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SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 15 2014

K. CHANK

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FIRST AMENDMENT COALITION

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

FIRST AMENDMENT COALITION, a non-
profit organization,

Petitioner,

vs.

COACHELLA VALLEY WATER
DISTRICT, a local public agency, and
DESERT WATER AGENCY, a local public
agency, and Does 1-20, inclusive,

Respondents.

Case No. *RSC 1404387*

**VERIFIED PETITION FOR WRIT OF
MANDATE ORDERING COMPLIANCE
WITH THE CALIFORNIA PUBLIC
RECORDS ACT AND ARTICLE 1,
SECTION 3(b) OF THE CALIFORNIA
CONSTITUTION; COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF; EXHIBITS 1-8**

HEARING: STATUS HEARING
DATE: 10/14/14
TIME: 8:30 AM
DEPT: PS2

Petitioner First Amendment Coalition ("Petitioner") petitions the Court, through this Verified Petition for Writ of Mandate/Complaint, to command Respondents Coachella Valley Water District and Desert Water Agency to comply with the California Public Records Act ("CPRA"), Government Code §§ 6250, *et seq.*, and California Constitution, Article 1, Section 3(b), and to declare that Respondents have failed to do so. By this Verified Petition/Complaint Petitioner alleges:

INTRODUCTION

1. The CPRA and California's Constitution give the people a right to see the records of California's public agencies. James Madison explained over 200 years ago that public access to information about our government and the activities of our public officials is fundamental to our democracy: "knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or both." *San Gabriel Tribune v. Superior Court*, 143 Cal. App. 3d 762, 772 (1986). Consistent with this principle, the California Legislature declared in the CPRA that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." Gov't C. § 6250. In 2001, the California Legislature amended the CPRA to impose a duty on public agencies to assist members of the public in their public records requests. Gov't C. § 6253.1. In 2004, California voters added a provision to California's Constitution reinforcing the "right of access to information concerning the conduct of the people's business, and, therefore, ... the writings of public officials and agencies shall be open to public scrutiny." Cal. Const., art. 1, § 3(b).

2. According to the federal government's National Oceanic and Atmospheric Administration (NOAA) and National Integrated Drought Information System (NIDIS), California is enduring one of the worst droughts in recorded history. Water is an incredibly scarce resource and commodity in our State, with little hope for relief in sight. All of California is under severe, extreme or exceptional drought conditions, and the drought is expected to persist or intensify at least through the end of July 2014. Attached to this Petition as Exhibit 1 is a NOAA/NIDIS report reflecting these findings. California's drought is critical enough that, in a striking display of bipartisanship, California legislators just voted a collective 114-2 to place a \$7.5 billion water bond before voters in November.

3. For the past several years, Respondents Coachella Valley Water District and Desert Water Agency have released information to the public identifying which entities within Respondents' respective jurisdictions have extracted the most groundwater and diverted the most

1 surface water in order to meet their water needs.¹ Attached to this Petition as Exhibit 2 are true
2 and correct copies of the relevant portions of Respondents' 2013 Reports including such
3 identifying information. The top water users were overwhelmingly businesses, often golf courses.
4 Respondents in past years have also released information regarding which entities incurred the
5 largest "replenishment assessments." Such assessments are designed to ensure that when an entity
6 taps underground wells and surface water sources, Respondents can charge those entities for some,
7 if not all, of the money that Respondents must spend to purchase water from others (e.g. other
8 water districts) in order to replenish local water supplies. Nonetheless, many years of "overdrafts"
9 from local water sources have led to significant declines in water levels, further imperiling the
10 Coachella Valley's long-term water supply. *See, e.g.,*
11 [http://archive.desertsun.com/interactive/article/20130908/NEWS07/309080001/Desert-water-](http://archive.desertsun.com/interactive/article/20130908/NEWS07/309080001/Desert-water-supply-aquifer-pumping-analysis)
12 [supply-aquifer-pumping-analysis](http://archive.desertsun.com/interactive/article/20130908/NEWS07/309080001/Desert-water-supply-aquifer-pumping-analysis) (a true and correct copy of which is attached as Exhibit 3).

13 4. However, this year – in the middle of one of the worst droughts in recorded
14 memory – Respondents changed course and removed the names or other identifying information
15 from their 2014 published list of leading water "producers" that extracted the most groundwater
16 and diverted the most surface water and thereby incurred the largest replenishment assessments.
17 Respondent Desert Water Agency went from identifying specific entities in the relevant Tables to
18 merely listing anonymous "Producer 2," "Producer 3," etc. Respondent Coachella Valley Water
19 District deleted the relevant Tables from its reports altogether. Attached to this Petition as Exhibit
20 4 are true and correct copies of the relevant portions of Respondents' 2014 Reports omitting such
21 identifying information. Respondents' failure to identify the specific entities has kept that crucial
22 data from public view.

23 5. Petitioner filed a CPRA request for the records of water usage from Respondents
24 Coachella Valley Water District and Desert Water Agency, but they refused, citing inapplicable
25 exemptions to the CPRA and claiming that the information was being withheld in the "public
26 interest." Petitioner asks this Court to command Respondents to do what they have done many

27 ¹ When releasing that information, Respondents have used the counterintuitive term
28 "Producer" to describe those entities that extract groundwater and divert surface water.

1 times before – and what must be done particularly at this drought-stricken juncture in California’s
2 history – to release the names of top water users and their water usage and replenishment
3 assessments. Petitioner only seeks information regarding Producers and/or utility customers that
4 are *not* natural persons. The public has a right to know and understand the demands placed on the
5 community’s scarce water supply by the biggest users, and how those demands have changed
6 compared to prior years. Such disclosure, despite respondents’ assertions to the contrary, is
7 clearly a matter of public interest, and the public interest in disclosure clearly outweighs the public
8 interest, if any, in nondisclosure.

10 **VENUE AND JURISDICTION**

11 6. The relief sought by Petitioner is expressly authorized under Government Code
12 §§ 6258 and 6259(a), Civil Procedure Code §§ 1060 and 1085, *et seq.* and Article 1, Section 3(b)
13 of the California Constitution. Venue is proper under Civil Procedure Code §§ 394 and 395, and
14 under Government Code § 6259(a). Petitioner is informed and believes that some or all of the
15 materials to which it seeks access are situated in Riverside County.

17 **THE PARTIES**

18 7. Petitioner First Amendment Coalition (“FAC”), formerly known as the California
19 First Amendment Coalition, is a nonprofit organization (incorporated under California’s nonprofit
20 law and tax exempt under Section 501(c)(3) of the Internal Revenue Code) that is dedicated to
21 freedom of expression, resisting censorship of all kinds, and to promotion of the “people’s right to
22 know” about their government so that they may hold it accountable. FAC is supported mainly by
23 grants from foundations and individuals, but receives some of its funding from for-profit news
24 media, law firms organized as corporations, and other for-profit companies.

25 8. Respondent Coachella Valley Water District (“CVWD”) is a government agency
26 specially created by the California Legislature, with elected officials, operating primarily in
27 Riverside County, California. CVWD is a “local agency” as defined in the CPRA. Cal. Gov’t C.
28 § 6252(a).

9. Respondent Desert Water Agency (“DWA”) is a public agency of the State of California, supplying water in the Palm Springs, California area. DWA is a “local agency” as defined in the CPRA. Cal. Gov’t C. § 6252(a).

10. The true names of Respondents named herein as Does 1 through 20, inclusive, are sued both in their official and personal capacities and are presently unknown to Petitioner, who therefore sues such Respondents by fictitious names. Petitioner will amend this Complaint to show the true names and identities of these Respondents when they have been ascertained. Does 1-20 are responsible for the denial of access to the requested records as alleged herein.

11. Petitioner is informed and believes, and thereon alleges, that each Respondent herein was the agent or employee of each of the other co-Respondents and, in doing the things hereinafter alleged, was acting within the course and scope of such agency or employment and with the permission and consent of their co-Respondents.

GENERAL ALLEGATIONS

12. On April 28, 2014, Peter Scheer, the Executive Director of FAC, formally requested on FAC’s behalf, pursuant to the CPRA and Article 1, Section 3(b) of the California Constitution that Respondents provide copies of “[r]ecords sufficient to show the estimated assessable groundwater production and estimated assessment for fiscal year 2014-2015 for each groundwater producer, *identified by name*, in the Coachella Valley Water District’s service area” and “in the Desert Water Agency’s service area.” By making this request, Mr. Scheer was asking CVWD and DWA to provide information regarding water usage by entities within Respondents’ respective jurisdictions, as a “groundwater producer” is actually a *user* of water that must ultimately be accounted for and replenished by Respondents. *See supra*, fn. 1. Mr. Scheer’s requests added that, alternatively, Respondents could provide “chart[s] showing all the requested information.” True and correct copies of Mr. Scheer’s requests on behalf of FAC to CVWD and DWA, respectively, are attached to this Petition as Exhibits 5 and 6.

13. On or about April 29, 2014, Gerald D. Shoaf of the law firm Redwine and Sherrill, responded on behalf of Respondent CVWD to FAC's request. CVWD denied FAC's request for

1 records. CVWD cited Government Code section 6254.16 and privacy concerns, and stated that
2 “the public’s interest in disclosure of the information does not clearly outweigh the public’s
3 interest in nondisclosure.” A true and correct copy of Mr. Shoaf’s denial letter is attached to this
4 Petition as Exhibit 7.

5 14. On or about April 30, 2014, David K. Luker, General Manager-Chief Engineer of
6 DWA, responded on behalf of Respondent DWA to FAC’s request. Respondent denied FAC’s
7 request for records. DWA cited Government Code section 6254.16 and privacy concerns, and
8 stated that it had “determined that those records [requested by FAC] are not public information.”
9 A true and correct copy of Mr. Luker’s denial letter is attached to this Petition as Exhibit 8.

10 15. The requested records are public records subject to disclosure under the CPRA and
11 Article 1, Section 3(b) of the California Constitution. They are not subject to withholding based
12 on any exemption or exception, and they should be disclosed without delay.

13 14 **FIRST CAUSE OF ACTION**

15 **(Violation of The California Public Records Act, Cal. Gov’t C. §§ 6250, et seq.**

16 **against CVWD and Does 1-10)**

17 16. Petitioner realleges Paragraphs 1 through 15 above as though fully incorporated
18 herein.

19 17. The materials requested from CVWD are public records as defined by the CPRA.

20 18. There are no exemptions or exceptions to the CPRA that warrant withholding the
21 requested records that relate to Producers and/or utility customers that are not natural persons.

22 19. An actual controversy exists as to whether the requested records must be disclosed,
23 and whether those records are exempt from disclosure. Petitioner is entitled to an order declaring
24 that it is entitled to the requested records held by CVWD, and that such materials must be made
25 available to Petitioner and the public immediately.

26 20. Under Government Code § 6258, Petitioner is also entitled to institute proceedings
27 for a writ of mandate to enforce its rights and the public’s right to obtain the requested records.
28 Furthermore, under Section 6258, Petitioner is entitled to have the proceedings resolved on an

1 expedited basis consistent “with the object of securing a decision as to these matters at the earliest
2 possible time.” Gov’t C. § 6258.

3 4 **SECOND CAUSE OF ACTION**

5 **(Violation of The California Public Records Act, Cal. Gov’t C. §§ 6250, et seq.**
6 **against DWA and Does 11-20)**

7 21. Petitioner realleges Paragraphs 1 through 15 above as though fully incorporated
8 herein.

9 22. The materials requested from DWA are public records as defined by the CPRA.

10 23. There are no exemptions or exceptions to the CPRA that warrant withholding the
11 requested records that relate to Producers and/or utility customers that are not natural persons.

12 24. An actual controversy exists as to whether the requested records must be disclosed,
13 and whether those records are exempt from disclosure. Petitioner is entitled to an order declaring
14 that it is entitled to the requested records held by DWA, and that such materials must be made
15 available to Petitioner and the public immediately.

16 25. Under Government Code § 6258, Petitioner is also entitled to institute proceedings
17 for a writ of mandate to enforce its rights and the public’s right to obtain the requested records.
18 Furthermore, under Section 6258, Petitioner is entitled to have the proceedings resolved on an
19 expedited basis consistent “with the object of securing a decision as to these matters at the earliest
20 possible time.” Gov’t C. § 6258.

21 22 **THIRD CAUSE OF ACTION**

23 **(Violation of Article 1, Section 3(b) of the California Constitution against CVWD and Does**
24 **1-10)**

25 26. Petitioner realleges Paragraphs 1 through 15 above as though fully incorporated
26 herein.

27. Article 1, Section 3(b) of the California Constitution, passed by an overwhelming majority of voters in November 2004, reflects a paramount public interest in access to information about how the government is conducting the people's business.

28. This constitutional amendment expressly requires that any statute, court rule or other authority must be broadly construed if it furthers the public's right of access and narrowly construed if it limits the right of access. Cal. Const., art. 1, § 3(b)(2).

29. The records requested from CVWD that relate to Producers and/or utility customers that are not natural persons are clearly encompassed within these constitutional mandates regarding the public's right of access.

30. An actual controversy exists as to whether the requested records must be disclosed, and whether those records are exempt from disclosure. Petitioner is entitled to an order declaring that it is entitled to the requested records held by CVWD, and that such materials must be made available to Petitioner and the public immediately.

31. Petitioner is also entitled to institute proceedings for a writ of mandate to enforce its and the public's rights to obtain the requested records from CVWD.

FOURTH CAUSE OF ACTION

(Violation of Article 1, Section 3(b) of the California Constitution against DWA and Does 11-20)

32. Petitioner realleges Paragraphs 1 through 15 above as though fully incorporated herein.

33. Article 1, Section 3(b) of the California Constitution, passed by an overwhelming majority of voters in November 2004, reflects a paramount public interest in access to information about how the government is conducting the people's business.

34. This constitutional amendment expressly requires that any statute, court rule or other authority must be broadly construed if it furthers the public's right of access and narrowly construed if it limits the right of access. Cal. Const., art. 1, § 3(b)(2).

35. The records requested from DWA that relate to Producers and/or utility customers that are not natural persons are clearly encompassed within these constitutional mandates regarding the public's right of access.

36. An actual controversy exists as to whether the requested records must be disclosed, and whether those records are exempt from disclosure. Petitioner is entitled to an order declaring that it is entitled to the requested records held by DWA, and that such materials must be made available to Petitioner and the public immediately.

37. Petitioner is also entitled to institute proceedings for a writ of mandate to enforce its and the public's rights to obtain the requested records from DWA.

PRAYER FOR RELIEF

Therefore, Petitioner prays for judgment as follows:

1. That this Court issue a peremptory writ of mandate or other order under the seal of this Court, directing Respondents, and each of them, to immediately disclose to Petitioner all the requested materials at issue currently being withheld that relate to Producers and/or utility customers that are not natural persons; or, alternatively, that this Court immediately issue an alternative writ of mandate or order to show cause under the seal of this Court, setting a hearing on this matter as early as possible, preceded by an *in camera* review of the withheld materials at issue or a representative sample thereof, and directing Respondents, and each of them, to show cause why they should not immediately provide the requested materials, and thereafter issue a writ of mandate or other order under the seal of this Court, directing Respondents, and each of them, to immediately disclose to Petitioner all the requested materials at issue currently being withheld.

See Gov't C. §§ 6258, 6259(a); *Haynie v. Superior Court*, 26 Cal. 4th 1061, 1073 (2001).

2. That this Court issue a declaration that the withheld materials that relate to Producers and/or utility customers that are not natural persons are public records as defined by California Government Code § 6252(e) in that they contain information relating to the conduct of the people's business, prepared, owned, used or retained by Respondents, and each of them, and

1 that Respondents, and each of them, violated the Public Records Act by failing to promptly make
2 the writings available to Petitioner and the public.

3 3. That this Court issue a declaration that the withheld materials that relate to
4 Producers and/or utility customers that are not natural persons are writings of public officials and
5 agencies as set forth in Article 1, Section 3(b)(1) of the California Constitution and that
6 Respondents, and each of them, violated the California Constitution by failing to promptly make
7 the writings available to Petitioner and the public.

8 4. The Court enter an order awarding costs and reasonable attorneys' fees incurred in
9 this action pursuant, *inter alia*, to California Government Code § 6259 and/or California Civil
10 Procedure Code §§ 1021.5, 1032, 1033.5, and any other applicable law, in addition to any other
11 relief granted.

12 5. The Court award Petitioner such other and further relief as is just and proper.
13

14 DATED: August 13, 2014

15 JASSY VICK CAROLAN LLP

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19 JEAN-PAUL JASSY
KEVIN L. VICK

20 Attorneys for Petitioner
21 First Amendment Coalition
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VERIFICATION

I, Peter Scheer, do hereby certify and declare as follows:

1. I am Executive Director of Petition First Amendment Coalition, with offices in the State of California. I made the requests for records and materials at issue in this matter.

2. I have read the **VERIFIED PETITION FOR WRIT OF MANDATE ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT AND ARTICLE 1, SECTION 3(b) OF THE CALIFORNIA CONSTITUTION; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF; EXHIBITS 1-8** and know the contents thereof and I verify that the same is true of my own personal knowledge, except as to those matters therein stated upon information and belief and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in San Rafael, CA on August 13, 2014.

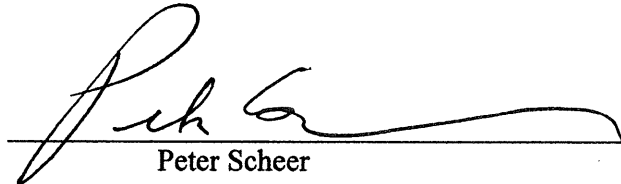
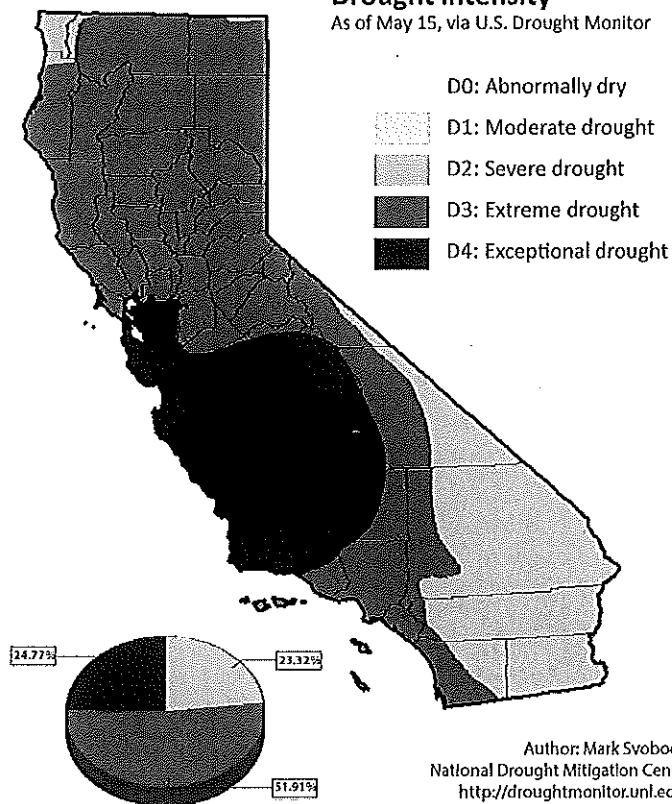

Peter Scheer

EXHIBIT “1”

OVERVIEW

Drought intensity

As of May 15, via U.S. Drought Monitor



■ **Current conditions:** The U.S. Drought Monitor depicts all of California in severe to exceptional drought, and the Seasonal Drought Outlook forecasts conditions to persist.

■ **Intensity:** More than 24% of the state falls into the most intense category of drought, D4 or "exceptional" drought. This is more than double the level of D4 drought three months ago, when not quite 10% of the state was within those conditions. A year ago, none of California was experiencing D4.

■ **Snowpack:** As of May 1, water content for snowpack statewide was 18% of average for that time of year. In the northern Sierras, water content was at 7% of average.

■ **Heat:** For January through April, temperatures were the warmest on record. Those four months averaged 5.2 degrees F warmer than the 20th century average for January through April.

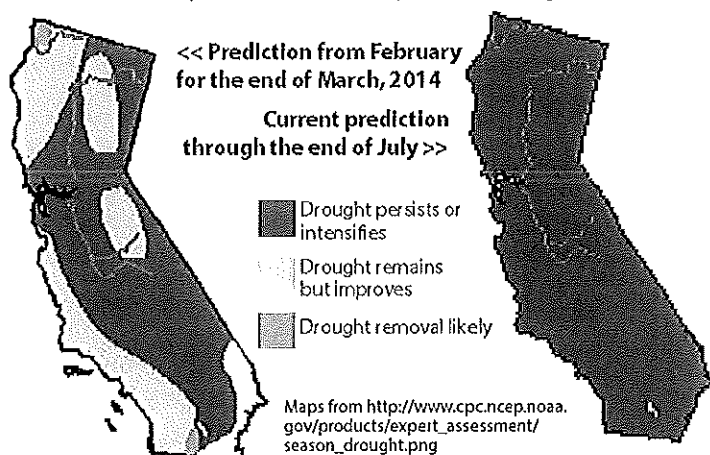
■ **State government actions:** On April 25, Gov. Jerry Brown issued an executive order addressing the ongoing drought, following up on his January declaration of a statewide drought emergency. The intention of the order was to manage water and habitat more effectively in the face of current conditions, as well as further urging communities and residents to strengthen their efforts to conserve water.

Actions included directing the Department of Water Resources and the State Water Resources Control Board to expedite approvals of voluntary water transfers for farms, and charging the California Department of Fish and Wildlife to accelerate monitoring of Chinook salmon.

On May 13 the governor released a state budget revision adding \$142 million to drought response efforts, including firefighting, emergency response, water management, wildlife preservation and food assistance.

Hope of improvement stifled; drought persisting

Earlier in the year, predictions for March projected some possible improvement, but that did not come to pass. Instead, NOAA's Climate Prediction Center (CPC) expects California's drought to at least persist if not intensify through midsummer. Currently, CPC has declared an El Niño watch for this year. El Niño could help alleviate drought conditions.



How intensity levels have shifted

Chart shows percentage area of drought conditions in California

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	100.00	100.00	76.88	24.77
Last Week 5/9/2014	0.00	100.00	100.00	95.93	76.88	24.77
3 Months Ago 2/11/2014	1.43	98.57	94.54	91.59	60.94	9.81
Start of Calendar Year 12/31/2013	2.61	97.39	94.25	87.53	27.59	0.00
Start of Water Year 10/1/2013	2.63	97.37	95.95	84.12	11.36	0.00
One Year Ago 5/14/2013	0.00	100.00	98.16	46.25	0.00	0.00

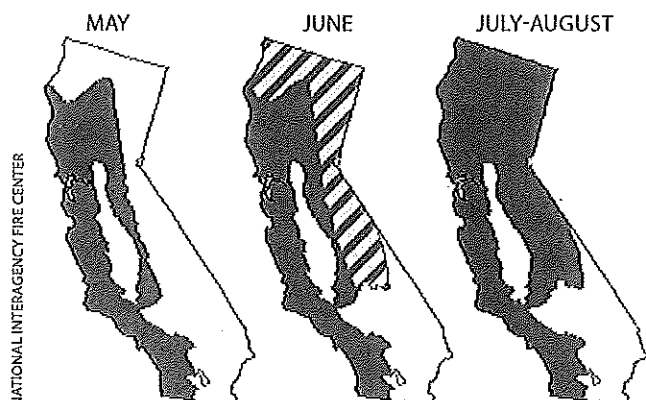
Contacts:

Michael Anderson, State Climatologist,
Calif. Dept. of Water Resources (Michael.L.Anderson@water.ca.gov)
Brad Rippey (brippey@oce.usda.gov)
Kathleen Bogan (kathleen.bogan@noaa.gov)



Fire danger

Fire potential expanding through August



The potential for significant wildfire is likely to be above normal for increasing areas of the state as the summer progresses. Fuel dryness is similar to typical conditions in mid-June. Given anticipated warmer and drier-than-normal conditions, fuels should reach critical levels in the lower elevations by mid-May, eventually expanding to all areas by mid-June, remaining critically dry for most of the upcoming fire season. Rainfall over the desert may keep fire potential lower over areas east of the southern California mountains, but the rest of the area will see fuels continue to be highly receptive to ignition and fires that are highly resistant to control efforts.

Upper elevations will be prone to lightning starts by mid-June, four to six weeks earlier than normal.

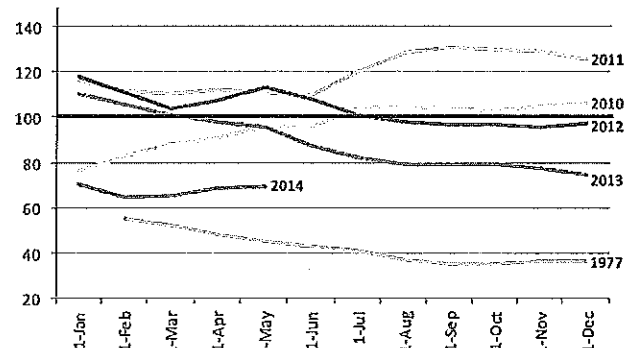
With unseasonably high temperatures, limited rainfall and moisture levels resembling the state's peak fire season, the California Department of Forestry and Fire Protection (CAL FIRE) in January hired 125 supplemental firefighters in Northern California and extended seasonal firefighting forces in Southern California due to dry winter conditions.

Above normal potential
Potential increasing to above normal



Reservoirs

CALIFORNIA RESERVOIR STORAGE AS A PERCENT OF NORMAL



Source: California Department of Water Resources

High temps bode ill for reservoir storage

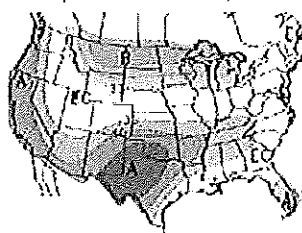
Average spring storage would support 3½ years of water usage. If the state follows usage patterns from the last two years, California has less than two years of water remaining in storage. Rain and snow over the past three months eased conditions somewhat, but storage as of May 12 stood at 69% of average. In 2013, storage had already peaked by April 30.

With temperatures reaching triple digits in parts of the state already this year and the heat expected to continue, there is a risk of rapid depletion of reservoir storage.

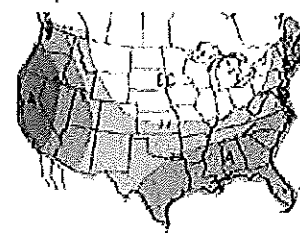
For a chart of current reservoir conditions, go to <http://cdec.water.ca.gov/cgi-progs/products/rescond.pdf>

TEMPERATURE OUTLOOK THROUGH MAY

Darker brown colors indicate increasing probability of above-average temperatures; darker blue increasing probability of cooler than average temperature. White areas have equal chances of normal, warmer or cooler temps.



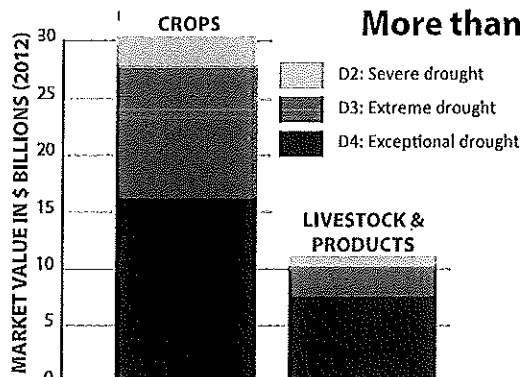
TEMPERATURE OUTLOOK FOR JUNE, JULY, AUGUST



National Weather Service Climate Prediction Center

Agriculture

More than half the production undergoing exceptional drought



The market value of products from California farms approached \$45 billion annually, according to the USDA NASS 2012 state report. Drought currently impacts all producers, with almost 8% in severe drought (D2); 32% in extreme drought (D3); and more than 54% undergoing the most severe condition, exceptional drought (D4).

Taken separately from livestock and other products, the value of crops was more than \$34 billion. More than half are experiencing the most extreme category, exceptional drought (D4).

California livestock and other agricultural products have a value of more than \$12 billion, and all are affected by drought as well. More than 62% of livestock and other products are subject to D4 conditions.

Contacts:
Michael Anderson, State Climatologist,
Calif. Dept. of Water Resources (Michael.L.Anderson@water.ca.gov)
Brad Rippey (brippy@oce.usda.gov)
Kathleen Bogan (kathleen.bogan@noaa.gov)



California Drought Outlook | May 2014
www.drought.gov/drought/content/resources/reports

EXHIBIT “2”

DESERT WATER AGENCY
POST OFFICE BOX 1710
PALM SPRINGS, CALIFORNIA 92263
(760) 323-4971

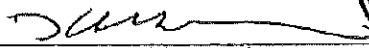
ENGINEER'S REPORT
GROUNDWATER REPLENISHMENT
AND
ASSESSMENT PROGRAM
FOR THE
WHITEWATER RIVER SUBBASIN

DESERT WATER AGENCY
2013/2014

APRIL 2013

Prepared by

KRIEGER & STEWART, INCORPORATED
ENGINEERING CONSULTANTS
3602 UNIVERSITY AVENUE
RIVERSIDE, CALIFORNIA 92501
(951) 684-6900



David F. Scriven
RCE No. 42922



101-33.37
(DFS/kjl/blt)
(REPORTS/101-33P37RPT)

TABLE 6
DESERT WATER AGENCY
GROUNDWATER REPLENISHMENT AND ASSESSMENT PROGRAM
ESTIMATED WHITEWATER RIVER SUBBASIN MANAGEMENT AREA WATER PRODUCTION
AND
ESTIMATED WATER REPLENISHMENT ASSESSMENTS
2013/2014

Management Area	Estimated Assessable Water Production AF	Water Replenishment Assessment Rate		Water Replenishment Assessment	
		S/AF	\$	\$	Percent
Whitewater River Subbasin	41,080	92	\$3,779,360		81%
Mission Creek Subbasin	9,500	92	\$874,000		19%
Combined Subbasins	50,580		\$4,653,360		100%

ESTIMATED WHITEWATER RIVER SUBBASIN MANAGEMENT AREA WATER PRODUCTION AND WATER REPLENISHMENT ASSESSMENTS

Producer	2012 Water Production (1)			Estimated 2013/2014 Assessable Water Production AF (4)	Estimated Water Replenishment Assessment @ \$92/AF	Percent
	Groundwater Extraction AF	Surface Water Diversion AF	Combined Water Production AF			
Whitewater River Subbasin						
Desert Water Agency	36,990	1,571	38,561	38,560	3,547,520	53.87%
Desert Water Agency (Exempt)	0	651 (2)	651 (2)	0	0	0.00%
Calltrans Rest Stop	72	0	72	70	5,440	0.17%
Canyon Country Club						
(Palm Canyon Country Club)	327	0	327	330	30,360	0.80%
Palm Springs Country Club						
(Whitewater Country Club)	0	0	0	0	0	0.00%
Desert Oasis Golf Mgmt.	651	0	651	660	60,720	1.61%
Los Compadres	53	0	53	50	4,600	0.12%
Mission Springs Water District						
(Wells 25 & 25A and 26 & 26A)	146	0	146	150	13,800	0.37%
45 Palms Partnership	0	0	0	0	0	0.00%
Seven Lakes Country Club	120	0	120	120	11,040	0.29%
Bel Air Greens	127 (3)	0	127 (3)	130	11,960	0.32%
Palm Springs Classic	1,011	0	1,011	1,010	92,920	2.46%
Palm Springs Village	0	0	0	0	0	0.00%
Palm Springs West	0	0	0	0	0	0.00%
Karen Prince Wetbom	0	0	0	0	0	0.00%
Total	39,507	2,222	41,729	41,080	3,779,360	100.00%

(1) 2012 Metered water production rounded to nearest acre foot, except for Exempt Production and Estimated Production.

(2) Exempt Production (former Whitewater Mutual Water Company diversion).

(3) Estimated Production (estimate based on applied water rates, past and comparable, for Bel Air Greens).

(4) Rounded to nearest 10 AF.

* Exempt Production (less than 10 AF).

DESERT WATER AGENCY
POST OFFICE BOX 1710
PALM SPRINGS, CALIFORNIA 92263
(760) 323-4971

ENGINEER'S REPORT
GROUNDWATER REPLENISHMENT
AND
ASSESSMENT PROGRAM
FOR THE
MISSION CREEK SUBBASIN
DESERT WATER AGENCY
2013/2014
APRIL 2013

Prepared by

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3602 UNIVERSITY AVENUE
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David F. Scriven
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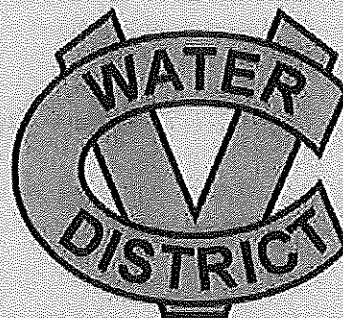
101-57.11
(DFS/kjl/blt)
(REPORTS/101-57/57P11RPT)

TABLE 6
DESERT WATER AGENCY
GROUNDWATER REPLENISHMENT AND ASSESSMENT PROGRAM
ESTIMATED MISSION CREEK SUBBASIN MANAGEMENT AREA WATER PRODUCTION
AND
ESTIMATED WATER REPLENISHMENT ASSESSMENTS
2013/2014

ESTIMATED COMBINED MANAGEMENT AREA ASSESSABLE WATER PRODUCTION AND WATER REPLENISHMENT ASSESSMENTS				
Management Area	Estimated Assessable Water Production	Water Replenishment Assessment Rate	Water Replenishment Assessment	
	AF	\$/AF	\$	Percent
Mission Creek Subbasin	9,500	92	874,000	19%
Whitewater River Subbasin	41,080	92	3,779,360	81%
Combined Subbasins	50,580		4,653,360	100%

ESTIMATED MISSION CREEK SUBBASIN MANAGEMENT AREA WATER PRODUCTION AND WATER REPLENISHMENT ASSESSMENTS						
Producer	2012 WATER PRODUCTION			Estimated 2013/2014 Assessable Water Production	Estimated Water Replenishment Assessment @ \$92/AF	Percent
	Groundwater Extraction AF	Surface Water Diversion AF	Combined Water Production AF	AF (1)	\$	
Mission Creek Subbasin						
Mission Springs Water District	7,909	0	7,909	7,910	727,720	83%
Hidden Springs Country Club	305	0	305	310	28,520	3%
Mission Lakes Country Club	845	0	845	850	78,200	9%
Sands RV Resort	434	0	434	430	39,560	5%
Total	9493	-	9,493	9,500	874,000	100%

(1) Rounded to nearest 10 Acre Feet.



***ENGINEER'S REPORT ON WATER SUPPLY
AND REPLENISHMENT ASSESSMENT
Upper Whitewater River Subbasin Area of Benefit
2013-2014***

Prepared for

COACHELLA VALLEY WATER DISTRICT

April 2013

Public Meeting April 9, 2013

Table 7 Upper Whitewater River Subbasin Area of Benefit Estimated Producer Assessments for Fiscal Year 2013-2014 Coachella Valley Groundwater Basin

Producer's Name	Estimated Production Acre Feet¹	Estimated Assessment Dollars²
ANNENBERG ESTATE	1,645.9	\$181,477
BIGHORN GOLF CLUB	1,758.4	\$193,881
CASA DORADO	94.7	\$10,442
CHAPARRAL COUNTRY CLUB	874.0	\$96,367
CIMARRON GOLF RESORT	1,243.0	\$137,053
CITY OF INDIAN WELLS	495.1	\$54,590
COACHELLA VALLEY WATER	83,586.2	\$9,216,214
COLLEGE OF THE DESERT	298.0	\$32,857
DESERT FALLS COUNTRY CLUB	1,242.7	\$137,020
DESERT HORIZON COUNTRY CLUB	586.7	\$64,690
DESERT ISLAND COUNTRY CLUB	409.0	\$45,096
DESERT PRINCESS HOA CLUB INC.	1,746.2	\$192,536
DESERT WILLOW	77.6	\$8,556
EISENHOWER MEDICAL CENTER	656.8	\$72,419
EL DORADO COUNTRY CLUB	710.7	\$78,362
GGs HOTEL HOLDINGS CALIFORNIA	359.9	\$39,683
INDIAN RIDGE COUNTRY CLUB	723.4	\$79,762
INDIAN WELLS COUNTRY CLUB	1,335.4	\$147,241
INDIAN WELLS GOLF RESORT	1,441.5	\$158,940
IRONWOOD COUNTRY CLUB	1,991.3	\$219,561
IVEY RANCH GOLF & COUNTRY CLUB	412.6	\$45,493
LA ROCCA CONDO OWNERS ASSN.	80.3	\$8,854
LAKE MIRAGE	573.7	\$63,256
LAKES COUNTRY CLUB	2,237.3	\$246,685
MACIAS, JUAN	28.6	\$3,153
MANUFACTURE HOME COMMUNITY, INC	593.0	\$65,384
MARRAKESH COUNTRY CLUB	366.9	\$40,454
MARRIOTT DESERT SPRINGS-MS1489	1,614.3	\$177,993
MARRIOTT OWNERSHIP RESORTS	1,817.0	\$200,342
MARYWOOD PALM VALLEY SCHOOL	227.9	\$25,128
MISSION HILLS COUNTRY CLUB INC	4,807.0	\$530,020
MONTEREY COUNTRY CLUB	1,223.7	\$134,925
OASIS PALM DESERT HOMEOWNERS	848.1	\$93,512
OUTDOOR RESORTS	659.2	\$72,683
PALM DESERT RESORT COUNTRY CLB	1,244.0	\$137,163
PALM DESERT, CITY OF	169.0	\$18,634
PALM SPRINGS CEMETERY DISTRICT	242.4	\$26,727
PALM VALLEY COUNTRY CLUB	1,858.8	\$204,951
PD GOLF OPERATIONS, LLC	1,018.1	\$112,256
PORCUPINE PROPERTIES	836.0	\$92,177
RANCHO LAS PALMAS RESORT/SPA	650.5	\$71,724

Table 7 Upper Whitewater River Subbasin Area of Benefit Estimated Producer Assessments for Fiscal Year 2013-2014 Coachella Valley Groundwater Basin		
Producer's Name	Estimated Production Acre Feet¹	Estimated Assessment Dollars²
SG & H PARTNERS, L.P.	157.1	\$17,322
SHADOW MOUNTAIN COUNTRY CLUB	396.3	\$43,691
SO. PACIFIC TRANS. CO. #32601	1,433.0	\$158,003
SPE GO HOLDINGS INC	902.9	\$99,554
STONE EAGLE, LLC	684.0	\$75,418
SUN CITY P.D. COMMUNITY ASSOC.	244.5	\$26,959
SUNCREST COUNTRY CLUB	517.0	\$57,004
SUNRISE COUNTRY CLUB	692.0	\$76,300
TAMARISK COUNTRY CLUB	744.8	\$82,122
TANDIKA CORP./AVONDALE COUNTRY CLUB	905.7	\$99,862
THE CLASSIC CLUB	1,320.1	\$145,554
THE CLUB AT SHENANDOAH SPRINGS	1,171.5	\$129,170
THE CLUB AT MORNINGSIDE, INC.	983.1	\$108,397
THE RESERVE CLUB	933.2	\$102,895
THE SPRINGS CLUB, INC.	811.5	\$89,476
THOUSAND TRAILS/PALM SPRINGS	59.0	\$6,505
THUNDERBIRD COUNTRY CLUB	645.0	\$71,118
TOSCANA COUNTRY CLUB	973.5	\$107,338
VINTAGE CLUB	2,368.5	\$261,151
WELK RESORT GROUP, INC.	538.0	\$59,320
WESTIN MISSION HILLS RESORT	2,023.2	\$223,078
XAVIER COLLEGE PREP HIGH	89.9	\$9,912
Total Production	141,378.7	\$15,588,410
(1) Estimate based on preceding calendar year production.		
(2) Production times \$110.26/AF. Total is rounded to nearest dollar.		

CONCLUSION AND RECOMMENDATION

The average natural water inflow into the upper portion of the Whitewater River Subbasin is less than production. Therefore, this Subbasin must continue to use imported water for recharge to reduce total overdraft. The GRP has proven to be effective in reducing groundwater overdraft.

GRP costs continue to increase. CVWD has analyzed projected expenses, revenues, and reserves over the next five years and determined that the RAC can be continued during Fiscal Year 2013-2014 at the same rate of assessment.

Therefore, it is recommended that no change be made in the \$110.26/AF RAC that became effective on July 1, 2012.



***ENGINEER'S REPORT ON WATER SUPPLY
AND REPLENISHMENT ASSESSMENT
Lower Whitewater River Subbasin Area of Benefit
2013-2014***

Prepared for

COACHELLA VALLEY WATER DISTRICT

April 2013

Public Meeting April 9, 2013

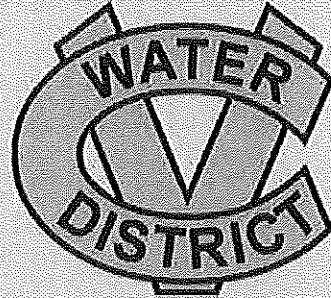
Table 6 Lower Whitewater River Subbasin Area of Benefit Estimated Producer Replenishment Costs for 2013		
Producer's Name	Estimated Production Acre Feet ⁽¹⁾	Estimated Assessment Dollars ⁽²⁾
53 & JACKSON	122.2	\$5,499
AMEZCUA, OSCAR	32.5	\$1,463
ANDALUSIA GOLF CLUB AT	730.0	\$32,850
ANTHONY VINEYARDS	7,517.2	\$338,274
AQUA FARMING TECHNOLOGY	1,416.8	\$63,756
ARZ, INC.	926.4	\$41,688
BARAJAS, JOHN H.	91.1	\$4,100
BARAQUIA, NELSON	756.9	\$34,061
BERMUDA DUNES AIRPORT	141.6	\$6,372
BERMUDA DUNES COUNTRY CLUB	1,358.3	\$61,124
BERMUDA PALMS MOBILE PARK	53.3	\$2,399
BOE DEL HEIGHTS MUTUAL WATER	154.3	\$6,945
BREECH TRUST	782.1	\$35,194
BRIGHTON DISTRIBUTING, INC.	504.0	\$22,680
C.V. PUBLIC CEMETERY DISTRICT	316.3	\$14,234
CARLAU, LLC	291.0	\$13,095
CARVER TRACT MUTUAL WATER CO	109.4	\$4,923
CENTRAL COAST GREENHOUSES, INC	104.8	\$4,716
CHAC CHUO FARMS INC/AAA FARMS	806.4	\$36,288
CITY OF COACHELLA	8,043.1	\$361,940
CITY OF INDIO/INDIO WATER AUTH	22,170.0	\$997,651
CITY OF INDIO/MUNICIPAL GOLF	129.2	\$5,812
COACHELLA VALLEY UNIFIED SCH	366.1	\$16,475
COACHELLA VALLEY WATER	28,686.7	\$1,290,902
COCOPAH NURSERIES INC	1,619.6	\$72,882
COLDWATER RANCH DUCK CLUB INC	181.9	\$8,186
COLORAMA WHOLESALE NURSERY	51.1	\$2,300
CRYSTAL ORGANIC FARMS LLC	1,294.1	\$58,235
DASHUN FISHERIES	1,154.0	\$51,930
DESERT MIST FARMS/MECCA III	40.4	\$1,818
DESERT RANCH, LLC	322.8	\$14,526
DORSEY FAMILY GROVES LLC	510.8	\$22,986
DURBANO, DAVID & LINDA	83.2	\$3,744
EAST OF MADISON LLC	1,759.0	\$79,155
EL DORADO POLO CLUB	151.6	\$6,822
EMPIRE II, LLC	81.1	\$3,647
FAJARDO, GERARDO D.	38.9	\$1,751

Table 6 Lower Whitewater River Subbasin Area of Benefit Estimated Producer Replenishment Costs for 2013		
Producer's Name	Estimated Production Acre Feet⁽¹⁾	Estimated Assessment Dollars⁽²⁾
FISH A BIT RANCH	34.3	\$1,544
GRANITE CONSTRUCTION COMPANY	82.9	\$3,731
HEADSTART NURSERY, INC.	90.8	\$4,087
HERBTHYME FARMS, INC.	561.1	\$25,250
HERITAGE PALMS MASTERS H.O.A.	131.0	\$5,895
INDIAN PALMS COUNTRY CLUB	1,019.7	\$45,887
INDIAN SPRINGS GOLF CLUB	559.2	\$25,164
JCM FARMING	132.1	\$5,945
JEULE I, LLC/HOWARD MARGULEAS	39.7	\$1,787
JORDAN OUTREACH MINISTRIES INT	53.9	\$2,426
KARAHADIAN RANCHES INC.	90.1	\$4,055
KOHL RANCH COMPANY, LLC	193.8	\$8,721
KSL 11 MANAGEMENT OPERATIONS	2,424.8	\$109,116
LA QUINTA COUNTRY CLUB	1,089.7	\$49,037
LAGUNA DE LA PAZ HOA	311.3	\$14,009
LANE, DONA K.	42.9	\$1,931
LANE, STEVEN L.	339.1	\$15,258
LEJA FARMS	69.6	\$3,132
LINKS NURSERY	94.5	\$4,253
LO, ERNEST AND TRACY	337.9	\$15,206
LONG LIFE FARMS INC./VONG, KEN	675.0	\$30,375
MECCA LAND DEVELOPMENT CO.	270.6	\$12,177
MOTORCOACH COUNTRY CLUB	193.5	\$8,708
MOUNTAIN VIEW COUNTRY CLUB	866.0	\$38,970
MRBL, LTD.	177.6	\$7,992
MYOMA DUNES WATER COMPANY	4,511.3	\$203,010
NI CHING HSIANG FISH FARMS	184.2	\$8,289
NORTH SHORE GREENHOUSES, INC.	323.0	\$14,535
NORTH SHORE RANCH, LLC	441.1	\$19,850
OASIS DATE GARDEN	135.9	\$6,116
OASIS GARDENS, LLC	227.8	\$10,251
OASIS PALMS RV PARK	34.0	\$1,530
OLE FO RANCH	364.3	\$16,394
OUTDOOR RESORTS INDIO HOA	30.7	\$1,382
PALM ROYALE COUNTRY CLUB HOA	497.0	\$22,365
PARAMOUNT CITRUS	620.8	\$27,936
PETER RABBIT FARMS	1,201.9	\$54,086
PLANTATION GOLF CLUB	198.8	\$8,946
PRIME TIME INTERNATIONAL	271.1	\$12,200

Table 6 Lower Whitewater River Subbasin Area of Benefit Estimated Producer Replenishment Costs for 2013		
Producer's Name	Estimated Production Acre Feet⁽¹⁾	Estimated Assessment Dollars⁽²⁾
RANCHO CASA BLANCA HOA	183.5	\$8,258
RANCHO DON RAMON, INC.	28.9	\$1,301
RANCHO LEMUS	72.4	\$3,259
RANCHO TEN	235.6	\$10,604
RED GLOBE	672.3	\$30,252
RICHARD BAGDASARIAN, INC.	468.3	\$21,074
SHADOW HILLS GOLF CLUB	240.3	\$10,814
SHIELDS DATE GARDENS	89.6	\$4,032
SUN WORLD INTERNATIONAL LLC	2,710.5	\$121,973
SUNRISE MARSH LLC	103.4	\$4,653
SUNSET RANCH LLC	189.7	\$8,537
SWEET DESERT LEMONS	267.2	\$12,024
TD DESERT DEV/RANCHO LA QUINTA	1,829.0	\$82,305
THE HIDEAWAY	75.3	\$3,389
THE PALMS GOLF CLUB	689.0	\$31,005
THE QUARRY AT LA QUINTA	1,105.4	\$49,743
THERMICULTURE MGMT LLC	2,466.7	\$110,999
TLQ PARTNERS, INC. (TRILOGY GOLF CLUB)	173.0	\$7,785
TRADITIONS GOLF CLUB	588.0	\$26,460
TRI COLOR FARMS, LLC	1,055.3	\$47,489
TROJAN CITRUS, LLC	35.0	\$1,573
UNIVERSITY CALIF OF RIVERSIDE	3,076.6	\$138,447
VONG, SI SAP/SS VONG FISH FARM	562.0	\$25,290
WALLER TRACT MUTUAL WATER	104.4	\$4,698
WESTERN AQUATIC ENTERPRISES	725.3	\$32,639
YONEMITSU PROPERTIES LP	198.1	\$8,915
YOUNG, WILLIAM & HARRIET	233.7	\$10,517
YOUNG'S NURSERY, LLC	64.2	\$2,889
Total Assessable Production	120,063.8	\$5,402,871
⁽¹⁾ Estimated production based on preceding calendar year reported production.		
⁽²⁾ Production times \$45.00 per acre foot. Totals are rounded to the nearest dollar.		

CONCLUSIONS AND RECOMMENDATION

Because the average natural water inflow into the lower portion of the Whitewater River Subbasin is less than the production, the GRP must continue using imported water. Accordingly, it is recommended that the RAC of \$45.00/AF be levied upon all producers within the Area of Benefit in accordance with the State Water Code.



**ENGINEER'S REPORT ON WATER SUPPLY
AND REPLENISHMENT ASSESSMENT**
Mission Creek Subbasin Area of Benefit
2013-2014

Prepared for

COACHELLA VALLEY WATER DISTRICT

April 2013

Public Meeting April 9, 2013

Table 7 Mission Creek Subbasin Area of Benefit Estimated Producer Assessments for Fiscal Year 2013-2014 Coachella Valley Groundwater Basin		
Producer's Name	Estimated Production Acre Feet⁽¹⁾	Estimated Assessment Dollars⁽²⁾
Coachella Valley Water District	3,055.0	\$301,620
Bluebeyond Fisheries	475.6	\$46,956
DDGC Desert Holdings, LTD. (Desert Dunes Golf)	1,051.0	\$103,762
Total Projected Production	4,581.6	\$452,338
⁽¹⁾ Estimate based preceding calendar year production.		
⁽²⁾ Production times \$98.73/AF. Total is rounded to nearest dollar.		

CONCLUSION AND RECOMMENDATION

The average natural water inflow into the Mission Creek Subbasin is less than production. Therefore, this Subbasin must continue to use imported water for recharge to reduce total overdraft. The GRP has proven to be effective in reducing groundwater overdraft.

GRP costs continue to increase. CVWD has analyzed projected expenses, revenues, and reserves over the next five years and determined that the RAC can be continued during Fiscal Year 2013-2014 at the same rate of assessment.

Therefore, it is recommended that no change be made in the \$98.73/AF RAC that became effective on July 1, 2011.

EXHIBIT “3”

Desert water supply strained by heavy pumping

Aug 12

desertsun.com

AQUIFER AT RISK More coverage in the series at mydesert.com/water



The Coachella branch of the All-American Canal snakes between a housing development and a man-made water-ski lake near the open undeveloped desert in north Indio. Jay Calderon, The Desert Sun

 [More photos »](#)

Water pumped from hundreds of wells has transformed the desert of the Coachella Valley into a lush patchwork of golf courses, farms, resorts and swimming pools. Those wells draw heavily from the underground aquifer year after year and have led to dramatic declines in water levels, posing serious long-term risks for the water supply.

The diminishing water levels in the aquifer during the past half-century illustrate how heavy water use in the Coachella Valley has long outstripped

available water supplies. And while public officials have made some progress in recent years, their efforts to reverse the trend have lagged behind the declines in water levels and haven't fully addressed the problem.

Quick links

[Map: Explore well data](#)

[Photos: Water in the valley](#)

[Video: What is an aquifer?](#)

[Video: Water use in the desert](#)

[More coverage of related topics](#)

In a three-month investigation of water levels throughout the Coachella Valley, The Desert Sun found that the average depth of 70 existing wells across the valley in 1970 was 104.4 feet. As of this year, the average depth of 291 wells in the valley had dropped to 159.3 feet.

The average loss of 55 feet of water depth reflects a significant depletion of the most precious resource in the California desert. The average well depths calculated by The Desert Sun provide a broad picture of the aquifer's decline over decades. More specific trends such as areas with particularly large drops in water levels also emerged during the analysis, which is the first such valley-wide review to assess water agencies' groundwater data.

The newspaper obtained depth measurement records for 346 wells from the Coachella Valley Water District and the Desert Water Agency after the Agua Caliente Band of Cahuilla Indians sued the agencies in federal court. The tribe is claiming rights to a portion of the valley's groundwater and accuses the agencies of mismanaging the water supply by permitting the aquifer's levels to drop.

DOCUMENT: Tribal lawsuit

Full text of the Agua Caliente Band of Cahuilla Indians lawsuit over water rights, filed against Coachella Valley Water District and Desert Water Agency

The measurements of well levels, taken at regular intervals over the years, support the tribe's claim that under the agencies' watch, over-pumping has long been drawing down the water supply.

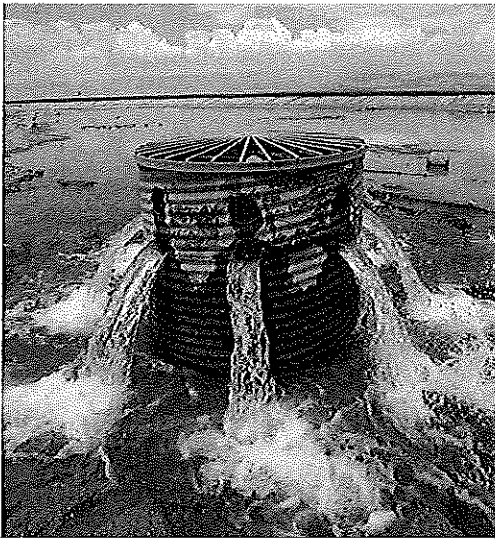
The records also support the agencies' argument that they have recently made headway in slowing the declines, with water levels rising in some areas. But the apparent progress has coincided with unusually large arrivals of Colorado River water, some of which is being stored through a "water banking" arrangement and will eventually have to be paid back through diminished inflows.

Water managers and hydrologists often liken an underground aquifer to a bank account in which there are deposits and withdrawals. Viewed this way, users of the Coachella Valley's aquifer have been overspending for many years.

In reviewing the records of water level measurements, Desert Sun journalists consulted water scientists, analyzed data in the water agencies' reports and used spreadsheets to calculate rates of change in the water levels. The review found that:

- Depletion of groundwater has been a long-term, slow-moving crisis. Water levels have dropped by more than 100 feet since the 1950s in some areas of Palm Desert and Rancho Mirage that have many golf courses and subdivisions.

- Water levels have stabilized or risen in the past three years in areas near groundwater recharge ponds in La Quinta and Palm Springs. Higher water levels in those areas have



Water flows into a percolation pond at the Thomas E. Levy Groundwater Replenishment Facility at Avenue 62 and Monroe Street in La Quinta on Aug. 1, 2012. Jay Calderon, The Desert Sun

coincided with increased flows of Colorado River water that have reached the ponds and percolated down to the aquifer.

- Over the long term, the oldest wells in the valley show a clear trend of decline. When 63 of the oldest wells are considered alone, with records that start in the 1960s or earlier, more than 82 percent of the wells have seen declines in water levels, while the remaining 18 percent have held steady or risen. Together, the declines in those wells averaged 48 feet since the start of record-keeping, with some records going back as early as the 1920s and others drilled in later decades. Eight of the wells with the largest drops fell by more than 100 feet.

- The Desert Sun consulted UC Irvine water scientist Brian Thomas, a postdoctoral scholar at the UC Center for Hydrologic Modeling, who used statistical methods to assess

trends. A decade-by-decade statistical analysis prepared by Thomas found that a majority of wells declined in the 1960s, '70s, '80s, '90s and 2000s, and that only since 2010 has there been a shift, with more wells showing rising levels amid increased deliveries of water from the Colorado River. This portion of the analysis focused on all wells that showed a clear trend during each decade. Wells that either held steady, showed minimal changes or didn't have enough measurements taken during the decade were not included.

"There's been a pretty consistent drop throughout the valley, and the only change that's occurred has been in the last three years, since 2010," Thomas said. "There's some fluctuation that is happening in the system, but for the most part, it's still going down."

Explore the data

All Wells

Source: Data provided to The Desert Sun by the Coachella Valley Water District and the Desert Water Agency.

The Desert Sun analyzed records for 346 wells across the Coachella Valley. Some wells have water level measurement records going back to the 1920s, while others were drilled over the decades since. Click on each well's approximate location to see a chart of its water levels.

How this project was done

Pumping and overdraft

Water district officials have for decades recognized overdraft — the pumping of more water than is replaced — as a serious dilemma. But a long-term solution would be visible in the data only if water levels held steady or rose year after year throughout the valley, and that benchmark remains elusive.

Whether the water agencies and the valley's more than 400,000 residents ultimately find a balance between water supplies and demands will depend on an array of factors, including

deliveries of water from outside the area, population growth and water conservation measures.

For now, the valley has some of the heaviest water use in California and uses considerably more per person than other desert cities such as Phoenix and Las Vegas. The valley also has some of the lowest water rates in California.

The area's economy, sustained largely by tourism and agriculture, rests fundamentally on the underground water supply, a resource once fed solely by small flows of snowmelt and rainfall that accumulated over millions of years. Now imported water from the Colorado River filters down through the desert soil and collects in the aquifer, a sponge-like matrix of tiny holes between sand, gravel, silt and clay.

As farms, golf courses and expanding subdivisions have drawn down the levels of the aquifer, the ground has sunk in some parts of the valley. A 2007 study by the U.S. Geological Survey detailed how the ground level sank up to 4 inches in parts of La Quinta, with smaller effects in parts of Palm Desert and Indian Wells, during a year-and-a-half period from 2003 to 2005.

“The valley fits into the picture that we see across the southern part of California and actually all over the world, all over the arid parts. ... They’re drying out, and the aquifers all over the world are being depleted.”

— Jay Famiglietti, UC Irvine hydrologist, director of the UC Center for Hydrologic Modeling

When the ground shifts due to heavy pumping, the long-term costs can include damaged pipes, uneven roads and homes with cracked foundations. Other potential consequences include higher water bills, worsening water quality and more water-related disputes.

California is one of many arid regions throughout the world facing growing water scarcity and declining aquifers. Drought and diminished mountain snowpack have contributed to the mounting pressures on water supplies.

Groundwater pumping in California, as in most U.S. states, isn't regulated by federal, state, or local governments. Scientists say that for most areas of the country, complete data on how much water has been used and how much remains underground do not exist.

DOCUMENT: USGS report

Groundwater Depletion in the United States (1900–2008)

A recent study by the U.S. Geological Survey estimated that between 1900 and 2008, cumulative groundwater depletion in the United States — the total volume of water lost from aquifers across the country — was about 1,000 cubic kilometers. That amount, if spread out over California, would cover the state with water more than 7 feet deep.

The pressures on aquifers keep growing due to burgeoning populations and pumping by farms and industries. Wells have gone dry in parts of Texas this year. Wells have also gone dry in parts of California's San Luis Obispo County where vineyards are using large quantities of water. And in some areas of the Central Valley, the level of the ground has sunk dramatically as water has

been drained away to irrigate crops.

"What we know in Southern California, which we can see from satellites and from monitoring on the ground, is how the level of groundwater is dropping," said hydrologist Jay Famiglietti, a professor at UC Irvine and director of the UC Center for Hydrologic Modeling. "We're using the water at a much quicker rate than it's being replenished, so the level of the water in the aquifer drops and ultimately we will hit bottom."

He said the Coachella Valley appears to fit this overdraft pattern.

QUICK HIT: By the numbers

Five facts about water use in the Coachella Valley

No one knows exactly how much groundwater remains beneath the Coachella Valley. Water agencies have calculated the cumulative overdraft since the 1970s at more than 5.3 million acre-feet of water. That's enough to fill more than 2.6 million Olympic swimming pools, with each acre-foot equivalent to 325,851 gallons.

The state Department of Water Resources in 1964 estimated that the aquifer, in the first 1,000 feet below ground, had a total capacity of at least 39.2 million acre-feet. Based on that estimate, the aquifer has lost about 13.5 percent of the total since the 1970s.

How we developed this special report

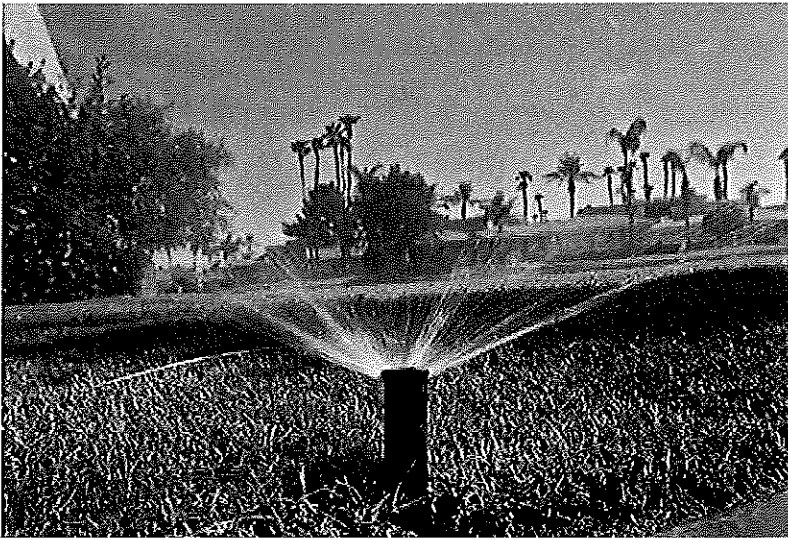
The Desert Sun, in an effort to analyze the state of the Coachella Valley's aquifer, obtained records of water levels in all 346 wells for which the valley's largest water agencies have measurements. Read more about the records and our analysis.

Between 1970 and 2013, the population of the valley has grown nearly fivefold, and water levels have declined despite increasing shipments of imported water.

It's unclear how far water levels would need to decline for the aquifer to reach its limits. A 1979 study by the state's Department of Water Resources estimated that the water-bearing portion of the aquifer goes down roughly 2,000 feet, suggesting that a significant cushion probably remains.

But if water levels continue to drop in the coming decades, other dilemmas likely would emerge. As water is drawn from deeper underground, pumping requires more electricity and thus higher costs. Treatment could become necessary if water quality worsens. Saltwater from the Salton Sea could seep into some wells. And falling water tables could eventually require people to drill deeper wells.

Some say the heart of the problem lies in the valley's water use.



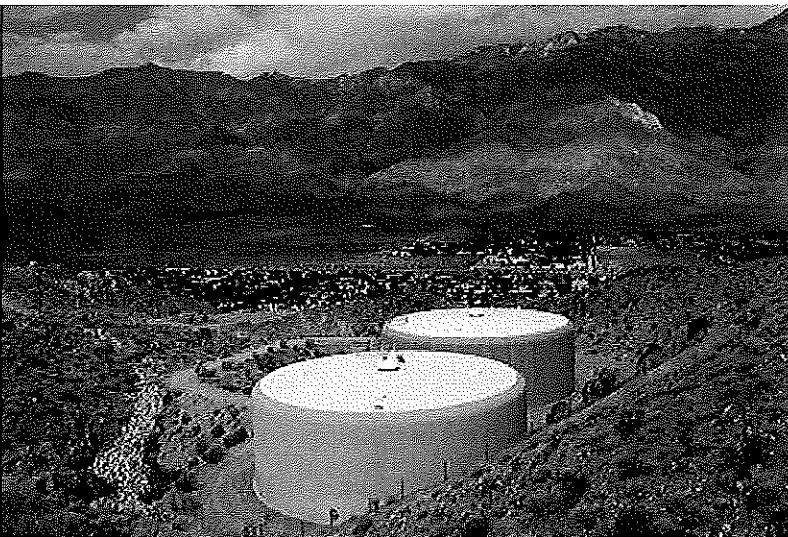
A sprinkler in the Lake Mirage Racquet Club in Rancho Mirage waters the grass near one of their man-made ponds July 31. Jay Calderon, The Desert Sun

"We've used water as if we lived in Florida, and instead we live in a dry climate that cannot sustain this water use," said Buford Crites, a former Palm Desert mayor and a current member of the state Regional Water Quality Control Board for the Colorado River region. "We are facing a drier future with less water, and yet we're living in a valley where until very, very recent times, people were encouraged to plant lawns."

Water use has decreased in recent years as more people have replaced lawns with desert landscaping, and as

some of the valley's water districts have adopted tiered rates that reward those who use less water. But Crites said such changes have come slowly, in part because for many years, "lots of people didn't want to look at water data because they didn't want to see what they would see."

The valley's water agencies argue that they have been getting a handle on the problem and making important improvements.



Two large Desert Water Agency reservoirs overlook south Palm Springs and the Indian Canyons. Jay Calderon, The Desert Sun

"It's a problem that's not going to go away. It's a problem we have to continue to address," said David Luker, general manager of the Desert Water Agency. "When you think of some of the other areas that are having trouble, we've at least turned our problem around where we're actually gaining on it, close to the spreading basins and beyond. We've changed the direction. We've changed the decline, the rate of decline."

Luker pointed to the successes of local

water agencies in securing new supplies of imported water over the years, and in achieving reductions in water use in the past five years. DWA's water consumption has declined 18 percent since 2007, and he said his agency has done everything in its power to prevent further declines in groundwater levels.

"Things have gotten much better than they were," said Luker, who has worked for DWA for more than 20 years. "The western United States is always going to have water concerns. We're just not going to get away from it. It's an ongoing battle. That's why I say the work in combating overdraft is never going to be over."

“We made some headway. We need to continue what we’re doing. ... Unless your inflow equals your outgo, then you aren’t home free. ”

— Corky Larson, former CVWD board member

The Coachella Valley’s water managers have for nearly a century been anticipating future water needs, and through agreements in the past decade have ensured increasing deliveries of imported water, said Steve Bigley, director of environmental services of the Coachella Valley Water District.

“We are now in, with the most recent agreements, the best shape to move forward in the future and see the benefits of the decades of work that it takes to bring in those additional water supplies,” Bigley said. “On an annual basis, more water is going to be replenished into our groundwater basin.”

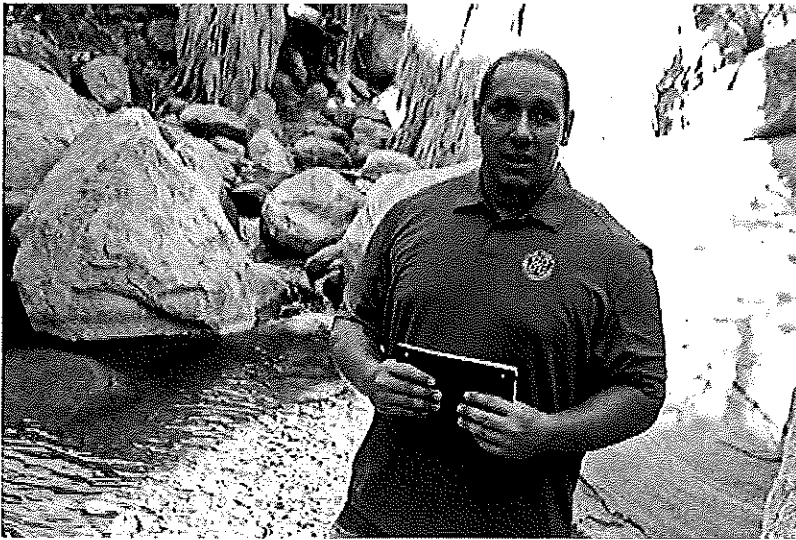
Peter Gleick, a water expert who leads the Pacific Institute in Oakland, agreed that officials in the valley have done a better job than many of their counterparts in the state in that they have been monitoring groundwater levels and using imported water to recharge the aquifer for many years.

“Groundwater depletion is not only a big problem, but it’s been a long-ignored problem for too long in much of the West. We’ve acted as though our surface water and our groundwater systems were separate,” Gleick said. “That’s changing. It’s changing in part because more and more of our groundwater aquifers are being overdrafted and levels are dropping, and it’s becoming more expensive to pump, and users are coming into conflict with other users.”

Gleick said it’s vital for people in California and elsewhere to “integrate groundwater management into our institutions and into our thinking.”

“Coachella (Valley) to some degree has done this longer than many other water agencies, in part because there’s so little surface water there,” Gleick said. “So, they’ve had groundwater recharge systems, they’ve paid much more attention to intentional monitoring and management, and I think that’s been a good thing. In some ways, Coachella is way ahead of other California water districts.”

But Agua Caliente Tribal Chairman Jeff Grubbe said the tribe, through its lawsuit, wants to bring about better water management. He said the tribe is worried about the declines in groundwater



Agua Caliente Tribal Chairman Jeff Grubbe talks about the Coachella Valley's aquifer and the tribe's related lawsuit in the Indian Canyons on June 27. Jay Calderon, The Desert Sun

levels and the costs of inaction.

"We want to work on a solution to refill our aquifers," Grubbe said. Without stronger efforts to raise water levels, "those levels are going to decrease even further, at a rapid pace."

Fighting declines

"We can't pretend that we're Hawaii or Florida. We're not even Phoenix or Tucson. We're a much hotter, drier desert than any of those places, and so we have to adjust our water use to that."

— Buford Crites, former Palm Desert mayor, current member of state Regional Water Quality Control Board

The Colorado Desert is one of the hottest and driest places in North America, and the Coachella Valley typically receives between 2 and 5 inches of rain a year. It is so dry that the history of the valley's development has been closely linked to finding new water supplies.

The Coachella Valley Water District was formed in 1918 to oversee the water supply. In the early 1900s, water was so plentiful in some areas that the pressure in the aquifer naturally forced water to the surface, and it would overflow from some wells. But by the 1940s, the water district had detected swift declines in wells as the valley's farms and population grew.



The Coachella branch of the All-American Canal flows alongside farmland near Coachella. Jay Calderon, The Desert Sun

The district responded by starting to import water for irrigation in 1949 from the Colorado River. The water flowed through the newly built Coachella branch of the All-American Canal, leading to less pumping from wells and allowing underground water levels to partially recover.

As the growing population used more water, CVWD and DWA sought additional supplies and in 1963 signed contracts with the state to tap into the State Water Project. The agencies, however, decided not to

build a connection to the state's system of canals and pipelines, a project that by one estimate could have cost as much as \$150 million. Instead, the agencies agreed to trade their allotted amounts to the Metropolitan Water District of Southern California for a portion of the flows

coursing through the Colorado River Aqueduct.

Starting in 1973, that water from the Colorado River began to flow into ponds constructed on the outskirts of Palm Springs.

But as subdivisions expanded in La Quinta, Palm Desert and elsewhere, officials noticed that water levels were again falling in many areas. They began searching for ways to bring more water to a portion of the aquifer known as the Lower Whitewater sub-basin.



A lake, golf course and thousands of homes as seen from the air above La Quinta. Jay Calderon, The Desert Sun

"In the '80s, we started to recognize that the lower valley was developing and using more groundwater. So, we did some studies, developed a computer model of the basin so we could look at it and try to see what could be done," said Tom Levy, who was general manager of CVWD from 1986 to 2002. "We had this data and as you saw more growth going on in the lower valley, you started to say, 'We need to do something more.'"

As the water agency's officials saw it, their challenges included ensuring additional water supplies and finding a suitable spot in the east valley to build ponds to replenish the aquifer. In much of this stretch of the valley, an impervious clay layer formed by the ancient Lake Cahuilla prevented water from penetrating deep enough to reach the aquifer.

"These sorts of things take a long time," Levy said. "Before you make an investment like that, you want to know that it's going to work. So, you need the model, you need the testing and everything."

Following years of studies, the water district in 1994 began building groundwater recharge ponds in south La Quinta.

Salton Sea coverage

The Quantification Settlement Agreement will mean less agricultural runoff flowing to the Salton Sea.

"Then, we had to assure ourselves that we had an adequate water supply for it," Levy said. After years of seeking more water, the district eventually secured more water through the 2003 water transfer deal known as the Quantification Settlement Agreement. The agreement, by reducing flows to farms in Imperial County, guarantees gradual increases of water deliveries to San Diego and the Coachella Valley.

Preparing for that water guaranteed under the deal, CVWD carved out additional ponds in La

Quinta. The district spent \$40 million buying the land and building a total of 39 ponds, and eventually named the facility after Levy.

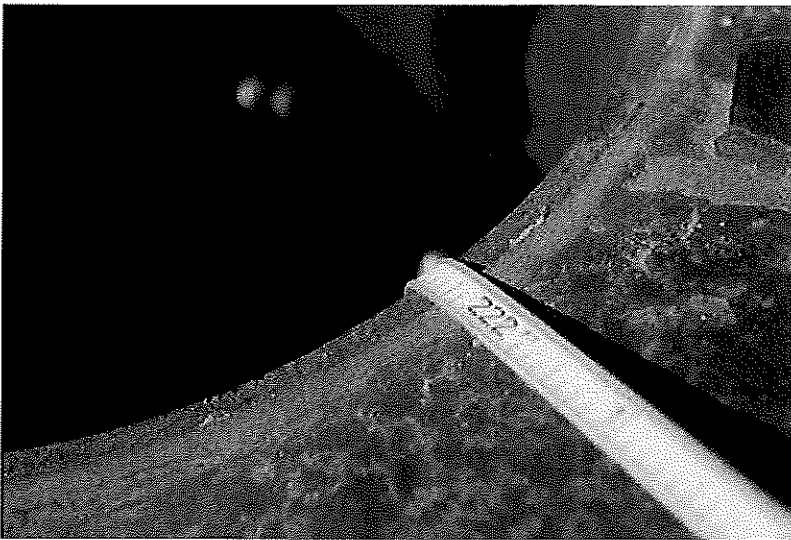
In 2009, larger amounts of water began to pour out of the corrugated metal pipes that protrude vertically from the ponds in La Quinta. Water also began flowing during the 2000s to other newly constructed ponds at Mission Creek and Martinez Canyon.

The projects in the past decade have been praised by water officials as much-needed steps.

"We're still depleting, but nowhere near like we were," said Corky Larson, a member of the CVWD Board from 2000 to 2012. "I know we made some headway."

For years, CVWD's reports have pointed to declining water levels as an unsolved problem that requires greater efforts. A water management plan drafted in 2002 laid out plans to eliminate overdraft and prevent further declines.

All five of the valley's public water agencies have participated in jointly drafting long-term plans. CVWD and DWA are the two largest agencies of the group, together serving about 75 percent of water customers.



Saul Montalvo, an engineer aid with the Coachella Valley Water District takes a measurement from a well in Cathedral City in May of 2013. Omar Ornelas, The Desert Sun

In the agencies' 2010 Coachella Valley Integrated Regional Water Management Plan, one of the main objectives described was to "manage groundwater levels to reduce overdraft."

The plan noted that water levels have fallen more than 60 feet in parts of the east valley and have also decreased substantially in the west valley, except near replenishment ponds. The plan said that continued overdraft would have significant consequences, such as higher costs to deepen wells, water

quality degradation, and "land subsidence in some areas with resultant potential for ground fissures and damage to buildings, homes, sidewalks, streets, wells, and buried pipelines."

Another document, the Coachella Valley Water District's 2010 Urban Water Management Plan, declared that "continued decline of groundwater levels and overdraft is unacceptable." It said that "in order to fulfill obligations to valley residents, these agencies must take action to prevent continuing decline of groundwater levels."

Efforts and advancements

During the past three years, the water agencies have been aided by particularly large inflows of water from the Colorado River. The deliveries included both the valley's allotment of Colorado

River water and additional amounts of “exchange water” from the river, which the Metropolitan Water District trades for the Coachella Valley’s share from the State Water Project. Similarly large flows reached the valley in the mid-1980s and helped push up water levels in some areas for a time.

“There is a downward trend in the storage (of water). It is stabilizing a little bit with this recharge. How sustainable is that? I think it all depends on one thing, and that is how well we manage our water from this point on.”

— Arden Wallum, general manager, Mission Springs Water District

From 2010 to 2012, a total of 903,650 acre-feet from the Colorado River poured into ponds to replenish the aquifer. Those quantities by far surpassed the 582,116 acre-feet seen during the entire previous decade from 2000 to 2009.

Nearly one-third of the water used to replenish the aquifer during those three years — or 276,430 acre-feet — came through advance deliveries from the Metropolitan Water District, and that portion is to be repaid by the valley through reduced deliveries in future years. The Coachella Valley now owes the Metropolitan Water District a total of about 342,000 acre-feet.

For now, the influx of water is gradually spreading underground. Well levels have been rising in Cathedral City, several miles away from the replenishment ponds at Windy Point on the outskirts of Palm Springs.



Checking one of the wells in a Cathedral City neighborhood, water district employee Saul Montalvo unlocked a metal lid atop the well and inserted a probe. He let the instrument descend by holding its measuring tape and unwinding it hand-over-hand from a spool.

When the probe hit water, the device buzzed. Montalvo stopped to take the measurement: 222 feet, an increase of more than 8 feet from earlier in the year.

Saul Montalvo, an engineer aid with the Coachella Valley Water District takes a measurement from a well in Cathedral City in May of 2013. Omar Ornelas, The Desert Sun

“That fluctuation you’re seeing is the unique benefit of this advance delivery system,” Bigley said. He said the arrangement allows the Metropolitan Water District the flexibility of obtaining more water when it needs it, and brings the Coachella Valley higher water levels in some years, reducing pumping costs.

“We’re looking at the benefits of the water management plan,” Bigley said. “Replenishment is a key element of the package.”

Other factors that have helped groundwater levels include increased use of treated sewage to irrigate golf courses and parks. The valley's water districts provide recycled water through purple pipes – which are used to distinguish treated sewage from potable water – to 18 of the valley's 124 golf courses. The rest of the valley's courses use groundwater or canal water from the Colorado River, paying rates or assessments that vary from about \$42 per acre-foot to \$110 per acre-foot.

DOCUMENT: Water rates

A comparison of rates charged by water agencies around California

Residential water use, meanwhile, has declined about 20 percent since the Coachella Valley Water District in 2009 adopted tiered rates that reward those who conserve and penalize those who don't. DWA decided against adopting tiered rates after studying the possibility in 2010, and then approved flat rate increases that year and in 2012. Mission Springs Water District has had tiered rates since 1985, and the Indio Water Authority is now considering tiered rates that would charge more to customers who exceed a household water budget set by the city.

While water use has decreased, flows of Colorado River water to the ponds in La Quinta have been helping water levels in the east valley in the past three years.

"We see a really remarkable response from water levels to this recharge. Clear over north of the Salton Sea, we see groundwater levels increase rapidly," said Michelle Sneed, a U.S. Geological Survey hydrologist who studies the sinking of ground levels in parts of the valley.

Sneed said she sees in the data an improving picture near the ponds in La Quinta and in surrounding areas. "Not only are the water levels coming back up, but we're getting a little bit of rebound of the land surface," she said. "There's been 50-60 years of declines, and then they're turning it around."

The Coachella Valley also is set to receive increasing quantities from the Colorado River under the Quantification Settlement Agreement, buying water from the Imperial Irrigation District. Deliveries of water through the Coachella Canal are projected to gradually grow from 368,000 acre-feet to 459,000 acre-feet per year by 2026. Based on average per-household usage of about two-thirds of an acre-foot, the additional amounts predicted would be enough water to supply about 136,000 homes.

Limited water, growing demands

In his office at UC Irvine, Famiglietti opens his laptop and shows a colorful satellite map of the world, with shades of yellow, orange and red denoting declining aquifers and stretching across large swaths of the earth.

The map illustrates satellite data from a joint U.S.-German mission, the Gravity Recovery and Climate Experiment, or GRACE. It was launched in 2002 and consists of two satellites that fly separately in orbit 137 miles apart. The satellites monitor slight changes over time in Earth's gravitational pull that occur when large quantities of water appear as snow or rain, or disappear

due to drought or groundwater pumping.

"This is the global picture and it's bad," Famiglietti said. "All those red spots are hotspots of groundwater depletion that are happening all over the world: northwestern Australia, North China Plain, northwestern India, Bangladesh, Middle East, various regions around Africa."

Much of California is covered in yellow or orange, showing that the state has been losing freshwater in the past decade.

"The future in California is just not bright, and we have to come to terms with that and begin actively managing our groundwater supplies for sustainability, for the future," Famiglietti said.

"There are some future complications that have not adequately been incorporated into our water planning. A really big one is climate change. It just seems more and more evident from the science that flows in the Colorado could decrease over the coming decades, and in fact there's some evidence that's already happening. That's going to put pressure on an already over-pressured system."

— Peter Gleick, president and co-founder, Pacific Institute.

He and other researchers say that on top of heavy groundwater pumping for farms and growing urban populations, water supplies in much of the West are becoming less reliable due to climate change.

Prolonged drought has pushed reservoirs on the Colorado River to new lows, leaving them half empty and prompting water managers to respond with a plan to reduce the flow of water from Lake Powell to Lake Mead.

The Coachella Valley's water managers are confident that even if the drought persists for the next couple of years and forces cuts in water deliveries, other areas in Arizona and Nevada would be affected first.

John Powell, Jr., president of the CVWD Board, said recently that while the shrinking river raises important issues, "we're not really concerned about cutbacks." He noted that Southern California water districts hold priority rights to Colorado River water.

But researchers also warn that along the Colorado River, cities and farming regions appear to be using more than the river can sustain. Studies have concluded that water demands are starting to outstrip the supplies provided by the river, and those findings suggest that in the long term, the Colorado River may become a less reliable source to replenish aquifers.

Snowpack in the Sierra Nevada has also declined dramatically. Less water has been flowing south from the Sacramento-San Joaquin River Delta through the State Water Project, and as a result, the Coachella Valley and other Southern California water districts have received only 35 percent of their full allocation this year.



Large graders remove silt from the bottom of the percolation ponds in May so water can seep into the aquifer more efficiently. Jay Calderon, The Desert Sun

Without any recent water shipments, nearly all of the recharge ponds on the outskirts of Palm Springs have been dry for months. Workers have been using earthmovers for maintenance work during the dry period, scraping up accumulated silt from the ponds beside the spinning windmills of the San Geronimo Pass.

In the long term, climate change presents complications that haven't yet been adequately incorporated into water planning efforts, Gleick said. "It just seems more and more evident from the science that flows in the Colorado could

decrease over the coming decades, and in fact there's some evidence that's already happening. That's going to put pressure on an already over-pressured system."

Given that outlook, it's more important than ever for people to have accurate information about how much water is going into aquifers and how much is being pumped out, Gleick said. "It can't be the old days of the Wild West anymore. We have to know who's using how much water, and it has to be agreed upon and managed."

DOCUMENT: Water demand

A table showing future water demand projections for the Coachella Valley

The amount of water pumped from wells in the Coachella Valley is projected to rise as population grows and more housing is built. The valley's estimated annual water use as of 2010 stood at 678,600 acre-feet, or more than 221 billion gallons, and water managers have estimated that by 2040, water use could increase by 25 percent.

Future supplies will depend not only on imported water, but also on how efficiently water is used. Lavish water use has generally been tolerated by communities in the valley, where rates charged by water agencies range between \$1.16 and \$1.83 per 100 cubic feet. By comparison, rates in San Diego average \$3.98 for the same quantity of water. In San Francisco, the average is \$4.85.

Conservation measures in the California desert have also lagged behind those of some other regions in the Southwest.

DOCUMENT: Water use

A state report comparing water use among regions

A 2012 report by the state Department of Water Resources found that average water use in the

Colorado River region, which includes the Coachella Valley and Imperial County, was by far the highest in California. The baseline figures representing typical water use by CVWD and DWA customers — 591 and 736 gallons per person per day, respectively — were among the highest in the state.

The report was prepared while determining targets for reductions in water use, and for each water district a 10-year baseline period was selected, for CVWD from 1999 to 2008 and for DWA from 1995-96 to 2004-05. In 2010, CVWD's average residential water use declined to 482 gallons per person per day, and for DWA the average declined to 604 gallons per person. But both agencies say these water use figures are inflated by the calculation method because the valley's large population of seasonal residents isn't taken into account.

While equivalent figures are not available to directly compare the Coachella Valley to other regions in the Southwest, the available statistics suggest that other cities use significantly less water. Las Vegas, for instance, has mandatory watering restrictions and other aggressive water-saving policies, and its water use is much lower: 219 gallons per day last year. In Phoenix, the average per-capita residential water use stood at 110 gallons per day in 2012.

Some say the data show that public officials in the Coachella Valley haven't done nearly enough and that the aquifer will likely continue to decline unless more aggressive steps are taken.

What do you think?

Share your thoughts in the comments or

Manny Rosas, an Indio resident and retired water resources manager for Redwood City, said he is concerned about the water situation in the valley and has been reading reports by the water districts that lay out the issue of falling groundwater levels.

"We have a real problem because we are using more water than nature is able to replace," said Rosas, whose work in Redwood City involved coping with a serious water supply problem and developing conservation and recycling programs.

"The board of directors, the city council, the leaders, need to overcome denial. Because nobody is going to ring the alarm bell and put a stop to the uncontrolled growth in the valley, unless they're very courageous," Rosas said. "It's very difficult for people in government to sound the alarm bell, even though all the facts are there."

Under state law, developers that plan large subdivisions of 500 homes or more are required to have a water supply assessment and a written verification that there are sufficient water supplies before they can start building. Smaller developments don't need such assessments.

A man-made desert oasis

Many artificial oases throughout the valley draw water from wells and contribute to long-term declines in groundwater levels.

CVWD has approved water supply assessments for a list of developments during the past

decade. Patti Reyes, CVWD's planning and special programs manager, said the water district has never had to turn down a development because the valley's water management plan evaluates water needs for the next 35 years and lays out plans for providing adequate water supplies.

But Rosas said he thinks more needs to be done to adopt "smart growth" policies, considering the limitations of water supplies. He suggests turning down some proposals for large housing subdivisions and requiring new developments to use filtered Colorado River water rather than pumping from wells.

He also said water agencies should adopt more stringent conservation programs with specific water-saving goals and annual progress reports.

"Because of the fact that we have a real crisis, that the groundwater depletion problem is real, that requires drastic solutions. I think it's important to really be more aggressive on the way we're using water for golf courses, for landscaping. Because the outdoor use is the one where we totally lose the water," Rosas said. "The main problem right now is the denial that we have a crisis. That is the bottom line."

He said that once the area's leaders acknowledge there is still a water crisis, it will be easier to work toward solutions.

Lynne Stephenson contributed to this report.

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EXHIBIT “4”

DESERT WATER



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ENGINEER'S REPORT
GROUNDWATER REPLENISHMENT
AND
ASSESSMENT PROGRAM
FOR THE
WHITEWATER RIVER SUBBASIN
DESERT WATER AGENCY
2014/2015

APRIL 2014

Prepared by



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(DFS/kjl/blt)
(REPORTS/101-33P38RPT)

TABLE 6
DESERT WATER AGENCY
GROUNDWATER REPLENISHMENT AND ASSESSMENT PROGRAM
ESTIMATED WHITEWATER RIVER SUBBASIN MANAGEMENT AREA WATER PRODUCTION
AND
ESTIMATED WATER REPLENISHMENT ASSESSMENTS
2014/2015

Management Area	Estimated Assessable Water Production AF	Water Replenishment Assessment Rate		Water Replenishment Assessment	
		\$/AF	Percent	\$	Percent
Whitewater River Subbasin	38,900	102	79%	\$3,967,800	79%
Mission Creek Subbasin	10,080	102	21%	\$1,028,160	21%
Combined Subbasins	48,980		100%	\$4,995,960	100%

Producer	2013 Water Production (1)				Estimated 2014/2015 Assessable Water Production		Estimated Water Replenishment Assessment @ \$102/AF	
	Groundwater Extraction AF	Surface Water Diversion AF	Combined Water Production AF	Percent	AF (4)	\$	\$	Percent
Whitewater River Subbasin								
Desert Water Agency (Producer 1)	35,816	1,156	36,972		36,970	3,770,940		95.04%
Desert Water Agency (Producer 1, Exempt)	0	646 (2)	646 (2)		0	0		0.00%
Producer 2	54	0	54		50	5,100		0.13%
Producer 3	0	0	0		0	0		0.00%
Producer 4	0	0	0		0	0		0.00%
Producer 5	656	0	656		660	67,320		1.70%
Producer 6	48	0	48		50	5,100		0.13%
Producer 7	148	0	148		150	15,300		0.39%
Producer 8	0	0	0		0	0		0.00%
Producer 9	95	0	95		100	10,200		0.26%
Producer 10	127 (3)	0	127 (3)		130	13,260		0.33%
Producer 11	787	0	787		790	80,580		2.03%
Producer 12	0	0	0		0	0		0.00%
Producer 13	0	0	0		0	0		0.00%
Producer 14	0	0	0		0	0		0.00%
Total	37,730	1,802	39,532		38,900	3,967,800		100.00%

- (1) 2013 Metered water production rounded to nearest acre foot, except for Exempt Production and Estimated Production.
(2) Exempt Production (Producer 1).
(3) Estimated Production (estimate based on applied water rates, past and comparable, for Producer 10).
(4) Rounded to nearest 10 AF.
- Exempt Production (10 AF or less).



DESERT WATER



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ENGINEER'S REPORT
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2014/2015

APRIL 2014

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101-57.12
(DFS/KJL/bft)
(REPORTS/101-57/57P12RPT)

TABLE 6
DESERT WATER AGENCY
GROUNDWATER REPLENISHMENT AND ASSESSMENT PROGRAM
ESTIMATED MISSION CREEK SUBBASIN MANAGEMENT AREA WATER PRODUCTION
AND
ESTIMATED WATER REPLENISHMENT ASSESSMENTS
2014/2015

ESTIMATED COMBINED MANAGEMENT AREA ASSESSABLE WATER PRODUCTION AND WATER REPLENISHMENT ASSESSMENTS				
Management Area	Estimated Assessable Water Production AF	Water Replenishment Assessment Rate \$/AF	Water Replenishment Assessment \$	Percent
Mission Creek Subbasin	10,080	102	1,028,160	21%
Whitewater River Subbasin	38,900	102	3,967,800	79%
Combined Subbasins	48,980		4,995,960	100%

ESTIMATED MISSION CREEK SUBBASIN MANAGEMENT AREA WATER PRODUCTION AND WATER REPLENISHMENT ASSESSMENTS						
Producer	2013 Water Production			Estimated 2014/2015 Assessable Water Production AF (1)	Estimated Water Replenishment Assessment @ \$102/AF \$	Percent
	Groundwater Extraction AF	Surface Water Diversion AF	Combined Water Production AF			
Mission Creek Subbasin	8,129	0	8,129	8,130	829,260	81%
Mission Springs Water District (Producer 1)	351	0	351	350	35,700	3%
Producer 2	1,108	0	1,108	1,110	113,220	11%
Producer 3	489	0	489	490	49,980	5%
Producer 4						
Total	10077	-	10,077	10,080	1,028,160	100%

(1) Rounded to nearest 10 Acre Feet.





***ENGINEER'S REPORT ON WATER SUPPLY
AND REPLENISHMENT ASSESSMENT
East Whitewater River Subbasin Area of Benefit
2014-2015***

Prepared for

COACHELLA VALLEY WATER DISTRICT

April 2014

Public Meeting April 8, 2014

Methods for Determining Production

In accordance with Section 31638.5 of the California Water Code, Producers who extract greater than 25 acre-feet per year, including artesian flowing groundwater, are required to have water-measuring devices installed on all wells or other water producing facilities and report the total amount produced from all wells to CVWD on a monthly basis. Minimal pumpers are exempt from this provision.

Producers shall submit a water production statement on a CVWD approved form with their RAC payment each month or enter into a Water Production Metering Agreement with CVWD to have CVWD staff measure and report groundwater production.

If no statement of production is furnished, CVWD will calculate production based on energy consumption records (in kilowatt-hours) and the results of well pump tests indicating unit energy consumption per acre-foot of production (in kilowatt-hours per acre-foot).

If no energy consumption records are available, CVWD will compute the groundwater pumping based on consumptive use of water. Consumptive use will be computed by multiplying the irrigated acreage for each crop type using CVWD's zanjero maps of cropping patterns (conducted semi-annually) by a water consumption factor for each crop. The water consumption factor will be based on published crop evapotranspiration requirements, an allowance for leaching and an irrigation efficiency of 70 percent. Other water consumption factors will be used to compute production not used for irrigation. Production will be computed by subtracting any metered deliveries of Canal water or recycled water.

If the total metered, estimated or computed annual amount of production for any producer is 25 acre-feet or less, that entity will be designated a minimal pumper and will be exempt from the RAC for that year. Minimal pumpers will be re-evaluated as necessary.

Replenishment Assessment Charge

The JWPAC has previously recommended a RAC increase of \$7 per acre-foot per year for successive fiscal years beginning July 1, 2009. This would increase the RAC from the current \$45 per acre-foot to \$52 per acre-foot effective July 1, 2014 for a 15.6% increase.

Estimating 2014 production based on the 2013 calendar year reported production of 119,194 acre-feet, at \$52 per acre-foot, the 2014 estimated assessment dollars equals \$6,198,088.

CONCLUSIONS AND RECOMMENDATION

Because the average natural water inflow into the East Whitewater River Subbasin Area of Benefit is less than the production, the GRP must continue using imported water. Accordingly, it is recommended that the RAC of \$52.00/AF be levied upon all producers within the Area of Benefit in accordance with the State Water Code.



***ENGINEER'S REPORT ON WATER SUPPLY
AND REPLENISHMENT ASSESSMENT
West Whitewater River Subbasin Area of Benefit
2014-2015***

Prepared for

COACHELLA VALLEY WATER DISTRICT

April 2014

Public Meeting April 8, 2014

Methods for Determining Production

In accordance with Section 31638.5 of the California Water Code, Producers are required to have water-measuring devices installed on all wells or other water producing facilities within one year following the levy of a RAC. Minimal pumpers are exempt from this provision.

Producers shall submit a water production statement on a CVWD approved form with their RAC payment each month or enter into a Water Production Metering Agreement with CVWD to have CVWD staff measure and report groundwater production.

If no statement of production is furnished, CVWD will calculate production based on energy consumption records (in kilowatt-hours) and the results of well pump tests indicating unit energy consumption per acre-foot of production (in kilowatt-hours per acre-foot).

If no energy consumption records are available, CVWD will compute the groundwater pumping based on consumptive use of water. Consumptive use will be computed by multiplying the irrigated acreage for each crop type by a water consumption factor for each crop. The water consumption factor will be based on published crop evapotranspiration requirements, an allowance for leaching and an irrigation efficiency of 70 percent. Other water consumption factors will be used to compute production not used for irrigation. Production will be computed by subtracting any metered deliveries of Canal water or recycled water.

If the total metered, estimated or computed annual amount of production for any producer is 25 AF or less, that entity will be designated a minimal pumper and will be exempt from the RAC for that year. Minimal pumpers will be re-evaluated as necessary.

Replenishment Assessment Charge

GRP costs continue to increase. CVWD has analyzed projected expenses, revenues, and reserves over the next five years and determined that the RAC can be continued during Fiscal Year 2014-2015 at the same rate of assessment.

Estimating 2014 production based on 2013 calendar year reported production of 143,108 acre-feet, at \$110.26 per acre-foot, the 2014 estimated assessment dollars equals \$15,779,088.

CONCLUSION AND RECOMMENDATION

The average natural water inflow into the west portion of the Whitewater River Subbasin is less than production. Therefore, this Subbasin must continue to use imported water for replenishment to reduce total overdraft. The GRP has proven to be effective in reducing groundwater overdraft.

GRP costs continue to increase. CVWD has analyzed projected expenses, revenues, and reserves over the next five years and determined that the RAC can be continued during Fiscal Year 2014-2015 at the same rate of assessment.

Therefore, it is recommended that no change be made in the \$110.26/AF RAC that became effective on July 1, 2012.



***ENGINEER'S REPORT ON WATER SUPPLY
AND REPLENISHMENT ASSESSMENT
Mission Creek Subbasin Area of Benefit
2014-2015***

Prepared for

COACHELLA VALLEY WATER DISTRICT

April 2014

Public Meeting April 8, 2014

Replenishment Assessment Charge

GRP costs continue to increase. CVWD has analyzed projected expenses, revenues, and reserves over the next five years and determined that the RAC can be continued during Fiscal Year 2014-2015 at the same rate of assessment.

Estimating 2014 production based on 2013 calendar year reported production of 4,415 acre-feet, at \$98.73 per acre-foot, the 2014 estimated assessment dollars equals \$435,932.

CONCLUSION AND RECOMMENDATION

The average natural water inflow into the Mission Creek Subbasin is less than production. Therefore, this Subbasin must continue to use imported water for replenishment to reduce total overdraft. The GRP has proven to be effective in reducing groundwater overdraft.

It is recommended that no change be made in the \$98.73/AF RAC that became effective on July 1, 2011.

EXHIBIT “5”

FIRST AMENDMENT COALITION

Defending Free Speech and Your Right to Know

534 Fourth Street
San Rafael, CA 94901
415 460 5060
pscheer@firstamendmentcoalition.org

Monday April 28, 2014

By mail and Fax: 760.398.3711

Jim Barrett
General Manager
Coachella Valley Water District
P.O. Box 1058
Coachella, CA 92236

Re: Public Records Request Letter

On behalf of the First Amendment Coalition, a nonprofit organization dedicated to government transparency and accountability, I am making this request for records under the California Public Records Act (CPRA) and Section 3, Article 1(b) of the California Constitution. Specifically, we request the following:

Records sufficient to show the estimated assessable groundwater production and estimated assessment for fiscal year 2014-15 for each groundwater producer, *identified by name*, in the Coachella Valley Water District's service area.

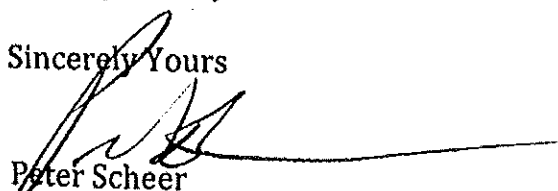
As an alternative to searching for, copying and producing multiple relevant records, you may provide us with a chart showing all the requested information. If you opt to produce such a chart, that will be sufficient for our needs.

Please notify us in advance of incurring costs, chargeable to us, in excess of \$50.

If you have any questions about what information we are requesting, please contact me by email or phone.

Thank you for your attention to this matter.

Sincerely Yours



Peter Scheer
Executive Director

EXHIBIT “6”

FIRST AMENDMENT COALITION

Defending Free Speech and Your Right to Know

534 Fourth Street
San Rafael, CA 94901
415 460 5060
pscheer@firstamendmentcoalition.org

Monday April 28, 2014

By mail and email: sbaca@dwa.org

David K. Luker
General Manager
Desert Water Agency
1200 Gene Autry Trail
Palm Springs, CA 922264

Re: Public Records Request Letter

On behalf of the First Amendment Coalition, a nonprofit organization dedicated to government transparency and accountability, I am making this request for records under the California Public Records Act (CPRA) and Section 3, Article 1(b) of the California Constitution. Specifically, we request the following:

Records sufficient to show the estimated assessable groundwater production and estimated assessment for fiscal year 2014-15 for each groundwater producer, *identified by name*, in the Desert Water Agency's service area.

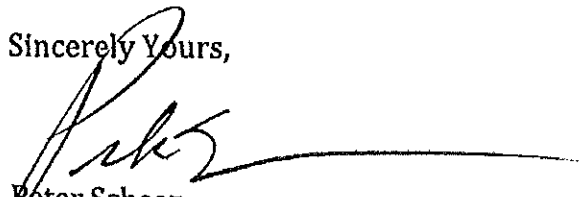
As an alternative to searching for, copying and producing multiple relevant records, you may provide us with a chart showing all the requested information. If you opt to produce such a chart, that will be sufficient for our needs.

Please notify us in advance of incurring costs, chargeable to us, in excess of \$50.

If you have any questions about what information we are requesting, please contact me by email or phone.

Thank you for your attention to this matter.

Sincerely Yours,



Peter Scheer
Executive Director

EXHIBIT “7”

EARL REDWINE (1894 - 1987)
MAURICE C. SHERRILL (1922 - 1999)
JUSTIN M. MCCARTHY (1926 - 2004)
THOMAS E. DRUYANUFL (1912 - 2006)

GERALD D. SHOAF
GERALD W. FAGANS
GILBERT J. GRANITO
STEVEN D. ABBOTT
SCOTT R. HELL
JULIANNA K. STRONG

DENNIS K. HASTY
M. ELI UNDERWOOD
PAUL RINES

LAW OFFICES
REDWINE AND SHERRILL
A Partnership

1950 MARKET STREET
RIVERSIDE, CALIFORNIA 92501-1720
AREA CODE 951
TELEPHONE 684-2520
FAX 684-9583

13611 WINTHROPE STREET
SANTA ANA, CALIFORNIA 92705-2705
AREA CODE 714
TELEPHONE 832-2256
FAX 832-1719

REPLY TO: Riverside Office
EMAIL: Gshoaf@redwineandsherrill.com

April 29, 2014

Mr. Peter Scheer
Executive Director
First Amendment Coalition
534 Fourth St.
San Rafael, CA 94901

RE: Public Records Request Letter

Dear Mr. Scheer:

This firm serves as General Counsel to the Coachella Valley Water District and has been asked to respond to your Public Records Request letter to the District's General Manager, Jim Barrett, dated April 28, 2014.

As you know, Government Code section 6254.16 of the Public Records Act exempts utility customers' names, addresses and utility usage from mandatory disclosure unless the public agency determines that the public's interest in disclosure of the information clearly outweighs the public's interest in nondisclosure.

CVWD's Board of Directors has determined that the District's customers' right to privacy weighs heavily on the side of nondisclosure of water usage information to the point where the public's interest in disclosure does not clearly outweigh the public's interest in nondisclosure.

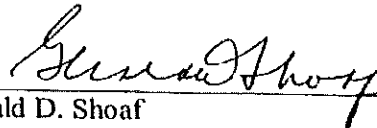
Groundwater producers are customers of the District; they produce groundwater provided by the District through its recharge operations; the production is metered, the meters are read by the District, and the District invoices each producer for the amount of production. As customers, groundwater producers are entitled to the same rights to privacy as domestic water customers,

Mr. Peter Scheer
Executive Director
First Amendment Coalition
Page 2
April 29, 2014

and by reason of Government Code section 6254.16, the District declines to produce the requested information out of respect for the rights to privacy of these customers.

Very truly yours,

REDWINE AND SHERRILL

By 
Gerald D. Shoaf

GDS/jfv
c: Jim Barrett
Heather Engle
Julia Fernandez

EXHIBIT “8”

Craig A. Ewing, President
James Cioffi, Vice President
Joseph K. Stuart, Secretary-Treasurer
Patricia G. Oygar, Director
Richard Oberhaus, Director



David K. Luker, General Manager-Chief Engineer
Best, Best & Krieger, General Counsel
Krieger & Stewart, Consulting Engineer

April 30, 2014

First Amendment Coalition
Attn: Peter Scheer
534 Fourth Street
San Rafael, CA 94901

Re: Public Records Act Request

Dear Mr. Scheer,

We received your request for "Records sufficient to show the estimated assessable groundwater production and estimated assessment for fiscal year 2014-15 for each groundwater producer, identified by name, in the Desert Water Agency's service area" and have determined that those records are not public information.

Desert Water Agency does not disclose private customer data without a customer's permission. Those water producers are customers of the Agency, billed by the Agency for water delivered to them via the groundwater basin, based on measurements of water delivered through meters installed by the Agency at their wells, just as other customers of the Agency receive water service from an Agency main. This information is therefore protected by Government Code Section 6254.16, in the Public Records Act, which specifically protects the privacy interests of Agency customers.

You may, if you wish, request the water use information from pumpers directly and with written permission from our customers, Desert Water Agency will compile that information for your use.

Sincerely,

David K. Luker
General Manager-Chief Engineer

dkl/sb