

POLITICS



Agua Caliente Water Rights Suit Heading to Supreme Court

Coachella Valley Aquifer appealed to SCOTUS; dispute Agua Caliente's assertion water should be treated before recharging aquifer

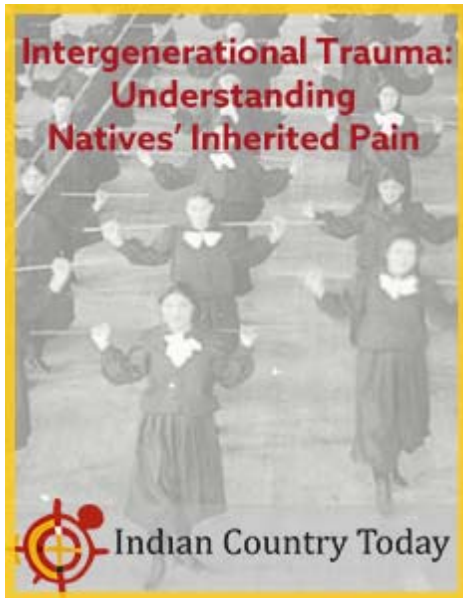
Debra Utacia Krol • April 9, 2017

The Coachella Valley Water District and the Desert Water Agency announced March 29 that they are taking their case to the U.S. Supreme Court. On March 7, the 9th Circuit Court of Appeals ruled that the Agua Caliente Band of Cahuilla Indians' water rights include both surface and groundwater assets, including the Coachella Valley aquifer, based on the Winters Doctrine.

The case, *Agua Caliente Band v. Coachella Valley Water District*, was filed by the tribe in 2013 after repeated attempts to

negotiate with the water agencies failed. Agua Caliente has long been concerned about dropping levels in the 65-mile-long aquifer, which lies beneath its 31,500-acre reservation in and around Palm Springs. The tribe also expressed its opposition to the agencies' plan to pump untreated Colorado River water into the aquifer.

“The tribe wants to see that water is cleaned before it is put in the aquifer,” Agua Caliente Chairman Jeff L. Grubbe noted during a video interview with *The Desert Sun* newspaper March 29. “It doesn’t matter if it costs money, it’s the right thing to do. We’re looking at how [water quality] is going to be 100 years from now.”



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“We don’t know how much water the Agua Caliente want or what they would do with it but they have said that they are an entrepreneurial organization,” said Desert Water Agency Board President James Cioffi. “CVWD and DWA serve but don’t own the water. We are stewards that manage local water openly and transparently without a profit.” The statement also stated that “the water served by CVWD and DWA is some of the best in the nation and meets all federal and state standards.”

However, other agencies, such as the Central Arizona Project, the Southern Nevada Water Authority and the Metropolitan Water District of Southern California have long recognized that dissolved salts and other substances including selenium, phosphorus and nitrate, pathogens, pharmaceutical and personal care products, perchlorate, chromium VI, uranium, invasive species and even climate change could pose an “immediate or long-term threat to the river’s water quality.” The three agencies formed a consortium to address these concerns, and some remediation has been achieved. However, the

tribe is still concerned that its pristine water source, long relied upon by both Native and non-Native people, may become contaminated and cause generational harm to all in the valley if untreated Colorado River water is pumped underground.

The case is being closely watched across the U.S. Several other tribes have joined the case as friends of the court, and the Native American Rights Fund partnered with the law firm Kilpatrick Townsend to represent Agua Caliente. On March 8, NARF issued a statement lauding the court's decision. "The case is a significant victory for the tribe and the Coachella Valley, where it and its ancestors have lived since time immemorial," the statement said.

NARF Executive Director John Echohawk said, "We know that Indian tribes need to be able to count on having safe and reliable water supplies in order to successfully plan for their future generations' ability to live healthy and successful lives, build economies and continue cultural practices. We welcome this important victory and applaud the Agua Caliente Band of Cahuilla Indians for its ongoing commitment to securing a strong water future. Other tribes throughout the United States also support the Agua Caliente and will stand together with them to protect this victory."

"[The case is] not just an issue for the tribes, it's a water issue," Grubbe said. "We did try to sit and talk with the agencies but it went nowhere. It's in the hands of the court at this time."



Comments

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