

May 15, 2012

To: OWRB

From: Chuck Roberts

Subject: Implementation of SB288

Time to Implement SB288

The plan is coming together and it is time to go forward with implementation of 288. Landowners have been under a restrictive moratorium for 9 years. Landowners ability to get new permits for use or sale of their water has been very limited while municipalities such as Ada have secured more rights and accumulated funds in preparation for the lower MAY.

Implementation requires no new infrastructure. Municipalities and rural districts just need to secure more water rights through purchase or lease. Ada has been offered 25,000 acres of water rights over the recharge area for Byrd's Mill but they have refused to even talk.

Where did the idea for phase in come from and why? No other aquifer in the state that has had a MAY established has had a phase in. OWRB has never before used a phase in when establishing a MAY. Phase in was not mentioned in SB 288. There is serious question as to the legality of OWRB allowing a phase in.

Ada is pushing for a 20 year phase in time. Phase in is not fair to landowners. Under their plan they would have 20 years to pump more than their share of water. If they pump more than their share then they are pumping my limited share from under my land without compensation. (Sounds like stealing my water for 20 years) This phase in/grandfathering was determined to not be fair by the legislature in 2003 when HB1033 failed in favor of SB288. Ada and Sulphur cannot claim they didn't know what was happening, their legislators sponsored the bill 9 years ago.

Why does Ada need 20 years? They can lease the needed water rights with little or no rate increase or new taxes. Landowners have offered a plan that includes a graduated price structure so as not to place immediate pricing hardship on the city. Ada should secure their water future now by buying what water rights they can and leasing the rest now, not 20 years from now.

Why does CPASA want 20 years. (CPASA has recently backed up to support of a 5 year phase in time) CPASA, Tishomingo, Durant, and Ardmore have no stake in the phase in, they don't rely on groundwater. Their position should be for no phase in as that would allow more water to flow downstream quicker.

From the landowner side, .2 is probably to little water to irrigate or secure a contract with outside users like Canadian County. The water market in the Arbuckle Simpson has effectively been limited to Ada, Sulphur, Aggregate companies, and a few rural districts. Now these organizations want to completely eliminate any market for 20 years so they can use our water for free. (Steal our water for 20 years)

Chuck Roberts Exh. 1

May 15, 2012

To: OWRB

From: Chuck Roberts, Arbuckle-Simpson landowner

Implementation of SB 288

- 1 Any phase in is unfair to landowners.
- 2 Any further delay in implementing SB 288 restricts the private property rights of landowners.
- 3 Phase in has never been used before.
- 4 Phase in is not legal. There is no mention of phase in SB 288.
- 5 No new infrastructure is required due to implementation of a new MAY.
- 6 Allowing some entities to pump more than their EPS for any length of time is allowing them to pump part of my limited EPS from under my land. This is taking my water without compensation or more simply put, stealing my water.
- 7 Phase in will allow over allocation for the length of the phase in. This is not allowed by SB288.
- 8 I don't like the low .2 acre feet EPS. My contribution to the aquifer is 5.58 inches per surface acre owned. That is my water and should not be taken away so that it can flow in the springs and streams which is public water. My 8th grade government teacher called this socialism. With all that said; whatever the EPS is, if it is applied to everyone immediately, that at least would be fair.
- 9 Immediate implementation is not liked by all but it is fair.
- 10 Ardmore, Tishomingo, and Durant use surface water and should be arguing for immediate implementation.
- 11 Sulphur has prior rights and therefore has no reason to be in this argument.
- 12 Why is Ada wanting to phase in 10,000 acre feet when they only use 6,000 acre feet. Phase in allows them to steal my water and then sell it for a profit. Not Fair.

The implementation of SB 288 has become a very complicated issue. All sides have good points as to why their way is the best. My hope is that this hearing officer and OWRB simply decide on the fairest way to implement with all sides and the law represented. OWRB do your best and do it now, this thing has drug on long enough.