

ENTRY AGREEMENT INTO WASHINGTON STATE UNIVERSITY'S
STATEWIDE EXTENSION UNIFORM CEREAL VARIETY TESTING PROGRAM

By my signature below, I agree to the terms of this Entry Agreement ("Agreement") into Washington State University's Statewide Extension Uniform Cereal Variety Testing Program ("Program").

THIS AGREEMENT is effective as of _____, 20____, by and between _____ ("Sponsor") and Washington State University ("University").

WHEREAS, the University's Program provides comprehensive, objective, and readily available information on the performance of public and private cereal varieties and experimental lines to producers in the Pacific Northwest; and

WHEREAS, Sponsor desires to enter a cereal crop variety into the Program.

NOW, THEREFORE, the parties agree as follows:

1. Private companies and private individuals may enter varieties or crop lines in Program trials on a fee for entry basis as described in Attachment 1. (Private varieties and private crop lines are hereinafter referred to as "Private Varieties;" public varieties and public crop lines included in the Program are hereinafter referred to as "Public Varieties;" use of the word Variety or Varieties alone refers jointly to both Private Varieties and Public Varieties.) All information generated through the Program will be considered public information and will be freely shared through an assortment of media. University agrees that all data/data tables generated will be presented in their entirety.

2. Varieties will be entered in all of the locations of a specific nursery type in a given year to provide a uniform data set. (See Attachment 2, Uniform Testing Locations.) There are seven different types of nurseries offered by the Program: (1) Soft White Winter Wheat, (2) Hard Winter Wheat, (3) Irrigated Hard Winter Wheat, (4) Winter Barley, (5) Spring Wheat, (6), Irrigated Spring Wheat (7) Spring Barley. Each nursery type has a prescribed number of locations, and each is managed for specific characteristics unique to the nursery type. (For example, Hard Winter Wheat nurseries are managed with different seeding rates and fertility programs than the Soft Winter Wheat nurseries.) The Program will not accept any Varieties that cannot be included in all locations for a specific nursery type. Limited seed availability or the inability of Sponsor to procure seed in a timely manner to be included in nursery configurations by the Program do not constitute reasons for testing in only selected locations.

3. The Program does not evaluate wheat classed as Feed Wheat or Triticale.

4. The following are deadlines for entry into the Program:

- i) Winter: August 1, with seed delivery no later than August 15.
- ii) Spring: January 15, with seed delivery no later than February 1.

5. Entry of Varieties into the Program will be based on the following priorities:

- i) Varieties released for commercial production
- ii) Preliminary release: Variety is being increased for breeder seed.
- iii) Experimental numbered lines
- iv) Date of application for entry of Varieties into the Program
- v) Program criteria for fixed number of entries

6. If requested, a single Private Variety may be entered into the Program on a non-fee basis if that Private Variety has been grown on more than 5% of Washington State acreage averaged over the previous 2 years. Private Varieties eligible for consideration are grouped into the following classes/sub-classes: (1) soft white common winter wheat, (2) soft white club winter wheat, (3) hard red winter wheat, (4) hard white winter wheat, (5) winter barley, (6) spring barley, (7) soft white common spring wheat, (8) soft white club spring wheat, (9) hard white spring wheat, (10) hard red spring wheat, and (11) durum wheat. Acreage values shall be based on the Washington State Department of

Agriculture's (WSDA) Agricultural Statistics Service annual reports (<http://www.nass.usda.gov/wa/>). If a Private Variety falls below the 5% acreage calculation during the second or subsequent years of testing, the Private Variety will be subject to the current year fee schedule for continued entry in the Program.

7. Public Varieties entered by public institutions are tested without fee. Should the public institution apply for Plant Variety Protection or patent protection for its Public Variety entered in the Program, and the Public Variety is subsequently licensed and sold by a public entity or private individual employed by a public entity with the expressed intention of receiving royalties on sales of the Public Variety, the variety will be treated as a Private Variety and tested IAW provisions for Private Varieties. These and any other provisions for public varieties that have the expressed intention of receiving royalties on sales are determined by the University's Agricultural Research Center. Once the Public Variety is licensed and begins to be sold on a royalty basis, the Program testing fee per Attachment 1 will be due to University, based on the date of entry of the particular Public Variety into the Program.

8. Program entry fees will be collected by the Washington State Crop Improvement Association (WSCIA), Yakima, WA and then paid in a single payment to the Uniform Testing Program, WSU Dept. of Crop and Soil Sciences. Billing dates by WSCIA shall be:

- i) Winter entries: January 1
- ii) Spring entries: June 1

9. Performance Data and Reporting:

i) Performance Data: With the exception of selected nurseries on the WSU Spillman Agronomy Farm and the WSU Lind Dryland Research Station, all trial sites are located in grower fields. These off-station nursery sites represent a cross section of typical climatic regions for cereal grain production in eastern Washington. Yield, test weight, grain protein, height, heading date, lodging and shatter data are collected on all entries at all locations. Additional data such as disease and insect readings are taken at selected sites when applicable. Any information desired beyond that typically taken will require negotiation and an additional testing fee may be required. Upon request from the Western Wheat Quality Laboratory, USDA/ARS, grain is used for additional milling and baking quality testing. In addition, upon requests from individual breeders, grain samples will be saved for additional quality testing. Grain will not be retained for seed purposes. Specific seed/grain handling requirements should be listed under the "other information of significance" heading on the Variety/Line Information Sheet (Attachment 3). The Program maintains control over all sites; however, it is not possible to limit access to trial sites.

ii) Preliminary Data Release: Preliminary winter cereal performance data will typically be available within 2-3 days after harvest of the current crop year and preliminary spring cereal performance data will be available within a similar time frame; however, processing winter wheat data will have priority to assist in providing timely information for fall seeding decisions. Data is of public record; however, tables must be used in their entirety when reporting results generated from the Program.

iii) WSCIA Seed Buying Guide: If requested, performance data from the Program will be reported in the WSCIA Seed Buying Guide after a variety has been tested in the Uniform Testing Program for two consecutive years. Inclusion in the WSCIA Seed Buying Guide is automatic; no additional fee is required. The WSCIA Seed Buying Guide format and variety listing is determined by the WSCIA and represents varieties in Washington State that are being sold as certified seed on significant acreage. For those varieties without two current and consecutive years of testing in the Program, only variety characteristics are reported in the WSCIA Seed Buying Guide.

- iv) Variety Performance Distribution List: Primary methods of distribution will be:
- WSU Variety Testing web page: [<http://variety.wsu.edu>]
 - E-mail subscription list (request submitted to: John Kuehner, jkuehner@wsu.edu or Deb Marsh, [marshdh@wsu.edu]).
 - Hard copies may be requested from the WSU Extension Agronomist: (509)-335-2915

- v) Reports and Articles: Secondary dissemination of Program information
- (1) -- Reports, articles, tours:
 - (a) Washington Association of Wheat Growers (WAWG) Green Sheet
 - (b) WAWG Wheat Life: Hard Winter Wheat article October 1st^t
 - (c) WAWG Wheat Life: Soft White Winter Wheat article, November 1st
 - (d) WSCIA Spring Seed Buying Guide by November 20th
 - (e) WAWG Wheat Life: Spring wheat and barley article, January 1st of following year
 - (f) Washington Wheat Commission and Washington Barley Commission proposals by December 1st
 - (g) WSCIA Winter Seed Buying Guide by December 1st
 - (h) State-wide Cereal Variety Evaluation Results, (WSU Extension annual report) by December 1st of the current year.
 - (i) CD's of the State-wide Cereal Variety Evaluation Results: provided to all breeders and upon request to all individuals
 - (j) Field day brochure articles by May 15th All individuals entering varieties in the Program will be provided Map Location Booklets for winter and spring nurseries that include all locations. These are reference booklets designed to provide directions to nurseries and plot schematics.
 - (k) Plot Tours/Field Days: A formal plot tour will be provided at nearly all locations during June/July prior to harvest to provide growers and other interested individuals an opportunity to observe all varieties/lines entered in the nurseries. At many locations, wheat and barley breeders will attend to discuss new releases. The tours are free and anyone is invited to attend. Performance data sheets are developed for each location and provided to all attendees at tours

10. Sponsor understands the following: (1) the Program will not be responsible for nurseries or data lost due to natural causes or human error; (2) the Program reserves the right to eliminate or relocate nursery sites as grower industry needs dictate; (3) locations that do not include all Varieties will be reported on an individual location basis and not included in the total data set (e.g., winterkill of a selected Variety/line at individual locations or similar unforeseen circumstances that prevent collection of agronomic performance data); (4) transgenic (Genetically Modified Organisms) Varieties will not be accepted into the Program; (5) Private Varieties requiring a Material Transfer Agreement (MTA) signed by University may be included in the Program, however a duly signed MTA must be in place prior to entry; (6) the Program, as needed on an annual basis, may adjust fee schedules for entries in the Program and amount of seed required for entry.

11. EXCEPT AS OTHERWISE EXPRESSLY SET FORTH IN THIS AGREEMENT, UNIVERSITY MAKES NO REPRESENTATIONS AND EXTENDS NO WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

12. Sponsor shall, at all times during the term of this Agreement and thereafter, indemnify, defend, and hold the Program and Washington State University and its employees harmless against all claims and expenses, including legal expenses and reasonable attorneys fees, arising out of the death of or injury to any person or persons or out of any damage to property and against any other claim, proceeding, demand, expense, and liability of any kind whatsoever resulting from the entry of Varieties into the Program. Notwithstanding the above, University at all times reserves the right to retain counsel of its own to defend University's and its employees interests. University makes no warranty, express or implied, relative to the suitability of information or test results that result from Varieties entered in the Program.

13. This constitutes the entire understanding between the parties on this matter and supersedes all other agreements, written or oral, between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date above written.

SPONSOR

WASHINGTON STATE UNIVERSITY

Signature

Dan Nordquist, Director
Grant and Research Development

Please print: Signatory's Name: _____

Company Name: _____

Mailing Address: _____

ATTACHMENT 1
WSU Statewide Extension Uniform Cereal Variety Testing Program

UNIFORM TESTING FEE SCHEDULE

COMPANY (private/individual) varieties/lines will be included in the trials on a 'fee for entry basis'. The fee schedule for each variety/line entered is:

<u>NURSERY TYPE*</u>	<u>FEE per ENTRY**</u>
Soft White Winter Wheat ⁽¹⁾	\$ 2500 (21 sites)
Hard Winter Wheat	\$ 1300 (11 sites)
Irrigated Hard Winter Wheat ⁽²⁾	\$ 150 (1 site)
Winter Barley**	\$ 200 (2 sites)
Spring Wheat	\$ 1800 (15 sites)
Spring Barley	\$ 1300 (11 sites)
Irrigated Spring Wheat ⁽³⁾	\$ 150 (1 site)

* Locations listed in Attachment 2, WSU Statewide Extension Uniform Cereal Variety Testing Program, UNIFORM TESTING LOCATIONS,

** All private entries to the statewide testing program shall be submitted through WSCIA

⁽¹⁾ **Irrigated Soft White Winter Wheat** nursery located in Moses Lake, WA under center pivot irrigation system and grown under soft white winter wheat management conditions is included.

⁽²⁾ **Irrigated Hard Winter Wheat** nursery located in Moses Lake, WA under center pivot irrigation system and fertility managed for hard red winter wheat production.

⁽³⁾ **Irrigated Spring Wheat** located in Moses Lake, WA under sprinkler irrigation system and grown under soft white spring wheat, hard red/white spring wheat or barley management conditions.

Attachment 2

WSU Statewide Extension Uniform Cereal Variety Testing Program

UNIFORM TESTING LOCATIONS

(revised 12/1/07)

Table 1. Uniform Soft White Winter Wheat Variety Trial Locations.

(Locations are categorized by agronomic zones)

>20 inch precipitation zone

Farmington
Colton
Fairfield
Pullman

16-20 inch precipitation zone

Dayton
Mayview (Garfield Co)
Reardan
St. John
Walla Walla

12-16 inch precipitation zone

Almira
Anatone
Creston
Dusty/Lacrosse
Harrington
Lamont
Ritzville

<12 inch precipitation zone

Connell
Horse Heaven (Benton County)
Lind
St. Andrews (Douglas Co)

Circle Irrigation:

Moses Lake

Table 2. Uniform Hard Winter Wheat Variety Trial Locations

(Locations are categorized by the following agronomic zones)

>20 inch precipitation zone

Pullman

16-20 inch precipitation zone

Dayton

Reardan

Walla Walla

12-16 inch precipitation zone

Almira

Lamont

Ritzville

<12 inch precipitation zone

Connell

Horse Heaven (Benton County)

Lind

St. Andrews (Douglas Co)

Circle Irrigation:

Moses Lake

Table 3. Uniform Winter Barley Variety Trial Locations

(Locations are categorized by the following agronomic zones)

There are no Winter Barley trials for 2009

Table 4. Uniform Spring Cereal Variety Trial Locations

(Locations are categorized by the following agronomic zones)

>20 inch precipitation zone

Farmington
Pullman

16-20 inch precipitation zone

Dayton
Mayview (Garfield Co)
Reardan
St. John
Walla Walla

12-16 inch precipitation zone

Almira
Endicott
Lamont

<12 inch precipitation zone

Bickleton
Connell
Horse Heaven (Benton County)
Lind

Circle Irrigation:

Moses Lake

*All sites are located on spring recrop, except Connell, Lind and Horse Heaven, which will be fallow.

Attachment 3

Variety Information

WHEAT:

NAME or PEDIGREE of variety/line: _____

ID Number of source number (WSU will assign a unique ID number): _____

MARKET CLASS/SUBCLASS: _____
(Soft White, Soft White Club, Hard Red, Hard White, Durum)

TYPE: Winter [] Spring []

Is this a released variety? NO [] YES [] If yes, what was the year of release? _____

Will PVP be applied for? NO [] YES []

Is the Company submitting this variety/line for testing also the owner of this variety/line? NO [] YES []

If no, who is the owner? _____

Was this variety developed using genetic manipulation technology (Is it GMO)? NO [] YES []

Please list any other information you think of significance or that we should be aware of before placing this variety/line in an open field situation?

BARLEY:

NAME or PEDIGREE of variety/line: _____

ID Number of source number (WSU will assign a unique ID number): _____

MARKET CLASS/SUBCLASS: _____
(Malt, Feed Forage)

Is this a released variety? NO [] YES [] If yes, what was the year of release? _____

Will PVP be applied for? NO [] YES []

Is the Company submitting this variety/line for testing also the owner of this variety/line? NO [] YES []

If no, who is the owner? _____

Was this variety developed using genetic manipulation technology (Is it GMO)? NO [] YES []

Please list any other information you think of significance or that we should be aware of before placing this variety/line in an open field situation?
