

Robertson  
Exh 1

OWRB HEARING May 15, 2012

Murray County Rural Water District # 1 offers the following comments, evidences, and arguments regarding the PROPOSED TENTATIVE DETERMINATION OF MAXIMUM ANNUAL YIELD OF GROUNDWATER FROM THE ARBUCKLE-SIMPSON GROUNDWATER BASIN.

While Murray County R.W.D. # 1 generally agrees with the overall findings and determinations as being needed for the well-being of the Arbuckle-Simpson Groundwater Basin and for those whose water needs are supplied by it, we must take exception and disagree with some specific aspects of the study and the resulting orders and directives.

In the early 1980's our water district obtained a temporary permit to withdraw up to 764 acre feet of water from the aquifer. From the mid 1980's to the late 1980's wells were drilled to withdraw that water. Even with much growth in the rural area, 764 acre feet of water was adequate for the domestic needs of our members from that time until now. But we were rapidly approaching the time when additional withdrawal rights would be needed.

If the tentative orders now proposed are made permanent, Murray County R.W.D. # 1 will be facing a crisis. If our temporary right of withdrawal of 2 acre feet of water per surface acre is reduced to .2 acre feet of water per surface acre, we will not be able to meet our members need for water. Much additional capital will be needed to acquire more water rights. The additional capital expenditure will create an immediate and lasting crisis for us.

**If it can be done at all, it is almost a certainty that we will need more than five years to accomplish what we will need to do. We recommend that the tentative five year period be increased.**

With a 90% reduction in withdrawal rights we can produce only 76.4 acre feet of water per year or 24,830,000 gallons. In 2,011 we produced 215,759,000 gallons. If the tentative orders are made permanent and implemented immediately, we will be 190,929,000 gallons per year short of what we will need to supply our members present yearly use.

In order to supply our present needs, we will need an additional 587.5 acre feet of water rights. In order to get 587.5 acre feet of water we will need to purchase or lease an additional 2,937.5 surface acres. Based on our last ten years of production and projecting that production increase ten years into the future, by the year 2,022 we will need an additional 50,000,000 gallons and an additional purchase or lease of 769.2 surface acres.

Since the completion of the study and the issuing of the tentative orders the quoted estimated value of surface acre water rights have been very high. \$300.00 dollars per surface acre has already been paid. Based on that figure Murray County Rural Water

District # 1 will need to spend a minimum of \$1,112,010.00 for water rights.

Yet, based on the possible SET BACK DISTANCES FROM WELLS AND SPRINGS requirements we have no assurance that our present wells can be used to withdraw any new water rights that we might purchase or lease. If we are required to drill an additional well or are required to relocate our present well field, the additional cost estimate would probably range from \$500,000.00 to \$2,000,000.00. If the TENTATIVE ORDERS AND DIRECTIONS become permanent and if the above mentioned possibilities become realities, the very existence of Murray County Rural Water District # 1 is in doubt.

**We strongly recommend that existing wells not be subject to any 'setback' requirements and that all newly acquired water rights be permitted to be withdrawn from existing wells.**

We all should be concerned with protecting our environment and with maintaining the flow of our springs and streams. Wildlife preservation, recreation, and tourism is important to everyone, but when these uses are given priority and are protected at the expense of those who live on and have ownership of the very land from which that water flows, a mistake has been made. That mistake should be corrected.

**No study, rule, or law should place the need of preservation, recreation, or tourism over the needs of local people to have a dependable water supply. We strongly recommend that local people's need for an adequate supply of domestic water be given priority over all other needs.**

There is a solution for the problem being faced by our water system. The solution may take some rethinking and rewording of rules and guidelines, but the solution can be very practical and fair to everyone.

The word 'RURAL' says something about Murray County Rural Water District #1. Rural water systems are unique. We are formed and exist for only one purpose. That purpose is to provide a safe and reliable supply of domestic water for our members. Our water system is non-profit. The users of our water; the members of our system; are the owners of our system. We are farmers, ranchers, and other rural residents who live on the land. Some of us own large acreages. Others live on small plots. We hold one thing in common. We are the rural owners and residents of our land that have acted in unison in order to do something that many of us could not do on our own. Acting collectively we have done what we could not do individually. For ourselves, for our neighbors, and for all who want to live in the rural areas, we have made a safe domestic supply of water affordable for all. **We should not be penalized for our collective efforts.**

Compared to cities and towns we are unique in several ways. The income from the sale of water to ourselves is used for nothing except to pay for and to operate and maintain facilities needed to keep safe water flowing to us. We are not concentrated. We are scattered. For this reason fire protection, while being a very needed service, is not

practical for us. We have a few fire hydrants at strategic locations for the use of our rural fire departments, but to build large lines needed for fire protection over our large area is just too costly. The continuation of our domestic supply of water is more important.

We do not offer water for business or industry. While there are some small businesses located in our rural area, these limited businesses require only a domestic supply of water. In addition to supplying water for domestic home use we also supply a limited amount of water for livestock and gardens, but we are not able to offer a large volume of water for irrigation or large scale livestock operations.

One very unique thing about our rural system compared to cities and towns is that almost all the water we take from the ground is returned to the ground. Water that is used by all public water systems becomes contaminated by its use. Because of the concentration of homes and businesses in cities and towns contaminated water must be collected and treated before being released to the environment. Because we are scattered, water contaminated by our use can be reintroduced back into the ground water supply through properly constructed septic tank systems. Nature takes care of the filtration and purification process.

The most unique thing about us as rural water users is that we have the right as residents and owners of the land to take and use a domestic supply of water from the land on which we live. There has never been any lawful requirement for permitting or reporting on the taking or using of that water. Even before written law, mankind has always had the right to take and use water on and under his land. We might call this the first PRIOR right to water use.

In 1983 Murray County Rural Water District # 1 first applied to the Oklahoma Water Resources Board for a permit to withdraw water from the Arbuckle Simpson Aquifer. The City of Sulphur and the National Park Service protested the application. One reason given for the protest was that R.W.D. #1 had not marked the correct "type of use" when it marked "municipal use". They were technically correct because we were not municipal. We were rural. Even then that difference was recognized. The OWRB concluded that 'rural use' was for a more specific use than 'municipal use'. Our application was granted because there was not a term accurately describing the rural system's need to withdraw water to fill the need for domestic water only.

**We recommend that a new category be recognized so that the rural area's need for a domestic supply of water to the rural residents will not be confused with "municipal use" which includes a much broader need and use for water.**

Rural Water Districts are now operated throughout the state of Oklahoma. The OWRB deals with them often, but their unique characteristics, needs, and rights are still not well defined. Because of the crisis in which Murray County Rural Water District #1 finds itself as a result of the TENTATIVE FINDINGS under consideration we ask that the following things be considered:

**Owners of land in the rural area have a prior preexisting right to withdraw their unregulated domestic supply of water from their land. Based on law enacted by our legislature in the early 1960's they have a right to form Rural Water Districts so they may act collectively for the purposes of withdrawing and transporting their domestic supply of water to their homesteads. We strongly urge that these prior rights and prior legislation be incorporated into the permanent findings on this matter.**

**If owners of land determine to act collectively rather than individually to obtain a safer and more reliable source of water from a collective well or wells, those owners should not be denied their prior pre-existing right to use groundwater, but should be able to pool their prior right with other landowners as members of a public rural water system and use those collective prior rights for taking water from the aquifer through a collective well or wells.**