



Contact: Steve Stagnaro
Direct Line 408-354-5145
PVWMA Office 831-722-9292
steve@stagnaro.com

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COURT BACKS WATER AGENCY IN FEE LAWSUIT

Watsonville, CA – On January 4, 2012, the Sixth District Court of Appeal issued a ruling affirming the dismissal of a 2010 lawsuit brought against the Pajaro Valley Water Management Agency (PVWMA) by Board Member John G. Eiskamp. The lawsuit sought to invalidate the Agency’s \$80 per acre foot augmentation charge which was adopted in 2002 and used by the Agency to fund programs and projects to reduce groundwater overdraft and seawater intrusion. The decision comes almost a year after the lawsuit was thrown out by Santa Cruz County Superior Court Judge Jeffrey Almquist.

Unless a petition is filed and the case is accepted for review by the California Supreme Court, the appellate court decision puts to rest any further litigation over the original \$80 augmentation charge. PVWMA General Manager Mary Bannister is looking forward to the end of these legal battles “Hopefully this ends a decade of legal wrangling over the old fees which at times overshadow the mission of the agency and draining resources.”

The court’s positive decision is a step forward in the Agency’s ongoing efforts to reduce and ultimately reverse the basin’s water overdraft condition. A loss would have created uncertainty about past water pumping fees that were collected since 2002 and used to fund the Agency’s basin management programs and projects.

At the time the lawsuit was filed PVWMA was in the final stages of a two year process of public hearings and outreach efforts to replace the \$80 charge. The new charge was also challenged in Santa Cruz County Superior Court in a trial last November. A decision in that case is expected in the coming weeks.

The PVWMA is a public agency whose mission is to protect and preserve the water resources within the agency’s jurisdiction, generally the greater coastal Pajaro Valley. More information on the agency and its work is available at www.pvwater.org.

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