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JUN 06 2017
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDED)
APPLICATION FOR TRANSFER NO. 81499) SETTLEMENT AGREEMENT
FILED IN THE NAME OF MURPHY LAND)
COMPANY, LLC)
_____)

The United States of America (hereinafter "Protestant") and Murphy Land Company, LLC (hereinafter "Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management (hereinafter "BLM") protest of Application for Transfer No. 81499 involving Water Rights 02-02129, 02-02130, 02-02406, 02-07020, 02-07021, 02-07025, 02-07033, 02-07034, 02-07036, 02-07037, 02-07038, 02-07127, and 02-07350.

On May 30, 2017, GLOBAL AG PROPERTIES II USA LLC executed an Assignment of Application for Transfer (hereinafter "Applicant") and filed it with the Idaho Department of Water Resources ("IDWR") on June 1, 2017.

STIPULATION

WHEREAS, the Applicant filed Application for Transfer No. 81499 on March 10, 2017 with the IDWR to transfer the above water rights and seeks to establish a permissible place of use (PPU) for irrigation over 3,668 acres.

WHEREAS, the BLM has filed a protest of Application for Transfer No. 81499 because the place of use (POU) described legal land descriptions that entirely described federal public land managed by BLM (NWNE, S26, and SESW, S30, T05S, R04E), as well as, POUs that are mixed ownership containing both private and federal public land managed by BLM (SWSW,

S28, SWNW, SWSW, S31, and SWNE, SENW, S33, T05S, R05E; and SESE, S05, T06S, R05E). The Applicant is not authorized to use federal public land for irrigation purposes.

WHEREAS, the Applicant submitted a first amended POU to IDWR on April 27, 2017, however it still raised concerns for BLM due to inclusion of government surveyed lots describing BLM land but with zero acres (Lots 1-9 inc, S30, and Lot 4, Lots 8-10 inc, S33, T05S, R05E) and some mixed ownership POUs (SWSW, S28, and SWNE, SENW, S33, T05S, R05E; and SESE, S06, T06S, R05E). The Applicant did not intend to assert a use on BLM.

WHEREAS, the Applicant submitted a second amended POU to IDWR on May 26, 2017 (see attached Exhibit B). This second amendment removed all of the zero acre POUs on BLM and left just four POUs that are mixed ownership (SWSW, S28, and SWNE, SENW, S33, T05S, R05E; and SESE, S05, T06S, R05E). Some POUs described in T05S, R05E, S30 and S31 are in blocks that are independent of the normal columnar form for POUs and describe acres on private land, as follows: Lot 10 (21 ac), Lot 11 (40 ac), S30, and Lot 1 (40 ac), Lot 2 (40 ac), Lot 3 (21 ac), Lot 5 (40 ac), Lot 6 (40 ac), Lot 7 (40 ac), Lot 11 (40 ac), Lot 12 (40 ac), S31, T05S, R05E.

WHEREAS, the Protestant and the Applicant wish to resolve their dispute regarding Application for Transfer No. 81499;

THEREFORE, the Protestant and the Applicant stipulate and agree as follows:

1. The parties agree and stipulate that the controlling description of the permissible place of use shall be the second amended POU submitted to IDWR on May 26, 2017 (see attached Exhibit B); and that the following condition shall be placed on any approved water permit/license:

“Place of use does not include federal public land.”

2. The Protestant hereby withdraws its protest upon acceptance, approval and adoption of this Agreement by IDWR in its entirety.

Respectfully submitted,

APPLICANT:

GLOBAL AG PROPERTIES II USA LLC, a Delaware limited liability company

By Westchester Group Investment Management, Inc., a Delaware corporation, Property Manager

Duane Nelson 6/2/17
Signature Date

Duane Nelson
Printed Name

EVP & CCLRO
Title

PROTESTANT:

U.S.D.I., Bureau of Land Management

Fredric W. Price 06/06/2017
Date
Fredric W. Price
Water Rights Specialist

CERTIFICATE OF SERVICE

I certify that on 06/06/, 2017, I served a true and correct copy of foregoing **Settlement Agreement; Application for Transfer No. 81499** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Nick Miller, P.E., Regional Manager
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83702-5082

Copies to:

Frank Tiegs, Member
Murphy Land Company, LLC
P.O. Box 3110
Pasco, Washington 99302-3110

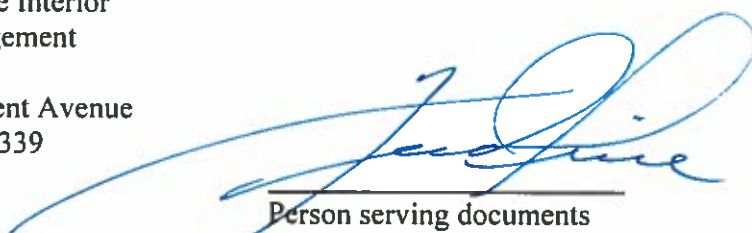
Global Ag Properties II USA LLC
2004 Fox Drive, Suite L
Champaign, Illinois 61820-7346

Corporation Service Company
12550 W. Explorer Dr., Ste 100
Boise, Idaho 83713-1890
Registered Agent for Global Ag Properties

Carolyn Fisher
Westchester Group Investment Management, Inc.
2004 Fox Dr., Suite L
Champaign, Illinois 61820-7346
Property Manager for Global Ag Properties

Greg Sullivan, M.S.
Brockway Engineering PLLC
2016 Washington St. N., Suite 4
Twin Falls, Idaho 83301-3082
Consultant for Global Ag Properties

James Tarter, Natural Resource Specialist
U.S., Department of the Interior
Bureau of Land Management
Boise District Office
3948 South Development Avenue
Boise, Idaho 83705-5339



Person serving documents

Exhibit B
Place of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
05S	04E	24									40			40		39	40	
		25					40	40	40	40	40	40		40			40	40
		26	40			40												
		36	40	40	40	40	40	40	40	40	40	40			40	40	40	40
05S	05E	28											23	40			40	
		30	Lot 10 21				Lot 11 40											
		31	40	40	40	40									40	40	40	
			Lot 1 40				Lot 2 40				Lot 3 21				Lot 5 40			
			Lot 7 40				Lot 11 40				Lot 12 40							
		32	40	40	40	40	40	40	40	40					40	40	40	40
		33		40	9		40	40	40	9								
06S	05E	4							41	41	41	41	41	41				
		5	41	41	41	41	40	40	41	41	41	41			41			36
		6	40	41	41	41	41	47		42					41	41		

(3,335.0 acres will be irrigated in a POU within the 3,668.0 acre PPU)

Total 3668

EXHIBIT B

GLOBAL AG PROPERTIES II USA LLC
A Delaware Limited Liability Company

AUTHORIZATION ACTION

The undersigned, being the sole Manager of Global AG Properties II USA LLC, a Delaware limited liability company (the "Company"), does hereby consent to the taking of the following action:

1. RESOLVED, That the Company is authorized to purchase the property commonly known as the Crystal Springs farm in Owyhee County, Idaho and which is the subject of a contract entered into by the owner of the real estate and Terra Land Company.

2. RESOLVED, That the foregoing is an "Authorization Approval" under the Property Management Agreement dated as of July 31, 2014 by and between the undersigned and Westchester Group Investment Management, Inc. ("Westchester"), as Property Manager, and, accordingly, Westchester is hereby authorized to execute and deliver on behalf of the Company, any and all documents relating to the purchase of the real estate authorized in this Action.

TIAA-CREF Alternatives Advisors, LLC
Its Manager

By: 

Name: A. JUSTIN MORAN IV

Title: SENIOR DIRECTOR

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Assistant Secretary's Certificate
WESTCHESTER GROUP INVESTMENT MANAGEMENT, INC. DEPARTMENT OF
WATER RESOURCES

I certify that on May 28, 2013 the Board of Directors adopted a resolution appointing the following officers of Westchester Group Investment Management, Inc.

Randall E. Pope	President and CEO
H. Matthew Bull	Executive Vice President and CEO in Australia
J. Collins Hewes	Executive Vice President
Duane R. Nelson	Executive Vice President and CCLRO
Roderick T. Robertson	Executive Vice President
Kenny Traynom	Executive Vice President
Michael Robinson	Sr. Vice President and Controller
Patrick Trainor	Sr. Vice President
Renee Schum	Assistant Secretary

Such officers continue to hold their respective titles as of today and are authorized to execute documents for Global AG Properties USA LLC as its property manager under the Property Management Agreement dated May 1 2011 as amended by Assignment and Amendment No. 1 dated December 31, 2013.

Dated: March 1, 2015

Renee Schum
Assistant Corporate Secretary