

STATE OF WASHINGTON APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM

NOTE: THIS FORM IS ONLY TO BE USED FOR THE
ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

FOR OFFICE USE ONLY	
FILE No. <u>CS3-22005C(B)e3(B)e1</u>	<u>BENTON</u>
DATE ACCEPTED <u>06 / 10 / 2013</u>	BY <u>[Signature]</u>
FEE \$ <u>[Signature]</u>	REC'D <u>05 / 22 / 2013</u>
CHECK No. <u>[Signature]</u>	
SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt	

(Check all that apply.)

- Lease
- Purchase
- Donation
- Other

Explain: Temporary donation

Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE 02/01/2013
END DATE 12/31/2023

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information:

APPLICANT/BUSINESS NAME WA State Department of Natural Resources (DNR)	PHONE NO. (509) 925-0944	FAX NO. (509) 925-8522
ADDRESS 713 Bowers Road		
CITY Ellensburg	STATE WA	ZIP CODE 98926-9301
CONTACT NAME (IF DIFFERENT FROM ABOVE) Ingrid Ekstrom or Rick Roeder	PHONE NO. ()	FAX NO. ()
ADDRESS		
CITY	STATE	ZIP CODE

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER: S3-22005C(B) as changed by CS3-22005C(B)@3 and described as part B) only under 5/1/2013 Modification order for CS3-22005C(B)@3	RECORDED NAME(S) Sandpiper Tree Farm LLC
DO YOU OWN THE RIGHT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (see Part 7; attached stat. warranty deed) IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

FOR OFFICE USE ONLY	
WATER RIGHT NO. _____	FILE (contract) NO. _____
<u>CS3-22005C(B)e3(B)e1</u>	

<input type="checkbox"/> Alteration in method of diversion	<input checked="" type="checkbox"/> Alteration in water use/ irrigated acreage*
<input type="checkbox"/> Alteration in method of delivery/conveyance	<input type="checkbox"/> Nonuse of one or more points of diversion
<input type="checkbox"/> Alteration in method of water application	<input type="checkbox"/> Nonuse of all or a portion of the named water right
<input type="checkbox"/> Alteration in type of crop	<input type="checkbox"/> Other, Explain below:
* See Section 7 for additional information.	
Name of funding source(s):	

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Part B): John Day Pool, Columbia River		NE	NE	28	5 N.	25 E W.M.		n/a

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Part B): Seasonal Irrigation of 2,020 acres	27.43 cfs	6,666	2/1 - 11/30

B. Proposed Purpose of the Trust Water Right:

DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST:	
PURPOSE OF USE	ACRE-FEET/YR
Instream flow temporary donation	3,552 afy

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
See attached legal and map (Attachment 1), also described as Attachment A of 5/1/2013 modification order for CS3-22005C(B)@3							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME:							

* If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.

6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
<i>Columbia River</i>

7. Remarks and Other Relevant Information:

The DNR acquired the place of use and Part B) of Change Authorization No. CS3-22005C(B)@3 which includes 27.43 cfs and 6,666 acre-ft/yr for irrigation of 2,020 acres. For record of DNR ownership see attachment 2: statutory warranty deed. Please advise, if purchase and sales agreement is needed.

This temporary trust donation application requests to donate 3,552 acre-ft/yr of DNR's 6,666 acre-ft/yr under the subject right into the Trust water right program. During the 2013 irrigation season, there are projected to be a total of 1,324.3 acres of land irrigated on the property, with 1000.3 acres irrigated under the subject right and 324 acres irrigated under a separate water right, CS4-30634C(B). Details are provided below.

All of the trees except approximately 211 acres within field 274 were removed prior to the 2013 irrigation season (see map attachment 3). Over the course of the next 5 to 10 years, the trees in Field 274 will also be removed and new crops will be planted incrementally, ultimately totaling 2,020 acres under part B of CS3-22005C(B)@3. The first planting phase is planned for 2013 season and is projected to include approximately 1,113.3 acres of sweet corn (early season) and mint (planted on the same ground during the late season) to be irrigated by 15 center pivots (See attachment 4 for location of 15 pivots). 324 acres of the 1,113.3 acres irrigated with the pivots are to be irrigated under a different water right, Change Authorization No. CS4-30634C(B) and include all but 0.7 acres of pivot/circle numbers 4, 5, 6, and 7 shown in attachment 4. The remaining 789.3 acres of pivots are to be irrigated under part B of the subject water right, CS3-22005C(B)@3, and include pivot/circle nos. 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, and 0.7 acres of circle 5 (see attachment 4 for circle locations). In summary, a total of 1000.3 acres (789.3 acres mint/sweet corn + 211 acres trees) are to be irrigated in 2013 under CS3-22005C(B)@3 part B. The remaining 1019.7 acres authorized under CS3-22005C(B)@3 part B will not be irrigated during the 2013 season.

The 3,552 afy is available to donate to trust based on:

- the 1019.7 acres under the subject right that are not projected to be replanted to the new crop during the first planting phase in 2013; and
- lower than normal water use per acre projected in the short term on field 274 due to transition period on the property and unknown weather conditions in upcoming years.

Attachments 5 and 6 show extent of water use:

A.5) 5/1/2013 Modification order for Change Authorization No. CS3-22005C(B)@3.

A.6) An air photo for 2009 is attached with the irrigated acres outlined that are currently owned by DNR and were irrigated in 2009 under portions of S3-22005 and S4-30634 (before/during changes and splits).

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

8. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

MR SESLA DJR 5/20/13
(Applicant) (Date)

MR SESLA DJR 5/20/13
(Water Right Holder) (Date)

MR SESLA DJR 5/20/13
(Land Owner(s) of Existing Place of Use) (Date)

IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):	
<input type="checkbox"/> ADDITIONAL SIGNATURES REQUIRED	<input type="checkbox"/> SECTION _____ IS INCOMPLETE
<input type="checkbox"/> OTHER/EXPLANATION: _____	
STAFF: _____	DATE: ____/____/____

Attachment 1 to DNR 2013 Trust Water Right Application for part B) of CS3-22005C(B)@3.

Section 6. A. Existing Place of Use: (The following is from 1/24/2011 Modification Order for CS3-22005C(B)@2. The place of use is also described in Attachment A of the 5/1/2013 Modification Order for CS3-22005C(B)@3.)

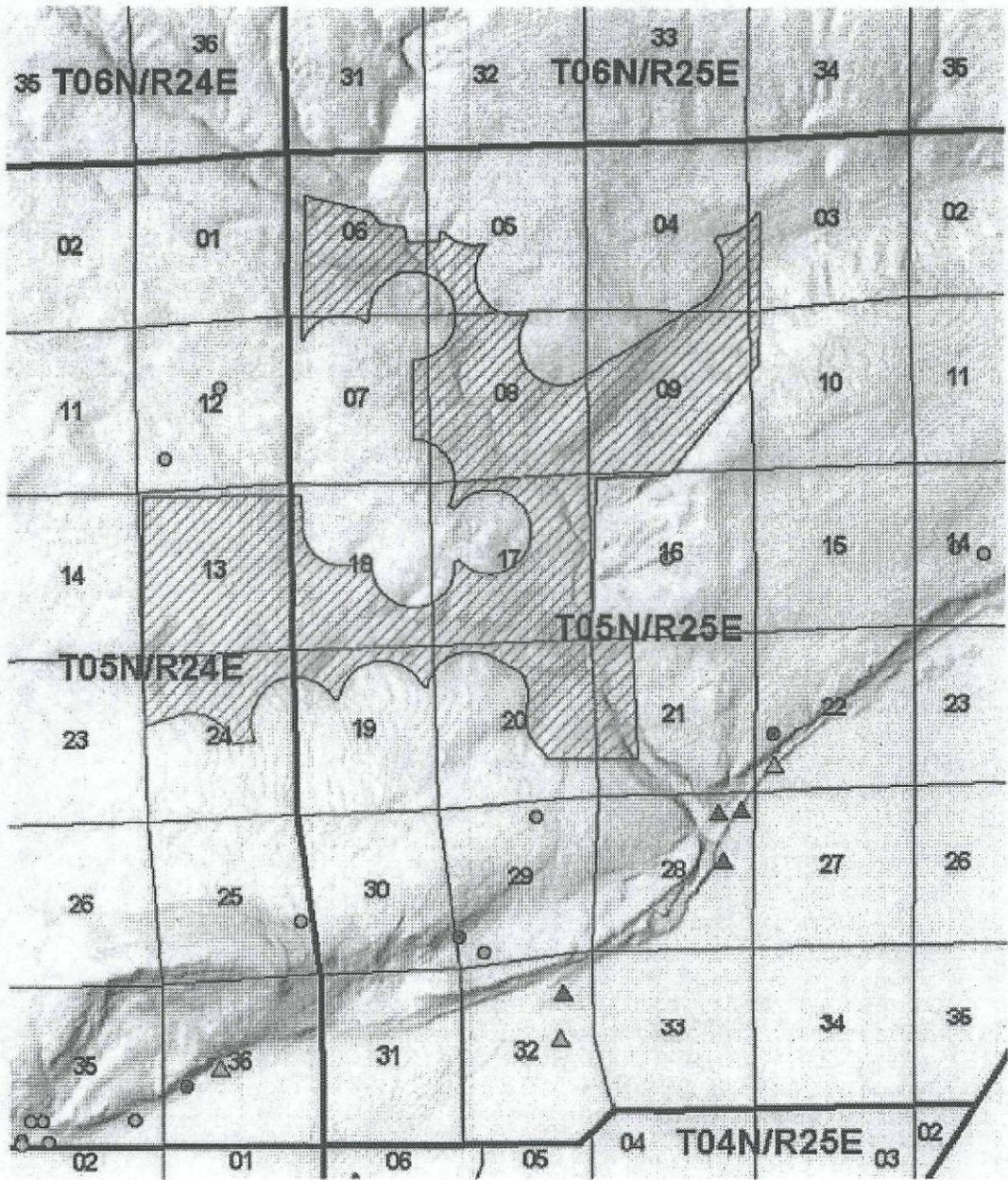
Attachment A

REAL PROPERTY WITHIN THE PLACE OF USE AS DESCRIBED IN WATER RIGHT CERTIFICATE NO. S4-22005C LOCATED IN SECTIONS 4, 5, 6, 7, 8, 9, 17, 18, 19, 20 AND 21 TOWNSHIP 5 NORTH, RANGE 25 EAST OF THE WILLAMETTE MERIDIAN AND IN SECTIONS 13 AND 24, TOWNSHIP 5 NORTH, RANGE 24 EAST OF THE WILLAMETTE MERIDIAN BENTON COUNTY, WASHINGTON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 9 AND BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH $1^{\circ}25'33''$ WEST, 1783.60 FEET ALONG THE EAST LINE OF SAID SECTION 9; THENCE SOUTH $40^{\circ}00'16''$ WEST, 4629.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 9; THENCE SOUTH $87^{\circ}35'27''$ WEST, 2305.64 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE SOUTH $2^{\circ}00'08''$ WEST, 5205.63 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH $87^{\circ}41'05''$ EAST, 1321.04 FEET ALONG THE NORTH LINE OF SAID SECTION 21; THENCE SOUTH $1^{\circ}55'59''$ EAST, 2623.23 FEET; THENCE SOUTH $01^{\circ}49'52''$ EAST, 1301.39 FEET; THENCE NORTH $89^{\circ}30'03''$ WEST, 2908.47 FEET; THENCE NORTH $35^{\circ}22'07''$ WEST, 266.78 FEET; THENCE NORTH $47^{\circ}35'48''$ WEST, 277.03 FEET; THENCE NORTH $40^{\circ}15'08''$ WEST, 151.38 FEET; THENCE NORTH $33^{\circ}16'59''$ WEST, 156.14 FEET; THENCE NORTH $24^{\circ}21'19''$ WEST, 272.57 FEET; THENCE NORTH $13^{\circ}54'02''$ WEST, 134.50 FEET; THENCE NORTH $6^{\circ}44'34''$ WEST, 289.31 FEET; THENCE NORTH $4^{\circ}19'05''$ EAST, 32.37 FEET; THENCE NORTH $7^{\circ}49'00''$ EAST, 315.02 FEET; THENCE NORTH $7^{\circ}08'55''$ EAST, 207.93 FEET; THENCE NORTH $3^{\circ}13'32''$ EAST, 114.96 FEET; THENCE NORTH $4^{\circ}47'44''$ WEST, 271.01 FEET; THENCE NORTH $14^{\circ}50'20''$ WEST, 53.57 FEET; THENCE NORTH $15^{\circ}48'45''$ WEST, 305.63 FEET; THENCE NORTH $23^{\circ}16'37''$ WEST, 153.02 FEET; THENCE NORTH $60^{\circ}19'06''$ WEST, 1050.56 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $29^{\circ}44'39''$ WEST, 1490.30 FEET); THENCE WESTERLY AND SOUTHWESTERLY, 2765.10 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $106^{\circ}18'23''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $90^{\circ}00'00''$ WEST, 117.60 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $63^{\circ}52'03''$ WEST, 1492.26 FEET); THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY, 3765.19 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $144^{\circ}33'56''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $90^{\circ}00'00''$ WEST, 124.16 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $58^{\circ}50'51''$ WEST, 1493.92 FEET); THENCE NORTHWESTERLY, WESTERLY, SOUTHWESTERLY AND SOUTHERLY, 4516.72 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $173^{\circ}13'43''$ TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 24; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE ALONG SAID NORTH LINE SOUTH $89^{\circ}20'56''$ WEST, 741.74 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $69^{\circ}08'33''$ WEST, 1492.15 FEET); THENCE NORTHWESTERLY AND WESTERLY, 2298.73 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $88^{\circ}16'02''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH $70^{\circ}52'26''$ WEST, 1068.41 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 24; THENCE NORTH $1^{\circ}57'04''$ WEST, 2073.90 FEET TO THE NORTHWEST CORNER OF SAID SECTION 24; THENCE NORTH $00^{\circ}14'16''$ EAST, 5268.92 FEET TO THE NORTHWEST CORNER OF SAID SECTION 13; THENCE NORTH $89^{\circ}11'04''$ EAST, 5231.12 FEET TO THE NORTHEAST CORNER OF SAID SECTION 13; THENCE SOUTH $0^{\circ}56'17''$ EAST, 852.65 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $89^{\circ}32'27''$ EAST, 1370.81 FEET); THENCE SOUTHEASTERLY AND EASTERLY, 3026.43 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $126^{\circ}29'45''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH $60^{\circ}44'51''$ EAST, 163.86 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $83^{\circ}26'46''$ EAST, 1363.78 FEET); THENCE SOUTHERLY AND SOUTHEASTERLY, 4539.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $190^{\circ}42'49''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $65^{\circ}39'23''$ EAST, 150.00 FEET TO A POINT ON A NON-TANGENT CURVE

(RADIUS POINT BEARS NORTH 48°26'22" EAST, 1358.89 FEET); THENCE SOUTHEASTERLY AND NORTHERLY AND WESTERLY, 6789.96 FEET, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 286°17'23"; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH 58°21'16" WEST, 263.34 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH 56°11'07" WEST, 1366.32 FEET); THENCE NORTHERLY AND NORTHWESTERLY, 2956.37 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 123°58'24"; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH 0°07'57" WEST, 2550.16 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH 0°06'01" WEST, 1420.11 FEET); THENCE NORTHEASTERLY, NORTHERLY, NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY, 6833.31 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 275°41'49"; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH/ I 57°03'05" WEST, 138.03 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH 34°48'03" WEST, 1366.03 FEET); THENCE WESTERLY AND SOUTHWESTERLY, 2426.84 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 101°47'23"; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH 89°12'15" WEST, 71.99 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 7; THENCE NORTH 0°32'15" EAST, 274.30 FEET TO THE NORTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 0°32'15" EAST, 2640.03 FEET ALONG THE WEST LINE OF SAID SECTION 6; THENCE NORTH 86°27'18" EAST, 4498.08 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 5; THENCE NORTH 0°15'09" EAST, 291.04 FEET ALONG SAID WEST LINE; THENCE SOUTH 89°59'57" EAST, 145.92 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH 45°51'32" EAST, 1378.70 FEET); THENCE SOUTHEASTERLY AND EASTERLY, 1466.33 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 60°56'15"; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH 43°46'15" EAST, 45.71 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH 49°18'40" EAST, 1374.71 FEET); THENCE SOUTHERLY AND SOUTHEASTERLY, 3479.92 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 145°02'16"; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH 49°48'22" EAST, 53.03 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH 49°49'18" EAST, 1373.33 FEET); THENCE SOUTHERLY AND SOUTHEASTERLY, 3561.87 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 148°36'09"; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH 57°22'03" EAST, 805.81 FEET; THENCE NORTH 58°44'31" EAST, 503.05 FEET; THENCE NORTH 57°29'10" EAST, 3395.49 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH 21°51'02" WEST, 1357.43 FEET); THENCE NORTHEASTERLY AND NORTHERLY, 2515.25 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 106°09'59"; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH 32°42'05" EAST, 184.08 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH 2°45'41" EAST, 1375.57 FEET); THENCE NORTHEASTERLY, 1582.24 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 65°54'15"; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH 89°59'59" EAST, 116.09 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 4; THENCE SOUTH 0°04'03" WEST, 3127.25 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.
CONTAINS 3270 ACRES MORE OR LESS.

EXCEPTING THE N1/2 OF SECTION 6, THE SE1/4 OF SECTION 9, AND THAT PORTION OF THE W1/2W1/2 OF SECTION 21, T. 5 N., R25 E.W.M. NOT COVERED BY THE CERTIFICATED PLACE OF USE DESCRIBED ABOVE.



Note: The map above lines up with County parcel coverage which does not perfectly line up with the section lines in the Ecology GIS system. See Ecology GIS system for comparison.

Attachment 2 to DNR 2013 Trust
Water Right Application for
CS3-22005C(B)@3 part B

2012-015820 D
05/30/2012 04:28:01 PM Pages: 10 Fee: \$71.00
Stewart Title Co-1
Benton County, Benton County Auditor's Office



After Recording Return to:
Asset Management and Recreation Division
Department of Natural Resources
P. O. Box 47014
Olympia, WA 98504

EXCISE TAX PAID
122,197.77
MY 30 12 K02135
BENTON COUNTY WA

0748-4543

STEWART TITLE OF THE TRI-CITIES

STATUTORY WARRANTY DEED

Grantor: Sandpiper Tree Farm, LLC

Grantee: State of Washington, acting by and through the Department of Natural Resources

Abbreviated Legal: Ptn. Sections 13 & 24, T5N, R24E and Ptn. Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, & 21, T5N, R25E, W.M. Benton County, WA

Full Legal Description: See attached Exhibit A.

Tax Parcel No.: 1-1354-100-0000-000; 1-1354-200-0000-000; 1-0655-200-0001-000; 1-0455-100-0001-000; 1-0555-300-0001-000; 1-0755-100-0001-000; 1-0855-100-0001-000; 1-0955-100-0001-000; 1-1755-100-0001-000; 1-1855-100-0001-000; 1-1955-100-0002-000; 1-2055-100-0001-000; 1-2155-200-0001-000; 1-2454-100-0001-000

Cross Reference: 2010-006446

The Grantor, Sandpiper Tree Farm, LLC, a Delaware limited liability company, for and in consideration of \$10.00 Dollars in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, conveys and warrants to STATE OF WASHINGTON, acting by and through the DEPARTMENT OF NATURAL RESOURCES, GRANTEE, the real property situated in Benton County, State of Washington, and described in Exhibit A attached hereto (the "Property"). This conveyance includes any appurtenant water rights described in approved Water Right Change Application Nos. CS4-30634C(B) & CS3-22005C(B)@2 issued by the Department of Ecology, excluding that 950 acre foot portion of Certificate S3-22005C(B) described in the Water Right Purchase and Sale Agreement between T&R Farms, Inc. and Sandpiper Tree Farm, LLC, dated February 6, 2012, and effective as of March 2, 2012.

1 - STATUTORY WARRANTY DEED

PDX/122945/179924/MAS/9437837.2

Grantor reserves the right to harvest the standing crop of poplar trees that are currently growing on the Property ("**Reserved Crop**"). Grantor shall pay all costs associated with the care and harvesting of Reserved Crop including but not limited to operation and maintenance of water system and roads. Grantor shall have a right of access over the real estate to harvest the Reserved Crop until the expiration of this reservation. This reservation expires eighteen (18) months after the date of this deed.

Grantor agrees to indemnify and hold Grantee harmless from any and all claims, suits or damages, whether bodily injury, death or property damage, arising out of Grantor's activities on the Property in connection with the rights reserved herein. Grantee waives its immunity under Title 51 RCW to the extent necessary to give effect to this indemnity. Any Reserved Crop remaining on the real estate after the expiration date shall be deemed abandoned and belongs to Grantee without payment. Grantee shall be entitled to all proceeds from such abandoned crops.

SUBJECT TO the following encumbrances: See Exhibit B attached hereto.

[Signature and acknowledgement appear on the following page]

Dated this 24 day of May, 2012.

Grantor

SANDPIPER TREE FARM, LLC,
a Delaware limited liability company

By: GreenWood Tree Farm Fund, LP,
a Delaware limited partnership, its sole member

By: GTFF GP, LLC,
a Delaware limited liability company, its general partner

By: GreenWood Resources, Inc,
a Nevada corporation, its managing member

By: [Signature]
Jeff Nuss, President and CEO

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

On this 24th day of May, 2012, before me Melissa C. Albrecht,
a Notary Public of said State, personally appeared Jeff Nuss, personally known to me (or proved
to me on the basis of satisfactory evidence) to be the person who executed the within instrument
as President and CEO of GreenWood Resources, Inc. and that for and on behalf of the said
GreenWood Resources, Inc. he signed and delivered the above and foregoing Statutory Warranty
Deed.



Notary Public Melissa C. Albrecht
Name: Melissa C. Albrecht
(Print or Type)
My Commission Expires: 9/19/2015

EXHIBIT A
(Legal Description)

Real property located in Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20 and 21, Township 5 North, Range 25 East of the Willamette Meridian, and in Sections 13 and 24, Township 5 North, Range 24 East of the Willamette Meridian, Benton County, Washington, being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 9 and being the True Point of Beginning; thence South $1^{\circ}25'33''$ West, 1783.60 feet along the East line of said Section 9; thence South $40^{\circ}00'16''$ West, 4629.00 feet, to a point on the South line of said Section 9; thence South $87^{\circ}35'27''$ West, 2305.64 feet, to the Southwest corner of said Section 9; thence South $2^{\circ}00'08''$ West, 5205.63 feet, to the Southeast corner of said Section 17; thence North $87^{\circ}41'05''$ East, 1321.04 feet, along the North line of said Section 21; thence South $1^{\circ}55'59''$ East, 2623.23 feet; thence South $01^{\circ}49'52''$ East, 1301.39 feet; thence North $89^{\circ}30'03''$ West, 2908.47 feet; thence North $35^{\circ}22'07''$ West, 266.78 feet; thence North $47^{\circ}35'48''$ West, 277.03 feet; thence North $40^{\circ}15'08''$ West, 151.38 feet; thence North $33^{\circ}16'59''$ West, 156.14 feet; thence North $24^{\circ}21'19''$ West, 272.57 feet; thence North $13^{\circ}54'02''$ West, 134.50 feet; thence North $6^{\circ}44'34''$ West, 289.31 feet; thence North $4^{\circ}19'05''$ East, 32.37 feet; thence North $7^{\circ}49'00''$ East, 315.02 feet; thence North $7^{\circ}08'55''$ East, 207.93 feet; thence North $3^{\circ}13'32''$ East, 114.96 feet; thence North $4^{\circ}47'44''$ West, 271.01 feet; thence North $14^{\circ}50'20''$ West, 53.57 feet; thence North $15^{\circ}48'45''$ West, 305.63 feet; thence North $23^{\circ}16'37''$ West, 153.02 feet; thence North $60^{\circ}19'06''$ West, 1050.56 feet to a point on a non-tangent curve (radius point bears South $29^{\circ}44'39''$ West, 1490.30 feet); thence Westerly and Southwesterly, 2765.10 feet along the arc of said curve through a central angle of $106^{\circ}18'23''$; thence leaving said curve on a non-tangent line North $90^{\circ}00'00''$ West, 117.60 feet to a point on a non-tangent curve (radius point bears South $63^{\circ}52'03''$ West, 1492.26 feet); thence Northwesterly, Westerly and Southwesterly, 3765.19 feet along the arc of said curve through a central angle of $144^{\circ}33'56''$; thence leaving said curve on a non-tangent line North $90^{\circ}00'00''$ West, 124.16 feet to a point on a non-tangent curve (radius point bears South $58^{\circ}50'51''$ West, 1493.92 feet); thence Northwesterly, Westerly, Southwesterly and Southerly, 4516.72 feet along the arc of said curve through a central angle of $173^{\circ}13'43''$ to a point on the North line of the South half of said Section 24; thence leaving said curve on a non-tangent line along said North line South $89^{\circ}20'56''$ West, 741.74 feet to a point on a non-tangent curve (radius point bears South $69^{\circ}08'33''$ West, 1492.15 feet); thence Northwesterly and Westerly, 2298.73 feet along the arc of said curve through a central angle of $88^{\circ}16'02''$; thence leaving said curve on a non-tangent line South $70^{\circ}52'26''$ West, 1068.41 feet to a point on the West line of said Section 24; thence North $1^{\circ}57'04''$ West, 2073.90 feet to the Northwest corner of said Section 24; thence North $00^{\circ}14'16''$ East, 5268.92 feet to the Northwest corner of said Section 13; thence North $89^{\circ}11'04''$ East, 5231.12 feet to the Northeast corner of said Section 13; thence South $0^{\circ}56'17''$ East, 852.65 feet to a point on a non-tangent curve (radius point bears South $89^{\circ}32'27''$ East, 1370.81 feet); thence Southeasterly and Easterly, 3026.43 feet along the arc of said curve through a central angle of $128^{\circ}29'45''$; thence leaving said curve on a non-tangent line South $60^{\circ}44'51''$ East, 163.86 feet to a point on a non-tangent curve (radius point bears South $83^{\circ}26'46''$ East, 1363.78 feet); thence Southerly and Southeasterly, 4539.45 feet along the arc of said curve through a central angle of $190^{\circ}42'49''$; thence leaving said curve on a non-tangent line North $65^{\circ}39'23''$ East, 150.00 feet to a point on a non-tangent curve (radius point bears North $48^{\circ}26'22''$ East, 1358.89 feet); thence Southeasterly, Northerly and Westerly, 6789.96 feet, along the arc of said curve through a central angle of $286^{\circ}17'23''$; thence leaving said curve on a non-tangent line North $58^{\circ}21'16''$ West, 263.34 feet to a point on a non-tangent curve (radius point bears North $56^{\circ}11'07''$ West, 1366.32 feet); thence Northerly and Northwesterly, 2956.37 feet along the arc of said curve through a central angle of $123^{\circ}58'24''$; thence leaving said curve on a non-tangent line North $0^{\circ}07'57''$ West, 2550.16 feet to a point on a non-tangent curve (radius point bears North $0^{\circ}06'01''$ West, 1420.11 feet); thence Northeasterly, Northerly, Northwesterly, Westerly and Southwesterly, 6833.31 feet along the arc of said curve through a central angle of $275^{\circ}41'49''$; thence leaving said curve on a non-tangent line South $57^{\circ}03'05''$ West, 138.03 feet to a point on a non-tangent

4 – STATUTORY WARRANTY DEED

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curve (radius point bears South 34°48'03" West, 1366.03 feet); thence Westerly and Southwesterly, 2426.84 feet along the arc of said curve through a central angle of 101°47'23"; thence leaving said curve on a non-tangent line South 89°12'15" West, 71.99 feet to a point on the West line of said Section 7; thence North 0°32'15" East, 274.30 feet to the Northwest corner of said Section 7; thence North 0°32'15" East, 2640.03 feet along the West line of said Section 6; thence North 86°27'18" East, 4498.08 feet to a point on the West line of said Section 5; thence North 0°15'09" East, 291.04 feet along said West line; thence South 89°59'57" East, 145.92 feet to a point on a non-tangent curve (radius point bears North 45°51'32" East, 1378.70 feet); thence Southeasterly and Easterly, 1466.33 feet along the arc of said curve through a central angle of 60°56'15"; thence leaving said curve on a non-tangent line South 43°46'15" East, 45.71 feet to a point on a non-tangent curve (radius point bears South 49°18'40" East, 1374.71 feet); thence Southerly and Southeasterly, 3479.92 feet along the arc of said curve through a central angle of 145°02'16"; thence leaving said curve on a non-tangent line South 49°48'22" East, 53.03 feet to a point on a non-tangent curve (radius point bears South 49°49'18" East, 1373.33 feet); thence Southerly and Southeasterly, 3561.87 feet along the arc of said curve through a central angle of 148°36'09"; thence leaving said curve on a non-tangent line North 57°22'03" East, 805.81 feet; thence North 58°44'31" East, 503.05 feet; thence North 57°29'10" East, 3395.49 feet to a point on a non-tangent curve (radius point bears North 21°51'02" West, 1357.43 feet); thence Northeasterly and Northerly, 2515.25 feet along the arc of said curve through a central angle of 106°09'59"; thence leaving said curve on a non-tangent line North 32°42'05" East, 184.08 feet to a point on a non-tangent curve (radius point bears North 2°45'41" East, 1375.57 feet); thence Northeasterly, 1582.24 feet along the arc of said curve through a central angle of 65°54'15"; thence leaving said curve on a non-tangent line North 89°59'59" East, 116.09 feet to a point on the East line of said Section 4; thence South 0°04'03" West, 3127.25 feet along said West line to the Point of Beginning.

TOGETHER WITH a parcel of land situated in the Northwest quarter of Section 6, Township 5 North, Range 25 East, W.M., Benton County, Washington, lying Southerly and Westerly of the following described line:

BEGINNING at the Northwest corner of said Northwest quarter; thence South 0°33'11" West, along the West line of said Northwest quarter, a distance of 922.96 feet to the True Point of Beginning; thence South 77°28'56" East, a distance of 2234.24 feet; thence South 36°22'56" East, a distance of 477.76 feet; thence South 83°03'27" East, a distance of 808.57 feet; thence South 09°20'59" East, a distance of 550.1 feet, more or less, to the South line of said Northwest quarter and terminus of said line.

**EXHIBIT B
(Title Exceptions)**

1. Intentionally deleted.
2. Intentionally deleted.
3. Intentionally deleted.
4. Intentionally deleted.
5. Intentionally deleted.
6. Intentionally deleted.
7. Intentionally deleted.
8. Intentionally deleted.
9. Intentionally deleted.
10. Intentionally deleted.
11. Intentionally deleted.
12. Intentionally deleted.
13. Intentionally deleted.
14. Intentionally deleted.
15. Intentionally deleted.
16. The lands described herein have been classified as Current Use and are subject to the provisions of RCW 84.34 which include the requirement of a continuation of restricted use in order to continue the present assessment rate. A change in use can cause an increased assessment rate for present and past years.

Any sale or transfer of all or a portion of said property requires execution of a notice of continuance form by the new owner prior to closing with submission to the County Assessor at least 2 weeks prior to recording for approval of continuance or removal.

NOTE: If the proposed transaction involves a sale of the property so classified or designated, there will be additional requirements regarding the Real Estate Tax Affidavit. Please contact Benton County Assessor or the Company for additional information.

17. Intentionally deleted.
18. Memorandum of Feasibility Study Permit With Lease Option, and the terms and conditions thereof:
Lessor: Sandpiper Farms, Inc., a Washington corporation
Lessee: PG&E Gas Transmission, Northwest Corporation, a California corporation

Recorded: November 3, 1998
Recording No.: 1998-033002

Assignment of Feasibility Study Permit With Lease Option
and the terms and conditions thereof:

Assignor: PG&E Gas Transmission, Northwest Corporation, a California
corporation
Assignee: Stanfield Hub Service, LLC., a Washington limited liability corporation
Recorded: September 15, 2000
Recording No.: 2000-023853

19. Intentionally deleted.
20. Intentionally deleted.
21. Memorandum of Joint Operating Agreement for a Water Delivery System and the terms and conditions thereof:
Recorded: July 31, 2009
Recording No.: 2009-023307
22. This office finds no deeds of trusts of record. If this office is in error please contact this office as soon as possible.
23. Evidence of the identity and authority of the officers of State of Washington to execute the forthcoming instrument must be submitted.
24. The attached Commercial Title Affidavit must be completed in full, notarized, and submitted to the Company for review prior to closing.
25. An inspection of the land described herein must be ordered and completed to determine any potential lien rights due to improvements or renovations under construction or recently completed. As a result of the inspection, we may require one or more of the following which will be subject to review and acceptance by the Company:
 - A. Execution of Indemnity Agreement regarding Mechanic Liens by borrowers, general contractors,
and/or other parties as we may require;
 - B. If a general contractor was employed, a general indemnity executed by both the contractor and owner;
 - C. Evidence of payment from all contractors, subcontractors and material suppliers;
 - D. Review of a current financial statement for the borrowers. If such is not available, a copy of the loan
application may be submitted; and
 - E. Such other items as the company at its discretion may deem appropriate
26. Notwithstanding the insuring clauses of this policy, the Company does not insure against any loss or damage by reason of lack of access to and from the land.
27. Any unrecorded leaseholds, right of vendors and holders of security interest on personal property installed upon said property, and right of tenants to remove trade fixtures at the expiration of the term.

28. A copy of the Sandpiper Tree Farm, LLC., a Delaware Limited Liability Company Operating Agreement, and any amendments thereto, must be submitted, together with a showing that the Certificate of Formation has been filed with the Secretary of State as required by statute.
29. Exceptions and Reservations contained in deed from the Northern Pacific Railway Co., recorded under Recording No. 3702.
30. Exceptions and Reservations contained in deed from the United States of America, recorded under Recording No. 3752 (Patent)
31. Easement in favor of The United States of America acting through the Bonneville Administration and the terms and conditions thereof:
 Disclosed by instrument recorded: May 14, 1953
 Recording No.: 307646
 Purpose: The right to enter and direct and maintain electric power transmission lines and appurtenances
 Affects: Portion lying within Sections 17, 18, and 19, Township 5 North, Range 25 East, W.M.
32. Exceptions and reservations contained in Deed and the terms and conditions thereof:
 From: Leo Horrigan
 Recording No.: 348929 and 388438

 Reservation of 24% interest in all hydrocarbons, including gas and oil and other minerals.
33. Exceptions and reservations contained in Deed and the terms and conditions thereof:
 From: B.P. Horrigan and Bernice
 Recording No.: 348930

 Reservation of 24% interest in all hydrocarbons, including gas and oil and other minerals.
34. Right of way contract in favor of the Pacific Northwest Pipeline Corporation, a Delaware corporation and the terms and conditions thereof:
 Disclosed by instrument recorded: December 29, 1955
 Recording No.: 350893
 Purpose: To construct, maintain, inspect, operate, protect, repair, replace, alter or remove a pipeline or pipelines for the transportation of oil, gas and the products thereof
 Affects: Portion lying within Sections 17, 18, and 19, Township 5 North, Range 25 East, W.M.
35. Exceptions and Reservations unto The Horrigan Foundation and the terms and conditions thereof:
 Recorded: March 13, 1958
 Recording No.: 388437
36. Intentionally deleted
37. Easement and the terms and conditions thereof:
 Disclosed by instrument recorded: February 21, 1965
 Recording No.: 515665
 Purpose: Electric transmission and distribution lines
 Affects: A portion of Section 5, T5N, R25E, W.M.

38. Easement in favor of the United States of America and the terms and conditions thereof:
Disclosed by instrument recorded: February 6, 1979, March 5, 1979 and
March 22, 1979
Recording No.: 782887, 785273 and 786930
Purpose: Transmission Line
39. Easement in favor of Public Utility District No. 1 of Benton County and the terms and conditions thereof:
Disclosed by instrument recorded: March 14, 1984
Recording No.: 892307
Purpose: Electric transmission and distribution lines
Affects: Blanket
40. Reservations contained in Deed and the terms and conditions thereof:
Reserved by: Michael K. Nichols and Claudia J. Nichols, dba Glade Creek Ranch
Recorded: August 30, 1993
Recording No.: 1993-025715
Affects: A ptn. Sec. 6, T5N, R25E
- Said document was rerecorded on October 26, 1993 under Auditor's File No. 1993-032731
41. Water Supply Agreement and the terms and conditions thereof:
By and Between: Sandpiper Farms, Inc. and Canoeco Partners, a joint venture
consisting of Chalone Wine Group, LTD and Canoe Ridge Vineyard, Inc.
Recorded: October 25, 1993
Recording No.: 1993-032521
42. Declaration of Restrictive Covenants as they apply to on-site Sewer System and the terms and conditions thereof:
Recorded: June 10, 1996
Recording No.: 1996-014385
43. Access License and the terms and conditions thereof:
By and Between: Sandpiper Farms, Inc and Chalone, Inc.
Recorded: November 22, 1996
Recording No.: 1996-029213
44. Easement for ingress, egress and utilities and the terms and conditions thereof:
Grantor: Stimson Lane LTD., a Washington corporation
Grantee: Sandpiper Farms, Inc., a Washington corporation
Recorded: December 30, 1999
Recording No.: 1999-039091
45. Drainage Ditch Easement Agreement and the terms and conditions thereof:
By and Between: Sandpiper Farms, Inc., a Washington corporation and Stimson Lane LTD., a Washington corporation, Glade Creek LLC., a Washington limited liability company
Recorded: December 30, 1999
Recording No.: 1999-039092
46. Easement and the terms and conditions thereof:
Disclosed by instrument recorded: April 20, 2000

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PDX/122945/179924/MAS/9437837.2

Recording No.: 2000-009488
Purpose: Ingress and egress
Affects: A Ptn. Sec. 19, T5N, R25E, W.M.

47. Intentionally deleted

48. Contract and Grant of Easement and the terms and conditions thereof:
By and Between: Sandpiper Farms, Inc., a Washington corporation and the United States of America (US Department of Energy-Bonneville Power Administration)
Recorded: August 4, 2005
Recording No.: 2005-026307
Regarding: Electric transmission and distribution lines

49. Intentionally deleted.

50. Easement Agreement and the terms and conditions thereof:
By and between: Sandpiper Farms, Inc. and 100 Circles Farm, LLC.
Disclosed by instrument recorded: September 29, 2005
Recording No.: 2005-033473
Purpose: Drainage and drainage ditches

51. Intentionally deleted

52. Reciprocal Easement, Road Maintenance Agreement and Gravel Use Agreement and the terms and conditions thereof:

By and Between: Sandpiper Farms, Inc., a Washington corporation and Sandpiper Tree Farm, LLC, a Delaware limited liability company
Recorded: July 31, 2009
Recording No.: 2009-023305

53. Easement for Drainage Ditches and the terms and conditions thereof:
Disclosed by instrument recorded: July 31, 2009
Recording No.: 2009-023306
Purpose: Drainage Ditches

54. Terms and conditions of survey recorded October 19, 2010 under Recording Number 2010-030515.

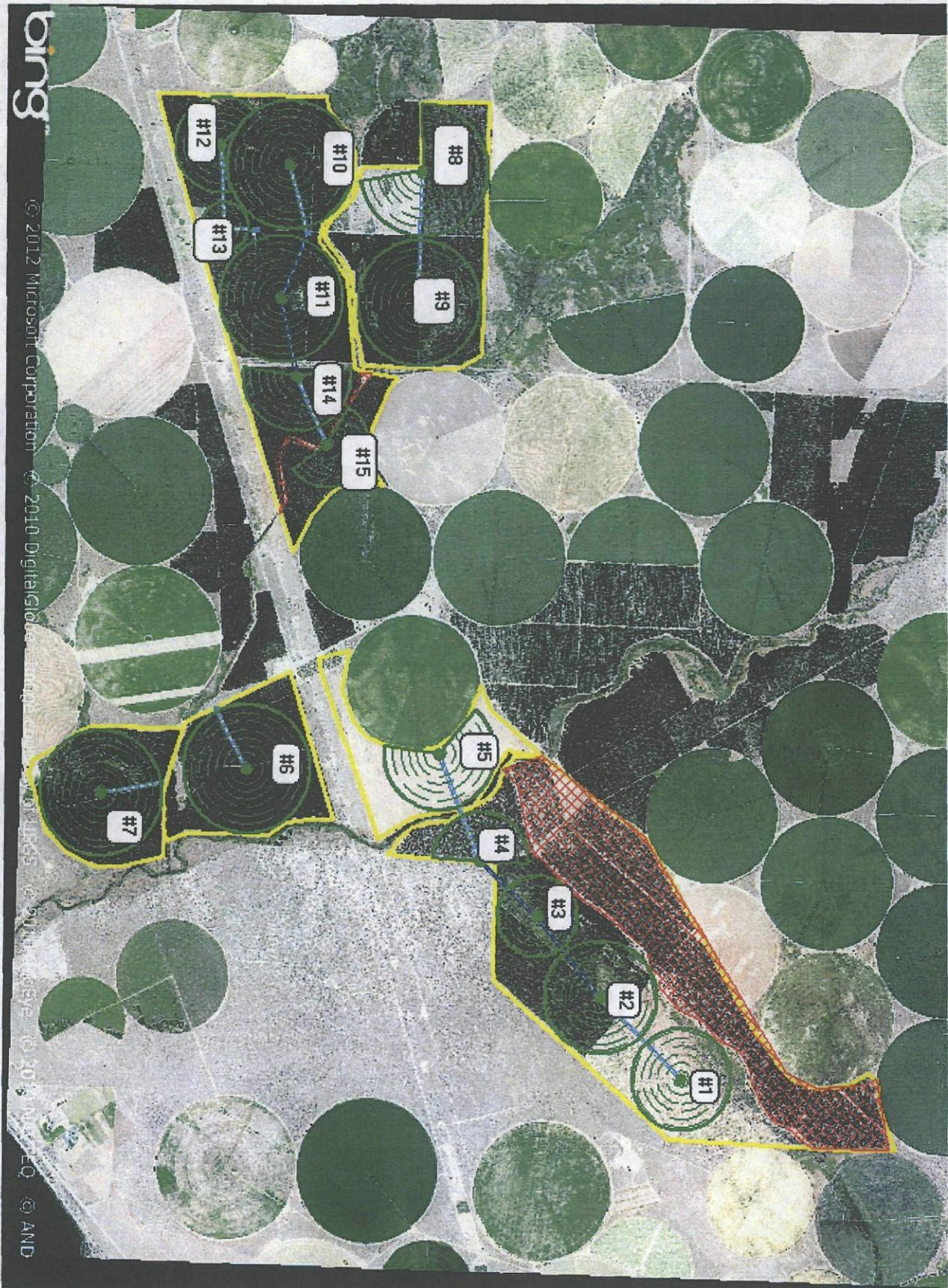
55. State of Washington Superseding Certificate of Water Right and the terms and conditions thereof:
Recorded: April 22, 2011
Recording No.: 2011-011650

56. State of Washington Superseding Certificate of Water Right and the terms and conditions thereof:
Recorded: June 2, 2011
Recording No.: 2011-015444

57. State of Washington Superseding Certificate of Water Right and the terms and conditions thereof:
Recorded: June 2, 2011
Recording No.: 2011-015445



Field 274 planted in trees. All other fields planted to trees were removed prior to the 2013 irrigation season. New crops will be planted incrementally to replace the trees that were removed. In the upcoming season irrigation of field 274 will be under part B) of change authorization CS3-22005C(B)@3. Note the 2011 air photo is shown here for reference only.



Lindsay Manufacturing Co. Omaha, NE 800-829-5300 office

Attachment 5 to DNR 2013
Trust Water Right Application
for part B) of CS3-22005C(B)@3



Washington State DNR
Received

MAY 02 2013

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

SE Region - Ellensburg

May 1, 2013

T&R Farms Inc
Attn: Ron Reimann
Reid Reimann
1120 Klundt Rd
Pasco WA 99301-9710

RE: Water Right Change Application No. CS3-22005C(B)@3 (BENT-12-01)

This modification order **SUPERSEDES** the previous order of the Department of Ecology (Ecology) related to the above referenced water right change application, dated, September 27, 2012. This modification order is the result of settlement between the parties in the Pollution Control Hearings Board (PCHB) case No. 12-116, which includes the above referenced water right change. The original order issued in accordance with RCW 90.80.080, which reversed the Benton County Water Conservancy Board's (Board) Record of Decision (ROD) and Report of Examination (ROE) dated July 2, 2012, and denied the water right change application, leading to the referenced appeal.

Summary of Department of Ecology's Superseding Order

MAXIMUM CUB FT/ SECOND		MAX GAL/MIN	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE		
(B) 27.43 cfs (D) 4.25 cfs			(B) 6,666 ac-ft (D) 1,030 ac-ft	(B) irrigation up to 2,020 acres from Feb. 1 to Nov. 30 (D) irrigation up to 1,450 acres from Feb. 1 to Nov. 30		
SOURCE			TRIBUTARY OF (IF SURFACE WATER)			
(B) John Day Pool, Columbia River (D) Ice Harbor Pool, Snake River						
¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
(B) NE	NE	28	5 N.	25 E.W.M.	31	Benton
(D) Gov Lot 4	SW	13	10 N.	32 E.W.M.	33	Franklin
AT A POINT LOCATED:						
(B) 600 feet south and 400 feet west from the northeast corner of Section 28, T. 5 N., R. 25 E.W.M.						
(D) 1165 feet east and 140 feet north from the SW corner of Section 13, T. 10 N., R. 32 E.W.M.						
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD						
(B) Attachment A, which describes an area within: Sections 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, & 21 T. 5 N., R. 25 E.W.M. and Sections 13 & 24, T. 5 N., R. 24 E.W.M.						
(D) N½ of section 16, E½ section 20, sections 21 & 28, all within T. 10 N., R. 32 E.W.M.						



The Department of Ecology (Ecology) has **MODIFIED** the decision of the Board as follows:

- 1) Pursuant to the order of the Superior Court in Benton County Case No. 12-2-02469-1, Ecology has taken the information it received on May 21, 2012, on the Request for Administrative Confirmation or Division of a Water Right Form for Water Right No. CS3-22005C(B)@2 between Sandpiper Tree Farm and T&R Farms and has recorded T&R Farms' ownership of a portion of the right in the water right file and in the Water Right Tracking System (WRTS). No further Request for Administrative Confirmation or Division of a Water Right Form will be required of the applicant. Pursuant to the Superior Court order, Ecology is not required to issue superseding certificates based on the May 21st submittal of the administrative division form.
- 2) Notwithstanding paragraph 1), Ecology has performed extent and validity and annual consumptive quantity (ACQ) analyses on the entire water right CS3-22005C(B)@2 as required under RCW 90.03.380.

As a result of this change authorization under RCW 90.03.380, the water right is subdivided into two portions; the (B) portion which remains with Sandpiper Tree Farms¹ on the original place of use in Benton County, and the (D) portion which belongs to T&R Farms and is being transferred to a place of use in Franklin County. See the summary table on page 1 of this order for the specific details on the divided portions as a result of the change to this water right.

The (D) portion equates to quantities approved for transfer to Franklin County in the CS3-22005C(B)@2 and CS3-22005C(B)@3 change authorizations;

Water Right Change No.	cfs	ac-ft	no. acres
CS3-22005C(B)@2	0.34	80	40
CS3-22005C(B)@3	3.91	950	1,410
Total for (D) portion	4.25	1,030	1,450

Note all the water right attributes of the CS3-22005C(B)@2 change are accounted for in this change authorization and the CS3-22005C(B)@2 change will become inactive as a result of this order modifying the Board's ROE and ROD and approving CS3-22005C(B)@3.

- 3) Ecology removes from the Board's ROE the analysis on application of the Determined Future Development (DFD) exception to relinquishment under RCW 90.14.140(2)(c). Any reference to or discussion of DFD in the ROE is DELETED.

¹ The Department of Natural Resources purchased this portion of the land and the appurtenant water right subsequent to the change application being filed with the Benton County Water Conservancy Board in April 2012.

- 4) The metering data and field map provided by Patrick Tucker, president of Sandpiper Farms², on March 29, 2013, for water right no. CS3-22005C(B)@2 is ADDED to the record to provide supplemental additional information to the ROE analysis documents.

In addition to the analysis conducted by the Board in its ROE, Ecology has conducted its own ACQ analysis, using 2007 through 2011 as the most recent five-year period of continuous beneficial use of the water right, and reached the same conclusion as the Board regarding the water change under RCW 90.03.380.

- 5) The following provision is ADDED to the (B) portion of the water right:

Prior to this change authorization, the right authorized the irrigation of a maximum of 2,308 acres. The maximum number of irrigated acres allowed under this change is 2,020 acres. Prior to the beginning of each irrigation season, an irrigation farm plan addressing the use of the CS3-22005C(B)@3 change including a description of irrigated acreage will be prepared and submitted to Ecology.

- 6) The following provision is ADDED to the (D) portion of the water right:

The maximum number of irrigated acres authorized for the (D) portion is 1,450 acres, however, the superseding certificate shall issue only after the change development schedule³ is fulfilled.

Prior to the beginning of each irrigation season, an irrigation farm plan addressing the use of the CS3-22005C(D)@3 change including a description of irrigated acreage will be prepared and submitted to Ecology. If necessary this will be coordinated with any water right changes and transfers for Conservation O&M Program implementation if approved by the Office of Columbia River (OCR), Ecology.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

² Sandpiper Farms was the sole owner of the parent water right no. CS3-22005C prior to the first administrative division of the water right in 2010, which split the water right into 3 portions: (A) Sandpiper Farms, (B) Sandpiper Tree Farms and (C) Department of Natural Resources. The (B) portion is the subject of this order.

³ The complete project date is January 1, 2016 and the put water to full beneficial use date is January 1, 2017.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

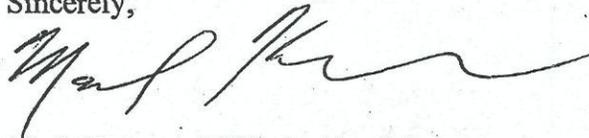
ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

If you have any questions or concerns on the above information, please call Melissa Downes at the Department of Ecology at (509)454-4259.

Sincerely,



Mark Kemner, LHG, Section Manager
Water Resources Program/CRO

MK:MD:ss/130502

Enclosure: Your Right To Be Heard
Attachment A

By Certified Mail: 7010 0290 0000 7131 2733

Certified cc: 7010 0290 0000 7131 2740
Rick Roeder, Department of Natural Resources, Asset and Property Division
7010 0290 0000 7131 2757
Luke Maynard, Sandpiper Tree Farm LLC

cc: Dr. Darryll Olsen, Benton County Water Conservancy Board
Philip Rigdon, Director Natural Resources Division Yakama Nation
Mark Dunbar, Department of Ecology, Central Region Office (email pdf)

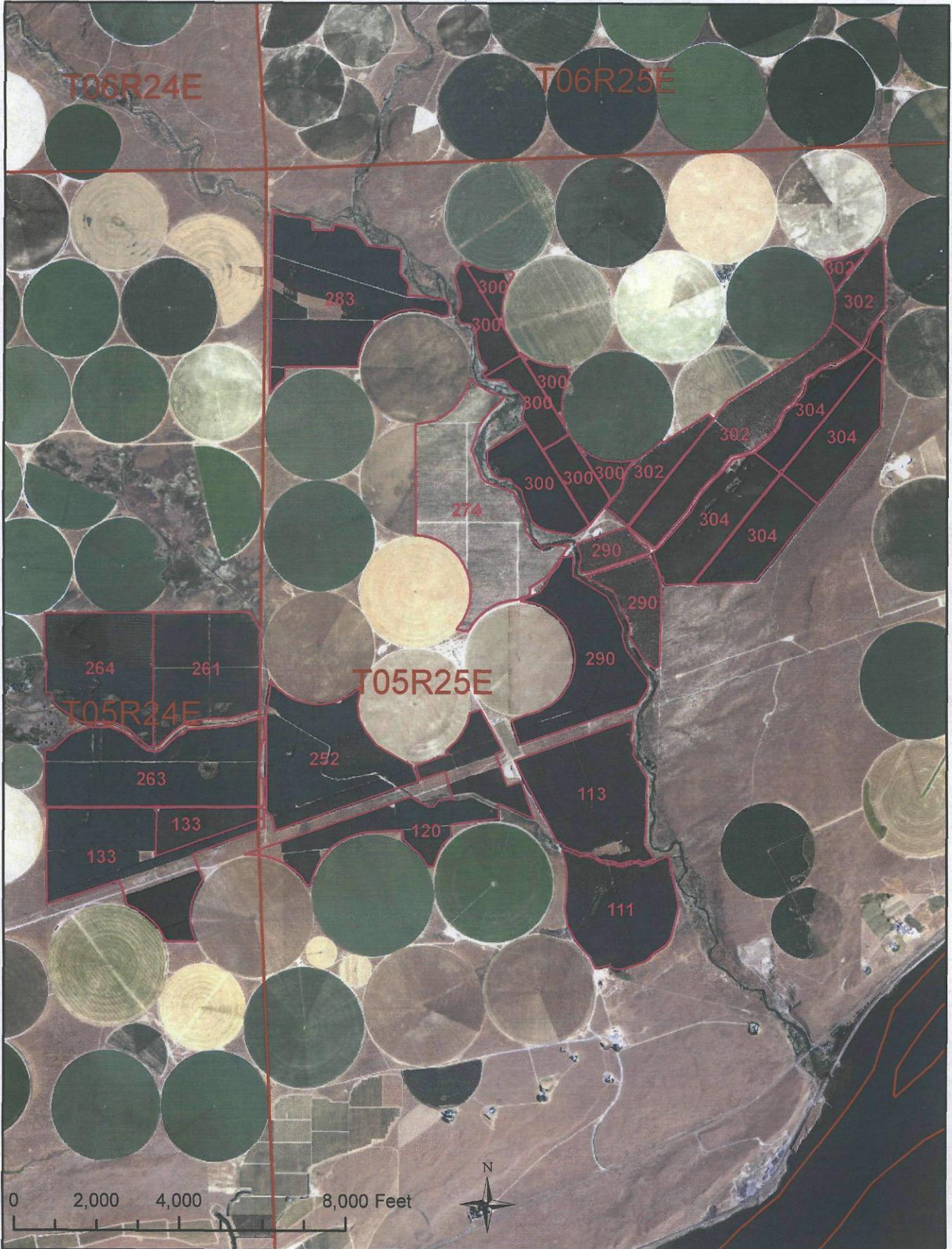
ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $190^{\circ}42'49''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $65^{\circ}39'23''$ EAST, 150.00 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH $48^{\circ}26'22''$ EAST, 1358.89 FEET); THENCE SOUTHEASTERLY AND NORTHERLY AND WESTERLY, 6789.96 FEET, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $286^{\circ}17'23''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $58^{\circ}21'16''$ WEST, 263.34 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH $56^{\circ}11'07''$ WEST, 1366.32 FEET); THENCE NORTHERLY AND NORTHWESTERLY, 2956.37 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $123^{\circ}58'24''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $0^{\circ}07'57''$ WEST, 2550.16 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH $0^{\circ}06'01''$ WEST, 1420.11 FEET); THENCE NORTHEASTERLY, NORTHERLY, NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY, 6833.31 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $275^{\circ}41'49''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH $57^{\circ}03'05''$ WEST, 138.03 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $34^{\circ}48'03''$ WEST, 1366.03 FEET); THENCE WESTERLY AND SOUTHWESTERLY, 2426.84 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $101^{\circ}47'23''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH $89^{\circ}12'15''$ WEST, 71.99 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 7; THENCE NORTH $0^{\circ}32'15''$ EAST, 274.30 FEET TO THE NORTHWEST CORNER OF SAID SECTION 7; THENCE NORTH $0^{\circ}32'15''$ EAST, 2640.03 FEET ALONG THE WEST LINE OF SAID SECTION 6; THENCE NORTH $86^{\circ}27'18''$ EAST, 4498.08 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 5; THENCE NORTH $0^{\circ}15'09''$ EAST, 291.04 FEET ALONG SAID WEST LINE; THENCE SOUTH $89^{\circ}59'57''$ EAST, 145.92 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH $45^{\circ}51'32''$ EAST, 1378.70 FEET); THENCE SOUTHEASTERLY AND EASTERLY, 1466.33 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $60^{\circ}56'15''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH $43^{\circ}46'15''$ EAST, 45.71 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $49^{\circ}18'40''$ EAST, 1374.71 FEET); THENCE SOUTHERLY AND SOUTHEASTERLY, 3479.92 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $145^{\circ}02'16''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH $49^{\circ}48'22''$ EAST, 53.03 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $49^{\circ}49'18''$ EAST, 1373.33 FEET); THENCE SOUTHERLY AND SOUTHEASTERLY, 3561.87 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $148^{\circ}36'09''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $57^{\circ}22'03''$ EAST, 805.81 FEET; THENCE NORTH $58^{\circ}44'31''$ EAST, 503.05 FEET; THENCE NORTH $57^{\circ}29'10''$ EAST, 3395.49 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH $21^{\circ}51'02''$ WEST, 1357.43 FEET); THENCE NORTHEASTERLY AND NORTHERLY, 2515.25 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $106^{\circ}09'59''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $32^{\circ}42'05''$ EAST, 184.08 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS NORTH $2^{\circ}45'41''$ EAST, 1375.57 FEET); THENCE NORTHEASTERLY, 1582.24 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $65^{\circ}54'15''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $89^{\circ}59'59''$ EAST, 116.09 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 4; THENCE SOUTH $0^{\circ}04'03''$ WEST, 3127.25 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. CONTAINS 3270 ACRES MORE OR LESS.

EXCEPTING THE N1/2 OF SECTION 6, THE SE1/4 OF SECTION 9, AND THAT PORTION OF THE W $\frac{1}{2}$ W $\frac{1}{2}$ OF SECTION 21, T. 5 N., R 25 E.W.M. NOT COVERED BY THE CERTIFICATED PLACE OF USE DESCRIBED ABOVE.

Attachment A

REAL PROPERTY WITHIN THE PLACE OF USE AS DESCRIBED IN WATER RIGHT CERTIFICATE NO. S3-22005C LOCATED IN SECTIONS 4, 5, 6, 7, 8, 9, 17, 18, 19, 20 AND 21 TOWNSHIP 5 NORTH, RANGE 25 EAST OF THE WILLAMETTE MERIDIAN AND IN SECTIONS 13 AND 24, TOWNSHIP 5 NORTH, RANGE 24 EAST OF THE WILLAMETTE MERIDIAN BENTON COUNTY, WASHINGTON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 9 AND BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH $1^{\circ}25'33''$ WEST, 1783.60 FEET ALONG THE EAST LINE OF SAID SECTION 9; THENCE SOUTH $40^{\circ}00'16''$ WEST, 4629.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 9; THENCE SOUTH $87^{\circ}35'27''$ WEST, 2305.64 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE SOUTH $2^{\circ}00'08''$ WEST, 5205.63 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH $87^{\circ}41'05''$ EAST, 1321.04 FEET ALONG THE NORTH LINE OF SAID SECTION 21; THENCE SOUTH $1^{\circ}55'59''$ EAST, 2623.23 FEET; THENCE SOUTH $01^{\circ}49'52''$ EAST, 1301.39 FEET; THENCE NORTH $89^{\circ}30'03''$ WEST, 2908.47 FEET; THENCE NORTH $35^{\circ}22'07''$ WEST, 266.78 FEET; THENCE NORTH $47^{\circ}35'48''$ WEST, 277.03 FEET; THENCE NORTH $40^{\circ}15'08''$ WEST, 151.38 FEET; THENCE NORTH $33^{\circ}16'59''$ WEST, 156.14 FEET; THENCE NORTH $24^{\circ}21'19''$ WEST, 272.57 FEET; THENCE NORTH $13^{\circ}54'02''$ WEST, 134.50 FEET; THENCE NORTH $6^{\circ}44'34''$ WEST, 289.31 FEET; THENCE NORTH $4^{\circ}19'05''$ EAST, 32.37 FEET; THENCE NORTH $7^{\circ}49'00''$ EAST, 315.02 FEET; THENCE NORTH $7^{\circ}08'55''$ EAST, 207.93 FEET; THENCE NORTH $3^{\circ}13'32''$ EAST, 114.96 FEET; THENCE NORTH $4^{\circ}47'44''$ WEST, 271.01 FEET; THENCE NORTH $14^{\circ}50'20''$ WEST, 53.57 FEET; THENCE NORTH $15^{\circ}48'45''$ WEST, 305.63 FEET; THENCE NORTH $23^{\circ}16'37''$ WEST, 153.02 FEET; THENCE NORTH $60^{\circ}19'06''$ WEST, 1050.56 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $29^{\circ}44'39''$ WEST, 1490.30 FEET); THENCE WESTERLY AND SOUTHWESTERLY, 2765.10 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $106^{\circ}18'23''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $90^{\circ}00'00''$ WEST, 117.60 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $63^{\circ}52'03''$ WEST, 1492.26 FEET); THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY, 3765.19 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $144^{\circ}33'56''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE NORTH $90^{\circ}00'00''$ WEST, 124.16 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $58^{\circ}50'51''$ WEST, 1493.92 FEET); THENCE NORTHWESTERLY, WESTERLY, SOUTHWESTERLY AND SOUTHERLY, 4516.72 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $173^{\circ}13'43''$ TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 24; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE ALONG SAID NORTH LINE SOUTH $89^{\circ}20'56''$ WEST, 741.74 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $69^{\circ}08'33''$ WEST, 1492.15 FEET); THENCE NORTHWESTERLY AND WESTERLY, 2298.73 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $88^{\circ}16'02''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH $70^{\circ}52'26''$ WEST, 1068.41 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 24; THENCE NORTH $1^{\circ}57'04''$ WEST, 2073.90 FEET TO THE NORTHWEST CORNER OF SAID SECTION 24; THENCE NORTH $00^{\circ}14'16''$ EAST, 5268.92 FEET TO THE NORTHWEST CORNER OF SAID SECTION 13; THENCE NORTH $89^{\circ}11'04''$ EAST, 5231.12 FEET TO THE NORTHEAST CORNER OF SAID SECTION 13; THENCE SOUTH $0^{\circ}56'17''$ EAST, 852.65 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $89^{\circ}32'27''$ EAST, 1370.81 FEET); THENCE SOUTHEASTERLY AND EASTERLY, 3026.43 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $126^{\circ}29'45''$; THENCE LEAVING SAID CURVE ON A NON-TANGENT LINE SOUTH $60^{\circ}44'51''$ EAST, 163.86 FEET TO A POINT ON A NON-TANGENT CURVE (RADIUS POINT BEARS SOUTH $83^{\circ}26'46''$ EAST, 1363.78 FEET); THENCE SOUTHERLY AND SOUTHEASTERLY, 4539.45 FEET



2009 NAIP Air Photo

2009 Irrigated fields currently owned by DNR are shown in pink (with field numbers labeled).

Note: field 274 was irrigated in 2009, but the trees are younger ~2yrs old.