Frequently Asked Questions about Tribal Lawsuit

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

1. Withdrawing groundwater from the aquifer in the western Coachella Valley.
2. Replenishing the aquifer with imported without treating it first.

Here are some details about the lawsuit and potential impacts on domestic water customers in Coachella Valley:

What is the latest on this litigation?
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 also ruled the tribe’s aboriginal rights of occupancy was “extinguished long ago, so the Tribe has no derivative right to groundwater on that basis.” Aboriginal rights would give the tribe water rights “most senior” to all others, including CVWD and DWA. A trial will be necessary to address unresolved issues. CVWD and DWA will continue to fulfill all of their responsibilities as stewards of valley groundwater.

Who has the rights to the water being sought by the tribe in its lawsuit?
Anyone in the Coachella Valley, including the tribe, has the right to groundwater, and can drill a well to obtain it. CVWD and DWA do not own this water, but are responsible for pumping, storing and delivering it to homes and businesses within service boundaries. They are also responsible for managing the supply of groundwater to ensure supply can meet demand now and for future generations.

Then what right does the tribe claim to the water?
It claims it has “senior” rights, which would mean its rights would come before the rights of everyone else in the valley. The judge’s March 20, 2015 ruling dismisses part of this claim. The tribe cited no examples of case law in its lawsuit to support its claim, which would subordinate the public’s groundwater rights.

Does the tribe have a shortage of water?
No. CVWD and DWA provide a safe, affordable and reliable supply of water to all customers, including the Agua Caliente Band of Cahuilla Indians.

What would the tribe do with the water rights it is seeking?
The tribe hasn’t said what it would do with the water or how much water it wants. It has no pipes, pumps or other infrastructure to deliver water to customers. It has no expertise in water management.

How will this impact me? Will my rates increase?
If DWA/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/ CVWD losing access to some/all existing groundwater supplies, forcing substantial cutbacks in water to customers, considerable treatment costs, potential building moratoriums and additional damage to the region’s recovering economy.

How will the lawsuit affect our economy?
The tribe just by filing this irresponsible lawsuit is hurting the economy because it’s creating uncertainty about future water supplies.

What are CVWD and DWA doing about the lawsuit?
We are fighting this frivolous lawsuit to protect our customers, the region’s water supply and the area’s economy. Through the Integrated Regional Water Management Plan, CVWD/ DWA also work with area tribes, other valley water agencies and stakeholders to ensure that we continue to have a safe, reliable supply of quality, affordable water.
What are CVWD and DWA doing to protect the Western Coachella Valley Groundwater Basin?
Throughout their history, the two agencies have ensured that this desert region—where water must be imported—has the supplemental water supplies necessary to sustain life and support the economy. They import water from the Colorado River, a source of drinking water for 33 million people. They also exchange State Water Project (SWP) water (They have SWP water rights but no infrastructure with which to deliver water to the region.) for a like amount of Colorado River water. This is added to the Western Coachella Valley groundwater supply to replenish the aquifer and alleviate overdraft. The aquifer serves as a natural filter, and all water pumped out and delivered to domestic customers meets state and federal drinking water standards. For more information, please see the Water Quality Fact Sheet.

What about other areas of the valley’s aquifer?
CVWD’s groundwater replenishment program also includes a full-scale replenishment facility in south La Quinta. Colorado River water from the Coachella Canal is used to replenish the aquifer. These efforts are not acknowledged in the tribe’s lawsuit.

Are there any other ways to replenish the basin that might address the tribe’s concerns?
The tribe has not said what it would do differently in managing the groundwater basin, so it is impossible to know what it would do differently. CVWD and DWA have identified two possible options: either treating Colorado River water to reduce salt levels before it’s stored in the basin, or building an aqueduct or other facility to bring State Water Project water to the valley. Both are cost-prohibitive solutions. Building a new aqueduct to deliver State Water Project water to the valley would cost $800 million to $1.5 billion and cause substantial price hikes for customers either in their water bills or taxes. Treating Colorado River water before using it to replenish the basin would drive up the price of an average water customer’s bill by as much as $450 annually. Large water users would see increases of up to seven times their current bills.

What can residents do?
Join or continue with efforts to convince the tribe to drop this lawsuit and work with DWA/CVWD, other water districts and other stakeholders in the process that created and keep current the Integrated Regional Water Management Plan This is the best way known to ensure everyone in the valley continues to have the safe, affordable and reliable water supply needed to sustain life in the desert and grow the economy.