



June 4, 2021

Mr. Kris Cook
Department of Finance
915 L Street, 10th Floor
Sacramento, CA 95814

Mr. Peter Prows
Briscoe Ivester & Bazel LLP
155 Sansome Street, 7th Floor
San Francisco, CA 94104

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Decision to Dismiss Withdrawn Test Claim

Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project, 17-TC-04
San Francisco Bay Regional Water Quality Control Board Order No. R2-2017-0014,
Provision B. 19, effective April 12, 2017
Santa Clara Valley Water District, Claimant

Dear Mr. Cook and Mr. Prows:

On May 28, 2021, the Commission on State Mandates adopted the Decision dismissing the withdrawn Test Claim on the above-captioned matter.

Sincerely,

Heather Halsey
Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM

San Francisco Bay Regional Water Quality
Control Board Order No. R2-2017-0014,
Provision B. 19, effective April 12, 2017

Filed on April 12, 2018

Withdrawn on March 4, 2021

By Santa Clara Valley Water District, Claimant

Case No.: 17-TC-04

*Waste Discharge Requirements and Water
Quality Certification for: Santa Clara
Valley Water District and U.S. Army
Corps of Engineers, Upper Berryessa
Creek Flood Risk Management Project*

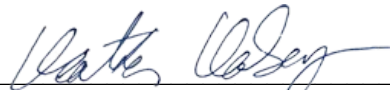
DECISION TO DISMISS WITHDRAWN
TEST CLAIM PURSUANT TO
GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7, SECTION
1187.14

(Adopted May 28, 2021)

(Served June 4, 2021)

TEST CLAIM

The Commission on State Mandates adopted the attached Decision on May 28, 2021.



Heather Halsey, Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM:

San Francisco Bay Regional Water Quality Control Board Order No. R2-2017-0014, Provision B. 19, effective April 12, 2017
Filed on April 12, 2018
Withdrawn on March 4, 2021
By Santa Clara Valley Water District, Claimant

Case No.: 17-TC-04

Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project

DECISION TO DISMISS WITHDRAWN TEST CLAIM PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7, SECTION 1187.14

(Adopted May 28, 2021)

(Served June 4, 2021)

DECISION TO DISMISS WITHDRAWN TEST CLAIM

The Commission on State Mandates (Commission) adopted this Decision to Dismiss Withdrawn Test Claim on consent by a vote of 6 to 0 during a regularly scheduled hearing on May 28, 2021, as follows:

Member	Vote
Lee Adams, County Supervisor	Yes
Jeannie Lee, Representative of the Director of the Office of Planning and Research	Yes
Gayle Miller, Representative of the Director of the Department of Finance, Chairperson	Yes
Sarah Olsen, Public Member	Yes
Spencer Walker, Representative of the State Treasurer	Yes
Jacqueline Wong-Hernandez, Representative of the State Controller, Vice Chairperson	Yes

Summary of the Findings

On March 4, 2021, the Santa Clara Valley Water District (claimant) filed a request to withdraw the Test Claim *Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project*, 17-TC-04.¹ On March 5, 2021, the claimant’s request was served in writing to all interested parties and

¹ Exhibit A, Claimant’s Request to Withdraw the Test Claim, filed March 4, 2021.

persons on the mail list for this Test Claim, and a 60-day notice of this withdrawal and dismissal was provided pursuant to California Code of Regulations, title 2, sections 1187.12 and 1187.14(b).²

The executive order that is the subject of this Test Claim (Order No. R2-2017-0014) was issued only to the claimant and the U.S. Army Corps of Engineers.³ No interested parties objected to the claimant's request for withdrawal, or requested to take over the claim by substitution of the parties, on or before May 4, 2021.

Conclusion

IT IS HEREBY ORDERED that the Test Claim filing, *Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project*, 17-TC-04, is dismissed pursuant to California Code of Regulations, title 2, sections 1187.12 and 1187.14.

² Exhibit B, Commission's Notice of Request to Withdraw and Dismiss the Test Claim, Schedule for Comments, and Notice of Hearing Date, issued March 5, 2021.

³ Exhibit C, Excerpt of the Test Claim, filed April 12, 2018, page 33 (ORDER No. R2-2017-0014, page 1.).

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On June 4, 2021, I served the:

- **Decision to Dismiss Withdrawn Test Claim adopted May 28, 2021**

Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project, 17-TC-04

San Francisco Bay Regional Water Quality Control Board Order No. R2-2017-0014, Provision B. 19, effective April 12, 2017

Santa Clara Valley Water District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 4, 2021 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 5/27/21

Claim Number: 17-TC-04

Matter: Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project

Claimant: Santa Clara Valley Water District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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