

Paragraph 5 of the Protest raises the issue of whether or not various stockwatering rights have been forfeited by non-use. The WUCs in question and their apparent owners are:

WUCs 57-3904; -7471 through -7479; -7485; -7486; -7693; and -7694. Owners: City Development, Inc., and The Boyer Company, with a security interest owned by CrossLand Savings.

WUCs 57-7696; and -8066. Owner: Brooks Pace, with a security interest owned by CrossLand Savings.

WUCs 57-7465; -7467 through -7470; -7480 through -7484; -7687; -7695; -8138; and -8168. Owners: Bertagnole Investment Company--Limited Partnership (1/2 interest); Gerald Bertagnole (1/10th); William T. Bertagnole (1/10th); Shirley A. Collingwood (1/10th); Joyce Carolyn Meyer (1/10th); and Nancy M. Eckert (1/10th).

The Protest, the State Engineer's Answer to the Protest (which addressed this issue), and notice of the Pre-trial Conference and related documents (including the proposed "Pre-trial Order and Confirmation of Water Rights," which had inadvertently omitted the stockwatering-rights issue) were mailed to Bertagnole Investment Company, via Leo Bertagnole, who failed to respond. Those documents and notice were also mailed to "Pace, Brooks, c/o CrossLand Savings, 41 East 100 South, Salt Lake City, Utah 84111," in accordance with the best information known to the State Engineer. Neither Pace nor CrossLand responded.