

Water rights spout debate

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SULPHUR -- Cold and clear, artesian water has gushed skyward from a pipe in the ground in Flower Park for more than 80 years. Whether it has served to heal the sick or carve out a lush piece of greenery on the banks of the prairie, the water that springs from the Arbuckle-Simpson Aquifer always has served a greater good.

East of Sulphur, rancher Bill Jacobs owns 12,000 acres of prime grazing land that spans the aquifer. He too thinks the water underneath his boots could serve a greater good. But from the high ground near the center of his ranch, there is no place to put it to use for as far as the eye can see. With an average of 38 inches of rain a year, his pastures and ponds produce all the grass and water his cattle need. There is a market far up the road for excess groundwater that Jacobs and others want to sell. Someone somewhere always needs water.

In this case, the people of Yukon, Chickasha, Mustang and Piedmont have an agreement to build an 80-mile pipeline at a cost of about \$100 million to meet their increasing needs and satisfy a federal mandate to reduce arsenic in the nation's water supply. The proposed sale has sparked a controversy as prickly as any barbed wire ever strung across two knobby fence posts. Who has a monopoly on the greater good? It's now the question sparked by the state Legislature, which narrowly blocked the proposed water sale by calling for a comprehensive study to determine how the sale would affect streams and springs in the aquifer, whose depletion many environmentalists and wildlife advocates fear could tip the balance of nature.

The streams and springs that depend on the aquifer also have special historical significance to the Chickasaw Nation and are a vital source of water to numerous communities and to the Chickasaw National Recreation Area, where many springs have dried up over time. Because of the sole-source aquifer's importance, the Oklahoma Academy, a policy group that researches key state issues, last month endorsed changing state law to further restrict the sale of water to municipalities not near the aquifer. The state's moratorium on water sales outside the aquifer has produced lawsuits, threats and name-calling. Worst of all, it may be a sign of things to come as more Oklahomans covet their neighbor's water. "Wherever it is you take it from, the people who have it feel like that water should stay where it is," state Environmental Secretary Miles Tolbert said. "When people see a valuable resource going away, they believe their natural environment has been eroded and that their chances of economic gain have been depleted."

Whether it's oil or gas, Oklahoma has a history of saying "come and get it." Water, however, is one natural resource that apparently isn't cut from the same pipeline. Jacobs said he learned that the day he went to lunch in town with some friends, and while in the process of picking up the check, heard someone in the restaurant say: "Well, the grinch bought lunch. Jacobs, who claims central Oklahoma cities would purchase only about one-tenth of the aquifer's annual recharge rate, said a sky is falling campaign launched by the opposition has led to many exaggerations about how much damage selling water to central Oklahoma would cause. He said trouble of this sort was the last thing he expected to find when he left California 20 years ago and bought a famous ranch former Gov. Roy Turner built on limestone and Herefords. "I wanted to get out of California because they were taking our property rights away from us, he said. "You couldn't build a barn without a permit." Now, he's staring more regulation in the face. "I don't expect people to worry about me, but I think they should be concerned that if this can happen to me, it can happen to them," Jacobs said, measuring his words. "This amounts to the taking of somebody's private property." Sitting next to him were Carolyn and John Sparks who own 1,600 acres of land that has been in her family since the late 1800's. Although they aren't part of the water sale, they have been prevented from using their groundwater to irrigate pecan trees. "We've been looking for a way to diversify our operation because it's getting harder to make a living ranching," Carolyn Sparks said. "Now the federal government is sending people in from Colorado to tell us how to water our trees."

Thousands of protests to the water sale have been filed with the Water Resources Board, which has initiated a joint multi-million dollar, five-year-plus maximum annual yield study to determine how much the aquifer would be harmed if more water were drawn from it.

Meanwhile, Yukon City Manager Jim Crosby is still looking for a more affordable and dependable source of water. When he recently inquired about the possibility of buying water from Lake Eufaula, Crosby drew more opposition from area residents, who said the lake already is too low. Yukon buys some of its water from Oklahoma City, but there are too many surcharges and stipulations in the agreement to satisfy Crosby. Tolbert is among those who believe a way must be found for Oklahoma City and Canadian County to enter into an arrangement that will provide water at rates that will not be discriminatory. Crosby and Jacobs are equally adamant the state was wrong to deny them access to excess water in the aquifer while allowing other cities to continue to use it. "We're getting increasingly antsy, but the aquifer is the best and most viable answer to our problem," Crosby said. Of no-nonsense German descent, Jacobs said he lives by a simple equation. "I've learned you have to make the land come first, next come the cattle and then the men on the ranch," he said. In its heyday, it took 40 cowboys to work the Turner Ranch. Today, Jacobs and his son get the job done with the help of one full-time hand. "I'm not looking for enemies, but I will fight for my property rights," he said. A water fight is surely what Oklahoma has got on its hands.