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News

Texas goes shopping for water
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Texas is fishing for water in Southwest Arkansas and Southeast Oklahoma.

Texans representing the Tarrant Regional Water District came to Oklahoma City on Jan. 11 requesting three water permits to take 460,000 acre-feet of water from three water basins in Oklahoma.

And they also filed a lawsuit to break the five-year water-sale moratorium approved by the Oklahoma Legislature in 2004. The law stopping the sale of water to out-of-state interests expires in 2009, said Oklahoma Rep. Jerry Ellis, who lives in McCurtain County.

The Tarrant Regional Water District, created in 1924, operates a water supply system. It provides water to 1.6 million people in all or parts of 11 counties of North Texas.

McCurtain County borders Bowie County, Texas, and Little River and Sevier counties in Southwest Arkansas.

Water flows from McCurtain County into the Red River, which serves as the border between Texas and Oklahoma between Bowie County and McCurtain County.

Water also flows from McCurtain County into the Little River, which eventually flows into Lake Millwood in Southwest Arkansas.

“This could reduce the supply of water we get flowing into the Millwood Lake basin,” said Otto Cowling Jr., president of the Lower Little River Watershed Coalition.

“If it affects the water flow into Millwood, it could eventually affect Texarkana, since Millwood Lake supplies water for Texarkana, Ark.,” said Cowling.

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“It would involve Texarkana, since part of their drinking water comes from Lake Millwood and could be a factor with Domtar, since they use water from Lake Millwood in making paper,” said Cowling.

Domtar is a paper mill just south of Ashdown.

Ellis said the three water basins targeted by Texas are Kiamichi, Cache Creek and Beaver Creek.

The water from Kiamichi would be 310,000 acre-feet or 15 billion gallons per year. The Cache Creek would lose 125,000 acre-feet per year and Beaver Creek could lose 25,000 acre-feet.

“The total amount of water sought by the Texans is more than Oklahoma City and Tulsa use combined,” said Ellis.

“Any out-of-state water sale should require approval of the Oklahoma Legislature, not action by a board or a U.S. district judge who are appointed and never face the voters. To allow this issue to be decided by the courts would gut democracy and the result would be communism without a firing squad,” said Ellis.

The moratorium on the sale of water from Oklahoma allows for the completion of a state water plan to determine Oklahoma’s water supply and needs for the next 50 years, he said.

“Having survived three consecutive years of below-average rainfall, seven out of every eight Oklahomans now oppose the sale of our water supply to out-of-state interests,” said Ellis.

“Water is our future. Texas wants our water for their growth, and if Oklahoma wants to grow, we must retain control of our most valuable natural resource. Texans can get their water where they get their work force—Mexico,” he said.

The lawsuit filed by the Tarrant Regional Water District contends the state moratorium blocks out-of-state water sales and violates federal law concerning interstate commerce.

U.S. District Judge Joe Heaton in Oklahoma City agreed to consider the water district’s request for a temporary restraining order and preliminary injunction that would prevent the Oklahoma Water Resources Board and the Oklahoma Water Conservation Storage Commission from dismissing or denying the district’s water permit requests while the lawsuit against the moratorium is settled, reported the Fort Worth Star-Telegram.

The hearing is scheduled for today in Oklahoma City.

The Tarrant water district wants the water from the Cache, Beaver and Kiamichi before it enters the Red River and takes on too much salt. The district would pump the water under the river, into a pipeline and eventually into one of its reservoirs in Texas.

The proposal eventually could provide enough water to serve the 4.3 million people who are expected to live in the district’s service area in North Central Texas by 2060.

The Star-Telegram reported that Oklahoma officials have refused to send water to Texas in the past. In 2001, the Oklahoma Legislature blocked efforts by Texas officials to buy water from its reservoirs, and in 2002, lawmakers adopted a moratorium blocking most out-of-state water sales.

In court documents, the water district contends Oklahoma’s anti-export laws violate the Red River

Compact, which was adopted by Congress in 1980, allowing Texas equal access to water in the Red River, including without limitation waters within Oklahoma.

The lawsuit also states public policy to embargo water has a “protectionist purpose and effect of discriminating against interstate commerce.”

Jim Oliver, executive director of the water district, said the water district wants to buy only a portion of water from several streams just before it is dumped into the Red River, where it becomes too salinized or salty to be used as drinking water.

“Our biggest task is to let them know they are not selling us anything they are even going to use. By the time it gets to the point we’re going to take it, it’s gone. They can’t drink it. They can’t water ski on it. They can’t fish in it,” said Oliver in the Star-Telegram story.

“Nothing is more important to a metropolitan area than water. If they have this excess water and we can legally tap into it for the right price, it may be very far-reaching and help solve the lack of quality water for this area. But I’m sure a lot of people will be stunned by it,” said Jim Lane, a member of the Tarrant Regional Water District’s board.

Cowling, who also serves as a member of the Walnut Bayou Irrigation District Board of Directors, wrote a letter to Oklahoma Assistant Attorney General Dan Weitman on Jan. 19, raising the point about the amount of water flowing into the Red River and the risks of increasing the salt level in the river.

“Our concern with pulling water from the Cache, Beaver and Kiamichi rivers is that it would cause the salinity of the Red River to go up because of the blending of the water from these three sources of pristine water help lower the salinity levels of the Red River,” said Cowling in the letter to Weitman.

“We are in the process of developing the Walnut Bayou Irrigation Project in Little River County and the source of our water will be the Red River. Also in Southwest Arkansas are two other irrigation projects in the developmental stages along with four irrigation projects in Louisiana,” he said.

“Our concern, if the salinity goes up, is that it would adversely affect all of these irrigation districts, due to the salinity increase in the waters of Red River,” said Cowling.

He also questioned whether salinity levels in the Red River would affect industry and water use in Shreveport and Bossier City, La.

“The Weyerhaeuser paper mill at Valliant and the Domtar paper mill in Ashdown empty their wastewater into the Red River. What harm would that cause if we diverted water from the three streams? Also the city of Shreveport and Bossier City are getting water out of the Red River for their municipal water needs. How will this action affect these cities?” asked Cowling.

A study is also under way regarding navigation of the Red River.

“By pulling water from these streams, how will it affect the barge traffic up the Red River into Arkansas and possibly later on barge traffic from Arkansas into Oklahoma and Texas?” said Cowling

in the letter.

“We feel the economic benefits would be greatly curtailed if these waters are allowed to be diverted to Texas,” he said.

“According to the Red River Compact, Texas, Oklahoma, Arkansas and Louisiana are entitled to 25 percent to each state of the waters flowing down the Red River. Why doesn’t Texas pull water out of the Red River rather than the basins that empty into the Red River?” Cowling asked.

“This issue of water involves more than just the state of Oklahoma and Texas. We would appreciate your attention to the entire Red River Basin and the four states involved as you represent Oklahoma in this lawsuit,” said Cowling in the letter to the Oklahoma assistant attorney general.