ENROLLED SENATE
CONCURRENT
RESOLUTION NO. 18

By: Laughlin of the Senate

and

Pope (Clay) of the House

A Concurrent Resolution recommending the State of Oklahoma institute an action in the United States Supreme Court to address the Canadian River Compact violations; and directing distribution.

WHEREAS, the State of Oklahoma is a party to the 1950 Canadian River Compact, along with the State of New Mexico and the State of Texas, which Compact apportions waters of the Canadian River, including the North Canadian River; and

WHEREAS, the Canadian River Compact provides that a major purpose of the Compact is to make secure and protect present developments within the three states; and

WHEREAS, the Compact further provides that all rights to any waters of the Canadian River or its tributaries which have been perfected by beneficial use are recognized and affirmed; and

WHEREAS, the Compact further provides that the rights of the State of Texas to impound water of the North Canadian River or its tributaries is limited to storage only for municipal and domestic use; and

WHEREAS, the State of Texas, through the Palo Duro River Authority, constructed a reservoir on Palo Duro Creek, a tributary of the Beaver-North Canadian River, in Hansford County, Texas, about twelve miles upstream from the Texas-Oklahoma state line; and

WHEREAS, Palo Duro Reservoir was constructed without a conduit or gates that could be operated to release sufficient flow of water to reach the Beaver-North Canadian River and farther downstream to Canton Reservoir, which is relied on by the City of Oklahoma City as a primary source of supply for Oklahoma City's 1939 decreed right perfected by beneficial use of waters of the North Canadian River, and therefore, such construction does not make secure and protect present developments in Oklahoma, and further shows that the State of Texas does not recognize and affirm rights to water of the North Canadian River which were perfected by beneficial use prior to the 1950 formation of the Compact; and

WHEREAS, the sole and exclusive use of Palo Duro Reservoir since its completion in 1991 has been and continues to be recreational use, a use not authorized by the Compact; and

WHEREAS, at Canadian River Commission meetings and other meetings with Texas officials since 1991, the State of Oklahoma raised its concerns and allegations about failure by the State of Texas to comply with the terms of the Compact. Texas officials have refused to acknowledge any possible Compact violation, and have refused to require the release of water impounded for purposes not authorized by the Compact; and

WHEREAS, after exhausting all possible remedies before the Canadian River Commission, the only avenue available for redress of the Compact violations is for the State of Oklahoma to institute litigation against the State of Texas in the United States Supreme Court.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Oklahoma State Legislature recommends the State of Oklahoma, by and through appropriate officials, institute an action in the United States Supreme Court to address the Canadian River Compact violations that have occurred and continue to occur by the State of Texas.

THAT a copy of this resolution be distributed to the Governors of the States of Oklahoma, New Mexico, and Texas; the Attorney General of the State of Oklahoma; the Oklahoma Water Resources Board; the City of Oklahoma City, Oklahoma; and the Canadian River Commission.

Adopted by the Senate the 3rd day of April, 2001.

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Presiding Officer of the Senate

Adopted by the House of Representatives the 30th day of April, 2001.

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Presiding Officer of the House
of Representatives