

Proposed Determination and prior orders of this court which limit protestant's rights, and that said company has established a valid diligence right to the extent of use claimed.

b. The remainder of this protest involves the priority and quantity of water allowed under Water User's Claim Nos. 1679, 1687, 2190 and 2191. The issue is whether or not the priority and flows for said claims are accurate.

c. Whether protestant is entitled to a duty of water in the amount of eight acre-feet per acre.

d. Protestant claims a stockwatering right from Pinto Creek for 600 head of livestock, and also a domestic right under Water User's Claim No. 2192. The State Engineer agrees that such a right exists and the Revised Determination shall be amended accordingly.

22. TOWN OF NEW CASTLE

This protestant raises the following issues:

a. Protestant claims an irrigation right for 79.10 acres of land under Water User's Claim No. 246. The Revised Determination limits this claim to 9.3 acres based on the Original Determination of Water Rights and the State Engineer contends that said additional land is being irrigated under water rights owned by Newcastle Reservoir Company.

b. Protestant claims to be the owner of .50 c.f.s. of water with a priority of 1875 for irrigation purposes evidenced by Water User's Claim No. 407 which is now shown in the Revised Determination of Water Rights to be owned by Newcastle Reservoir Company.

c. Protestant claims to be the owner by purchase of an additional 5/9 c.f.s. of water under Water User's Claim No. 246 with an 1880 priority which rises in Pinto Creek from the Upper Castle diversion dam and also 5/9 c.f.s. from Pinto Creek with a 1907 priority for domestic, the year around watering of 1000 head of livestock and for the irrigation of land which is in the Newcastle Town survey from March 15th to November 1st.

d. Protestant asserts that Newcastle Reservoir Company under Water User's Claim No. 408 should be limited under claim to water obtained from Upper Castle Creek for .75 c.f.s. from May 1 to October 1 with a priority of 1880. Protestant asserts this right was obtained from Upper Castle Creek. Newcastle Reservoir Company claims that under this right it has a demand on the entire system.