

Water wars: Advisory committee closer to reality

By Pennie Embry

Staff Writer

EUFULA — “The value of water is greater than oil or gas, and we’ve got to realize that and be prepared for our future.”

With those words, Karen Weldin opened Friday’s meeting of Save Our Water, Lake Eufaula. Weldin is president of the nonprofit corporation organized to protect and preserve Lake Eufaula and all of the state’s water resources. More than 25 community and business leaders, lake residents and other concerned citizens gathered at the Trinity Episcopal Church as Weldin and three other key figures in the world of Oklahoma water provided legal and legislative updates and answered questions about local and state water issues.

Weldin introduced Jeff Knack, U.S. Army Corps of Engineers Lake Eufaula project manager. Knack deals with issues on a federal level, and provided an update on the status of the Lake Eufaula

Federal Advisory Committee. A federal bill known as the Water Resources Development Act of 2007 mandated the establishment of the committee to provide information and recommendations to the Corp regarding operations and project purposes for Lake Eufaula.

“We’ve had many hurdles to clear, many steps to take,” said Knack about the committee, which is still in the approval process. “We are at the second to the last phase.” After the legal paperwork is complete, Knack added, the committee should be official by January. According to law, it will be composed of a cross-section of Lake Eufaula stake holders who will have a voice in the policy and decision making concerning the lake.

“This will include SOW members, representatives from fish and wildlife, maybe someone from the dock-building community and more,” Weldin explained. Once committee members are nominated and chosen, they can meet as often

as they wish, but will meet twice a year with the COE to present issues concerning Lake Eufaula.”

From there, the focus of the meeting shifted to protecting and preserving state water resources beyond the shores of Lake Eufaula. Reps. Brian Renegar and Ed Canaday discussed the impact of state legislation on Oklahoma water, and the lawsuit filed by the Tarrant County Regional Water District against Oklahoma for the right to purchase Oklahoma water.

When the north Texas water district, which serves more than 1.7 million people in Arlington, Fort Worth and other north central Texas cities, tried to buy Oklahoma water, it came up against a drought inspired moratorium on out-of-state water sales. In 2007, TCRWD filed a lawsuit against Oklahoma state officials, claiming the moratorium violates interstate commerce laws.

“They (TCRWD) could build their own reservoirs and pumping systems in East Texas,” Renegar

said. “East Texas gets as much water as Southeastern Oklahoma. But it’s just cheaper and easier for them (Texas) to take it from Oklahoma.”

Renegar has been working diligently on water issues since 2006, when he first entered the Oklahoma House. Through his efforts, HB 1483, a water bill that passed in May, included language taken from New Mexico state law. That language prevents out-of-state water sales if there is a water shortage anywhere in Oklahoma. The bill also retained the requirement for legislative approval for any water sales and supported the existing water moratorium.

Former Oklahoma Rep. J.C. Watts, who is originally from Eufaula, is a lobbyist for the Texas water district. According to filings in the U.S. Senate, the Tarrant County water district has paid Watts’ firm \$180,000 since early 2008. A spokesman for Watts Partners said

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the lobbying firm is not involved in the lawsuit but only works on federal issues for the Texas water district; however, the filings by Watts Partners state that it represents TCRWD on both federal project authorization and state regulatory issues.

"The proof is looking us right in the face," Weldin said. "All you have to do is look at J.C. Watts and other lobbyists who are working diligently, spending millions of dollars to get control of our water. We can't lose sight of that. We have to be proactive. We started out reactive, when someone was trying to take our water. Well, it's going to happen again and again, and we have to be proactive, we have to get involved and ahead of this problem."

In December, a federal judge will rule on the Tarrant County Law suit. Renegar hopes the lawsuit, which targets the moratorium, will become a moot point, since the moratorium on the sale of Oklahoma water to other states ends on Nov. 1.

"On one hand, there is no basis for the suit," Renegar said. "They

want a new contract, but the state of Oklahoma is already protected by the Red River Compact, a three-way compact between Texas, Oklahoma and the federal government. In that compact, waters are already allocated. How can they go back and reallocate that water, how can they write a new contract when one exists?"

On the other hand, Renegar acknowledged, a federal judge could wind up giving Oklahoma water to Texas for free. Texas is claiming the right to be treated as any other entity in Oklahoma, and water districts throughout Oklahoma that experience shortages are given Oklahoma water for free. According to Renegar, this loophole could allow Texas to take more than 415,000 acre feet of Oklahoma water every year. And most of that will come from the Kiamichi River below the Sardis Basin.

"That's more than the state of Oklahoma uses," said Renegar.

But the problem is even bigger than Oklahoma, whose western regions routinely suffer water shortages, being forced to relin-

quish water to Texas. Fresh water flowing from Oklahoma decreases the salinity of Red River water that in turn flows into Arkansas and Louisiana irrigation systems, Renegar explained. Removing the amount of fresh water from the Kiamichi River could definitely increase the salinity of the water in those irrigation systems. Which would trigger yet another lawsuit against Oklahoma.

"I've seen a letter from the head of the Arkansas Water Resources to the Oklahoma attorney general," Renegar said. "That letter is warning us that if the sale of fresh water to Texas affects their irrigation systems, they will take legal recourse against Oklahoma."

So how can a federal judge force Oklahoma to sell water to Texas when that decision could cause a serious problem to irrigation systems in Arkansas and Louisiana and trigger another lawsuit?

That, said Renegar, is the \$64,000 question.

"We've got the question," he added. "We just don't have the answer."