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## State Water Resources Control Board

### **NOTICE OF PETITIONS FOR CHANGE FOR SANTA CLARA VALLEY WATER DISTRICT'S WATER RIGHT LICENSES 6943, 11791, 2205, 2206, 2207, 2208, 2209, 6944, 2837, AND 5729 (APPLICATIONS 5653, 5654, 7141, 7142, 7143, 8098, 8099, 8387, 9455, AND 11751)**

COUNTY: Santa Clara

STREAM SYSTEMS: Stevens Creek  
Guadalupe Creek

On May 12, 2015, Santa Clara Valley Water District (Valley Water) filed petitions for change for its water rights licenses with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). On May 9, 2024, Valley Water submitted revised petitions pursuant to Water Code sections 1701 and 1707 for Licenses 5729, 6944, 2205, 2206, 2207, and 2208, and Water Code section 1701 for Licenses 11791, 2209, 2837, and 6943.

#### **Background**

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 against Valley Water. In 1996, the Guadalupe-Coyote Resource Conservation District (GCRCD) filed a complaint with the State Water Board claiming Valley Water's operations on Coyote Creek, Stevens Creek, and Guadalupe River (Three Creeks) impacted fish and wildlife in conflict with the Water Code, Fish and Game Code, and other state laws. Subsequent negotiations between GCRCD, Valley Water, the California Department of Fish and Wildlife, US Fish and Wildlife Service, and National Marine Fisheries Service resulted in the 2003 Fish and Aquatic Habitat Collaborative Effort, Initialed Settlement Agreement (FAHCE). The Division, by letter dated December 24, 2003, closed the GCRCD complaint against Valley Water based on the progress of the settlement negotiations and pending receipt of anticipated petitions to modify Valley Water's water rights. The FAHCE includes the implementation of a Fisheries Habitat Restoration Plan (FHRP) for the Three Creeks with water released from reservoirs to maintain instream flows for fisheries. The FHRP identifies specific reservoir reoperations and releases, and programmatic actions (barrier removals and stream enhancements) to restore and maintain healthy steelhead trout and salmon populations in the Three Creeks. The FHRP, coupled with reservoir reoperations and petitioned changes, were the basis for resolution of the 1996 complaint.

The 15 original Three Creeks petitions have now been bifurcated into two petition processes as the Anderson Dam Seismic Retrofit (ADSR) project and the associated five petitions will be dealt with after competition of the ADSR project. For the remaining

10 revised petitions which are the subject of this notice, the following are summaries of each water right associated with the petitions:

**Summary of License 6943 (Application 5653)**

Source:

Guadalupe Creek tributary to San Francisco Bay

Points of Diversion and Rediversion:

*Existing:* NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T8S, R1E, MDB&M  
SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T8S, R1E, MDB&M

*Proposed:* Alamitos Diversion (A) SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T6S, R1E, MDB&M

Alamitos Diversion (B) SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T6S, R1E, MDB&M

Place of Storage:

*Proposed:* Alamitos Percolation Pond - NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T6S, R1E, MDB&M

Place of Percolation/Diversion to Underground Storage:

*Proposed:* Guadalupe Percolation Pond Complex - NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T8S, R1E, MDB&M

Amount:

3,302 acre-feet per year

Season:

November 15 of each year to May 1 of the succeeding year

Purpose of Use:

*Existing:* Irrigation, Domestic

*Proposed:* Municipal and Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* 159,075 acres within the Santa Clara Valley Water Conservation District

*Proposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal), Natural channel of Guadalupe Creek/River between Alamitos Diversion and San Francisco Bay (Fish and Wildlife Preservation and Enhancement).

**Summary of License 11791 (Application 5654)**

Source:

Los Gatos Creek tributary to Guadalupe River thence Alviso Slough thence Coyote Creek thence San Francisco Bay

Points of Diversion:

*Existing and Proposed:* SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 3, T8S, R1W, MDB&M

Place of Percolation/Diversion to Underground Storage:

*Proposed:* Los Gatos Recharge System - NE¼ of SE¼ of projected Section 3, T8S, R1W, MDB&M

Place of Storage:

*Proposed:* Los Gatos Recharge System - NE¼ of SE¼ of projected Section 3, T8S, R1W, MDB&M

Amount:

9,090 acre-feet per year and a maximum diversion rate of 80 cfs to underground storage

Season:

November 15 of each year to May 1 of the succeeding year

Purpose of Use:

*Existing:* Irrigation, Domestic

*Proposed:* Municipal and Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* Within Santa Clara Valley Water District's gross service area of 240,000 acres including 143,900 irrigated acres, as shown on project map (revised November 1981) filed with State Water Resources Control Board

*Proposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal) Natural channel of Los Gatos Creek between Kirk Dam and San Francisco Bay (Fish and Wildlife Preservation and Enhancement)

**Summary of License 2205 (Application 7141)**

Source:

Almaden Creek tributary to Guadalupe Creek

Points of Diversion and Points of Rediversion:

Diversion:

Almaden Dam - NW¼ of SW¼ of projected Section 11, T9S, R1E, MDB&M Rediversion:

*Proposed:* Alamitos Diversion (A) SE¼ of SW¼ of projected Section 9, T6S, R1E, MDB&M

Alamitos Diversion (B) SE¼ of SW¼ of projected Section 9, T6S, R1E, MDB&M

Place of Storage:

Almaden Reservoir - NW¼ of SE¼ of projected Section 11, T9S, R1E, MDB&M

Place of Percolation/Diversion to Underground Storage:

*Proposed:* Almaden Percolation Pond - NW¼ of SW¼ of projected Section 9, T6S, R1E, MDB&M

*Proposed:* Guadalupe Percolation Pond Complex - NW¼ of SW¼ of projected Section 9, T8S, R1E, MDB&M

Instream Recharge:

*Proposed:* Alamitos Creek: Various, Various, 8S, R1E, MDB&M Guadalupe River: Various, Various, Various, Various, MDB&M

Amount:

2,500 acre-feet per year

Season:

December 1 of each year to April 30 of the succeeding year

Purpose of Use:

*Existing:* Irrigation, Domestic

*Proposed:* Municipal and Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* Net area of 126,000 acres within a gross area of 155,800 acres within T5S, T6S, T7S, T8S, T9S, R1W and R2W, R1E and R2E, R3E, MDB&M

*Proposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal) and Natural channel of Alamitos Creek between Almaden Dam and San Francisco Bay (Fish and Wildlife Preservation and Enhancement).

**Summary of License 2206 (Application 7142)**

Source:

Guadalupe Creek tributary to San Francisco Bay

Point of Diversion and Rediversion:

Diversion:

Guadalupe Dam - NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 30, T8S, R1E, MDB&M

Rediversion:

*Proposed:* Masson Dam - NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 18, T8S, R1E, MDB&M

*Proposed:* Alamitos Diversion (A) SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T6S, R1E, MDB&M

Alamitos Diversion (B) SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T6S, R1E, MDB&M

Amount:

3,500 acre-feet per year

Season:

December 1 of each year to April 30 of the succeeding year

Place of storage:

Guadalupe Reservoir - NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 30, T8S, R1E, MDB&M

Place of Percolation/Diversion to Underground Storage:

*Proposed:* Guadalupe Percolation Pond Complex - NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T8S, R1E, MDB&M

Instream Recharge:

*Proposed:* Guadalupe Creek:

Various, Various, Various, Various, Various

*Proposed:* Guadalupe River:

Various, Various, Various, Various, Various

Purposes of Use:

*Existing:* Irrigation and Domestic use

*Proposed:* Municipal and Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* Net area of 126,000 acres within a gross area of 155,800 acres within

T5S, T6S, T7S, T8S, T9S, R1W and R2W, R1E and R2E, R3E, MDB&M

*Purposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal) and Natural channel of Guadalupe Creek between Guadalupe Dam and San Francisco Bay (Fish and Wildlife Preservation and Enhancement)

**Summary of License 2207 (Application 7143)**

Source:

Stevens Creek tributary to San Francisco Bay

Point of Diversion:

Stevens Creek Dam - NW<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub> of Section 27, T7S, R2W, MDB&M

Place of Storage:

Stevens Creek Reservoir - NW<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub> of Section 27, T7S, R2W, MDB&M

Instream Recharge:

*Proposed:* Stevens Creek - Various, Various, Various, Various, MDB&M

Amount:

4,000 acre-feet per year

Season:

December 1 of each year to April 30 of the succeeding year

Purposes of Use:

*Existing:* Irrigation and Domestic use

*Proposed:* Municipal and Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* Net area of 126,000 acres within a gross area of 155,800 acres within

T5S, T6S, T7S, T8S, T9S, R1W and R2W, R1E and R2E, R3E, MDB&M

*Purposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal) and Natural channel of Stevens Creek between Stevens Creek Dam and San Francisco Bay (Fish and Wildlife Preservation and Enhancement).

**Summary of License 2208 (Application 8098)**

Source:

Calero Creek tributary to Alamos Creek thence Guadalupe Creek

Point of Diversion and Rediversion:

Diversion:

Calero Dam - NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 6, T9S, R2E, MDB&M

Rediversion:

*Proposed:* Alamos Diversion (A) SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T6S, R1E, MDB&M

Alamos Diversion (B) SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T6S, R1E, MDB&M

Place of Storage:

Calero Reservoir - NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 6, T9S, R2E, MDB&M

Place of Percolation/Diversion to Underground Storage

Instream Recharge:

*Proposed:* Calero Creek: Various, Various, Various, Various, Various

Guadalupe River: Various, Various, Various, Various, Various

Guadalupe Recharge System:

*Proposed:* NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T8S, R1E, MDB&M

Amount:

3,500 acre-feet per year by storage

Season:

December 1 of each year to April 30 of the succeeding year

Purpose of Use:

*Existing:* Irrigation, Domestic

*Proposed:* Municipal, and Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* Net area of 126,000 acres within a gross area of 155,800 acres within T5S, T6S, T7S, T8S, T9S, R1W and R2W, R1E and R2E, R3E, MDB&M

*Proposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal) and Natural channel of Calero Creek, Alamos Creek, and Guadalupe River between Calero Dam and San Francisco Bay (Fish and Wildlife Preservation and Enhancement)

**Summary of License 2209 (Application 8099)**

Source:

Almaden Creek tributary to Guadalupe Creek

Point of Diversion and Points of Rediversion:

Diversion:

Almaden-Calero Canal - NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 11, T9S, R1E, MDB&M  
Rediversion:

*Proposed:* Calero Dam - NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 6, T9S, R2E, MDB&M

*Proposed:* Alamitos Diversion (A) SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T6S, R1E, MDB&M

Alamitos Diversion (B) SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T6S, R1E, MDB&M

Place of storage:

Calero Reservoir - NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 5, T9S, R2E, MDB&M

Place of Percolation/Diversion to Underground Storage:

Instream Recharge:

*Proposed:* Calero Creek: Various, Various, Various, Various, Various

*Proposed:* Guadalupe River: Various, Various, Various, Various, Various

Guadalupe Percolation Pond Complex:

*Proposed:* NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T8S, R1E, MDB&M

Amount:

6,000 acre-feet per year by storage at a rate not to exceed 100 cfs

Season:

December 1 of each year to April 30 of the succeeding year

Purpose of Use:

*Existing:* Irrigation, Domestic

*Proposed:* Municipal Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* Net area of 126,000 acres within a gross area of 155,800 acres within T5S, T6S, T7S, T8S, T9S, R1W and R2W, R1E and R2E, R3E, MDB&M

*Proposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal), Natural channel of Calero Creek, Alamitos Creek, and Guadalupe River between Calero Dam and San Francisco Bay (Fish and Wildlife Preservation and Enhancement), and Natural instream recharge in Calero Creek to the groundwater basin through conjunctive use with surface water (Distribution of Storage)

### **Summary of License 6944 (Application 8387)**

Source:

Los Gatos Creek tributary to Guadalupe Creek

Point of Diversion and Rediversion:

Diversion:

Vasona Dam - NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 10, T8S, R1W, MDB&M

Rediversion:

Kirk Dam/Diversion - SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 3, T8S, R1W, MDB&M

Place of Storage:

Vasona Reservoir - NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 10, T8S, R1W, MDB&M

Place of Percolation/Diversion to Underground Storage:

Instream Recharge:

*Proposed:* Los Gatos Creek - Various, Various, Various, Various, MDB&M

Los Gatos Recharge System

*Proposed:* NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 3, T8S, R1W, MDB&M

Amount:

1,684 acre-feet per year

Season:

December 1 of each year to June 1 of the succeeding year

Purpose of Use:

*Existing:* Irrigation, Domestic

*Proposed:* Municipal and Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* 159,075 acres within the Santa Clara Valley Water District

*Proposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal), and Natural channel of Los Gatos Creek and Guadalupe River between Vasona Dam and San Francisco Bay (Fish and Wildlife Preservation and Enhancement)

**Summary of License 2837 (Application 9455)**

Source:

Guadalupe Creek tributary to San Francisco Bay

Points of Diversion:

Masson Dam - NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 18, T8S, R1E, MDB&M

Points of Percolation/Diversion to Underground Storage:

*Proposed:* Guadalupe Percolation Pond Complex - NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 9, T8S, R1E, MDB&M

Place of Storage:

*Proposed:* Los Capitancillos Pond - NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 17, T8S, R1E, MDB&M

Amount:

0.77 cubic feet per second (cfs)

Season:

October 1 of each year to May 1 of the succeeding year

Purpose of Use:



*Existing:* Irrigation, Domestic and Industrial

*Proposed:* Municipal, Industrial, and Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* projected Sections 1, 2, 10, 11, 12, 13, 14, 15, and 16, T8S, R1W, MDB&M, and Sections 6, 7, 8, and 18, T8S, R1E, MDB&M

*Proposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal)

**Summary of License 5729 (Application 11751)**

Source:

Los Gatos Creek tributary to Guadalupe River

Point of Diversion and Rediversion:

Diversion:

Lenihan Dam - SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 29, T8S, R1W, MDB&M

Rediversion:

Vasona Dam - NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 10, T8S, R1W, MDB&M

Kirk Dam/Diversion - SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 3, T8S, R1W, MDB&M

Place of Storage:

Lexington Reservoir - SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 29, T8S, R1W, MDB&M

Place of Percolation/Diversion to Underground Storage:

Instream Recharge:

*Proposed:* Los Gatos Creek - Various, Various, Various, Various, MDB&M

Los Gatos Recharge System

*Proposed:* Budd Avenue Ponds, Sunnyoaks Ponds, Page Ponds, Oka Ponds, Mcglincey Ponds, Camden Ponds, Section 7S/8S, R1W, MDB&M

Amount:

30,000 acre-feet per year

Season:

November 1 of each year to May 15 of the succeeding year

Purpose of Use:

*Existing:* Irrigation, Domestic

*Proposed:* Municipal and Fish and Wildlife Preservation and Enhancement

Place of Use:

*Existing:* Net area of 126,000 acres within a gross area of 155,800 acres within T5S, T6S, T7S, T8S, T9S, R1W and R2W, R1E and R2E, R3E, MDB&M

*Proposed:* Santa Clara Valley Water District Service Area within Santa Clara County (Municipal) Natural channel of Los Gatos Creek between Lenihan Dam and San Francisco Bay (Fish and Wildlife Preservation and Enhancement)

Valley Water is the lead agency for the project under the California Environmental Quality Act. On August 8, 2023, Valley Water certified a Final Environmental Impact Report for the project and selected the FAHCE PLUS alternative for implementation.

The project revised petitions and environmental documents will be available on Valley Water's website at the following link: <https://www.valleywater.org/project-updates/creek-river-projects/fahce-fish-and-aquatic-habitat-collaborative-effort>

Pursuant to California Water Code section 1703.1, any interested person may file a protest to the proposed changes described in this notice. Protests filed in response to this notice should be submitted to the persons listed below and must be received by the Division on June 24, 2024. Protests may be provided via email prior to the deadline; however, a copy of the original signed letter of protest must be subsequently filed with the Division. Protests should identify which proposed changes are being protested. Protest requirements and submittal information can be found here:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/docs/protestsubmittalinfo.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/docs/protestsubmittalinfo.pdf)

If you have any questions regarding this matter, please contact Mina Mohammadzadeh by e-mail at: [Mina.Mohammadzadeh@waterboards.ca.gov](mailto:Mina.Mohammadzadeh@waterboards.ca.gov)

The Division of Water Rights must receive protests by **4:30 p.m. on June 24, 2024**. A copy of the protest must also be sent to the Petitioner, Ryan Heacock, by email at: [rheacock@valleywater.org](mailto:rheacock@valleywater.org).

Date of Notice: **May 23, 2024**