



State Water Resources Control Board

TO: Juliet Christian-Smith
Deputy Director
DIVISION OF WATER RIGHTS

FROM: Nicole L. Kuenzi
Presiding Hearing Officer
ADMINISTRATIVE HEARINGS OFFICE

DATE: October 22, 2026

SUBJECT: Completion of AHO Proceeding on Petitions for Change of Water Right Licenses 6943 (A005653), 11791 (A005654), 2205 (A007141), 2206 (A007142), 2207 (A007143), 2208 (A008098), 2209 (A008099), 6944 (A008387), 2837 (A009455), and 5729 (A0011751) of Santa Clara Valley Water District

This memorandum transmits a proposed order and 10 draft amended licenses, with amended water right license maps, for your consideration. With the resolution of the protests on the subject petitions, a hearing in this matter is no longer necessary and the proceeding initially assigned to the Administrative Hearings Office (AHO) on September 27, 2024, is now complete.

Summary of Proceeding

On May 12, 2015, Santa Clara Valley Water District (Valley Water) filed with the State Water Resources Control Board (State Water Board, or Board) 15 petitions for change for its water rights licenses on Coyote Creek, Stevens Creek, and Guadalupe River (Three Creeks). On May 9, 2024, Valley Water submitted revised petitions pursuant to Water Code sections 1701 and 1707. Valley Water filed these change petitions to update the water right licenses to account for its existing water supply operations and assist with the resolution of a water right complaint filed in 1996 against Valley Water. The 15 original Three Creeks petitions have been bifurcated into two petition processes. This proceeding concerned 10 of the 15 original petitions, for licenses on Stevens Creek and Guadalupe River.

The petitions were publicly noticed on May 23, 2024, and were protested by San Francisco Baykeeper (Baykeeper), California Trout (CalTrout) and Northern California Council, Fly Fishers International (collectively, Conservation Groups), and the California

Department of Fish and Wildlife (CDFW). The protests primarily raised issues under the public trust doctrine and Fish and Game Code section 5937. On September 12, 2024, Valley Water filed answers to the protests. The proceeding was assigned to the AHO on September 27, 2024. The AHO conducted several status conferences and issued a notice of hearing, but subsequently rescheduled and then vacated the hearing based on progress towards settlement.

On January 16, 2026, the parties submitted to the AHO a signed settlement agreement titled Agreement to Resolve Protests of Change Petitions for Water Right Licenses 2205, 2206, 2207, 2208, 2209, 2837, 5729, 6943, 6944, and 11791 Held by Santa Clara Valley Water District (Settlement Agreement). The parties also submitted proposed water right conditions and a revised Fish Habitat Restoration Plan (FHRP). On April 10, 2026, Valley Water submitted a draft amended order and draft amended licenses. Based on these submittals, the AHO, in consultation with the Division of Water Rights, prepared a draft proposed order and draft amended licenses, and sent the drafts to the parties for comment on May 29, 2026. The AHO received comments from the parties on July 1, 2026, and circulated revised drafts on September 18, 2026, following discussion with the parties.

The AHO directed that if the protesting parties found the September 18, 2026 drafts to be acceptable, to transmit withdrawals of their protests conditioned on adoption of the September 18, 2026 proposed order and amended licenses. CalTrout; Baykeeper; CDFW; and Northern California Council, Fly Fishers International submitted conditional withdrawals of their protests on September 30, October 1, October 6, and October 20, 2026, respectively. Valley Water submitted electronic copies of final water right maps for the amended licenses on October 2, 2026.

Conclusion

The proposed order and 10 draft amended licenses are available for your consideration on the AHO's FTP site in a folder titled "Final Order and Amended Licenses." The only change to the September 18, 2026 versions of the documents that the AHO circulated to the parties is the addition of the place of use map date to the amended licenses. The AHO is transmitting these documents to you for signature and issuance in lieu of transmittal to the State Water Board based on the authority delegated to you by the Board under State Water Board Resolution No. 2012-0029. Please do not hesitate to contact me if you have any questions regarding the proceeding.

cc: Service List

SERVICE LIST

John Bourgeois
Greg Williams
Lisa Porcella
Bassam Kassab
Julio Maravilla
Clayton Leal
Aaron Baker
Rita Chan
Sarah Piramoon
Tami Church
Santa Clara Valley Water District
JBourgeois@valleywater.org
GWilliams@valleywater.org
lporella@valleywater.org
BKassab@valleywater.org
JMaravilla@valleywater.org
cleal@valleywater.org
ABaker@valleywater.org
rchan@valleywater.org
SPiramoon@valleywater.org
Tchurch@valleywater.org

Andrew Gschwind
AGschwind@valleywater.org
Attorney for Santa Clara Valley Water District

Nathan Metcalf
Hanson Bridgett LLP
NMetcalf@hansonbridgett.com
Attorney for Santa Clara Valley Water District

Mark Elliott
Pillsbury Winthrop Shaw Pittman, LLP
mark.elliott@pillsburylaw.com
Attorney for Santa Clara Valley Water District

Dave Ceppos
Fish and Aquatic Habitat Collab. Effort
dmceppos@gmail.com
Mediator for FAHCE

Mark Rockwell
mrockwell1945@gmail.com

M. Benjamin Eichenberg
Eric Buescher
ben@baykeeper.org
eric@baykeeper.org
Attorney for San Francisco Baykeeper

Daniel Cooper
Kristina Hambley
daniel@sycamore.law
kristina@sycamore.law
Attorney for San Francisco Baykeeper

Stephen Puccini
stephen.puccini@wildlife.ca.gov
Attorney for California Department of Fish and Wildlife

Julie Coombes
Shay Richardson
Craig Weightman
David Hines
Michelle Battaglia
Tony Holland
California Dept. of Fish and Wildlife
Julie.Coombes@wildlife.ca.gov
Shay.Richardson@Wildlife.ca.gov
Craig.Weightman@wildlife.ca.gov
David.Hines@Wildlife.ca.gov
Michelle.Battaglia@wildlife.ca.gov
Anthony.Holland@wildlife.ca.gov

Redgie Collins
Claire Buchanan
Patrick Samuel
California Trout Inc.
rcollins@caltrout.org
cbuchanan@caltrout.org
psamuel@caltrout.org

Julie Gantenbein
Richard Roos-Collins
Emma Roos-Collins
jgantenbein@waterpowerlaw.com
rrcollins@waterpowerlaw.com
office@waterpowerlaw.com
Water and Power Law Group PC
Attorney for California Trout Inc.

Administrative Hearings Office
exec-adminhrgoffice@waterboards.ca.gov

Other Interested Parties

Justin Ly
Brian Meux
National Oceanic and Atmospheric
Administration
justin.ly@noaa.gov
brian.meux@noaa.gov

Joseph Terry
U.S. Fish and Wildlife Service
joseph_terry@fws.gov

Matt Clifford
Trout Unlimited
mclifford@tu.org

Vivian Helliwell
Pacific Coast Federation of Fishermen's
Associations
vhelliwell@mcn.org

Richard Powers
drjpow@yahoo.com

Glen Spain
Institute for Fisheries Resources
FISH1IFR@aol.com

Chuck Hanson
Hanson Environmental Inc
chanson@hansonenv.com