

f. The issue raised on Water User's Claim Nos. 1677 and 2139 is whether the protestant or the State of Utah is entitled to the rights described under said claim since these claims are located on State land. Protestant withdraws its protest against Water User's Claim No. 1619 and accordingly the government's protest against said claim is dismissed.

g. Protestant asserts that it has certain water rights by reason of the withdrawal and reservation of public lands in this area. The Revised Determination does not recognize any such right, the State Engineer contends no such right exists. It is agreed between the parties that this issue would be reserved for determination until the court hears the final matters relative to the Beaver River-Escalante Valley general adjudication proceedings.

18. WALTER J. MILLER

Protestant claims a water right from a spring located at approximately N. 44° 40' W. 3079 feet from the SE corner of Section 19, T26S, R11W, SLBM. The State Engineer has confirmed that said spring exists, however protestant is still in the process of preparing a water user's claim defining the nature of his claim consequently this protest will be the subject matter of a later report to the Court by the State Engineer.

The following protests all involve the Pinto Creek area and have been grouped together for convenience of reference.

19. H. KARL AND LAVON HARRISON, RICHARD HARRISON

The following issues are raised by the protestants:

a. Protestants claim to be the owners of .25 c.f.s. of water shown in the Revised Determination in the name of Newcastle Reservoir Company and claimed by said company under Water User's Claim No. 410.

b. Protestants claim a period of use for irrigation purposes from March 1 to November 30. The State Engineer has limited the use of water for irrigation purposes from April 1 to November 1 as provided for in the Original Determination of Water Rights and confirmed by prior Order of the court.

In regard to the above issues it is the contention of the State Engineer that the rights set forth in the Revised Determination of Water Rights is in accordance with the Original Proposed Determination of Water Rights and prior orders of this court which limit protestants' rights, and that, in any event, protestants have not established a valid diligence right to the extent