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Department of Water Resources

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CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO
J.M.

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 45-10213

)

(Ellis Investment Company, Ltd.)

Case No. 39576

)

SPECIAL MASTER REPORT

Findings of Fact

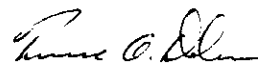
James, Luis and Ynes Alastrá, P.O. Box 211, Jerome, Idaho 83338, filed a *Notice of Claim to a Water Right* on January 25, 1989, under 45-10213 claiming .07 cfs from Goose Creek for year-round stockwater use with a priority date of January 1, 1917, based on beneficial use. Ellis Investment Company, Ltd., 1304 Elm, Provo, Utah 84604, filed an identical *Amended Notice of Claim to a Water Right* on January 25, 1989. The Director of the Idaho Department of Water Resources filed his *Director's Report, Domestic & Stock, Reporting Area 10, Volume Three (IDWR Basin 45)* on March 2, 1998. The Director recommended the claim filed by the Alastrás be disallowed: "Claim incomplete."

On April 21, 1998, Stephen Ellis filed an *Objection* alleging an "error in township legal description." However, on April 11, 2002, Mr. Ellis and IDWR filed a *Standard Form 5* agreeing to ownership of 45-10213 in the name of Ellis Investment Company, Ltd.

Conclusions of Law

Ellis Investment Company, Ltd., is entitled to a partial decree adjudicating a water right under claim 45-10213 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-10213*.

DATED April 12, 2002.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-10213

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CERTIFIED TRUE AND CORRECT
JUDGE
[Signature]

NAME AND ADDRESS: ELLIS INVESTMENT CO LTD
1304 ELM
PROVO, UT 84604

SOURCE: GOOSE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1917

POINT OF DIVERSION: T15S R22E S03 SENWNW Within Cassia County
SESWSW
NWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.07 CFS

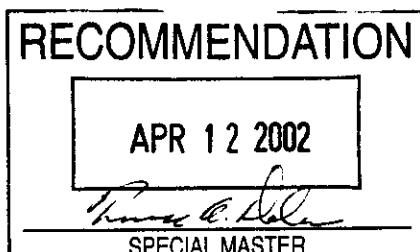
PLACE OF USE:	Stockwater		Within Cassia County
	T15S R22E S03	SENE	SWNW
		SENW	NESW
		NWSW	SESW
		NESE	NWSE
		SWSE	SWSE

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

S/300 BEEF STOCK
THE QUANTITY OF WATER DECREED FOR THIS RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 45-10213

On April 12, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 12, 2002.



LETTIE MESSICK
Deputy Clerk

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DISTRICT CLERK
JAMES ALASTRA
LUIS ALASTRA
YNES KELLY
PO BOX 211
JEROME, ID 83338

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)

CERTIFICATE OF MAILING

Water Right(s): 45-10213

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 12, 2002, with sufficient first-class postage prepaid to the following:

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

Courtesy copies:
James Alastra
Luis Alastra
Ynes Kelly
PO Box 211
Jerome, ID 83338

ELLIS INVESTMENT CO LTD
1304 ELM
PROVO, UT 84604
Phone: 801-373-8320

STEPHEN ELLIS
1304 ELM
PROVO, UT 84605
Phone: 801-373-8320

Lettie Messick

LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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