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LINDA B. JONES
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RECEIVED

MAR 17 2006

DEPARTMENT OF
WATER RESOURCES

March 17, 2006

Jennifer Dean
Idaho Department of Water Resources
322 East Front Street – 6th Floor
Boise, ID 83702

3-10223

Re: Basin 03 Claim of
Magness Racing Ventures, Inc. and
Rocking M Cattle Co.

Dear Jennifer:

Enclosed for filing in the SRBA is a Notice of Claim of a beneficial use water right, for pumping water from Brownlee Reservoir for irrigation. This is the claim Michael Ciscell and I discussed with you. You might want to review the recommendation for water right 69-2012, which is used in the same location.

Please give me a call if you require further information.

Sincerely,

HOLLAND & HART LLP

Linda B. Jones

LBJ:cd
Enclosures
cc: Michael Ciscell

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MAR 17 2006

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number 3-10223
Date Received 5-17-06
Receipt Number C080650NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
MAR 17 2006
DEPARTMENT OF
WATER RESOURCES

Please type or print clearly

1. Name of Claimant (s) Magness Racing Ventures, Inc. and
Rocking M Cattle Co. Phone (970) 262-2325Mailing Address See Attachment 1 Zip _____2. Date of Priority (Only one (1) per claim) March 1, 19693. Source of water supply (a) Snake River/Brownlee Reservoir
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 14N Range 7W Section 12-NENW
1-SWSE
_____ 1/4 of _____ 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 1.8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.8 (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

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	1													5		10	5	20
14N	7W	12		20			30	5	10	5									70

Total number of acres irrigated 90

(pump1)

(pump2)

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.

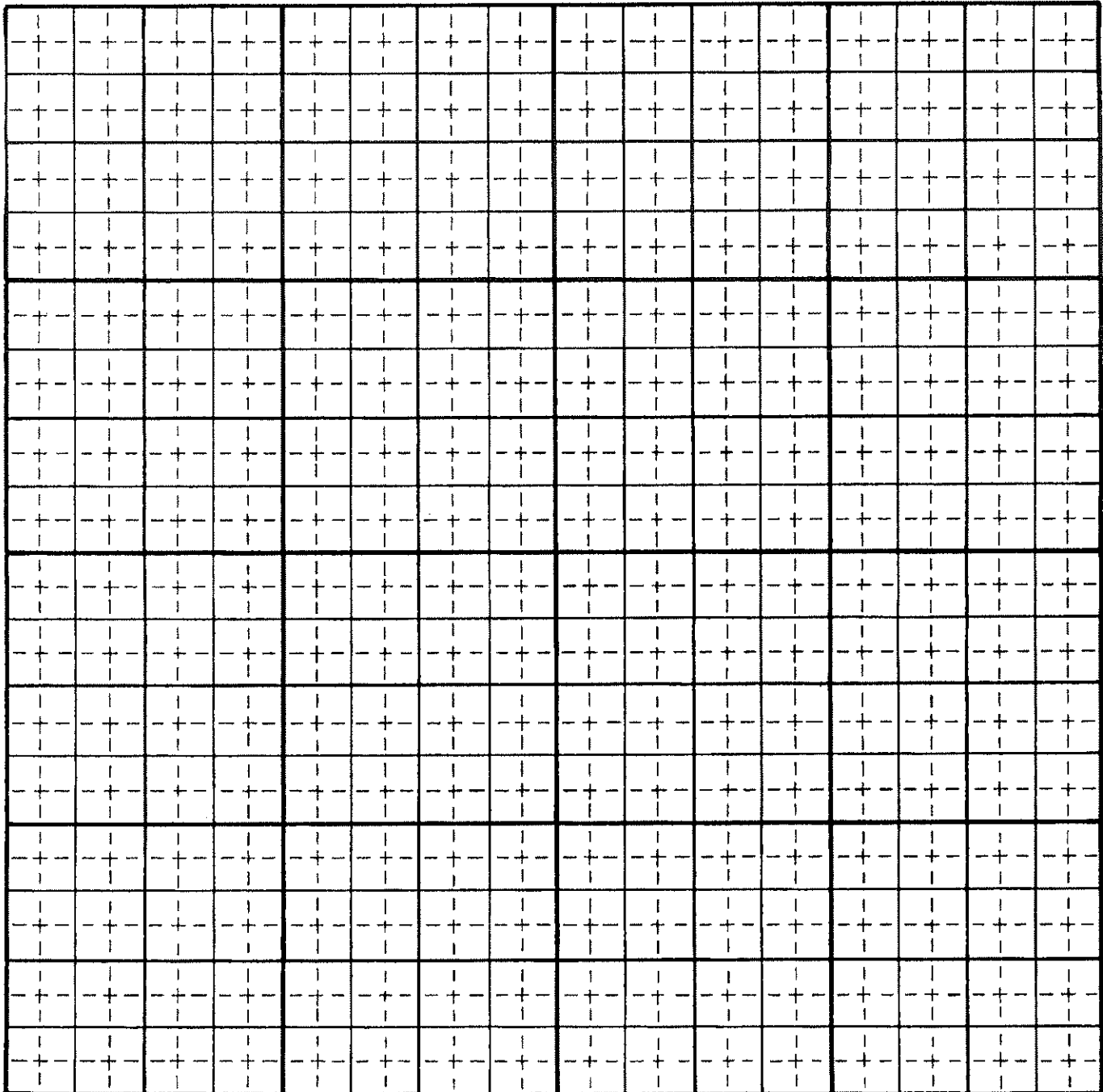
13. Describe any other water rights used at the same place and for the same purposes as described above.
69-2012 or None ()

14. Remarks: 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.
Rocking M Cattle Co. Ident No. 3-10223

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 Ident No. 3-10223
Rocking M Cattle Co.

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

Decree _____

If applicable provide IDWR Water Right Number _____

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 X 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 _____, 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 Ident. Number 3-10223
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. 3-10223
Rocking M Cattle Co.

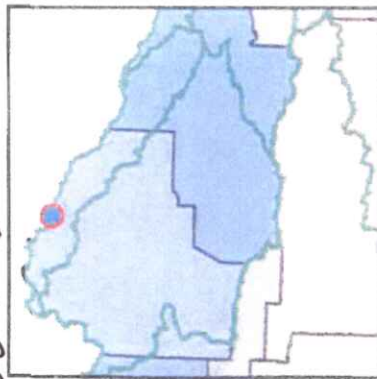


Idaho Department of Water Resources

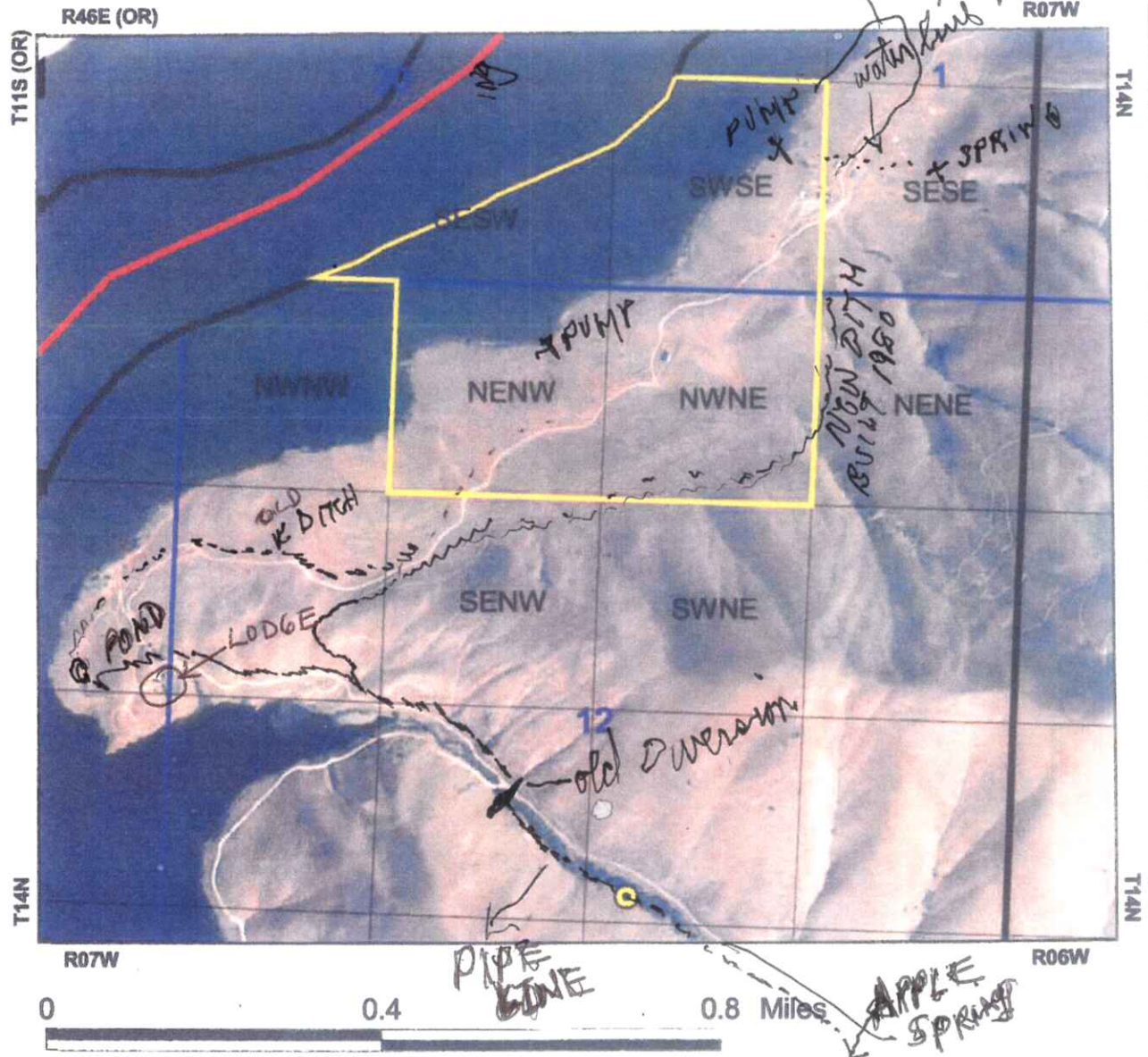
Water Right:
69-2012

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 69



3-10-2023

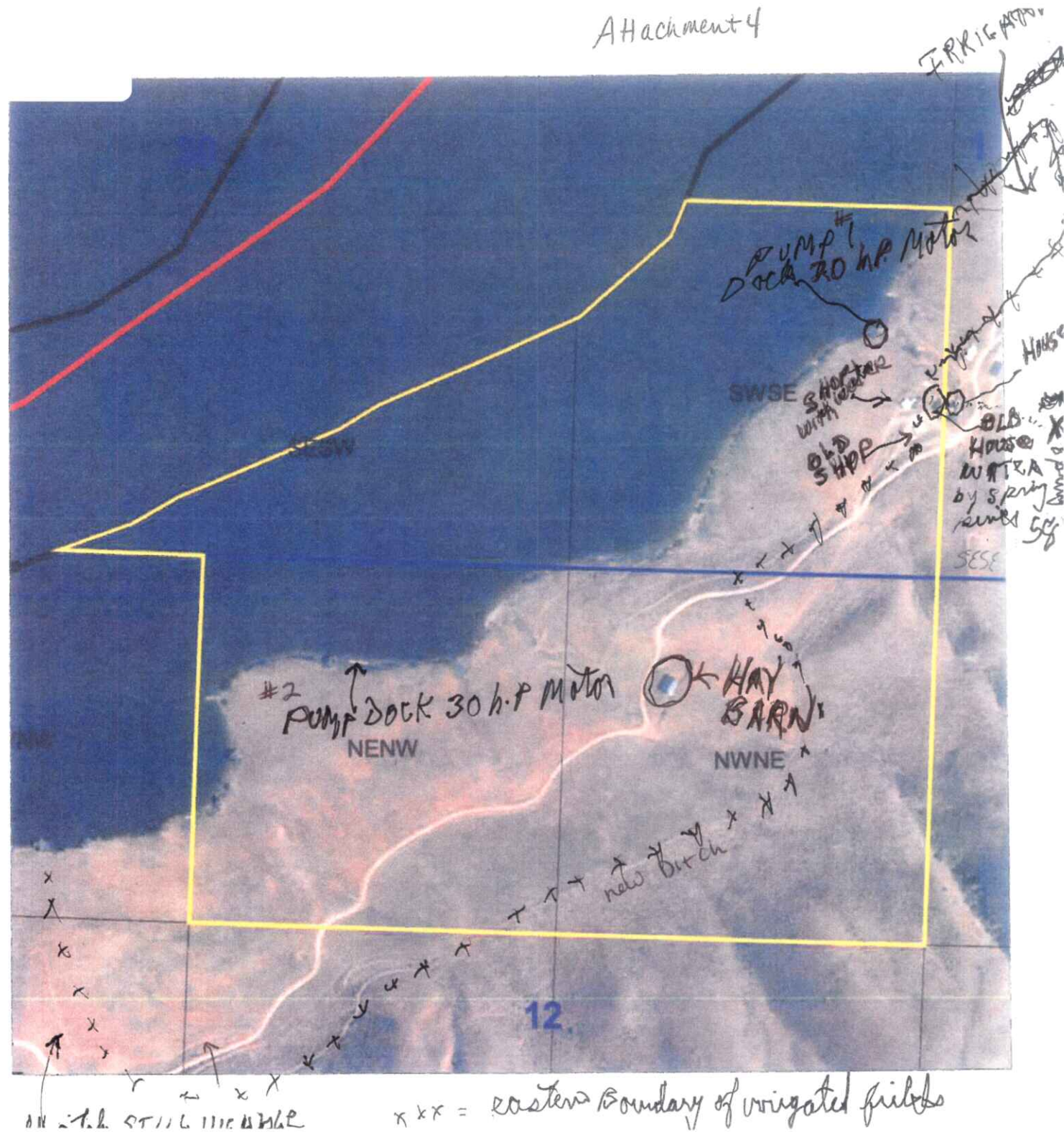
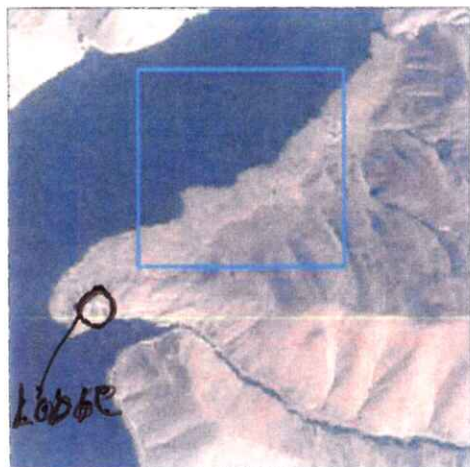
Prepared by M. Ciscell
On Thursday, March 1
2004 Aerial Photograph

Magness Racing Ventures and
Rocking M Cattle Co.

69-2012



3-102223



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 _____

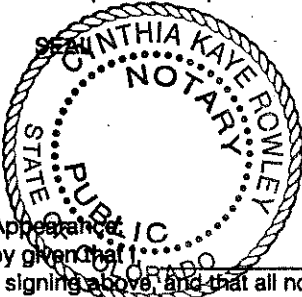
For Organizations: I do solemnly swear or affirm that I am President _____ Title _____
of Magness Racing Ventures, Inc. _____, that I have signed the foregoing
Organization
document in the space below as President _____ of Magness Racing Ventures, Inc. _____
Title Organization
and that the statements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

Signature of Authorized Agent Olson Magness (Stake)

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 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 of Attorney
Notice is hereby given that _____ 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.

Last Name _____ Ident. Number _____

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
 Title _____

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.

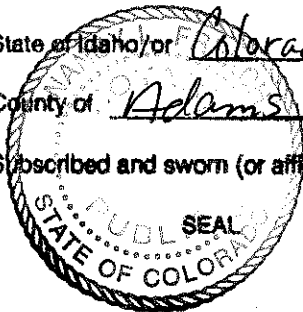
Signature of Authorized Agent _____

Title and Organization _____

Roy P. Johnson
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 19 2006



Notary Public _____

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

My Commission Expires 7/27/2008

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 _____

Magness Racing Ventures and
 Rocking M Cattle Co.

310223

Last Name _____ Ident. Number _____

State of Colorado)
) ss.
County of Denver)

AFFIDAVIT OF ROY R. MOORE, JR.
(Pumping from Brownlee Reservoir)

I, Roy R. Moore, Jr., being first duly sworn, upon oath state that:

1. I am the General Partner of Rocking M Cattle Co., a limited partnership ("Rocking M").
2. Rocking M acquired the ranch land in Washington County, Idaho in about 1972. Currently, Rocking M owns an undivided 22.8% interest in the ranch property and Magness Racing Ventures, Inc. ("Magness") owns an undivided 77.2% interest.
3. When Rocking M acquired the ranch from Harold Woods, there was a diesel pump used to pump water from Brownlee Reservoir to the pastures and hay fields located along the Reservoir in the SE quarter of Section 1, Township 14 N, Range 7W and the NE quarter and NW quarter of Section 12. See the Attached Aerial Photos. We operated the ranch the summer of 1972, before the purchase closed, to irrigate the fields and grow hay at this location. We used the diesel pump for irrigation.
4. Sometime in 1973, after we acquired the ranch, we pulled the diesel pump and replaced it with an electric pump. Pump #2 in the attached Aerial Photo (30 h.p.) replaced the diesel pump at this location. We also installed another electric pump further north along the Reservoir (#1 in the Aerial Photo) at that time. We still use the pumps for irrigation, along with water diverted from Dennett Creek. See our related Claim/Water Right 69-2012 (Dennett Creek). We have attempted to improve the ditches at the site (see the Aerial Photos showing the location of the ditches), but the newer ditch has not been completed.
5. I have marked on the attached Aerial Photo, to the best of my knowledge, the area presently irrigated from time to time using water pumped from the Reservoir (both pumps) and/or water diverted from Dennett Creek.
6. To my knowledge and belief, our predecessor Harold Woods irrigated this area using the diesel pump during his ownership of the ranch (his ownership dates from about 1965). Based on knowledge and belief, he used the diesel pump for irrigation at

Magness / Rocking M

3-10223

least from 1968-69. The pump had been and was being actively used well before we acquired the ranch.

7. I have reviewed this statement and have made all changes and corrections that I feel are necessary. This statement accurately reflects my knowledge about the ranch property, use of water from Brownlee Reservoir, and the pumps. I understand that I am signing this affidavit under oath before a notary public. I swear under penalty of perjury that this statement is true and correct to the best of my knowledge and belief.

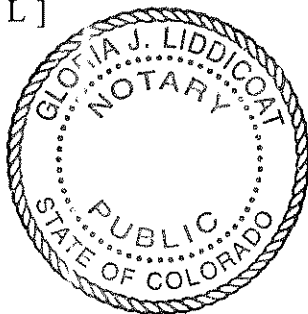
FURTHER THE AFFIANT SAYETH NAUGHT.

Date: March 15, 2006

Roy R. Moore, Jr.
Roy R. Moore, Jr.

Subscribed and sworn to before me this 15th day of March, 2006.

[S E A L]



My Commission Expires _____

Gloria J. Liddicoat
Notary Public for Colorado
Residing at Denver
My Commission Expires 9-14-09

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Magness/Rocking m

3-10223