

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: 69-39576
Ident. Number 11514
Date Received 3-9-06
Receipt Number 1080534 + 1080551
dec. 20 3-14-06

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Magness Racing Ventures, Inc. and
Rocking M Cattle Co. Phone (970) 262-2325

Mailing Address See Attachment 1 Zip _____

2. Date of Priority (Only one (1) per claim) 01/01/1908 AD

3. Source of water supply (a) Spring (Apple Spring)
which is tributary to (b) Dennett Creek

4. a. Location of existing point of diversion is: Township 14N Range 7W Section 12,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. See Attachment 2

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan 1 to Dec 31 amount .04 or _____

For Stock water purposes from Jan 1 to Dec 31 amount .04 or _____

For Irrigation purposes from Jan 1 to Dec 31 amount .04 or (trees at lodge)

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) One household, up to 25 horses, trees/yard.

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14N	7W	11				D/S													
14N	7W	12						D/S											
14N	7W	11				I													.5

Total number of acres irrigated .5

11. In which county (ies) are lands listed above as place of use located? Washington

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

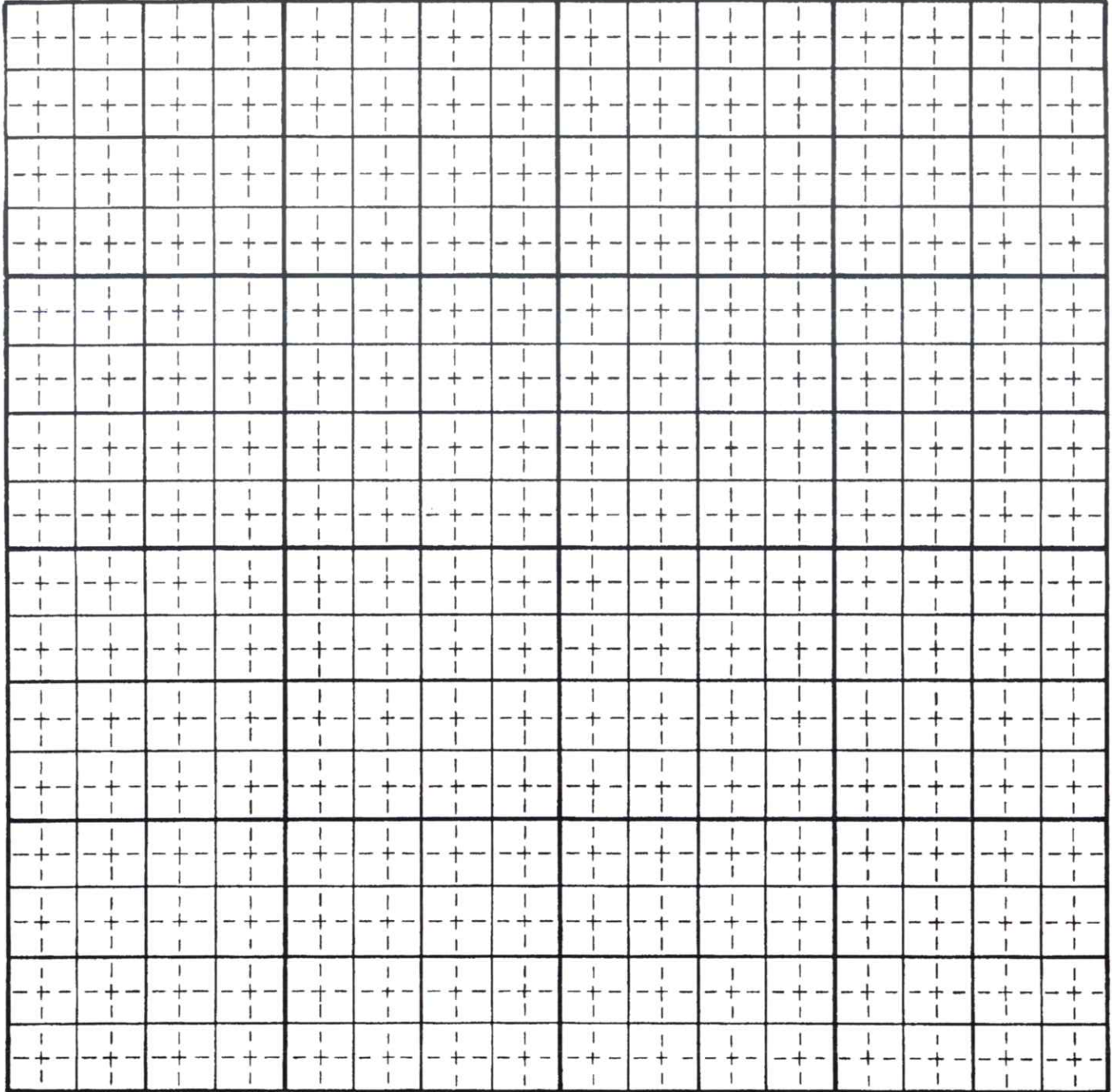
13. Describe any other water rights used at the same place and for the same purposes as described above. the spring is used.
69-2012 and 69-2 historically provided domestic use, now only the A or None ()
See related claims filed for 69-2012.

14. Remarks: Attachment 3 = aerial photo
Attachment 4 = signature page
Attachment 5 = signature page
Attachment 1 = addresses for #1
Attachment 2 = information for #5

Last Name Magness Racing Ventures, Inc. Ident No. 69-11514
Rocking M Cattle Co.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile See Attachment 3



Last Name Magness Racing Ventures Ident. No. 69-11514
Rocking M Cattle Co.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s) See Attached Signature pages.

(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 ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 5

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Linda Jones will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Linda Jones

Address Holland & Hart LLP, P.O. Box 2527, Boise, ID 83701-2527

Date March 9, 2006

Last Name Magness Racing Ventures, Inc. 69-11514
Rocking M Cattle Co.

The two owners of the ranch property and water rights are:

Magness Racing Ventures, Inc.
4343 S. Holly Street
Englewood, CO 80111

Attn: Sharon Magness Blake, President
970-262-2325

Rocking M Cattle Co., a limited partnership
5360 North Franklin Street
Denver, CO 80216

Attn: Roy M. Moore, General Partner
303-294-0146

Magness Racing Ventures and
Rocking M Cattle Co.

69-11514

ATTACHMENT 2

Apple Spring is about 3/4 mile above the POD for 69-2012 located in an old apple, apricot and plum orchard. It feeds Dennett Creek. Historically, the spring was used to irrigate the orchard. In about 1981, the water from the spring was diverted and piped along the creek, the 69-2012 ditch and to a "lodge" constructed near the reservoir. Spring water also is used at the corrals and barn for stock water and to irrigate trees and yard at the lodge. The pipe is buried and parallels the Creek and road, crosses the Creek and road at the old 69-2012 diversion point(see map), then runs under ground along the ditch and the road to the lodge area. A 3" pipe circulates through the lodge and runs down a draw to water trees.

Last Name Magness Racing Ventures, Inc.
Rocking M Cattle Co.

69 11514

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
 Decree _____
 If applicable provide IDWR Water Right Number _____
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
 _____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ President

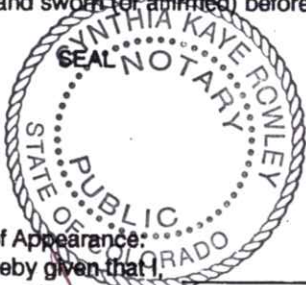
of _____ Magness Racing Ventures, Inc. _____ Title
 Organization _____, that I have signed the foregoing
 document in the space below as _____ President _____ of Magness Racing Ventures, Inc.
 Title _____ Organization _____
 and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ President, Magness Racing Ventures, Inc. Date _____ March 7, 2006

State of ~~Idaho~~/or Colorado)
 County of Arapahoe) SS.

Subscribed and sworn (or affirmed) before me this 7th day of March 16 2006



Notary Public _____

Residing at 2112 S. Fairplay St., Aurora, CO 80014

My Commission Expires April 29, 2007

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Magness Racing Ventures and
 Rocking M Cattle Co.

69-11514 _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
 Decree _____
 If applicable provide IDWR Water Right Number _____
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am General Partner
 of Rocking M Cattle Co, that I have signed the foregoing
 document in the space below as General Partner of Rocking M Cattle Co
 and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Roy R. Moorhead

Title and Organization General Partner Rocking M Cattle Co

Date 03/06/06

State of Dakota)
 County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 6th day of March 19 2006

Notary Public Nancy Stark

Residing at 11351 E. 112th Ave, Henderson, CO 80640

My Commission Expires 7/27/2008

My Commission Expires 7/20/2008

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Magness Racing Ventures and
 Rocking M Cattle Co.

69-11514