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**RECEIVED**  
February 24, 2020  
**Commission on  
State Mandates**

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24 February 2020

Ms. Heather Halsey, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

*Subject:* Santa Clara Valley Water District Test Claim 17-TC-04  
Opinion on Rehearing in *Paradise Irrigation District v. Commission on State Mandates*

Dear Ms. Halsey:

I write to update the Commission on the status of a case cited in the rebuttal comments of the Santa Clara Valley Water District (“District”) in this matter. In its rebuttal comments, filed on 1 October 2018, the District distinguished the opinion published that day in *Paradise Irrigation District v. Commission on State Mandates*, 27 Cal.App.5th 1056. Subsequently, the Court of Appeal granted a petition for rehearing in that case, vacated its original opinion, and published a modified opinion at 33 Cal.App.5th 174. The modified opinion reaches the same ultimate conclusion as the original opinion and is distinguishable on the same grounds, as explained in the District’s rebuttal comments.

Thank you for your attention to this matter and for your service.

Sincerely,

BRISCOE IVESTER & BAZEL LLP

*/s/ Peter Prows*

Peter Prows  
Counsel for the District

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On February 25, 2020, I served the:

- **Current Mailing List dated February 24, 2020**
- **Claimant's Additional Late Comments on the Test Claim filed February 24, 2020**

*Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project, 17-TC-04*

San Francisco Bay Regional Water Quality Control Board (SFRWQCB) Order No. R2-2017-0014, Provision B. 19, effective April 12, 2017

Santa Clara Valley Water District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 25, 2020 at Sacramento, California.



Lorenzo Duran  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 2/24/20

**Claim Number:** 17-TC-04

**Matter:** Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project

**Claimant:** Santa Clara Valley Water District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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