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6 MORONGO BAND OF MISSION INDIANS

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9 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

10 In Re Matter of License No. 659,
11 Morongo Band of Mission Indians

TESTIMONY OF
JOHN COVINGTON

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14 1. My name is John Covington. I am the Reservation Services Administrator for the
15 Morongo Band of Mission Indians ("Tribe"). I also hold the position as Director of the Morongo
16 Water and Wastewater Departments and have the primary responsibility to oversee all water
17 related matters within the exterior boundaries of the Morongo Indian Reservation, including all
18 regional water related issues. I have worked in the water industry since 1987, specifically
19 working for municipalities located in close proximity of the Reservation. I am currently also
20 employed by the Banning Heights Mutual Water Company as a surface water treatment plant
21 operator (Senior Operator) since 2002.

22 2. The Morongo Water Department ("MWD") is a governmental entity similar to a
23 municipal water agency or a regional water district. The Tribe currently has over 35 miles of
24 potable distribution system, consisting of pipelines, reservoirs, wells, and related appurtenances,
25 and in addition has approximately 15 miles of non-potable water system. The MWD has the
26 capacity to deliver over 10,000 gallons per minute and has wells extracting water from 150' to
27 600' below ground surface in different locations throughout our service area. Groundwater re-
28 charge is a vital function which allows the Tribe to artificially store surface water (in wet years)

1 within the Potrero and Millard Canyon Watersheds including the Cabazon basin for future
2 extraction in dry years. The MWD has the administrative responsibility to deliver potable/non-
3 potable water to all residential homes (535 connections) and enterprises (26 connections)
4 operated by the Tribe on the Morongo Indian Reservation, including a 230-room hotel and
5 multiple restaurants.

6 3. As Director of the Morongo Water Department, my administrative duties and
7 responsibilities include overseeing the domestic and non-potable water systems, wastewater
8 treatment and conveyance, local and regional water related matters, water rights compliance,
9 contract administration, and to ensure the Tribe is in compliance with all current regulatory
10 requirements. Since becoming the Director of the Morongo Water Department in 2005, I have
11 had direct knowledge and experience with the Tribe's beneficial use of the surface water covered
12 by License No. 659.

13 4. As previously mentioned I have the additional duties to ensure the Tribe is
14 informed and plays a critical role in the development of regional water management issues. Since
15 my employment with the Tribe, I have been appointed to the following committees: California
16 Water Plan (Tribal Advisory Committee), Extension of the State Water Project Phase II (Desert
17 Aqueduct Extension), Millard Canyon Watershed Management Committee, and Blue Ribbon
18 Task Force Committee (Riverside County). I have worked on related water issues with the
19 following: Cabazon Water District, City of Banning, San Gorgonio Pass Water Agency,
20 Beaumont Basin Watermaster, Coachella Valley Water District, Desert Water Agency, Beaumont
21 Cherry Valley Water District, Yucaipa Valley Water District, and Metropolitan Water District.

22 5. As part of its day-to-day operations, the Morongo Water Department creates and
23 maintains records relating to the Water Department's activities, including records relating to its
24 sources and uses of water. These records are prepared by Morongo Water Department employees
25 as part of their regular duties, and are required to be prepared either contemporaneously or as
26 soon as possible after the fact(s) recited in the records. The Morongo Water Department relies on
27 its records in its day-to-day activities and in its long-range planning, and therefore takes
28 reasonable steps to ensure that its records are accurate. My testimony in this matter is based on

1 my professional experience described above, my direct knowledge of the Tribe's water system
2 and its beneficial use of surface water covered by License No. 659 since I became the Director of
3 the Morongo Water Department, and the regularly kept records of the Morongo Water
4 Department of which I am a custodian.

5 6. My understanding, based on a review of the Morongo Water Department records,
6 is that the Tribe purchased the real property to which the surface water rights covered by License
7 No. 659 are appurtenant in October 2002, as part of a series of transactions between the Tribe and
8 a subsidiary of Nestle Corporation.

9 7. Surface water associated with Licenses 659, and 174, has historically been used
10 and is currently being used for stock watering purposes. A stock watering basin (approximately
11 200,000 gallons) was installed by the Tribe in 2003. Approximately 150,000 gallons per day (or
12 170 acre-feet per year) of water is diverted to replenish the stock watering basin. In addition, the
13 creek bed area within Millard Canyon has continuously been used for stock watering. The
14 estimated total annual water use for stock watering is about 200 acre-feet per year. Surface water
15 is also extracted from the Cabazon Storage Unit ("CSU"), approximately 65 percent of which
16 underlies Morongo Tribal lands. The Tribe owns wells overlying the CSU that it uses for the
17 extraction of stored groundwater and some of these wells were specifically designed to divert
18 subsurface flow associated with License 659. Water produced from these wells is currently being
19 used for and/or will be used for municipal water supply including approximately 535 residential
20 and commercial service connections within the Tribe's service area.

21 8. As I noted previously, the various groundwater wells were designed and perforated
22 in a manner to facilitate the diversion of sub-surface flow of surface water and have and will
23 continue to be used for this purpose. Water diverted in this manner has been used for general
24 municipal purposes on the Morongo Reservation. The Tribe has maintained but has not improved
25 agricultural diversion and conveyance facilities that are able to serve Tribal Lands set aside for
26 these purposes. The Tribe has refrained from investing the capital needed to improve these
27 facilities for these purposes until such time as the Petition regarding License 659 is granted and
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1 the risk of being unable to benefit from such an investment due to cancellation of the license is
2 alleviated.

3 9. In 2002, the Tribe acquired real property and surface water rights as part of its
4 overall planning strategy. Since then, the Tribe has been hampered in its efforts to consolidate all
5 of its water rights and to put all of its water to reasonable beneficial use, including the capitol
6 investment to help utilize these rights because of the continued uncertainty with respect to
7 License 659.

8 10. The CSU has a surface area of approximately 17,222 acres and can store up to one
9 million acre feet of water. Over the past 20 years, the CSU water levels have declined at an
10 average rate of approximately two feet per year, resulting in current water levels at approximately
11 600' below ground surface on the floor of the San Gorgonio Pass area. The utilization of the
12 existing surface waters within these watersheds is critical to long-term sustainability and future
13 planning for the Tribe and surrounding communities.

14 11. In 2006, the Tribe filed a petition to consolidate Licenses 659, 660, and 174. The
15 reason for this filing was to allow the Tribe to use these rights in a reasonable beneficial manner
16 for Tribal purposes. In this context, the Tribe was also concerned that the existing licensed places
17 and purposes of use within these licenses were too narrow and would not sufficiently meet all of
18 Morongo's needs. The petition sought to allow the Tribe to utilize these rights for domestic,
19 stock watering, irrigation, municipal use, and industrial purposes. Because of uncertainty with
20 respect to these rights, the Tribe has been unable to plan, move forward, and utilize these rights to
21 the fullest extent possible. This has deprived the Tribe of the benefits that those licenses would
22 otherwise confer on the community and its future economic development.

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12. As noted above, groundwater levels in the CSU have declined rapidly for a basin of its size, thus increasing the demand for more water from multiple alternate sources. The current estimated inflow into the CSU is approximately 15,765 acre feet per year. Current outflow including groundwater extraction by local agencies is 14,600 acre feet per year, thus equating to an average storage of 1,165 acre feet per year in “average wet years.” In dry years the outflow demand remains consistent and the inflow decreases accordingly.