

Oklahoma Politics News and Articles

Texas wants Oklahoma water

People in North Texas want Oklahoma's water bad enough to sue for it. But does Oklahoma have surplus water to sell?

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Published: June 5, 2011

People in North Texas want Oklahoma water bad enough to sue for it.

But does Oklahoma have surplus water to sell or give?

For several years now, Oklahoma political leaders have been telling thirsty Texans that Oklahoma needs to more fully assess its water assets before determining whether the state has surplus water available.

To buy time, the Oklahoma Legislature placed a moratorium on out-of state water sales in 2002. The moratorium was replaced in 2009 by a requirement that the Oklahoma Legislature approve any out-of-state water sales.

Tired of waiting, Texans filed a 2007 federal court lawsuit seeking a declaration that Oklahoma laws banning or limiting out-of-state water sales hinder interstate commerce and therefore violate the U.S. Constitution.

The Tarrant Regional Water District, which provides water to more than 1.6 million people in Fort Worth, Arlington and other north central Texas communities, said in the lawsuit that it expects demand for water in its district to outstrip supply by about 400,000 acre-feet (more than 130 billion gallons) per year by 2060.

District officials claim Oklahoma is afloat in excess water and that the three Oklahoma streams it wants to draw from — the Kiamichi River, Cache Creek and Beaver Creek — discharge about 4 million acre-feet a year into the Red River, which separates Oklahoma from Texas.

Texans want to siphon off the water before it reaches the Red River because that river is salty. Once the streams merge, the water becomes unfit to drink without expensive treatments that are not economically feasible, the district contends.

Texans have some support this side of the Red River. The southeastern Oklahoma city of Hugo and its municipal authority filed a federal lawsuit of their own in 2008. Hugo would like to sell water to Irving, Texas, which is facing looming water supply issues of its own.

However, there is also a great deal of opposition from southeastern Oklahomans who

fear selling water to Texas could leave them short of water to meet their own future needs — not just for drinking water, but also for recreation, tourism, industrial use and economic development.

The Arkansas Natural Resources Commission and an Arkansas irrigation district also have voiced strong opposition to Oklahoma selling stream water to Texas before it reaches the Red River. The Red River passes through both Arkansas and Louisiana after leaving the Oklahoma and Texas border.

In January 2007 letters to the Oklahoma attorney general's office, the Arkansas Natural Resources Commission and Walnut Bayou Irrigation District both expressed concerns that allowing Texas to siphon off Oklahoma stream water before it reaches the Red River would diminish the Red River's value for irrigation in southwestern Arkansas and Louisiana. The Oklahoma stream water currently dilutes the saltiness of the Red River and selling large quantities of the Oklahoma stream water to Texas would make the Red River even more salty and less valuable for agricultural use by the time it reaches Arkansas and Louisiana, they pointed out.

The Arkansas commission and water district also stated that numerous industries empty wastewater into the Red River and that diverting Oklahoma stream water to Texas would reduce dilution of that wastewater and create water supply problems for cities like Shreveport and Bossier City.

Barge traffic up the Red River could also be adversely impacted, the water district said.

Both Hugo and the Tarrant Regional Water District were defeated in federal district courts in their efforts to divert Oklahoma water to Texas and now have appeals pending before the 10th U.S. Circuit Court of Appeals in Denver.

Meanwhile, Oklahoma political leaders continue to ponder whether southeastern Oklahoma has surplus water.

An Oklahoma Comprehensive Water Plan update scheduled for release next year was expected to provide some clarity on the matter.

However, if people are expecting the report to specifically answer the question of whether Oklahoma has surplus water to sell to Texas, they are expecting too much, said Kyle Arthur, director of planning for the Oklahoma's comprehensive statewide water plan.

“It all depends on how you define surplus water,” Arthur said.

“Let me be clear: the purpose of the Oklahoma Comprehensive Water Plan is water for Oklahomans,” he said. “Furthermore, it was and is not intended to definitively answer that question ... The role of the plan is to provide data — both technical and policy — to enable water users, managers and elected officials to make an informed decision about anything, water sale or otherwise. We believe we have done that. Ultimately, the answer to this particular question will be made by citizens and local and state leaders.”

If the question is whether there is more water available in some basins than is projected

to be consumed each year, then the answer would be “yes,” Arthur said.

But water has more uses than just consumption. There are also potential recreational needs, environmental needs and tribal rights to be considered, he said.

The Oklahoma Water Resources Board is planning to recommend a definition and procedure for determining surplus water that takes into account not only water needed for consumption through 2060, but also water needed for all those other purposes, Arthur said.

“We are statutorily mandated, as part of any update to the water plan, to provide that definition so that any area of origin will not be made water deficient as a result of a transfer out of basin,” he said. “Area of origin protection is very important to us and I believe you will find that reflected in the draft plan.”

Several Oklahoma Indian tribes question whether the state even has the authority to allocate water rights from their tribal territories without their approval. The tribes contend they own the water rights based on pre-statehood agreements with the federal government.

“We believe it is in the best interest of everybody in Oklahoma to negotiate that issue with the tribes,” Arthur said.

Oklahoma Water Resources Board officials also believe that monitoring and measuring of water resources is critical for the future, so they plan to ask for additional funding for the state's stream gauging network and academic water studies, he said.

“We have a great deal of confidence in the data we used for the water plan,” he said. “However, a continued decline in our stream gauging network, for example, does not give us the confidence for the future that we believe is crucial ... Uncertainty does not do anybody any good.”



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