

The additional issue presented by this protest is whether protestant can beneficially use eight acre-feet of water on his land. It is the contention of the State Engineer that the duty which he has recommended to the court of four acre-feet per acre plus one additional acre-foot per acre for transmission losses is adequate to meet the protestant's needs.

It having been agreed among the water users in the Pinto Creek area that the use of water from Pinto Creek shall be controlled and governed on an interim basis by that certain stipulation dated July 16, 1962, a copy of which has been filed with this Court. Said stipulation modifies certain provisions of the Revised Determination of Water Rights.

NOW, THEREFORE, it is hereby ORDERED that the water commissioner shall distribute the waters of Pinto Creek according to the terms and provisions of the July 16, 1962 Stipulation; this is to be on an interlocutory basis subject to any interested party petitioning the court for a modification of this order and it is further provided that this order is without prejudice to any of the claims of the parties as previously set forth in this Pre-Trial Order.

Dated this 27th day of AUGUST, 1970.

1st. James P. McCune
DISTRICT JUDGE