

EXHIBIT 10

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**BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON**

FIVE CORNERS FAMILY
FARMERS,

Appellants,

v.

WASHINGTON STATE
DEPARTMENT OF ECOLOGY,

Respondents.

and

EASTERDAY RANCHES, INC.

Respondents.

PCHB No. 09-106

**DECLARATION OF RANDY
JONES**

I, RANDY JONES, declare the following under oath and penalty of perjury of the laws of the state of Washington:

1. I reside at 2063 Stastney Road, Eltopia, WA, on a dryland wheat farm. My father, grandfather, and late brother were wheat farmers and farmed this land.

2. I am a Board Member of the Five Corners Family Farmers.

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3. On November 15, 2009, I flew in a small airplane over the Easterday Feedlot located in northern Franklin County.

4. Attached as Exhibits 1-3, are photographs that I took from the airplane while flying over the Easterday Feedlot on November 15, 2009.

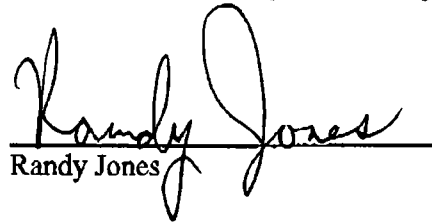
5. The size of the entire Easterday property is approximately 900 acres. On the attached photos, the boundaries of the Easterday property are marked generally by roads.

6. The attached Exhibits 1-3 demonstrate that there are more than fourteen (14) acres of bare earth exposed at the Easterday Feedlot at any given time.

7. I did not observe any straw mulch on the bare earth or disturbed areas of the Easterday Feedlot.

8. Based upon my observations while flying over the Easterday Feedlot, more than fourteen (14) acres of bare earth exposed at any one time, and there has been no straw mulch applied to any of the disturbed ground.

DATED this 4th day of January, 2010.


Randy Jones

CERTIFICATE OF SERVICE

I hereby certify that I emailed the following Declaration of Randy Jones to the following:

Katharine G. Shirey
Assistant Attorney General
State of Washington, Department of Ecology
Olympia, WA 98504-0117
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Crane Bergdahl
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William Cameron
wlc@leesmart.com

Dated this 4th day of January, 2010.

Karen Lindholdt

Karen S. Lindholdt