



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

September 5, 2025

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

Page	<u>CEO BULLETIN & NEWSLETTERS</u>
3	CEO Bulletin: 09/04/25
	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
	BMR/IBMR Weekly Reports: None
8	Memo from Lisa Bankosh, Assistant Officer, to the board, dated 08/26/25, providing a response to BMR-25-009: list of excess/abandoned property.
28	Memo from Sheryl Higa, Risk Manager, to the board, dated 09/02/25, providing Risk Management Unit communication.
	<u>INCOMING BOARD CORRESPONDENCE</u>
45	Board Correspondence Weekly Report: 09/03/25
46	Email from Ashis Roy to Director Varela, dated 08/27/25, regarding Hydroelectric Power at Anderson Dam. C-25-0118
48	A thank-you note from the Alliance for Water Efficiency to the board, received 09/02/25, thanking them for their investment in the 2025 Water Efficiency & Conservation Symposium. C-25-0119
	<u>OUTGOING BOARD CORRESPONDENCE</u>
50	Email from Director Ballard to Jean-Marie White, dated 09/02/25, providing a response to their inquiry about flood walls.

CEO BULLETIN

CEO BULLETIN



To: Board of Directors
From: Melanie Richardson, Interim CEO

Weeks of August 22, 2025 – September 4, 2025

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Item	IN THIS ISSUE
<u>1</u>	Demonstration Garden Design Services Contract Awarded
<u>2</u>	Revised Safe, Clean Water and Natural Flood Protection FY23 and FY24 Annual Reports
<u>3</u>	Safe, Clean Water Mini-Grant Closeout: Bay Area Older Adults' Watershed & Wildlife Education Walks Project
<u>4</u>	Safe, Clean Water Refill Station Grant Closeout: City of Morgan Hill's Aquatic Center Project
<u>5</u>	Safe, Clean Water Refill Station Grant Closeout: City of Morgan Hill's Community and Cultural Center
<u>6</u>	Safe, Clean Water Standard Grant Closeout: County of Santa Clara Green Business Program Project
<u>7</u>	Water Management Agreements Executed in July and August 2025

1. Demonstration Garden Design Services Contract Awarded

In June 2025, Valley Water finalized a contract with BFS Landscape Architects to provide design services for a planned demonstration garden at Valley Water's Headquarters building. The approximately 26,000 square foot garden will showcase water conservation and sustainable practices, serve as a public gathering and educational space, and emphasize Valley Water's Landscape Rebate Program requirements. The garden will highlight a watershed approach by incorporating features such as native and climate-appropriate plants, high-efficiency irrigation systems, educational signage, and integrated rainwater capture.

As part of the contract, BFS Landscape Architects will develop a comprehensive conceptual layout and final design for the garden. To gather and implement relevant feedback, Valley Water and BFS Landscape Architects will engage key internal and external stakeholders through presentations to various Board committees, facilitation of a design charrette, and seeking public feedback through an online survey. Funded through Safe, Clean, Water, the design of the demonstration garden is expected to be completed in Spring 2026, and construction will be completed by the close of Fiscal Year (FY) 2028.

For further information, please contact Kirsten Struve at (408) 630-3138.

2. Revised Safe, Clean Water and Natural Flood Protection FY23 and FY24 Annual Reports

Valley Water works collaboratively each year to produce the Safe, Clean Water (SCW) annual report. The Financial Planning & Revenue Collection Unit and Budget & Analysis Unit both support the SCW program team by developing the report's financial data, which is reported in appendices and financial tables for each project.

During the development of the FY 2023-24 SCW annual report, an error was identified in the FY23 annual report Board-Approved Adjustments column, as shown in Appendix A-1.2 Cumulative Financial Summary. A detailed year-over-year tracking methodology was developed to correct the cumulative data to date and to be used as a tool in the development of FY24 and future annual reports. Actual expenditures by project and priority were not impacted in the FY22, FY23, or FY24 annual reports.

During a recent program performance audit, it was recognized that the Board-Approved Adjustments calculation needed further refinement and should use the Five-Year Implementation Plan Fiscal Years 2022-2026, approved by the Board in June 2021 ([Legistar link here](#)), to calculate cumulative Board-approved adjustments.

During this effort, staff recommended reissuing the FY 2022-23 and FY 2023-24 annual reports to improve transparency and tracking of annual program changes.

Refining the internal tracking tool to identify, reconcile, and report funding allocation adjustments in the SCW annual reports is consistent with the auditor's initial findings. The auditor is also supportive of Valley Water's decision to republish the annual reports. Both annual reports are publicly available at the following links:

[FY24 Annual Report](#)

[FY23 Annual Report](#)

All the annual reports, along with other Safe, Clean Water Program-related information, can be found on the Safe, Clean Water Program archive page at: [Safe, Clean Water & Natural Flood Protection: Reports and Documents Archive | Santa Clara Valley Water](#)

For further information, please contact Luz Penilla at (408) 630-2228.

3. Safe, Clean Water Mini-Grant Closeout: Bay Area Older Adults' Watershed & Wildlife Education Walks Project

In FY 2024, Valley Water awarded Bay Area Older Adults a \$5,000 Safe, Clean Water Program F9 Mini-Grant for their Watershed & Wildlife Education Walks (Project). Bay Area Older Adults submitted the final invoice items in July 2025, allowing for grant closeout.

Bay Area Older Adults is a nonprofit organization dedicated to promoting the health and well-being of older adults through access to arts, culture, and community. The Project consisted of four in-person watershed education programs for older adults, age 50 years or older, across Santa Clara County. The Project delivered four outdoor educational programs that raised awareness about the importance of watershed protection and local ecosystems. Activities included guided educational walks at key watershed sites, which featured lessons on restoration efforts and recycled water, conservation, native plants, and flood protection projects.

Key Outcomes:

- Hosted one event at each location: Ulistac Nature Area in Santa Clara, Guadalupe River in San Jose, Rancho San Antonio Open Space Preserve in Cupertino, and Penitencia Creek in Alum Rock Park in San Jose.
- A total of 104 participants reported an increased appreciation and sense of responsibility for natural resources.
 - 80% of participants were very satisfied or satisfied with the events, and answered survey questions correctly, indicating that they understood the information communicated during the events.

For further information, please contact Rachael Gibson at (408) 630-2884.

4. Safe, Clean Water Refill Station Grant Closeout: City of Morgan Hill’s Aquatic Center Project

In FY 2025, Valley Water awarded the City of Morgan Hill a \$5,000 Safe, Clean Water Program F9 Refill Station Grant for its Valley Water Refill Station Project (Project) at the Morgan Hill Aquatics Center. The City of Morgan Hill completed the Project and submitted the final invoice items on April 25, 2025, allowing for grant closeout.

The Aquatics Center serves as a destination for swim programs, fitness classes, and competitive meets while also providing programming for school-aged students through partnerships with the Boys and Girls Clubs of Silicon Valley. The new refill station replaced a non-functional fountain and was installed in a central location to improve water access for the center’s many users.

Key Outcomes:

- Serves over 25,000 summer visitors with improved drinking water access.
- Supports the hydration and sustainability needs of more than 1,700 swim lesson participants annually.

For further information, please contact Rachael Gibson at (408) 630-2884.

5. Safe, Clean Water Refill Station Grant Closeout: City of Morgan Hill’s Community and Cultural Center

In FY 2025, Valley Water awarded the City of Morgan Hill a \$5,000 Safe, Clean Water Program F9 Refill Station Grant for its Valley Water Refill Station Project (Project) at the Morgan Hill Community and Cultural Center. The City of Morgan Hill completed the Project and submitted the final invoice items on April 4, 2025, allowing for grant closeout.

Grant funds supported the installation of a refill station at the Morgan Hill Community and Cultural Center. The location is a well-used public space that hosts events, performances, and recreational activities for families and residents of all ages. The refill station replaced an outdated and non-functional fountain near the outdoor amphitheater, improving public access to clean drinking water during community events and for daily use. The station also supports preschool programming on-site and benefits surrounding neighborhood communities at all times of the day.

Key Outcomes:

- Installed a refill station at a high-traffic, community-centered location.
- Replaced a non-working fountain with reliable access to drinking water.

For further information, please contact Rachael Gibson at (408) 630-2884.

6. Safe, Clean Water Standard Grant Closeout: County of Santa Clara Green Business Program Project

In FY 2020, Valley Water awarded the County of Santa Clara a \$120,000 Safe, Clean Water Program B3 Standard Grant for their Green Business Program (Project). The County of Santa Clara completed the Project on December 31, 2023, and submitted the final invoice items in May 2025, allowing for grant closeout.

The County of Santa Clara's Green Business Program is a compliance-based certification program operating in all 15 cities within the county. The Project requires businesses to reduce environmental impacts in areas of energy, water, solid waste, and transportation, and take initiatives on pollution prevention best practices. The businesses certified by the Project included office/retail, home office, a food manufacturer, a restaurant, a property manager, janitorial services, landscape services, dental services, and schools. As part of the Project, the Grantee presented at the Hispanic Chamber of Commerce and tabled at the BayREN Property Managers Forum. The Grantee also held a recruitment workshop for the Cupertino Chamber and for the Silicon Valley Women in Business.

Key Outcomes:

- Created a total of 106 social media recognition posts and a total of 27 educational social media posts geared towards reducing urban runoff.
- Certified 34 public agencies, recertified 98, and provided 33 new certifications.
- From August 2021 to December 2023 the certified Green Business Program collectively:
 - Saved 84,679,295 gallons of water.
 - Diverted 4,677,443 lbs. of solid waste and reduced 8,152 gallons of hazardous waste.

For further information, please contact Rachael Gibson at (408) 630-2884.

7. Water Management Agreements Executed in July and August 2025

Pursuant to EL-5.5.5, the CEO is required to inform the Board on a timely basis when imported water management agreements are executed. The imported water management agreements executed in July and August 2025 are listed below:

- July 24, 2025 - Conveyance Agreement (# A5500W) for the transfer of Valley Water's (VW) 2025 State Water Project (SWP) Table A supplies to Kern County Water Agency (KCWA) and Dudley Ridge Water District (DRWD): provides the Department of Water Resources (DWR) approval to facilitate the delivery to KCWA and/or DRWD of up to 20,000 acre-feet (AF) of VW's SWP Table A supplies in 2025.
- July 28, 2025 - Agreement (#A5501W) between DWR, DRWD and VW for transfer of DWRD's SWP Table A Water to VW: provides DWR's approval to facilitate the delivery of 500 AF of DRWD's 2025 SWP Table A supplies to VW.
- August 15, 2025 - Agreement (A5252Wa) between DWR and VW approving VW's 2025 and/or 2026 Central Valley Project (CVP) water exchange with its SWP supplies: provides DWR's approval to implement VW's operation described in the 2025 Consolidated Place of Use Petition (CPOU), effective July 22, 2025 to July 21, 2026. It will allow for a water exchange between SWP and CVP to facilitate the delivery of Valley Water's CVP supplies through the South Bay Aqueduct, which is a SWP facility.

For further information, please contact Vincent Gin at (408) 630-2633.

BOARD MEMBER REQUESTS and Informational Items



MEMORANDUM
FC 14 (01-02-07)

TO: Board of Directors

FROM: Lisa Bankosh

SUBJECT: Response to R-25-0009: List of
Excess/Abandoned Property

DATE: 8/26/2025

In response to Director Beall's inquiry at the August 18, 2025 Board Policy and Monitoring Committee meeting, staff compiled a list of Valley Water properties that have no identified current or future use and therefore are considered excess. The status of all Valley Water-owned housing is also provided.

DocuSigned by:

Lisa Bankosh, Assistant Operating Officer
Watershed Stewardship and Planning Division

Excess Property for Surplus Consideration

#	APN	Property Location	Property Size	Comments
1	464-22-013	Intersection of Canoas Creek and HWY 85, San Jose	2.74 +/- acres	Property acquired for material storage to support maintenance work but is no longer utilized.



#	APN	Property Location	Property Size	Comments
2	558-41-008	Old Santa Cruz Hwy off HWY 17, Los Gatos	1.7 +/- acres	Legacy property from land originally acquired for construction of Lexington Reservoir. Parcel is a road that provides sole access to Lexington School. Discussions to dedicate the parcel to the School District have been initiated.



Excess Property for Surplus Consideration

#	APN	Property Location	Property Size	Comments
3	825-18-041	Corralitos Creek at Columbet Ave, San Martin	2.98 +/- acres	Property purchased for potential creek realignment project, but project never funded.



#	APN	Property Location	Property Size	Comments
4	841-18-052	Confluence of Llagas Creek and West Llagas Creek, Unincorporated	22.3 +/- acres	Portion of property contains mitigation planting, but remainder not currently used.



Excess Property for Surplus Consideration

#	APN	Property Location	Property Size	Comments
5	701-36-010	Calero Creek at Fortini Road, San Jose	1.56 +/- acres	There have been previous efforts to utilize land for mitigation planting, but parcel currently has no identified use. Internal discussions have commenced regarding potential disposition of property.



#	APN	Property Location	Property Size	Comments
6	783-18-016	Along West Llagas Creek near intersection of Fitzgerald and Santa Teresa, Unincorporated	7.62 +/- acres	Property acquired for potential flood protection project, but no project has been funded.



Excess Property for Surplus Consideration

#	APN	Property Location	Property Size	Comments
7	676-04-047, 052, 016	Between Venus Dr. and Terra Brava Place, San José	7.61 +/- acres	Land originally purchased for East Reservoir Project as an alternative site. This site may be evaluated as part of the Distribution System Master Plan.



#	APN	Property Location	Property Size	Comments
8	708-41-024	Santa Theresa Creek at Fortini Road, San Jose	1.2 +/- acres	Property not currently used or anticipated to be used. Internal discussions have commenced regarding potential disposition of property.



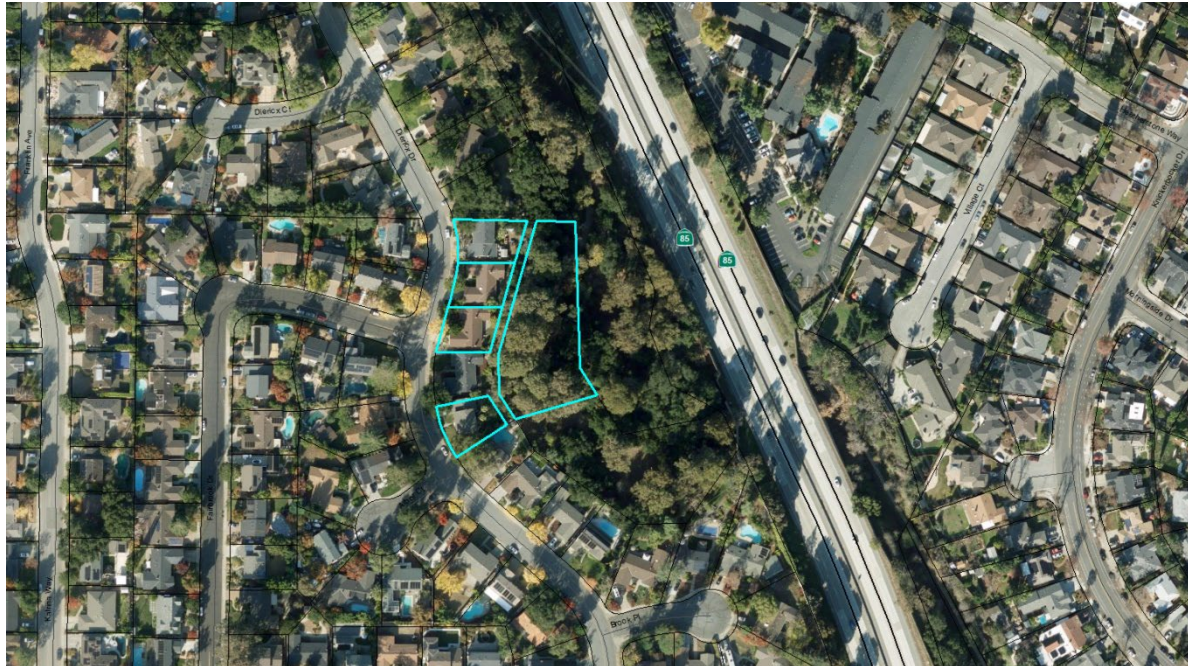
Excess Property for Surplus Consideration

#	APN	Property Location	Property Size	Comments
9	708-41-031	Santa Theresa Creek at San Vincente and Schillingsburg, San Jose	2.44 +/- acres	Property contains old SMP-1 mitigation site but is not currently used or anticipated to be used. Internal discussions have commenced regarding potential disposition of property.



Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
1	Mountain View	2501 Diericx Dr 2509 Diericx Dr 2517 Diericx Dr 2525 Diericx Dr 2533 Diericx Dr	2517 Diericx Dr – Vacant All currently occupied



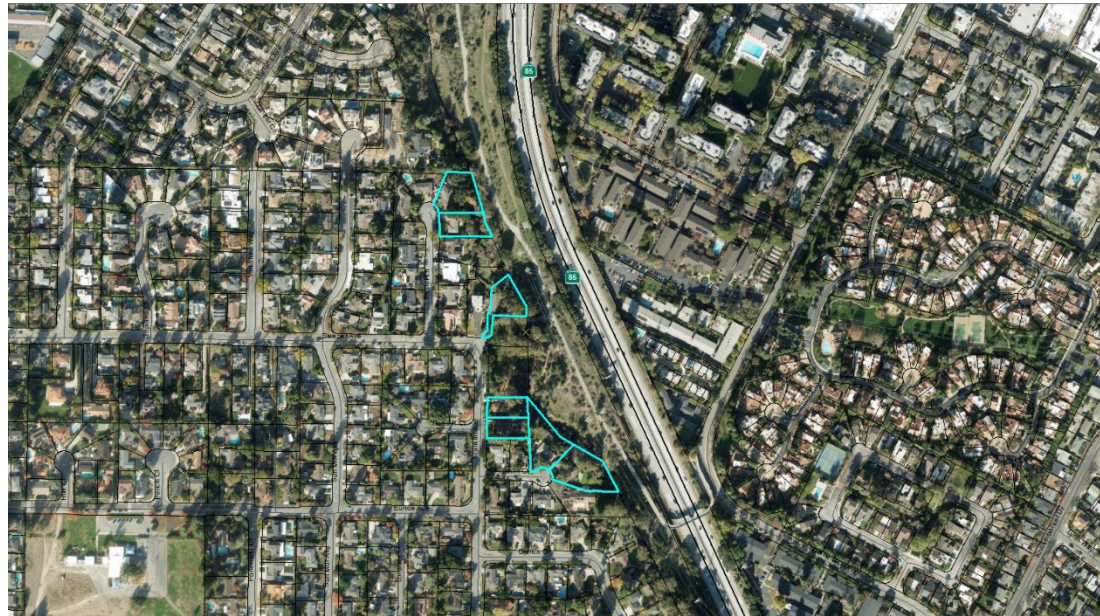
Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
2	Mountain View	13102 Diericx Dr 13110 Diericx Dr 13118 Diericx Dr 13126 Diericx Dr 13134 Diericx Dr 13142 Diericx Dr 13150 Diericx Dr	All currently occupied



Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
3	Mountain View	13270 Franklin Ave 13288 Franklin Ave 22431 Franklin Ct 22441 Franklin Ct 13418 Pastel Ln 13436 Pastel Ln 22481 Sleeper Ave	13270 Franklin Ave – Vacant All others currently occupied



Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
4	Morgan Hill	55 Spring Ave	Demolished 2025



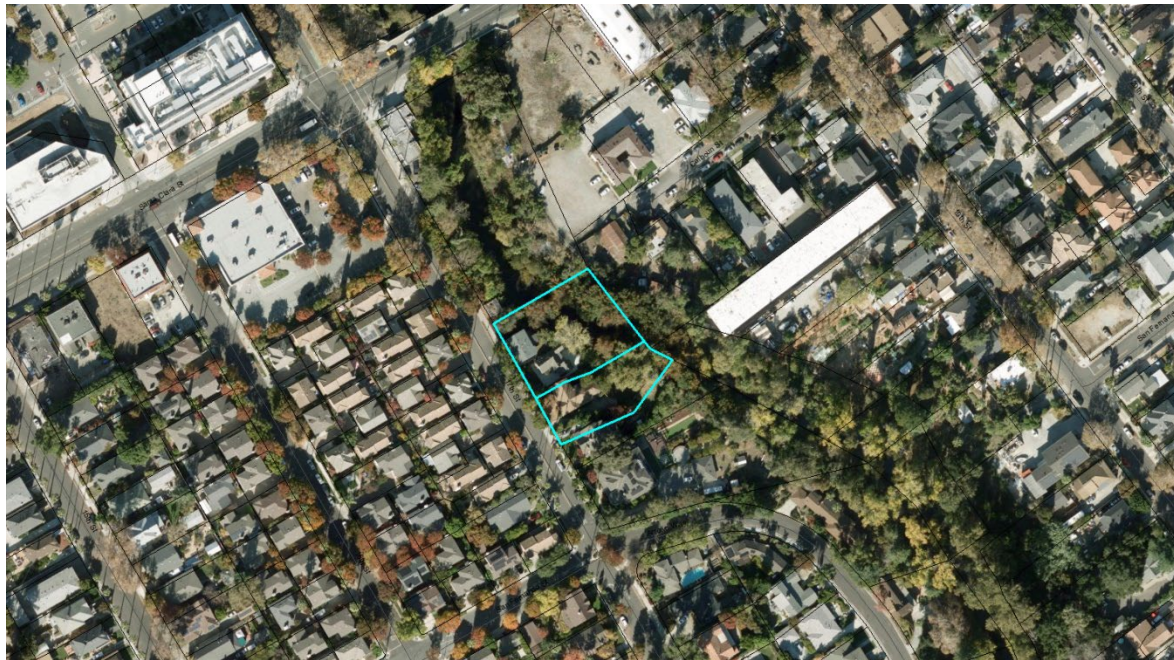
Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
5	Morgan Hill	2100 San Pedro Ave	Occupied



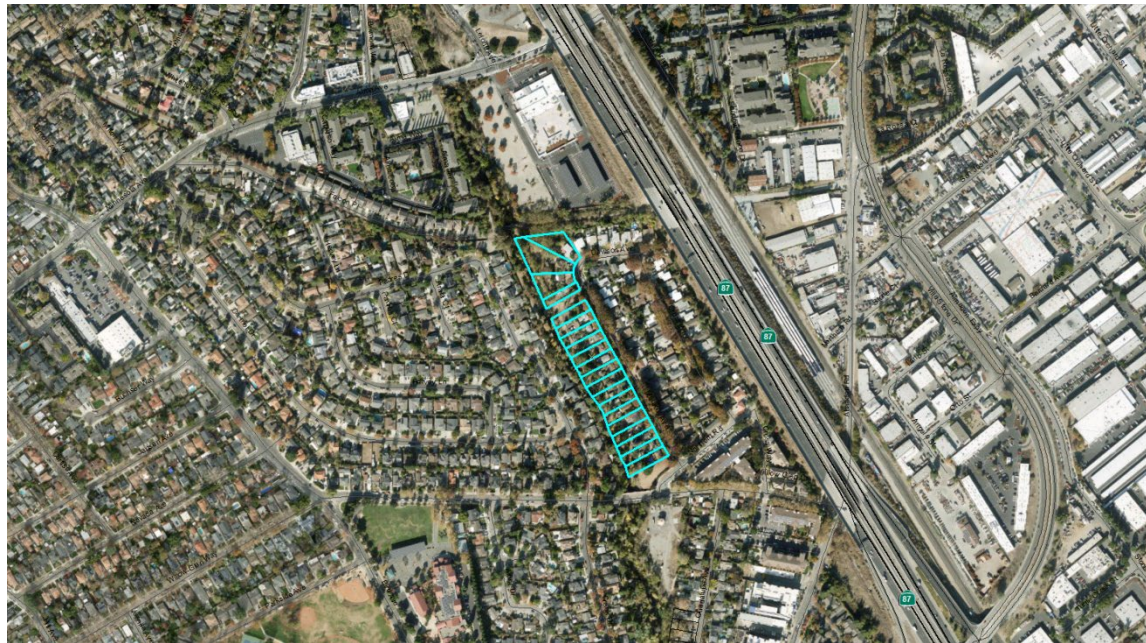
Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
6	San Jose	70 S 17 th St 48 S 17 th St 50 S 17 th St 60 S 17 th St	70 S. 17 St.- Vacant; being evaluated for potential disposition 48, 50 and 60 S. 17 St.- Demolished



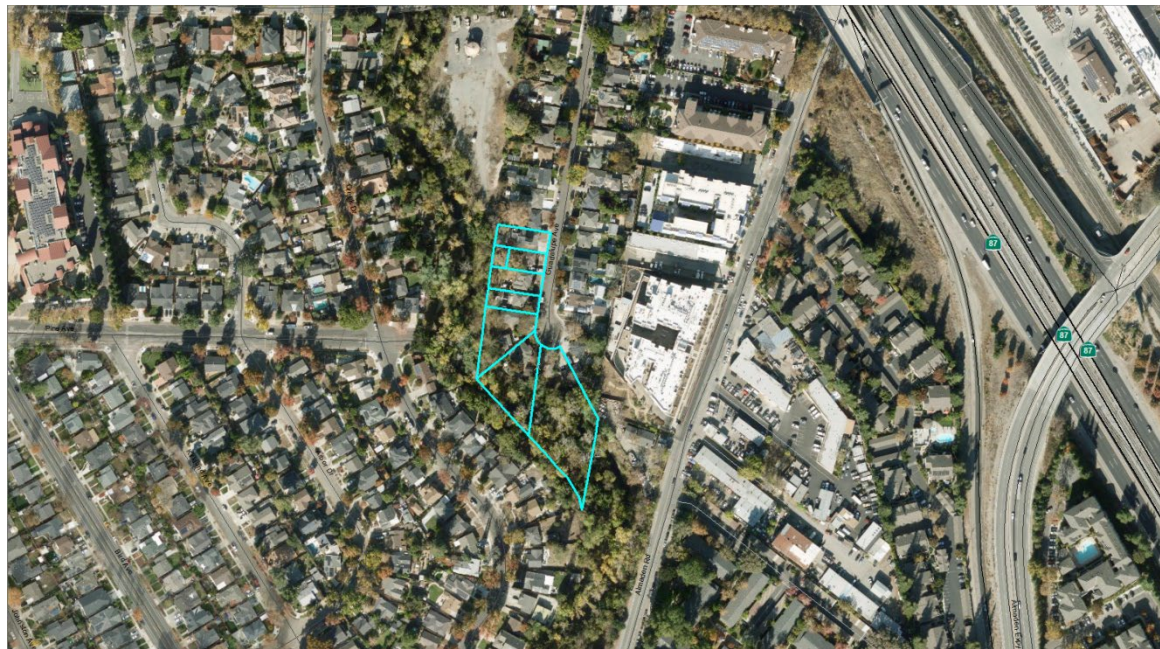
Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
7	San Jose (Guadalupe River)	1507-1689 Mackey Ave (16 houses) 497 Dawson Ave	1525 Mackey Ave/1623 Mackey Ave/1633 Mackey Ave Vacant-to be Demolished All others currently occupied



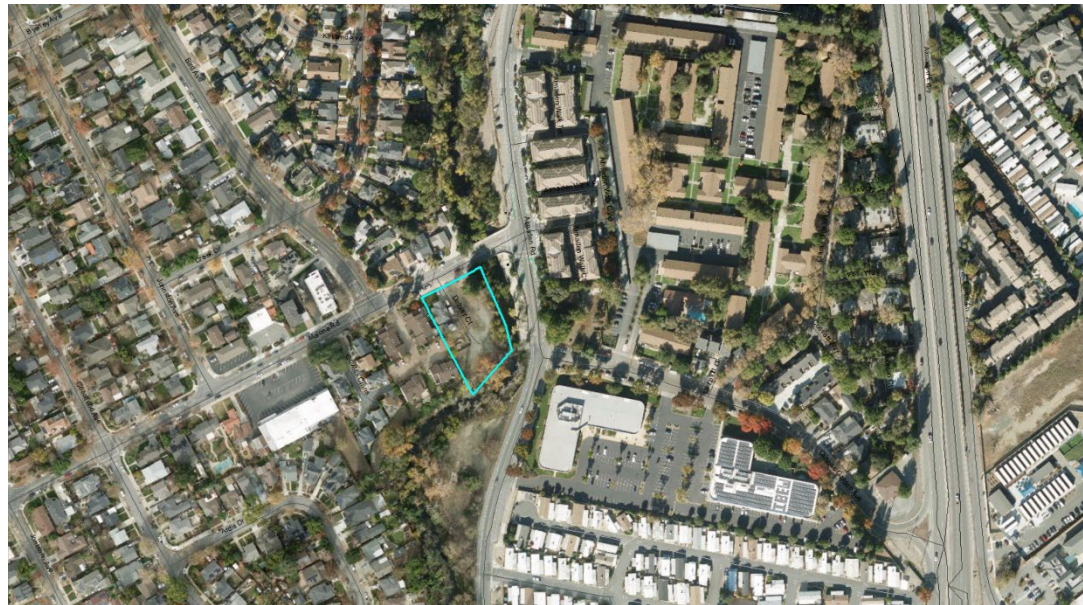
Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
8	San Jose (Guadalupe River)	1725-1759 Guadalupe Ave (7 houses)	1756 Guadalupe Ave – Vacant to be demolished All others currently occupied



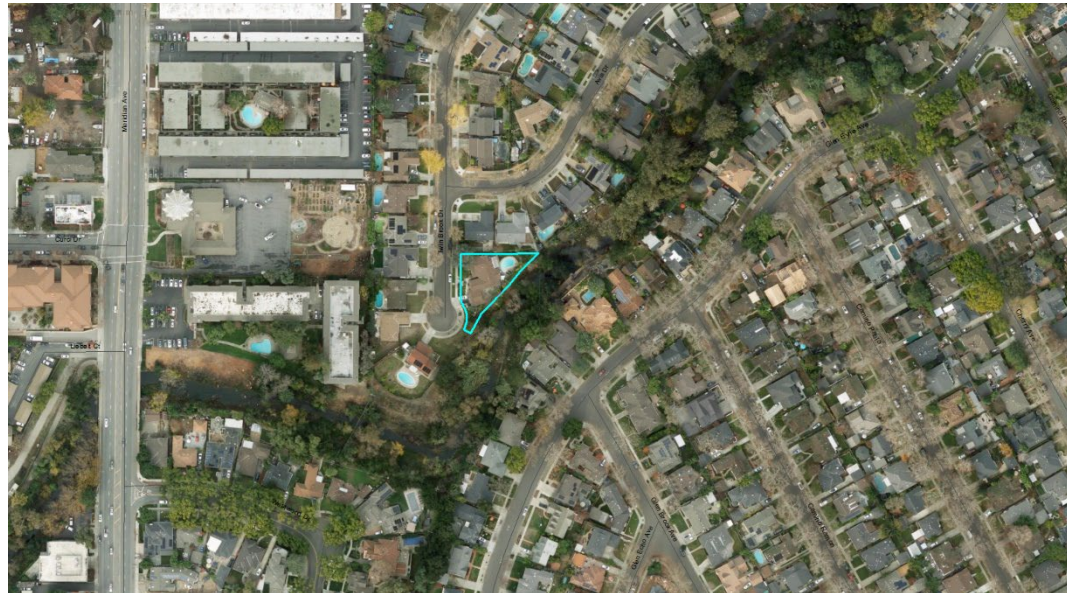
Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
9	San Jose (Guadalupe River)	760 Malone	Occupied



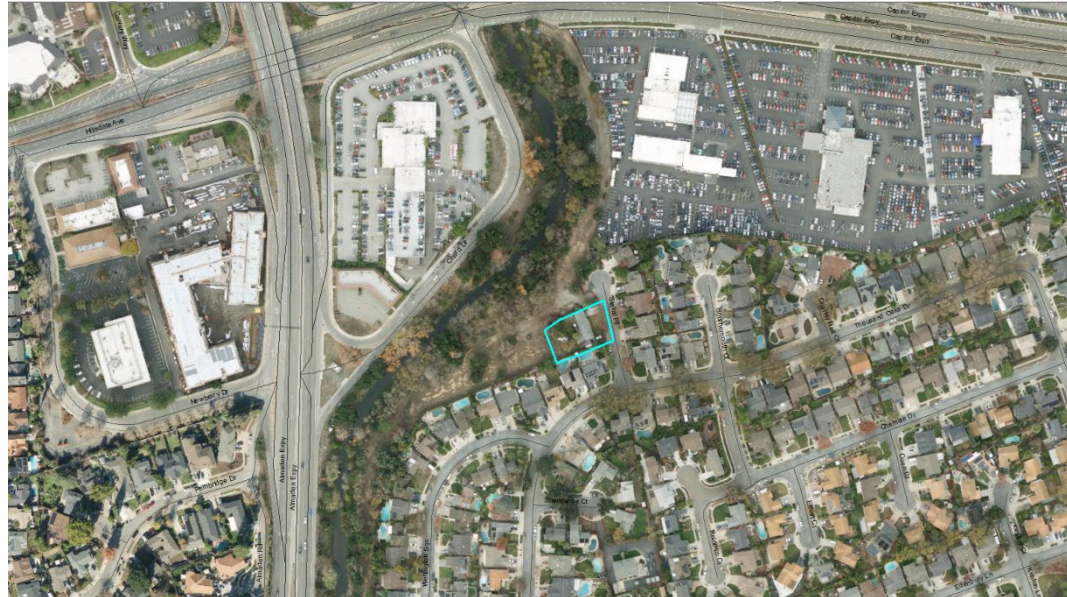
Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
10	San Jose (Los Gatos Ck)	1014 Twin Brook Dr	Occupied



Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
11	San Jose (Guadalupe River)	13392 Steval Pl	Occupied



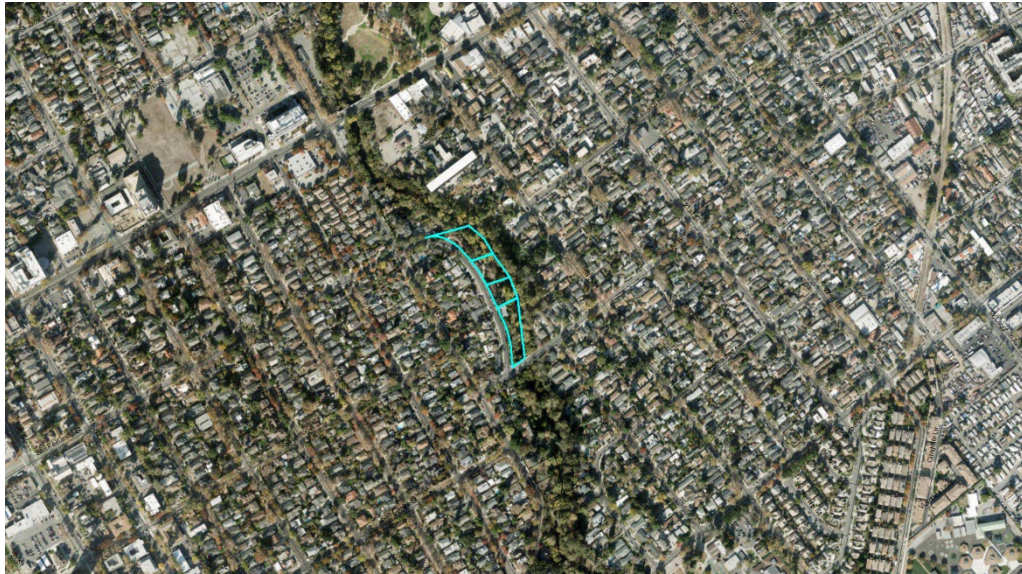
Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
12	San Jose (Coyote Creek)	328 S 17 th St 344 S 17 th St 382 S 17 TH St	328 and 344 - Demolished 382 – Occupied; being evaluated for potential disposition



Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
13	San Jose (Coyote Creek)	120 Arroyo Way 150 Arroyo Way 166 Arroyo Way 180 Arroyo Way	Vacant Properties being evaluated for potential disposition



Status of Valley Water Housing Aug 2025

#	Location	Property Location	Property Status
14	Morgan Hill (Anderson Reservoir)	17496 Hoot Owl Way 17518 Hoot Owl Way 17500 Hoot Owl Way 17530 Hoot Owl Way 17506 Hoot Owl Way 17540 Hoot Owl Way 17510 Hoot Owl Way	Vacant-to be Demolished





MEMORANDUM

FC 14 (03-11-25)
Page 1 of 1

TO: Board of Directors

FROM: Sheryl Higa

SUBJECT: Risk Management Unit Communication

DATE: September 2, 2025

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

Please find the following:

- 1) July 24, 2025 – Claim Settlement letter to Chester Hayes (District 4).
- 2) August 12, 2025 – Receipt of Claims to Benjamin D. Swanson Esq., Swanson Law Group (District 6) obo the following claimants: Donasiano Enriquez Castillo, Nicole Cheadle, Dwight Davis, Yvonne Davis, Carla Duenas, Derrick Glasgow, Aaron Morris, Lisa Ann Rhines, Alicia Watson.

Claims can be found here:

https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/Claim_Enriquez%20Castillo_Swanson%20Law%20Group.pdf

https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/Claim_Cheadle_Swanson%20Law%20Group.pdf

https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/Claim_Davis,%20Dwight_Swanson%20Law%20Group.pdf

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https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/Claim_Rhines_Swanson%20Law%20Group.pdf

https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/Claim_Watson_Swanson%20Law%20Group.pdf

- 3) August 12, 2025 – Receipt of Claim to Robert Emmons (District 3).

- 4) August 19, 2025 – Receipt of Claim to Joshua Safran, Esq., Strategy Law, LLP obo First Community Housing and Betty Anne Gardens, L.P. (District 6). Receipt of Claim letter prepared by the Office of District Counsel.

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

Signed by:

Sheryl Higa
Risk Manager
Risk Management Unit



July 24, 2025

Chester Hayes
18686 Rosalind Lane
San Jose, CA 95120

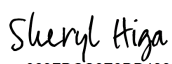
Re: Settlement – L2450014

Dear Mr. Hayes:

Enclosed is the final settlement check regarding the above-mentioned claim. The total amount of the settlement is \$250.00.

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

Sincerely,

Signed by:

069FDCC6E9DD486...

Sheryl Higa
Risk Manager
Risk Management Unit

Enc: Settlement Check #722106





August 12, 2025

Benjamin D. Swanson Esq.
Swanson Law Group
Westlake Village
32123 Lindero Canyon Road, Suite 200
Westlake Village, CA 91361

Re: Receipt of Claims

Dear Mr. Swanson:

We are in receipt of the claims filed on behalf of your clients:

Donasiano Enriquez Castillo	Claim File # L2450016
Nicole Cheadle	Claim File # L2450017
Dwight Davis	Claim File # L2450018
Yvonne Davis	Claim File # L2450019
Carla Duenas	Claim File # L2450020
Derrick Glasgow	Claim File # L2450021
Aaron Morris	Claim File # L2450022
Lisa Ann Rhines	Claim File # L2450023
Alicia Watson	Claim File # L2450024

We are currently investigating the claims and will notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at shiga@valleywater.org.

Sincerely,

Signed by:

069FDCC6E9DD486...

Sheryl Higa
Risk Manager
Risk Management Unit





August 12, 2025

Robert Emmons
1919 Senter Road
San Jose, CA 95112

Re: Receipt of Claim

Dear Mr. Emmons:

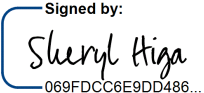
We received your claim regarding your property loss and emotional distress resulting from the May 2025 encampment sweep near Coleman Avenue in San Jose.

We are currently investigating the claim and will notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at shiga@valleywater.org.

Sincerely,

Signed by:


069FDCC6E9DD486...

Sheryl Higa
Risk Manager
Risk Management Unit





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT California Government Code Sections 900 and following

Clerk of the Board's Date Stamp	
For SCVWD Use Only	
Date Received: 08/11/25	ROUTING
<input checked="" type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO
<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel
<input type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management
<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB
	<input type="checkbox"/> BOD (District #): _____

The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:

Clerk of the Board
 Santa Clara Valley Water District-HQ
 5700 Almaden Expressway
 San Jose, CA 95118

Or submit the completed form electronically to:
clerkoftheboard@valleywater.org

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: ROBERT EMMONS		Email Address: BOBBY5RIGHTS56@OUTLOOK	
Address of Claimant: COLUMBUS PARK		City: JAN JOSE	State: CA
		Zip: 95110	
Address to which Notices should be sent, if different from above: 1919 CENTER ROAD		City: SAN JOSE	State: CA
		Zip: 95112	
Home Phone Number: N/A	Cell Phone Number: N/A	Work Phone Number: N/A	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: Relationship to the minor:	
Date and time of incident or loss: ABOUT MAY 2025	Location of incident or loss (address): ON AUTUMN PARK - WAY BETWEEN COLEMAN AND JULIAN	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report Case #: <input type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

PLEASE SEE ATTACHED.



**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following**

In detail, describe the damage or injury (Please attach additional sheets if necessary):

PLEASE SEE ATTACHED.

List Name(s) and contact information of any witness(es) or District employee involved (if any):

PLEASE SEE ATTACHED.


DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000? Yes No
 Court Jurisdiction: (Check One) Limited Civil Unlimited Civil

ITEMS	CLAIM AMOUNT
PLEASE SEE ATTACHED	
1.	\$
2.	\$
3.	\$
4.	\$
TOTAL AMOUNT	\$

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 20TH day of JULY, 20 25 
 Claimant's Signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim 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 of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.

I, Robert , declare:

1. I have personal knowledge of the facts contained in this document, and if called to testify, I could and would do so competently.

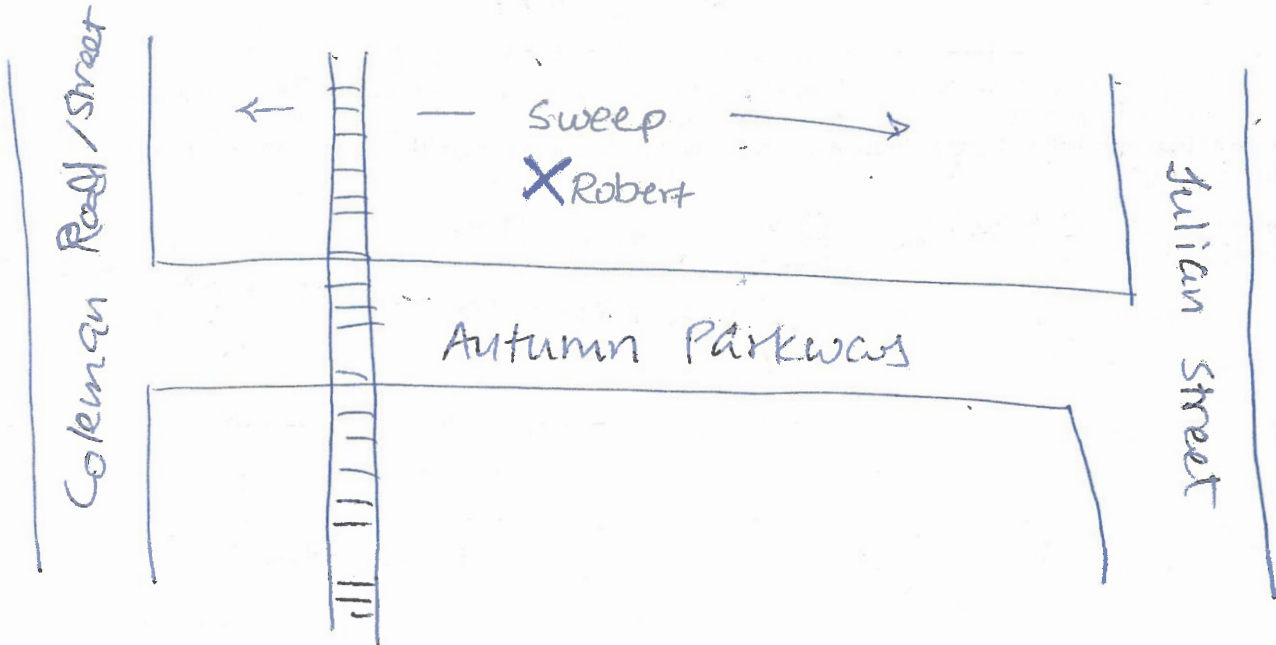
Background

I grew up in the Bay Area. I grew up in Morgan Hill, moved to Texas for a little bit. I ended up coming back here because I'm familiar with the Bay. I became a truck driver during COVID and ended up getting let go. I was doing deliveries for Doordash and Postmates, which gave me enough money to get by. But Milpitas ended up taking my motorcycle because I couldn't get it registered here. After that, I ended up on the streets. Since then, I've experienced 7 to 8 sweeps.

I got my dog a little over a year ago as a puppy. His name is Stone. He just kind of fell in your lap. They took his toys, his food, even his dog bowl.

Location

In San Jose, on Autumn Parkway, in between Coleman and Julian.



Notice From and Communication With City or Agency Prior to Enforcement Action

They put up posters a few days or a week before the sweep. On the posters, they said they would have storages for 90 days for personal property.

Day of Enforcement Action

There were a couple posting before the sweep itself. They cleared out the whole area. They showed up really early in the morning. I was sleeping in my tent. When they got there, they told us we had five minutes to get up and go. I got up, tried to grab as much important stuff as I possibly could and had to go. I was able to grab clothes, a few tools, what I could of my food, and my dog, Stone. They took the rest and put it in a garbage truck in front of us. They took mental

[Type here]

health medications that belonged to an old lady who lived there, who is a diagnosed schizophrenic.

NBC news covered the sweep. You can look it up, titled "Crews clear homeless encampment in San Jose," dated May 19, 2025. The link here: <https://www.nbcbayarea.com/news/local/san-jose-homeless-encampment-sweep-2/3872523/>

Description of Property Seized

See attachment for itemized list.

Harm Caused From City's Actions

I'm a mechanic and I do small engine repairs for people out here. They took all my tools, my generator. Every time I get stuff to make a living, they take it away from me. No matter what you say, they won't give it back to you.

I don't have my computer, my phone, my tools. I had personal pictures on my hard drive that aren't saved to a cloud. NCB

Losing pictures and other irreplaceable items from loved ones is a huge loss. It's like when you have those things those people are still with you and when you lose those things, they're gone. How do you put a price on that?

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed in San Jose, CA on July 20, 2025.



Printed Name : Robert Emmons

[Type here]

**ITEMIZED DAMAGES FOR
DOLLAR AMOUNT OF CLAIM UNDER \$12,500**

Date of Incident: May 2025 (approximately) **Name of Claimant:** Robert Emmons

Description of the item	Condition at the time of the Incident (New, Lightly used; Damaged but usable; or Not Usable)	The reasonable cost to replace the item	How you estimated the value of the item
Honda Inverter Generator, 2200 Surge Watts, 1800 Rated Watts, Model# EU2200ITAN	Lightly used	\$1,099	Cost on northerntool.com
4 wrench sets	Lightly used	\$150	How much I paid for it
7 ratchet sets	Lightly used	\$400	How much I paid for it
Dewalt drill	Lightly used	\$92	Amazon.com
Bosch power tool combo kit	Lightly used	\$199	Lowe's website
PITTSBURGH 1/2 in. Drive, 10 to 150 ft-lb Click Torque Wrench	Lightly used	\$21.99	Harbor Freight website
Klein MM50 Slim Digital Multimeter	Lightly used	\$79.91	Home Depot website

Description of the item	Condition at the time of the Incident (New, Lightly used; Damaged but usable; or Not Usable)	The reasonable cost to replace the item	How you estimated the value of the item
Bicycle: Cannondale Easy Rider Recumbent	New	\$3,700	Selling on eBay for this amount
Computer: Dell Vostro 5630 Business Laptop	New	\$1,404.99	Walmart website
Phone: Samsung Galaxy S22	Used	\$195	Walmart website
Clothes: jacket, jerseys, work boots	Mixed	\$2,000	Three garbage bags and two suitcase. Each had 20 items each. Each item was approximate \$20.
California king bed: memory foam mattress and frame	Lightly used	\$916.99	Mattress Firm website
Rei Co-op Base Camp 6 Tent	Lightly used	\$549	REI website

For each item that cannot be replaced (for example, because it has sentimental value), describe the item and explain why the item is valuable to you and what value you claim for it.

1. Physical pictures of family members (my dad, brother); pictures of me when I was a baby
2. Letters from loved ones that I'd had for many years
3. A Jason Friday the 13th jersey that my fiancé gave me as a gift on Christmas a few years ago

TOTAL SPECIAL DAMAGES
(value of items taken)

\$ 10,807.94

GENERAL DAMAGES
Emotional Distress

\$ 1,691

TOTAL SUM OF DAMAGES

\$ 12,498.94



Clean Water • Healthy Environment • Flood Protection

August 19, 2025

Joshua Safran, Esq.
Strategy Law, LLP
One Almaden Boulevard, Suite 700
San Jose, CA 95113

Re: Receipt of Claim – L2450025

Dear Mr. Safran:

We received your claim regarding the Penitencia Creek flooding event on February 13, 2025. Valley Water requires claimants to submit claims for personal injury or property damage on Valley Water's prescribed claim form to be in compliance with Government Code § 910. However, Valley Water is treating your letter dated August 11, 2025 as substantially complying with our claim form requirements.

We are currently investigating the claim and will notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2326 or at oeiqoulaq@valleywater.org

Sincerely,

A handwritten signature in black ink that reads "Omar El-Qoulaq".

Omar El-Qoulaq
Assistant District Counsel
Office of the District Counsel



HAND DELIVERED TO: CR
DATE: 08/13/2025 TIME: 10:40 AM
Risk
District Counsel
CEO
COB
Board Member (Santos)

STRATEGY LAW, LLP

One Almaden Boulevard, Suite 700 San Jose, CA 95113
P: (408) 478-4100 F: (408) 295-4100 www.strategylaw.com

August 11, 2025

JOSHUA SAFRAN, ESQ.
jsafran@strategylaw.com

Santa Clara Valley Water District
5750 Almaden Expressway San
Jose, CA 95118-3686

Via Personal Service

Claim Against Santa Clara Valley Water District for Damages Per California Government Code §§910 *et seq.*

Dear Clerk, Secretary, or Auditor:

Please be advised that our firm is counsel of record for First Community Housing, a California nonprofit corporation (“FCH”), and Betty Anne Gardens, L.P., a California limited partnership (“the LP”) (FCH and the LP being, collectively, the “Claimants”). Pursuant to California Government Code §§910 *et seq.*, by and through this duly and timely submitted claim, Claimants respectfully submit the following claims and information relating to damages to real property, personal property, and persons, proximately caused by the Santa Clara Valley Water District’s (“District”) tortious acts and omissions.

A. Subject Incident

The Betty Ann Gardens residential community (the “Community”) is located at 945 Lundy Avenue in the City of San Jose, on an approximately 3.87-acre site along the banks of Penitencia Creek. The Community is managed and operated by FCH for affordable housing purposes and owned by the LP.

On or about February 13, 2025, Penitencia Creek experienced a severe flooding event (the “Flood”) which lasted for several hours. The Flood caused very significant damage to the Community, devastating many residential units and common areas, destroying personal property, and causing related personal injuries.

The Flood was so severe and the damages so extensive that the disaster was covered broadly in the news. Please find three exemplar news stories highlighting the Flood and associated damages here:

<https://www.youtube.com/watch?v=edTdRE1hE7o>

<https://www.youtube.com/watch?v=cXvJ6dleikE>

<https://www.youtube.com/watch?v=9NhG4B2GY1U>

Claim Against Santa Clara Valley Water District for Damages Per Cal. Gov't Code §§910 et seq.
Page 2

B. Description of Damages

The Flood caused extensive damage to many residential units and common areas within the Community. Due to the extensive nature and scope of damages, Claimants have not yet completed their investigation and calculation of damages incurred and hereby reserve the right to amend and update their claim as further damage assessments become available. To date, the incurred and projected damages associated with the Flood include, but are not limited to the costs of:

1. Mitigation, emergency response, and cleanup efforts;
2. Structural, property, and landscaping repairs;
3. Interior damage repairs;
4. Mechanical and utility system repairs;
5. Environmental and health hazard avoidance and abatement;
6. Temporary and permanent resident displacement and relocation;
7. Claims for damages to resident property;
8. Associated resident claims against Claimants;
9. Business interruption and financial losses;
10. Lost rental revenue and opportunity costs;
11. Increased operating and management expenses;
12. Insurance deductibles and exclusions;
13. Fees for attorneys, consultants, and vendors;
14. Reduced property values;
15. Higher insurance premiums; and,
16. Long term reputational and market impacts.

Current estimates indicate that damages have already exceeded \$1,000,000 and are expected to reach upwards of \$3,000,000. These damages and adverse impacts are substantial and require immediate redress. Both FCH and the LP incurred these damages and seek recovery through this claim both on behalf of themselves and on behalf of their residents who incurred a subset of these losses in personal property and personal injury damages.

While Claimants' investigation is ongoing and they reserve the right to provide additional evidence of damages as it becomes available, we provide the following evidence related to this claim at this time: Remediation Assessment Reports; and, invoices, receipts, and spreadsheets documenting flooded units, relocation expenses incurred, and amounts due and paid to Titan Environmental Solutions, Inc., Northwest Restoration, D Squared Construction, and Diamond Cleaning. These materials are available at the following link: <https://strategylaw.sharefile.com/public/share/web-s01a8924055164aa78f9c651949b5217e>

Claim Against Santa Clara Valley Water District for Damages Per Cal. Gov't Code §§910 et seq.
Page 3

C. Causation

Investigations subsequent to the Flood indicate that the Flood was caused by a massive accumulation of debris upriver from the Community (the "Debris Jam") which obstructed the natural flow of Penitencia Creek. The obstruction caused by this Debris Jam materially reduced the creek's carrying capacity, resulting in upstream impoundment and a hazardous elevation of water levels. The eventual sudden overtopping and/or breach of the obstruction caused a rapid downstream discharge of creek water, directly resulting in the Flood which inundated the Community.

The Debris Jam and the resulting Flood and damages suffered by Claimants were proximately caused by the negligent acts and omissions of the District. Specifically, the District failed to properly design, construct, maintain, inspect, and/or operate municipal stormwater drainage systems (including Penitencia Creek), culverts, and other water control infrastructure in the affected area. As a result of this negligence, creek water, rainwater, and storm runoff were not adequately managed or diverted, leading to the accumulation and overflow of floodwaters directly onto Claimants' property and the Community.

The District was on notice of the defective and inadequate drainage systems and the potentiality for and occurrence of the Debris Jam and resulting flooding and failed to take timely or appropriate corrective measures and failed to conduct the due diligence and prudent management necessary to avoid precisely this type of avoidable disaster. This breach of duty resulted in severe property loss and disruption of use and enjoyment including Claimants' damages.

Photographs of the Debris Jam and a timeline of the Penitencia Creek water levels and inadequate debris removal efforts on the date in question are available at the following link: <https://strategylaw.sharefile.com/public/share/web-s5e8dcff7380b4f8e96d4d37bc8ff0ff3>

■ ■ ■

Thank you for your time and attention to this important matter. Given the scope of damages and the adverse impacts on the Community and its residents, immediate redress is appropriate and necessary.

All notices regarding this matter and/or any other communications with Claimants should be directed to and through my office. Please do not hesitate to contact me with any questions.

Very truly yours,

STRATEGY LAW, LLP



Joshua Safran, Esq.

Claim Against Santa Clara Valley Water District for Damages Per Cal. Gov't Code §§910 et seq.
Page 4

cc: District Counsel, Santa Clara Valley Water District (by email)

INCOMING BOARD CORRESPONDENCE

Board Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-25-0116	08/18/25	08/18/25	Ballard	TIM CLAES	Email from Tim Claes to Director Ballard, dated August 18, 2025, regarding flooding in the San Jose trails underpass.	Refer to Staff	Hakes	Infante	08/26/25	08/26/25	n/a	09/01/25
C-25-0118	08/27/25	08/27/25	Varela	ASHIS ROY	Email from Ashis Roy to Director Varela, dated 08/27/25, regarding Hydroelectric Power at Anderson Dam.	Refer to Staff	Chan	Mccarter	09/04/25	-	n/a	09/10/25

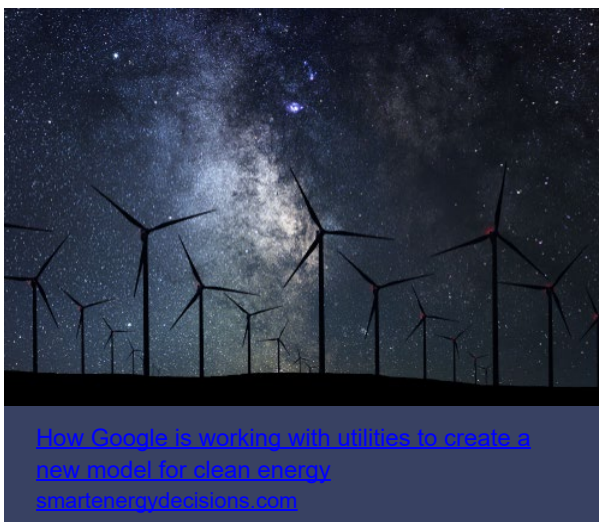
From: [Candice Kwok-Smith](#)
To: [Board of Directors](#)
Subject: FW: Hydroelectric Power at Anderson Dam - Morgan Hill, CA
Date: Wednesday, August 27, 2025 11:02:17 AM

From: Ashis Roy <ashis@hiemorganhill.com>
Sent: Wednesday, August 27, 2025 10:13 AM
To: John Varela <jvarela@valleywater.org>; Christina Turner <christina.turner@morganhill.ca.gov>; Matt Mahood <matt.mahood@morganhill.ca.gov>; Steve McFarland <steve@lasvbbb.org>
Subject: Hydroelectric Power at Anderson Dam - Morgan Hill, CA

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi John,

Great seeing you at the Morgan Hill Chamber Meeting. As per our conversation, several technology companies, including Google, Facebook, and Microsoft, have been partnering with utility companies to provide **renewable** energy for their data centers. See articles below (just a few examples...there are many more!) :





[Transformation in power and utilities with the Microsoft Cloud and AI - Microsoft Industry Blogs](https://microsoft.com/industry-blogs/2025/06/01/transformation-in-power-and-utilities-with-the-microsoft-cloud-and-ai)
microsoft.com

<https://about.fb.com/news/2025/06/meta-constellation-partner-clean-energy-project/#:~:text=Today, building on our efforts, and strengthening America's energy leadership.>

Power demand is growing exponentially with the increased adoption of Artificial Intelligence. It would be a shame to see an existing power-generating facility out of commission when there is such high electricity demand (and PGE rate increases are exorbitant). I'm not sure who owns the existing hydroelectric plant (Water district or another entity?). Still, they can sell/lease it to one of these companies / third-party developers and help offset the cost of the dam retrofit.

Suppose Morgan Hill can decrease its dependence on PGE and lower the cost of electricity to its businesses and residents. In that case, it will stimulate advanced manufacturing and other job-creating businesses in the local area. Santa Clara has its own utility company, which provides electricity at a lower cost than PGE, which is why many data centers and industrial facilities are located there.

Just some food for thought. I'm happy to have a conversation about this at any time. Thank you.

Regards,

Ashis Roy
Holiday Inn Express & Suites
17035 Condit Road
Morgan Hill, CA 95037
Hotel: 408.776.7676
Cell: 408.300.4800
ashis@hiemorganhill.com

Dear SCV Water Board of Directors,
Thank you for your generous investment
in the 2025 Water Efficiency & Conservation
Symposium! We are grateful for SCV
Water's partnership and loved having
your team join us as speakers, sponsors
& attendees. Thank you for your support.

Alliance for Water Efficiency
318 W Adams St, Suite 1514
Chicago, IL 60606

Sincerely,
The AWE Team

allianceforwaterefficiency.org

OUTGOING BOARD CORRESPONDENCE

From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Breanne Roderick](#); [Christopher Hakes](#); [Bhavani Yerrapotu](#)
Cc: [Board of Directors](#)
Subject: FW: [Nagleepark-CCA] Flood Walls
Date: Tuesday, September 2, 2025 2:58:58 PM

From: Shiloh Ballard <SBallard@valleywater.org>
Sent: Tuesday, September 2, 2025 1:00 PM
To: Jean-Marie White [REDACTED]
Subject: Re: [Nagleepark-CCA] Flood Walls

Hey Jean-Marie,

Here's an answer from staff re your question(s) below. There was a lot in the email back and forth w/you and Jeff so I'm not sure all your questions were covered but take a look. Staff may have missed some of what you were trying to ask since there were so many words!

Bhavani is the point person and could probably answer more detailed questions you have. (I'm guessing this will spur additional questions.)

Shiloh

++++

Thank you for reaching out to Valley Water requesting clarification on the level of protection provided by the Coyote Creek Flood Protection Project. The primary objective of Coyote Creek Flood Protection Project is to provide protection from floods up to the level that occurred on February 21, 2017, equivalent to approximately a 5% flood (20-year event). This project is being done in two phases in response to February 2020 Federal Energy Regulatory Commission (FERC) Order. As you know, Phase 1, also referred to as Coyote Creek Flood Management Measures Project recently completed construction and Phase 2 is currently in the design phase. Construction is expected to start in mid-2026 and complete in late 2028.

Regarding the larger outlet pipe, Anderson Dam Seismic Retrofit Project (ADSRP) does provide some flood protection benefit, as it allows for a more flexible operation of the reservoir. In practice, this means we will be able to keep the reservoir at the flood guide (or rule) curve more reliably, helping to absorb incoming runoff. However, ADSRP does not change the flood guide curve itself. This means the added benefit is not guaranteed and remains more sensitive to other variables, such as the timing of storm pattern and the influence of runoff below the dam.

At this time, and upon completion of the seismic retrofit project, Anderson Dam and Reservoir will continue to be operated to provide only incidental flood protection (regardless of the size of the spillway or outlet capacity). Operation of the dam for flood protection purposes would require a policy decision enacted by the Board at a future date upon completion of ADSRP, or as they deem appropriate.

Please contact Bhavani Yerrapotu, Deputy Operating Officer for Watersheds Design and Construction Division at byerrapotu@valleywater.org.

From: Jean-Marie White [REDACTED]
Sent: Thursday, August 14, 2025 8:20 PM
To: Jeffrey Hare <[REDACTED]>
Cc: Shiloh Ballard <SBallard@valleywater.org>
Subject: Re: [Nagleepark-CCA] Flood Walls

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Hmm... I don't quite follow your conclusion that "we don't have an effective 1% protection."

The Water District built the flood walls to the same height as the 2017 flood level—so yes, that part hasn't changed.

But the discharge capacity has fundamentally changed the risk profile. As you explained, the new tunnel increases capacity by a factor of five. If the same conditions as 2017 occurred again, Anderson Reservoir wouldn't even get close to spilling over. Water could be discharged well in advance of a major storm, making the flood walls functionally redundant in most scenarios.

So to me, the fact that we still need flood insurance doesn't mean we don't have 1% protection—it just means that the District hasn't officially recomputed the flood risk model with the new discharge tunnel factored in. That's the key question: When will they revisit the hydraulic modeling and FEMA floodplain maps to reflect the current infrastructure?

Would love to get clarity on that timeline.

Jean-Marie

On Aug 13, 2025, at 09:35, Jeffrey Hare [REDACTED] > wrote:

Allow me to help frame the issue. First, some background and context. The Coyote Watershed - often measured at around 320 square miles -- originates in the Diablo range, with the headwater being near Mt. Sismore in Henry Coe Park. Coyote Creek moves south, then turns north, and travels approximately a total of 63 miles to the outfall at Milpitas. It was historically an intermittent, or "dry" creek, periodically scoured by what were described as periodic "torrential" flows. Large areas along this route were wetlands, such as Laguna Seca, or "dry lagoon," would fill during storms, then percolate into the groundwater aquifers. To prepare the land for farming, channels were cut to drain the water to Coyote Creek. Fisher Creek is one result. Over time, as development on the eastern side of the valley led to more "hardscape" -- roads, sidewalks, parking lots, houses, etc. -- it became necessary to channel this runoff to Coyote Creek. Upper and Lower Silver Creek, Thomas Creek, and Penitencia Creek are part of this network. The addition of Coyote Dam in 1939 cut off the normal "torrential" flows from the Diablo range, resulting in a loss of the "scour" effect downstream, and allowed for growth of invasive plant growth and reduction of flow capacity of the channel. (BTW, building Coyote Dam also allowed for the construction of Arroyo Way and the building of three homes that year -- all now owned by the Water District: 120, 150, and 166. 180 was built in 1962). As we know, Anderson Dam was added in 1950 to capture more of this runoff for the orchardists, like Leroy Anderson, and recall that the agency was called the "Santa Clara Valley Water Conservation District." The initials - SCVWCD - can still be found stamped into the abutments and concrete works in Penitencia Creek. The function was strictly "conservation" - not flood control -- so the discharge pipe only allowed a mere 450 cubic feet per second to be discharged at full "head" capacity. (The flow rate is somewhat reduced as the amount of water in the reservoir drops -- reducing the pressure on the "head" of the water." As with most dam configurations, a spillway was installed for emergencies -- the spillway level is about 10 feet or so below the "crest" of the dam itself. The maximum flow allowed over the spillway is calculated to provide 100% prevention of the water level ever reaching the crest -- if it did, it would result in total dam failure.

So, you have three calculations: Total rainfall in the Diablo range area, the combined capacity of Coyote and Anderson Dams (Coyote Reservoir flows into Anderson Reservoir), and the discharge capacity of Anderson Dam -- a combination of the 450 cfs discharge pipe and, if necessary, the spillway. About rainfall: The western side of the Valley -- the Santa Cruz Mountains -- gets about 10 times as much rainfall historically as the Diablo or East side. This is part of the reason that the Guadalupe River through downtown floods far more frequently than the Coyote, and qualified for the huge USACE funding project after the floods in 1995. (Of course, everyone was asleep at the switch when the east side got hit with major rainfall in 1997, causing the first of two flood events to hit the Coyote Creek area between Tully Road and Montague Expressway in 80 years!)

To handle the Probable Maximum Flood (PMF), engineers try to estimate the three calculations in order to (1) build the infrastructure necessary to

avoid or mitigate flooding, and (2) develop measures that can be taken to manage the problem. Since it is obviously not possible to control the "inflows" to the reservoir (rainfall, runoff, etc.), the ONLY control is on the discharge end. BUT KEEP IN MIND THAT THE MAIN FUNCTION OF THE WATER DISTRICT IS STILL CONSERVATION - OR WATER SUPPLY. The whole point of having a reservoir is to KEEP water, not get rid of it! So, the formula used to calculate the OPTIMUM amount of water to keep IN the reservoir vs. how much to RELEASE is known as a **RULE CURVE**. It is often expressed as a percentage -- and in the case of the District -- is based on the COMBINED capacity of both Anderson and Coyote Reservoirs. **This percentage is the maximum amount of water to retain in the reservoirs at the beginning of the rainy season**, in order to allow for rain and runoff to fill, but not overflow, the dams. After the 1997 Flood, it was agreed that the Rule Curve would be 30%. One of the factors noted for the disaster in 1997 was the failure to release enough water prior to the rain season to allow for inflows from storms.

Of course, since that time, other factors changed the dynamics. The discovery of major seismic issues led to orders to restrict the total amount of water in the reservoir, but of course there was an "exemption" if it rained a lot. Opening the discharge pipe too early would solve the problem, but what if it didn't rain that season? It didn't seem prudent to let a bunch of good water run down the Coyote Creek only to have to purchase more water at higher rates from the Central Valley. BUT -- the failure to come up with a solution, year after year (starting around 2012 in earnest), led the Federal Energy Regulatory Commission (FERC) to issue its famous ORDER on February 20, 2020, to add the higher capacity TUNNEL and increase the discharge capacity by a factor of 5x. In fact, after the Oroville Dam disaster in 2017, the Division of Safety of Dams (a Division of the Department of Water Resources, which owns Oroville), issued a new directive that ALL dams under jurisdiction of the DSOD must be able to reduce total stored capacity by 10% in 7 - 10 days -- a directive based on the probability of an accurate forecast of PMP - Probable Maximum Precipitation. (I think I have the formula correct -- 10% in 7 - 10 days).

So, the capacity of the new discharge pipe system (and it's a more complicated system than a simple pipe running through the Dam) was boosted from the 450 cfs to add another 2000 cfs, for a combined capacity of almost 2,500 cfs at full head pressure. NOTE: This, by itself, would NOT result in flooding in downtown San Jose. In fact, the Flood Stage in our section of Coyote Creek is not triggered until the water flow rate reaches around 4,000 cfs, except in a couple of very low-lying areas (such as on S. 17th Street where the famous cottage kept flooding at very low levels (around 1,000 cfs). But in the event of an "atmospheric river" event, it is POSSIBLE that a substantial amount of rain could fall in the Diablo range over short period of time, and if Anderson and Coyote were at 40% capacity, they would start to fill. If the District opened up the existing discharge pipe (450 cfs) and the new pipes (adding another 2,000 cfs), it is POSSIBLE that the combination of rainfall and runoff could cause Anderson to fill, triggering overspilling of the SPILLWAY, and adding another 2,000 + cfs to the flows. IN ADDITION, runoff from the tributaries (Fischer and Upper Silver Creeks) could add another 1,000 cfs.

As a consequence, the engineers predicted what would happen -- and largely came up with the equivalent of what happened in 2017 and used that as a base level to develop the flood wall height. Since they had determined -- and this is more guesswork than science -- that the 2017 flood was a 20-year or 5% flood event, and they couldn't fulfill the promise of providing protection to 1%, the plans were changed to keep the flood protection level at the 5% level.

So, no, we do NOT have an "effective" 1% flood protection system. If we did, we wouldn't need to purchase flood insurance. On the other hand, the District now has the capability to release far more water ahead of a storm prediction to keep the flows below flood stage and avoid any overspilling of the spillway. Doing the math, historically, a major storm (not even an atmospheric river, just a good storm) will cause the storm drain systems to add about 500 cfs. If - based on the forecast of the storms - was releasing 450 cfs through the small discharge pipe, the level would reach around 1,000 cfs. Runoff through Fisher Creek (draining Laguna Seca), and Upper Silver Creek would possibly add a maximum of around 1,200 cfs (based on historical discharge levels). So, you'd have about 2,500 cfs or so running in Coyote through our neighborhood. Definitely noticeable, but BELOW THE BOTTOM OF THE FLOODWALLS! In fact the water level in the creek wouldn't even reach the lower garage levels of the homes on Arroyo Way until the water levels reached between 3,800 - 4,000 cfs.

However, if we got hit with an atmospheric river in the middle of winter, after the grounds were saturated from earlier rains, and Anderson and Coyote were full, and the precipitation hit the PMP levels, AND the spillway started to overflow at the rate it did in 2017 (adding another 7,400 - 9,000 cfs), then we'd have what is called a 1,000 year flood -- the kind that has been hitting Texas, Kentucky, Tennessee, and Missouri this past couple of months. What then? Well, it would simply overwhelm the floodwalls that the District spent all this money on. It only takes one-inch of overspill.

Jeff

[REDACTED]

On Tue, Aug 12, 2025 at 9:47 PM Shiloh Ballard <SBallard@valleywater.org> wrote:

Hmm... I'm gonna guess they are nowhere near doing that part of the project yet. Maybe they have a rough idea though? Anyway, I can ask. Shiloh

From: Jean-Marie White [REDACTED]
Sent: Tuesday, August 12, 2025 4:49 PM
To: Shiloh Ballard <SBallard@valleywater.org>
Cc: Jeffrey Hare [REDACTED]
Subject: Fwd: [Nagleepark-CCA] Flood Walls

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Hi Shiloh,

A year or so ago, I pulled aside a water district engineer and was discussing exactly what Jeff is describing below. He said that the “rule curves” would have to be recomputed now that the configuration of the dam is changing (larger discharge capacity being key here). Do you know the progress of this recompute? It would be nice to confirm that we now have better protection than a 20y flood. With a discharge capacity that is about 4 times what it was, I can’t imagine how much rain would cause the reservoir to spillover. (Famous last words). My educated guess is that we now have de facto 100y flood protection

Jean-Marie

Begin forwarded message:

From: "Jeffrey Hare via groups.io"
<jeffrey.hare@[REDACTED]>
Subject: [Nagleepark-CCA] Flood Walls
Date: August 7, 2025 at 13:06:09 PDT
To: CCA List <nagleepark@groups.io>
Resent-From: [REDACTED]
Reply-To: [REDACTED]

Another topic I get asked about has to do with the flood walls recently installed along Coyote Creek in our neighborhood (as well as the one planned for William Street

Park). There were a total of seven (7) walls built - the one that runs along S. 17th south of Station 8 to Arroyo Way near the San Antonio Bridge is Wall No. 5. Wall No. 6 runs behind the homes that line S. 16th and William Street. Wall No. 7 runs behind the homes on the south end of William Street Park.

Originally, the Water District "promised" to provide 1% flood protection along Coyote Creek in our Downtown area, which would have eliminated the need for owners to purchase flood insurance. This is what the District has done along several waterways throughout the rest of the County. Claiming this 1% level of protection would cost too much (even though they are doing it elsewhere throughout the County), they shifted to a 5% level -- which does NOT eliminate the need to purchase expensive flood insurance. They then spent MILLIONS and MILLIONS to build the seven flood walls to the level of the 2017 Flood. On one hand, changes to Anderson Dam -- with the new, larger discharge tunnel -- almost guarantees that the flooding we saw in 1997 and 2017 will never happen again, there is ALWAYS a possibility of a major, 1,000 year flood event, in which case the recently installed flood walls would be ineffective, and it remains to be seen what the impact will be on properties located downstream from the newly installed walls. In terms of probabilities, note that we recently saw four (4), 1,000-year flood events over the course of a single week in the United States that resulted in hundreds of deaths and BILLIONS of dollars in damages. It would be foolish to assume that something similar to those events could never happen here; unlikely but possible.

The proposed "passive barrier" flood wall that will be built in William Street and Olinder Park is unique from a couple of perspectives. First, aside from a single, almost straight-line construction example in Indiana, the Water District has yet to show an example of a similar structure functioning as planned for the curvilinear model they propose for this area. Maintenance and operation will be totally dependent on future MOU agreements, and the projected costs have already exceeded all budgetary forecasts. Moreover, the level of protection does NOT remove any properties from the requirement for flood insurance, and as noted above, is highly questionable as a functioning protection in the unlikely but possible event of a 1,000 year flood event.

Jeff on Arroyo

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