

**02/16/10 BD MEETING – ITEM #4
STAFF CHANGE #1 (CIRCULATED 02/11/10)**

The following revisions are being made to the Kern River draft order page 5; last paragraph:

In addition to the undisputed evidence ~~presented regarding unappropriated water that water has historically been diverted into the Intertie, without a valid basis of right and that those diversions are in excess of any proprietary water rights to the diversion and use of Kern River water, the evidence presented by the parties did not clearly resolve whether the partial forfeiture of Kern Delta's rights itself created any additional unappropriated water. Because, however, there is sufficient evidence, as discussed above, to justify the State Water Board revising the Declaration for the purpose of processing water right applications for the Kern River, the Board will not make a determination at this time regarding whether the other pre-1914 rights claimants will use, in full, the any water released to the Kern River by the forfeiture judgment ~~in the context of processing these applications.~~~~