

NOW, THEREFORE, IT IS ORDERED that the duty of water for irrigation purposes in the area encompassed within the Escalante Subdivision is fixed at four acre feet per acre of land on an interlocutory basis. The State Engineer, or any interested water user, may petition this Court at any time to request that the duty of water be raised or lowered. Any party filing such a petition shall give reasonable notice thereof to all counsel involved. The establishment of a duty of water on an interlocutory basis is made without prejudice to the claims or assertions of any of the parties in any subsequent proceedings on the question of duty of water, and does not constitute a final determination by the Court of the duty of water for the Escalante Subdivision.

### III RESOLVED ISSUES

The protest submitted by Leo L. Wilson against the Proposed Determination and which involved the rights of Thurman Spencer has been resolved by those two parties. A copy of the Stipulation which has heretofore been filed with this Court and which contains the terms and provisions of the settlement between these parties is hereby confirmed and approved.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Thurman Spencer is entitled to a 27.3/88.4 interest of Certificate of Appropriation No. 363, and is entitled to .67 c.f.s. of water from Alvey Wash for the irrigation of a total of 27.3 acres of land described as follows:

Thirteen acres in the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; eleven acres in the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ ; .70 of one acre in the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; and 2.60 acres in the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; all in Section 28, Township 35 South, Range 3 East, Salt Lake Base and Meridian, or a total acreage of 27.3 acres.

This water is to be diverted by means of a sump in Alvey Wash located at a point South 1140 feet and East 1290 feet from the North  $\frac{1}{4}$  Corner of Section 28, Township 35 South, Range 3 East, Salt Lake Base and Meridian, in lieu of the point of diversion set forth in the Proposed Determination for Thurman Spencer.