Valley Voice: If suit succeeds, tribe profits and you lose rights
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The lawsuit filed by the Agua Caliente Band of Cahuilla Indians against Desert Water Agency (DWA) and Coachella Valley Water District (CVWD) seeking the public’s water use rights leaves many questions unanswered:

• How much water does the tribe want?

• How would it deliver that water to you with no infrastructure of its own?

• What would it do differently to manage the Coachella Valley groundwater basin?

• How would it recharge and sustain that basin with no rights to imported water?

• How much does it intend to charge you to sell the water back to you — water that you already use?

We hope to find the answers to these questions and then share them with you. But rest assured, we will fight the lawsuit to protect our customers, the region’s water supply and the area’s economy, to prevent the tribe from taking away the water supply that the public relies upon for everyday needs and for the region’s future economic growth.

The lawsuit, filed May 14, seeks to establish water rights on behalf of the Agua Caliente Band of Cahuilla Indians. Further, it seeks to stop DWA and CVWD from importing Colorado River water to the Coachella Valley to store in the underground basin or pumping groundwater to serve the homes and business of the Coachella Valley. The lawsuit makes misleading claims regarding water quality and overdraft of the groundwater basin.

DWA and CVWD have a history of providing a safe, affordable and reliable supply of water to their customers — including the tribe. The water we supply meets all state and federal water quality standards.

Throughout their history, our 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 local economy.

We import water from the Colorado River, a source of drinking water for 33 million people, and exchange it for State Water Project (SWP) supplies. We have SWP water rights but no aqueduct or other means for delivering that water to the region.

The Colorado River water is added to the Upper Coachella Valley groundwater supply — as is done by water agencies throughout the state — to recharge the basin and address the issue of overdrafts.

The tribe is questioning this practice. But it doesn’t say what it would do differently. The only options 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.
Clearly, we cannot afford that. Through the Integrated Regional Water Management Plan, DWA and CVWD are working with the tribes, other Coachella Valley water agencies and stakeholders to ensure that we continue to have a safe, affordable and reliable water supply.

DWA and CVWD would have to raise water rates if they’re forced to buy water from the tribe. If the tribe doesn’t sell the water, the agencies would lose access to some, or all, of the existing water supplies, forcing substantial cutbacks in water to customers, higher rates, potential building moratoriums and even more harm to the region’s recovering economy.

Even the filing of the lawsuit is damaging to the economy because it’s creating great uncertainty about available water supplies.

But the lawsuit fits with the tribe’s history of profiting from the improvements others have financed.

For instance, the tribe 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.

It is even trying 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 non-tribal leaseholders on tribal land.

The tribe doesn’t have to answer to the public, while DWA and CVWD are public agencies with elected boards of directors. They operate under the recognized transparency and disclosure laws of the State of California.

Please join us in calling on the tribe to end this lawsuit before it damages our economy.

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