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AUG 17 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 16 2010	
By _____	Clerk
_____	Deputy Clerk

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	)	Subcase 75-10062B
	)	(Beaverhead Peaks Ranch LLC)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

On November 17, 2008, former SRBA Presiding Judge John M. Melanson entered a *Partial Decree* in this subcase for .093 cfs to irrigate 36.1 acres. On April 5, 2010, David W. Ellis, co-owner and manager of Beaverhead Peaks Ranch, filed a *Motion to File Amended Notice of Claim* to add .16 cfs in accordance with a 1900 *Agreement* and the 1901 *McNutt Decree*. Presumably the *Motion* included a request to set aside the *Partial Decree* and then grant the amended claim.

A hearing on the *Motion* was held on August 12, 2010. Mr. Ellis appeared for the claimant and Garrick L. Baxter appeared for IDWR, along with Suzy Cooley-Denney. IDWR agreed the *Partial Decree* should be set aside and the claim amended so it can investigate further before recommending the amended claim.

Conclusions of Law

Beaverhead Peaks Ranch has shown good cause to have the *Partial Decree* set aside and its claim amended.

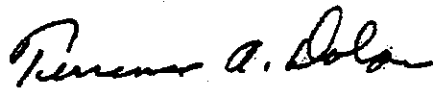
Recommendation

THEREFORE, IT IS RECOMMENDED that:

1. The *Partial Decree* be set aside; and

2. The *Motion to File Amended Notice of Claim* be **granted** to add up to .16 cfs to irrigate the same acreage.

DATED August 16, 2010.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath the name.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on August 16, 2010, with sufficient first-class postage to the following:

BEAVERHEAD PEAKS RANCH LLC
PO BOX 242
CARMEN, ID 83462
Phone: 208-756-6972

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098