

1. Recital paragraph 23, page 4 – Delete this paragraph in its entirety.

~~In light of Permittee's past minimal compliance with Order 88-10, the measuring requirement of Permit 13861B shall be revised to require that flows be measured prior to water diversion and use.~~

*Rationale:* This paragraph is repetitive of paragraph 21.

2. Replace deleted paragraph 23, page 4 with the following paragraph:

**David and Alice te Velde Revocable Family Trust has been added to Permit 13861B as a co-owner of the permit. The Knaggs Farming Company, L.P. will be listed as primary mail recipient for all matters concerning this water right.**

*Rationale:* On November 14, 2008, Permittee informed the Division of Water Rights (Division) that a portion of the property had been sold and the new owner should be added to the water right.

3. Order paragraph 4, page 5 – Revise the first clause of the place of use description as follows:

...2,078 net acres within a gross area of ~~2,449.1~~ **2,483.2** acres...

*Rationale:* On November 14, 2008, Permittee informed the Division that the petition text regarding the gross area for the place of use did not match the engineered drawing identification of the gross area. The Order is revised to reflect the engineered drawing.

4. Order paragraph 5, page 5 – Revise the first clause of the metering requirement as follows:

No water shall be diverted **after April 1, 2010** until and unless the Permittee installs and maintains devices...

*Rationale:* Permit 13861B requires the Permittee to measure diversions. Due to past non-compliance with this condition, the Order modifies the existing permit condition to require that the measuring devices be installed prior to any further water diversion. On November 14, 2008, the Permittee requested that the condition be changed to eliminate the measuring requirement should the Permittee show cause for elimination. The method for changing a permit condition is to petition for change. The Permittee did not petition to change the permit condition. Therefore, the Division is not recommending that the Permittee's proposed modified term be adopted. To partially address the Permittee's concern, the Division proposes to allow additional time to install the measuring devices.