

Cox, Sharla

RECEIVED

From: Rob Harris <rharris@holdenlegal.com>
Sent: Wednesday, November 29, 2017 9:04 AM
To: Cefalo, James; Richard Brown; T. J. Budge; Cox, Sharla
Cc: Colvin Jergins (mecctr23@msn.com)
Subject: Necessary Consents for Approval of Transfer No. 81960 (Blackhawk)
Attachments: 20171127132324674.pdf; MN001POA002_USMN001_CHSCAP_38C_1733_001.pdf

NOV 29 2017

Department of Water Resources
Eastern Region

James:

Attached is a notarized consent from Rabo AgriFinance LLC relating to the above-referenced transfer. Rabo is listed on Water Right No. 35-8021 as having a security interest in the water right.

Additionally, while not listed on the water right, CHS Capital, LLC also has a security interest in the water right. Attached is a notarized consent for CHS consenting to the transfer.

No other consents are necessary to issue the approval for 81960. As you may be aware, closing on the water right is triggered with issuance of the approval for this transfer. If you could issue the approval as soon as possible, that would be great.

Because of the attachments, please confirm that you received this email.

Thanks,



Robert L. Harris
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RECEIVED
NOV 29 2017
Department of Water Resources
Eastern Region

November 16, 2017

To: The Idaho Department of Water Resources
From: Joe Deibner, VP & Sr. Special Assets Manager, Rabo AgriFinance LLC
Subject: D.C. Farms Limited Liability Company: Transfer of Water Right No. 35-8021.

Rabo AgriFinance LLC formerly known as Rabo Agrifinance, Inc. (hereafter "RAF") is the mortgagee for certain property owned by D.C. Farms Limited Liability Company, an Idaho limited liability company (hereinafter "D.C. Farms").

On February 26, 2014, RAF filed with the Idaho Department of Water Resources ("IDWR" or "Department") a *Notice of Security Interest in a Water Right* for several of D.C. Farms' water rights, including Water Right No. 35-8021 involved in this transfer. A copy of the mortgage was included with the *Notice of Security Interest in a Water Right*. The mortgage was recorded as Instrument No. 656196 in the records of Bingham County, Idaho.

My understanding is that D.C. Farms intends to sell Water Right No. 35-8021, and an initial transfer of 5 acres of Water Right No. 35-8021 is proposed to be moved to the buyer's intended location.

This letter will serve to convey our consent to the transfer to amend Water Right No. 35-8021 of up to 5 acres. This consent **does not** release the security interest of Rabo Agrifinance, Inc. to the land described in the mortgage or the portion of Water Right No. 35-8021 up to 5 acres that is at issue in the transfer. Rather, this document merely evidences our consent to the amendment of Water Right No. 35-8021.

Rabo AgriFinance LLC

By: 
Joe Deibner
VP & Sr. Special Assets Manager

STATE OF IDAHO)
COUNTY OF CANYON) ss.

On this 27th day of November, 2017, before me personally appeared Joe Deibner, VP & Sr. Special Assets Manager, Rabo Agrifinance LLC and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as authorized agent for Rabo AgriFinance LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Anna Gomez

Notary Public for the State of IDAHO
Print Name ANNA GOMEZ
My commission expires 10/11/2019

ANNA GOMEZ
Notary Public
State of Idaho

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Department of Water Resources
Eastern Region

November 13, 2017

To: The Idaho Department of Water Resources
From: Eric Born, Chief Credit Officer, CHS Capital LLC
Subject: D.C. Farms Limited Liability Company: Transfer of Water Right No. 35-8021.

CHS Capital, LLC (CHS) is a mortgagee for certain property owned by D.C. Farms Limited Liability Company, an Idaho limited liability company (hereinafter "D.C. Farms").

On March 2, 2017 a mortgage between CHS and D.C. Farms was recorded as instrument No. 686071 in the records of Bingham County, Idaho. The mortgage includes "all water rights" appurtenant to the real property described therein, which covers Water Right 35-8021.

My understanding is that D.C. Farms intends to sell Water Right No. 35-8021, and an initial transfer of 5 acres of Water Right No. 35-8021 is proposed to be moved to the buyer's intended location.

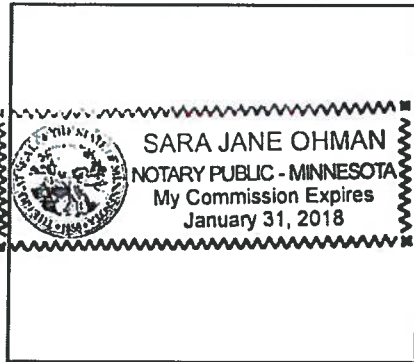
This letter constitutes our consent to the transfer to amend Water Right No. 35-8021 of up to 5 acres. This consent **does not** release the security interest of CHS Capital, LLC. to the land described in the mortgage or the portion of Water Right No. 35-8021 that is at issue in the transfer. Rather, this document merely evidences our consent to the amendment of Water Right No. 35-8021.

CHS Capital, LLC

By: Eric Born
Eric Born
Chief Credit Officer

STATE OF Minnesota)
COUNTY OF Dakota) ss.

On this 13 day of November, 2017, before me personally appeared ERIC BORN and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as authorized agent for CHS Capital LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



S.J. Ohman

Notary Public for the State of Minnesota
Print Name Sara J. Ohman
My commission expires Jan 31, 2018