

Texans have coveted Oklahoma water for years, even resorting to a lawsuit in 2007 to try to force us to sell them the precious resource that would vastly enhance their northern region's already bright future. Their lawsuit received yet another blow recently, which might be one reason they've now resorted to sweet-talking us. "To our good friends in Oklahoma, we say this: Our two states could get into an expensive legal tussle over ... water sales to North Texas. Or the states could get down to business and come up with a plan that benefits both sides of the Red River," wrote the Dallas Morning News editorial staff in a Sept. 13 editorial. "We're talking about an arrangement between friends. You sell our state some of the water that your rivers and streams eventually would send into the Red River, and, in turn, that water sustains the homes and businesses of North Texas." I don't know all that much about Texans' ways, but where I come from, friends don't sue friends. In case the editorial writers hadn't noticed, we're already into "an expensive legal tussle," initiated by you folks down there. And the reason Oklahoma is fighting back is we're facing a lot of the same issues Texas is, and then some. So enough of the friendly patter; this is business. Some friends The recent record-shattering drought - both here and in Texas, as elsewhere - underscores how huge the water issue is around these parts. Actually, there's a bunch of issues, all inter-related, all complex. In an effort to plan for the future, Oklahoma adopted a moratorium on out-of-state water sales in 2002 so a comprehensive analysis of problems and needs could be undertaken. The moratorium was extended in 2006, prompting the Tarrant Regional Water District to file suit the following year. The water district argues that the state's moratorium - still in place while the study proceeds - imposes burdens on interstate commerce. The Fort Worth-area water district serves 1.7 million customers in 11 fast-growing counties, and wants to buy billions of gallons of water from the tributaries that feed into the Red River. Under an old compact agreement, Texas and three

other states have an arrangement to draw water from the Red River - a pact that has proven to be a major obstacle to the Texas case. The Texans could access Red River water, but they don't want to because the river is very salty and would require expensive treatment to be usable. It's much easier, they figure, to just tap into water flowing throughout southeastern Oklahoma. They also argue that water that flows into the Red River is "excess" and in effect ruined when it hits the river. But not everyone sees things their way. There's not a consensus on exactly what is "excess" water. There are concerns that diverting much water from the Red River could adversely affect its ecosystem, which is adapted to the naturally occurring salt. Some users are dependent upon the water as is for agriculture. And of course, those free-flowing rivers and streams are among Oklahoma's most desirable and attractive recreational destinations. How would the massive diversion of water to Texas affect that glorious playground? Not so complicated Last month, the 10th Circuit Court of Appeals denied Tarrant's request to reconsider its earlier ruling upholding Oklahoma laws restricting the sale of water out of state. The October ruling was the latest in a series of legal blows to Tarrant's case. It's not lost on our neighbors that so far, we're winning the legal battle. "Yes, you have the legal momentum," the paper conceded, arguing that the appeals court "relied upon complicated legalese" to rebuff the sales proposal. The writers may see the decision as "complicated legalese," but the appeals court put it pretty plainly: The Red River Compact protects Oklahoma water from interstate challenges involving water that is subject to the compact. Plain and simple. Oklahoma's leaders, fortunately, are serious about seeing this matter through to its proper end. "The ruling underscores that the people of Oklahoma should not be mandated through litigation to shape water policy," Oklahoma Attorney General Scott Pruitt told the Associated Press. "Water is an important resource that is vital to Oklahomans, and my office will continue to defend our state's interests." Oklahoma Water Resources Board Director J.D. Strong said after the latest decision

that Gov. Mary Fallin and the state Legislature have "made it clear that Oklahoma must set its own water policy. ... The court's decision further supports our position."

We'll be in touch Perhaps sensing that we Okies might not fall for the old-buddy approach, the Dallas writers came up with other arguments. Their people, they point out, "are willing to fork over serious bucks to get water here. You don't have to pay a penny of those transport costs." Gee, thanks. What a generous gesture. So, they add, "how can it not be a good deal for you if your state reaps large bundles of money as a result of the bargain?"

How can it not be a good deal? Well, let's see: There are the ecosystem and agricultural questions, the unknown impacts on tourism and recreation, uncertainty over our long-term water needs and questions about how sales to another state might affect our future options. And, there's this new wrinkle: The Choctaw and Chickasaw tribes have filed a federal lawsuit over a recent decision to grant water storage rights to Sardis Lake in southeastern Oklahoma to an Oklahoma City water trust. The two tribes claim they have legal claims to water rights in their historic territories, and they want determinations made about how much water actually is available in the region and how sustainable it is. If they're right - and tribes often do prevail in court - then it's possible they will have some say in any future water sales out of state. But the Dallas paper doesn't see this as a big problem.

"Fortunately, our northern neighbor has enough to supply a metropolitan area like Oklahoma City many times over." As the tribes' lawsuit indicates, that matter is far from being resolved. The Dallas paper says it "understands why some Oklahomans worry: They fear running out of water." Yup, that's one of the things we worry about. Just like you Texans do. Here's an excerpt from another one of your editorials, published on Oct. 25. "The inferno of a drought we've experienced of late is rare, even by Texas' often-parched standards. ... If any good can come from the searing heat,

raging fires and parched farmland, it's that they are spurring leaders into action." The

drought has prompted state leaders to task a slew of committees to look into

all kinds of water issues: availability, conservation, supply issues, drought management. You know, hon,

the same kinds of things we're working on - along with tribal, environmental, agricultural,

recreational, infrastructure and water-quality issues. So you just give us a little more time,

pardner, and we'll get back to you. Janet Pearson 918-581-8328 janet.pearson@tulsaworld.com SUBHEAD: Water f

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