

water can be made during the month of November for irrigation purposes and that he has provided in the proposed determination sufficient flexibility to allow for the use of water during this month in those years when it could be beneficially used so long as this is accomplished without prejudice to other rights.

2. ARCHIE BENSON

The issue presented by the protest is whether protestant has a valid irrigation and stockwatering right from a well described in Water User's Claim No. 378. It is the contention of the State Engineer that at the present time there is no evidence of any irrigation and stockwatering use by protestant in recent years, and that any right which protestant may have had from said well has been abandoned or forfeited by failure to use this well in recent years.

3. J. E. LISTER

a. Protestant asserts that he has a valid water right to the use of certain springs which are located entirely on land owned by the United States of America. The United States claims that it has a prior right to the use of said springs for stockwatering purposes and that a private individual cannot appropriate water for use on federal land. The United States further alleges that, in any event, protestant is not using any water on federal lands.

b. Protestant asserts that the priority date on Water User's Claim Nos. 271, 272, 273, 1381, 1382, and 1414 should be 1891 instead of 1911 as is presently set forth in the Proposed Determination. It is the contention of the State Engineer that, based upon his investigation of this area, there is no evidence that protestant or his predecessors in interest had used water from the wells covered by said claims prior to 1911.

4. PAROWAN NORTH FIELD IRRIGATION COMPANY, PAROWAN SOUTH FIELD IRRIGATION COMPANY, PAROWAN WEST FIELD IRRIGATION COMPANY, AND PAROWAN RESERVOIR COMPANY

a. This protest involves Water User's Claim Nos. 802, 803, 804, 977, and 1217. Protestants assert that they are the owners of approximately 3/4 of the waters of Center Creek and that Parowan City owns the remaining 1/4 of said creek. Parowan City agrees that it is limited to approximately 1/4 of Center Creek but asserts that it has rights from springs in the Center Creek drainage basin in addition to its Center Creek right as set forth in the aforesaid