

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A State of California Water Agency



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## EXECUTIVE OFFICER

Jeff Pratt, P.E.

September 27, 2023

Board of Directors  
Fox Canyon Groundwater Management Agency  
800 South Victoria Avenue  
Ventura, CA 93009-1610

**SUBJECT: Update Regarding Notice of Commencement of Groundwater Adjudication in the Oxnard and Pleasant Valley Groundwater Basins - (New Item)**

**RECOMMENDATION:** Receive and file this staff report and presentation on the Notice of Groundwater Adjudication in the Oxnard and Pleasant Valley Groundwater Basins.

## DISCUSSION:

This presentation is intended to provide stakeholders and the public notice of (i) the comprehensive groundwater adjudication that has been initiated for the Oxnard and Pleasant Valley Basins (OPV Basins) and (ii) the **new, updated** deadline to file an answer in the OPV Adjudication.

**The OPV Adjudication.** On June 15, 2021, the OPV Coalition initiated a comprehensive groundwater adjudication for the OPV Basins (OPV Adjudication). A groundwater adjudication is a legal action where a court determines all rights to extract groundwater in a basin. (C.C.P. § 832(c).) In a groundwater adjudication, the court will decide both (i) the parties that have rights to groundwater and (ii) the scope and limitations of those rights. (C.C.P. § 834.) A person that fails to participate in a groundwater adjudication risks significant adverse effect on any right to pump or store groundwater that he/she might have. (C.C.P. § 836(a), (k).)

The OPV Adjudication seeks to determine all groundwater rights to the OPV Basins. Persons or entities that do not participate, and thus fail to assert their claims to groundwater rights, in the OPV Adjudication may be adjudged to not have a groundwater right and lose the ability to pump, store and/or use groundwater from the OPV Basins.

**Notice of OPV Adjudication.** The law governing comprehensive groundwater adjudications requires the party(ies) that initiated an adjudication to, among other things, provide all property owners and possible groundwater right claimants in a basin with (i) notice of the adjudication and how to appear in the case to assert their groundwater right claims and (ii) a form answer to complete and file in response to the adjudication complaint. (C.C.P. § 836(a), (d)(B), (g).) **Filing an answer is necessary to participate, and assert a groundwater right, in an adjudication.** Failure to file an answer risks a default, which may prevent participation in an adjudication and result in a person being adjudged not to have a groundwater right once the adjudication is final.

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Website: [www.fcgma.org](http://www.fcgma.org)

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The OPV Coalition has caused a Notice of Commencement of Groundwater Adjudication (Notice) to be served on persons and entities that may have a groundwater right in the Oxnard and Pleasant Valley Basins. The OPV Coalition employed JND Legal Administration to mail the Notice to potential groundwater right claimants. The Notice is available in English and Spanish, provides details about the OPV Adjudication, includes a copy of the operative complaint, explains the implications of failing to participate in the adjudication, and provides a form answer for persons and entities wishing to participate in the OPV Adjudication. **In order to participate in the OPV Adjudication, the form answer must be completed and filed with the Santa Barbara Superior Court by January 31, 2024.** The original deadline was August 30, 2023, but the Santa Barbara Superior Court recently extended that deadline until the end of January 2024.

The Notice includes the following statements regarding the failure to appear, file an answer, or participate in the OPV Adjudication:

**Failure to participate in this lawsuit could have a significant adverse effect on any right to pump or store groundwater that you may have.**

**Failure to appear and file an answer by [the August 30, 2023] deadline may result in your default, and potentially, the loss of rights to groundwater in the Basins.**

A copy of the Notice received by the County of Ventura is attached. The Agency recommends that you promptly seek the advice of an attorney in relation to this lawsuit.

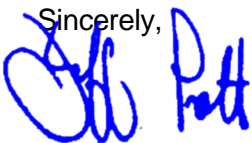
**OPV Coalition.** The OPV Adjudication was initiated by the OPV Coalition. According to its website (opvcoalition.org), "[t]he OPV Coalition is an association of landowners that own land overlying the [Oxnard and Pleasant Valley] Basins and that possess overlying groundwater rights." A list of OPV Coalition members can be found in the attached complaint. More information regarding the OPV Adjudication and the OPV Coalition is available on the OPV Coalition webpage at opvcoalition.org.

The Agency did not initiate the OPV Adjudication. It is named as a defendant because the case includes other claims challenging the Agency's adoption of groundwater sustainability plans for the OPV Basins and the adoption of a pumping allocation ordinance for the OPV Basins.

**CONCLUSION:**

Staff recommends that your Board receive and file this presentation. This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-2073

Sincerely,



Jeff Pratt, P.E.  
Executive Officer

Attachments: Item 7A - Notice of Commencement of Groundwater Adjudication