



CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT California Government Code Sections 900 and following

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The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to: Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118 Or submit the completed form electronically to: clerkoftheboard@valleywater.org	Clerk of the Board's Date Stamp 7/19/22	
	For SCVWD Use Only	
	Date Received:	ROUTING
	<input type="checkbox"/> Via U.S. Mail:	<input checked="" type="checkbox"/> CEO:
	<input type="checkbox"/> Hand Delivered:	<input checked="" type="checkbox"/> District Counsel
	<input checked="" type="checkbox"/> E-mail: COB	<input checked="" type="checkbox"/> Risk Management
	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB
	<input checked="" type="checkbox"/> BOD (District #): 4	

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: Andres Carrasco				
Address of Claimant: 4649 Hampton Falls Place		City: San Jose	State: CA	Zip: 95136
Mailing Address to Which Notices Should be Sent if Different From Above:		City:	State:	Zip:
Home Phone Number: 408-916-7271		Cell Phone Number: 408-916-7271		Work Phone Number: 408-916-7271
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: _____ Relationship to the minor: _____		
Date and time of incident or loss: June 11, 2022	Location of incident or loss (address): 4649 Hampton Falls Place San Jose, CA 95136		Is there a police report? <input checked="" type="checkbox"/> Yes If Yes, Police Report #: 192533264 <input type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (*Please attach additional sheets if necessary*):

A large 6' x 3' double paned window facing my front patio was broken by a vandal using a rock thrown from Guadalupe River, property that falls under the ownership/stewardship of either San Jose Water Company, Santa Clara Valley Water District, or both. In past years, these entities have had considerable difficulty ensuring that homes facing the river are protected from vandals using the pathways along the river. From May 13, 2019, a pilot program was put in place by Santa Clara Valley Water District and local police to clean up the creeks and rivers, but as far as I can tell, this has been ineffective in preventing the kind of vandalism I am reporting here. I have had two other windows broken, once on 06/06/2019 and on 09/10/2019. I filed claims for those incidents as well, but have received acknowledgement only for the 6/6/19 incident (claim L900004). However, I never received payment for that claim (\$1,900.00), nor any additional response since. The other claim for the 09/10/19 incident was for a smaller window, so the amount was for \$395.00. Further, since I have reason to believe that this claim may also not be paid, I am currently looking into hiring legal counsel to assist me in securing reimbursement for all three windows.



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In detail, describe the damage or injury *(Please attach additional sheets if necessary)*:

On the evening of June 11, 2022, at approximately 7:05pm, while working in my upstairs office, I heard a loud crash. It sounded like it came from downstairs, and I suspected that something had fallen, like maybe a picture frame off the wall. I came downstairs to inspect and everything looked normal, until I came to view the large double paned window above my patio door. Sure enough, after surveying the damage outside, I found the rock that was thrown. I did not witness anyone in the vicinity that could have caused the damage. My patio overlooks Guadalupe river, approximately 800 ft. south of the Branham Lane overpass. Directly across from our patio, there is a homeless encampment where a number of people occasionally stay. A number of people also use the path along the river for jogging/biking.

List Name(s) and contact information of any witness(es) or District employee involved (if any):

No witnesses were observed on the trail or at the homeless encampment.

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000?

☒ Yes

☐ No

Court Jurisdiction: (Check One)

☒ Limited Civil

☐ Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Reimbursement for cost to repair my window	\$ \$1,695.00
2.	\$
3.	\$
4.	\$
TOTAL AMOUNT	\$ \$1,695.00

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 18th day of July, 20 22


Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.

SAN JOSE POLICE DEPARTMENT SUMMARY INCIDENT REPORT



REPORT NUMBER: 221623216

INCIDENT INFORMATION

INCIDENT CODE 594	INCIDENT TYPE Vandalism	INITIAL SUPP <input checked="" type="checkbox"/>	DATE/TIME STARTED 06/11/2022 07:05 PM	DATE/TIME ENDED 06/11/2022 07:06 PM	DATE/TIME REPORTED 06/11/2022 11:22 PM
REPORT FILED FROM ***	TRACKING NUMBER T22012986	LOCATION OF OCCURRENCE 4649 Hampton Falls Place, San Jose, CA 95136			APPROVED BY: 1549N/Amongol
LOCATION TYPE Residence/Home/Group	THEFT TYPE	METHOD OF ENTRY N/A	METHOD OF EXIT	PT OF ENTRY Other - N/A	PT OF EXIT N/A
				ENTRY LOC Other	

PERSON LISTINGS

TYPE	LAST NAME	FIRST NAME	MIDDLE NAME	DOB	RACE	SEX	STATE ID CARD	LIC ST
1	Carrasco	Andres		***	***	*	***	
SSN	ETHNICITY	RESIDENT OF	EYE COLOR	HAIR COLOR	AGE	HEIGHT	WEIGHT	MOBILE PHONE
		***	***	***	48	600	185	***
EMAIL	RESIDENCE ADDRESS			HOME PHONE				
andres@flexetch.com	***							
EMPLOYER NAME	BUSINESS ADDRESS			WORK PHONE				

NARRATIVE

On the evening of June 11, 2022, at approximately 7:05pm, while working in my upstairs office, I heard a loud crash. It sounded like it came from downstairs, and I suspected that something had fallen, like maybe a picture frame off the wall. I came downstairs to inspect and everything looked normal, until I came to view the large double paned window above my patio door. I instantly knew that I had been vandalized, as I've had windows broken two other times in previous years (see San Jose police reports 192533264 and 192533263). Sure enough, after surveying the damage outside, I found the rock that was thrown. I did not witness anyone in the vicinity that could have caused the damage. My patio overlooks Guadalupe river, approximately 800 ft. south of the Branham Lane overpass. Directly across from our patio, there is a homeless encampment where a number of people live day and night. They often make a lot of noise, often late into the night, and I have in the past reported excessive noise and nuisance from them. A number of people also use the path along the river for jogging. I expect that given the geometry and size of the window, the repair cost will likely be close to \$2,000.00.

INCIDENT IMAGE

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