



March 5, 2021

Mr. Rick Callender
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

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: Notice of Request to Withdraw and Dismiss the Test Claim, Schedule for Comments, and Notice of Hearing Date

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. Callender and Mr. Prows:

On March 4, 2021, the Commission on State Mandates (Commission) received the Santa Clara Valley Water District's (claimant's) request to withdraw the above-captioned Test Claim.

Specifically, the request states that the claimant and the San Francisco Bay Regional Water Quality Control Board have reached a settlement of this matter.

Section 1187.12 of the Commission's regulations provides, in pertinent part, that a test claim, or portion thereof, may be withdrawn by the claimant upon written application to the executive director any time before a decision is adopted or after enactment of a legislatively determined mandate on the same statute or executive order pursuant to Government Code section 17574. Dismissal of items withdrawn pursuant to this section shall be in accordance with the procedures described in section 1187.14 of these regulations.

Section 1187.14(b) of the Commission's regulations provide that a test claim that has been withdrawn or deemed abandoned may be dismissed by the Commission on its own motion or by a motion of a party after notice and an opportunity to be heard has been provided to the claimant, parties and interested parties as provided below:

(1) For test claims that are withdrawn, deemed abandoned, or filed by an agency that is not eligible to seek reimbursement because it is not subject to the taxing and spending limitations of article XIII A and B of the California Constitution, Commission staff shall serve written notice to initiate dismissal of the test claim to everyone on the mailing list for the matter. The notice shall announce that another local agency or school district may take over the claim by substitution of parties within 60 days of the issuance of the notice. The notice shall also announce the opportunity to file written comments on the proposed dismissal of the test claim. A copy of the notice shall also be posted on the Commission's website.

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(2) Written comments shall be certified, filed, and served in accordance with section 1181.3 of these regulations. If representations of fact are made, they shall be supported by documentary or testimonial evidence in accordance with section 1187.5 of these regulations.

(3) If no other local agency or school district takes over the test claim by substitution of parties within 60 days of the issuance of the notice, the Commission shall hear the proposed dismissal of the test claim.

(4) The hearing on a dismissal of a test claim shall be conducted in accordance with article 7 of these regulations.

Therefore, the Commission hereby announces that another local agency or school district may take over the claim by substitution of parties within 60 days of the issuance of this notice.¹ Comments on the proposed dismissal of the above-captioned Test Claim are due no later than **5:00 pm on May 4, 2021**. The dismissal of this matter is set for hearing on **May 28, 2021** and is proposed for the consent calendar.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Halsey".

Heather Halsey
Executive Director

¹ Commission staff recognizes that there are no potentially eligible claimants to take over this claim, since the order is applicable only to the Santa Clara Valley Water District and U.S. Army Corps of Engineers, but are following the statutory process for dismissal nonetheless.

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 March 5, 2021, I served the:

- **Notice of Request to Withdraw and Dismiss the Test Claim, Schedule for Comments, and Notice of Hearing Date issued March 5, 2021**
- **Claimant's Request to Withdraw the Test Claim filed March 4, 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 March 5, 2021 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/5/21

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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