

APR 17 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79060

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) C & N FAMILY LAND INVESTMENTS LLCCheck whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ? ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ? ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ? ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ? ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ? ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ? ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ? ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APR 17 2014

Department of Water Resources
Eastern Region

Name of Applicant C & N FAMILY LAND INVESTMENTS LLC

Phone (208)523-0310

Mailing Address 4050 E LINCOLN RD, IDAHO FALLS ID 83401

Email _____

79060

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative B.J. Driscoll, attorney in fact

Phone (208)524-0731

Mailing Address P.O. Box 50731, Idaho Falls, ID 83405

Email bjd@eidaho.law.com

☒ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

B.J. Driscoll
Signature of Applicant or Authorized Representative

B.J. Driscoll, attorney in fact
Print Name and Title if applicable

17 April 2014
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	1-195K	No	No	Yes	No	No	No

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2 (SEE ATTACHMENT)

The purpose of this transfer is to rearrange the place of use in order to accommodate a pivot. Land previously
irrigated exclusively with ground water will be irrigated by this surface water right. Land previously
irrigated exclusively with surface water will be irrigated by other ground water rights. Companion transfer
79062 is being filed to change the place of use for the ground water rights. The total number of acres
irrigated by ground water and surface water will remain unchanged

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
1-195K	2.000 cfs	N/A	N/A	101.9		N/A	N/A	N/A	N/A
COMBINED									
TOTALS	2.000 cfs	N/A	N/A	101.9		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 2 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 1-195K

Current Water Right Owner

C & N FAMILY LAND
 INVESTMENTS LLC
 4050 E LINCOLN RD
 IDAHO FALLS, ID 83401

Priority Date: 6/1/1885

Origin: Water Right

Basis: Decreed

Status Active

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

2.000 CFS

Subuse Code

Total Diversion

2.000 CFS

Source and Point(s) of Diversion:

SNAKE RIVER

NWNENW

Sec. 12 Twp 02N Rge 37E BONNEVILLE County

SNAKE RIVER

NENENE

Sec. 35 Twp 04N Rge 37E JEFFERSON County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	37E	14																10.8	10.8
03N	37E	23	38.0	30.5	7.1	10.3													85.9
03N	37E	24						5.2											5.2

POU Total Acres:

101.9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future
Water is delivered through the Great Western and Porter Canals to the place of use. The canals are measured with broad-crested weirs and are regulated by Water District 1.
- b. Who owns the property at the point(s) of diversion
Unknown. Water delivered through historical canals.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☐ If Yes, ☒
Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: Rabo Agrifinance, mortgage
It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Most of the current place of use will continue to be irrigated with this right. However, due to a change in system configuration, the remainder of the current place of use will be irrigated with ground water via companion transfer 79062.
- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
The rights of New Sweden Irrigation District are delivered via the points of diversion described on this transfer. There are no overlapping rights at the existing place of use. A portion of the proposed place of use is now covered by right nos. 1-10106, 1-10107, 1-10108, 35-7261B, 35-8149, and 35-14276, but those rights are proposed to be moved via companion transfers 79061 and 79062.
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- | Yes | No | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 1-195K

Current Water Right Owner

C & N FAMILY LAND
INVESTMENTS LLC
4050 E LINCOLN RD
IDAHO FALLS, ID 83401

Priority Date: 6/1/1885

Origin: Water Right

Basis: Decreed

Status: Active

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

2.000 CFS

Subuse Code

Total Diversion

2.000 CFS

Source and Point(s) of Diversion:

SNAKE RIVER

NWNENW

Sec. 12 Twp 02N Rge 37E BONNEVILLE County

SNAKE RIVER

NENENE

Sec. 35 Twp 04N Rge 37E JEFFERSON County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	37E	13										11.0							11.0
												L 6							
03N	37E	14													25.0			21.0	46.0
03N	37E	23	40.0																40.0
03N	37E	24						4.9											4.9

POU Total Acres: 101.9

Conditions/Remarks:

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Water is delivered through the Great Western and Porter Canals.
3. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

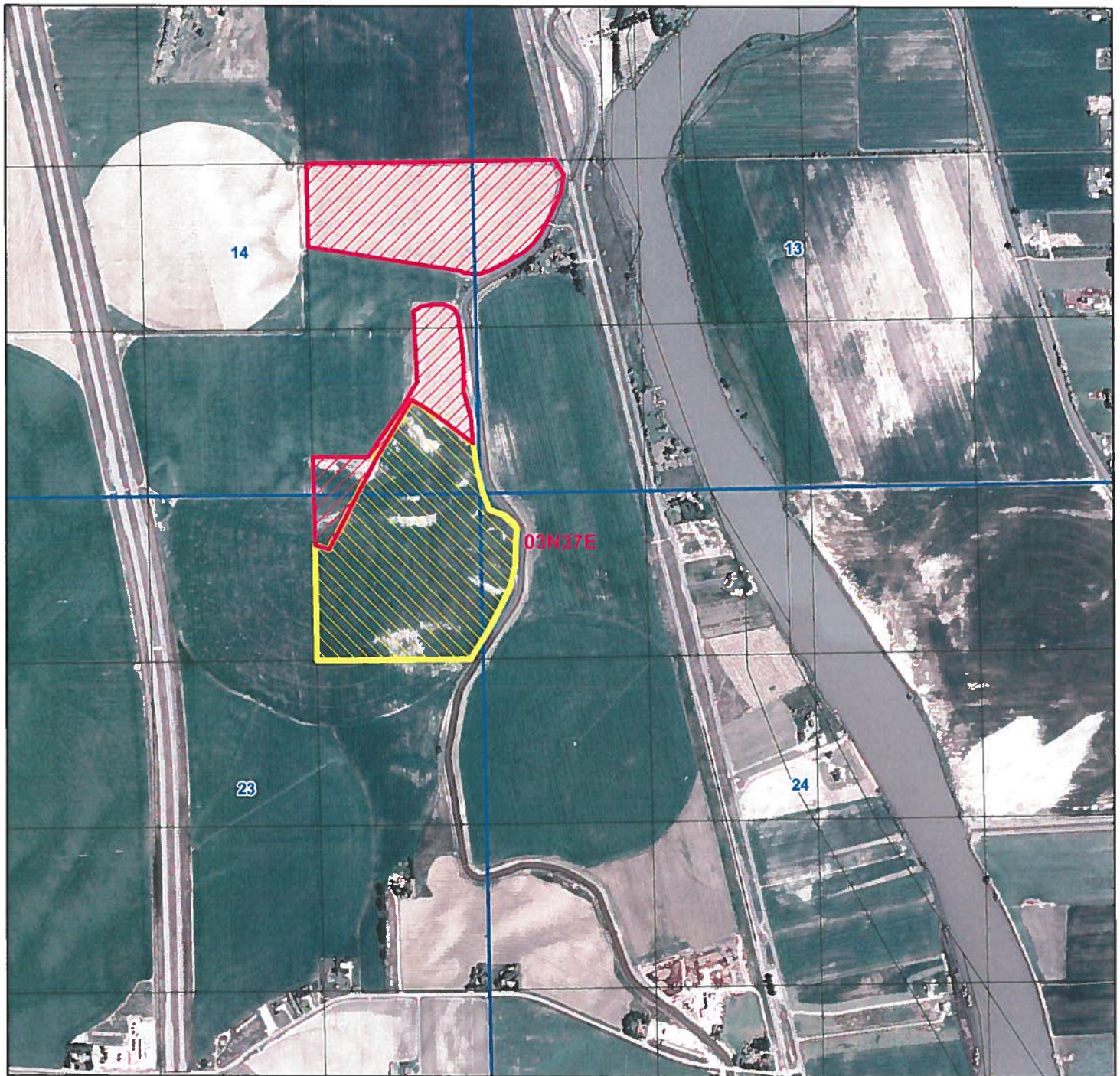
[illegible]

Transfer Contains 7 pages and attachments.
Received By SL Date 4/17/14 Prelim. Check By MH Date 4/17/2014
Fee Paid \$500.00 Date 4/18/14 Received By SL Receipt # E039734
Add'l Fee Paid Date Received By Receipt #

Part 1 A.2

The purpose of this transfer is to rearrange the place of use in order to accommodate a pivot. Land previously irrigated exclusively with ground water will be irrigated by this surface water right. Land previously irrigated exclusively with surface water will be irrigated by other ground water rights. Companion transfer 79062 is being filed to change the place of use for the ground water rights. The total number of acres irrigated by ground water and surface water will remain unchanged.

Transfer No. 79060
1-195K Before Transfer
Date: 1/27/2014



Legend

-  acres to be changed
-  unchanged acres
-  Township/Range
-  Sections
-  QQ

0 0.25 0.5 1 Miles



79060

Transfer No. 79060
1-195K After Transfer

Date: 1/27/2014



0 0.25 0.5 1 Miles

Legend

-  Transfer POU
-  Township/Range
-  Sections
-  QQ



79 060

RECEIVED

MAY 19 2014

Department of Water Resources
Eastern Region



May 16, 2014

Idaho Department of Water Resources
Attn: Michael Holliday
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: C & N Family Land Investments, LLC

Judy A. Cochran
Assistant Vice President
Closing Department
Office 12443 Olive Blvd., Suite 50
Address St. Louis, MO 63141
Tel 314-317-8074
Fax 877-655-9513
Email judy.cochran@raboag.com
www.RaboAg.com

Dear Mr. Holliday,

The above mentioned party has requested a change in the water rights status. Applications for these changes have been sent under a different cover.

Rabo Agrifinance, Inc. has a security interest in these water rights but has approved the transfer of the water rights as referenced on Application for Transfer numbers 79060 and 79062 that has been provided by C & N Family Land Investments LLC to IDWR.

The security interest of C & N Family Land Investments, LLC to Rabo Agrifinance, Inc. water rights will remain the same. In addition all other terms and conditions of the loan documents evidencing the Loan shall remain in full force and effect.

Should you have any questions regarding this letter please contact Tammie Scott at (314) 317-8088.

Sincerely,

Rabo Agrifinance, Inc.

Judy A. Cochran
Assistant Vice President

cc: N. Thomsen

STATE OF MISSOURI)
) SS:
COUNTY OF ST. LOUIS)

On this 16th day of May, 2014, before me, a Notary Public in and for the County and State aforesaid, personally appeared Judy A. Cochran, an assistant vice president of Rabo Agrifinance, Inc., a Delaware corporation, who is personally known to me to be the said officer of said corporation, and the same person who executed the foregoing instrument, and he duly acknowledged the execution of the same for and on behalf of and as the act and deed of said corporation, and that the seal affixed to the foregoing instrument of the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name affixed my official seal, on the day and year last above written.

Tammie Scott, Notary Public

