

**10/18/11 BOARD MEETING – ITEM #9
CHANGE SHEET #1 (CIRCULATED 10/11/11)**

1. On page 4 of the Draft Order, change the second sentence of the third full paragraph as follows:

After examining the information available concerning the history of the claim of right, including the history of water use on the **33.88-acre ~~32-acre~~** parcel acquired by Messrs. Hill and Gomes, staff concluded that the claim of right had a valid basis, but that the extent of the right was substantially less than the full face value of the claim set forth in the 1914 notice of appropriation. (PT Ex. 10, p. 16.)

2. On page 16 of the Draft Order, change the last sentence of the first paragraph as follows:

Millview did not file any **supplemental ~~supplement~~** statements, but according to its accounting sheets, the amount used by Millview ranged from 3.76 acre-feet in 2001 to 1,174.75 acre-feet in 2005. (PT Ex. 1, p. 11; PT Ex. 11.)

3. On page 17 of the Draft Order, change the second sentence of the first full paragraph as follows:

In cases where a diversion is not authorized by a water right permit or license, but the diverter claims to hold a pre-1914 appropriative right, ascertaining whether the water **is being** diverted in accordance with State law, as expressly authorized by Water Code section 1051, necessarily will entail evaluating and deciding whether the pre-1914 appropriative claim of right is valid.

4. On page 37 of the Draft Order, change the second sentence of the fourth paragraph as follows:

Specifically, the change in place of use, from the **33.88-acre ~~32-acre~~** Waldteufel parcel to Millview's 8 to 10 square mile service area, and the change in purpose of use, from irrigation to domestic, commercial, industrial and irrigation use, have resulted in a significant increase in the total amount of water diverted and used under the right. (See SCWA Ex. 1, pp. 5-6; SCWA Ex. 5.)

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5. On page 42 of the Draft Order, change the second sentence of the first full paragraph as follows:

Consistent with this requirement, the draft CDO put Millview and Messrs. Hill and Gomes on notice that ~~that~~ the proscribed action was the diversion of more than 15 afa under the Waldteufel right.

6. On page 44 of the Draft Order, change the last sentence of the first paragraph as follows:

This order should not be interpreted to confirm or validate that any pre-1914 right exists based on the Waldteufel claim of right, **or that any particular parcels retained a riparian right upon severance.** should **these issues** ~~the issue~~ be raised in any later proceeding.