

Ranchers want fair treatment; the role of the OWRB

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ADA - Southeast Oklahoma ranchers say they just want to be treated fairly when it comes to selling their water.

"My rights should be no different from the city of Ada," said Bill Jacobs, one of those ranchers. "The law states individual landowners have rights and the city of Ada has rights. If Ada thinks it can pump from the aquifer and nobody else can, then the city of Ada is not being fair. My rights should be no different from the city of Ada."

Jacobs, who talked to The Ada Evening News Thursday, expressed feelings similar to other area ranchers who defend their water rights.

Concern has been expressed by the Ada Water Resources Board and others in and around the city over the proposed transfer of water from the Arbuckle-Simpson Aquifer near Ada via an 88-mile pipeline to several communities just west of Oklahoma City in Canadian County.

Water board members say the issue is not whether landowners should be able to sell their water. Rather it is how much water can be pumped from the aquifer each year without affecting the springs and streams adversely and how much is the proportional share of each water rights owner.

The Canadian County communities want to purchase 70,000 acre feet per year (23 billion gallons) from the aquifer.

The Ada Water Resources Board has asked that a comprehensive \$2.7 million study be made of the aquifer to determine the withdrawal rate that will pump the aquifer dry.

The Oklahoma City firm proposing to build the pipeline has indicated it has agreements with five ranchers in the Arbuckle-Simpson Aquifer area who have ground-water rights.

Under present Oklahoma ground-water laws, it is legal for a ground-water rights owner to obtain a permit for 2 acre-feet of water each year for each acre owned.

Although Jacobs vigorously defends his right to sell his own water, he has not confirmed that he is one of the five ranchers reportedly agreeing to sell their water to the Oklahoma City firm.

"There is no group," Jacobs said. "I've offered my water for sale as an individual. I'm not with any group. My water is an asset and my water is for sale. It's nobody's business what I want for it. No one wants his property rights taken away. I feel like everybody will fight if someone tries to take away those rights."

Jacobs opposes the \$2.7 million study of the aquifer, saying several studies have already been done.

"I'm upset, as you can tell," Jacobs said. "It's not right to take away the rights of three generations of people who've worked hard to put this ranch together. It will kill the value of real estate if cities and governments can come take our water rights away," he said.

"Ada could be shooting itself in the foot if this study is done," Jacobs said. "They may not be able to use all the water they have a right to use today."

Mike Mathis, chief of the planning and management division of Oklahoma Water Resources Board, said earlier this week the board had received two new applications from this area it is reviewing for ground-water permits for municipal and industrial use in connection with the proposed Canadian County project.

One is for 805 acre feet and the other is for 1,700 acre feet.

"We haven't seen any requests for stream-water permits," he said.

Mathis said before a permit can be issued there must be a public notice in the county newspaper and persons asking for the permit must give other landowners within 1,320 feet of their wells notice by certified mail.

"Then, if the board receives any protests, it will set a date for an administrative hearing," Mathis said.

"The hearing examiner will collect all available facts, including facts from the protesters, and prepare an order for the board to consider whether to issue a permit or not."

Mathis said there are four points to be considered for ground-water permits.

1. The applicant's property must overlie a ground-water basin.
2. Own or have lease use of the water.
3. The water must be put to beneficial use.
4. Waste must not occur by depletion or pollution.

Mathis said temporary permits can be issued allowing the landowner to use up to two acre feet per year.

Mathis said once a ground-water basin area study has been completed that amount could be raised or reduced.

He said the proposed \$2.7 million study would deal with both ground-water and stream-water quality, but funding for the study has not been received from federal or state agencies.

Mathis explained that the ground-water law works with the owner individually, or lets the landowner lease ground-water rights to someone else.

"Ground water is a private property right," Mathis said. "The landowner owns the land and the water under ground. Stream water is a public source held in trust for public use. The Oklahoma Water Resources Board administers the stream-water law and issues water rights for stream water."