

Resolution 2025-03

A RESOLUTION OF THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY BOARD OF DIRECTORS ESTABLISHING THE AMOUNT OF THE OVERUSE ASSESSMENT ON EXCESS GROUNDWATER USE IN THE ADJUDICATED LAS POSAS VALLEY BASIN

WHEREAS, the Fox Canyon Groundwater Management Agency (Agency) is a groundwater management agency created by special act of the Legislature to preserve and protect the groundwater resources within the Agency boundaries; and

WHEREAS, the Agency is the exclusive groundwater sustainability agency for the basins within the Agency's boundaries under the Sustainable Groundwater Management Act (SGMA); and

WHEREAS, on July 10, 2023, the Santa Barbara Superior Court entered a final judgment in *Las Posas Valley Water Rights Coalition, et al. v. Fox Canyon Groundwater Management Agency, et al.*, Santa Barbara Sup. Ct. Case No. VENC100509700 (LPV Adjudication Judgment); and

WHEREAS, the LPV Adjudication Judgment, among other things, determines and adjudicates all groundwater rights within the Las Posas Valley Groundwater Basin (LPV Basin) and establishes and implements a Physical Solution for the LPV Basin; and

WHEREAS, the LPV Adjudication Judgment appoints the Agency to serve as Watermaster for the LPV Basin to assist the court with administering and implementing the LPV Adjudication Judgment and Physical Solution, including regulating groundwater extraction and use according to adjudicated water rights and providing for sustainable groundwater management of the LPV Basin; and

WHEREAS, Section 4.15.3 of the LPV Adjudication Judgment requires the Agency, acting as Watermaster and following committee consultation, to establish the amount of an "Overuse Assessment," which is the fee charged to water right holders for the use of groundwater in excess of that allowed under the LPV Adjudication Judgment and not otherwise cured during the applicable cure period provided in the LPV Adjudication Judgment; and

WHEREAS, Section 2.8.2 of Exhibit A ("Watermaster Rules") of the LPV Adjudication Judgment provides that assessments, including the Overuse Assessment, become delinquent one month after they are due and "shall bear interest at the then current real property tax delinquency rate for Ventura County"; and

WHEREAS, on May 10, 2025, the Las Posas Valley Policy Advisory Committee released a report recommending that the amount or rate of the Overuse Assessment be established "at the prevailing Calleguas [Municipal Water District] Tier 1 [water] rate"

and Overuse Assessments “be sequestered in a separate Watermaster account reserved for replenishment”; and

WHEREAS, the Agency has historically set the amount of surcharges for extractions that exceeded the allocations established under the Agency’s ordinances commensurate with the Calleguas Municipal District (CMWD) water rates, which CMWD updates annually based on, among other things, the cost of purchasing water from the Metropolitan Water District of Southern California; and,

WHEREAS, the Agency, acting as Watermaster, has established a separate sub-account within its Las Posas Valley Watermaster Fund entitled “Watermaster Overuse Assessment Account” for the deposit of Overuse Assessments collected by Watermaster; and

WHEREAS, at the June 13, 2025, Fox Canyon Groundwater Management Agency special meeting, the Board of Directors received presentations and comments on establishing the amount of the Overuse Assessment commensurate with the CMWD Tier 1 water rates, charging interest on delinquent Overuse Assessments according to the current real property tax delinquency rate for Ventura County; and depositing Overuse Assessments collected by Watermaster in specified accounts; and,

WHEREAS, this Resolution is exempt from the provisions of the California Environmental Quality Act as an action taken to assure the maintenance, restoration, or enhancement of a natural resource and the environment and pursuant to Section 10.7 of the LPV Adjudication Judgment.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED BY THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY BOARD OF DIRECTORS THAT:

1. The amount (rate) of the Overuse Assessment is equal to the prevailing “per acre foot” amount for Calleguas Municipal Water District (CMWD) Tier I water.
2. The amount of the Overuse Assessment shall adjust automatically anytime that CMWD adjusts its “per acre foot” amount for CMWD Tier 1 water so that the amount of the Overuse Assessment is always equal to the “per acre foot” amount of CMWD Tier 1 water then in effect.
3. Overuse Assessments become delinquent one month after they are due and shall bear interest at the then-current real property tax delinquency rate for the County of Ventura.
4. Overuse Assessments shall be collected and deposited in the Agency’s “Watermaster Overuse Assessment Account” and used for LPV Adjudication Judgment purposes as approved by the Agency Board of Directors.
5. The amount of the Overuse Assessment shall become effective on July 1, 2025.

On a motion by Director _____ and seconded by Director _____,
the foregoing Resolution was duly passed and adopted by the Board of Directors at a
special meeting of the Board held on this 25th day of June 2025, in Ventura, California.

Eugene F. West, Chair, Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution No.
2025-03.

By: _____
Elka Weber, Clerk of the Board