

rights contained in said Determination are hereby decreed to be valid existing water rights and are approved and confirmed as set forth in said Determination; those rights set forth in the "Issues to be Tried" section of this Pre-Trial Order are excepted from the foregoing approval and confirmation to the extent that they are the subject matter of an individual protest; this order is also subject to those changes in ownership and approved change applications on any rights in said Determination which have occurred since the Determination was published by the State Engineer; the court further reserves the right to correct typographical errors which may have occurred in the preparation of said Determination.

IV.

ISSUES TO BE TRIED

1. WILFORD R. FIFE

Protestant claims a right to irrigate 73 acres of land under Water User's Claim No. 260. The State Engineer contends that said claim should be limited to the water requirements of 53.2 acres of land since this is the amount of land that was being irrigated at the time of the original survey in this area. The State Engineer further contends that protestant has never irrigated in excess of 54.45 acres of land under said claim and, therefore, has not established a diligence right to the quantity of water claimed.

2. SARAH JANETTE FLANIGAN ESTATE

Protestant claims that she or her predecessors established a valid water right from Coal Creek to irrigate 15.44 acres of land. It is the contention of the State Engineer that protestant has produced no evidence of a valid water right for the irrigation of said land.

3. NORMAN J. GRIMSHAW

Protestant, as a water user in the area covered by this proceedings, objects to the general and consistent decline of the water table making it more difficult and more expensive for him to obtain his water supply. It is the contention of the State Engineer that this issue is not the proper subject matter of a general adjudication proceedings and, in any event, that protestant is not entitled to have the water table maintained at any specific level for his benefit.