

Santa Clara Valley Water District

Phone: 408 265 2600

Fax: 408 445 1435



cc: COB  
CEO  
Dist. Counsel  
Risk

**Claim Against the  
Santa Clara Valley Water District  
California Government Code  
Sections 900 and following.**

General Counsel form updated July, 2003

**Serve or mail this form to:** Clerk of the Board  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, California 95118

For Office Use Only: *via email*

Date Received:

By: '16 JUN 16 PM 3:45

1. Name(s) and Addresses) of the person or persons making the claim	Name(s): <b>Roy B. Woolsey</b> Address: <b>26649 Snell Lane, Los Altos Hills, CA 94022</b> Phone number (optional): <b>(650) 941-5236</b>
2. Is this claim filed on behalf of a minor? Yes ___ No <u>X</u>	If so, please indicate minor's date of birth: Relationship of claim filer to minor:
3. Name and address of the person to who notices are to be sent, if different than Number 1.	Name: <b>Same</b> Address:
4. Date, place and other circumstances of the occurrence, incident, injury or transaction.  <i>Attach additional sheets for more space, if needed</i>	Date: <b>Continuous</b> Location (address and or nearest intersection): <b>Well No. 06S03W25B001, located at 26649 Snell Lane, Los Altos Hills, CA</b> Other circumstances, including time, if known:
5. Describe the debt, obligation, injury, damage or loss suffered so far as they are known. Include a description of the facts giving rise to the claim and why you believe the Santa Clara Valley Water District is responsible.  <i>Attach additional sheets for more space, if needed, and photos, if available.</i>	Description: <b>Because of a translation or other error, the metes and bounds description of the Zone W-2 boundary approved on December 28, 1971 does not agree with the Board's intent as described in a geographic map approved on October 19, 1971 and contained in the accompanying material for the December 28, 1971 Board meeting agenda item, a geographic map which clearly excludes my lot and well. Therefore the SCVWD needs to refund the groundwater extraction payments made under this erroneous metes and bounds description of the Zone W-2 boundary, which amount to \$2,496.24, plus interest. The District also needs to correct the metes and bounds description of Zone W-2.</b> <b>A complete discussion of this matter is contained in the three page attachment to this claim form.</b>
6. Name of the District employee who caused the injury, if known.	Name: <b>N/A</b>
7. Is the amount of this claim now:	Under \$10,000? Yes <u>X</u> No ___ Over \$10,000? Yes ___ No <u>X</u>
8. If the amount is now over \$10,000, is this:	A Limited Civil Case? (Less than \$25,000) Yes ___ No ___ An Unlimited Civil Case? (Greater than \$25,000) Yes ___ No ___
Signature:  <i>Roy B. Woolsey</i> Date: <b>16 June 2016</b>	Additional Signature(s):  <b>N/A</b> Date(s):

## Description for Item 5 of Claim against the Santa Clara Valley Water District

Because of a translation or other error, the metes and bounds description of the Zone W-2 boundary approved on December 28, 1971 does not agree with the Board's intent as described in a geographic map approved on October 19, 1971 and contained in the accompanying material for the December 28, 1971 Board meeting agenda item, a geographic map which clearly excludes my lot and well. Therefore the SCVWD needs to refund the payments made under this erroneous metes and bounds description of the Zone W-2 boundary. The District also needs to correct the metes and bounds description of Zone W-2 to agree with the map approved on October 19, 1971.

In its meeting of October 19, 1971, the Board approved an updated Zone W-2 boundary map which clearly excluded my property in Los Altos Hills, as well as the properties of several of my neighbors who also are water well owners. The relevant portion of that map is reproduced in Figure 1 below.

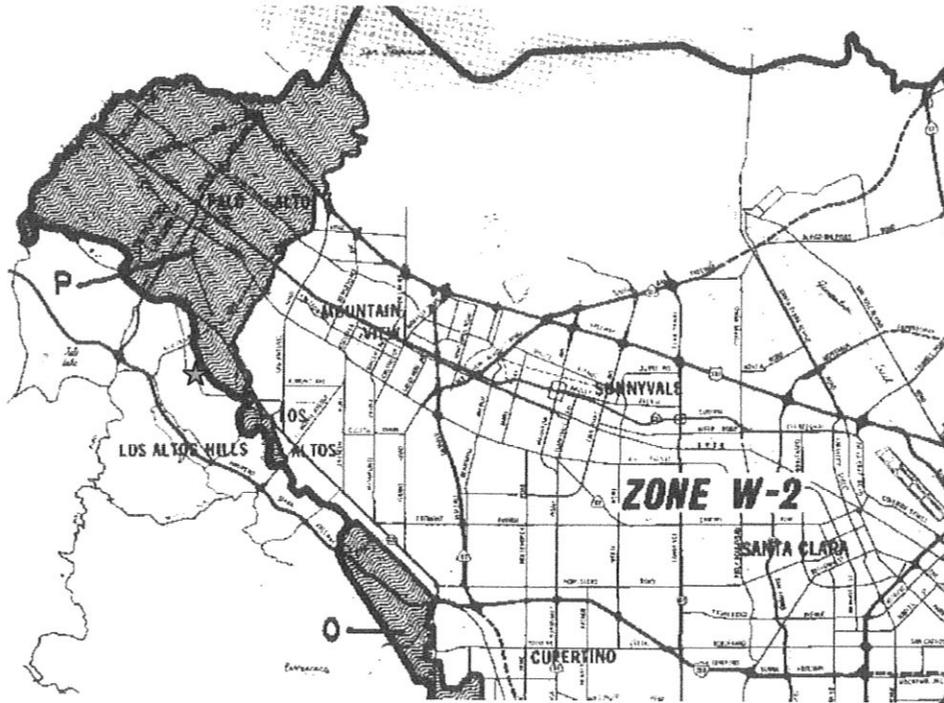


Figure 1. The Los Altos Hills region from the Zone W-2 map in the Board Meeting Minutes. Note Fremont Rd. between Conception Rd. and Arastradero Rd. is significantly west of the revised Zone W-2 boundary, and my lot and well as shown by the star is also west of the revised Zone W-2 boundary

The propose of this change in the Zone boundary was stated in the agenda item packet for the December 28, 1971 meeting as follows: "The proposed expansion of the Zone is to make it more nearly conform to the common geologic groundwater basin, thus including all of those water producing facilities which benefit directly from the District's water conservation and groundwater recharge activities."

The Board in its December 28, 1971 meeting approved a metes and bounds description of the Zone boundary -- seventeen pages of detailed "fine print" text, with the identical geographic map approved in the October 19, 1971 meeting contained in the accompanying material for this Board meeting agenda item. That seventeen-page metes and bounds description of the boundary is in fact different than the boundary illustrated in the geographic map of October 19, 1971 and includes my property, as illustrated in the map of Figure 2, which was produced by the District long after approval of the erroneous metes and bounds description.

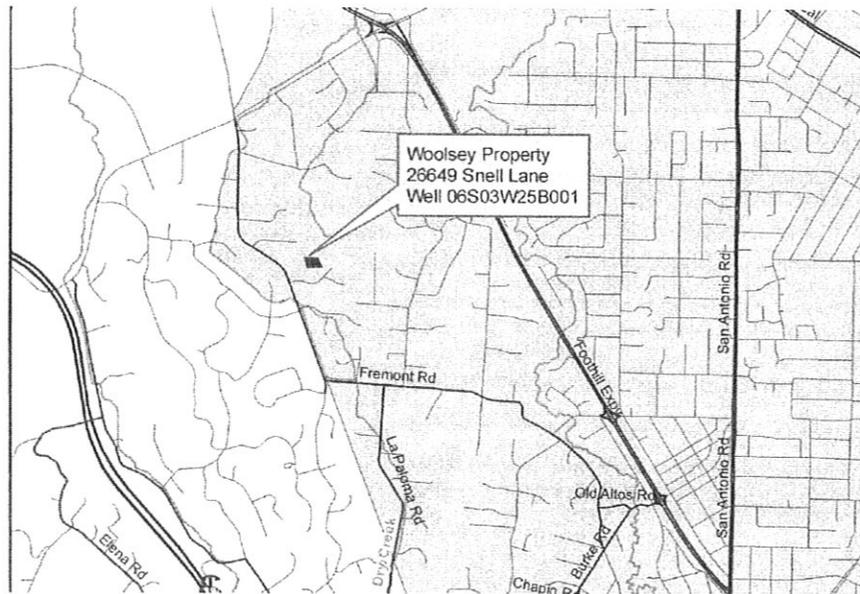


Figure 2. Location of well in relation to Zone W-2 boundary as defined by the metes and bounds description.

I filed a public records request to determine whether or not the Board knew or received any notice or information that the metes and bounds description approved on December 28, 1971 was different than the map approved on October 19, 1971. In response to that request, the District produced NO maps, memos or other information that would suggest the Board had any idea that the metes and bounds it approved on December 28, 1971 were different from the map approved on October 19, 1971. Rather, the identical geographic map approved in the October 19, 1971 meeting was contained in the accompanying material for this December 28, 1971 Board meeting agenda item. The minutes of the December 28, 1971 meeting make no mention of any change from the October 19, 1971 map, and do not include any revised map. There was no discussion of any geological or hydrological reason for the deviation from what the Board thought the natural boundary of Zone W-2 should have been based on the October 19, 1971 map. So in conclusion, it is clear that the Board thought it was approving metes and bounds which excluded my lot, but which in fact included my lot.

On the basis of this information, the Board should amend the metes and bounds description of the Zone W-2 boundary to exclude my lot and well.

Furthermore, the Board should refund the groundwater extraction charges that were erroneously assessed based on this error in the metes and bounds description of the Zone W-2 boundary. I understand that the statute of limitations may restrict the amount of the refund the Board is able to issue, perhaps just to the last three years of the total of \$2,496.24 of erroneous charges itemized in my letter to the Board of December 9, 2015, but at least the Board can direct the refund of these last three years of payments that total \$628.74. All groundwater extraction charges paid over the years are itemized as follows:

<b>Year</b>	<b>Amount</b>	<b>Year</b>	<b>Amount</b>	<b>Year</b>	<b>Amount</b>
1989 - 1990	\$66.63	1999 - 2000	\$35.34	2008 - 2009	\$119.39
1990 - 1991	\$95.62	2000 - 2001	\$27.75	2009 - 2010	\$170.71
1991 - 1992	\$138.94	2001 - 2002	\$39.39	2010 - 2011	\$131.30
1992 - 1993	\$116.08	2002 - 2003	\$80.40	2011 - 2012	\$142.38
1993 - 1994	\$77.13	2003 - 2004	\$57.68	2012 - 2013	\$192.77
1994 - 1995	\$111.29	2004 - 2005	\$81.81	2013 - 2014	\$170.16
1995 - 1996	\$114.60	2005 - 2006	\$37.60	2014 - 2015	\$265.81
1997 - 1998	\$21.48	2006 - 2007	\$55.92		
1998 - 1999	\$62.08	2007 - 2008	\$83.98	<b>TOTAL</b>	<b>\$2,496.24</b>

In summary, the SCVWD needs to correct the translation or other error introduced in 1971 when the metes and bounds description of the Zone W-2 boundary did not correctly implement the expansion of Zone W-2 approved by the Board, and the Board needs to refund to me the groundwater extraction charges erroneously assessed against me as a result of the erroneous metes and bounds description of the Zone W-2 boundary.