

Agua Caliente Lawsuit Fact Sheet

On May 14, 2013, the Agua Caliente Band of Cahuilla Indians sued Coachella Valley Water District (CVWD) and Desert Water Agency (DWA), claiming senior water rights and seeking to permanently stop us from

(1) Withdrawing groundwater from the aquifer in the western Coachella Valley.

(2) Replenishing the aquifer without treating the water first.

On March 20, 2015, a United States District Court judge ruled the Tribe's federal reserved water rights (created when the federal government created the Tribe's reservation) "may" include groundwater, but the Tribe's aboriginal rights of occupancy was "extinguished long ago, so the Tribe has no derivative right to groundwater on that basis." A trial will be necessary to address unresolved issues. CVWD and DWA will continue to fulfill all of their responsibilities as stewards of the Coachella Valley's groundwater.

Taking Water

The right to use Coachella Valley's groundwater belongs to the public, including the Agua Caliente Band of Cahuilla Indians. DWA and CVWD do not own the groundwater, but are two of five public agencies that have delivered that water to residents and businesses throughout the region for decades.

The tribe is suing these two public water agencies to assert senior groundwater rights ahead of the public's rights. The judge's decision on March 20, 2015 dismissed part of this contention. The tribe doesn't say how much water it wants or what it would do with that water. It has no pipes, pumps or other infrastructure to deliver the water to customers. It has no expertise in water management.

DWA & CVWD: Responsible Stewards

The two water agencies have a history of providing a safe, affordable and reliable supply of water to all their customers, including the tribe. The water they supply meets all state and federal drinking water standards.

The tribe represents a sovereign nation that doesn't have to answer to the public, while DWA and CVWD are public agencies with elected boards of directors. DWA and CVWD operate under the recognized transparency and disclosure laws of the State of California.

Throughout their history, DWA and CVWD have ensured that this desert region – where water must be imported – has the supplemental water supplies necessary to sustain life and support the local economy. They import water from the Colorado River, a source of drinking water for 33 million people, and exchange their State Water Project (SWP) entitlements for like amounts of Colorado River water. (They have SWP water rights but no infrastructure for delivering that water to the valley.) The Colorado River water is added to the Western Coachella Valley groundwater supply to replenish the basin and reduce overdraft. Several agencies in Southern California and Arizona also percolate Colorado River water into their aquifers for the same purpose.

The tribe is questioning this practice. But it doesn't say what it would do differently. The only options DWA's and CVWD's experts have identified are cost-prohibitive – with price tags of as much as \$1.5 billion or an additional charge of as much as \$450 a year for an average customer.



Water Quality

The tribe has expressed concerns about the quality of Colorado River water, which is percolated into the aquifer to help ensure a reliable, long-term water supply for the Coachella Valley. More than 33 million people drink Colorado River water every day. Colorado River water meets all drinking water standards once unwanted microbial constituents are removed during treatment or by the natural filtration process that occurs when it is percolated through the sand and gravel aquifer.

While Colorado River water has a higher salinity level than some areas of the valley groundwater, it has very low or non-detectable levels of arsenic and chromium-6, both of which are found naturally at higher levels in the valley's aquifer. Blending the two sources creates a groundwater supply that is lower in arsenic and chromium-6 and has an acceptable salinity level.

Hiking Rates, Hurting the Economy

If DWA and CVWD were forced to perform unnecessary treatment or stop using the aquifer to store water, they would have to raise water rates. If the tribe gets what it wants, the result could be DWA and CVWD losing access to some or all of the existing groundwater supplies, forcing substantial cutbacks in water to customers, substantial treatment costs, potential building moratoriums and further damage to the region's recovering economy. By just filing this irresponsible lawsuit, the tribe is hurting the economy because it's creating great uncertainty about future water supplies.

Tribe Profits, Residents Pay

The tribe has a history of profiting from the improvements others have financed. For instance, it pays no property taxes on tribal land yet it benefits from the water districts' infrastructure, local roads and other improvements financed with residents' tax dollars.

The tribe seeks to profit from the water service DWA and CVWD provide to hotels, restaurants and other leaseholders on tribal land by supporting a new regulation that prohibits the agencies' collection of water fees and property taxes from nontribal leaseholders on tribal land.

Ending Litigation, Finding Solutions

Through the Integrated Regional Water Management Plan, DWA and CVWD are working with valley tribes, other Coachella Valley water agencies and stakeholders to ensure that the region continues to have a safe, affordable and reliable water supply. Please join DWA and CVWD in urging the tribe to drop the lawsuit and re-engage in the Integrated Regional Water Management Plan to chart a strong future for the region's water supply and its economy.

About CVWD

The Coachella Valley Water District is a public, non-profit agency and a State Water Contractor, serving a 1,000-square-mile area. An elected five-member board of directors sets policy and represents the ratepayers. The district provides domestic and irrigation water, agricultural drainage, wastewater treatment and reclamation services, regional storm water protection, groundwater management and water conservation. For more information, please visit www.cvwd.org

