



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

**March 11, 2022**

**Board Policy EL-7 Communication and Support to the Board**  
*The BAOs shall inform and support the Board in its work.*

<b>Page</b>		<b><u>CEO BULLETIN &amp; NEWSLETTERS</u></b>
		CEO Bulletin: None
<b>3</b>		March 2022 Water Tracker
		<b><u>BOARD MEMBER REQUESTS &amp; INFORMATIONAL ITEMS</u></b>
		<b>BMR/IBMR Weekly Reports:</b> None
<b>6</b>		Memo from David Cahen, Risk Manager, to the Board of Directors, dated 03/07/22, regarding Risk Management Communication.
<b>11</b>		Memo from Rachael Gibson, CEA, to Rick Callender, CEO, dated 03/07/22, regarding Update on the Low-Income Residential Water Rate Assistant Program.
		<b><u>INCOMING BOARD CORRESPONDENCE</u></b>
<b>15</b>		<b>Board Correspondence Weekly Report:</b> 03/10/22
<b>16</b>		Email from Scott Miller, to the Board of Directors, dated 03/03/22, regarding Coyote Creek (C-22-0040).
<b>17</b>		Letter from Santa Clara County Board of Supervisors Cindy Chavez and Susan Ellenberg, to Vice Chair Varela, dated 03/03/22, regarding Valley Water Chair Gary Kremen (C-22-0041).
<b>18</b>		Email from John Kolski, to the Board of Directors, dated 03/03/22, regarding the Stevens Creek Quarry (C-22-0042).
<b>20</b>		Email from Atif Hashmi to the Board of Directors, dated 03/06/22, regarding Homeless Activity in the Creeks (C-22-0043).
<b>22</b>		Letter from Michael P. Jackson, P.E., Area Manager, United States Department of Interior, to the Board of Directors, dated 02/26/22, regarding the Initial Declaration of Water Made Available for 2022 Contract Year. Contract No. 14-06-200-3365AB-IR5-P (Contract) – San Luis Unit, San Felipe Division – Central Valley Project (CVP), California.
<b>27</b>		Letter from Michael P. Jackson, P.E., Area Manager, United States Department of Interior, to the Board of Directors, dated 02/26/22, regarding the Initial Declaration of Water Made Available for 2022 Contract Year – Contract No. 7-07-20-WOD23AB – P (Contract) – Delta Division – San Felipe Unit – Central Valley Project (CVP), California.
		<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
<b>33</b>		Email from Chair Kremen, to Robert Franklin, dated 02/25/22, regarding Water Conservation and the Drought (C-22-0029) (C-22-0031).

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to [publicrecords@valleywater.org](mailto:publicrecords@valleywater.org).

# **CEO BULLETIN**

## Outlook as of March 1, 2022

Based on continued drought conditions, the imported water allocations are low. On February 23, 2022, the U.S. Bureau of Reclamation announced an initial 2022 south-of-delta Central Valley Project (CVP) allocation of 25% of historic Municipal & Industrial (M&I) use and a 0% agricultural allocation; however, Valley Water may request an adjustment for public health and safety. The State Water Project (SWP) allocation is currently at 15% of contract amount. At this time, the federal and state projects allocations translate into 47,500 acre-feet of water for Santa Clara County. Valley Water will rely more on imported water and water conservation in the next 10 years while Anderson Reservoir storage is unavailable. The Board of Directors declared a water shortage emergency in June 2021 and called for water use restrictions of 15% relative to 2019. Making conservation a California way of life is especially critical during this severe drought.

### Weather

- Rainfall in San José:
  - » Month of February, City of San José = 0 inches
  - » Rainfall year total = 7.64 inches or 75% of average to date (rainfall year is July 1 to June 30)
- Snowfall in the Northern Sierra:
  - » March 1 snowpack was 59% of normal for this date and 53% of April 1 average

### Local Reservoirs

- Total March 1 storage = 42,616 acre-feet

Reservoir Storage	All Ten Valley Water Reservoirs	All Reservoirs Except Anderson
Current storage as % of unrestricted capacity	26%	51%
Current storage as % of restricted capacity <sup>(1)</sup>	68%	66%
Current storage as % of the 20-year average for March 1	47%	90%

(1) Per the Federal Energy Regulatory Commission's order, the capacity of Anderson Reservoir was restricted to the deadpool storage of about 3,050 acre-feet. The total restricted capacity for all ten reservoirs is 62,592 acre-feet.

- Approximately 109 acre-feet of imported water delivered into Calero Reservoir during February 2022
- Total estimated releases to streams (local and imported water) during February were 4,220 acre-feet (based on preliminary hydrologic data)

### Groundwater

- Groundwater conditions have improved recently due to seasonal recovery, emergency imported water supplies, and community water use reductions. However, the groundwater level recovery is less than last month and water levels in many wells remain lower than February 2021. While current groundwater storage is estimated to be in the lower end of Stage 1 (Normal) of the Water Shortage Contingency Plan, groundwater levels and storage are expected to decline with continued dry conditions

	Santa Clara Subbasin		Llagas Subbasin
	Santa Clara Plain	Coyote Valley	
February 2022 managed recharge estimate	3,800	1,300	1,600
Year-to-date managed recharge estimate	9,100	2,100	3,300
Year-to-date managed recharge as % of 5-year average	128%	88%	148%
January 2022 pumping estimate	3,300	900	1,800
January 2022 pumping as % of 5-year average	78%	114%	102%
Current index groundwater levels compared to last February	1 foot higher	Same level	4 feet lower

All volumes are in acre-feet

## Imported Water

- 2022 SWP and CVP allocations:
  - » The 2022 SWP allocation for Valley Water is currently set at 15 percent, which equates to 15,000 acre-feet. This may be adjusted for human health and safety and Valley Water continues to work with the California Department of Water Resources to determine the amount allocated
  - » On February 23, 2022, the U.S. Bureau of Reclamation announced its initial South-of-Delta CVP allocations. Valley Water received an allocation of 25 percent M&I and zero percent agriculture, which equates to 32,500 acre-feet
- Statewide reservoir storage information, as of February 27, 2022:
  - » Shasta Reservoir at 37% of capacity (52% of average for this date)
  - » Oroville Reservoir at 47% of capacity (75% of average for this date)
  - » San Luis Reservoir at 44% of capacity (55% of average for this date)
- Valley Water's Semitropic groundwater bank reserves are near 84% of capacity, or 293,475 acre-feet, as of January 31, 2022
- Estimated SFPUC deliveries to Santa Clara County:
  - » Month of January = 2,683 acre-feet
  - » 2022 Total to Date = 2,683 acre-feet
  - » Five-year annual average = 48,700 acre-feet
- Board Governance Policy No. EL-5.3.3 includes keeping the Board informed of imported water management activities on an ongoing basis. No imported water agreements have been executed under EL-5.3.3 since the last Water Tracker update

## Treated Water

- Below average demands of 4,860 acre-feet (estimated) delivered in February
- This total is 92% of the five-year average for the month of February
- Year-to-date estimated deliveries are 10,600 acre-feet or 98% of the five-year average

## Conserved Water

- Saved 76,584 acre-feet in FY21 through Valley Water's long-term conservation program (baseline year is 1992)
- Long-term program goal is to save nearly 100,000 acre-feet by 2030 and 110,000 acre-feet by 2040
- On June 9, 2021, the Board called for a 15% reduction in water use compared to 2019, for the public to limit irrigation of ornamental landscapes with potable water to a maximum of three days per week, and for retailers, cities and the County to implement local water restrictions
- January 2022 water use was 2% greater than in January 2019 and 7% less than in January 2021. Winter months reflect indoor water use, which is less discretionary
- Since the Board made the call for 15% water savings, the community has cumulatively saved 8% between June 2021 and January 2022 relative to the same period in 2019

## Recycled Water

- Estimated February 2022 production = 685 acre-feet
- Estimated year-to-date through February = 1,468 acre-feet or 95% of the five-year average
- Silicon Valley Advanced Water Purification Center produced an estimated 1.7 billion gallons (5,150 acre-feet) of purified water in 2021. Since the beginning of 2022, about 483 acre-feet of purified water has been produced. The purified water is blended with existing tertiary recycled water for South Bay Water Recycling Program customers

## Alternative Sources

- As of December 10, 2019, Valley Water's wastewater contract right from Palo Alto/Mountain View remains at 11,200 acre-feet/year

## CONTACT US

To find out the latest information on Valley Water projects or to submit questions or comments, email [info@valleywater.org](mailto:info@valleywater.org) or use our **Access Valley Water** customer request system at <https://deliver.com/2yukx>.



### FOLLOW US



# **BOARD MEMBER REQUESTS and Informational Items**



## MEMORANDUM

FC 14 (02-08-19)

**TO:** Board of Directors

**FROM:** David Cahen  
Risk Manager

**SUBJECT:** Risk Management Communication

**DATE:** March 7, 2022

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The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with parties/individuals that have filed a claim against Valley Water.

Please find the following:

- 1) March 1, 2022 – Letter re Denial of Claim to Mr. Roga Gabucan (District 7)
- 2) March 7, 2022 – Settlement Letter to Ms. Kathy Chole (District 5)

For additional information, please contact me at 408-630-2213.

DocuSigned by:

*David Cahen*

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David Cahen  
Risk Manager



Clean Water • Healthy Environment • Flood Protection

March 1, 2022

Roga Gabucan  
16620 Oakview Circle  
Morgan Hill, CA 95037

Re: Claim – L2120003

Dear Mr. Gabucan:

Enclosed is a copy of your Denial of Claim letter dated January 27, 2022 which was certified mailed to you by the Clerk of the Board. We understand three attempts were made by United States Postal Service (USPS) to obtain signature acknowledgment that the letter was received. Per USPS procedure, the original letter was returned to Valley Water on February 28, 2022 following the three failed attempts to obtain signature.

The January 27, 2022 letter was also sent to you by email at [rgabucan@gmail.com](mailto:rgabucan@gmail.com) on March 1, 2022.

If you have any questions, please contact me at (408) 630-2213.

Sincerely,

DocuSigned by:

  
David Cohen  
Risk Manager

Enc: January 27, 2022 letter







SANTA CLARA VALLEY WATER DISTRICT

Clean Water - Healthy Environment

**BY CERTIFIED MAIL**

January 27, 2022

Mr. Roga Gabucan  
16620 Oakview Circle  
Morgan Hill, CA 95037

Re: Potential Reconsideration of Item 3.4 from the January 11, 2022, Board Agenda - Claim of Alie Hussein Saad; Claim of David and Annette Batey; Claim of Roga Gabucan; and Claim of Nan Li.

Notice is hereby given that the claim which was presented to the Santa Clara Valley Water District was considered and rejected by the Board of Directors on January 25, 2022.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered, or deposited in the mail, to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

By this letter, the Santa Clara Valley Water District does not waive its right to assert that claimants have failed to comply with the claim presentation and statute of limitation requirements contained in the California Government Code and the California Code of Civil Procedures.

Please note: Sections 128.7 and 1038 of the California Code of Civil Procedures allow the District to seek to recover all costs of defense, including attorney's fees, in the event an action is filed in this matter and it is determined that the action was not brought in good faith, with reasonable cause, or is without merit.

Sincerely,

  
Eva Sans  
Assistant Deputy Clerk II

Enc

cc: D. Cahen  
L. Dennis  
C. Orellana  
Board/COB Files

Government Code Section 945.6

945.6. (a) Except as provided in Sections 946.4 and 946.6 and subject to subdivision (b), any suit brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division must be commenced:

(1) If written notice is given in accordance with Section 913, not later than six months after the date such notice is personally delivered or deposited in the mail.

(2) If written notice is not given in accordance with Section 913, within two years from the accrual of the cause of action. If the period within which the public entity is required to act is extended pursuant to subdivision (b) of Section 912.4, the period of such extension is not part of the time limited for the commencement of the action under this paragraph. (b) When a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in a state prison, the time limit for the commencement of such suit is extended to six months after the date that the civil right to commence such action is restored to such person, except that the time shall not be extended if the public entity establishes that the plaintiff failed to make a reasonable effort to commence the suit, or to obtain a restoration of his civil right to do so, before the expiration of the time prescribed in subdivision (a).

(c) A person sentenced to imprisonment in a state prison may not commence a suit on a cause of action described in subdivision (a) unless he presented a claim in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division.

W:\Legal\MISC\govtcode945.6



Clean Water • Healthy Environment • Flood Protection

March 7, 2022

Kathy R. Chole  
19674 Vicksburg Drive  
Cupertino, CA 95014

Re: Settlement – L2120007

Dear Ms. Chole,

Enclosed is the final settlement check regarding the above-mentioned claim. The total amount of the settlement is \$11,197.00. Also enclosed is a copy of the fully executed settlement release for your records.

On behalf of Valley Water, I apologize for any inconvenience this incident caused and thank you for your cooperation.

Sincerely,

DocuSigned by:

*David Cohen*

David Cohen  
Risk Manager

Enc(s): Settlement Check #401572  
Executed Settlement Release

**TO:** Rick L. Callender, Chief Executive Officer**FROM:** Rachael Gibson, Chief of External Affairs**SUBJECT:** Update on the Low-Income Residential Water Rate Assistance Program**DATE:** March 7, 2022

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At the July 13, 2021, Board of Directors meeting, the Board approved the implementation of the Low-Income Residential Water Rate Assistance Program (WRAP) to help low-income households in Santa Clara County who have been financially impacted by the COVID-19 pandemic with paying their water bills. The Board approved \$1.225 million to fund the total cost of the program, which would run for one year from the launch of the program and includes \$1 million to disburse to the community and up to \$225,000 in administrative costs.

After soliciting quotes, staff selected Sacred Heart Community Service (SHCS) to be the administrator of the WRAP. SHCS worked with Valley Water staff to determine the eligibility requirements for the program, which include the following:

- Be a resident of Santa Clara County
- Provide proof of gross household income at or below 80 percent of the Area Median Income (what number is this? Let's include)
- Attest to financial hardship due to the COVID-19 pandemic between March 1, 2020 through June 15, 2021 (I thought we didn't have an end date? Or was that part of it when we met with the Board Finance Committee? This was supposed to be a year-long program, so wouldn't we have the end date be near that date?)
- Provide a current residential water bill in the applicant's name

SHCS officially launched the program in November 2021. They initially reached out to their database of over 40,000 low-income households throughout Santa Clara County who previously qualified for emergency financial assistance under the Low-Income Home Energy Assistance Program (LIHEAP). SHCS also worked with their network of 20 other Emergency Assistance Network (EAN) partners throughout Santa Clara County to share information on the WRAP, including eligibility requirements and the application process for these households.

Additionally, Valley Water's Communications team released an article to highlight the WRAP and its impacts and benefits to the community. The article included testimonials from individuals who received the financial assistance to highlight the personalized stories behind the households who have been able to benefit from assistance. The article was shared through Valley Water's eNews.

Communications is also developing video interviews of the frontline staff administering the program to share their perspective on the significant social impact the program has had in the community, and will also feature remarks about the program's success from the Board Chair.

Since the launch of the WRAP in November 2021 and as of March 4, 2022, SHCS disbursed \$319,398.35 in financial assistance to help 814 low-income households in Santa Clara County pay their water bills. The households served span across 12 Valley Water retailers, with a majority from San Jose Water Company. Payments have been made directly to the water retailers on behalf of each household. Funds have been disbursed throughout 13 cities in Santa Clara County. Below is a breakdown of the 749 households served by cities and zip codes.

Zip Codes	# of households	Zip Codes	# of households
<b>San Jose = 621 households</b>			
95110	18	95126	4
95111	80	95127	54
95112	27	95128	11
95113	1	95129	7
95116	49	95130	5
95117	5	95131	17
95118	9	95132	32
95119	7	95133	19
95120	5	95134	6
95121	67	95135	7
95122	56	95136	21
95123	31	95138	5
95124	10	95139	2
95125	17	95148	49
<b>Mountain View = 2 households</b>			
94041	1	94043	1
<b>Sunnyvale = 43 households</b>			
94085	13	94087	8
94086	10	94089	12
<b>Palo Alto = 3 households</b>			
94301	1	94306	2
<b>Los Gatos = 3 households</b>			
95030	1	95032	2
<b>Santa Clara = 22 households</b>			
95050	9	95051	13
<b>Los Altos Hills = 1 household</b>		<b>Campbell = 5 households</b>	
94022	1	95008	5
<b>Cupertino = 7 households</b>		<b>Gilroy = 56 households</b>	
95014	7	95020	56
<b>Milpitas = 27 households</b>		<b>Morgan Hill = 21 households</b>	
95035	27	95037	21
<b>Saratoga = 3 households</b>			
95070	3		



Chief of External Affairs  
External Affairs Division

**Attachment:**  
Disadvantage communities map with overlay of the Zip Codes



