

RESOLUTION NO. 26-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AGUA CALIENTE WATER AUTHORITY LEVYING A GROUNDWATER PRODUCTION FEE UPON ALL PRODUCERS OF THE TRIBE'S GROUNDWATER WITHIN THE RESERVATION FOR FISCAL YEAR 2027

ART BUNCE
Chair

THOMAS J. DAVIS
Vice-Chair

RUSS MARTIN
Secretary/Treasurer

HEATHER WHITEMAN RUNS HIM
Member

STEVEN C. MOORE
Member

JEFF L. GRUBBE
Ex-Officio Member

WHEREAS, the Agua Caliente Water Authority ("**Water Authority**") is an independent public agency established pursuant to the laws of the Agua Caliente Band of Cahuilla Indians, a federally recognized Indian tribe ("**Tribe**"); and

WHEREAS, pursuant to Section 7.12.060(a) of the Agua Caliente Tribal Code ("**Tribal Code**"), the Tribe has authorized the Agua Caliente Water Authority Board of Directors ("**Board**") to carry out the duties and powers of the Water Authority set forth in Chapter 7.12 of the Tribal Code; and

WHEREAS, Section 7.12.060(c)(4)(j) of the Tribal Code authorizes the Water Authority to establish, set, assess, and collect rates, charges, and fees for the production of the Tribe's groundwater; and

WHEREAS, Section 7.12.060(j) of the Tribal Code establishes the fiscal year of the Water Authority to be the same as the fiscal year of the Tribe, which is October 1st to September 30th; and

WHEREAS, Section 7.12.080 of the Tribal Code authorizes the Board to impose water production fees on the producers of the Tribe's groundwater; and

WHEREAS, Section 7.12.080(a) of the Tribal Code authorizes the Board to levy a groundwater production fee for the purpose of compensating the Tribe for the production of the Tribe's groundwater and to fund the Water Authority's functions, including the Water Authority's permitting and groundwater monitoring programs; and

WHEREAS, Section 7.12.080(c) of Tribal Code authorizes the Board to levy a groundwater production fee upon all producers of the Tribe's groundwater within the Reservation during the following fiscal year by resolution; and

WHEREAS, the Water Year 2025 Groundwater Conditions Report for the Agua Caliente Indian Reservation dated April 14, 2026, included a groundwater production fee assessment that concluded a fee between \$100 and \$126 per acre-foot of the total amount of permitted groundwater production would be sufficient to fund the Water Authority's functions in FY 2027; and

WHEREAS, based on the Water Year 2025 Groundwater Conditions Report and the projected revenue and expenditures identified in the Water Authority's Fiscal Year 2026 Budget, the Board is electing to increase the groundwater production fee for Fiscal Year 2027 from \$89 per acre foot to \$100 per acre foot.

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NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AGUA CALIENTE WATER AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The groundwater production fee is hereby established at One Hundred Dollars (**\$100.00**) per acre-foot, effective October 1, 2026, and shall (i) apply to the total amount of permitted groundwater production; (ii) be due and payable by all non-exempt producers of the Tribe's Groundwater; and (iii) not apply to any producer of the Tribe's groundwater expressly exempted from payment of the groundwater production fee pursuant to Section V.A.3.a. of that certain Agua Caliente Band of Cahuilla Indians Water Settlement Agreement dated May 19, 2025. All groundwater production fees under this Section shall be remitted to the Water Authority by each non-exempt producer of the Tribe's Groundwater no later than fifteen (15) days after the last day of each calendar quarter (i.e., March 31st, June 30th, September 30th, and December 31st of each calendar year).

SECTION 2. The Secretary/Treasurer of the Water Authority shall certify the Board's adoption of this Resolution and shall cause a certified copy to be filed in the offices of the Water Authority.

SECTION 3. This Resolution shall be effective as of the date of its adoption.

PASSED and ADOPTED by the Agua Caliente Water Authority this 24th day of June, 2026.

AGUA CALIENTE WATER AUTHORITY



Art Bunce, Chairman

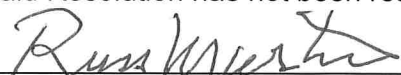
APPROVED AS TO FORM



Rahsaan J. Tilford, Deputy General Counsel

CERTIFICATION

I, the undersigned, the Secretary/Treasurer of the Agua Caliente Water Authority, hereby certify that the Board of Directors is composed of six members of whom 5 constituting a quorum, were present at a meeting whereof duly called and noticed, convened and held this 24th day of June, 2026; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5-0-0 members and that said Resolution has not been rescinded or amended in any way.



Russ Martin, Secretary/Treasurer

