No. 1-4, Map No. 6N-31, Tax Lot 400, Serial No. 106232 (Tract 5)

More particularly described as follows:

*[See attached legal descriptions.]*

## EXHIBIT A – East Improvement District Member No. 1A

### Tract 1

#### Township 5 North, Range 31, E.W.M.

- Section 2: Government Lot 4.  
Southwest Quarter of the Northwest Quarter.  
West Half of the Southwest Quarter.
- Section 3: Government Lots 1, 2 and 3.  
South Half of the Northeast Quarter.  
South Half.
- Section 4: East Half of the Southeast Quarter.
- Section 9: East Half of the Northeast Quarter.
- Section 10: North Half of the Northwest Quarter.  
Southwest Quarter of the Northwest Quarter.
- Section 10: All that portion of the Northwest Quarter of the Southwest Quarter  
lying Northerly of the County Road.

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

### Tract 2

#### Township 5 North, Range 31, E.W.M.

- Section 4: Southwest Quarter of the Northeast Quarter.  
Southeast Quarter of the Northwest Quarter.  
Northeast Quarter of the Southwest Quarter.  
West Half of the Southeast Quarter.
- Section 9: West Half of the Northeast Quarter.  
Southeast Quarter of the Northwest Quarter.

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

### Tract 3

#### Township 6 North, Range 31, E.W.M.

- Section 15: Government Lots 1, 2, 3 and 4.  
South Half of the South Half.
- Section 16: Government Lots 1, 2, 3, 4, 5, 6, 7 and 8.
- Section 17: Government Lots 1, 2, 5, 6, 7 and 8.
- Section 19: East Half of the Northeast Quarter.  
Southeast Quarter.
- Section 20: All.

EXHIBIT A – East Improvement District Member No. 1A

Tract 3 (continued)

Section 21: All.

Section 22: North Half.  
West Half of the Southwest Quarter.  
North Half of the Southeast Quarter.

Section 23: All.

Section 24: Government Lots 3, 4, 5, 6, 12 and 13.

Section 26: West Half.

Section 27: East Half of the East Half.  
West Half of the Northeast Quarter.  
Northwest Quarter.  
North Half of the Southwest Quarter.  
Southwest Quarter of of the Southwest Quarter.

Section 28: Government Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 16.

Section 29: Government Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15.

Section 30: East Half.  
East Half of the West Half.  
Government Lots 2, 3 and 4.

Section 31: Northeast Quarter.  
Northeast Quarter of the Northwest Quarter.  
Government Lot 1.

Section 32: Government Lots 3, 4, 5 and 8.

Section 33: Government Lots 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16.

Section 34: Northeast Quarter of the Northeast Quarter.  
South Half of the Northeast Quarter.  
Southeast Quarter of the Northwest Quarter.  
South Half.

Section 35: North Half of the Northwest Quarter.  
Southeast Quarter of the Northwest Quarter.  
Southwest Quarter of the Northeast Quarter.  
Southwest Quarter.

Section 35: North Half of the Southeast Quarter.

Excepting therefrom that portion lying Northerly of a road running through said North Half of the Southeast Quarter in a Northwesterly to Southeasterly direction.

Excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

**EXHIBIT A – East Improvement District Member No. 1A**

**Tract 4**

**Township 6 North, Range 31, E.W.M.**

Section 19: All that portion of Government Lots 1, 2, 4 and 5, and of the Southwest Quarter of the Northeast Quarter and of the East Half of the Southwest Quarter lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.

Section 30: All that portion of the Northwest Quarter of the Northwest Quarter (also known as Government Lot 1) lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.

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

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

**Tract 5**

**Township 6 North, Range 31, E.W.M.**

Section 22: East Half of the Southwest Quarter.  
South Half of the Southeast Quarter.

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



**EXHIBIT A – East Improvement District Member No. 1B**

Pioneer Title Company Order No.: **97975.2**

EID Member No. 1B

Fee Simple Owner: **Randy Rupp aka Randall Rupp aka Randy F.**

**Rupp** Umatilla County, Oregon

Tax Lots:

Code No. 8-5, Map No. 5N-29A, Tax Lot 100, Serial No. 126989 (Tract 1)

Code No. 8-5, Map No. 5N-29A, Tax Lot 200, Serial No. 126991 (Tract 1)

Code No. 8-5, Map No. 5N-29A, Tax Lot 300, Serial No. 126994 (Tract 1)

Code No. 8-5, Map No. 5N-29A, Tax Lot 401, Serial No. 126998 (Tract 1)

Code No. 8-5, Map No. 5N-29A, Tax Lot 702, Serial No. 127003 (Tract 1)

Code No. 8-5, Map No. 5N-29A, Tax Lot 400, Serial No. 126996 (Tract 2)

Code No. 8-6, Map No. 5N-29D, Tax Lot 100, Serial No. 127590 (Tract 3)

Code No. 8-2, Map No. 5N-30, Tax Lot 102, Serial No. 130869 (Tract 4)

Code No. 8-6, Map No. 5N-30, Tax Lot 103, Serial No. 127721 (Tract 5)

Code No. 8-6, Map No. 5N-30, Tax Lot 101, Serial No. 135890 (Tract 6)

Code No. 8-6, Map No. 5N-30, Tax Lot 204, Serial No. 144718 (Tract 7)

Code No. 8-6, Map No. 5N-30, Tax Lot 203, Serial No. 144717 (Tract 8)

Code No. 8-6, Map No. 5N-30, Tax Lot 201, Serial No. 144715 (Tract 9)

Code No. 8-6, Map No. 5N-30, Tax Lot 202, Serial No. 144716 (Tract 10)

Code No. 8-6, Map No. 5N-30, Tax Lot 300, Serial No. 127790 (Tract 11)

Code No. 8-6, Map No. 5N-30, Tax Lot 105, Serial No. 127725 (Tract 12)

Code No. 8-2, Map No. 5N-30, Tax Lot 104, Serial No. 130870 (Tract 13)

**EXHIBIT A – East Improvement District Member No. 1B**

Code No. 8-6, Map No. 5N-30, Tax Lot 900, Serial No. 127794 (Tract 14)

Code No. 8-6, Map No. 6N-30, Tax Lot 202, Serial No. 143776 (Tract 15)

Code No. 8-2, Map No. 5N-30, Tax Lot 100, Serial No. 130868 (Tract 16)

Code No. 8-2, Map No. 5N-30, Tax Lot 700, Serial No. 135563 (Tract 17)

Code No. 1-4, Map No. 5N-31, Tax Lot 600, Serial No. 105766 (Tract 18)

Code No. 1-4, Map No. 5N-31, Tax Lot 790, Serial No. 105770 (Tract 19)

Code No. 8-20, Map No. 5N-31, Tax Lot 790, Serial No. 130896 (Tract 19)

Code No. 8-20, Map No. 5N-31, Tax Lot 900, Serial No. 130897 (Tract 20)

Code No. 1-4, Map No. 5N-31, Tax Lot 1200, Serial No. 105773 (Tract 21)

Code No. 1-4, Map No. 5N-31, Tax Lot 1300, Serial No. 105775 (Tract 22)

Code No. 8-6, Map No. 6N-30, Tax Lot 205, Serial No. 143779 (Tract 23)

Code No. 8-6, Map No. 6N-30, Tax Lot 100, Serial No. 127861 (Tract 24)

Code No. 8-6, Map No. 6N-30, Tax Lot 206, Serial No. 147760 (Tract 25)

Code No. 8-6, Map No. 6N-30, Tax Lot 203, Serial No. 143777 (Tract 26)

Code No. 8-6, Map No. 6N-30, Tax Lot 300, Serial No. 127864 (Tract 27)

Code No. 8-6, Map No. 6N-30, Tax Lot 204, Serial No. 143778 (Tract 28)

More particularly described as follows:

*[See attached legal descriptions.]*

**EXHIBIT A – East Improvement District Member No. 1B**

**Tract 1**

**Township 5 North, Range 29, E.W.M.**

Section 12: All that part of Government Lot 5, lying Southerly of the right-of-way of the Oregon-Washington Railroad and Navigation Company, as the same existed on March 18, 1898.

Section 13: All that portion of said Section 13 lying South of the old location of the Oregon-Washington Railroad & Navigation Company's right-of-way.

Section 12: Beginning at the quarter section corner lying on the West line of and 13 : Section 13; thence North  $01^{\circ}59'08''$  West, along said West line, a distance of 1,195.83 feet to the centerline of the right-of-way of the railroad of the Oregon-Washington Railroad and Navigation Company (U.P.R.R.Co.) as the same existed over and across said Section 12 and 13 prior to November 1, 1949; thence North  $75^{\circ}46'30''$  East along said centerline, a distance of 809.89 feet; thence North  $14^{\circ}13'30''$  West, a distance of 200.00 feet to the True Point of Beginning for this description; thence by the following courses and distances:

North  $14^{\circ}13'30''$  West, a distance of 348.78 feet; thence North  $62^{\circ}49'44''$  East, a distance of 861.36 feet; thence North  $32^{\circ}54'19''$  East, a distance of 101.24 feet; thence North  $73^{\circ}35'13''$  East, a distance of 1,093.56 feet; thence South  $43^{\circ}41'35''$  East, a distance of 372.03 feet; thence North  $70^{\circ}19'16''$  East, a distance of 772.09 feet; thence South  $82^{\circ}21'35''$  East, a distance of 165 feet, more or less

to the Northerly and right-of-way line of said Railroad; thence Southwesterly along said Northerly right-of-way line to the point of beginning.

Section 13: A strip of land lying in the West Half of the Northwest Quarter, described as beginning at a point lying on the West line of Section 13, which point lies 50 feet Southerly of the centerline of the main line of the Oregon-Washington Railroad & Navigation Company's railroad, as the same existed on March 18, 1898; thence Southerly along said West line of Section 13, a distance of 259 feet; thence North  $76^{\circ}08'00''$  East, a distance of 1,046.5 feet; thence North  $13^{\circ}52'00''$  West, a distance of 250 feet; thence South  $76^{\circ}08'00''$  West to the West line of Section 13 and the point of beginning.

## EXHIBIT A – East Improvement District Member No. 1B

### Tract 1 (continued)

Section 13: A portion of the Pendleton-Cold Springs Highway, located in the Southeast Quarter of the Northeast Quarter of Section 13, as it existed in 1952, the said parcel being that portion of said highway lying Southeasterly of the Union Pacific Railroad Company right-of-way; Northwesterly of that property described in that deed to Royale Columbia Associates, recorded in Microfilm R-76, Page 1226, Office of Umatilla County Records; and Northerly of the following described line:

Beginning at a point opposite and 75.00 feet Northerly of Engineer's Station 60+00.00 on the centerline of the relocated Pendleton-Cold Springs Highway; thence Easterly parallel with said centerline to a point opposite Engineer's Station 80+28.05 on said centerline; thence Southeasterly in a straight line to a point opposite and 60.00 feet Northeasterly of Engineer's Station 89+08.60 on said centerline; thence Southeasterly parallel with said centerline to a point opposite Engineer's Station 99+60.76 on said centerline, which centerline is described as follows:

Beginning at Engineer's centerline Station 60+00.00, said station being 2,780.78 feet North and 7,107.05 feet West of the Southeast corner of Section 18; thence North  $80^{\circ}15'00''$  East, a distance of 437.06 feet; thence on a spiral curve right (the long chord of which bears North  $83^{\circ}59'06''$  East, 499.14 feet) a distance of 500 feet; thence on a 1,273.24 foot radius curve right (the long chord of which bears South  $75^{\circ}12'10''$  East, 585.70 feet) a distance of 590.99 feet; thence on a spiral curve right (the long chord of which bears South  $54^{\circ}24'15''$  East, 499.74 feet) a distance of 500 feet; thence South  $50^{\circ}39'19''$  East, a distance of 880.55 feet; thence on a spiral curve left (the long chord of which bears South  $52^{\circ}44'18''$  East, 499.74 feet), a distance of 500 feet; thence on a 2,291.83 foot radius curve left (the long chord of which bears South  $57^{\circ}33'26''$  East, 52.15 feet) a distance of 52.16 feet; thence on a spiral curve left (the long chord of which bears South  $62^{\circ}22'34''$ , 499.74 feet) a distance of 500.00 feet; thence South  $64^{\circ}27'33''$  East, a distance of 5,003.07 feet to Engineer's centerline Station 149+63.83.

Excepting therefrom any portion of said Tract 1 located within the following:

That tract of land conveyed to Umatilla County by Deed recorded in Book 120, Page 56, Deed Records.

That tract of land described under condemnation for highway purposes in the case of "State of Oregon, Plaintiff, vs Enoch Pearson, etal, Defendants", wherein final judgment was made and dated March 22, 1933.

That tract of land for any and all railroad rights-of-way and station grounds conveyed to the Oregon Railroad & Navigation Company (now known as Oregon-Washington Railroad & Navigation Company) by Deed recorded in Book 27, Page 366, Deed Records.

That tract of land conveyed to the State of Oregon by Deed recorded in Book 214, Page 557, Deed Records.

## EXHIBIT A – East Improvement District Member No. 1B

### Tract 1 (continued)

That tract of land conveyed to the Oregon-Washington Railroad & Navigation Company by Deed recorded in Book 214, Page 576, Deed Records.

That tract of land contained under Final Judgment in Condemnation, Civil Case No. 6182 United States of America vs. R.W. Richmond, etal, recorded in Book 218, Page 417, Deed Records and under Civil Case No. 93-526MA vs. Lewis and Clark College, etal, recorded in Microfilm Reel 235, Page 265, Office of Umatilla County Records.

That tract land conveyed to the State of Oregon by deed recorded in Book 261, Page 372, Deed Records.

Any portion of the described lands lying within the Railroad, Highway and County Road right-of-ways.

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

### Tract 2

Township 5 North, Range 29, E.W.M.

Section 13: Southeast Quarter of the Southeast Quarter.

Excepting therefrom any portion lying within the Canal right-of-way.

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

### Tract 3

Township 5 North, Range 29, E.W.M.

Section 24: A tract of land being described as beginning at the Northeast corner of Section 24; thence Southwesterly in a straight line to the Southwest corner of said Section 24; thence North along the West line of said Section 24 to the Northwest corner thereof; thence East along the North line of said Section 24 to the point of beginning.

Excepting therefrom any portion lying within the Canal and Railroad rights-of-ways.

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

### Tract 4

Township 5 North, Range 30, E.W.M.

Section 2: All

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

## EXHIBIT A – East Improvement District Member No. 1B

### Tract 5

Township 5 North, Range 30, E.W.M.

Section 3: Northeast Quarter.  
East Half of the Northwest Quarter.  
Southwest Quarter of the Northwest Quarter.  
South Half.

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

### Tract 6

Township 5 North, Range 30, E.W.M.

Section 3: Northwest Quarter of the Northwest Quarter.

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

### Tract 7

Township 5 North, Range 30, E.W.M.

Section 4: All that portion of Government Lots 2, 3, 4 and 5 lying Southeasterly of the Southeasterly right-of-way line of the existing Oregon-Washington Railroad & Navigation Company.

Excepting therefrom any portion lying within the Railroad right-of-way.

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

### Tract 8

Township 5 North, Range 30, E.W.M.

Section 5: All that portion of the Southeast Quarter of the Southeast Quarter lying Southeasterly of the Southeasterly right-of-way line of the existing Oregon-Washington Railroad & Navigation Company.

Excepting therefrom any portion lying within the Railroad right-of-way.

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

### Tract 9

Township 5 North, Range 30, E.W.M.

Section 7: All that portion of the South Half lying Southeasterly of the Southeasterly right-of-way line of the existing Oregon-Washington Railroad & Navigation Company.

Excepting therefrom any portion lying within the Railroad right-of-way.

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

## EXHIBIT A – East Improvement District Member No. 1B

### Tract 10

Township 5 North, Range 30, E.W.M.

Section 8: All that portion of Northwest Quarter of the Northeast Quarter lying Southeasterly of the Southeasterly right-of-way line of the existing Oregon-Washington Railroad & Navigation Company.

Excepting therefrom any portion lying within the Railroad right-of-way.

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

### Tract 11

Township 5 North, Range 30, E.W.M.

Section 8: East Half of the Southwest Quarter.  
Southeast Quarter.

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

### Tract 12

Township 5 North, Range 30, E.W.M.

Section 9: All.

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

### Tract 13

Township 5 North, Range 30, E.W.M.

Section 10: North Half.

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

## EXHIBIT A – East Improvement District Member No. 1B

### Tract 14

#### Township 5 North, Range 30, E.W.M.

Section 18: South Half of the Northwest Quarter.

Section 18: One Half of the Northeast Quarter being that portion lying Northerly and Westerly of a diagonal line drawn from the Northeast corner to the Southwest corner of said Northeast Quarter.

Excepting therefrom that tract of land conveyed to the State of Oregon by Deed recorded in Microfilm Reel 212, Page 1723, Office of Umatilla County Records.

Section 18: One Half of the Southwest Quarter being that portion lying Northerly and Westerly of a diagonal line drawn from the Northeast corner to the Southwest corner of said Southwest Quarter.

Section 18: A portion of the Pendleton-Cold Springs Highway, located in the Southwest Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Section 18, as it existed in 1952, the said parcel being that portion of said Highway lying Southeasterly of the Union Pacific Railroad Company right-of-way; Northwesterly of that property described in that Deed to Royale Columbia Associates recorded in Microfilm Reel 76, Page 1226, Office of Umatilla County Records and Northerly of a line which is described as beginning at a point opposite and 75 feet Northerly of Engineer's Station 60+00.00 on the centerline of the relocated Pendleton-Cold Springs Highway; thence Easterly parallel with said centerline to a point opposite Engineer's Station 80+28.05 on said centerline; thence Southeasterly in a straight line to a point opposite and 60 feet Northeasterly of Engineer's Station 89+08.60 on said centerline; thence Southeasterly parallel with said centerline to a point opposite Engineer's Station 99+60.76 on said centerline, which centerline is described as follows:

Beginning at Engineer's centerline Station 60+00.00, said station being 2,780.78 feet North and 7,107.05 feet West of the Southeast corner of Section 18; thence North  $80^{\circ}15'00''$  East, a distance of 437.06 feet; thence on a spiral curve right (the long chord of which bears North  $83^{\circ}59'06''$  East, 499.14 feet) a distance of 500 feet; thence on a 1,273.24 foot radius curve right (the long chord which bears South  $75^{\circ}12'10''$  East, 585.70 feet) a distance of 590.99 feet; thence on a spiral curve right (the long chord of which bears South  $54^{\circ}24'15''$  East, 499.74 feet) a distance of 500 feet; thence South  $50^{\circ}39'19''$  East, a distance of 880.55 feet; thence on a spiral curve left (the long chord of which bears South  $52^{\circ}44'18''$  East, 499.74 feet) a distance of 500 feet; thence on a 2,291.83 foot radius curve left (the long chord of which bears South  $57^{\circ}33'26''$  East, 52.15 feet) a distance of 52.16 feet; thence on a spiral curve left (the long chord of which bears South  $62^{\circ}22'34''$ , 499.74 feet) a distance of 500 feet; thence South  $64^{\circ}27'33''$  East, a distance of 5,003.07 feet to Engineer's centerline Station 149+63.83.

Excepting therefrom any portion lying within the Canal and Highway rights-of-ways.

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



**EXHIBIT A – East Improvement District Member No. 1B**

**Tract 15**

**Township 6 North, Range 30, E.W.M.**

Section 34: All that portion of Government Lots 2 and 3 lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.

Excepting therefrom any portion lying within the Highway and Railroad rights-of-ways.

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

**Tract 16**

**Township 5 North, Range 30, E.W.M.**

Section 1: All.

Section 11: West Half of the West Half.  
East Half.

Section 12: All.

Section 13: North Half.  
Southwest Quarter.

Section 14: Northeast Quarter.  
East Half of the Northwest Quarter.  
South Half.

Section 15: North Half.  
Southeast Quarter.

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

**Tract 17**

**Township 5 North, Range 30, E.W.M.**

Section 14: West Half of the Northwest Quarter.

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

## EXHIBIT A – East Improvement District Member No. 1B

### Tract 18

#### Township 5 North, Range 31, E.W.M.

Section 4: Southeast Quarter of the Southwest Quarter.

Section 8: Northeast Quarter.  
North Half of the Southeast Quarter.  
Southeast Quarter of the Southeast Quarter.

Section 9: North Half of the Northwest Quarter.  
Southwest Quarter of the Northwest Quarter.

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

### Tract 19

#### Township 5 North, Range 31, E.W.M.

Section 5: Government Lots 3 and 4.  
South Half of the Northwest Quarter.  
Southwest Quarter.

Section 7: Northeast Quarter of the Northeast Quarter.  
South Half of the Northeast Quarter.  
East Half of the Northwest Quarter.  
Government Lots 2, 3 and 4.  
East Half of the Southwest Quarter.  
Southeast Quarter.

Section 8: West Half of the Northwest Quarter.  
Southeast Quarter of the Northwest Quarter.  
Southwest Quarter.

Section 17: Northwest Quarter.

Section 18: Northeast Quarter.  
East Half of the Northwest Quarter.  
Government Lots 1 and 2.

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

### Tract 20

#### Township 5 North, Range 31, E.W.M.

Section 6: Government Lots 3, 4 and 5.  
Southeast Quarter of the Northwest Quarter.

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

## EXHIBIT A – East Improvement District Member No. 1B

### Tract 21

Township 5 North, Range 31, E.W.M.

Section 9: Southwest Quarter.

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

### Tract 22

Township 5 North, Range 31, E.W.M.

Section 9: Southeast Quarter.

Excepting therefrom a parcel of land located in the East Half of the Southeast Quarter of said Section 9 and being described as beginning at the Southeast corner of said Section 9; thence Northerly along the East line of said Section 9, a distance of 2,070 feet, more or less, to the South line of the County Road; thence Westerly along the South line of said County Road, a distance of 830 feet, more or less, to a natural ravine; thence in a Southerly direction along said ravine, a distance of 1,718 feet, more or less, to a point located on the South line of said Section 9, said point being located 420 feet Westerly from the Southeast corner of said Section 9; thence Easterly along said South line to the point of beginning.

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

### Tract 23

Township 6 North, Range 30, E.W.M.

Section 25: All that portion of Government Lots 1 and 4, lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.

Excepting therefrom any portion lying within the Highway and Railroad rights-of-ways.

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

### Tract 24

Township 6 North, Range 30, E.W.M.

Section 25: Government Lots 5 and 8.  
Southwest Quarter of the Southeast Quarter.

Section 36: North Half of the Northeast Quarter.  
Northeast Quarter of the Northwest Quarter.  
South Half of the North Half.  
South Half.

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

**EXHIBIT A – East Improvement District Member No. 1B**

**Tract 25**

**Township 6 North, Range 30, E.W.M.**

Section 34: All that portion of Government Lot 1 lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.

Excepting therefrom the Easterly 660 feet.

Excepting therefrom any portion lying within the Highway and Railroad rights-of-ways.

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

**Tract 26**

**Township 6 North, Range 30, E.W.M.**

Section 35: All that portion of the Southeast Quarter of the Northwest Quarter lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.

Excepting therefrom any portion lying within the Highway and Railroad rights-of-ways.

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

**Tract 27**

**Township 6 North, Range 30, E.W.M.**

Section 35: Southwest Quarter of the Southwest Quarter.

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

**Tract 28**

**Township 6 North, Range 30, E.W.M.**

Section 35: All that portion of Government Lot 1 and that portion of the Northeast Quarter of the Northeast Quarter lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.

Section 36: All that portion of the Northwest Quarter of the Northwest Quarter lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.

Excepting therefrom any portion lying within the Highway and Railroad rights-of-ways.

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

**EXHIBIT A – East Improvement District Member No. 1C**

Pioneer Title Company Order No.: **97975.3**

EID Member No. 1C

Fee Simple Owner: **Randy Rupp and Luz Rupp**, husband and wife as tenants by entirety

Umatilla County, Oregon

Tax Lots:

Code No. 1-4, Map No. 5N-31, Tax Lot 303, Serial No. 156091 (Tract 1)

Code No. 1-4, Map No. 5N-31, Tax Lot 1400, Serial No. 105778 (Tract 2)

Code No. 1-4, Map No. 6N-31, Tax Lot 1200, Serial No. 106239 (Tract 3)

More particularly described as follows:

*[See attached legal descriptions.]*

**EXHIBIT A – East Improvement District Member No. 1C**

**Tract 1**

**Township 5 North, Range 31, E.W.M.**

Section 2: Government Lots 1 and 2.  
South Half of the Northeast Quarter.  
Southeast Quarter of the Northwest Quarter.  
East Half of the Southwest Quarter.  
Southeast Quarter.

Section 11: All that portion of the East Half which lies Northerly of the centerline of County Road No. 638 (also known as County Road No. 892).

Excepting therefrom any portion lying within the County Road right-of-way.

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

**Tract 2**

**Township 6 North, Range 31, E.W.M.**

Section 35: Southwest Quarter of the Southeast Quarter.

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

**Tract 3**

Parcel 3, PARTITION PLAT NO. 2010-28 (Instrument No. 2010-5730269, Office of Umatilla County Records) located in Sections 9, 10 and 15, Township 5 North, Range 31, East of the Willamette Meridian, Umatilla County, Oregon.

**EXHIBIT A – East Improvement District Member No. 1D**

Pioneer Title Company Order No.: **97975.4**

EID Member No. 1D

Fee Simple Owner:

**Michael G. Thorne, Trustee of the MICHAEL AND JILL THORNE REVOCABLE TRUST #1** as to an undivided 1/4th in a fee simple interest

**Jill A. Thorne, Trustee of the MICHAEL AND JILL THORNE REVOCABLE TRUST #2** as to an undivided 1/4th in a fee simple interest

**TODD M. THORNE** as to an undivided 1/4th in a fee simple interest

**PATTI J. THORNE** as to an undivided 1/4th in a fee simple interest

Umatilla County, Oregon

Tax Lots:

Code No. 1-4, Map No. 5N-31, Tax Lot 601, Serial No. 163842

Code No. 1-4, Map No. 5N-31, Tax Lot 2300, Serial No. 105895

Code No. 1-4, Map No. 5N-31, Tax Lot 2400, Serial No. 105935

Code No. 1-4, Map No. 5N-31, Tax Lot 2500, Serial No. 105963

Code No. 1-9, Map No. 5N-31, Tax Lot 2500, Serial No. 166518

More particularly described as follows:

*[See attached legal descriptions.]*

## EXHIBIT A – East Improvement District Member No. 1D

### Tract 1

#### Township 5 North, Range 31, E.W.M.

Section 16: Northwest Quarter.

Section 17: Northeast Quarter.  
South Half.

Section 20: All.

Section 29: All that portion of the North Half which lies Northerly of the base of the bluff as of April 15, 2016.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 2

#### Township 5 North, Range 31, E.W.M.

Section 29: All that portion of the North Half which lies Southerly of the base of the bluff as of April 15, 2016.

Excepting therefrom any portion lying within the County Road right-of-way.

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



**EXHIBIT A – East Improvement District Member No. 2A**

Pioneer Title Company Order No.: **97975.5**

EID Member No. 2A

Fee Simple Owner: **Clifford C. Bracher and Judith K. Bracher**, husband and wife as  
tenants by the entirety

Umatilla County, Oregon

Tax Lot:

Code No. 8-19, Map No. 5N-30, Tax Lot 1306, Serial No. 130890

More particularly described as follows:

*[See attached legal description.]*

**EXHIBIT A – East Improvement District Member No. 2A**

Parcel 3, PARTITION PLAT NO. 2016-16 (Instrument No. 2016-6510648, Office of Umatilla County Records) located in the East Half of Section 24 and the North Half of Section 25, Township 5 North, Range 30, East of the Willamette Meridian, Umatilla County, Oregon.

**EXHIBIT A – East Improvement District Member No. 2B**

Pioneer Title Company Order No.: **97975.6**

EID Member No. 2B

Fee Simple Owner: **Randall Bracher and Charene**

**Bracher** Umatilla County, Oregon

Tax Lot:

Code No. 61-2, Map No. 4N-30, Tax Lot 403, Serial No. 161743 (Tract 1)

Code No. 61-8, Map No. 4N-31, Tax Lot 1600, Serial No. 107035 (Tract 2)

More particularly described as follows:

*[See attached legal description.]*

**EXHIBIT A – East Improvement District Member No. 2B**

**Tract 1**

**Township 4 North, Range 30, E.W.M.**

Section 1: South Half of the Southeast Quarter of the Northeast Quarter.  
Northeast Quarter of the Southeast Quarter.  
North Half of the Southeast Quarter of the Southeast Quarter.

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

**Tract 2**

**Township 4 North, Range 31, E.W.M.**

Section 6: South Half of the Southwest Quarter of the Northwest Quarter.  
West Half of the Southwest Quarter.

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

**EXHIBIT A – East Improvement District Member No. 2C**

Pioneer Title Company Order No.: **97975.7**

EID Member No. 2C

Fee Simple Owner: **Cold Springs Canyon LLC**, an Oregon limited liability company  
Umatilla County, Oregon

Tax Lots:

Code No. 8-19, Map No. 5N-30, Tax Lot 1315, Serial No. 161291 (Tract 1)

Code No. 61-2, Map No. 4N-30, Tax Lot 404, Serial No. 164423 (Tract 2)

Code No. 61-2, Map No. 4N-30, Tax Lot 800, Serial No. 164422 (Tract 3)

Code No. 16-26, Map No. 4N-30, Tax Lot 800, Serial No. 101044 (Tract 3)

Code No. 16-26, Map No. 4N-30, Tax Lot 1100, Serial No. 101054 (Tract 4)

Code No. 16-26, Map No. 4N-30, Tax Lot 1200, Serial No. 101056 (Tract 5)

Code No. 16-26, Map No. 4N-30, Tax Lot 1300, Serial No. 101058 (Tract 6)

More particularly described as follows:

*[See attached legal descriptions.]*

## EXHIBIT A – East Improvement District Member No. 2C

### Tract 1

The West Half of the West Half of Section 35, Township 5 North, Range 30, East of the Willamette Meridian, Umatilla County, Oregon;

Also including a tract of land located in Sections 26, 35 and 36 of said Township 5 North, Range 30, being described as commencing at the Southwest corner of the Southwest Quarter of said Section 35; thence North  $89^{\circ}01'28''$  East along the South line of the Southwest Quarter of said Section 35, a distance of 1,330.18 feet to the Southwest corner of the East Half of the Southwest Quarter of said Section 35 and the True Point of Beginning for this description; thence North  $00^{\circ}38'28''$  West along the West line of the East Half of the Southwest Quarter of said Section 35, a distance of 2,628.92 feet to the Northwest corner of the East Half of the Southwest Quarter of said Section 35; thence North  $00^{\circ}38'31''$  West along the West line of the East Half of the Northwest Quarter of said Section 35, a distance of 2,315.26 feet; thence South  $71^{\circ}24'23''$  East, a distance of 191.31 feet; thence North  $68^{\circ}08'31''$  East, a distance of 563.31 feet; thence along the arc of a 1060.50 foot radius curve to the right (long chord bears South  $83^{\circ}43'11''$  East, 1,990.84 feet), a distance of 2,584.74 feet to a point on the East line of the West Half of the Northeast Quarter of said Section 35; thence South  $00^{\circ}23'00''$  East along the East line of the West Half of the Northeast Quarter of said Section 35, a distance of 2,214.90 feet to the Southeast corner of the West Half of the Northeast Quarter of said Section 35; thence North  $89^{\circ}19'51''$  East along the South line of the East Half of the Northeast Quarter of said Section 35, a distance of 1,336.05 feet to the Southeast corner of the East Half of the Northeast Quarter of said Section 35; thence South  $00^{\circ}15'11''$  East along the East line of the Southeast Quarter of said Section 35, a distance of 1,303.59 feet, more or less, to the Northwest corner of the South Half of the Southwest Quarter of said Section 36; thence North  $89^{\circ}31'$  East along the North line of the South Half of the Southwest Quarter of said Section 36, a distance of 2,633.02 feet, more or less, to the Northeast corner of the South Half of the Southwest Quarter of said Section 36; thence South  $00^{\circ}41'$  East along the East line of the South Half of the Southwest Quarter of said Section 36, a distance of 1,314.75 feet, more or less, to the Southeast corner of the South Half of the Southwest Quarter of said Section 36; thence South  $89^{\circ}46'14''$  West along the South line of the South Half of the Southwest Quarter of said Section 36, a distance of 2,642.94 feet to the Southeast corner of the Southeast Quarter of said Section 35; thence South  $89^{\circ}00'52''$  West along the South line of the Southeast Quarter of said Section 35, a distance of 2,660.37 feet to the Southwest corner of the Southeast Quarter of said Section 35; thence South  $89^{\circ}01'28''$  West along the South line of the Southwest Quarter of said Section 35, a distance of 1,330.19 feet to the point of beginning;

Also including that portion of the South Half of the South Half of the South Half of Section 34 of said Township 5 North, Range 30, being described as beginning at the Southeast corner of said Section 34; thence North  $00^{\circ}46'17''$  West along the East line of said Section 34, a distance of 658.99 feet to the Northeast corner of the South Half of the South Half of the South Half of said Section 34; thence South  $89^{\circ}02'53''$  West along the North line of the South Half of the South Half of the South Half of said Section 34, a distance of 848.44 feet; thence South  $36^{\circ}04'20''$  East, a distance of 119.08 feet; thence South  $48^{\circ}35'50''$  East, a distance of 145.99 feet; thence South  $51^{\circ}28'20''$  East, a distance of 270.17 feet; thence South  $47^{\circ}30'40''$  East, a distance of 128.91 feet; thence South  $39^{\circ}34'38''$  East, a distance of 64.45 feet; thence South  $28^{\circ}59'33''$  East, a distance of 127.82 feet; thence North  $62^{\circ}14'51''$  East, a distance of 17 feet; thence South  $28^{\circ}16'27''$  East, a distance of 53.32 feet to the South line of said Section 34; thence North  $89^{\circ}01'49''$  East along the South line of said Section 34, a distance of 227.86 feet to the point of beginning.

## EXHIBIT A – East Improvement District Member No. 2C

### Tract 2

A tract of land being described as commencing at the Northwest corner of the Northwest Quarter of Section 2, Township 4 North, Range 30, East of the Willamette Meridian, Umatilla County, Oregon; thence North  $89^{\circ}01'28''$  East along the North line of the Northwest Quarter of said Section 2, a distance of 872.14 feet to the True Point of Beginning for this description; thence along the arc of a 1162.00 foot radius curve to the left (long chord bears South  $87^{\circ}25'16''$  East, 2,078.05 feet), a distance of 2,571.67 feet; thence South  $83^{\circ}26'23''$  East, a distance of 50.60 feet; thence along the arc of a 1162.00 foot radius curve to the left (long chord bears South  $84^{\circ}00'02''$  East, 2,245.42 feet), a distance of 3,044.47 feet; thence South  $83^{\circ}26'23''$  East, a distance of 50.85 feet; thence South  $17^{\circ}03'07''$  East, a distance of 158.88 feet, more or less, to the West line of the Northwest Quarter of the Northwest Quarter of Section 1 of said Township 4 North, Range 30; thence South  $00^{\circ}51'23''$  East along the West line of the Northwest Quarter of the Northwest Quarter of said Section 1, a distance of 319.05 feet, more or less, to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 1; thence North  $90^{\circ}00'00''$  East along the South line of the Northwest Quarter of the Northwest Quarter of said Section 1, a distance of 163.86 feet, more or less, to a point of curvature of a non-tangent curve; thence along the arc of a 1380.50 foot radius non-tangent curve to the left (long chord bears North  $78^{\circ}45'01''$  East, 2,519.94 feet, more or less), a distance of 3,174.65 feet, more or less, to the East line of the Northwest Quarter of said Section 1; thence North  $00^{\circ}48'$  West along the East line of the Northwest Quarter of said Section 1, a distance of 405 feet, more or less, to the Northeast corner of the Northwest Quarter of said Section 1; thence South  $89^{\circ}46'14''$  West along the North line of the Northwest Quarter of said Section 1, a distance of 2,642.94 feet to the Northwest corner of the Northwest Quarter of said Section 1; thence South  $89^{\circ}00'52''$  West along the North line of the Northeast Quarter of said Section 2, a distance of 2,660.37 feet to the Northwest corner of the Northeast Quarter of said Section 2; thence South  $89^{\circ}01'28''$  West along the North line of the Northwest Quarter of said Section 2, a distance of 1,788.23 feet to the point of beginning.

### Tract 3

The Northwest Quarter of Section 11, Township 4 North, Range 30, East of the Willamette Meridian, Umatilla County, Oregon.

Also including a tract of land located in the South Half of Section 2 of said Township 4 North, Range 30, being described as beginning at the Southwest corner of the Southwest Quarter of said Section 2; thence North  $00^{\circ}35'40''$  West along the West line of the Southwest Quarter of said Section 2, a distance of 1,317.30 feet; thence along the arc of a 1061.00 radius curve to the right (long chord bears South  $86^{\circ}58'33''$  East, 2,055.35 feet), a distance of 2,800 feet; thence South  $83^{\circ}26'23''$  East, a distance of 50.73 feet; thence along the arc of a 748.00 foot radius curve to the right (long chord bears South  $34^{\circ}42'21''$  East, 1,387.37 feet), a distance of 2,923.52 feet to the South line of the Southeast Quarter of said Section 2; thence South  $88^{\circ}45'26''$  West along the South line of said Section 2, a distance of 208.18 feet to the Southwest corner of the Southeast Quarter of said Section 2; thence South  $88^{\circ}45'26''$  West along the South line of the Southwest Quarter of said Section 2, a distance of 2,671.64 feet to the point of beginning.

## EXHIBIT A – East Improvement District Member No. 2C

### Tract 4

The Southwest Quarter of Section 11, Township 4 North, Range 30, East of the Willamette Meridian, Umatilla County, Oregon.

### Tract 5

The Southeast Quarter of Section 11, Township 4 North, Range 30, East of the Willamette Meridian, Umatilla County, Oregon.

### Tract 6

The Northeast Quarter of Section 11, Township 4 North, Range 30, East of the Willamette Meridian, Umatilla County, Oregon.



**EXHIBIT A – East Improvement District Member No. 2D**

Pioneer Title Company Order No.: **97975.8**

EID Member No. 2D

Fee Simple Owner: **Royale Columbia Farms, Inc.**, an Oregon corporation

Umatilla County, Oregon

Tax Lots:

Code No. 8-3, Map No. 4N-29A, Tax Lot 100, Serial No. 130850 (Tract 1)

Code No. 61-13, Map No. 4N-30, Tax Lot 600, Serial No. 133360 (Tract 2)

Code No. 61-13, Map No. 4N-30, Tax Lot 700, Serial No. 133361 (Tract 2)

Code No. 61-13, Map No. 4N-30, Tax Lot 701, Serial No. 133363 (Tract 2)

Code No. 8-3, Map No. 5N-29D, Tax Lot 2900, Serial No. 130861 (Tract 3)

Code No. 8-4, Map No. 5N-30, Tax Lot 903, Serial No. 127809 (Tract 4)

Code No. 8-3, Map No. 5N-30, Tax Lot 1100, Serial No. 130871 (Tract 5)

More particularly described as follows:

*[See attached legal descriptions.]*

## EXHIBIT A – East Improvement District Member No. 2D

### Tract 1

#### Township 4 North, Range 29, E.W.M.

Section 1: Northeast Quarter of the Northeast Quarter.  
South Half of the Northeast Quarter.  
Southeast Quarter of the Northwest Quarter.  
North Half of the Southeast Quarter.  
Southeast Quarter of the Southeast Quarter.

Excepting therefrom any portion lying within that tract of land conveyed to United States of America, for the Cold Springs Reservoir Site, as described in Deed, recorded May 17, 1907 in Book 54, Page 218, Deed Records.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 2

#### Township 4 North, Range 30, E.W.M.

Section 6: All.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 3

#### Township 5 North, Range 29, E.W.M.

Section 25: Beginning at the Southeast corner of said Section 25; thence North along the East line thereof to the Northeast corner of said Section 25; thence Southwesterly to the Southwest corner of said Section 25; thence East along the South line thereof to the point of beginning.

Excepting therefrom that tract of land being described as beginning at the Northeast corner of said Section 25; thence South 01° 07' 44" East, along the East line of said Section 25, a distance of 182.34 feet; thence South 43° 23' 10" West, a distance of 7,174.57 feet; thence South 88° 46' 03" West, a distance of 249.90 feet to the West line of said Section 25; thence North 43° 46' 09" East, a distance of 7,480.28 feet to the point of beginning.

Section 36: North Half of the North Half.  
Southeast Quarter of the Northeast Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

## EXHIBIT A – East Improvement District Member No. 2D

### Tract 4

#### Township 5 North, Range 30, E.W.M.

Section 18: All that portion lying Southerly and Easterly of a line being described as beginning at the Northeast corner of said Section 18; thence Southwesterly in a straight line to the Southwest corner of said Section 18 and the point of terminus for this line description.

Excepting therefrom any portion lying Southerly of Oregon State Highway No. 37.

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

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

### Tract 5

#### Township 5 North, Range 30, E.W.M.

Section 29: All.

Section 30: All.

Section 31: North Half.  
Southeast Quarter.  
South Half of the Southwest Quarter.

Section 32: South Half of the Northwest Quarter.  
North Half of the Southwest Quarter.  
Southwest Quarter of the Southwest Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**EXHIBIT A – East Improvement District Member No. 2E**

Pioneer Title Company Order No.: **97975.9**

EID Member No. 2E

Fee Simple Owner: **Hawman Properties, LLC**, an Oregon limited liability company  
Umatilla County, Oregon

Tax Lots:

Code No. 8-4, Map No. 5N-29D, Tax Lot 103, Serial No. 127595 (Tract 1)

Code No. 8-4, Map No. 5N-30, Tax Lot 106, Serial No. 127760 (Tract 2)

Code No. 8-4, Map No. 5N-30, Tax Lot 901, Serial No. 127803 (Tract 3)

Code No. 8-4, Map No. 5N-30, Tax Lot 1001, Serial No. 127820 (Tract 4)

Code No. 8-4, Map No. 5N-30, Tax Lot 1102, Serial No. 127842 (Tract 5)

Code No. 8-3, Map No. 5N-30, Tax Lot 1201, Serial No. 130879 (Tract 6)

More particularly described as follows:

*[See attached legal descriptions.]*

## EXHIBIT A – East Improvement District Member No. 2E

### Tract 1

#### Township 5 North, Range 29, E.W.M.

Section 24: Commencing at the Northeast corner of said Section 24; thence South 01°09'48" East along the East line of said Section 24, a distance of 2,375.21 feet to the True point of Beginning for this description; thence South 28°29'06" West, a distance of 310.59 feet; thence South 01°09'48" East and parallel with the East line of said Section 24, a distance of 749.55 feet; thence South 50°45'25" East, a distance of 201.77 feet to the East line of said Section 24; thence North 01°09'48" West along the East line of said Section 24, a distance of 1,154.28 feet to the point of beginning.

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

### Tract 2

#### Township 5 North, Range 30, E.W.M.

Section 16: All.

Section 17: All.

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

### Tract 3

#### Township 5 North, Range 30, E.W.M.

Section 18: That portion of the Southeast Quarter being described as beginning at the Northeast corner of said Section 18; thence South along the East line of said Section 18 to the Southeast corner of said Section 18; thence West along the South line of said Section 18 to the Southwest corner of said Section 18; thence Northeasterly in a straight line to the point of beginning.

Excepting therefrom any portion lying Northerly and Easterly of Highway 395 as described in Deed to Mel Goodwin, recorded in Book 337, Page 538, Deed Records.

Also excepting therefrom that portion of the South Half of said Section 18 lying Northerly and Westerly of a line being described as commencing at the Southwest corner of said Section 18; thence North 89°08'02" East along the South line of said Section 18, a distance of 2,540.61 feet to the True Point of Beginning for this line description; thence North 41°33'40" East to the South right-of-way line of U.S. Highway No. 395 (now known as Oregon State Highway No. 37) and the point of terminus for this line description.

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

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

## EXHIBIT A – East Improvement District Member No. 2E

### Tract 4

Township 5 North, Range 30, E.W.M.

Section 19: All.

Excepting therefrom that part of said Section 19, lying Northerly and Westerly of a line being described as commencing at the Northwest corner of said Section 19; thence North  $89^{\circ}08'02''$  East along the North line of said Section 19, a distance of 2,540.61 feet to the True Point of Beginning for this line description; thence South  $41^{\circ}33'40''$  West, a distance of 1,789.68 feet to the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 19; thence South  $55^{\circ}25'50''$  West, a distance of 1,400.46 feet; thence South  $28^{\circ}29'06''$  West, a distance of 317.86 feet to the West line of said Section 19 and the point of terminus for this line description.

Also excepting therefrom that part of said Section 19, lying Southerly and Westerly of a line being described as commencing at the Southwest corner of said Section 19; thence North  $01^{\circ}09'48''$  West along the West line of said Section 19, a distance of 1,755.76 feet to the True Point of Beginning for this line description; thence South  $50^{\circ}45'25''$  East, a distance of 795.37 feet; thence South  $01^{\circ}09'48''$  East and parallel with the West line of said Section 19, a distance of 783, more or less, to the North right-of-way line of County Road No. 1258 and the point of terminus for this line description.

Also excepting therefrom that tract of land conveyed to Ervin H. Lincoln, etux, by Deed recorded in Microfilm Reel 80, Page 492, Office of Umatilla County Records.

Also excepting therefrom any portion lying within Parcels 1 and 2, PARTITION PLAT NO. 1995-04 (Instrument No. 1995-202588, Office of Umatilla County Records) located in said Section 19.

Also excepting therefrom any portion lying the Highway right-of-way, including but not limited to that tract of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed recorded in Microfilm Reel 199, Page 1111, Office of Umatilla County Records.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 5

Parcel 1, PARTITION PLAT NO. 1995-04 (Instrument No. 1995-202588, Office of Umatilla County Records) located in Section 19, Township 5 North, Range 30, East of the Willamette Meridian, Umatilla County, Oregon.

Excepting therefrom that tract of land conveyed to Hawman Farms, Inc. by Deed recorded in Instrument No. 2009-5530139, Office of Umatilla County Records.

## EXHIBIT A – East Improvement District Member No. 2E

### Tract 6

#### Township 5 North, Range 30, E.W.M.

Section 20: All that portion lying North of the Northerly right-of-way line of U.S. Highway No. 395 (now known as Oregon State Highway No. 37).

Excepting therefrom that tract of land being described as commencing at the Northeast corner of said Section 20; thence South  $00^{\circ}05'12''$  East, a distance of 1,948.74 feet to a point located on the East line of said Section 20 and the True Point of Beginning for this description; thence continuing South  $00^{\circ}05'12''$  East along the East line of said Section 20, a distance of 1,551.32 feet to the Northerly right-of-way line of Oregon State Highway No. 37; thence North  $58^{\circ}39'44''$  West along the Northerly right-of-way line of the said Highway, a distance of 1,478.14 feet; thence North  $58^{\circ}09'34''$  East, a distance of 1,483.38 feet to the point of beginning for this description.

Section 21: That tract of land being described as beginning at the Northwest corner of said Section 21; thence South  $89^{\circ}16'17''$  East along the North line of said Section 21, a distance of 637.90 feet; thence South  $40^{\circ}48'15''$  West, a distance of 974.35 feet to a point located on the West line of said Section 21; thence North  $00^{\circ}05'12''$  West along the West line of said Section 21, a distance of 745.64 feet to the point of beginning;

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

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

**EXHIBIT A – East Improvement District Member No. 2F**

Pioneer Title Company Order No.: **97975.10**

EID Member No. 2F

Fee Simple Owner: **JB Land, LLC**, an Oregon limited liability company

Umatilla County, Oregon

Tax Lots:

Code No. 8-3, Map No. 5N-29D, Tax Lot 2701, Serial No. 130154 (Tract 1)

Code No. 8-4, Map No. 5N-29D, Tax Lot 2701, Serial No. 142898 (Tract 1)

Personal Property 1971 M/H X-66651, Serial No. 125270 (located on Tract 1)

Assessed to: JB Land LLC

Code No. 8-4, Map No. 5N-29D, Tax Lot 102, Serial No. 127593 (Tract 2)

Code No. 8-3, Map No. 5N-29D, Tax Lot 2800, Serial No. 130859 (Tract 3)

Code No. 8-3, Map No. 5N-29D, Tax Lot 3200, Serial No. 130863 (Tract 4)  
(Assessment includes a 1994 M/H X-118026 which has not been detitled)

Code No. 8-4, Map No. 5N-30, Tax Lot 1003, Serial No. 127834 (Tract 5)

More particularly described as follows:

*[See attached legal descriptions.]*



## EXHIBIT A – East Improvement District Member No. 2F

### Tract 1

#### Township 5 North, Range 29, E.W.M.

Section 23: All that portion of the following described tract lying within the Southeast Quarter of said Section 23, said tract being described as beginning at the Southeast corner of said Section 23; thence South 43° 51' 58" West along a line that is projected to the center of Section 26, a distance of 311.88 feet to a point on a curve; thence Northeasterly along a curve to the right (having a delta of 32° 55' 15", a radius of 1,120 feet and a chord bearing of North 19° 24' 34" East) an arc distance of 643.53 feet to a point on the East line of said Section 23; thence South 00° 47' 47" East along the East line of said Section 23, a distance of 373.83 feet to the point of beginning.

Section 26: Southeast Quarter.  
East Half of the East Half of the Southwest Quarter.

Excepting therefrom that tract of land conveyed to the United States of America, by Deed recorded in Microfilm Reel 257, Page 449, Office of Umatilla County Records.

Section 26: A tract of land being described as beginning at the Northeast corner of said Section 26; thence Southerly along the East line of said Section 26 to the Southeast corner of the Northeast Quarter of said Section 26; thence Westerly along the South line of the Northeast Quarter of said Section 26 to the Southwest corner of the Northeast Quarter of said Section 26; thence Northeasterly in a straight line to the Northeast corner of said Section 26 and the point of beginning.

Excepting therefrom that tract of land conveyed to the United States of America, by Deed recorded in Microfilm Reel 257, Page 449, Office of Umatilla County Records.

Section 26: A tract of land located in the Southwest Quarter of said Section 26, being described as commencing at the center of said Section 26; thence South 88° 41' 24" West along the East-West centerline of said Section 26, a distance of 660.47 feet to a point on the West line of the East Half of the East Half of the Southwest Quarter of said Section 26; thence South 00° 48' 55" East along the West line of the East Half of the East Half of the Southwest Quarter of said Section 26, a distance of 484.85 feet to a point on a curve and the True Point of Beginning for this description; thence along a curve to the left (having a delta of 48° 07' 40", a radius of 1,135 feet and a chord bearing of South 00° 48' 55" East) an arc distance of 953.39 feet to a point on the West line of the East Half of the East Half of the Southwest Quarter of said Section 26; thence North 00° 48' 55" West along the West line of the East Half of the East Half of the Southwest Quarter of said Section 26, a distance of 925.60 feet to the point of beginning.

EXHIBIT A – East Improvement District Member No. 2F

Tract 1 (continued)

Township 5 North, Range 29, E.W.M.

Section 26: A tract of land located in the Northeast Quarter of said Section 26, being described as commencing at the center of said Section 26; thence South  $88^{\circ}41'24''$  West along the East-West centerline of said Section 26, a distance of 243.23 feet to a point on a curve and the True Point of Beginning for this description; thence Northeasterly along a curve to the right (having a delta of  $22^{\circ}02'14''$ , a radius of 1,135 feet and a chord bearing of North  $67^{\circ}08'41''$  East) an arc distance of 436.55 feet to a point on a line located between the center of said Section 26 and the Northeast corner of said Section 26; thence South  $43^{\circ}51'58''$  West along said line, a distance of 226.02 feet to the point of beginning.

Section 26: A tract of land located in the Northeast Quarter of said Section 26, being described as commencing at the Northeast corner of said Section 26; thence South  $43^{\circ}51'58''$  West along a line projected to the center of said Section 26, a distance of 1,105.25 feet to a point on a curve and the True Point of Beginning for this description; thence Southwesterly along a curve to the left (having a delta of  $79^{\circ}04'40''$ , a radius of 1,120 feet and a chord bearing South  $43^{\circ}51'58''$  West) an arc distance of 1,545.79 feet to a point on a line located between the center of said Section 26 and the Northeast corner of said Section 26; thence North  $43^{\circ}51'58''$  East along said line, a distance of 1,425.99 feet to the point of beginning.

Section 26: All that portion of the following described tract lying within the Northeast Quarter of said Section 26, said tract being described as beginning at the Northeast corner of said Section 26; thence South  $43^{\circ}51'58''$  West along a line that is projected to the center of said Section 26, a distance of 311.88 feet to a point on a curve; thence Northeasterly along a curve to the right (having a delta of  $32^{\circ}55'15''$ , a radius of 1,120 feet and a chord bearing of North  $19^{\circ}24'34''$  East) an arc distance of 643.53 feet to a point on the East line of Section 23; thence South  $00^{\circ}47'47''$  East along the East line of said Section 23, a distance of 373.83 feet to the point of beginning.

Excepting therefrom any portion lying within the County Road and Canal rights-of-ways.

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

## EXHIBIT A – East Improvement District Member No. 2F

### Tract 2

#### Township 5 North, Range 29, E.W.M.

Section 24: A tract of land being described as beginning at the Northeast corner of said Section 24; thence Southerly along the East line of said Section 24 to the Southeast corner thereof; thence Westerly along the South line of said Section 24 to the Southwest corner thereof; thence Northeasterly in a straight line to the Northeast corner of said Section 24 and the point of beginning.

Excepting therefrom that tract of land being described as commencing at the Northeast corner of said Section 24; thence South  $01^{\circ}09'48''$  East along the East line of said Section 24, a distance of 2,375.21 feet to the True Point of Beginning for this description; thence South  $28^{\circ}29'06''$  West, a distance of 310.59 feet; thence South  $01^{\circ}09'48''$  East, parallel with the East line of said Section 24, a distance of 749.55 feet; thence South  $50^{\circ}45'25''$  East, a distance of 201.77 feet to a point on the East line of said Section 24; thence North  $01^{\circ}09'48''$  West along the East line of said Section 24, a distance of 1,154.28 feet to the point of beginning.

Also excepting therefrom that tract of land conveyed to the United States of America, by Deed recorded in Microfilm Reel 257, Page 449, Office of Umatilla County Records.

Also excepting therefrom that tract of land conveyed to GT Land and Cattle, LLC, by Deed recorded in Instrument No. 2012-5880358, Office of Umatilla County Records.

Also excepting therefrom that tract of land conveyed to GT Land and Cattle, LLC, by Deed recorded in Instrument No. 2018-6670651, Office of Umatilla County Records.

Excepting therefrom any portion lying within the County Road and Canal rights-of-ways.

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

#### Township 5 North, Range 30, E.W.M.

Section 19: A tract of land being described as commencing at the Northwest corner of said Section 19; thence South  $00^{\circ}09'23''$  East along the West line of said Section 19, a distance of 1,632.46 feet to the True Point of Beginning for this description; thence South  $21^{\circ}00'17''$  East, a distance of 353.20 feet; thence South  $05^{\circ}01'20''$  West, a distance of 226.72 feet; thence South  $29^{\circ}27'04''$  West, a distance of 213.01 feet to a point that is located on the West line of said Section 19; thence North  $00^{\circ}09'23''$  West along the West line of said Section 19, a distance of 741.07 feet to the point of beginning.

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

## EXHIBIT A – East Improvement District Member No. 2F

### Tract 3

#### Township 5 North, Range 29, E.W.M.

Section 25: A tract of land being described as beginning at the Southwest corner of said Section 25; thence Northerly along the West line of said Section 25 to the Northwest corner thereof; thence Easterly along the North line of said Section 25 to the Northeast corner thereof; thence Southwesterly in a straight line to the Southwest corner of said Section 25 and the point of beginning.

Excepting therefrom that tract of land conveyed to the United States of America, by Deed recorded in Microfilm Reel 257, Page 449, Office of Umatilla County Records.

Section 25: A tract of land being described as beginning at the Northeast corner of said Section 25; thence South  $01^{\circ}07'44''$  East along the East line of said Section 25, a distance of 182.34 feet; thence South  $43^{\circ}23'10''$  West, a distance of 7,174.57 feet; thence South  $88^{\circ}46'03''$  West, a distance of 249.90 feet to the point of intersection with the Section line located between Sections 25 and 26; thence North  $43^{\circ}46'09''$  East, a distance of 7,480.28 feet to the point of beginning.

Excepting therefrom any portion lying within the County Road and Canal rights-of-ways.

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

### Tract 4

#### Township 5 North, Range 29, E.W.M.

Section 35: Northwest Quarter.  
North Half of the Northeast Quarter.  
Southwest Quarter of the Northeast Quarter.

Excepting therefrom that tract of land being described as commencing at the Northeast corner of said Section 35; thence South  $00^{\circ}07'48''$  East along the East line of said Section 35, a distance of 88.61 feet to a point on the approximate South right-of-way line of East Walls Road; thence South  $89^{\circ}28'23''$  West along the approximated South right-of-way line of said Road, a distance of 942.59 feet to the True Point of Beginning for this description; thence South  $05^{\circ}59'05''$  West, a distance of 93.83 feet; thence South  $31^{\circ}18'35''$  West, a distance of 649.09 feet; thence South  $89^{\circ}28'23''$  West, a distance of 256.28 feet; thence North  $31^{\circ}08'48''$  West, a distance of 749.11 feet to a point on the approximated South right-of-way line of said Road; thence North  $89^{\circ}28'23''$  East along the approximated South right-of-way line of said Road, a distance of 990.87 feet to the point of beginning.

Also excepting therefrom that tract of land conveyed to the United States of America, by Deed recorded in Microfilm Reel 257, Page 449, Office of Umatilla County Records.

## EXHIBIT A – East Improvement District Member No. 2F

### Tract 4 (continued)

#### Township 5 North, Range 29, E.W.M.

Section 35: Also excepting therefrom that tract of land being described as beginning at the Northwest corner of said Section 35; thence Easterly along the North line of said Section 35, a distance of 275 feet; thence Southerly, a distance of 400 feet; thence Westerly, a distance of 275 feet to a point on the East line of said Section 35; thence Northerly along the East line of said Section 35, a distance of 400 feet to the point of beginning.

Excepting therefrom any portion lying within the County Road and Canal rights-of-ways.

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

### Tract 5

#### Township 5 North, Range 30, E.W.M.

Section 19: All that portion of said Section 19, lying Southerly and Westerly of a line, said line being described as commencing at the Southwest corner of said Section 19; thence North  $01^{\circ}09'48''$  West along the West line of said Section 19, a distance of 1,755.76 feet to the True Point of Beginning for this line description; thence South  $50^{\circ}45'25''$  East, a distance of 795.37 feet; thence South  $01^{\circ}09'48''$  East, parallel with the West line of said Section 19, a distance of 783 feet, more or less to the Northwesterly right-of-way line of County Road No. 1258 (also known as East Walls Road) and the point of terminus for this line description.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**EXHIBIT A – East Improvement District Member No. 2G**

Pioneer Title Company Order No.: **97975.11**

EID Member No. 2G

Fee Simple Owner: **JPD Land Company, LLC**, an Oregon limited liability company

Umatilla County, Oregon

Tax Lots:

Code No. 61-2, Map No. 4N-30, Tax Lot 200, Serial No. 133355 (Tract 1)

Code No. 61-2, Map No. 4N-30, Tax Lot 400, Serial No. 133357 (Tract 2)

Code No. 8-2, Map No. 5N-30, Tax Lot 1305, Serial No. 130888 (Tract 3)

Code No. 8-19, Map No. 5N-30, Tax Lot 1305, Serial No. 166245 (Tract 3)

More particularly described as follows:

*[See attached legal descriptions.]*

## EXHIBIT A – East Improvement District Member No. 2G

### Tract 1

#### Township 4 North, Range 30, E.W.M.

Section 1: Southeast Quarter of the Southwest Quarter.

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

### Tract 2

#### Township 4 North, Range 30, E.W.M.

Section 1: South Half of the Southwest Quarter of the Northeast Quarter.  
Northwest Quarter.  
West Half of the Southwest Quarter.  
Northeast Quarter of the Southwest Quarter.  
West Half of the Southeast Quarter.  
South Half of the Southeast Quarter of the Southeast Quarter.

Excepting therefrom that tract of land conveyed to Cold Springs Canyon, LLC, by Deed recorded in Instrument No. 2012-5950099, Office of Umatilla County Records.

Section 2: All.

Excepting therefrom those tracts of land conveyed to Cold Springs Canyon, LLC, by Deed recorded in Instrument No. 2012-5950099, Office of Umatilla County Records.

Excepting therefrom any portion lying within the County Road right-of-way.

### Tract 3

#### Township 5 North, Range 30, E.W.M.

Section 23: A portion of the Southeast Quarter being described as beginning at the Southeast corner of the Southeast Quarter of said Section 23; thence South  $88^{\circ}39'58''$  West along the South line of the Southeast Quarter of said Section 23, a distance of 221.68 feet; thence North  $35^{\circ}37'04''$  East, a distance of 64.41 feet; thence continuing North  $35^{\circ}37'04''$  East, a distance of 315 feet, more or less, to the East line of the Southeast Quarter of said Section 23; thence Southerly along the East line of the Southeast Quarter of said Section 23, a distance of 305 feet, more or less, to the point of beginning.

Section 24: West Half.

Section 25: North Half of the Northwest Quarter.

## EXHIBIT A – East Improvement District Member No. 2G

### Tract 3 (continued)

Section 26: A portion of the Northeast Quarter being described as beginning at the Northeast corner of the Northeast Quarter of said Section 26; thence South  $00^{\circ}40'06''$  East along the East line of the Northeast Quarter of said Section 26, a distance of 2,628 feet to the Southeast corner of the Northeast Quarter of said Section 26; thence South  $88^{\circ}33'58''$  West along the South line of the Northeast Quarter of said Section 26, a distance of 2,321.73 feet; thence North  $30^{\circ}30'03''$  East, a distance of 347.61 feet; thence North  $43^{\circ}57'48''$  East, a distance of 635.01 feet; thence North  $40^{\circ}36'49''$  East, a distance of 681.43 feet; thence North  $35^{\circ}37'04''$  East, a distance of 1,730.67 feet to the North line of the Northeast Quarter of said Section 26; thence North  $88^{\circ}39'58''$  East along the North line of the Northeast Quarter of said Section 26, a distance of 221.68 feet to the point of beginning.

Section 26: All that portion of the East Half of the Southeast Quarter which lies Northerly of Highway No. 37.

Section 26: West Half of the Southeast Quarter.

Excepting therefrom that tract of land being described as beginning at the Northwest corner of the West Half of the Southeast Quarter of said Section 26; thence North  $88^{\circ}33'58''$  East along the North line of the West Half of the Southeast Quarter of said Section 26, a distance of 377.77 feet; thence South  $30^{\circ}30'03''$  West, a distance of 75.36 feet; thence South  $23^{\circ}08'55''$  West, a distance of 655.44 feet; thence South  $50^{\circ}17'09''$  West, a distance of 90.07 feet to the West line of the West Half of the Southeast Quarter of said Section 26; thence North  $00^{\circ}59'50''$  West along the West line of the Southeast Quarter of said Section 26, a distance of 715.81 feet to the point of beginning.

Also excepting therefrom that tract of land being described as beginning at the Southwest corner of the West Half of the Southeast Quarter of said Section 26; thence North  $00^{\circ}59'50''$  West along the West line of the West Half of the Southeast Quarter of said Section 26, a distance of 364.83 feet; thence along the arc of a 1060.50 foot radius non-tangent curve to the right (long chord bears South  $72^{\circ}49'39''$  East, 1,211.09 feet), a distance of 1,288.98 feet to the South line of the West Half of the Southeast Quarter of said Section 26; thence South  $89^{\circ}38'29''$  West along the South line of the West Half of the Southeast Quarter of said Section 26, a distance of 1,150.77 feet to the point of beginning.



## EXHIBIT A – East Improvement District Member No. 2G

### Tract 3 (continued)

#### Section 26: Southwest Quarter.

Excepting therefrom that tract of land being described as beginning at the Northwest corner of the Southwest Quarter of said Section 26; thence North  $88^{\circ}33'58''$  East along the North line of the Southwest Quarter of said Section 26, a distance of 2,690.87 feet to the Northeast corner of the Southwest Quarter of said Section 26; thence South  $00^{\circ}59'50''$  East, a distance of 715.81 feet; thence South  $50^{\circ}17'09''$  West, a distance of 151.29 feet; thence South  $78^{\circ}56'38''$  West, a distance of 402.84 feet; thence North  $72^{\circ}32'51''$  West, a distance of 418.32 feet; thence North  $83^{\circ}18'50''$  West, a distance of 393.06 feet; thence North  $85^{\circ}26'13''$  West, a distance of 1,027.05 feet; thence South  $56^{\circ}47'19''$  West, a distance of 322.35 feet; thence South  $51^{\circ}24'04''$  West, a distance of 116.91 feet to the West line of the Southwest Quarter of said Section 26; thence North  $01^{\circ}09'02''$  West along the West line of the Southwest Quarter of said Section 26, a distance of 819.01 feet to the point of beginning.

Also excepting therefrom that tract of land being described as beginning at the Southeast corner of the Southwest Quarter of said Section 26; thence South  $89^{\circ}38'29''$  West along the South line of the Southwest Quarter of said Section 26, a distance of 528.56 feet to the point of curvature of a non-tangent curve; thence along the arc of a 1060.50 foot radius non-tangent curve to the right (long chord bears North  $54^{\circ}49'18''$  East, 638.89 feet), a distance of 648.97 feet to a point on the East line of the Southwest Quarter of said Section 26; thence South  $00^{\circ}59'50''$  East along the East line of the Southwest Quarter of said Section 26, a distance of 364.83 feet to the point of beginning.

Section 27: That portion of the Southeast Quarter which lies Northerly of Highway No. 37 and being described as commencing at the Southeast corner of the Southeast Quarter of said Section 27; thence North  $01^{\circ}09'02''$  West along the East line of the Southeast Quarter of said Section 27, a distance of 1,810.19 feet to the True Point of Beginning for this description; thence South  $51^{\circ}24'04''$  West, a distance of 199.87 feet; thence South  $47^{\circ}39'35''$  West, a distance of 862.05 feet; thence South  $53^{\circ}12'41''$  West, a distance of 169.40 feet; thence South  $71^{\circ}21'06''$  West, a distance of 197.71 feet to a point, said point bears North  $50^{\circ}48'33''$  West, a distance of 1,487.32 feet from the Southeast corner of the Southeast Quarter of said Section 27; thence South  $56^{\circ}41'05''$  West, a distance of 190 feet, more or less, to the North right-of-way line of said Highway No. 37; thence Northeasterly along the North right-of-way line of said Highway of variable width, a distance of 1,470 feet, more or less, to the East line of the Southeast Quarter of said Section 27; thence North  $01^{\circ}09'02''$  West along the East line of the Southeast Quarter of said Section 27, a distance of 545.41 feet to the point of beginning.

**EXHIBIT A – East Improvement District Member No. 2G**

**Tract 3 (continued)**

Section 35: That portion of the West Half of the Northeast Quarter being described as beginning at the Northeast corner of the West Half of the Northeast Quarter of said Section 35; thence South  $00^{\circ}23'00''$  East along the East line of the West Half of the Northeast Quarter of said Section 35, a distance of 399.52 feet; thence along the arc of a 1060.50 radius curve to the left (long chord bears North  $25^{\circ}57'08''$  West, 442.99 feet), a distance of 446.27 feet to the North line of the West Half of the Northeast Quarter of said Section 35; thence North  $89^{\circ}38'29''$  East, a distance of 191.19 feet to the point of beginning.

Section 35: That portion of the East Half of the Northwest Quarter being described as beginning at the Northwest corner of the East Half of the Northwest Quarter of said Section 35; thence North  $89^{\circ}38'29''$  East along the North line of the East Half of the Northwest Quarter of said Section 35, a distance of 813.40 feet; thence along the arc of a 1060.50 radius curve to the left (long chord bears South  $31^{\circ}52'26''$  West, 200.22 feet), a distance of 200.52 feet; thence South  $68^{\circ}08'31''$  West, a distance of 563.31 feet; thence North  $71^{\circ}24'23''$  West, a distance of 191.31 feet to the West line of the East Half of the Northwest Quarter of said Section 35; thence North  $00^{\circ}38'31''$  West along the West line of the East Half of the Northwest Quarter of said Section 35, a distance of 313.68 feet to the point of beginning.

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

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

**EXHIBIT A – East Improvement District Member No. 3A**

Pioneer Title Company Order No.: **97975.12**

EID Member No. 3A

Fee Simple Owner: **Arthur Prior**

Umatilla County, Oregon

Tax Lot:

Code No. 8-3, Map No. 4N-28-24A, Tax Lot 200, Serial No. 127954

More particularly described as follows:

*[See attached legal description.]*

**EXHIBIT A – East Improvement District Member No. 3A**

The Northeast Quarter of the Northeast Quarter of Section 24, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon;

Excepting therefrom that tract of land conveyed to Ray B. Moses, etux, by Deed recorded in Book 223, Page 160, Deed Records;

Also excepting therefrom that tract of land conveyed to Walter A. Cruikshank, etux, by Deed recorded in Book 347, Page 526, Deed Records;

Also excepting therefrom any portion lying within the County Road right-of-way.

**EXHIBIT A – East Improvement District Member No. 3B**

Pioneer Title Company Order No.: 97975.13

EID Member No. 3B

Fee Simple Owner: **Windblown Ranch, Inc., aka Wind Blown Ranch, Inc.**, an Oregon corporation

Umatilla County, Oregon

Tax Lots:

- Code No. 61-3, Map No. 4N-29-14, Tax Lot 500, Serial No. 133518 (Tract 1)
- Code No. 61-3, Map No. 4N-29A, Tax Lot 5600, Serial No. 133519 (Tract 2)
- Code No. 61-3, Map No. 4N-29-16, Tax Lot 100, Serial No. 133528 (Tract 3)
- Code No. 61-3, Map No. 4N-29-19, Tax Lot 100, Serial No. 133535 (Tract 4)
  
- Code No. 61-3, Map No. 4N-29C, Tax Lot 100, Serial No. 133529 (Tract 6)
  
- Code No. 61-3, Map No. 4N-29D, Tax Lot 3000, Serial No. 133619 (Tract 7)
- Code No. 61-3, Map No. 4N-29D, Tax Lot 3080, Serial No. 133620 (Tract 7)
- Code No. 61-3, Map No. 4N-29D, Tax Lot 3090, Serial No. 133621 (Tract 7)

More particularly described as follows:

*[See attached legal descriptions.]*

## EXHIBIT A – East Improvement District Member No. 3B

### Tract 1

Township 4 North, Range 29, E.W.M.

Section 14: All that portion of the West Half of the West Half lying Westerly of the Furnish Ditch

Excepting therefrom the East Half of the Northwest Quarter of the Northwest Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 2

Township 4 North, Range 29, E.W.M.

Section 15: All.

Excepting therefrom any portion lying within the County Road right-of-way, including but not limited to that tract of land conveyed to Umatilla County by Deed recorded in Instrument No. 1997-3070578, Office of Umatilla County Records.

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

### Tract 3

Township 4 North, Range 29, E.W.M.

Section 16: All.

Excepting therefrom any portion lying within the County Road right-of-way, including but not limited to that tract of land conveyed to Umatilla County by Deed recorded in Instrument No. 1997-3070582, Office of Umatilla County Records.

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

### Tract 4

Township 4 North, Range 29, E.W.M.

Section 19: East Half.

Southeast Quarter of the Northwest Quarter.  
East Half of the Southwest Quarter.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to that tract of land conveyed to the State of Oregon, Department of Transportation, Highway Division, by Deed recorded in Microfilm Reel 110, Page 1351, Office of Umatilla County Records.

Also excepting therefrom any portion lying within the County Road right-of-way.

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

EXHIBIT A - East Improvement District Member No. 3B

Tract 6

Township 4 North, Range 29, E.W.M.

Section 21: All.

Section 28: Northwest Quarter.

Section 28: All that portion of the North Half of the Southwest Quarter which lies Northerly of the County Road.

Excepting therefrom any portion lying within the County Road right-of-way, including but not limited to that tract of land conveyed to Umatilla County by Deed recorded in Book 247, Page 649, Deed Records.

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

Tract 7

Township 4 North, Range 29, E.W.M.

Section 22: All.

Excepting therefrom all that portion lying Easterly of the Furnish Ditch.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**EXHIBIT A – East Improvement District Member No. 4A**

Pioneer Title Company Order No.: **97975.14**

EID Member No. 4A

Fee Simple Owner: **Windy River**, an Oregon general partnership Umatilla County, Oregon

Tax Lots:

Code No. 61-3, Map No. 3N-29-04, Tax Lot 1700, Serial No. 133417 (Tract 1)

Code No. 5-4, Map No. 3N-29B, Tax Lot 100, Serial No. 107532 (Tract 2)

Code No. 61-3, Map No. 4N-29C, Tax Lot 300, Serial No. 133531 (Tract 3)

Code No. 61-3, Map No. 4N-29-29, Tax Lot 200, Serial No. 133549 (Tract 4)

More particularly described as follows:

*[See attached legal descriptions.]*



## EXHIBIT A – East Improvement District Member No. 4A

### Tract 1

#### Township 3 North, Range 29, E.W.M.

Section 4: Southeast Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 2

#### Township 3 North, Range 29, E.W.M.

Section 9: All that portion of the Northeast Quarter lying and being Northerly of the North right-of-way line of U.S. Highway No. 30 and Interstate 80 North.

Section 10: Beginning at the Northwest corner of said Section 10; thence Easterly along the North line of said Section 10, a distance of 505 feet; thence Southerly, a distance of 995 feet, more or less, to the North right-of-way line of U.S. Highway No. 30 and Interstate 80 North; thence Northwesterly along said Highway right-of-way line to the West line of said Section 10; thence Northerly along said West line to the point of beginning.

Excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

### Tract 3

#### Township 4 North, Range 29, E.W.M.

Section 20: South Half.

Excepting therefrom any portion lying within the County Road right-of-way.

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

## EXHIBIT A – East Improvement District Member No. 4A

### Tract 4

Township 4 North, Range 29, E.W.M.

Section 29: South Half.

Excepting therefrom that tract of land conveyed to Lowell S. Franks, etux, by Deed recorded in Book 327, Page 338, Deed Records.

Also excepting therefrom that tract of land conveyed to Leonard Franks, etux, by Deed recorded in Microfilm Reel 19, Page 1626, Office of Umatilla County Records.

Also excepting therefrom any portion lying within the Highway right-of-way, including but not limited to that tract of land conveyed to the State of Oregon, by and through its State Highway Department by Deed recorded in Microfilm Reel 176, Page 1581, Office of Umatilla County Records.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**EXHIBIT A – East Improvement District Member No. 5A**

Pioneer Title Company Order No.: **97975.15**

EID Member No. 5A

Fee Simple Owner: **Brian & Duane, LLC**, an Oregon limited liability company  
Umatilla County, Oregon

Tax Lots:

- Code No. 5-4, Map No. 3N-30C, Tax Lot 400, Serial No. 108051 (Tract 1)
- Code No. 5-4, Map No. 3N-30C, Tax Lot 1000, Serial No. 108052 (Tract 2)
- Code No. 5-4, Map No. 3N-30C, Tax Lot 1300, Serial No. 108070 (Tract 3)
- Code No. 5-4, Map No. 3N-30C, Tax Lot 1400, Serial No. 108073 (Tract 4)
- Code No. 5-4, Map No. 3N-30C, Tax Lot 1500, Serial No. 139662 (Tract 4)
- Code No. 61-3, Map No. 4N-29-11, Tax Lot 1300, Serial No. 133478 (Tract 5)
- Code No. 61-3, Map No. 4N-29A, Tax Lot 2700, Serial No. 133486 (Tract 6)
- Code No. 61-3, Map No. 4N-29A, Tax Lot 3200, Serial No. 133491 (Tract 7)
- Code No. 61-3, Map No. 4N-29A, Tax Lot 3300, Serial No. 133492 (Tract 8)
- Code No. 61-3, Map No. 4N-29A, Tax Lot 3400, Serial No. 133493 (Tract 9)
- Code No. 61-3, Map No. 4N-29-13, Tax Lot 100, Serial No. 133494 (Tract 10)
- Code No. 61-3, Map No. 4N-29D, Tax Lot 4200, Serial No. 133639 (Tract 11)
- Code No. 61-3, Map No. 4N-29D, Tax Lot 3300, Serial No. 133625 (Tract 12)
- Code No. 5-4, Map No. 4N-30, Tax Lot 3400, Serial No. 108105 (Tract 13)

More particularly described as follows:

*[See attached legal descriptions.]*

**EXHIBIT A – East Improvement District Member No. 5A**

**Tract 1**

Township 3 North, Range 30, E.W.M.

Section 20: Northwest Quarter.

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

**Tract 2**

Township 3 North, Range 30, E.W.M.

Section 20: Southwest Quarter.

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

**Tract 3**

Township 3 North, Range 30, E.W.M.

Section 30: North Half.

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

**Tract 4**

Township 3 North, Range 30, E.W.M.

Section 30: South Half.

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

## EXHIBIT A – East Improvement District Member No. 5A

### Tract 5

#### Township 4 North, Range 29, E.W.M.

Section 11: Beginning at the Quarter corner on the South line of said Section 11, thence North  $01^{\circ}29'$  East along the North-South centerline of said Section 11, a distance of 1,621.70 feet; thence North  $88^{\circ}55'$  West, a distance of 2,068.70 feet to a point on a line parallel with the East-West centerline of said Section 11, said line being 50 feet from and at right angles to the centerline of the right-of-way Furnish Ditch; thence along said right-of-way line with the meanders thereof, and 50 feet from the centerline of said ditch by the following courses and distances:

South  $05^{\circ}06'$  West, a distance of 45.60 feet;  
thence South  $18^{\circ}20'$  East, a distance of 80.10 feet;  
thence South  $58^{\circ}05'$  East, a distance of 69.80 feet;  
thence South  $32^{\circ}15'$  East, a distance of 353.90 feet;  
thence South  $32^{\circ}15'$  East, a distance of 185.80 feet;  
thence South  $13^{\circ}47'$  East, a distance of 207.30 feet;  
thence South  $47^{\circ}25'$  East, a distance of 195 feet;  
thence South  $20^{\circ}45'$  East, a distance of 393 feet;  
thence South  $13^{\circ}46'$  West, a distance of 320.60 feet to the South line of said Section 11;

thence South  $88^{\circ}29'$  East along the South line of said Section 11, a distance of 1,404.50 feet to the point of beginning.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 6

Parcel "A", PARTITION PLAT NO. 1992-19 (Instrument No. 1992-175345, Office of Umatilla County Records) located in the South Half of Section 12, a portion of Section 13 and Southeast Quarter of Section 14, Township 4 North, Range 29, East of the Willamette Meridian, Umatilla County, Oregon.

### Tract 7

#### Township 4 North, Range 29, E.W.M.

Section 12: East Half of the Northeast Quarter of the Southwest Quarter.

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

**EXHIBIT A – East Improvement District Member No. 5A**

**Tract 8**

Township 4 North, Range 29, E.W.M.

Section 12: West Half of the Southeast Quarter of the Southwest Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**Tract 9**

Township 4 North, Range 29, E.W.M.

Section 12: East Half of the Southeast Quarter of the Southwest Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**Tract 10**

Parcel "B", PARTITION PLAT NO. 1992-19 (Instrument No. 1992-175345, Office of Umatilla County Records) located in the South Half of Section 12, a portion of Section 13 and Southeast Quarter of Section 14, Township 4 North, Range 29, East of the Willamette Meridian, Umatilla County, Oregon.

**Tract 11**

Township 4 North, Range 29, E.W.M.

Section 26: Beginning at the Southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 26; thence Northerly on the West line of said Section 26, a distance of 445 feet; thence Easterly at right angles, a distance of 558 feet; thence Southerly at right angles, a distance of 445 feet, more or less, to the South line of the Southwest Quarter of the Northwest Quarter of said Section 26; thence Westerly along the South line of the Southwest Quarter of the Northwest Quarter of said Section 26 to the point of beginning;

Excepting therefrom any portion lying within the County Road right-of-way.

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

## EXHIBIT A – East Improvement District Member No. 5A

### Tract 12

#### Township 4 North, Range 29, E.W.M.

Section 27: Beginning at the Northeast corner of said Section 27; thence Southerly along the East line of said Section 27, a distance of 450 feet; thence Westerly and parallel with the North line of said Section 27, a distance 450 feet; thence Northerly and parallel with the East line of said Section 27, a distance of 450 feet to a point on the North line of said Section 27; thence Easterly along the North line of said Section 27, a distance of 450 feet to the point of beginning.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 13

#### Township 4 North, Range 30, E.W.M.

Section 31: Northwest Quarter.  
North Half of the Southwest Quarter.  
Southeast Quarter of the Southwest Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**EXHIBIT A – East Improvement District Member No. 5B**

Pioneer Title Company Order No.: **97975.16**

EID Member No. 5B

Fee Simple Owner: **Ditchen Land Company, LLC**, an Oregon limited liability company Umatilla County, Oregon

Tax Lots:

Code No. 61-3, Map No. 4N-29-14, Tax Lot 400, Serial No. 133505 (Tract 1)

Code No. 61-3, Map No. 4N-29-14, Tax Lot 700, Serial No. 133506 (Tract 2)

Code No. 61-3, Map No. 4N-29-14, Tax Lot 1300, Serial No. 133507 (Tract 3)

Code No. 61-3, Map No. 4N-29-14, Tax Lot 1400, Serial No. 133512 (Tract 4)

Code No. 61-3, Map No. 4N-29-14, Tax Lot 1900, Serial No. 133514 (Tract 5)

Code No. 61-3, Map No. 4N-29D, Tax Lot 2700, Serial No. 133615 (Tract 6)

Code No. 61-3, Map No. 4N-29-23, Tax Lot 2200, Serial No. 133b09 (Tract 7)

Code No. 61-3, Map No. 4N-29D, Tax Lot 100, Serial No. 133571 (Tract 8)

Code No. 61-3, Map No. 4N-29D, Tax Lot 201, Serial No. 133575 (Tract 9)

Code No. 61-3, Map No. 4N-29D, Tax Lot 202, Serial No. 133576 (Tract 10)

Code No. 61-3, Map No. 4N-29D, Tax Lot 200, Serial No. 133574 (Tract 11)

Code No. 61-3, Map No. 4N-29D, Tax Lot 204, Serial No. 133578 (Tract 12)

Code No. 61-3, Map No. 4N-29D, Tax Lot 3301, Serial No. 133626 (Tract 13)

Code No. 61-3, Map No. 4N-29D, Tax Lot 3302, Serial No. 150467 (Tract 14)

Personal Property 2013 M/H ID 373139, Serial No. 165077 (located on Tract 14)  
Assessed to: Ditchen Land Company LLC

Code No. 61-3, Map No. 4N-29D, Tax Lot 3500, Serial No. 133628 (Tract 15)

Code No. 61-3, Map No. 4N-29D, Tax Lot 4800, Serial No. 133646 (Tract 16)

Personal Property 2013 M/H ID 372338, Serial No. 165078 (located on Tract 16)  
Assessed to: Ditchen Land Company LLC

More particularly described as follows:

*[See attached legal descriptions.]*



## EXHIBIT A – East Improvement District Member No. 5B

### Tract 1

#### Township 4 North, Range 29, E.W.M.

Section 14: Northeast Quarter of the Northwest Quarter.

Section 14: All that portion of the Northwest Quarter of the Northwest Quarter which lies Easterly of the East right-of-way line of the Maxwell Branch Furnish Ditch.

Section 14: That tract of land being described as commencing at the Northwest corner of said Section 14; thence Easterly, a distance of 658 feet to a point on the North line of said Section 14, said point also being the Northwest corner of the Northeast Quarter of the Northwest Quarter of Northwest Quarter of said Section 14 and the True Point of Beginning for this description; thence Southerly, a distance of 658 feet to the center of the Northwest Quarter of the Northwest Quarter of said Section 14; thence Easterly, a distance of 341 feet to the West right-of-way line of the said Maxwell Branch Furnish Ditch; thence North 05°30' West along the West right-of-way line of said Furnish Ditch, a distance of 150.20 feet; thence North 21°30' East and continuing along the West right-of-way line of said Furnish Ditch, a distance of 400 feet; thence North 04°30' West and continuing along the West right-of-way line of said Furnish Ditch, a distance of 100 feet; thence North 10° East and continuing along the West right-of-way line of said Furnish Ditch, a distance of 35 feet to the North line of said Section 14; thence Westerly, a distance of 474 feet to the point of beginning.

Section 14: All that portion of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of said Section 14, which lies Westerly of the West right-of-way line of the said Maxwell Branch Furnish Ditch.

Excepting therefrom a strip of land 100 feet wide over and across the West Half of the Northwest Quarter of said Section 14, as conveyed by Deed recorded in Book 90, Page 269, Deed Records.

Also excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 2

#### Township 4 North, Range 29, E.W.M.

Section 14: Southeast Quarter of the Northwest Quarter.

Section 14: All that portion of the Southwest Quarter of the Northwest Quarter and of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter, lying Easterly of the East right-of-way line of the Maxwell Branch Furnish Ditch.

Excepting therefrom any portion lying within the County Road right-of-way.

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

## EXHIBIT A – East Improvement District Member No. 5B

### Tract 3

#### Township 4 North, Range 29, E.W.M.

Section 14: West Half of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter.

Section 14: All that portion of the North 165 feet of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter which lies Easterly of the East right-of-way line of the Maxwell Branch Furnish Ditch.

Section 14: West 330 feet of the North 165 feet of the North Half of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter.

Section 14: West 80 feet of the East Half of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter.

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

### Tract 4

#### Township 4 North, Range 29, E.W.M.

Section 14: All that portion of the South 20 feet of the South Half of the North Half of the Southwest Quarter which lies Easterly of the East right-of-way line of the Maxwell Branch Furnish Ditch.

Section 14: All that portion of the South Half of the North Half of the Southwest Quarter which lies Easterly of the East right-of-way line of the Maxwell Branch Furnish Ditch and Westerly of an irrigation ditch that crosses the East Half of the South Half of the North Half of the Southwest Quarter.

Excepting therefrom the North 165 feet of the West 330 feet of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter.

Also excepting therefrom the North 165 feet of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter.

Also excepting therefrom any portion lying within the County Road right-of-way.

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

## EXHIBIT A – East Improvement District Member No. 5B

### Tract 5

#### Township 4 North, Range 29, E.W.M.

Section 14: All that portion of the South Half of the Southwest Quarter which lies Easterly of the East right-of-way line of the Maxwell Branch Furnish Ditch and Northerly of that tract of land conveyed to Wilbur L. Kidder by Deed recorded in Book 162, Page 162, Deed Records.

Section 14: Commencing at the South Quarter corner of said Section 14; thence Northerly, a distance of 689.70 feet to a point on the North-South centerline of said Section 14 and the True Point of Beginning for this description; thence South  $75^{\circ}22'$  West, a distance of 2,023.70 feet (which course is parallel with the centerline of the Conley Flume and Conley Fill of the Furnish Ditch and 50 feet North of said centerline); thence North  $00^{\circ}03'$  East, a distance of 548.90 feet; thence North  $80^{\circ}43'$  East, a distance of 1,983.70 feet to the North-South centerline of said Section 14; thence South  $00^{\circ}00'$  East along the North-South centerline of said Section 14, a distance of 357.50 feet to the point of beginning.

Section 14: All that portion of the Southwest Quarter which lies Westerly of that tract of land conveyed to Peter E. Sillem by Deed recorded in Book 320, Page 82, Deed Records and Easterly of the East right-of-way line of the Maxwell Branch Furnish Ditch.

Excepting therefrom that tract of land conveyed to Julius W. Shilhanek by Deed recorded in Microfilm Reel 5, Page 1380, Office of Umatilla County Records.

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

### Tract 6

#### Township 4 North, Range 29, E.W.M.

Section 22: East Half of the Southeast Quarter of the Southeast Quarter.

Excepting therefrom that tract of land being described as beginning at the Southeast corner of said Section 22; thence Northerly along the East line of said Section 22, a distance of 335 feet; thence Westerly and parallel with the South line of said Section 22, a distance of 185 feet; thence Southerly and parallel with the East line of said Section 22, a distance of 335 feet to a point on the South line of said Section 22; thence Easterly along the South line of said Section 22, a distance of 185 feet to the point of beginning.

Excepting therefrom any portion lying within the County Road right-of-way.

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

## EXHIBIT A – East Improvement District Member No. 5B

### Tract 7

#### Township 4 North, Range 29, E.W.M.

Section 23: Northwest Quarter of the Southwest Quarter.

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

### Tract 8

#### Township 4 North, Range 29, E.W.M.

Section 23: Northeast Quarter of the Northeast Quarter.  
East Half of the Southeast Quarter of the Northeast Quarter.  
Northeast Quarter of the Southeast Quarter.

Excepting therefrom that portion lying Westerly of the center of the Maxwell Branch Furnish Ditch.

Section 24: North Half.  
Southeast Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 9

#### Township 4 North, Range 29, E.W.M.

Section 24: North Half of the Southwest Quarter.

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

### Tract 10

#### Township 4 North, Range 29, E.W.M.

Section 24: South Half of the Southwest Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 11

#### Township 4 North, Range 29, E.W.M.

Section 25: All that portion lying Southerly and Westerly of County Road No. 82  
and Easterly of the Stanfield Irrigation District Canal.

Excepting therefrom any portion lying within the County Road right-of-way.

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

## EXHIBIT A – East Improvement District Member No. 5B

### Tract 12

#### Township 4 North, Range 29, E.W.M.

Section 25: All that portion lying Northerly and Easterly of County Road No. 82

Excepting therefrom that tract of land conveyed to Ted Lewis Waters, etux, by Deed recorded in Book 342, Page 481, Deed Records.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 13

#### Township 4 North, Range 29, E.W.M.

Section 26: A parcel of land located in the Northwest Quarter of the Northwest Quarter being described as beginning at the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence Northerly along the East line of the Northwest Quarter of the Northwest Quarter of said Section 26, a distance of 125 feet; thence Westerly, a distance of 400 feet; thence Southerly, a distance of 125 feet to the South line of the Northwest Quarter of the Northwest Quarter of said Section 26; thence Easterly along the South line of the Northwest Quarter of the Northwest Quarter of said Section 26 to the point of beginning.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 14

#### Township 4 North, Range 29, E.W.M.

Section 26: Northwest Quarter of the Northwest Quarter.

Excepting therefrom that tract of land conveyed to Ditchen Land Company by Deed recorded in Microfilm Reel 301, Page 950, Office of Umatilla County Records.

Section 27: Northeast Quarter of the Northeast Quarter.

Excepting therefrom that tract of land conveyed to Steven Zabransky, etux, by Deed recorded in Instrument No. 1997-3200530, Office of Umatilla County Records.

Section 27: All that portion of the Northwest Quarter of the Northeast Quarter lying Northerly and Easterly of the U.S.R.S, Feed Canal.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**EXHIBIT A – East Improvement District Member No. 5B**

**Tract 15**

**Township 4 North, Range 29, E.W.M.**

Section 27: All that portion of the South Half of the Northeast Quarter lying Easterly of the U.S.R.S. Feed Canal.

Excepting therefrom that tract of land conveyed to Robert J. Kasari, etux, by Deed recorded in Book 332, Page 187, Office of Umatilla County Records.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**Tract 16**

**Township 4 North, Range 29, E.W.M.**

Section 36: Northeast Quarter.  
North Half of the Northwest Quarter.  
East Half of the Southeast Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**EXHIBIT A – East Improvement District Member No. 6A**

Pioneer Title Company Order No.: **97975.17**

EIDMember No. 6A

Fee Simple Owner: **St. Hilaire Brothers Hermiston Farm, LLC**, an Oregon limited liability company

Umatilla County, Oregon

Tax Lots:

- Code No. 5-4, Map No. 4N-30, Tax Lot 3103, Serial No. 165589 (Tract 1)
- Code No. 61-4, Map No. 4N-30, Tax Lot 3103, Serial No. 165590 (Tract 1)
- Code No. 8-3, Map No. 5N-30, Tax Lot 1303, Serial No. 130886 (Tract 2)
- Code No. 8-3, Map No. 5N-30, Tax Lot 1200, Serial No. 130876 (Tract 3)
- Code No. 8-3, Map No. 5N-30, Tax Lot 1302, Serial No. 130885 (Tract 4)
- Code No. 8-3, Map No. 5N-30, Tax Lot 1400, Serial No. 1355£4 (Tract 4)
- Code No. 8-3, Map No. 5N-30, Tax Lot 1390, Serial No. 130891 (Tract 5)
- Code No. 8-3, Map No. 5N-30, Tax Lot 1500, Serial No. 130892 (Tract 5)
- Code No. 8-19, Map No. 5N-30, Tax Lot 1380, Serial No. 130889 (Tract 6)
- Code No. 8-3, Map No. 5N-30, Tax Lot 1304, Serial No. 130887 (Tract 7)
- Code No. 8-3, Map No. 5N-30, Tax Lot 1900, Serial No. 130895 (Tract 8)

More particularly described as follows:

*[See attached legal descriptions.]*

## EXHIBIT A – East Improvement District Member No. 6A

### Tract 1

Parcel 2, PARTITION PLAT NO. 2014-11 (Instrument No. 2014-6230418, Office of Umatilla County Records) located in Sections 4 and 5, Township 3 North, Range 30 and Sections 27, 28, 29, 30, 31, 32, 33 and 34, Township 4 North, Range 30, East of the Willamette Meridian, Umatilla County, Oregon.

### Tract 2

#### Township 5 North, Range 30, E.W.M.

Section 15: Southwest Quarter.

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

### Tract 3

#### Township 5 North, Range 30, E.W.M.

Section 20: All that portion which lies Southwesterly of Oregon State Highway No. 37.

Section 21: All that portion which lies Southwesterly of Oregon State Highway No. 37.

Section 21: Commencing at the point of intersection of the North line of Oregon State Highway No. 37 with the West line of said Section 21; thence South  $58^{\circ}39'44''$  East, a distance of 864 feet to a point on the North line of said Highway and the True Point of Beginning for this description; thence continuing South  $58^{\circ}39'44''$  East along the North line of said Highway, a distance of 1,217 feet; thence North  $72^{\circ}49'18''$  East, a distance of 272 feet; thence North  $48^{\circ}29'02''$  West, a distance of 1,132 feet; thence South  $66^{\circ}19'14''$  West, a distance of 493 feet to the point of beginning.

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

Section 28: North Half.  
Southwest Quarter.  
West Half of the Southeast Quarter.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to those tracts of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by Deeds recorded in Microfilm Reel 209, Page 1626 and Microfilm Reel 260, Page 390, Office of Umatilla County Records.

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



## EXHIBIT A – East Improvement District Member No. 6A

### Tract 4

#### Township 5 North, Range 30, E.W.M.

Section 20: A tract of land being described as commencing at the Northeast corner of said Section 20; thence South  $00^{\circ}05'12''$  East, a distance of 1,948.74 feet to the True Point of Beginning for this description; thence South  $00^{\circ}05'12''$  East along the East line of said Section 20, a distance of 1,551.32 feet to the North right-of-way line of Oregon State Highway No. 37; thence North  $58^{\circ}39'44''$  West along the North right-of-way line of said Highway, a distance of 1,478.14 feet; thence North  $58^{\circ}09'34''$  East, a distance of 1,483.38 feet to the point of beginning.

Section 21: All that portion which lies Northeasterly of Oregon State Highway No. 37.

Excepting therefrom that tract of land being described as commencing at the point of intersection of the North line of Oregon State Highway No. 37 with the West line of said Section 21; thence South  $58^{\circ}39'44''$  East, a distance of 864 feet to a point on the North line of said Highway and the True Point of Beginning for this description; thence continuing South  $58^{\circ}39'44''$  East along the North line of said Highway, a distance of 1,217 feet; thence North  $72^{\circ}49'18''$  East, a distance of 272 feet; thence North  $48^{\circ}29'02''$  West, a distance of 1,132 feet; thence South  $66^{\circ}19'14''$  West, a distance of 493 feet to the point of beginning.

Also excepting therefrom that tract of land conveyed to Kenneth Lyle Robertson, et al, by Deed recorded in Microfilm Reel 85, Page 96, Office of Umatilla County Records.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to those tracts of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by Deeds recorded in Microfilm Reel 209, Page 1626 and Microfilm Reel 260, Page 390, Office of Umatilla County Records.

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

### Tract 5

#### Township 5 North, Range 30, E.W.M.

Section 22: West Half.  
Northeast Quarter.

Section 23: West Half of the Northwest Quarter.

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

**EXHIBIT A – East Improvement District Member No. 6A**

**Tract 6**

**Township 5 North, Range 30, E.W.M.**

Section 22: Southeast Quarter.

Section 23: Northeast Quarter.  
East Half of the Northwest Quarter.  
South Half.

Excepting therefrom that tract of land being described as beginning at the Southeast corner of said Section 23; thence South  $88^{\circ}39'58''$  West along the South line of said Section 23, a distance of 221.68 feet; thence North  $35^{\circ}37'04''$  East, a distance of 64.41 feet to a point; thence continuing North  $35^{\circ}37'04''$  East, a distance of 315 feet, more or less, to a point which lies on the East line of said Section 23; thence Southerly along the East line of said Section 23, a distance of 305 feet, more or less, to the point of beginning.

Section 26: North Half.

Excepting therefrom that tract of land being described as beginning at the Northeast corner of said Section 26; thence South  $00^{\circ}40'06''$  East along the East line of said Section 26, a distance of 2,628 feet to the Southeast corner of the Northeast Quarter of said Section 26; thence South  $88^{\circ}33'58''$  West along the South line of the Northeast Quarter of said Section 26, a distance of 2,321.73 feet; thence North  $30^{\circ}30'03''$  East, a distance of 347.61 feet; thence North  $43^{\circ}57'48''$  East, a distance of 635.01 feet; thence North  $40^{\circ}36'49''$  East, a distance of 681.43 feet; thence North  $35^{\circ}37'04''$  East, a distance of 1,730.67 feet to a point which lies on the North line of said Section 26; thence North  $88^{\circ}39'58''$  East along the North line of said Section 26, a distance of 221.68 feet to the point of beginning.

Section 26: That portion of the West Half of the Southeast Quarter of said Section 26 being described as beginning at the Northwest corner of the Southeast Quarter of said Section 26; thence North  $88^{\circ}33'58''$  East along the North line of the Southeast Quarter of said Section 26, a distance of 377.77 feet; thence South  $30^{\circ}30'03''$  West, a distance of 75.36 feet; thence South  $23^{\circ}08'55''$  West, a distance of 655.44 feet; thence South  $50^{\circ}17'09''$  West, a distance of 90.07 feet to a point which lies on the West line of the Southeast Quarter of said Section 26; thence North  $00^{\circ}59'50''$  West along the West line of the Southeast Quarter of said Section 26, a distance of 715.81 feet to the point of beginning.

EXHIBIT A -- East Improvement District Member No. 6A

Tract 6 (continued)

Section 26: That portion of the Southwest Quarter of said Section 26 being described as beginning at the Northwest corner of the Southwest Quarter of said Section 26; thence North  $88^{\circ}33'58''$  East along the North line of the Southwest Quarter of said Section 26, a distance of 2,690.87 feet to the Northeast corner of the Southwest Quarter of said Section 26; thence South  $00^{\circ}59'50''$  East, a distance of 715.81 feet; thence South  $50^{\circ}17'09''$  West, a distance of 151.29 feet; thence South  $78^{\circ}56'38''$  West, a distance of 402.84 feet; thence North  $72^{\circ}32'51''$  West, a distance of 418.32 feet; thence North  $83^{\circ}18'50''$  West, a distance of 393.06 feet; thence North  $85^{\circ}26'13''$  West, a distance of 1,027.05 feet; thence South  $56^{\circ}47'19''$  West, a distance of 322.35 feet; thence South  $51^{\circ}24'04''$  West, a distance of 116.91 feet to a point which lies on the West line of said Section 26; thence North  $01^{\circ}09'02''$  West along the West line of said Section 26, a distance of 819.01 feet to the point of beginning.

Section 27: Northeast Quarter.

Section 27: All that portion of the Southeast Quarter and the East Half of the Southwest Quarter which lies Northerly of Highway No. 37.

Excepting therefrom that tract of land being described as commencing at the Southeast corner of said Section 27; thence North  $01^{\circ}09'02''$  West along the East line of said Section 27, a distance of 1,810.19 feet to the True Point of Beginning for this description; thence South  $51^{\circ}24'04''$  West, a distance of 199.87 feet; thence South  $47^{\circ}39'35''$  West, a distance of 862.05 feet; thence South  $53^{\circ}12'41''$  West, a distance of 169.40 feet; thence South  $71^{\circ}21'06''$  West, a distance of 197.71 feet to a point which lies North  $50^{\circ}48'33''$  West, a distance of 1,487.32 feet from the Southeast corner of said Section 27; thence South  $56^{\circ}41'05''$  West, a distance of 190 feet, more or less, to the North right-of-way line of Highway 37; thence Northeasterly along the North right-of-way line (of variable width) of said Highway, a distance of 1,470 feet, more or less, to the East line of said Section 27; thence North  $01^{\circ}09'02''$  West along the East line of said Section 27, a distance of 545.41 feet to the point of beginning.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to those tracts of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by Deeds recorded in Microfilm Reel 209, Page 1626 and Microfilm Reel 260, Page 390, Office of Umatilla County Records.

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

## EXHIBIT A – East Improvement District Member No. 6A

### Tract 7

#### 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 of said Section 27 which lies Southerly of Oregon State Highway No. 37.

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

Section 33: All.

Section 34: North Half.  
North Half of the South Half.  
North Half of the South Half of the South Half.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to those tracts of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by Deeds recorded in Microfilm Reel 124, Page 1165, Microfilm Reel 209, Page 1626 and Microfilm Reel 260, Page 390, Office of Umatilla County Records.

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

### Tract 8

#### Township 5 North, Range 30, E.W.M.

Section 28: East Half of the Southeast Quarter.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to those tracts of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by Deeds recorded in Microfilm Reel 209, Page 1626 and Microfilm Reel 260, Page 390, Office of Umatilla County Records.

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

**EXHIBIT A – East Improvement District Member No. 7A**

Pioneer Title Company Order No.: **97975.18**

EID Member No. 7A

Fee Simple Owner: **Farmland Reserve, Inc.**, a Utah nonprofit corporation Umatilla County, Oregon

Tax Lots:

- Code No. 5-4, Map No. 3N-29, Tax Lot 100, Serial No. 107465 (Tract 1)
- Code No. 61-14, Map No. 3N-29, Tax Lot 100, Serial No. 133383 (Tract 1)
- Code No. 5-4, Map No. 3N-29B, Tax Lot 3500, Serial No. 107524 (Tract 2)
- Code No. 5-4, Map No. 3N-29B, Tax Lot 3600, Serial No. 107527 (Tract 3)
- Code No. 5-4, Map No. 3N-29, Tax Lot 3404, Serial No. 141102 (Tract 4)
- Code No. 5-4, Map No. 3N-29, Tax Lot 300, Serial No. 107469 (Tract 5)
- Code No. 5-4, Map No. 3N-29, Tax Lot 303, Serial No. 107472 (Tract 5)
- Code No. 5-4, Map No. 3N-29, Tax Lot 304, Serial No. 145755 (Tract 6)
- Code No. 5-4, Map No. 3N-29, Tax Lot 3600, Serial No. 107536 (Tract 7)
- Code No. 5-4, Map No. 3N-29, Tax Lot 3603, Serial No. 145756 (Tract 8)
- Code No. 5-4, Map No. 3N-29, Tax Lot 3700, Serial No. 107541 (Tract 9)
- Code No. 5-4, Map No. 3N-29, Tax Lot 3800, Serial No. 107543 (Tract 10)
- Code No. 5-4, Map No. 3N-29, Tax Lot 3900, Serial No. 107546 (Tract 11)
- Code No. 5-4, Map No. 3N-29, Tax Lot 4100, Serial No. 107566 (Tract 12)
- Code No. 5-4, Map No. 3N-29-15, Tax Lot 200, Serial No. 107529 (Tract 13)
- Code No. 5-4, Map No. 3N-29-15, Tax Lot 600, Serial No. 107568 (Tract 14)
- Code No. 5-4, Map No. 3N-29-15C, Tax Lot 100, Serial No. 107871 (Tract 15)
- Code No. 5-4, Map No. 3N-29, Tax Lot 8300, Serial No. 107764 (Tract 16)
- Code No. 5-4, Map No. 3N-29, Tax Lot 8400, Serial No. 107766 (Tract 17)
- Code No. 5-4, Map No. 3N-29, Tax Lot 8700, Serial No. 107772 (Tract 18)
- Code No. 16-17, Map No. 3N-30A, Tax Lot 200, Serial No. 100497 (Tract 19)
- Code No. 16-17, Map No. 3N-30A, Tax Lot 301, Serial No. 166357 (Tract 20)

**EXHIBIT A – East Improvement District Member No. 7A**

Code No. 16-17, Map No. 4N-30, Tax Lot 3704, Serial No. 100736 (Tract 20)  
Code No. 5-4, Map No. 3N-30A, Tax Lot 400, Serial No. 141739 (Tract 21)  
Code No. 16-17, Map No. 3N-30A, Tax Lot 400, Serial No. 141742 (Tract 21)  
Code No. 5-4, Map No. 3N-30A, Tax Lot 600, Serial No. 107903 (Tract 22)  
Code No. 5-4, Map No. 3N-30B, Tax Lot 300, Serial No. 107922 (Tract 23)  
Code No. 5-4, Map No. 3N-30B, Tax Lot 1500, Serial No. 107921 (Tract 23)  
Code No. 5-4, Map No. 3N-30B, Tax Lot 1600, Serial No. 107929 (Tract 23)  
Code No. 5-4, Map No. 3N-30C, Tax Lot 600, Serial No. 108043 (Tract 24)  
Code No. 5-4, Map No. 3N-30C, Tax Lot 800, Serial No. 108038 (Tract 25)

More particularly described as follows:

*[See attached legal descriptions.]*

## EXHIBIT A – East Improvement District Member No. 7A

### Tract 1

Township 3 North, Range 29, E.W.M.

Section 1: All.

Section 2: East Half.

Section 12: Northeast Quarter.

Section 12: All that portion of the Southeast Quarter which lies Northerly of U.S. Interstate 84.

Excepting therefrom any portion lying within the State Highway right-of-way, including but not limited to that tract of land conveyed to the State of Oregon by Deed recorded in Book 293, Page 721, Deed Records.

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

### Tract 2

Township 3 North, Range 29, E.W.M.

Section 9: All that portion of the Southwest Quarter of said Section 9 which lies Easterly of the Old Oregon Trail Highway (as the same was located on March 5, 1949) and Northerly and Easterly of the U.S.R.S. Feed Canal as described in Deed recorded in Book 78, Page 341, Deed Records and Westerly of that tract of land conveyed to H.B. McCormick, etux, recorded in Book 123, Page 214, Deed Records.

Excepting all that portion lying Westerly of relocated County Road.

Also excepting therefrom any portion lying within the State Highway right-of-way, including but not limited to that tract of land conveyed to the State of Oregon, by and through its Department of Transportation, by Deed recorded in Instrument No. 2002-4210394, Office of Umatilla County Records.

Excepting therefrom any portion lying within the County Road right-of-way.

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

## EXHIBIT A – East Improvement District Member No. 7A

### Tract 3

#### Township 3 North, Range 29, E.W.M.

Section 9: Beginning at the Southwest corner of the Southeast Quarter of said Section 9; thence Westerly, a distance of 705 feet to a point located on the East right-of-way line of the U.S.R.S. Feed Canal; thence North  $15^{\circ}50'$  East along the East right-of-way line of said Canal, a distance of 96 feet; thence North  $45^{\circ}25'$  East and continuing along the East right-of-way line of said Canal, a distance of 374 feet; thence North  $62^{\circ}20'$  West and continuing along the East right-of-way line of said Canal, a distance of 500 feet; thence North  $02^{\circ}50'$  West and continuing along the East right-of-way line of said Canal, a distance of 11 feet to the East right-of-way line of the County Road; thence North  $19^{\circ}50'$  East along the East right-of-way line of said County Road, a distance of 131 feet; thence North  $05^{\circ}18'$  West and continuing along the East right-of-way line of said County Road, a distance of 700 feet; thence North  $04^{\circ}28'$  West and continuing along the East right-of-way line of said County Road, a distance of 200 feet; thence North  $09^{\circ}12'$  East and continuing along the East right-of-way line of said County Road, a distance of 222 feet; thence North  $28^{\circ}22'$  East and continuing along the East right-of-way line of said County Road, a distance of 815 feet to the East-West centerline of said Section 9; thence Easterly, a distance of 3,102 feet to the Northeast corner of the Southeast Quarter of said Section 9; thence Southerly, a distance of 2,640 feet to the Southeast corner of said Section 9; thence Westerly, a distance of 2,640 feet, more or less, to the point of beginning.

Excepting a right-of-way for the Furnish Ditch Company, being a strip of land 100 feet in width and a strip of land 50 feet in width described in Microfilm Reel 100, Page 1114, Office of Umatilla County Records.

Also excepting therefrom that tract of land being described as beginning at the South Quarter corner of said Section 9; thence South  $89^{\circ}35'33''$  West along the South line of said Section 9, a distance of 287.08 feet; thence North  $04^{\circ}35'55''$  East, a distance of 29.68 feet to a point located on the existing fence; thence North  $89^{\circ}17'07''$  East along the existing fence, a distance of 284.49 feet; thence South  $00^{\circ}24'17''$  East at right angles to the South line of said Section 9, a distance of 31.09 feet to the point of beginning.

Also excepting therefrom that tract of land being described as beginning at a point located on the North line of Section 16, said Township 3 North, Range 29, said point being North  $89^{\circ}35'33''$  East, a distance of 484.95 feet from the North Quarter corner of said Section 16; thence South  $23^{\circ}55'$  West, a distance of 572.58 feet; thence North  $33^{\circ}38'02''$  East, a distance of 6.19 feet; thence North  $20^{\circ}05'21''$  East, a distance of 102.56 feet; thence North  $66^{\circ}12'10''$  East, a distance of 60.36 feet; thence North  $24^{\circ}04'47''$  East, a distance of 440.66 feet; thence North  $26^{\circ}46'52''$  West, a distance of 40.47 feet; thence South  $89^{\circ}17'07''$  West, a distance of 38.20 feet; thence South  $00^{\circ}24'17''$  East, a distance of 33.69 feet to the point of beginning.



## EXHIBIT A – East Improvement District Member No. 7A

### Tract 3 (continued)

Also excepting therefrom that tract of land conveyed to Echo Cemetery Maintenance District by Deed recorded in Book 343, Page 62, Deed Records.

Excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

### Tract 4

#### Township 3 North, Range 29, E.W.M.

Section 9: All that portion of the Northeast Quarter which lies Southerly of the South right-of-way line of U.S. Highway No. 30 and Interstate 84-N.

Section 10: All that portion which lies Southerly of the South right-of-way line of U.S. Highway No. 30 and Interstate 84-N.

Section 15: North Half.

Excepting therefrom that tract of land being described as beginning at a point which lies 1,320 feet distant Southerly and 736.56 feet distant Easterly from the Northwest corner of said Section 15; thence North 30° East, a distance of 660 feet; thence North 61° East, a distance of 264 feet; thence South 47° East, a distance of 531.30 feet to the Echo-Pendleton County Road; thence South 55°30' West along said County Road, a distance of 586.08 feet; thence Westerly along the South line of the Northwest Quarter of the Northwest Quarter of said Section 15, a distance of 462 feet to the point of beginning.

Also excepting therefrom that tract of land located in the North Half of said Section 15 and being described as beginning at a point where the Section lines between Sections 15 and 16 intersects with the South right-of-way line of the County Road; thence in a Northeasterly direction along the South right-of-way line of said County Road, a distance of 343 feet to the Easterly fence line of the tract; thence Southerly along said Easterly fence line, a distance of 371 feet, more or less, to the fence corner; thence Westerly along the Southerly fence line of said tract, a distance of 336 feet, more or less, to its intersection with the Section line between said Sections 15 and 16; thence Northerly, along the Section line between said Sections 15 and 16, a distance of 210 feet, more or less, to the point of beginning.

Also excepting therefrom that portion of the Northeast Quarter of the Northwest Quarter of said Section 15 which lies Southerly of Highway No. 320.

Also excepting therefrom that portion of the West 280 feet of the Northwest Quarter of the Northeast Quarter of said Section 15 which lies Southerly of Highway No. 320.

## EXHIBIT A – East Improvement District Member No. 7A

### Tract 4 (continued)

Also excepting therefrom that tract of land being described as beginning at the Northeast corner of said Section 15; thence Southerly, a distance of 1,320 feet to a point located on the East line of said Section 15; thence Westerly and parallel to the South line of said Section 15, a distance of 2,360 feet; thence Northerly and parallel to the East line of said Section 15, a distance of 1,210 feet to a point located on the South side of Highway No. 320; thence generally Easterly along said Highway to the point of beginning.

Also excepting therefrom that tract of land being described as beginning at a point which lies 310 feet distant Northerly and 2,467.5 feet distant Easterly from the Southwest corner of said Section 10; thence North  $67^{\circ}43'$  East, a distance of 679.70 feet; thence Southerly, a distance of 524.90 feet to a point located on the North line of County Road No. 770; thence South  $89^{\circ}45'$  West along the North line of said County Road, a distance of 160 feet; thence Westerly along the North line of said County Road, a distance of 461.70 feet; thence South  $48^{\circ}52'$  West along the North line of said County Road, a distance of 61.50 feet; thence Northerly, a distance of 467.30 feet to the point of beginning.

Also excepting therefrom that tract of land conveyed to Brad E. Williams, etux, by Deed recorded in Instrument No. 2005-4830487, Office of Umatilla County Records.

Also excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

### Tract 5

#### Township 3 North, Range 29, E.W.M.

Section 11: All that portion which lies Northerly of U.S. Interstate 84.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to that tract of land conveyed to the State of Oregon by Deed recorded in Book 130, Page 587, Deed Records.

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

**EXHIBIT A – East Improvement District Member No. 7A**

**Tract 6**

Township 3 North, Range 29, E.W.M.

Section 11: All that portion of the South Half which lies Southerly of U.S. Highway No, 30 and Interstate I-84.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to that tract of land conveyed to the State of Oregon by Deed recorded in Book 130, Page 587, Deed Records.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**Tract 7**

Township 3 North, Range 29, E.W.M.

Section 12: All that portion of the West Half which lies Northerly of U.S. Interstate 84.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to that tract of land conveyed to the State of Oregon by Deed recorded in Book 293, Page 721, Deed Records.

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

**Tract 8**

Township 3 North, Range 29, E.W.M.

Section 12: All that portion of the Southwest Quarter which lies Southerly of U.S. Highway No. 30 and Interstate I-84.

Excepting therefrom that tract of land being described as commencing at the Southwest corner of said Section 12; thence Easterly along the South line of said Section 12, a distance of 575 feet to the True Point of Beginning for this description; thence Northerly and parallel with the West line of said Section 12, a distance of 330 feet; thence Easterly and parallel to the South line of said Section 12, a distance of 825 feet; thence Southerly and parallel to the West line of said Section 12, a distance of 330 feet to a point located on the South line of said Section 12; thence Westerly along the South line of said Section 12, a distance of 825 feet to the point of beginning.

Excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

**EXHIBIT A – East Improvement District Member No. 7A**

**Tract 9**

Township 3 North, Range 29, E.W.M.

Section 13: East Half.

Excepting therefrom any portion lying within the Highway right-of-way, including but not limited to that tract of land conveyed to the State of Oregon, by and through its State Highway Commission, by Deeds recorded in Book 289, Pages 159 and 160, Deed Records.

Excepting therefrom any portion lying within the County Road right-of-way.

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

**Tract 10**

Township 3 North, Range 29, E.W.M.

Section 13: Northwest Quarter.

Excepting therefrom that tract of land being described as beginning at the Northwest corner of said Section 13; thence Easterly along the North line of said Section 13, a distance of 450 feet; thence Southerly and parallel with the West line of said Section 13, a distance of 330 feet; thence Southwesterly to a point which measures 200 feet distant Easterly from the West line of said Section 13 (when measured at right angles thereto) and 530 feet distant Southerly from the North line of said Section 13 (when measured at right angles thereto); thence Westerly, a distance of 200 feet to the West line of said Section 13; thence Northerly along the West line of said Section 13, a distance of 530 feet to the point of beginning.

Excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

**Tract 11**

Township 3 North, Range 29, E.W.M.

Section 14: Northeast Quarter.

Excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

**EXHIBIT A – East Improvement District Member No. 7A**

**Tract 12**

Township 3 North, Range 29, E.W.M.

Section 14: West Half.

Excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

**Tract 13**

Township 3 North, Range 29, E.W.M.

Section 15: Beginning at the Northeast corner of said Section 15; thence Southerly along the East line of said Section 15, a distance of 1,320 feet; thence Westerly and parallel with the South line of said Section 15, a distance of 2,360 feet, more or less, to a point which lies 280 feet distant Easterly from the West line of the North Half of the Northeast Quarter of said Section 15; thence Northerly and parallel with the East line of said Section 15, a distance of 1,210 feet, more or less, to the South line of County Road No. 770; thence Easterly along the South line of the said County Road to the point of beginning.

Excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

**Tract 14**

Township 3 North, Range 29, E.W.M.

Section 15: Southeast Quarter.

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

## EXHIBIT A – East Improvement District Member No. 7A

### Tract 15

#### Township 3 North, Range 29, E.W.M.

Section 15: All that portion of the Southwest Quarter being described as beginning at a point located on the South line of said Section 15, said point being located 420 feet distant Easterly from the Southwest corner of said Section 15; thence North  $03^{\circ}30'$  West, a distance of 490 feet; thence North  $00^{\circ}30'$  East, a distance of 700 feet; thence North  $23^{\circ}45'$  East, a distance of 550 feet; thence North  $18^{\circ}15'$  East, a distance of 50 feet; thence North  $13^{\circ}45'$  West, a distance of 150 feet; thence North  $48^{\circ}30'$  West, a distance of 93.60 feet; thence North  $12^{\circ}00'$  West, a distance of 115 feet; thence North  $30^{\circ}30'$  West, a distance of 200 feet; thence North  $03^{\circ}00'$  West, a distance of 100 feet; thence Northerly, a distance of 306.70 feet to a point located on the East-West centerline of said Section 15, said point being located 360.07 feet distant Easterly from the Quarter Section corner on the West line of said Section 15; thence Easterly along the East-West centerline of said Section 15 to the center of said Section 15; thence Southerly along the North-South centerline of said Section 15 to the Quarter Section corner on the South line of said Section 15; thence Westerly along the South line of said Section 15 to the point of beginning.

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

### Tract 16

#### Township 3 North, Range 29, E.W.M.

Section 23: Northeast Quarter.

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

### Tract 17

#### Township 3 North, Range 29, E.W.M.

Section 23: Southeast Quarter.

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

## EXHIBIT A – East Improvement District Member No. 7A

### Tract 18

#### Township 3 North, Range 29, E.W.M.

Section 24: Southeast Quarter.

Excepting therefrom that portion of the Southeast Quarter of said Section 24 being described as beginning at the Northeast corner of the Southeast Quarter of said Section 24; thence South  $89^{\circ}38'48''$  West along the North line of the Southeast Quarter of said Section 24, a distance of 750 feet; thence South  $00^{\circ}20'59''$  East, a distance of 101.46 feet; thence along the arc of a 1344.00 foot radius curve to the right (long chord bears South  $44^{\circ}53'26''$  East, 951.62 feet) a distance of 972.71 feet; thence North  $89^{\circ}48'36''$  East, a distance of 80.35 feet to a point on the East line of the Southeast Quarter of said Section 24; thence North  $00^{\circ}11'24''$  West along the East line of the Southeast Quarter of said Section 24, a distance of 780 feet to the point of beginning.

Section 24: Northeast Quarter.

Excepting therefrom that portion of the Northeast Quarter of said Section 24 being described as beginning at the Southeast corner of the Northeast Quarter of said Section 24; thence North  $00^{\circ}11'27''$  West along the East line of the Northeast Quarter of said Section 24, a distance of 750 feet; thence South  $89^{\circ}48'33''$  West, a distance of 121.38 feet; thence along the arc of a 1339.26 foot radius curve to the right (long chord bears South  $44^{\circ}52'21''$  West, 888.51 feet) a distance of 905.67 feet; thence South  $00^{\circ}20'59''$  East, a distance of 124.55 feet to a point on the South line of the Northeast Quarter of said Section 24; thence North  $89^{\circ}38'48''$  East along the South line of the Northeast Quarter of said Section 24, a distance of 750 feet to the point of beginning.

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

### Tract 19

#### Township 3 North, Range 30, E.W.M.

Section 1: West Half.

Excepting therefrom that tract of land being described as commencing at the West Quarter corner of said Section 1; thence South  $00^{\circ}56'32''$  East along the West line of said Section 1, a distance of 1,703.56 feet to the True Point of Beginning for this description; thence South  $09^{\circ}11'11''$  East, a distance of 143.77 feet; thence along a 1375.00 foot radius curve to the left (long chord of which bears South  $46^{\circ}32'27''$  East, 1,218.84 feet) a distance of 1,262.75 feet; thence South  $02^{\circ}07'17''$  East, a distance of 56.78 feet to the South line of said Section 1; thence South  $87^{\circ}59'29''$  West along the South line of said Section 1, a distance of 892.75 feet; thence North  $00^{\circ}56'32''$  West along the West line of said Section 1, a distance of 1,068.46 feet to the point of beginning.

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

## EXHIBIT A – East Improvement District Member No. 7A

### Tract 20

#### Township 3 North, Range 30, E.W.M.

Section 2: East Half.

Excepting therefrom that tract of land being described as beginning at the East Quarter corner of said Section 2; thence South  $00^{\circ}56'32''$  East along the East line of said Section 2, a distance of 2,772.02 feet; thence South  $89^{\circ}48'25''$  West along the South line of said Section 2, a distance of 1,183 feet; thence North  $00^{\circ}09'34''$  West, a distance of 86.60 feet; thence along a 1320.00 foot radius curve to the left (long chord of which bears North  $45^{\circ}32'56''$  East, 858.61 feet) a distance of 874.51 feet; thence North  $17^{\circ}37'35''$  East, a distance of 292.89 feet; thence North  $00^{\circ}07'19''$  West, a distance of 817.25 feet; thence South  $79^{\circ}29'40''$  West, a distance of 35.41 feet; thence North  $01^{\circ}16'04''$  West, a distance of 718.72 feet; thence South  $89^{\circ}31'37''$  West, a distance of 646.02 feet; thence North  $13^{\circ}19'43''$  West, a distance of 786.74 feet; thence along a 1230.00 foot radius curve to the left (long chord of which bears North  $59^{\circ}34'48''$  East, 1,402.96 feet) a distance of 1,492.93 feet; thence North  $89^{\circ}07'45''$  East, a distance of 86.47 feet to the East line of said Section 2; thence South  $00^{\circ}56'27''$  East along the East line of said Section 2, a distance of 1,192.78 feet to the point of beginning.

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

#### Township 4 North, Range 30, E.W.M.

Section 35: All that portion of the South Half which lies Southerly of the South right-of-way line of Stage Gulch Road.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 21

#### Township 3 North, Range 30, E.W.M.

Section 2: All that portion of the West Half which lies Southerly of the South right-of-way line of Stage Gulch Road.

Section 3: South Half.

Excepting therefrom any portion lying within the County Road right-of-way.

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



## EXHIBIT A – East Improvement District Member No. 7A

### Tract 22

#### Township 3 North, Range 30, E.W.M.

Section 3: Northwest Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

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

### Tract 23

#### Township 3 North, Range 30, E.W.M.

Section 6: West Half.

Section 7: All that portion of the West Half which lies Northerly of U.S. Interstate 84.

Excepting therefrom that tract of land located in the East Half of the Southwest Quarter of said Section 7 and being described as beginning at the intersection of Whitmore Road and County Road No. 678; thence Northerly along the centerline of said County Road No. 678, a distance of 1,369.30 feet; thence Westerly and parallel with the centerline of said Whitmore Road, a distance of 1,270.50 feet; thence Southerly and parallel with the centerline of said County Road No. 678, a distance of 1,369.50 feet to a point which lies on the centerline of said Whitmore Road; thence Easterly along the centerline of said Whitmore Road, a distance of 1,270.50 feet to the point of beginning.

Excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

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

### Tract 24

#### Township 3 North, Range 30, E.W.M.

Section 19: Northwest Quarter.

Excepting therefrom that portion of the Northwest Quarter of said Section 19 being described as beginning at the Southwest corner of the Northwest Quarter of said Section 19; thence North  $00^{\circ}11'27''$  West along the West line of the Northwest Quarter of said Section 19, a distance of 750 feet; thence North  $89^{\circ}48'33''$  East, a distance of 144.95 feet; thence along the arc of a 1358.63 foot radius curve to the left (long chord bears South  $43^{\circ}48'11''$  East, 876.69 feet) a distance of 892.66 feet; thence South  $00^{\circ}21'29''$  East, a distance of 113.07 feet to a point on the South line of the Northwest Quarter of said Section 19; thence South  $89^{\circ}38'31''$  West along the South line of the Northwest Quarter of said Section 19, a distance of 750 feet to the point of beginning.

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

**EXHIBIT A – East Improvement District Member No. 7A**

**Tract 25**

Township 3 North, Range 30, E.W.M.

Section 19: Southwest Quarter.

Excepting therefrom that portion of the Southwest Quarter of said Section 19 being described as beginning at the Northwest corner of the Southwest Quarter of said Section 19; thence North  $89^{\circ}38'31''$  East along the North line of the Southwest Quarter of said Section 19, a distance of 750 feet; thence South  $00^{\circ}21'29''$  East, a distance of 120 feet; thence along the arc of a 1346.49 foot radius curve to the left (long chord bears South  $44^{\circ}56'01''$  West, 938.52 feet) a distance of 958.64 feet; thence South  $89^{\circ}48'36''$  West, a distance of 85.28 feet to a point on the West line of the Southwest Quarter of said Section 19; thence North  $00^{\circ}11'24''$  West along the West line of the Southwest Quarter of said Section 19, a distance of 780 feet to the point of beginning.

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

## Exhibit 1

### COVENANTS BY LANDOWNERS

### OF

### EAST IMPROVEMENT DISTRICT

Initially Adopted on December 4, 2018 by Unanimous Consent

Last Amended \_\_\_\_\_

#### TO WHOM IT MAY CONCERN:

1. These Landowner Covenants contain the promises made by the owners of the land described in the Articles of Incorporation of the East Improvement District.
2. The capitalized terms appearing in this document are defined by the Rules and Regulations of the East Improvement District.
3. The Landowners have adopted Plans and Specifications for improving the Lands as provided by ORS 554.210.
4. The Landowners mutually covenant and agree for the purpose of binding their respective lands, as provided by ORS 554.180 that they and the land described by the Articles are bound by the terms and provisions of the District Governance Documents.
5. The District shall administer all water rights held in the name of the District for the benefit of the Lands. The District shall allocate District Mitigated Water Rights in compliance with District Governance Documents, applicable law, and by resolution approved by four-fifths (4/5) of the Parcel Votes. Once a water right held in the name of the District has been allocated and made appurtenant to a particular property, the District may not change the place of use of that water right without consent of the landowner.
6. The District may not borrow more than the capital cost cap amount. The capital cost cap amount is \$68 Million Dollars (\$68,000,000.00). Any amount of assessment for debt service beyond the amount necessary to maintain debt service obligations within the capital cost cap shall be void. The Board of

Directors shall apportion this restriction amount among the District Parcels according to the Capital Cost – Construction of the Delivery System formula contained in the Bylaws. This provision may be modified by resolution of the Members approved by unanimous vote of the Parcel Votes.

7. The Members shall pay the Annual Assessment assessed to their respective Lands when due, without regard for whether they or the District parcel with which they are associated have utilized their Allocated Works Capacity during the subject year.
8. In addition to the Annual Assessment Obligations, the District shall maintain a debt service reserve account with a balance of at least 100% of the annual District debt service obligations.
9. The District shall not take on debt diluting the District Maximum Annual Debt Service ratio below 110%.
10. The District may approve any motion to pledge the Works as collateral on the consent of at least 2/3 of Members. For purposes of such a vote the representative voting mechanism set forth in Article 6 of the Articles shall control.
11. Members who annually commit water rights or mitigation credits to the District or to any entity contractually affiliated with the District have no obligation to the District or to other Members to renew that annual commitment.
12. The District does not have any rights to any water right or credit held by a Member. Neither the District nor a Member may take any legal action alleging harm caused by or detrimental reliance upon another Member's decision not to renew an annual commitment of Mitigation water.
13. As a condition of Membership each Member shall, in a reasonably timely manner, grant easements to the District to construct, maintain and operate the District Works on terms and conditions that are mutually acceptable.
14. These Landowner Covenants attach to and run with the Lands.
15. The District may not amend or rescind these Landowner Covenants after recording under ORS 554.190 without the consent of the Members representing two-thirds (2/3) of the Lands and persons having an interest in such Lands, the District and its creditors, if any there are. For purposes of such a vote the representative voting mechanism set forth in Article 6 of the Articles shall control.

16. This document may be executed in counterparts, each of which shall be considered an original and all of which together shall constitute one and the same document. The Secretary of the District is authorized and directed to assemble one document from all counterparts of that document for the purpose of filing or recording the document. Email transmission of any signed original document, and retransmission of any signed email transmission, will be the same as delivery of an original. At the request of the District the Members shall confirm email transmitted signatures by signing an original document.

*[Signature pages follow.]*

**Attachment 4. Final Order Before the Water Resources Department of Oregon In the  
Matter of the Determination of a Critical Groundwater Area in the Stage  
Gulch Area, Umatilla County.**

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF THE DETERMINATION )  
OF A CRITICAL GROUNDWATER AREA IN ) FINAL ORDER  
THE STAGE GULCH AREA, UMATILLA COUNTY )

STATEMENT

This proceeding for determination of a critical groundwater area (CGWA) in the Stage Gulch area of Umatilla County, Oregon, was initiated by the Director of the Oregon Water Resources Department pursuant to the provisions of ORS 537.730, ORS 183.415, OAR Chapter 137, and OAR Chapter 690, Division 10. Initiation of this proceeding was based on preliminary investigation that disclosed that water levels were declining or had declined excessively, the available groundwater supply was being or was about to be overdrawn, and that substantial well interference occurs in some areas of the Stage Gulch basalt groundwater reservoir. The basalt groundwater reservoir in the Stage Gulch area includes all water contained in basalts of the Columbia River Basalt Group, as well as any interbedded sedimentary deposits.

The Director's Proclamation initiating this proceeding was issued on January 31, 1985.

Pursuant to the Water Resources Commission's directive of October 25, 1990, this matter was noticed for hearing during the week of January 7, 1991, in accordance with the provisions of ORS 183.415 and 537.730 and OAR 137-03-001 and 690-10-050. Notice was sent by certified mail to the parties, being all persons and public agencies known from an examination of the Department's records to be a claimant or appropriator of groundwater from the basalt reservoir in the Stage Gulch area, as well as to all others required to receive notice pursuant to ORS 537.730(2) and OAR 690-10-050(3). Notice was also published for two consecutive weeks in the East Oregonian and the Hermiston Herald newspapers.

As described in the Notice of Hearing, the issues to be determined through the hearing were:

1. Whether the statutory criteria for designating a CGWA are met;
2. The exterior and subarea boundaries of the CGWA;
3. Which groundwater reservoir(s) should be included in the CGWA;
4. The status of pending groundwater applications in the CGWA.

All parties receiving notice were informed of the availability of two reports prepared by Department staff regarding the proposed Stage Gulch CGWA, and describing the data collected, the analyses of the data, and the conclusions and recommendations drawn therefrom. These reports were returned from the State Printing Office on January 15, and were available on request from that time forward.

All parties receiving notice and wishing to present testimony and evidence on the issues for hearing were asked to 'pre-qualify' to participate at the hearing by returning to the Department a form

provided with the notice indicating their intent to participate. The following individuals and public agencies returned properly completed forms, and appeared at the hearing:

Diane Berry, City Administrator for the City of Echo  
Jeff Lyon, Environmental Manager for J.R. Simplot Co.  
City of Hermiston, by David Hadley, City Prosecutor  
City of Stanfield, by Robert Swales, Mayor  
Larry Rew for Rew Ranches, Inc. and Shirley R. Temple  
Leroy Haagen                      Dick Snow                      Robert Hale  
Lloyd Piercy                      Lawrence Morse

Helen Piening returned her form, but indicated that she did not intend to appear, and asked that her written statement be read into the record.

Dean Forth submitted his completed form at the hearing, and offered a brief statement.

Weisha Mize, Hearings Referee for the Water Resources Department, presided over the hearing.

Steve Bloom of Kottkamp and O'Rourke, Attorneys at Law, appeared on behalf of Robert Schiller, individually and as the personal representative of the estate of Mabel Vey, and presented a motion for continuance of the hearing. Neither Mr. Schiller nor his counsel had returned the form indicating an intent to testify or otherwise participate, nor had there been any contact with the Hearings Referee prior to the hearing regarding a continuance. The motion and supporting affidavit were taken under advisement by the Referee and the hearing proceeded as noticed. The motion was denied by Order of the Hearings Referee served on Mr. Bloom and the other hearing participants on February 21, 1991.

Testimony was presented first by Michael Zwart, a hydrogeologist employed by the Department, and primary author of WRD Ex. 6 and 7. All 'pre-qualified' parties were given an opportunity to cross-examine this witness. All other parties who had not pre-qualified but who attended the hearing were also given an opportunity to ask questions of this witness by writing the question on a 3x5 card and having the question read by the Referee.

Judicial notice was taken of all Department records relevant to the proceeding, specifically, all raw study and measurement data collected by Department staff and forming the basis of Groundwater Report No. 35 (WRD Ex. 6) and the January, 1991 Groundwater Open File Report (WRD Ex. 7), including the October, 1990 draft of WRD Ex. 7 entitled Alternate Groundwater Management Strategies in the Stage Gulch Area, all well logs of wells known to be in the Stage Gulch area, and all groundwater permits, certificates and registrations and all pending applications for groundwater use from the basalt reservoir in the Stage Gulch area.

The proposed order was issued and served on all parties on March 7, 1991. The parties had until March 11, 1991 in which to file exceptions to the proposed Order.



The City of Hermiston informally requested by letter of April 1, 1991, that in the reference to "other beneficial uses" in Conclusion of Law #8, page 9, requiring maintenance of adequate and safe supplies of groundwater, municipal and industrial use be specifically included. The City further requested that a more detailed explanation of its actions and use under recharge application G-11892 be provided in the Order. These changes were made to this Final Order as the additions do not modify the substance or intent of the Order.

#### Ruling on Exception

Lloyd Piercy filed an exception to the proposed Order on April 8, 1991, regarding Subarea H. Mr. Piercy's position was that Subarea H should be divided further into northeast and southeast subareas, as was originally proposed in the October, 1990 draft. The exception argued that there was some evidence of a flow barrier separating the northeast and southeast portions of Subarea H, and thus the users in that Subarea should not be regulated against each other. Moreover, Mr. Piercy argued, separation of Subarea H into 2 areas would allow those users in the northeast subarea to be regulated by a Voluntary Water Agreement which had been entered into but which would only be effective if Mr. Piercy's exception was decided in his favor.

The materials filed in support of Mr. Piercy's argument were entirely technical in nature; all information submitted in support of Mr. Piercy's exception was prepared by Joseph L. Devary of ICF Technology Incorporated.

Staff prepared an analysis of the technical submittal which was provided to the Director and Mr. Piercy. The Director heard oral argument on the exception by Garry Reynolds, Mr. Piercy's legal counsel, on May 1 at Hermiston, Oregon.

On review, the Director found that there was insufficient evidence to support a change in Subarea H at this time. It appears that in weighing the relative reasons for establishing Subarea H boundaries as set out in the proposed Order, some additional weight may have been given to the similarity in potentiometric measurements of the wells in Subarea H over the weight given to distance between these wells, but that this weight was appropriate given the data available.

However, the exception does raise a legitimate question on the factual relationship between wells in the southern and northern portions of Subarea H. Some additional study should be done on this question between the issuance of this Order and the 1992 irrigation season which will indicate whether it is more appropriate to leave Subarea H as is herein established, or to make some further separation of the area into two smaller subareas. In the event the study data demonstrate a flow barrier or that the northerly and southerly portions of Subarea H do in fact function as separate aquifers without hydraulic connection, a change in the interior boundaries of Subarea H may be made through rulemaking.

## FINDINGS OF FACT

1. On a review of the record, the exterior boundaries of the Stage Gulch CGWA as originally proposed in WRD Ex. 6 have been modified through the exclusion of proposed subareas 1, 2, 4 and 12, and are more particularly described herein. Subarea designations are changed to letters A-H. The exterior and subarea boundaries are illustrated on Figure 1, infra.
2. The western exterior boundary of the Stage Gulch CGWA is contiguous with the Service anticline, which also forms the eastern boundary of the established Butter Creek CGWA. The eastern and southern boundaries incorporate the two mile buffer zone as proposed in the October, 1990 preliminary report. The northern, eastern and southern boundaries are administrative.
3. There are 105 permitted or certificated basalt wells within the Stage Gulch CGWA as proposed herein. These wells are primarily for irrigation of slightly over 25,600 acres, with 11 wells being for municipal purposes.
4. Pumpage for irrigation is by far the largest water use affecting the basalt groundwater reservoir within the Stage Gulch CGWA.
5. There are an estimated 500 exempt basalt wells within the Stage Gulch CGWA. These wells are primarily for domestic use and stock water. Estimated total pumpage from these wells is between 200-400 acre feet annually, representing approximately 1-2% of the total annual pumpage in the Stage Gulch CGWA.
6. Within the critical groundwater area boundaries, the total amount of water allowed to be pumped annually under existing rights, excluding use from exempt wells, is nearly 77,000 acre feet for irrigation, and 15,130 acre feet for municipal use.
7. Based on pumpage records from totalizing flowmeters required on most permitted wells since 1980, and on power meter records where flowmeter data was missing or believed to be unreliable, pumpage within the previously proposed Stage Gulch CGWA in 1989 was estimated at 30,700 acre feet annually, down from 36,200 acre feet in 1980. Reduced pumpage is a result of several factors: increased costs of power, conservation and improved methods of delivery, and changes in cropping.
8. An estimate by the US Geological Survey of natural recharge to a 5,800 square-mile area, including the entire Umatilla Structural Basin (Umatilla Plateau) in Oregon and a portion of southwest Washington, and including the overlying alluvial aquifer, is 106,000 acre feet per year. Recharge to the Umatilla Basalt Reservoir occurs primarily in the Blue Mountains and to some extent in the Horse Heaven Hills of Washington.



Approximate location of West End Solar Project

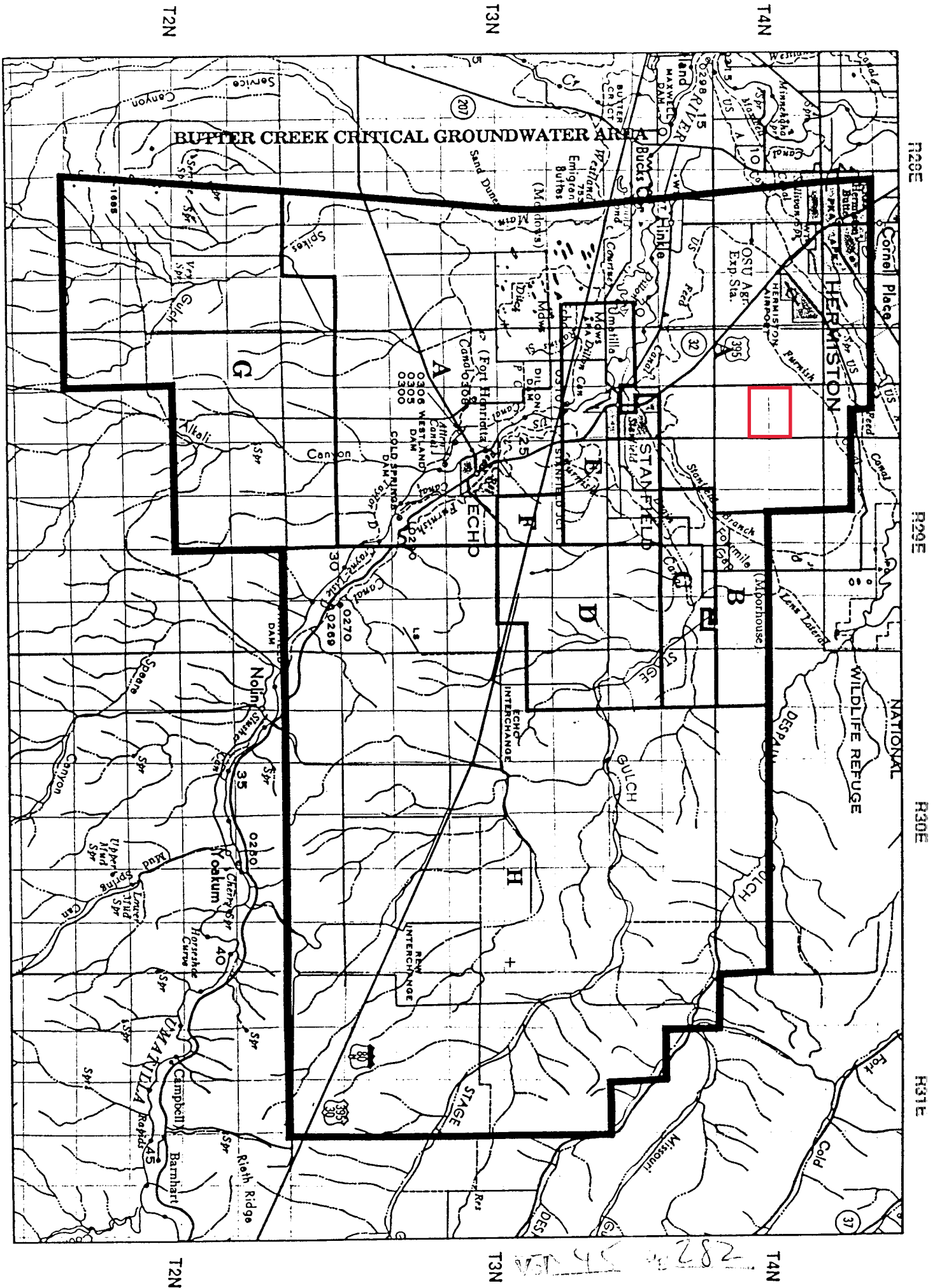


Figure 1

9. The Oregon portion of the Umatilla Structural Basin is an area of approximately 3,500 square miles; the 182 square miles of the Stage Gulch CGWA represents about 5% of this area. A preliminary draft of the USGS report estimates recharge of approximately 64,400 acre feet per year to the basalts in Oregon only. By inference, annual recharge to the Stage Gulch CGWA is 3,350 acre feet.

10. Estimates for total pumpage in the entire Umatilla Structural Basin range from 80-90,000 acre feet per year, indicating an overdraft of the Basalt Groundwater Reservoir for the entire Structural Basin of 15,000 or more acre feet per year. Pumpage for the Stage Gulch CGWA in 1989 alone was 30,700 acre feet, substantially more than the inferred annual recharge to this area.

11. The Stage Gulch CGWA is overdrawn.

12. As previously proposed in WRD Ex. 6, the sustainable annual yield for the entire Stage Gulch CGWA, based on a linear regression method in subareas 3, 7, 10, and 11, and an examination of pumpage data in subareas 4, 5, 6, 8, and 9, where sufficient data to perform the linear regression analysis is lacking, was estimated at 28,000 acre feet per year.

13. As now established, the estimated sustainable annual yield for the entire Stage Gulch CGWA is 27,100 acre feet per year. The amount allowed to be pumped annually, and the figures representing the sustainable annual yield, are subject to modification through rulemaking as more data is obtained and conditions continue to change.

14. Subarea boundaries were originally proposed in a preliminary report dated October, 1990. Boundaries were proposed to conform, where possible, with observed or implied groundwater flow barriers known to exist as a result of aquifer test data, and by grouping wells with similar potentiometric surface measurements. On further analysis of the data collected, these boundaries were revised to those proposed in WRD Ex. 7. On review of the entire record, subareas A-H and their boundaries are now established as shown on Figure 1, infra.

15. On a review of the entire record, the data does not support inclusion in the Stage Gulch CGWA of subareas 1, 2, 4 and 12 as proposed in the Groundwater Open File Report 90-01 (WRD Ex. 7). The data from well level measurements in subareas 1, 2, 4 and 12 do not show the problems of excessive declines or substantial interference as believed in the January 31, 1985 Proclamation. In fact, data for proposed subarea 4 demonstrates some increase in water levels.

16. Subarea A is a large subarea, and includes the cities of Hermiston, Stanfield and Echo. There is a total of 52 permitted wells located in this subarea. Water level elevations in wells in proposed subarea 3 range from 280 to 360 feet above mean sea level. Data from subarea 3 shows that water levels within this area have declined between 6-78 feet since 1980, and a maximum of 119 feet from the highest known water level.

17. Subarea B contains three permitted wells. Water level elevations in these wells are at around 360 feet above mean sea level. Data from subarea 5 shows that water levels within this area have declined 49 feet since 1980, and a maximum of 107 feet from the highest known water level.

18. Subarea C contains four permitted wells. Water level elevations in these wells are generally between 650 and 700 feet above mean sea level. Data shows that water levels within this area have declined 18 feet since 1980, and a maximum of 20 feet from the highest known water level.

19. Subarea D contains seven permitted wells. Water level elevations vary between 730 and 750 feet above mean sea level. This subarea is bounded on three sides by inferred groundwater flow barriers. Data shows that water levels within this area have declined between 46-62 feet since 1980, and a maximum of 137 feet from the highest known water level.

20. Subarea E contains 8 permitted wells. The deepest of these wells is only 240 feet and all have fairly shallow water levels, less than 100 feet. Water level elevations in these wells range between 540 to 600 feet above mean sea level. Data collected indicates that the wells in this subarea are in an isolated upper basalt reservoir apparently unconnected with, but overlying, the deep basalt reservoir. Wells in this subarea display much the same characteristics of alluvial wells.

21. Due to the characteristics of this upper basalt reservoir, with wells not penetrating into the deeper basalt, the data does not show declines in water levels within this subarea. Being bounded on 3 sides by Subarea A, it is likely that the deeper basalt reservoir does underlie this Subarea, and wells drilled or deepened to a depth below 370 feet mean sea level would display the head range of those wells in Subarea A. The 925' unused well at T3N/R29E-4BBA supports this conclusion.

22. Subarea F contains only one permitted well, with a water level elevation of about 490 feet above mean sea level. Data shows that the water level within this area has declined 31 feet since 1980, and a maximum of 31 feet from the highest known water level.

23. Subarea G contains six permitted wells, with water level elevations ranging between 600 and 640 feet above mean sea level. An inferred groundwater flow barrier marks the northern boundary of this subarea. Data shows that the water level within this area has declined between 128-183 feet since 1980, and a maximum of 301 feet from the highest known water level.

24. Subarea H contains 24 permitted wells, with water level elevations ranging between 800-870 feet above mean sea level. Data shows that the water level within this area has declined between 29-49 feet since 1980, and a maximum of 99 feet from the highest known water level.

25. Subareas G and H include a portion of the area earlier identified in the October, 1990 report as a buffer zone, which coincides with the eastern and southern external boundaries of the Stage Gulch CGWA. The purpose of the buffer zone was to protect the resource and existing rights from further depletion by potential additional development outside the CGWA. While there are no permitted or certificated wells in the two-mile band on the eastern and southern boundaries, it is known that the potential for well interference exists between wells up to two miles apart. No decline, overdraft or well interference has been established in this buffer zone area. This area is retained within subareas G and H and are included within the administrative, rather than hydrologic, exterior boundary.

26. Although the estimates for sustainable annual yield proposed in WRD. Ex. 6 for subareas 5,6,8 and 9 (now B, C, E and F) would allow additional pumping, these estimates were not based on the linear regression method. Estimates were made on actual pumpage, with the figure rounded upward to the nearest 50 acre foot increment. As additional data is collected, the estimates for sustainable annual yield in these areas are subject to revision through rulemaking. Moreover, actual pumpage over the last 5 years is approximately 1/10 of the total allowable pumpage under existing rights in those subareas.

27. With the elimination of proposed subarea 1, there remain three pending applications for use of groundwater from the portion of the basalt groundwater reservoir underlying the Stage Gulch CGWA. All are for wells located within Subarea A. These are:

Application G11291 in the name of J.R. Simplot Co. for appropriation of 1.811 cubic feet per second (cfs), or 815 gallons per minute (gpm) from two wells for agricultural use and irrigation. The wells have been assigned, in Appendix B of WRD Ex. 6, location numbers of 4N/28E-26DCB (Well 4) and 4N/28E-26DCC (Well 6). The application was filed on July 17, 1984, prior to issuance of the Proclamation. An amended application was filed on February 13, 1985, and a superseding application filed on October 11, 1985. A review of the application file reveals that the application was returned to the applicant on several occasions for correction, and was not returned in proper form until after the Proclamation was issued.

Application G11424 in the name of Fred Widman for appropriation of 0.10 cfs, or 46 gpm, for irrigation. The location number of the well is 3N/29E-15BAC.

Application G11892 in the name of the City of Hermiston for appropriation of 20 cfs, or 9,000 gpm, of artificially recharged groundwater from 4 existing municipal wells, Wells 1, 2, 3 and 4. The location numbers of these wells are 4N/28E-10CDD, 4N/28E-11CAD, 4N/28E-11CCD, and 4N/28E-11BAB, respectively. The recharge of the basalt wells will come from the alluvial aquifer.

28. Approval of applications G11291 and G11424 would have the potential, if not the probability, of accelerating the declines already observed in Subarea A and in the Stage Gulch CGWA generally.

29. Use of recharge water from wells identified in Application G11892, being limited to the amount of water added from the alluvial aquifer, and not representing additional appropriation from the basalt groundwater reservoir, would not cause further declines in the basalt groundwater reservoir.

30. Declaration of the Stage Gulch area as a critical groundwater area will not prevent the City of Echo from increasing its reservoir capacity.

31. In October, 1990, the Department prepared a staff report for the Water Resources Commission which proposed boundaries and estimated sustainable annual yields for possible subareas within the proposed Stage Gulch CGWA. These boundaries and yields were draft in nature. Refinements to both the proposed subareas and sustainable annual yields resulted in the Department making new proposals of these features which appeared in the Open File Report No. 90-01 of January, 1991 (WRD Ex. 7). The proposed subareas in WRD Ex. 7 more appropriately grouped wells which would compete bases on similarities of potentiometric levels, water level declines, hydraulic data, and proximity. The changes resulted from an intense effort by Department staff to consider all of the water level data from permitted wells, using mass plotting techniques. The proposed sustainable annual yields in WRD Ex. 7 reflected changes due to the revised well groupings compared to the October, 1990 groupings. In some cases, these changes appear dramatic.

32. Although the grouping of wells in subareas may appear to void the value of priority dates for some users, it does not. Subareas are needed to provide necessary management and control features among strongly competing wells. Simply being within a general geographic area does not mean that wells strongly compete with each other.

33. The water level and aquifer test data at well 3N/29E-11DDD, which belongs to Hale Farms, clearly show similarities to wells in Subarea D and not to wells in Subarea H. This well belongs in Subarea D.

34. The presence of flowing artesian wells in an area does not preclude the presence of water level declines from the resource that is developed. For example, the water level data from wells 4N/30E-29DAA and 4N/30E-32DCA show that the shut-in pressures (heads) have declined since the wells were constructed, yet the wells are still capable of flowing. If continued, the decline trend indicates that the wells will not be capable of flowing within a few years. This has already occurred at well 4N/30E-33DCB.

### CONCLUSIONS OF LAW

An excessive decline is any cumulative lowering of the water level in all or part of a groundwater reservoir which precludes, or could preclude, the perpetual use of the reservoir, or which constitutes a lowering of the annual high water level within all or part of a groundwater reservoir greater than 50 feet below the highest known water level. OAR 690-08-001(4).

Groundwater levels which are excessively declining are those wherein an ongoing lowering of all or part of the groundwater reservoir precludes, or could preclude, the perpetual use of the reservoir, or which represent an average downward trend of three or more feet per year for at least 10 years. OAR 690-08-001(6).

A groundwater reservoir which is overdrawn is one in which pumpage in any one-year period exceeds the average annual recharge to that reservoir over the period of record. OAR 690-08-001(7).

As regards previously proposed subareas 1, 2, 4 and 12, the circumstances described in ORS 537.730 requiring designation of a critical groundwater area have not been demonstrated, and these areas should not be included in this designation.

As regards the remainder of the area described in the Order and shown in Figure 1, the circumstances described in ORS 537.730 regarding overdraft or water levels which are declining or have declined excessively have been clearly established.

The proposed Stage Gulch Critical Groundwater Area, as modified, should be declared a critical groundwater area in reference to the upper and deep basalt groundwater reservoirs, pursuant to the provisions of ORS 537.730 to 537.735.

The eastern and southern boundaries are established on the basis of the established declines, and to assist in proper administration, protection and management of the resource.

In the interest of the public welfare, health and safety, it is necessary that adequate and safe supplies of groundwater be maintained in the basalt groundwater reservoirs in the Stage Gulch Critical Groundwater Area for domestic, livestock and other beneficial uses of water, including municipal and industrial uses, within the capacity of the resource. Therefore, it is necessary that the Stage Gulch area be declared a critical groundwater area.

In the interest of the public welfare, health and safety, it is necessary that the Stage Gulch critical groundwater area be closed to any further appropriation and that careful monitoring of water use occur.

In the interest of the public welfare, health and safety, it is necessary that certain other corrective controls as described in ORS 537.735(4) be adopted through rulemaking regarding the Stage Gulch Critical Groundwater area.



With the exception of the City of Hermiston's application, all pending applications for permits to appropriate water from the basalt groundwater reservoir in the Stage Gulch area should be rejected on the ground that they represent an unacceptable additional burden on the resource and a substantial potential for interfering with existing rights.

#### OPINION

ORS 537.525(3) and (9) provide the declared policy of the Oregon Legislature to be that beneficial use of the available groundwater resource be limited to the "capacity of the available sources" and that "whenever... declining groundwater levels...interference among wells...[or] overdrawing of the groundwater supplies... exists or impends, controlled use of the groundwater concerned be authorized and imposed...". This declared policy requires that the groundwater resource be managed to provide for development and use of the resource within the sustainable yield capacity of the groundwater reservoir. The sustained yield concept of groundwater management is further supported by ORS 537.525(7), providing that "[R]easonably stable groundwater levels be determined and maintained".

ORS 537.730 and .735 provide both the procedural and substantive requirements for initiation and declaration of a critical groundwater area. The proceeding in this matter was initiated based on evidence demonstrating overdraft, impending overdraft, and declining water levels, which was further supported by the additional data collection and analyses regarding the groundwater levels in the Stage Gulch area, with the exception of those subareas earlier proposed for inclusion and now excluded from this critical groundwater area.

ORS 537.620(3) allows rejection of applications which disclose the probability of impairment or substantial interference with existing rights, or alternatively, the initiation of a proceeding for determination of a critical groundwater area. ORS 537.620(5) does not allow approval of an application when the application will deprive those having prior rights of appropriation for a beneficial use of the amount of water to which they are lawfully entitled. ORS 537.735(4)(a) provides that on determination of the existence of a critical groundwater area, the area may be closed to further appropriation and any applications refused. The expressed legislative policy and purpose of protecting the resource and existing appropriators from further harm or depletion, and the demonstration of overdraft and ongoing water level declines in the Stage Gulch CGWA, support rejection of the applications discussed above.

The applicable statute allows imposition in a critical groundwater area order of a number of corrective control provisions on the appropriation and use of the groundwater reservoir in critical groundwater areas. To manage the groundwater available in any subarea equitably among those entitled to its use, and to maintain adequate and safe supplies of water, it may be necessary in the future to impose specific controls on the withdrawal of water in

one or more of the subareas. However, either because of the isolating effect of the groundwater flow barriers or because of the differences in potentiometric surface levels, controlling withdrawal of water within any one subarea would not be expected to have a significant effect on the volume of water available to the users in other subareas.

In order to provide the flexibility required due to changing uses and as additional data is obtained through monitoring in this bounded area, it is more appropriate that determination of those corrective controls and their specifics be developed through rule-making. Issues of the economic implications of the corrective control provisions, allowable pumping levels and possible reductions in pumping, and general rules for apportionment of total permissible withdrawals amongst existing appropriators can be best addressed in a rulemaking forum, and, moreover, were not among the issues to be addressed in this proceeding. Parties will have the opportunity for a contested case hearing if, and when, this Order and subsequent rulemaking have the effect of reducing the allowable pumpage at their well(s).

#### ORDER

NOW, THEREFORE, it is ORDERED that the upper and deep basalt groundwater reservoirs underlying the area described below as the proposed Stage Gulch Critical Groundwater Area be and the same are hereby declared to be a critical groundwater area, completing the determination proceeding initiated by the Proclamation issued January 31, 1985.

It is FURTHER ORDERED that the external boundaries of the Stage Gulch Critical Groundwater area are as follows:

Beginning at the NE corner of Section 24, Township 4 North (T4N), Range 30 East (R30E), WM; thence southerly to the NW corner of Section 30, T4N, R31E, WM; thence easterly to the NE corner of Section 30, T4N, R31E, WM; thence southerly to the SE corner of Section 30, T4N, R31E WM; thence easterly to the NE corner of Section 32, T4N, R31E, WM; thence southerly to the SE corner of Section 32, T4N, R31E, WM; thence easterly to the NE corner of Section 4, T3N, R31E, WM; thence southerly along the section lines to the SE corner of Section 33, T3N, R31E, WM; thence westerly along the section lines to the SW corner of Section 35, T3N, R29E, WM; thence southerly to the SE corner of Section 10, T2N, R29E, WM; thence westerly along the section lines to the SE corner of Section 7, T2N, R29E, WM; thence southerly to the SE corner of Section 19, T2N, R29E, WM; thence westerly along the section lines to the SW corner of Section 22, T2N, R28E, WM; thence northerly along a line common with the east boundary of the Butter Creek Critical Groundwater Area through Service Buttes to the center of Section 22, T3N, R28E, WM; thence continuing northerly along a line common with said east Butter Creek boundary through Emigrant Butte in the east half of Section 3, T3N, R28E, WM; thence continuing northerly along a line common with said east Butter Creek boundary through Hermiston Butte within the NE quarter of the NW quarter, Section 10, T4N, R28E, WM; thence continuing northerly along a line common with said east Butter Creek boundary toward Umatilla Butte in the

east half of Section 28, T5N, R28E, WM, as far as the north line of Section 10, T4N, R28E, WM; thence easterly along the section lines to the north quarter corner of Section 8, T4N, R29E, WM; thence southerly along the quarter section line to the center of Section 8, T4N, R29E, WM; thence easterly along the quarter section lines to the center of Section 10, T4N, R29E, WM; thence southerly along the quarter section line to the north quarter corner of Section 22, T4N, R29E, WM; thence easterly along the section lines to the point of beginning.

It is FURTHER ORDERED that for groundwater management purposes, the Stage Gulch Critical Groundwater Area be and the same hereby is subdivided into eight subareas as follows:

**SUBAREA A:** Beginning at the SE corner of Section 27, T3N, R29E, WM; thence westerly along the section lines to the SW corner of Section 25, T3N, R28E, WM; thence southerly along the section line to the SE corner of Section 35, T3N, R28 E, WM; thence westerly along the section lines as far as the east boundary of the Butter Creek Critical Groundwater Area on the south line of Section 34, T3N, R28E, WM; thence northerly along a line common with the east boundary of the Butter Creek Critical Groundwater Area to the center of Section 22, T3N, R28E, WM; thence continuing northerly along a line common with said east Butter Creek boundary through Emigrant Butte in the east half of Section 3, T3N, R28E, WM; thence continuing northerly along a line common with said east Butter Creek boundary through Hermiston Butte within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 10, T4N, R28E, WM; thence continuing northerly along a line common with said east Butter Creek boundary toward Umatilla Butte in the east half of Section 28, T5N, R28E, WM, as far as the north line of Section 10, T4N, R28E, WM; thence easterly along the section lines to the north quarter corner of Section 8, T4N, R29E, WM; thence southerly along the quarter section line to the center quarter corner of Section 8, T4N, R29E, WM; thence easterly along the quarter section lines to the center quarter corner of Section 10, T4N, R29E, WM; thence southerly along the quarter section lines to the south quarter corner of Section 22, T4N, R29E, WM; thence westerly along the section line to the SW corner of Section 22, T4N, R29E, WM; thence southerly along the section line to the SE corner of Section 28, T4N, R29E, WM; thence westerly along the section lines to the NE corner of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, T4N, R29E, WM; thence southerly to the SE corner of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, T4N, R29E, WM; thence easterly to the center quarter corner of Section 32, T4N, R29E, WM; thence southerly to the SE corner of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, T4N, T29 E, WM; thence westerly to the SW corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, T4N, R29E, WM; thence northerly along the section line to the west quarter corner of Section 32, T4N, R29 E, WM; thence westerly along the quarter section lines to the center quarter corner of Section 36, T4N, R28E, WM; thence southerly along the quarter section lines to the NE corner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, T3N, R28E, WM; thence easterly along the sixteenth section lines to the NE corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 4, T3N, R29E, WM; thence southerly along the section lines to the NW corner of Section 15, T3N, R29E, WM; thence easterly along the section line to the northeast corner of Section 15, T3N, R29E, WM; thence southerly along the section lines to the point of beginning.

**SUBAREA B:** Beginning at the NE corner of Section 19, T4N, R30E, WM; thence southerly along the section line to the SE corner of Section 19, T4N, R30E, WM; thence westerly along the section lines to the north quarter corner of Section 25, T4N, R29E, WM; thence southerly along the quarter section line to the SE corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, T4N, R29E, WM; thence westerly along the sixteenth section line to the SW corner of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, T4N, R29E, WM; thence northerly to the NW corner of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, T4N, R29E, WM; thence easterly to the SW corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, T4N, R29E; thence northerly to the SE corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 24, T4N, R29E, WM; thence westerly along the section lines to the south quarter corner of Section 22, T4N, R29E, WM; thence northerly along the quarter section line to the north quarter corner of Section 22, T4N, R29E, WM; thence easterly along the section lines to the point of beginning.

**SUBAREA C:** Beginning at the NE corner of Section 30, T4N, R30E, WM; thence southerly along the section line to the SE corner of Section 30, T4N, R30E, WM; thence westerly along the section lines to the SW corner of Section 27, T4N, R29E, WM; thence northerly along the section line to the NW corner of Section 27, T4N, R29E, WM; thence easterly along the section lines to the NE corner of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, T4N, R29E, WM; thence southerly to the SE corner of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, T4N, R29E, WM; thence westerly to the NE corner of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, T4N, R29E, WM; thence southerly to the SE corner of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, T4N, R29E, WM; thence easterly along the sixteenth section line to the NE corner of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, T4N, R29E, WM; thence northerly along the quarter section line to the north quarter corner of Section 25, T4N, R29E, WM; thence easterly along the section lines to the point of beginning.

**SUBAREA D:** Beginning at the NE corner of Section 31, T4N, R30E, WM; thence southerly along the section lines to the east quarter corner of Section 7, T3N, R30E, WM; thence westerly along the quarter section lines to the center of Section 12, T3N, R29E, WM; thence southerly along the quarter section line to the south quarter corner of Section 12, T3N, R29E, WM; thence westerly along the section lines to the SW corner of Section 11, T3N, R29E, WM; thence northerly along the section lines to the northwest corner of Section 35, T4N, R29E, WM; thence easterly along the section lines to the point of beginning.

**SUBAREA E:** Beginning at the NE corner of Section 34, T4N, R29E, WM; thence southerly along the section lines to the SE corner of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T3N, R29E, WM; thence westerly along the sixteenth section lines to the SW corner of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, T3N, R28E, WM; thence northerly along the quarter section lines to the center quarter corner of Section 36, T4N, R28E, WM; thence easterly along the quarter section lines to the east quarter corner of Section 31, T4N, R29E, WM; thence southerly along the section line to the NW corner of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, T4N, R29E, WM; thence easterly to the SW corner of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, T4N,

R29E, WM; thence northerly to the center of Section 32, T4N, R29E, WM; thence westerly to the SW corner of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, T4N, R29E, WM; thence northerly along the sixteenth section line to the NW corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, T4N, R29E, WM; thence easterly along the section lines to the point of beginning.

**SUBAREA F:** Beginning at the SE corner of Section 10, T3N, R29E, WM; thence westerly along the section line to the SW corner of Section 10, T3N, R29E, WM; thence northerly along the section lines to the NW corner of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, T3N, R29E, WM; thence easterly to the NE corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T3N, R29E, WM; thence southerly along the sections line to the point of beginning.

**SUBAREA G:** Beginning at the NE corner of Section 34, T3N, R29E, WM; thence southerly along the section lines to the SE corner of Section 10, T2N, R29E, WM; thence westerly along the section lines to the SE corner of Section 7, T2N, R29E, WM; thence southerly along the section lines to the SE corner of Section 19, T2N, R29E, WM; thence westerly along the section lines to the SW corner of Section 22, T2N, R28E, WM; thence northerly along a line common with the east boundary of the Butter Creek Critical Groundwater Area through Service Buttes toward the center of Section 22, T3N, R28E, WM, as far as the north line of Section 3, T2N, R28E, WM; thence easterly along the section lines to the NE corner of Section 2, T2N, R28E, WM; thence northerly along the section line to the northwest corner of Section 36, T3N, R28E, WM; thence easterly along the section lines to the point of beginning.

**SUBAREA H:** Beginning at the NE corner of Section 24, T4N, R30E, WM; thence southerly to the NW corner of Section 30, T4N, R31E, WM; thence easterly to the NE corner of Section 30, T4N, R31E, WM; thence southerly to the SE corner of Section 30, T4N, R31E WM; thence easterly to the NE corner of Section 32, T4N, R31E, WM; thence southerly to the SE corner of Section 32, T4N, R31E, WM; thence easterly to the NE corner of Section 4, T3N, R31E, WM; thence southerly along the section lines to the SE corner of Section 33, T3N, R31E, WM; thence westerly along the section lines to the SW corner of Section 35, T3N, R29E, WM; thence northerly along the section lines to the NW corner of Section 14, T3N, R29E, WM; thence easterly to the north quarter corner of Section 13, T3N, R29E, WM; thence northerly to the center of Section 12, T3N, R29E, WM; thence easterly along the quarter section lines to the west quarter corner of Section 8, T3N, R30E, WM; thence northerly along the section lines to the NW corner of Section 20, T4N, R30E, WM; thence easterly along the section lines to the point of beginning.

It is FURTHER ORDERED that appropriation of water from either the upper or the deep basalt groundwater reservoirs within the Stage Gulch Critical Groundwater Area for any use not set forth in ORS 537.545 (exempt uses) shall only occur pursuant to the provisions of existing permits, certificates of water rights and/or ground water registration certificates.

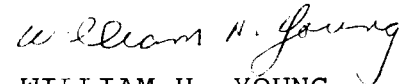
It is FURTHER ORDERED that Application G-11892 in the name of the City of Hermiston for a permit to appropriate from the basalt groundwater reservoir the artificially recharged water placed there from the alluvial aquifer (Application G-11891) and the same is hereby authorized for processing.

It is FURTHER ORDERED THAT Application G11291 in the name of J.R. Simplot Co. and Application G11424 in the name of Fred Widman for appropriation of water from the basalt groundwater reservoir in the Stage Gulch Critical Groundwater Area be and the same are hereby rejected.

It is FURTHER ORDERED that no new application for a permit to appropriate water from either the upper or the deep basalt groundwater reservoirs within the Stage Gulch Critical Groundwater Area be accepted for filing.

It is FURTHER ORDERED no wells located within Subarea E shall be deepened to a point where the well would penetrate the deep basalt reservoir underlying said Subarea.

Dated at Salem, Oregon this 15<sup>th</sup> day of May, 1991.

  
WILLIAM H. YOUNG  
Director, WRD

**NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service (date of mailing) of this Order. Judicial review is pursuant to the provisions of ORS 536.075.

**Attachment 5. Additional information supporting demonstration why the site boundary is not viable for dry land agricultural production.**







In The News

Hiring woes in Central Oregon

Cranston gets 10-year sentence

Former West Li

THINK OUT LOUD

# War in Ukraine darkens economic outlook for Pacific Northwest wheat farmers



By Sage Van Wing (OPB)

March 15, 2022 9 a.m. Updated: March 22, 2022 9:09 a.m.

**Broadcast: Tuesday, March 15**



Farmer and Camas Country Mill owner Tom Hunton inspects his field of einkorn wheat—an heirloom grain that harks back to the Fertile Crescent.

Arya Surowidjojo / OPB

0:00 / 11:04



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The price of wheat has been fluctuating wildly in the last few weeks because of Russia's invasion of Ukraine. The countries are two of the largest exporters of wheat in the world. Wheat growers in the Pacific Northwest mostly planted their fields last fall, but the volatility in the market is making some grain cooperatives nervous. The war is also driving up the cost of fertilizer and gas prices, which is adding to uncertainty for northwest growers. Darren Padget, the Chairman of [US Wheat Associates](#) and an Oregon wheat farmer, explains.

*Note: The following transcript was computer generated and edited by a volunteer.*

**Dave Miller:** *The price of wheat on the commodities market has nearly doubled just since July; it has been fluctuating wildly in the last few weeks because of Russia's invasion of Ukraine. Those two countries are two of the largest exporters of wheat in the world. The war is also driving up the cost of fertilizer and gas prices, adding even more uncertainty for all wheat growers all around the world. Darren Padget is a wheat farmer in Oregon, and the chairman of U.S. Wheat Associates. That's a group focused on wheat exports and service to those markets. He joins us now to talk about all of this volatility and uncertainty. Darren Padget, welcome back.*

**Darren Padget:** Hi, how are you doing today?

**Miller:** *Doing fine. Thanks for giving us some of your time. I thought we could start with local or regional farmers in the Northwest, and then move outward from there. Broadly, how are Pacific Northwest wheat farmers doing right now?*

**Padget:** Well, there's a lot of things going on, and then the war is just really, really throwing things out of whack. To begin with, we've been dry for a year, so last year's

as much supply, and now we go through and it's still dry in the midwest. We're better off in the PNW, but we've still got a ways to go, and when the Russian-Ukrainian thing went off, it just threw gas on a fire, so to speak.

**Miller:** *Can you remind us what kind of wheat most farmers plant in the northwest?*

**Padget:** In the northwest, it's predominantly soft white wheat, and 85% of the northwest production is exported primarily to Asia.

**Miller:** *And when is that wheat planted?*

**Padget:** Typically, it's late September through October, and so it would be winter wheat, very little spring grain grown. It's better yields with winter wheat, and the type of product you would get out of white wheat would be pita bread, Oreo cookies, Triscuits, Ritz crackers, confectionery flour, and maybe blended into some noodles. It's very low gluten rates. If you made a loaf of bread out of it, it would get about an inch high.

**Miller:** *So if that's the vast majority of the harvest in the northwest, if that's planted in the fall, I'm assuming that any kind of geopolitical catastrophes now wouldn't affect what farmers planted, because stuff was already in the ground.*

**Padget:** For the PNW, not so much. For the Midwest, yeah, that'll be a factor, because winter wheat is primarily from South Dakota, there's some in Montana, but when you get up into North Dakota and Montana, and Kansas, those are your primary production zones. North Dakota and Montana typically produce Hard Red Spring, which is an extremely high quality grain, and that will be going in, obviously, in the next month or two, but they have options. They could be doing post-crops like canola and other oil seeds, and then your spring planting in a lot of the Midwest is corn and beans, but with fertilizer prices triple what they used to be, they may be looking for less nutrient-hungry crops. With wheat prices up, that may come into play. We're just not going to know for a month or two yet, until we see how things shake out with the planning.

**Miller:** *And the decisions that individual farmers are making. Let's turn to fertilizer prices. Since you just mentioned that, you said they're up three fold, 300% increase. What's the reason, or, what are the reasons for that gigantic increase?*

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**Padget:** Well, actually, this started last fall with a general shortage, a hurricane. A lot of the fertilizer that's used is anhydrous ammonia, and that supply comes out of Canada and Texas and overseas. That's one of the big things that's driving this market. Russia supplies a lot of fertilizer to the world as well. An example of that would be Brazil gets 85% of their fertilizer from the Black Sea. Obviously we don't get that much, but we get a lot. Hurricane Ida took out a plant in Texas for a while, so that production was gone. Things started to get a bit fearful on supply. A lot of people maybe could put their fertilizer down in the fall, even if they spring planted. Last fall, for anhydrous ammonia, I believe I was paying about \$450 a ton. A friend of mine just laid in a truckload, said it was \$1500 a ton. So three-fold is a little bit low. Last fall it even got down to where we were put on allocations as to how much we could use towards the end of the season. I have never in my life, and I've been farming since 1985, seen that happen.

**Miller:** *Meaning you were limited in how much you could buy, or how much you could use?*

**Padget:** Yes. Typically in our situation, we put down 2500 to 3000 gallons a day of product. We were called up and told 'you will get 1100 gallons every other day.'

**Miller:** *This is my ignorance as somebody who can just plant some tomatoes here and there. But, on the industrial scale of farming, feeding the world, what does it mean, for farmers like you to not be able to put as much fertilizer as you're used to? But also farmers in much poorer parts of the country, that are closer to subsistence living?*

**Padget:** Right now, I produce enough grain, and I live on marginal ground. We're in a very dry area, and it's a very complicated plant; that's why you can plant it in the high desert. But we'll feed enough caloric intake, on a 2000 calories a day diet, to, say, feed about four people per acre. Well, if I don't have my fertilizer, that number drops to two.

**Miller:** *The fertilizer, those inputs, they double your yield.*

**Padget:** Yes, depending on the farmer and the depth of soil. There's a lot of factors but it used to be that we didn't fertilize a lot when I was growing up. If you got a 30 bushel crop, that was a big deal, maybe 35. I mean, that was just hitting it out of the park. But with new breeding techniques and the use of fertilizers and so forth now, we like to see 50 bushels an acre.

**Miller:** *And this is one of the gigantic cost increases. You're looking at fuel prices just to operate*

*yet gotten to what the loss of exports from Russia and Ukraine might mean. But just what we're*

*talking about here, in terms of fuel costs and fertilizer costs. Do you have a ballpark sense for how big a global reduction we're looking at?*

**Padgett:** Well, if I could predict that, I think I'd be a very rich man. I have a good friend that has a crystal ball he refers to, but I believe I'd have better answers if I used the Magic 8 Ball right now.

**Miller:** *I take your point. There are a ton of variables and it's a fool's game, perhaps, to predict. But is it fair to say that you are expecting a big reduction in wheat globally at this point?*

**Padgett:** I would say yes, because the dryness in the US. The US has always been known as a reliable supplier. We're not the cheapest, but we're always there. But you still have to have the product to sell, and then when you throw in, now Australia did produce a pretty good crop this year, and Argentina seems to be doing okay, but the Northern Hemisphere is just suffering a lot, and I don't know where Russian-Ukrainian production is. They're about 30% of the world trade; they sell to a lot of people that are price buyers. Egypt or Iran or some of the African countries, those are the ones who are going to suffer first, because they're going to pay a lot more money for their grain if they can get it.

**Miller:** *US Agriculture Secretary Tom Vilsack said before right before the Russian invasion that the US would boost wheat production to prevent global supply chain problems, but based on what you're saying, how much could that actually happen?*

**Padgett:** A lot of factors go into who produces wheat and how much. It's interesting because wheat's kind of a minor crop, corn and soybeans are more the major crops, but all of a sudden when you get wheat, and somebody like yourself calling from OPB to talk about wheat, that shows you where it is in world production right now. All of a sudden it's front and center.

About 20% of the world's caloric intake comes from wheat, just as a reference, so it is an important crop, though it's not so widely grown. But people have to make decisions. You know mine. I'm limited. I can grow wheat, or I can grow wheat, or I can grow wheat. I simply don't have the water to do soybeans or corn on a large scale. We barely have enough water on the east side of the mountains and places to water your lawn and take a shower. Now, you get in the midwest and a lot of those winter acres are already



what is available to plant, and they'll go from there. There's a certain amount of acres that are inelastic; there's just gonna be so many acres of corn and so many acres of beans. So those inelastic acres will be the question mark for the government to say 'yeah, we're going to ensure we have enough.' That's a pretty big stretch, to guarantee something from Washington DC.

**Miller:** *Darren Padget. Thanks for your time. I appreciate it.*

**Padget:** Sure, thank you.

## Contact "Think Out Loud®"

*If you'd like to comment on any of the topics in this show, or suggest a topic of your own, please get in touch with us on [Facebook](#) or [Twitter](#), send an email to [thinkoutloud@opb.org](mailto:thinkoutloud@opb.org), or you can leave a voicemail for us at 503-293-1983. The call-in phone number during the noon hour is 888-665-5865.*

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In The News

Hiring woes in Central Oregon

Cranston gets 10-year sentence

Former West Li

# Northwest farmers face rising costs and uncertain future as Ukraine war impacts agriculture



By Anna King (Northwest News Network)

March 31, 2022 3:59 p.m.



A tractor and sprayer work a stubble field spraying Roundup. Killing volunteer wheat and cheatgrass will help save moisture



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BBC Newsday

Wayde Hudlow is parked on the remote corner of Lone Star and Hoover – two lonely roads dividing four yawning wheat fields. Hudlow’s tanker truck is filled with RoundUp he bought last fall. A tractor and sprayer operated by his field man work back and forth over the field.

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“We’re spraying our stubble fields to kill the cheatgrass, and volunteer wheat that’s in our stubble before we make summer fallow,” Hudlow says. “We’re spraying Roundup to kill whatever is out there that’s green.”

It was lucky he bought this chemical last fall. This year, the price is way up.

Farmers are earning higher prices for their crops right now – but are also paying higher prices for just about everything.

“Last year, we were paying about \$17 a gallon - \$15 to \$17 a gallon for RoundUp,” Hudlow says. “And now, if you can get it at all, it’s probably \$60 or \$70 a gallon.”

## Supply chain, a war and tariffs

“It’s definitely something that weighs on us farmers at times. Because you can’t pass on those higher prices,” says Nicole Berg, president of the [National](#)





Washington.

Berg says the war and trade embargoes are creating volatility in the commodities market. Russia is the largest wheat producer on the planet. With Ukraine, it grows nearly a third of the world's wheat.

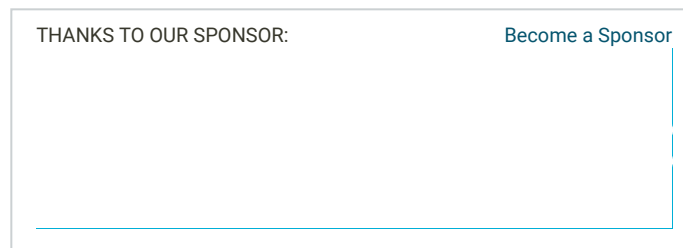
divides four wheat fields. He says input costs have been going up so fast it's hard to farm.

And Northwest wheat farmers can't raise their prices because they're competing in a global market.

"The wheat prices are going limit up, limit down, limit up, limit down," Berg says. "And there is just all this uncertainty across the countryside."

This year's crop is planted, but the war is also affecting farm chemicals like fertilizer and pesticides because many raw components come from the Black Sea area.

Now wheat farmers are worried about their fall planting.

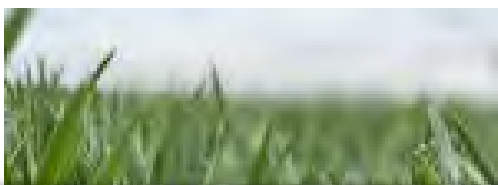


Leslie Druffel is with [McGregor Company](#), a major ag chemical firm based outside Colfax, Washington.

"You might have to have plan B, plan C, plan D - you know halfway through the alphabet - to try to make sure you've got the right crop in the ground and you've fed it and protected it," she says.

Druffel says having costs go up on everything by nearly [50 percent](#) – is crushing.

"You know, family farms have been worked for generations," she says. "And being the one that has to finally give it up – that's a heavy burden for anybody."



In a press statement, Bayer, the maker of Roundup, says: "As we look at the ag supply chain as a whole, challenges have created delays in the import of raw materials, competition for packing and packaging



Lush soft white wheat is poppin' up in an irrigated field. Dryland wheat is looking more sparse and short this spring, since there hasn't been enough rain.

drivers who help us get our products to our retail

customers. All of these have impacted companies around the globe, including Bayer, and beyond the agriculture industry. The recent increases in glyphosate prices in the marketplace can be attributed to factors affecting supply and demand throughout the world. These factors include weather events, energy restrictions, high demand for

transportation and global supply chain challenges caused by the COVID-19 pandemic.”

## The wrong side

Olivia Grassl and her husband Stacy Kniveton are at the [Community First Bank](#) in Connell, Washington to sign a major farm loan. Olivia looks down at the documents on the table.

The bank's senior agriculture officer, Bill Shibley, smiles and asks, “You ready to work on your loans for another year?”

Grassl and Kniveton grow wheat, grass seed and beans. The couple's eyes widen as they inspect the documents.

Shibley says, “Numbers are a lot bigger this year, aren't they?”

Laughing a bit, Grassl says, “Yeah they are. I wasn't expecting that one. OK, uhhh, alright, yeah.”





Farmers Olivia Grassl and husband Stacy Kniveton sit down with Bill Shibley to sign their farm loan at Community First Bank in Connell. They have to borrow more this year to account for rising costs on fuel, fertilizer, chemicals and even tractor parts.

It's a big risk for Grassl and her husband. They're signing for the loan as their corporate farm and personally. Kniveton hopes their crop prices will hold until they're sold.

"When it does go down, you just don't want to be on the wrong side of it," Kniveton says.

Add the continuing Western drought to the war in Ukraine, and farmers could be signing on for a tough couple of years.

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