

Santa Clara Valley Water District

Phone: 408 265 2600
 Fax: 408 445 1435



**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:
 Date Received: 12/30/21
 By: M. King

1. Name(s) and Address(es) of the person or persons making the claim	Name(s):Great Oaks Water Company Address:20 Great Oaks Blvd., Ste. 120 San Jose, CA 95119 Phone number (optional):
2. Is this claim filed on behalf of a minor? Yes ___ No X	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: Timothy S. Guster, General Counsel Great Oaks Water Company Address: PO Box 23490, San Jose, CA 95153
4. Date, place and other circumstances of the occurrence, incident, injury or transaction. <i>Attach additional sheets for more space, if needed.</i>	Date: See attached. Location (address and or nearest intersection): 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: See attached.
6. Name of the District employee who caused the injury, if known.	Name: Board of Directors, Santa Clara Valley Water District and all staff of the Santa Clara Valley Water District involved in the groundwater charge process, including Office of District Counsel
7. Is the amount of this claim now:	Under \$10,000? Yes ___ No X Over \$10,000? Yes X No ___
8. If the amount is now over \$10,000, is this:	A Limited Civil Case? (Less than \$25,000) Yes ___ No X An Unlimited Civil Case? (Greater than \$25,000) Yes X No ___
Signature: Jared Ajlouny, Vice President Date: 12/29/2021	Additional Signature(s): Date(s):

**VERIFIED CLAIM BY GREAT OAKS WATER COMPANY
AGAINST SANTA CLARA VALLEY WATER DISTRICT**

Great Oaks Water Co. (“Great Oaks”) hereby asserts the following claims against and requests the following relief from the Santa Clara Valley Water District (“Valley Water”):

1. Valley Water, pursuant to its Resolution 21-23, has levied and collected, and will levy and collect, groundwater charges from Great Oaks in violation of the Santa Clara Valley Water District Act (District Act) and Great Oaks is entitled to a refund of all groundwater charges unlawfully levied and collected under the authority of Resolution 21-23, for water produced from July 1, 2021 through June 30, 2022.
2. All payments by Great Oaks of the groundwater charges have been and will be made “under protest.”
3. To the extent any or all of the groundwater charges levied and collected by Valley Water from Great Oaks under the Resolution referenced in item 1 above are considered assessments on real property, Great Oaks claims it is entitled to a refund of any such groundwater charges, plus interest, for the reason and on the grounds that Valley Water has failed to comply with Constitutional procedural and substantive requirements governing assessments.
4. To the extent any or all of the groundwater charges levied and collected by Valley Water from Great Oaks under the Resolution referenced in item 1 above are considered taxes, Great Oaks claims it is entitled to a refund of any such groundwater charges, plus interest, for the reason and on the grounds that Valley Water has failed to comply with Constitutional procedural and substantive requirements governing taxes.
5. Any or all of the groundwater charges levied and collected by Valley Water from Great Oaks under the Resolution referenced in item 1 above are governed by Proposition 26 [Article XIIC] adopted by the voters of the State of California on November 2, 2010, and Great Oaks is entitled to a refund of such groundwater charges, plus interest, for the reason and on the grounds that Valley Water has failed to comply with the procedural and substantive requirements of Proposition 26.
6. The groundwater charges levied and collected by Valley Water from all water producers under the Resolutions referenced are more than is necessary to cover the reasonable costs of the governmental activity for which the charges are levied and, as a result, Great Oaks is entitled to a refund of the groundwater charges it has paid and will pay under the Resolution referenced in item 1 above.
7. The manner in which Valley Water allocates the costs of the governmental activities for which the charges are levied do not bear a fair or reasonable relationship to Great Oaks’ burdens on, or benefits received from the governmental activities and, as a result, Great Oaks is entitled to a refund of the groundwater charges it has paid and will pay under the Resolution referenced in item 1 above.
8. No administrative record supporting the Resolution referenced in item 1 above has been identified or produced by Valley Water, preventing Valley Water from establishing that the manner in which Valley Water allocates the costs of the governmental activities for which the charges are levied bear a fair or reasonable relationship to Great Oaks’ burdens on, or

benefits received from the governmental activities funded through the groundwater charges, thereby rendering such charges unlawful in whole or in part.

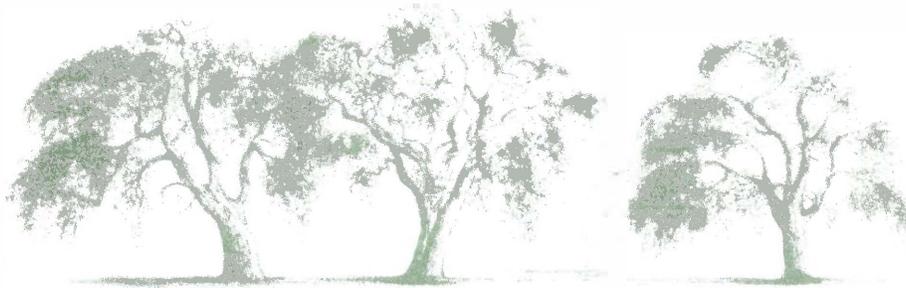
9. The lack of an administrative record also results in a complete failure to support Valley Water's "discounted" groundwater charges levied for water produced for agricultural purposes, rendering such "discounted" groundwater charges unlawful.
10. Section 26.3 of the District Act restricts Valley Water's expenditures of groundwater charge revenues to those purposes specifically designated therein. Valley Water, by virtue of its policies and accounting practices, has caused groundwater charge revenues to be expended for purposes other than those specifically designated in Section 26.3 of the District Act. Great Oaks is entitled to a refund of its proportional share of all groundwater charges levied and collected, and to be levied and collected, under the Resolution referenced in item 1 above, that have been and will be expended on purposes not specifically designated in Section 26.3 of the District Act, plus interest.
11. At the time Valley Water adopted groundwater charges in the Resolution referenced in item 1 above, Valley Water knew or should have known that it would not be providing managed groundwater recharge in either the amount represented in such Resolution, or in locations that would serve or benefit Great Oaks to the extent represented by SCVWD when adopting such groundwater charges, or both. As a result, the groundwater charges levied upon Great Oaks' production of groundwater are not based upon Great Oaks' burdens on, or benefits received from District activities pertaining to Great Oaks. As a result, for the period of time covered by this claim, excessive groundwater charges have been and are being levied against Great Oaks' production of groundwater in violation of the District Act and the California Constitution, and Great Oaks is entitled to a refund of such charges, in whole or in part.

I declare under penalty of perjury that foregoing is true and correct. Executed at San Jose, California on December 29, 2021.

Date: December 29, 2021

Great Oaks Water Company


By Jared Ajlouny
Vice President



GREAT OAKS WATER COMPANY

December 30, 2021

P. O. Box 23490
San Jose, California 95153
(408) 227-9540

HAND-DELIVERED

Clerk of the Board
Santa Clara Valley Water District
5750 Almaden Expressway
San José, CA 95118

RE: Claim Against the Santa Clara Valley Water District

Dear Clerk of the Board:

Transmitted with this letter is a Claim against the Santa Clara Valley Water District pertaining to groundwater charges, together with an extra copy of the claim and a postage-prepaid return envelope.

Kindly acknowledge receipt of the Claim and return to me a time or date-stamped copy in the envelope provided for that purpose.

Respectfully,

Timothy S. Guster
Vice President and General Counsel
Legal and Regulatory Affairs

Enclosures: Claim (original) plus one copy
Postage-Prepaid Return Envelope