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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	)	Subcase 45-10214
	)	(Ellis Investment Company, Ltd.)
Case No. 39576	)	
_____		SPECIAL MASTER REPORT

Findings of Fact

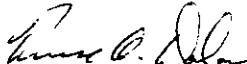
Ellis Investment Company, Ltd., 1304 Elm, Provo, Utah 84604, filed a *Notice of Claim to a Water Right* on January 25, 1989, under 45-10214 claiming .07 cfs from Birch Creek for year-'round stockwater use with a priority date of January 1, 1917, based on beneficial use. The Director of the Idaho Department 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 as filed but to Luis, Ynes and James Alastra, P.O. Box 211, Jerome, Idaho 83338, for .02 cfs

On April 21, 1998, Stephen Ellis filed an *Objection* to points of diversion and place of use. However, on April 11, 2002, Mr. Ellis and IDWR filed a *Standard Form 5* agreeing to ownership of 45-10214 in the name of Ellis Investment Company, Ltd., and .02 cfs.

Conclusions of Law

Ellis Investment Company, Ltd., is entitled to a partial decree adjudicating a water right under claim 45-10214 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-10214*.

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 45-10214

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DISTRICT COURT - CASSIA
TWIN FALLS
[Signature]

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

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1917

POINT OF DIVERSION: T14S R22E S25 NESE Within Cassia County
SESE
R23E S30 SWSW
S31 NWNE
SENE
NESE
T15S R23E S05 NWNW
SWNW
NWSW
SWSW
S08 NENW
SENW
NWSE
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Cassia County
	T14S R22E S25	NESE	SESE
	R23E S30	SWSW	
	S31	NWNE	SENE
		NESE	
	T15S R23E S05	NWNW	SWNW
		NWSW	SWSW
	S08	NENW	SENW
		NWSE	SWSE

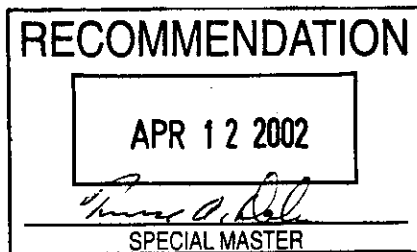
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER 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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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 45-10214

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

LETTIE MESSICK
Deputy Clerk

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[Handwritten signature]

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): 45-10214

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 84606
Phone: 801-373-8320

Lettie Messick

LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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