



**State of Oklahoma
House of Representatives**

FOR IMMEDIATE RELEASE

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Representative Brian Renegar
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**Lawmakers Request A.G. Opinion on Validity and Conflict of
Interest of Comprehensive Water Study**

OKLAHOMA CITY (May 20, 2011) Representatives Brian Renegar, DVM, (D-Blanco) and Ed Cannaday (D-Porum) along with Senators Jerry Ellis (D-Valliant) and Richard Lerblance (D-Hartshorne) have requested an official Attorney General Opinion on two points.

The first point is that the Comprehensive Water Plan's Enabling Act has not been honored. The enabling act specifically states what is to be covered by the statute. The law creating the Comprehensive Water Study "shall be to maximize and not minimize the alternatives available to all citizens, municipalities and other water user entities in acquiring water for beneficial use."

Representative Cannaday was told at the Stigler Water Plan meeting that non-consumptive water use (i.e. recreation) was not studied.

"That statement alone violates the enabling act," said Rep. Cannaday.

Representative Renegar went on to support Representative Cannaday's comment by adding, "The incomplete study of aquifers also violates the enabling act, as those people in areas of the state whose sole source of water has not been addressed, as relates to the language of 'all citizens, municipalities, and other water user entities.'"

The second point of the Attorney General request pertains to conflict of interest on the part of CDM Engineering.

Senator Ellis pointed out, "CDM engineering had contracts with the Comprehensive Water Plan and simultaneously worked for the Oklahoma City Water Trust authority in a contract to bring Sardis Lake water to Oklahoma City."

Senator Lerblance stated, "The validity of either of these two issues in the opinion request casts a dim shadow on the Comprehensive Water Study, which is a shame, considering the large amount of money spent on this Plan."

Legislators question CDM ties to OKC

By [M. Scott Carter](#)

The Journal Record

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OKLAHOMA CITY – The engineering firm that helped the Oklahoma Water Resources Board write the state’s new comprehensive water plan did not report that at the same time it was engaged by the OWRB, it had an \$800,000 engineering contract with Oklahoma City to develop a plan to bring water from the Sardis Lake Reservoir to the Oklahoma City area, four state lawmakers charged Tuesday.

In a letter, state Reps. Brian Renegar, D-McAlester, and Ed Cannaday, D-Porum, along with state Sens. Richard Lerblance, D-Hartshorne, and Jerry Ellis, D-Valliant, asked Attorney General Scott Pruitt to determine the validity of the state’s new water plan, charging that CDM Engineering did not report or disclose its contract with Oklahoma City while it was helping prepare the state’s water plan.

“Does a conflict of interest exist?” the group wrote in a May 19 letter. “This seems to be an ethical conflict of interest. CDM’s contract required certificates of no lobbying activities, no conflicts of interest and no gratuities allowed.”

The group also asked Pruitt to determine whether the plan’s enabling act has been honored.

State statutes, Renegar said, require the plan’s primary purpose to be to maximize and not minimize the alternatives available to all citizens, municipalities and other water-user entities in acquiring water for beneficial usage.

“Representative Cannaday was told at the Stigler Area Water Plan Meeting that nonconsumptive use (recreational use) was not studied,” Renegar said.

Written at a cost of more than \$14 million, the state’s water plan has been considered the key component by lawmakers and Republican Gov. Mary Fallin in deciding whether or not to sell water to Texas.

Both lawmakers and Fallin have on several occasions said they hoped the plan would show whether or not the state had surplus water. For several years now, the Tarrant Regional Water District in Texas has sought to purchase water flowing over the spillway at Lake Hugo in southeastern Oklahoma, claiming it was surplus water. Those sales have been put off, pending the release of the water plan.

However, in February, officials from Tarrant County distributed a document called the Oklahoma Gulf-Bound Water Opportunity. That document, given to members of the Oklahoma Legislature, said Oklahoma has more than 10 times the water needed to provide all of the state’s needs and all of Tarrant County’s requests, without any risk of water shortage.

On Tuesday, a spokesman for the OWRB confirmed CDM had a contract to do work on the water plan.

“Yes, we have actually entered into two contracts directly with CDM, both affiliated with work associated with the 2012 Update of the Oklahoma Comprehensive Water Plan,” said Brian Vance, the OWRB’s spokesman. “One contract, created two to three years back, was developed for them to provide support for the legislatively created Marginal Quality Workgroup and Artificial Recharge Workgroup. Through the second contract, entered into recently, CDM is integrating climate variability factors into our existing reservoir yield model.”

The OWRB, Vance said, is reimbursing CDM using grant funds obtained from the federal Bureau of Reclamation.

Records show the CDM contract was active during the same time the company was working for the city of Oklahoma City to develop a water supply system for the metro area. Oklahoma City officials said that project was completed in 2009.

“CDM did the regional water supply plan for central Oklahoma,” said Marsha Slaughter, general manager of the Oklahoma City Water Utilities Trust. “(The plan) was completed in 2009.”

Slaughter said CDM continues to work for OCWUT.

“CDM’s current agreement with Oklahoma City is for design of our Chisholm Creek Wastewater Treatment Plant Expansion, now in construction, and provision of inspection services for that work,” she said.

Critics of the water plan said CDM ignored the main reason the Legislature requested the water plan.

“The Legislature has waited for several years to know if there is surplus water available in the state,” said Tulsa geologist Robert Jackman.

Jackman said CDM played both sides by helping Oklahoma City justify the purchase of the Sardis Lake Reservoir, claiming there is surplus water in the state while, at the same time, avoiding questions about surplus water in the Comprehensive Water Plan.

“The plan to bring Sardis water to Oklahoma City has a basic assumption that surplus water is available,” Jackman said. “Yet that question was avoided by CDM in the comprehensive water plan. On one hand they are saying there is surplus water available, but in the water plan, they avoid that premise.”

Vance defended the company. He said CDM was a nationally recognized engineering firm with years of experience in water planning.

“We’ve worked closely with CDM in conducting water plan analyses consistently across each of Oklahoma’s 82 watershed planning basins and 13 planning regions,” he said. “We are confident – and I believe that the (U.S. Army) Corps of Engineers would agree – that CDM has done a professional, comprehensive, and unbiased job in analyzing Oklahoma’s current and future water use.”

He said the water plan did not include nonconsumptive demands due to the fact that the agency lacked a valid, accepted methodology to conduct that work and had very little support from the major water user community to include those demands.

“Certainly, those uses are important to the state,” Vance said. “We did, as part of the water plan process, conduct specific studies on in-stream and environmental flows and actually formed a work group to investigate those issues. We also developed water use models that can be used on the local level to incorporate nonconsumptive demands and adjust management schemes accordingly.”

Officials with the attorney general’s office confirmed they had received Renegar’s request, but provided no details on when an opinion would be issued.

Telephone calls to John Rehring, CDM’s vice president, were not returned.