

mination of Water Rights. The State Engineer and the Protestant have investigated this matter and now agree that the Proposed Determination of Water Rights should be amended to show that Garr Spring is the sole supply for the irrigation of approximately 235 acres of land. The parties will undertake a field check of the hydrographic survey prepared by the State Engineer and verify the exact acreage involved and submit this information to the Court at the time of the Trial.

b. The duty of water which the State Engineer has recommended that the Court establish in this area is three acre feet per acre on an interlocutory basis. The State Engineer asserts that this recommended duty of water is sufficient to meet the beneficial requirements of Protestants' irrigated acreage and that any use of water in excess of this proposed duty of water would be wasteful. Protestants, on the other hand, assert that the proposed duty of water is not sufficient to mature their crops and that they can beneficially use water in excess of three acre feet per acre during the irrigation season.

#### 4. UNITED STATES OF AMERICA

Protestant claims that it has a valid existing water right in this area by virtue of the reservation and withdrawal of certain federal lands. It is the contention of the State Engineer that he has set forth in the Proposed Determination of Water Rights a water right for all of the uses Protestant has asserted. However, the parties agree that an adjudication of this issue shall be deferred until the Court hears final matters in the Bear River General Adjudication proceedings.

DATED THIS 17th day of April, 1972.

/s/ VeNoy Christoffersen  
VENOY CHRISTOFFERSEN, DISTRICT JUDGE