

Las Posas Valley Watermaster

Collection Remedies and Enforcement Efforts

Item F

June 10, 2024



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Interim Executive Officer

Background

- Lack of timely payments created a cash flow issue for the LPV Watermaster.
 - Total processed payments as of June 10, 2024, are \$1,059,670.15.
 - Balance due from unpaid delinquency invoices: \$251,474.05
- Discussion on collection remedies and enforcement efforts requested at May 26, 2025 Board meeting.

LPV Watermaster Enforcement powers

Section 5.2.6 of the Judgment [Jdg., § 7.3]

- Petition the Court to issue enforcement orders
 - (i) to seek a judgment lien from the Court; or
 - (ii) to foreclose an Allocation to be Transferred to Watermaster to either be retired or Transferred to another Party to satisfy any delinquent Basin Assessments, Overuse Assessments,
- If the Watermaster is required to take legal action for the collection delinquent assessments, it shall also recover interest, costs of suit, attorney's fees, and reasonable costs of collection [WM Rules § 2.8.2].
- Watermaster may also withhold approval of any transfer until full payment of any delinquent assessments [Jdg. § 4.12.3].

SGMA Authorities [Jdg. § 5.2.6]

- Agency / Watermaster can bring suit for the collection of delinquent fees
 - Can include an interest of 1% per month and a 10% penalty, and
 - Allows the Agency to seek a writ of attachment against the defendant [Water Code § 10730.6(c)].
- Agency / Watermaster can order an operator to cease and desist pumping until all delinquent fees are paid [Water Code §10730.6(e)]
 - Requires public hearing

FCGMA's Enabling Legislation [Jdg. § 5.2.6]

- Temporary restraining order and an injunction restraining and prohibiting the operation of any well by anyone who is delinquent in the payment of pump fees to the Agency [Cal. Water Code § 121-1005; Water Code §§ 75630 and 75631].
- May also bring suit for the collection of delinquent pump charges (along with interest of 1% per month and a 10% penalty) [Cal. Water Code § 75633].