What you need to know about the Agua Caliente Lawsuit

The Agua Caliente Band of Cahuilla Indians sued the Coachella Valley Water District and Desert Water Agency on May 14, 2013 claiming senior water rights and seeking to permanently stop us from (1) withdrawing groundwater from the aquifer in the western Coachella Valley and (2) replenishing the aquifer without treating the water first.

Who has the right to groundwater?

- The right to use Coachella Valley’s groundwater belongs to the public, including the Agua Caliente Band of Cahuilla Indians. DWA and CVWD are only two of the five public agencies in the Coachella Valley who deliver groundwater to residents in the region.

What would it mean to residents if CVWD was prevented from withdrawing groundwater from the aquifer?

- All domestic water provided to CVWD customers comes from the aquifer, so we could be unable to provide water to homes and businesses.
- The tribe has no pipes, pumps or other infrastructure to deliver the water to customers, nor does it have expertise in water management.

Have CVWD and DWA been responsible stewards of the groundwater basin?

- CVWD was established in 1918. Two of the first decisions by the first Board of Directors were to capture natural flows from the Whitewater River for replenishment and build a canal to import Colorado River water for agricultural irrigation. Both actions show a long-time commitment to protecting the groundwater basin and the economy.
- DWA and CVWD are the only entities to secure imported water supplies to replenish the groundwater basin in order to combat overdraft and ensure the region has the water it needs to sustain life and support the local economy. Without the replenishment program, overdraft of the aquifer would be much more severe.
- The Coachella Valley Water Management Plan is a comprehensive planning document that outlines future programs and priorities for securing a long-term reliable water supply. You can view a copy of the plan at www.cvwd.org.
Which is higher quality – groundwater or Colorado River water?

- All the drinking water delivered by CVWD comes from an underground aquifer. The groundwater is high quality, but it does contain naturally occurring minerals, such as arsenic and chromium, found in local sediments.
- Trained CVWD staff test nearly 20,000 water samples annually to ensure all water delivered to homes and businesses meets strict federal and state drinking water standards. In most areas of the Coachella Valley this requires only a small amount of chlorine to accomplish. In the east valley, CVWD treats the groundwater to remove naturally occurring arsenic and chromium.
- More than 33 million people rely on Colorado River water for drinking water. Colorado River water has very low or non-detectable levels of arsenic and chromium, but is higher in salt than most areas of the aquifer. Colorado River salinity levels are controlled cost-effectively by an existing interstate program that protects the beneficial use of this water.
- Colorado River water meets all drinking water standards once unwanted microbial constituents are removed during treatment or by the natural filtration process when percolated through the sand and gravel aquifer.
- When Colorado River water blends with Coachella Valley groundwater, the result is water lower in naturally occurring arsenic and chromium with an acceptable salinity level.

Will this lawsuit cause my rates to increase?

- All district costs are covered by rate payers, including the cost to defend against this lawsuit. If CVWD is forced to unnecessarily treat imported water, the increased costs could be significant. By filing this irresponsible lawsuit, the tribe is hurting the economy because it’s creating great uncertainty about future water supplies.
- The tribe is questioning the groundwater replenishment program, but doesn’t say what it would do differently. The only options DWA’s and CVWD’s experts have identified cost as much as $1.5 billion or an additional charge of as much as $450 a year for an average customer and a seven-fold increase for large water users (RAC payers).
- Additional potential costs are being analyzed.

Can the issues be resolved out of court?

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

For more information about this important issue, visit www.cvwd.org.