

## Agua Caliente Band of Cahuilla Indians V. Coachella Valley Water District, Case No. EDCV 13-883 JGB, United States District Court for the Central District of California (BERNAL J.)

February 23, 2016

The United States District Court for the Central District of California made a ruling, in a case involving Indian water rights, that the Defendants could not rely upon certain equitable defences.

The plaintiff Agua Caliente Band of Cahuilla Indians asserts that they have occupied the Coachella valley of California, part of the Sonoran desert, since before the arrival of European settlers. The groundwater underlying the Coachella valley is in a continual state of overdraft. The plaintiff Band claims that the establishment of their Reservation in 1876 impliedly reserved to them the right to surface water and groundwater sufficient to accomplish the purposes of the Reservation, which included establishing a homeland for the Tribe. They sought a declaration that their federal reserved water rights, pursuant **to the Winters** doctrine, extends to groundwater. They also asserted water rights based upon their Aboriginal right of occupancy. The proceeding was divided into three phases.

In March 2015, following the first phase of the proceeding, the United States District Court for the Central District of California granted a declaration that the Band's federally reserved water rights, which vested at the time of the creation of their Reservation, **extended to groundwater pursuant to the Winters** doctrine. However, it dismissed the Band's claim to water rights based upon Aboriginal occupancy on the grounds that all such Aboriginal rights had been extinguished by a federal statute passed in 1851 following the Mexican-American War. This decision was summarized in our e-Newsletter of 23 July 2015.

In June 2015, the Ninth Circuit granted the petition of the defendants Coachella Valley Water District and the Desert Water Agency for permission to appeal the March 2015 ruling, and the appellate proceeding is ongoing. The District Court stayed proceedings pending the resolution of the appeal with the exception that the parties could proceed with certain legal questions, meant for phase 2 of the proceeding, relating to whether the

defendants could assert the equitable defences of laches, "balance of the equities", and clean hands.

The Court held that the defendants could not rely upon the defence of laches. It is well-established that laches may not be asserted against the United States in cases where the Government is acting as trustee for an Indian tribe. The Court rejected the argument of the defendants that this principle had been questioned in more recent caselaw. Likewise, the Court rejected the defendants' argument that the affirmative defence of "balancing of equities" could be applied in cases involving federal water rights. There is clear authority from the U.S. Supreme Court that this is not the test.

The Court further held that the defence of unclean hands could not be used. The determination of reserved water rights, including groundwater, is not governed by state law, but is derived from the federal purpose for the reservation. Only Congress has the power to dispose of property belonging to the United States. The Government cannot be deprived of its paramount property rights due to conduct by individuals, including Government agents, who have no authority to dispose of Government property.

The Court therefore allowed the application of the Band and the United States for summary judgment, and held that the defendants could not raise the equitable defences of laches, balance of the equities, or unclean hands.

[A link to the Court's judgment can be found here.](#)

By

[Scott Kerwin](#)

Expertise

[Indigenous Law](#)

## BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](http://blg.com)

## BLG Offices

### Calgary

Centennial Place, East Tower  
520 3rd Avenue S.W.  
Calgary, AB, Canada  
T2P 0R3

T 403.232.9500  
F 403.266.1395

### Ottawa

World Exchange Plaza  
100 Queen Street  
Ottawa, ON, Canada  
K1P 1J9

T 613.237.5160  
F 613.230.8842

### Vancouver

1200 Waterfront Centre  
200 Burrard Street  
Vancouver, BC, Canada  
V7X 1T2

T 604.687.5744  
F 604.687.1415

### Montréal

1000 De La Gauchetière Street West  
Suite 900  
Montréal, QC, Canada  
H3B 5H4

T 514.954.2555  
F 514.879.9015

### Toronto

Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada  
M5H 4E3

T 416.367.6000  
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing [unsubscribe@blg.com](mailto:unsubscribe@blg.com) or manage your subscription preferences at [blg.com/MyPreferences](http://blg.com/MyPreferences). If you feel you have received this message in error please contact [communications@blg.com](mailto:communications@blg.com). BLG's privacy policy for publications may be found at [blg.com/en/privacy](http://blg.com/en/privacy).

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.