Necessary format and other typographical changes may be made to the Draft Order, dated January 11, 2012. The following are considered to be more significant changes to the draft document.

1. On page 9 of the Draft Order, change the second sentence of the third paragraph, under Section 4.5 (The amount of water reasonably required for uses.), to include new inserted footnotes #5 and #6, as follows:

Mr. Rich also described in his written testimony how he calculated that the amount of seepage he determined (6.05 ac-ft average per year) was excessive. He calculated that based on this analysis, and assuming the storage capacity of the north lake is 7 ac-ft**[5]** the total annual seepage amount is 85% (6.05 ac-ft ÷ 7 ac-ft = 0.86)**[6]** of the capacity of the lake. (*Ibid.*)

2. On page 11 of the Draft Order, change the second sentence of the second paragraph, as follows:

Potential errors included: the failure to account for seepage from the south lake, **the failure to more accurately estimate the capacity of the north lake or south lake using reasonably available information**, the failure to account for increased evaporation from the operation of the fountain at the **south** ~~north~~ lake, and the failure to account for SJWD water applied to landscaping. (R.T. pp.42-**47** ~~44~~.)

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[5] **The estimated 7.0 ac-ft storage capacity figure was derived from prosecution team witness Mr. Rich's computation of the north lake capacity using the following formula: [10 ft. maximum lake depth] x [1.15 ac. surface area] x [0.65] = 7.47 ac-ft. (R.T. p. 45:21-25; p. 46:1-4.) During cross-examination, Mr. Rich testified that the approximated 10 ft. depth of the north lake used in his volume calculation was based on a "guess." (R.T. p. 46:5-9.) Additionally, Mr. Rich conceded that his volume calculation would have been different had he taken into account other available lake-depth information that suggests the north lake's depth is greater than 10 ft. (R.T. p. 47:5-9.) Although the hearing record contains no information showing the results of a recently conducted reservoir-capacity survey for the north lake, several documents in the hearing record suggest that the maximum depth of the north lake is approximately either 13.5 ft or 14 ft deep, not 10 ft deep as estimated by prosecution team witness Mr. Rich. (HLE Ex. 2; HLE Ex. 29, p. 2; HLE Ex. 45.) Applying the capacity formula used by Mr. Rich, and using either 13.5 ft or 14 ft as the maximum depth, the estimated storage capacity of the north lake would be 10.1 ac-ft or 10.5 ac-ft, respectively**.

[6] **Alternatively, if the estimated maximum capacity of 10.5 ac-ft is used, instead of 7 ac-ft, the total annual seepage amount is 58% (6.05 ac-ft ÷10.5 ac-ft = 57).**