

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)

Case No. 39576)

A. Subcase 69-02002
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Magness Racing Ventures, Inc.
Address: 4343 S. Holly St.; Englewood, CO. 80111
Name: c/o Sharon Magness-Blake
Address: ;
Name: Rocking M Cattle, Co.
Address: 5360 N. Franklin St.; Denver, CO. 80216
Name: c/o Roy M. Moore
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Place of Use**

Should be: See attached.

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David Henri for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

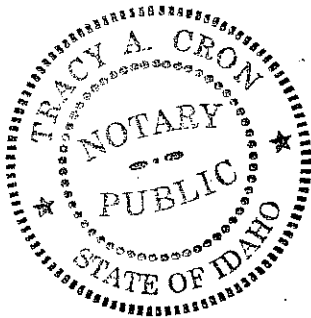
5/24/06

Tracy A. Cron
Tracy A. Cron

Notary Public for State of Idaho

Residing at: Meridian, ID.

My Commission Expires: 08-22-2009



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on May 25, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Magness Racing Ventures, Inc.
Address: 4343 S. Holly St.; Englewood, CO. 80111
Name: c/o Sharon Magness-Blake
Address: ;
Name: Rocking M Cattle, Co.
Address: 5360 N. Franklin St.; Denver, CO. 80216
Name: c/o Roy M. Moore
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

03/21/2006

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

RIGHT NUMBER: 69-2002
NAME AND ADDRESS: MAGNESS RACING VENTURES INC
ATTN SHARON MAGNESS BLAKE
4343 S HOLLY ST
ENGLEWOOD CO 80111

ROCKING M CATTLE CO
C/O ROY M MOORE
5360 N FRANKLIN ST
DENVER CO 80216

POU on BLM:

-The Place of Use identified below is public land

SOURCE: ROCK CREEK
QUANTITY: 1.300 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

TRIBUTARY: SNAKE RIVER

PRIORITY DATE: 09/24/1904

POINT OF DIVERSION: T13N R07W S17 SWNE Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 10/31	1.300 CFS
STOCKWATER	01/01 12/31	0.120 CFS

PLACE OF USE:

IRRIGATION Within WASHINGTON County

T13N R07W S07 Lot 2 SWNE	5.50	T13N R07W S07	SENE	11.00
T13N R07W S07 Lot 5 NWSW	7.30	T13N R07W S07 Lot 3 NWSE		4.50
T13N R07W S18 Lot 3 NENE	3.60	T13N R07W S18 Lot 2 SENE		2.60
34.5 ACRES TOTAL				

STOCKWATER Within WASHINGTON County

T13N R07W S07	SENE	T13N R07W S07 Lot 5 NESE
T13N R07W S07 Lot 7 SESE		T13N R07W S18 Lot 3 NENE
T13N R07W S18 Lot 2 SENE		

BLM

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

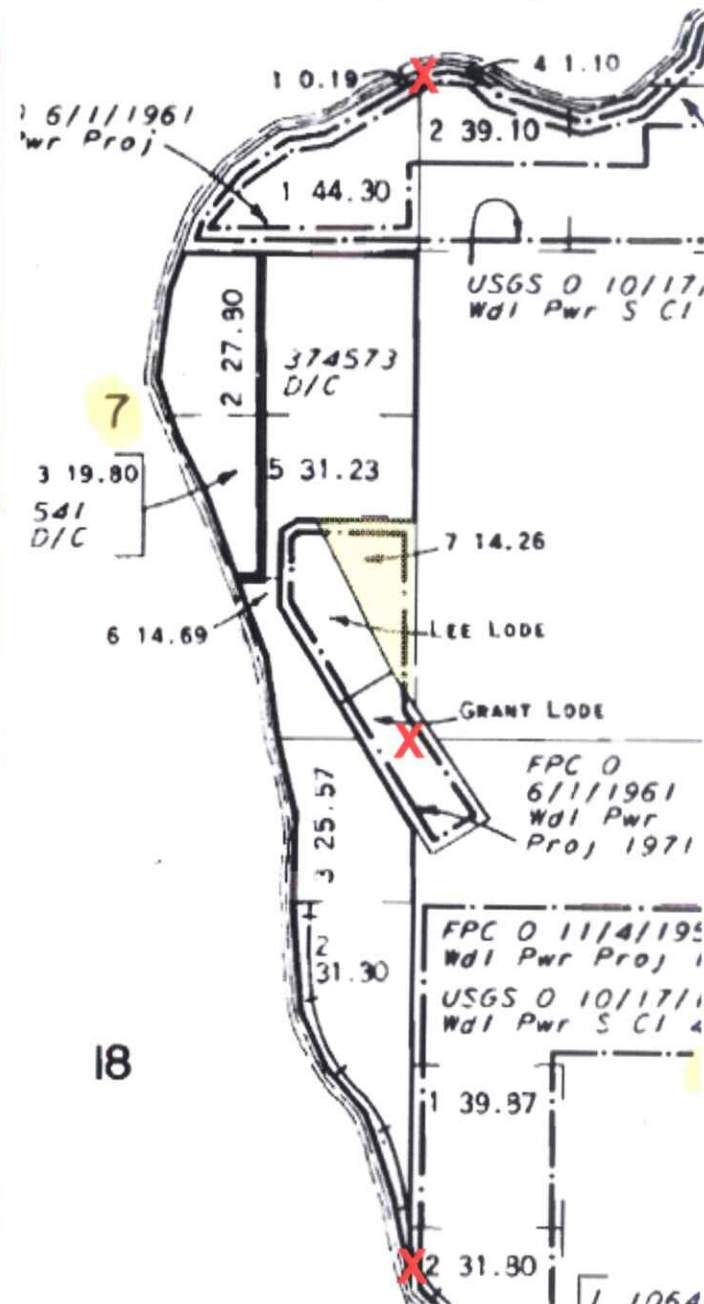
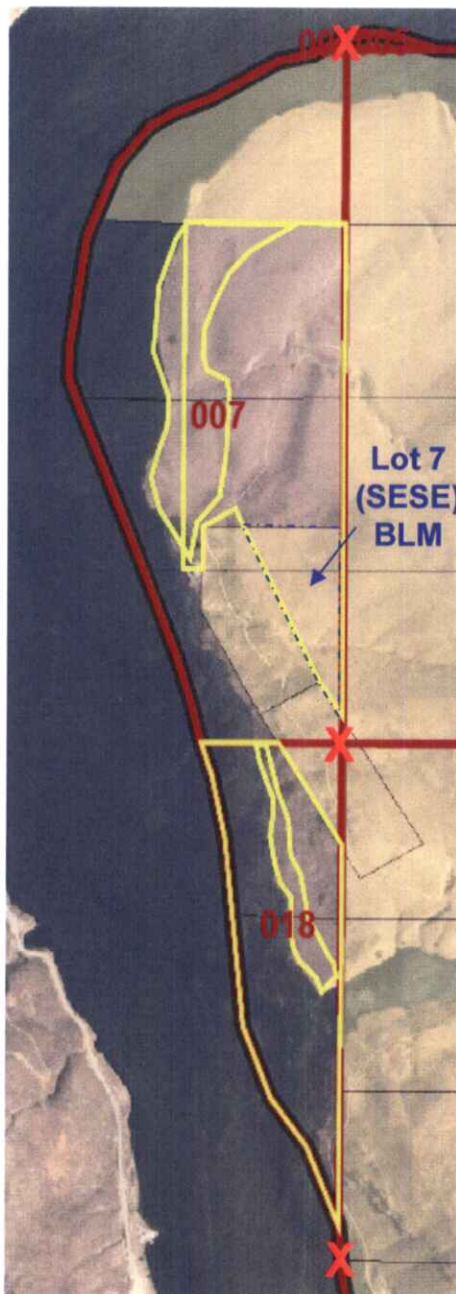
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

69-02002

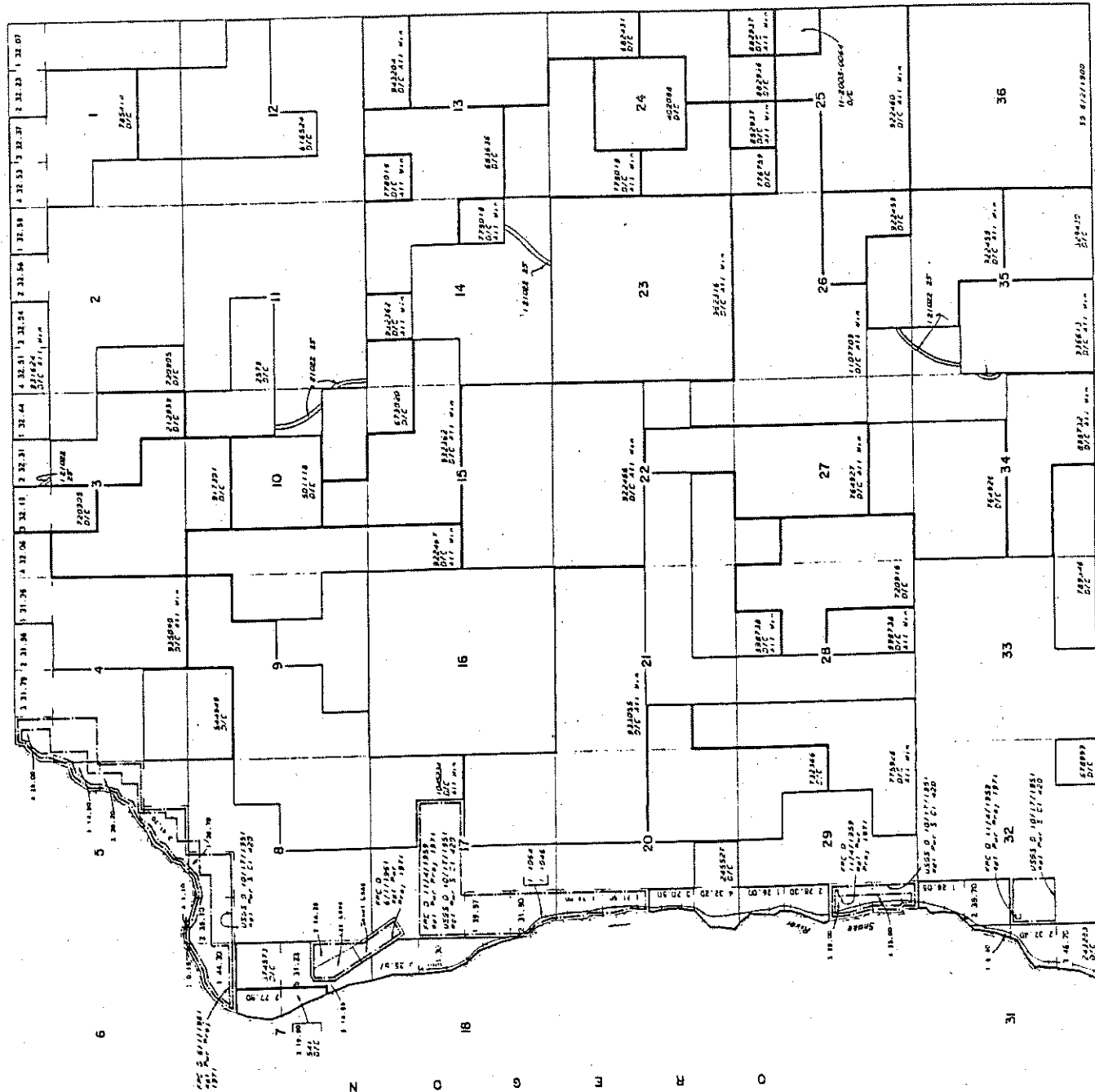


-Remove Lot 7 (SESE), Section 7 from recommendation and adjust shapefile accordingly.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

WASHINGTON COUNTY
FOISE DISTRICT SEC 3

MT PLAT

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

CATS!

$\alpha = 0.05$ $\alpha = 0.01$
 $\beta = 0.80$ $\beta = 0.90$