

that the Court establish in this area is four acre feet per acre of land on an interlocutory basis. The State Engineer asserts that this recommended duty of water is sufficient to meet the beneficial requirements of Protestants' irrigated acreage and that any use of water in excess of this proposed duty of water would be wasteful. The below-listed Protestants assert that because of the nature of the soils and the climatic conditions in this area the proposed duty of water is not sufficient to mature their crops and that they can beneficially use water in excess of four acre feet per acre during the irrigation season.

The Protestants identified below further assert that since certain prior decrees of this Court fixed a rate at which the irrigators may divert water from this river system, the Court's prior action now forecloses the State Engineer from proposing a duty in acre feet and further forecloses this Court from setting a duty in acre feet. The State Engineer asserts that while it is true these prior decrees did set a rate of diversion for certain users, this was not an attempt by the Court to fix the individual water user's rights in terms of beneficial use. The State Engineer asserts that the right of the individual water user is not only limited to the amount of water which can be diverted, but is also limited to the beneficial requirements of the land upon which the water is applied and this is the purpose of now fixing an acre foot duty of water.

Protestants challenging the duty recommended by the State Engineer are:

1. Max Behunin
2. Boulder Irrigation & Water Development Co.
3. LeFair M. & LaRena Hall
4. Dan V. & Vickie Coleman
5. Neal & Faye H. Jepson
6. McGregor & Lenora H. LeFevre
7. John Droubay
8. Clyde King Estate
9. Dale E. Clarkson
10. Boulder King Ranches, Inc.
11. Redwing Ranch

2. IVAN LYMAN

- a. Protestant asserts that he has irrigated 9.93 acres