

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 69-2012
Date Received 3-9-06
Receipt Number C080536 & C080551

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

d.e. 20-13-06
3-13-06

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) 1909 ~~1918~~
3. Source of water supply (a) Dennett Creek
which is tributary to (b) Snake River/Brownlee Reservoir
4. a. Location of existing point of diversion is: Township 14N Range 7W Section 12,
NW 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 Irrigation purposes from Mar 1 to Oct 31 amount 1 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1 (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.) None -historic domestic use replaced by diversion of water from springs.

See Related Claims.

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	12		20			30	5	10	10									75
14N	7W	1															15		15

Total number of acres irrigated 90

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.
Water pumped from Brownlee Reservoir. See related claim filed in _____ or None ()

14. Remarks: Water diverted from a spring to a lodge. See related claim. Basin 03.

Attachment 3 = aerial photo

Attachment 4 = aerial photo

Attachment 5 = signature page

Attachment 6 = signature page

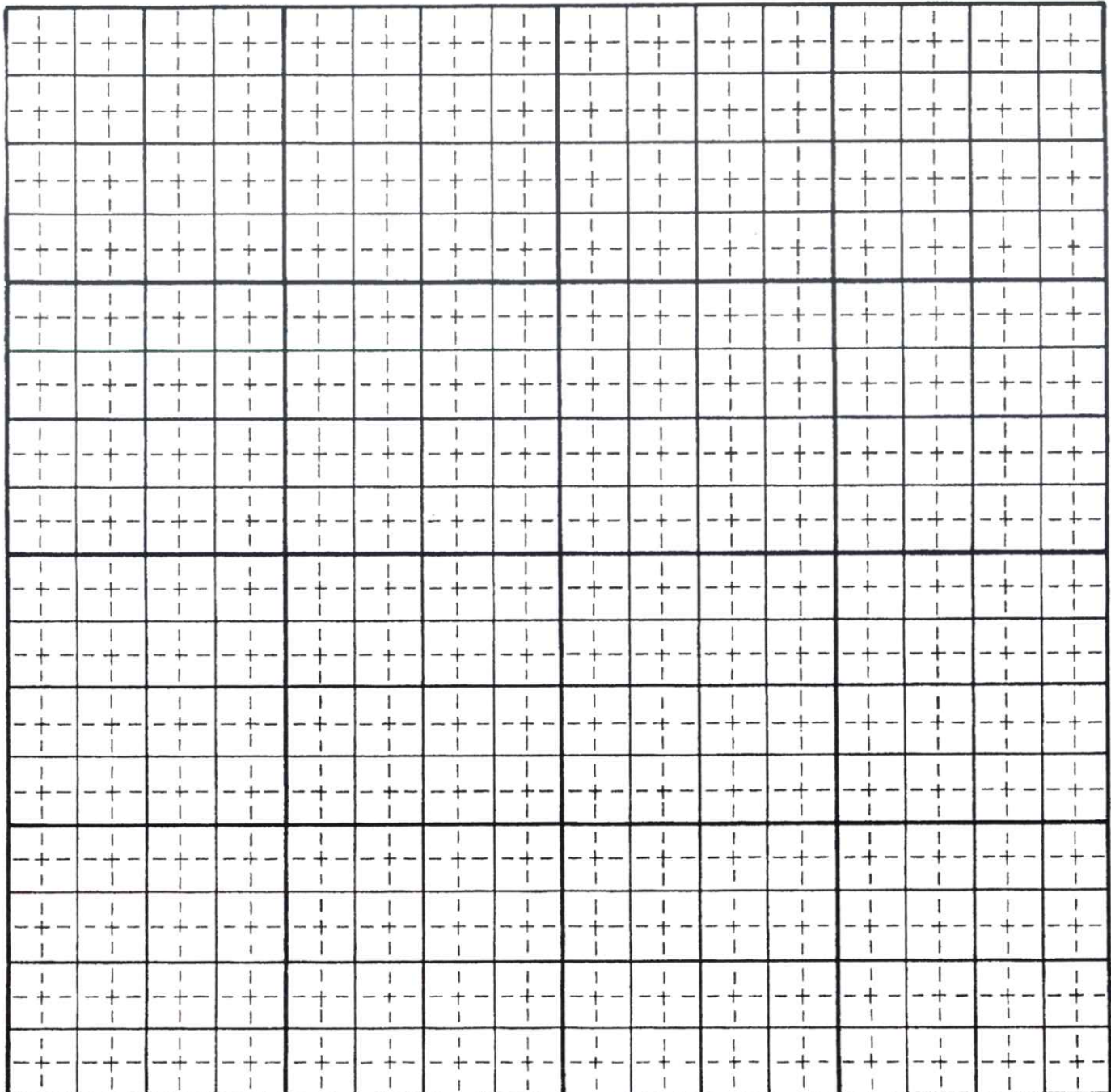
Attachment 1 = addresses for #1

Attachment 2 = information for #5

Last Name Magness Racing Ventures, Inc. 69-#5 2012
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 Attachments 3 and 4.



Last Name Magness Racing Ventures Idaho 69-2012
Rocking M Cattle Co.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 69-2012, ~~69-2012~~

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s) See Attachments 5 and 6.

(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 6

~~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 _____ Organization _____, that I have signed the foregoing~~

~~document in the space below as _____ Title _____ of _____ 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. 69-2012
Rocking M Cattle Co.

Attachment 1

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

ATTACHMENT 2

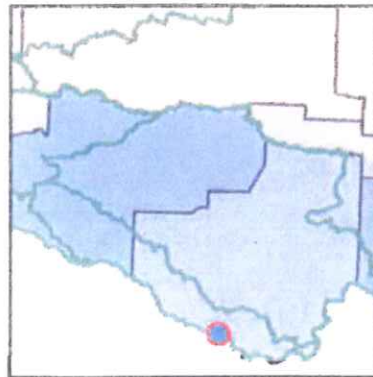
Water has been historically diverted from Dennett Creek into a ditch that runs along the Creek, around the hill, and to the irrigated pasture/hay fields all along the reservoir. See Attachment 3 (aerial photo showing ditch). Part of a new ditch was constructed above the old ditch in about 1980, but has not been completed. The new ditch (shown on Attachment 3) was to have irrigated pasture land east of the road. The old ditch (which was along the road) only waters the lower 2/3 (South West) of the irrigated area (water no longer gets to the end of the old ditch). The old ditch also runs South West to a pond (now dry) located by the lodge. The pond has not been used in recent years.

When Claimant Rocking M Cattle Co. purchased the land in 1972, there was a diesel pump being used to pump water from the reservoir. This pump irrigation had been installed by the predecessor in the 1960's to irrigate the pasture. It was located where the pump is shown on Attachment 3 – in NENW of Section 12. Claimant believes this pump was used from the mid to late 1960's by its predecessor (as the predecessor apparently did not use the ditch). After Claimant purchased the land, the diesel pump was replaced by two electric pumps (see Attachment 4, one where the diesel pump was and another north of the houses) and irrigation was extended about 15 acres north of the houses. See Attachment 4 (showing the acres irrigated). The original water right (69-2012) had a domestic component, that has been replaced by diversions from springs. (See related claims). The ditch is still used on occasion for irrigation, but now the pumps are used to irrigate most of the pasture land.

Last Name Magness Racing Ventures, Inc. Ident. No. 69-2012
Rocking M Cattle Co.

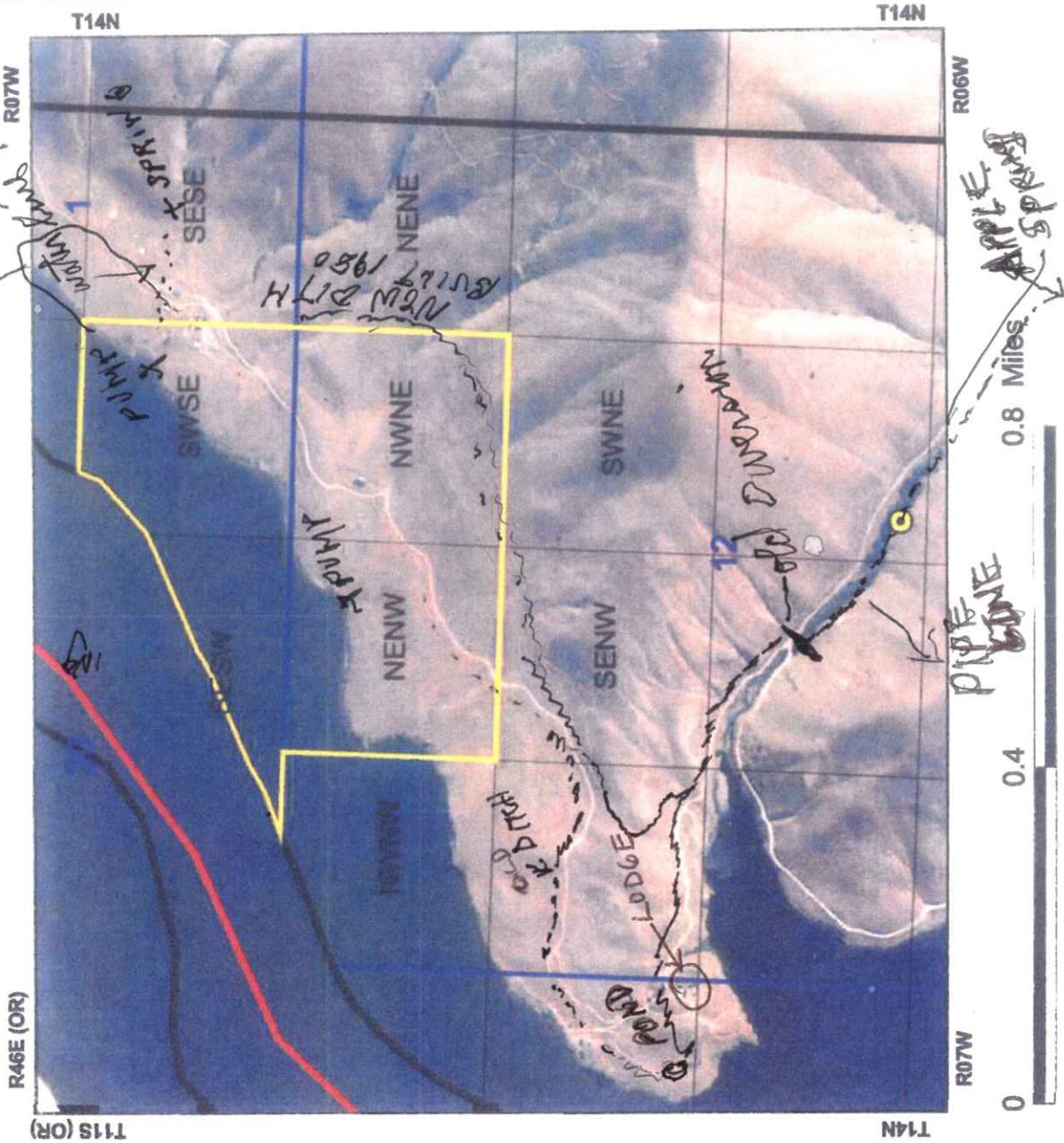
Water Right:

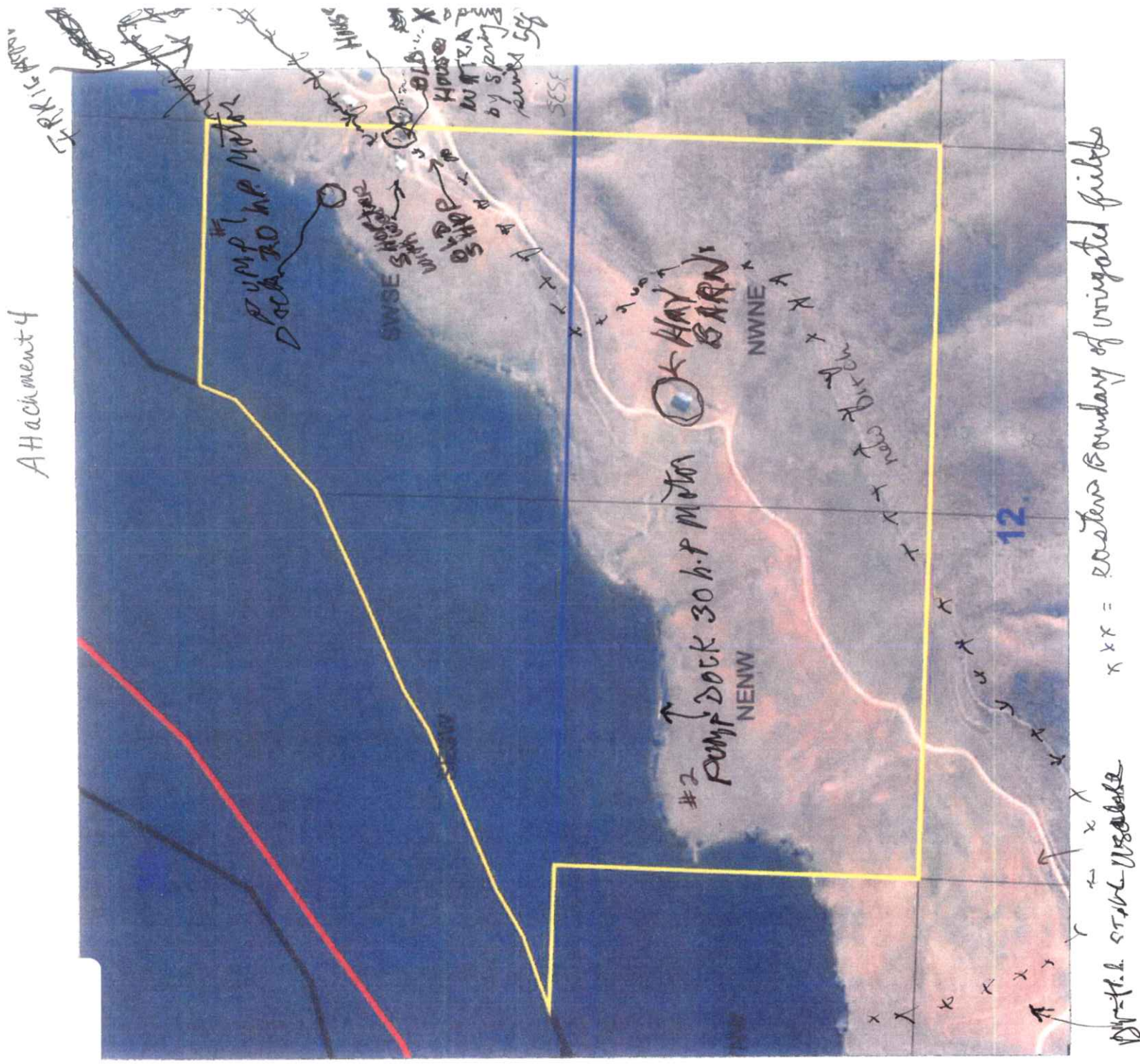
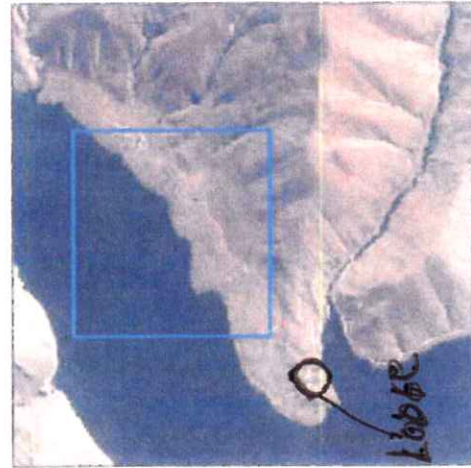
69-2012

Washington County
IDWR Basin 69

**Prepared by M. Ciscell
On Thursday, March 2, 2006
2004 Aerial Photography**

Magness Racing Ventures and
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)

(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 _____

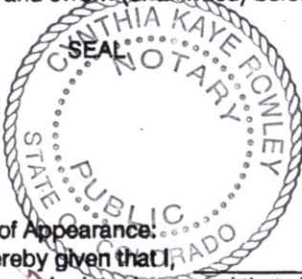
For Organizations: I do solemnly swear or affirm that I am President Title _____
 of Magness Racing Ventures, Inc. Organization _____, that I have signed the foregoing
 document in the space below as President Title _____ of Magness Racing Ventures, Inc. Organization _____
 and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Shaun Magness Blake

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 19 2006



Notary Public Cynthia Kaye Rowley

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.

69-2012

Last Name _____ IDENT. NUMBER _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
 Decree _____
 If applicable provide IDWR Water Right Number _____
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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
 Organization _____

document in the space below as General Partner of Rocking M Cattle Co
 Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization General Partner Rocking M Cattle Co Date 03/06/06

State of Idaho or Colorado)
 County of Adams) SS.

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

Notary Public _____

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

My Commission Expires 7/22/2008

My Commission Expires 7/27/2008

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.

69-2 012

Last Name _____ Ident. Number _____