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FEB 05 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79189MINIMUM 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 www.idwr.idaho.gov.

Name of Applicant(s) Northern Agriculture V LLC C/O Farmland Management ServicesCheck 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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 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.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #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: Create permissible place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources
Eastern Region

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Northern Agriculture V LLC C/O Farmland Management Services Phone (209) 669-0742Mailing address 301 E. Main Street Turlock, CA 95380 Email _____

- ☐ 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 RepresentativeName of Representative Jason C. Helms, P.E. Phone (208) 308-2109Mailing address 6755 N. Albert Lane Idaho Falls, ID 83401 Email jasoncivil@alumni.nd.edu

- ☐ 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.


Signature of Applicant or Authorized Representative

Carl Evers, President
Print Name and Title if applicable

1/24/14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create Permissible Place of Use
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**.

Create a permissible place of use (PPU) to allow existing water rights to be diverted from the existing wells and allow more flexible water management on the property. Total irrigated area currently authorized by the listed water rights will not change. These water rights currently associated with existing wells located in adjacent ESPA model cells.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	31-11775	6.76 / 1085.8	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	31-12116	2.49 / 551.6	Irrigation	04/15 to 10/15	Ground Water
☒ ☐	31-12118	2.18 / 434.0	Irrigation	04/15 to 10/15	Ground Water
☒ ☐	31-12120	0.46 / 81.2	Irrigation	04/15 to 10/15	Ground Water
☐ ☒	31-12148	2.13 / 363.9	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 14.02 cfs and/or 2,516.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 14.02 cubic feet per second and/or 2,516.5 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**. Wells in adjacent ESPA model cells, attachment not required but can be provided.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
n		NW	NE	SE	7	08N	38E	Fremont	Ground Water	Extg. Well 11775
n			SW	SW	5	08N	38E	Fremont	Ground Water	Extg. Well 12116
n		NW	NW	SW	8	08N	38E	Fremont	Ground Water	Extg. Well 12148

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		5			17				40	40	40	40	40	40		17	17		291
		6													40		40	40	120
		7	40	40	40	40									40	40	40	40	320
		8		17	17		40	40	40	40	40	40	40	40					354
Total Acres (for irrigation use)																			1085

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:
Existing wells, measuring devices, mainlines and center-pivot systems. Additional mains to connect all wells.
-
-
- b. Who owns the property at the point(s) of diversion? Applicant
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?
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: _____
-
- 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:
Watered area may change slightly following notice to IDWR. Total combined irrigation in proposed PPU will remain limited to 788.6 acres under all water rights. (31-11775 limited to irrigation of 362.5 ac; 31-12116 limited to 157.6 ac; 31-12118 limited to 124.0 ac; 31-12120 limited to 23.2 ac; 31-12148 limited to 121.3 ac.)
-
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None
-
-
- 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.: 31-11775

Current Owner: NORTHERN AGRICULTURE V LLC
Priority Date: 11/12/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	6.76 CFS	1085.8 AF
	<u>Total Diversion</u>	6.76 CFS	1085.8 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4SE1/4 Sec. 7, Twp 08N, Rge 38E B.M.
FREMONT County

Place of Use

IRRIGATION Within FREMONT County

T08N R38E S6	NESE	31.50	T08N R38E S6	SWSE	31.50
T08N R38E S6	SESE	31.50	T08N R38E S7	NENE	33.00
T08N R38E S7	NWNE	34.00	T08N R38E S7	SWNE	33.00
T08N R38E S7	SENE	34.00	T08N R38E S7	NESE	33.00
T08N R38E S7	NWSE	34.00	T08N R38E S7	SWSE	33.00
T08N R38E S7	SESE	34.00			

Total Acres: 362.5

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 31-11226.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. C18 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.
5. P29 This right is a combination of portions of old Right Nos. 31-7213 & 31-7214E.

Decreed Date: 4/1/2004

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

Current Water Right No.: 31-12116

Current Owner: NORTHERN AGRICULTURE V LLC
Priority Date: 11/12/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	2.49 CFS	551.6 AF
	<u>Total Diversion</u>	2.49 CFS	551.6 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4 Sec. 5, Twp 08N, Rge 38E B.M.
FREMONT County

Place of Use

IRRIGATION Within FREMONT County

T08N R38E S5	SWNW	6.00	T08N R38E S5	SENW	15.80
T08N R38E S5	NESW	40.00	T08N R38E S5	NWSW	30.80
T08N R38E S5	SWSW	17.00	T08N R38E S5	SESW	34.00
T08N R38E S5	NWSE	11.00	T08N R38E S8	NWNW	3.00
Total Acres: 157.6					

Conditions of Approval:

1. Right No. 31-12118 is also diverted through point of diversion described above.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/22/2002.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 2/22/2002

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

Current Water Right No.: 31-12118

Current Owner: NORTHERN AGRICULTURE V LLC
Priority Date: 1/2/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	2.18 CFS	434 AF
	<u>Total Diversion</u>	2.18 CFS	434 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4 Sec. 5, Twp 08N, Rge 38E B.M.
FREMONT County

Place of Use

IRRIGATION Within FREMONT County

T08N R38E S8	NENW	39.80	T08N R38E S8	NWNW	26.70
T08N R38E S8	SWNW	22.70	T08N R38E S8	SEnw	34.80
Total Acres: 124					

Conditions of Approval:

1. Right No. 31-12116 is also diverted through point of diversion described above.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/22/2002.

Decreed Date: 2/22/2002

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

Current Water Right No.: 31-12120

Current Owner: NORTHERN AGRICULTURE V LLC
 Priority Date: 7/27/1985
 Origin: Water Right
 Status: Active
 Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.46 CFS	81.2 AF
	<u>Total Diversion</u>	0.46 CFS	81.2 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4 Sec. 5, Twp 08N, Rge 38E B.M.
 FREMONT County

Place of Use

IRRIGATION Within FREMONT County

T08N R38E S5	SWNE	1.00	T08N R38E S5	SESW	0.20
T08N R38E S5	NWSE	2.50	T08N R38E S5	SWSE	3.50
T08N R38E S8	NWNE	10.00	T08N R38E S8	SWNE	5.50
T08N R38E S8	NENW	0.50			

Total Acres: 23.2

Conditions of Approval:

1. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. Point of diversion is identified as No. 144/145.

Licensed Date: 3/3/1997

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

Current Water Right No.: 31-12148

Current Owner: NORTHERN AGRICULTURE V LLC
Priority Date: 1/2/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.04 CFS	6.7 AF
IRRIGATION	04/01 to 11/01	2.13 CFS	363.9 AF
	<u>Total Diversion</u>	2.17 CFS	370.6 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SW1/4	Sec. 8,	Twp 08N,	Rge 38E B.M.
FREMONT County				
GROUND WATER	NW1/4NW1/4SW1/4	Sec. 8,	Twp 08N,	Rge 38E B.M.
FREMONT County				

Place of Use

IRRIGATION Within FREMONT County

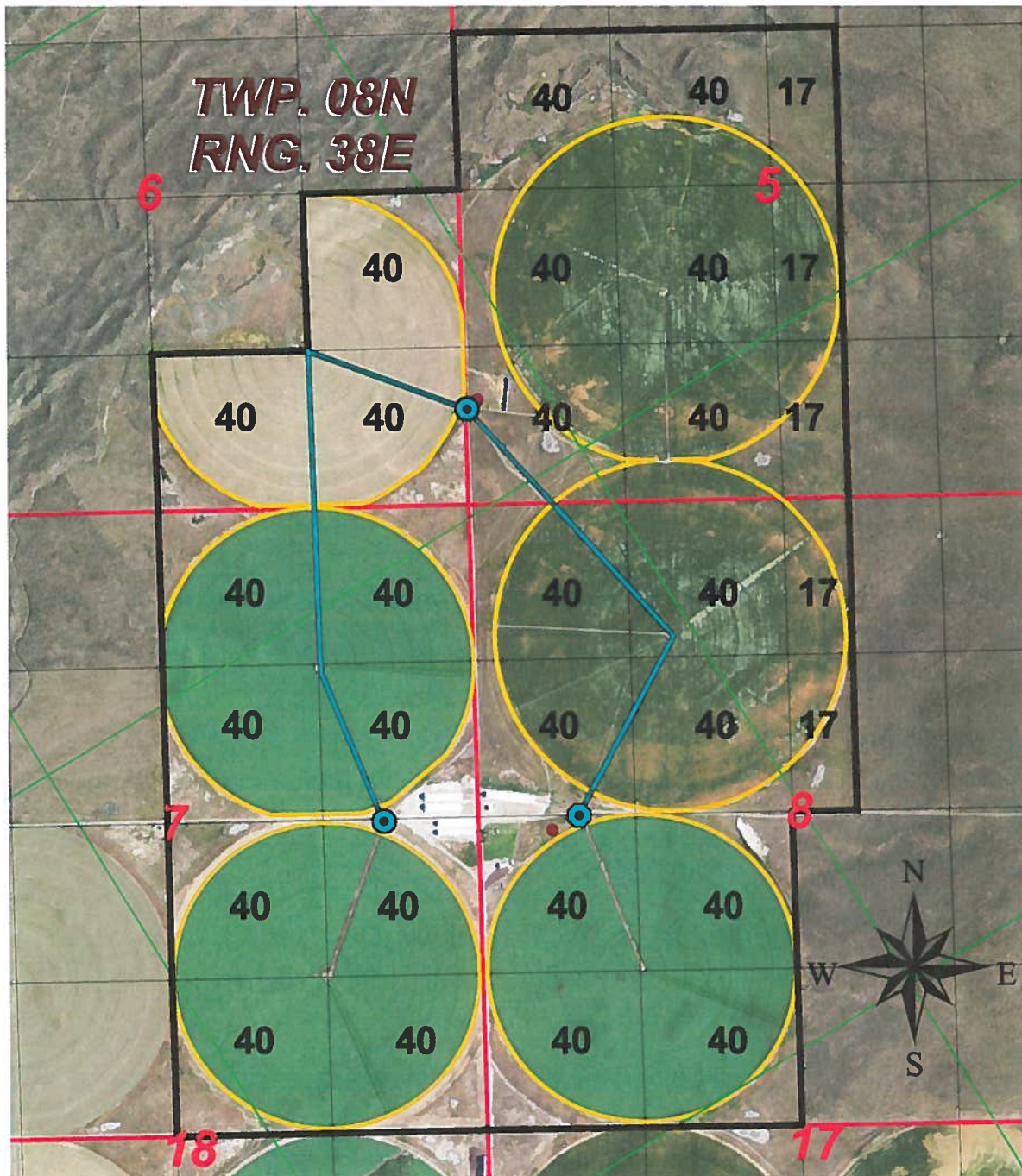
T08N R38E S8	NESW	31.00	T08N R38E S8	NWSW	31.10
T08N R38E S8	SWSW	30.10	T08N R38E S8	SESW	29.10
Total Acres: 121.3					

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 2/22/2002



JCH - 1/23/2014

2011 NAIP Aerial Photo

0.25 0 0.25 0.5 0.75 1 Miles

- Proposed Permissible Place of Use Boundary (31-11775, 12116, 12118, 12120, 12148)
- Existing Wells
- Proposed Well Connection Mainline
- Current Irrigation (788.6 Total Authorized Acres)
- ESPA Ground Water Model Cells
- Township & Range
- Sections
- Fremont County 40's

Attachment #7a, 7b

WRITTEN DESIGNATION OF AUTHORITY

This WRITTEN DESIGNATION OF AUTHORITY is executed and effected pursuant to a vote of a quorum of the members of the Natural Resource Investment Committee (the "Committee") of *Hancock Natural Resource Group, Inc.* ("HNRGI") dated April 21, 1999 (the "Vote").

1. HNRGI is a corporation organized under the laws of the State of Delaware.
2. Northern Agriculture V LLC, a Delaware limited liability company (the "Company"), was formed under the terms and provisions of that certain Limited Liability Company Operating Agreement dated August 28, 2009 (the "Operating Agreement"). HNRGI provides certain agricultural real estate investment advisory and management services (the "Services") for the Company pursuant to that certain Agricultural Investment Advisory and Management Agreement dated October 1, 2004, as amended ("IAMA").
3. The IAMA permits HNRGI to provide some or all of the Services either directly or indirectly through one or more affiliates, agents, managers, sub-managers, master tenants or independent contractors.
4. The Company is the title holder to real property devoted to various agricultural uses (the "Farms") and entered into a Master Lease dated as of January 1, 2010 ("Master Lease") with Farmland Management Services ("FMS") in which the Company leases the Farms to FMS and under which Master Lease, FMS operates and manages the Farms on behalf of the Company.
5. Pursuant to authority granted in the Vote and the IAMA, I hereby authorize (a) Carl B. Evers, Jr., President of FMS, (b) David Baughman, Senior Vice President of FMS, and (c) Mark Hutson, Senior Vice President of FMS, acting singly, to take the following actions pursuant to the Vote and the IAMA on behalf of HNRGI and the Company in connection with the Farms under and subject to the IAMA:
 - (a) To execute operating contracts or agreements, leases and land use permits; and
 - (b) To establish reciprocal or other operating agreements or restrictions.
6. The designation of authority granted in this Written Designation is limited to the extent the Master Lease or IAMA limit or restrict the authority of FMS or HNRGI to undertake or delegate particular actions and may be revoked or terminated at any time upon written notice of HNRGI.

Executed as of the 20 day of August, 2012, but effective as of December 8, 2011.

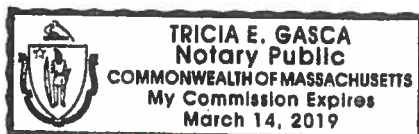


Oliver S. Williams IV in his capacity as Senior Vice President of HNRGI and not individually

ACKNOWLEDGEMENT

Commonwealth of Massachusetts, ss.
County of Suffolk

On this 20 day of August, 2012, before me, the undersigned notary public, personally appeared Oliver S. Williams IV, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purposes, as Senior Vice President of Hancock Natural Resource Group, Inc.





Official signature and seal of notary

Notary Public:

My Commission Expires: March 14, 2019