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## State Water Resources Control Board

### **NOTICE OF STATUS CONFERENCE AND PROCEDURAL RULING**

The State Water Resources Control Board  
Administrative Hearings Office  
will hold a Status Conference on the  
Pending Petitions for Change for 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.**

**The Status Conference will begin on  
April 20, 2026, at 9:00 a.m.**  
and will be held by Zoom teleconference.

Representatives of parties will receive an individual invitation  
to join the hearing by e-mail from Zoom

**Parties or interested members of the public who would like to watch this hearing  
without participating may do so through the Administrative Hearings Office  
YouTube channel at: [bit.ly/aho-youtube](https://bit.ly/aho-youtube).**

## **BACKGROUND**

On May 12, 2015, Santa Clara Valley Water (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 for Licenses 5729, 6944, 2205, 2206, 2207, and 2208, and Water Code section 1701 for Licenses 11791, 2209, 2837, and 6943 (Petitions). Valley Water filed the 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.

The Petitions were publicly noticed on May 23, 2024, and were protested by San Francisco BayKeeper, California Trout and Northern California Council, Fly Fishers International (collectively, Conservation Groups), and CDFW. On September 27, 2024, the Board's Executive Director assigned the Petitions to the Administrative Hearings Office (AHO) for further proceedings. The parties retained a mediator to assist in the protest resolution process.

On January 16, 2025, the parties submitted to 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 February 11, 2026, the AHO held a status conference to discuss next steps to complete the proceeding and any additional information needed from the parties for the Deputy Director for the Division of Water Rights (Deputy Director) to issue amended water right licenses and an order approving the change petitions.

## **PROCEDURAL RULING**

As discussed during the February 11, 2026, Status Conference, the AHO will prepare in consultation with the Division of Water Rights a draft order and amended licenses for consideration by the Deputy Director. Valley Water shall submit a proposed draft order approving the petitions and draft amended licenses for Licenses 6943 (A005653), 11791 (A005654), 2205 (A007141), 2206 (A007142), 2207 (A007143), 2208 (A008098), 2209 (A008099), 6944 (A008387), 2837 (A009455), and 5729 (A0011751) by April 10, 2026. Valley Water shall address the following items in its proposed draft order:

- Description of the subject licenses, including current and anticipated underground storage activities;
- Description of the proposed changes to each license;
- Resolution of the protests and the FHRP;

- Identification of FHRP objectives developed for purposes of adaptive management only, and objectives developed to be enforced as terms and conditions of the water right licenses;
- Findings, with supporting evidence, that approval of the petitions will not result in injury to any other legal user of water or effectively initiate a new water right (see Wat. Code, § 1702; Cal. Code Regs., tit. 23, § 791, subd. (a));
- Findings, with supporting evidence, that approval of the petitions will not cause unreasonable effects on fish, wildlife, or other instream beneficial uses, will protect public trust resources to the extent feasible, and is in the public interest (Order WR 2009-0033, p. 6, fn. 4, citing *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419);
- Findings, with supporting evidence, that approval of the petitions will comply with Fish & Game Code section 5937 (Fish & G. Code, § 5937; Cal. Code Regs., tit. 23, § 782);
- Findings, with supporting evidence, that the instream flow dedication will not increase the amount of water Valley Water is entitled to use, will not unreasonably affect any legal user of water, and will otherwise meet the requirements of Division 2 of the Water Code (Wat. Code, § 1707).

The proposed draft amended licenses shall address the following items:

- The coordinates of the upstream limit and downstream limit in each amended license for the place of use of Fish and Wildlife Preservation and Enhancement, which is the extent of instream flow dedication for each license;
- The places of surface storage and infiltration to underground storage;
- The place(s) of underground storage;
- The place(s) of use;
- Incorporation by reference of any applicable mitigation measures and documents prepared pursuant to the California Environmental Quality Act;
- Incorporation of the January 16, 2026, Settlement Agreement; and
- Any plans, monitoring, or methodologies to be relied upon to quantify and account for amounts of water diverted to storage, placed into underground storage, and subsequently put to beneficial use.

The AHO is providing example orders and amended permits or licenses to facilitate Valley Water’s preparation of a draft order and draft amended licenses. These examples are available on the AHO’s FTP site for this proceeding, in a folder labelled “Examples.” The Division of Water Rights maintains a water right template that may also be used to prepare draft amended licenses, available at [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/permits/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/permits/).

Valley Water shall also submit draft amended maps for each license in pdf format by April 10, 2026.

**ORDER OF PROCEEDING**

Following Valley Water’s submission of a draft order and draft amended licenses, AHO staff will review the materials and prepare a draft proposed order and draft amended licenses for circulation to the parties. Following an opportunity to comment by the parties, receipt of notices of protest dismissal by each protesting party, and receipt of maps that meet the requirements of sections 715 through 723 of Title 23 of the California Code of Regulations, the AHO shall submit a proposed order and amended licenses to the Deputy Director for signature and issuance.

**STATUS CONFERENCE AND STATUS CONFERENCE STATEMENTS**

The AHO hearing officer will hold a status conference on the date and at the time specified on the first page of this notice by Zoom teleconference. No in-person appearances will be allowed. The status conference will be held and electronically recorded by Zoom teleconference. The AHO will not retain a court reporter for the status conference. Any party may arrange for a court reporter at the party’s own expense.

During the status conference, the AHO hearing officer will discuss with the parties’ representatives any outstanding items related to the draft order and draft amended licenses submitted by Valley Water and the proceeding schedule moving forward. Parties should be prepared to raise any objections to the draft order and draft amended licenses submitted by Valley Water during the status conference.

**SUBMITTAL OF DOCUMENTS TO AHO AND OTHER PARTIES**

All documents submitted to the AHO shall be addressed and submitted by e-mail, including all parties on the service list in the cc field:

<b>Method</b>	<b>Address</b>
Email	<a href="mailto:AdminHrgOffice@waterboards.ca.gov">AdminHrgOffice@waterboards.ca.gov</a> with subject line “Valley Water Change Petitions”

**STATUS CONFERENCE LIVE-STREAM AND RECORDING**

The status conference will be live streamed through the Administrative Hearings Office YouTube channel, accessible by clicking on the link provided below. After the conclusion of the conference, a recording of the YouTube live-stream of the conference will be available on the Administrative Hearings Office YouTube channel. These recordings will include automatic captions for accessibility.

The live stream and recordings may be accessed at the following link:  
<https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8l-C7Nig/videos?view=57m>

March 9, 2026  
Date

  
Nicole Kuenzi, Hearing Officer

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