

in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 14.23 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, both of Section 7, Township 34 South, Range 5 East, SLB&M, which were omitted from the Proposed Determination of Water Rights. The State Engineer admits that the Proposed Determination of Water Rights should be amended to include this additional acreage. The State Engineer alleges that at the time the Proposed Determination was prepared the information available to the State Engineer indicated that Protestant did not own this additional acreage. Since that time, the State Engineer has received evidence that the Protestant is the owner of this land.

b. Protestant asserts that the State Engineer improperly omitted and deducted from Protestant's irrigation right under Water User's Claims Nos. 97-22 and 97-147 8.40 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 9.53 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, both in Section 12, Township 34 South, Range 4 East, SLB&M, under Certificates of Appropriation Nos. 7983, 7984 and 7985. The State Engineer admits that the Proposed Determination limits Protestant to less irrigation than shown in the above-numbered Certificates of Appropriation and alleges that the survey by the State Engineer shows that Protestant is irrigating and making beneficial use of water on a total of only 32.60 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 26.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 12.

c. Protestant asserts that he has a valid right to irrigate an additional 3.80 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.74 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, both in Section 11, Township 33 South, Range 4 East, SLB&M, under Water User's Claim No. 97-148. The State Engineer admits that the Proposed Determination of Water Rights and Water User's Claim No. 97-148 limit Protestant to less irrigation in the above forties than is shown in Protestant's Certificates of Appropriation, but alleges that the survey by the State Engineer shows that Protestant is not irrigating this additional acreage but is only irrigating and making beneficial use of water on acreage set forth in the Proposed Determination of Water Rights under Water User's Claim No. 97-148.