

10/28/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12106

NAME AND ADDRESS: TRINA PANTER
14885 N HWY 34
THATCHER ID 83283

RANDY PANTER
14885 N HWY 34
THATCHER ID 83283

SOURCE: TRAIL CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/11/1886

POINT OF DIVERSION:

T07S R43E S32 SENENE Begin of Stream Flow Within CARIBOU County

T07S R43E S32 NWNWNW End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
06/01 11/01

QUANTITY
0.020 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R43E S32	NENW	T07S R43E S32	NWNW
T07S R43E S32	SWNW	T07S R43E S32	SENW
T07S R43E S32	NESW	T07S R43E S32	NWSW
T07S R43E S32	SWSW	T07S R43E S32	SESW
T07S R43E S32	SWSE	T07S R43E S32	SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SCANNED

APR 27 2006

FILED

6/17/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12106

NAME AND ADDRESS: TRINA PANTER
14885 N HWY 34
THATCHER ID 83283

RANDY PANTER
14885 N HWY 34
THATCHER ID 83283

ROCK AND WATER CAPITAL PARTNERS LLC
115 2ND AVE
DECATUR GA 30030

SOURCE: TRAIL CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
1.69 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined annual diversion volume for stockwater of 2.36 af. Combined Right Nos.: 27-85A, 27-11992, 27-12093 and 27-12106.

PRIORITY DATE: 10/11/1886

POINT OF
DIVERSION:

~~T07S R43E S32 SENENE Begin of Stream Flow Within CARIBOU County~~
~~T07S R43E S32 SWSESE Begin of Stream Flow Within CARIBOU County~~
T07S R43E S32 NWNWNW End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	06/01 11/01	0.020 CFS <u>1.69 AFY</u>

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S32	NENW	T07S R43E S32	NWNW
T07S R43E S32	SWNW	T07S R43E S32	SENW
T07S R43E S32	NESW	T07S R43E S32	NWSW
T07S R43E S32	SWSW	T07S R43E S32	SESW
T07S R43E S32	SWSE	T07S R43E S32	SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Deereed Beneficial Use
Stockwater use is for 300 range cattle.

27-11366, 12093
27-12092, 12106

SHOSHONE-BANNOCK TRIBES
TRIBAL WATER RESOURCES DEPARTMENT
 P.O. BOX 306
 FORT HALL, ID 83203

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Cindy Bird	Elese D Teton
COMPANY:	DATE:
IDWR	January 4, 2008
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(208) 547-3939	3
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
(208) 547-3993	(208) 239-4580
RE:	
Request for SF5 Preparation for Randy Panter Stockwater rights: 27-12093, 27-12106, 27-11366, & 27-12092	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Cindy, we would like to request that SF5's be prepared for the following water right numbers for Randy Panter's stockwater rights. Should you have questions feel free to call me or Scott Smith at Racine Olson Nye Budge & Bailey Law (232-6101). The volumetric amounts are calculated as follows:

27-12093

Stockwater Volume:

$$300 \text{ cattle} \times \frac{12 \text{ gallons / day}}{\text{cow}} \times 153 \text{ days} \times \frac{1 \text{ acre-ft}}{325,850 \text{ gallons}} \Rightarrow 1.69 \text{ AFY} \quad \checkmark$$

Other Notes to be included on water right:

Rights 27-0085A, 27-11992, 27-12093, and 27-12106 shall not exceed a total combined annual diversion volume of 2.4 AFY for stockwater use.

27-12106

Stockwater Volume:

$$300 \text{ cattle} \times \frac{12 \text{ gallons / day}}{\text{cow}} \times 153 \text{ days} \times \frac{1 \text{ acre-ft}}{325,850 \text{ gallons}} \Rightarrow 1.69 \text{ AFY} \quad \checkmark$$

Other Notes to be included on water right:

Rights 27-0085A, 27-11992, 27-12093, and 27-12106 shall not exceed a total combined annual diversion volume of 2.4 AFY for stockwater use.

TELEPHONE: (208) 239-4580

FAX: (208) 239-4592



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

June 20, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Rock & Water Capital Partners LLC
115 2nd Avenue
Decatur GA 30030

RE: Notice of Change of Water Right Ownership (NCO) for 27-12093 and
27-12106 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Bobby Kern
Office Specialist II

Enclosure

CC: Randy and Trina Panter

SCANNED

JUL 29 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

Water Rights: 27-12093 & 27-12106

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party PANTER – ROCK & WATER CAPITAL PARTNERS LLC
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 24, 2008

Ernst Carlson

Signature of IDWR Representative

SCANNED

JUL 29 2008

CERTIFICATE OF MAILING

I certify that on July 28, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Randy and Trina Panter
14855 Highway 34
Grace ID 83241

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Rock & Water Capital Partners LLC
115 2nd Avenue
Decatur GA 30030

4. One copy to:

Each party in the subcase, or attorney of record:

Shoshone-Bannock Tribe
Jeanette Wolfley, Special Counsel
202 N Arthur
Pocatello ID 83202

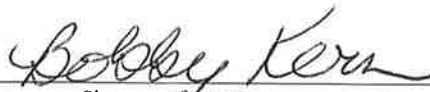
Randy Painter
c/o Randall C. Budge
201 E Center, STE A2
PO Box 1391
Pocatello ID 83204-1391

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED

JUL 29 2008

06/20/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12093

NAME AND ADDRESS: ROCK AND WATER CAPITAL PARTNERS LLC
115 2ND AVE
DECATOR GA 30030

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS
1.69 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined annual diversion volume for stockwater of 2.36 af. Combined Right Nos.: 27-85A, 27-11992, 27-12093 and 27-12106.

PRIORITY DATE: 08/02/1891

POINT OF
DIVERSION:

T07S R43E S32 NENWNW End of Stream Flow Within CARIBOU County
T07S R43E S32 NESESE Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 11/01	0.020 CFS 1.69 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S32	SWNE	T07S R43E S32	NENW
T07S R43E S32	NWNW	T07S R43E S32	SENW
T07S R43E S32	NESE	T07S R43E S32	NWSE
T07S R43E S32	SESE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 300 cattle.

SCANNED

JUL 29 2008

06/20/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12106

NAME AND ADDRESS: ROCK AND WATER CAPITAL PARTNERS LLC
115 2ND AVE
DECATOR GA 30030

SOURCE: TRAIL CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
1.69 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined annual diversion volume for stockwater of 2.36 af. Combined Right Nos.: 27-85A, 27-11992, 27-12093 and 27-12106.

PRIORITY DATE: 10/11/1886

POINT OF
DIVERSION:

T07S R43E S32 NWNWNW End of Stream Flow Within CARIBOU County
T07S R43E S32 SWSESE Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 11/01	0.020 CFS 1.69 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S32	NENW	T07S R43E S32	NWNW
T07S R43E S32	SWNW	T07S R43E S32	SENW
T07S R43E S32	NESW	T07S R43E S32	NWSW
T07S R43E S32	SWSW	T07S R43E S32	SESW
T07S R43E S32	SWSE	T07S R43E S32	SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 300 range cattle.

SCANNED
JUL 29 2008

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
27-12093	OK				
27-12/06					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Randy & Trina Porter
 14855 Highway 34
 Grace, ID 83241

4. New Owner/Claimant(s)

Rock & Water Capital Partners, LLC

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

115 2nd Ave

City, State and ZIP Code

Decatur GA 30030

New Telephone Number

(404) 538-9940

Email: ed@rockandwatercapital.com

SCANNED

JUL 29 2008

JUN 13 2008

5. Date you acquired the property

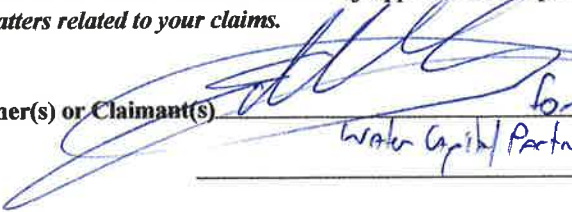
July 9, 2007

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

 for Rock Water Capital Partners, LLC Authorized signatory
(title if applicable)
(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____ Date _____

SCANNED

JUL 29 2008

WARRANTY DEED

BA Straatman

For Value Received

RANDY H. PANTER AND TRINA PANTER, husband and wife,
the grantors, do hereby grant, bargain, sell and convey unto
ROCK & WATER CAPITAL PARTNERS, LLC.,

of 115 Second Avenue, Decatur, CA 30030, the grantee, the following
described premises, to-wit:

Caribou County, Idaho:

Township 7 South, Range 43 East of the Boise Meridian:

Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$.

Township 8 South, Range 43 East of the Boise Meridian:

Section 4: That part of the W $\frac{1}{2}$ NW $\frac{1}{4}$ lying West of the Westerly right
of way line of North Trail Road, as presently located.

Section 5: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, ALSO, the East 440 feet of Lot 2, and the
East 440 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$.

EXCEPT THEREFROM, all that part of Lot 1 lying East
of the Easterly right of way line of North Trail Road.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee, its successors and assigns
forever. And the said Grantors do hereby covenant to and with the
said Grantee, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances and
that they will warrant and defend the same from all lawful claims
whatsoever.

Randy H. Panter
RANDY H. PANTER

Trina Panter
TRINA PANTER

STATE OF IDAHO)

: ss.

County of Caribou)

On this 9th day of July, 2007, before me the undersigned, a
notary public in and for said County and State, personally appeared
Randy H. Panter and Trina Panter, husband and wife, known or
identified to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed
the same.

KENA ANN MOORE
NOTARY PUBLIC
STATE OF IDAHO

Kena Ann Moore
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Soda Springs, Idaho
My commission expires: 7/18/09

SCANNED

JUL 29 2007

6/9/08

To whom it may concern,

Attached are the originals for a note in change to water right ownership I faxed to your office on 6/9/08. A copy of my firm's deed is also included.

If you need anything else to process this change, please let me know. I can be reached @ 404/538-9940.

Thanks for your help,

Ed Thomas

member, Rock + Rock
Capital Partners LLC

RECEIVED
JUN 13 2008

Department of Water Resources
Eastern Region

SCANNED
JUL 29 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 27-12106
Date Received: 9/14/2005
Receipt No:
Received By: JC E031296

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TRINA PANTER Phone: (208)427-6388

14885 N HWY 34
THATCHER ID USA 83283

RANDY PANTER Phone: (208)427-6388

14885 N HWY 34
THATCHER ID USA 83283

RECEIVED

SEP 30 2005

Department of Water Resources
Eastern Region

2. Date of Priority: 10/11/1886

3. Source: TRAIL CREEK

Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	43E	32	SE NE NE	CARIBOU	Beginning Point
07S	43E	32	NW NW NW	CARIBOU	Ending Point

5. Description of diverting works:

Open Channel

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	06/01	11/01	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	43E	32	NW	NW	STOCKWATER	
			NE	NW	STOCKWATER	
			SW	NW	STOCKWATER	
			SE	NW	STOCKWATER	
			NW	SW	STOCKWATER	
			NE	SW	STOCKWATER	
			SW	SW	STOCKWATER	
			SE	SW	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Cindy Carter Date: 9-29-05

Date: _____

State of Idaho

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 29th day of Sept. 2005



Cindy E Bird

Notary Public

Residing at Lava Hot Springs

My commission Expires May 1, 2007