

TESTIMONY OF JEFF GRUBBE, CHAIRMAN OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS

*S. 4368, the Agua Caliente Band of Cahuilla Indians Water Rights Settlement Act
July 29, 2026*

Good afternoon, Chairwoman Murkowski, Vice-Chairman Schatz, and honorable members of the Committee. My name is Jeff Grubbe, and I am Chairman of the Agua Caliente Band of Cahuilla Indians. Thank you for the opportunity to testify in support of the Agua Caliente Band of Cahuilla Indians Water Rights Settlement Act, S. 4368, which secures a water supply for Agua Caliente and strengthens tribal self-sufficiency and water security for Agua Caliente and the entire Coachella Valley. Thank you to Senators Padilla and Schiff for sponsoring this historic legislation.

For millennia, the ancestors of my tribe have inhabited land in and around Palm Springs, California. In this desert environment, access to water was essential to my Tribe's survival. Shortly before the Reservation's establishment, Congress granted the odd-numbered sections of Agua Caliente's aboriginal lands to the Southern Pacific Railroad. As a result, our Reservation is a checkerboard pattern, with Reservation trust lands interspersed with non-Indian fee land. Today, our Reservation is 34,000 acres and includes large portions of the cities of Palm Springs, Cathedral City, and Rancho Mirage. The Tribe and the non-Indian community rely upon the same groundwater supplies.

In this desert environment, surface water is scarce and almost all the water consumed in the region comes from the aquifer. Non-Indian groundwater mining and interference with Agua Caliente's water resources accelerated with development of Palm Springs after World War II and continued for decades thereafter. Because annual groundwater pumping far exceeds the aquifer's ability to naturally recharge, water levels in Upper Valley wells dropped 50-100 feet between the 1950s and 1970s, substantially increasing the cost of accessing water. The water levels under the Reservation will never fully recover. We estimate the loss of 174,000 acre-feet of groundwater in storage beneath the Reservation lands between 1936 and 2009.

To protect its water, in 2013, Agua Caliente filed a lawsuit against two local water districts, Coachella Valley Water District and Desert Water Agency, who deliver water to the Reservation. In 2017, Agua Caliente obtained a landmark ruling that Indian tribes have federal reserved rights to groundwater. Five years later, the Tribe, the Water Districts, and the United States reached a settlement, following intense mediated discussions. That agreement that is now before Congress.

The settlement is comprehensive.

- It quantifies Agua Caliente's federal water right of 20,000 acre-feet per year with a priority date no later than the executive orders establishing the Reservation. Even though the Tribe has the most senior water right in the Coachella Valley, it agrees to reduce its water use by up to 5,000 acre-feet when the State of California declares shortages.

- The Water Districts recoup costs for importing surface water for recharge by assessing fees on the pumping of groundwater. Under the settlement, the Tribe will be exempt from these fees. The Water Districts' fees on third party pumping of the Tribe's groundwater will be replaced with a tribal water fee that will generate revenue for the Tribe to fund water-related projects.
- The Settlement approves the assessment of a Tribal fee on parties located on the Reservation whose water is delivered by the Water Districts. The Water Districts will collect the tribal fees from their customers and remit them to the Tribe.
- The Settlement includes a Memorandum of Cooperation among Agua Caliente and the Water Districts providing for the Tribe's active involvement in the management of the groundwater.
- The settlement will replace Riverside County's property tax on possessory interests in Agua Caliente Reservation trust lands with a Tribal possessory interest tax. The Tribe will use the proceeds of its tax on water-related projects and to provide funds to other non-tribal public agencies.
- S. 4368 establishes a water settlement trust fund for Agua Caliente totaling \$500 million in federal funding. The federal funding will be allocated as follows:
 1. \$300 million will fund tribal infrastructure, facilities, and conservation focused projects to improve the water supply, water reliability, or water quality.
 2. \$100 million is dedicated to water supply projects by the Water Districts that support water levels under the Reservation.
 3. \$50 million is dedicated to a water management fund to support the Tribe's larger role as a water manager and purveyor of water.
 4. \$50 million will go to operation, maintenance, and replacement costs for any of the Agua Caliente Development Projects.

In conclusion, in addition to confirming Agua Caliente's federal reserved water right, S. 4368 ensures that Agua Caliente, for the first time, will have an active, governmental role in Coachella Valley groundwater planning and management. On behalf of Agua Caliente, I respectfully request that this Congress pass the Agua Caliente Water Rights Settlement Act as soon as possible.

Thank you.