

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE

4 RESOLUTION 1016

By: Renegar, Bailey and  
Harrison

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7 AS INTRODUCED

8 A Resolution directing the Oklahoma Water Resources  
9 Board and the Attorney General to continue to defend  
10 the Tarrant Regional Water District lawsuit and not  
11 settle the case; and directing distribution.

12 WHEREAS, in 2007 the Tarrant Regional Water District, a Texas  
13 agency responsible for supplying public water to the northern part  
14 of the state of Texas filed suit in federal district court against  
15 the nine members of the Oklahoma Water Resources Board and the  
16 Oklahoma Water Conservation Storage Commission (*Tarrant Regional*  
17 *Water District v. Sevenoaks, et.al.*, D.Ct.No. 5:07-CV-00045-HE)  
18 alleging that Oklahoma law unconstitutionally prevents the District  
19 from appropriating or purchasing water located in Oklahoma; and

20 WHEREAS, Tarrant Regional Water District is seeking to have the  
21 right to appropriate or purchase enough water from at least three  
22 water basins, the Cache, Beaver, and Kiamichi, located in Oklahoma  
23 before it reaches the Red River and becomes unusable as drinking  
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1 water to serve approximately 4.3 million people who are expected to  
2 live in the service area of the District by the year 2060; and

3 WHEREAS, shortly after the lawsuit was filed the defendants  
4 filed a motion to dismiss arguing that there was no case or  
5 controversy as required to establish federal jurisdiction because  
6 the issue was not ripe for adjudication, that the defendants are  
7 entitled to immunity under the Eleventh Amendment, and other  
8 grounds; and

9 WHEREAS, last year the federal district court ruled to deny the  
10 motion of the defendants, which the defendants appealed; and

11 WHEREAS, in October 2008, the 10th Circuit Court of Appeals in  
12 Denver ruled against the claims of the defendants and concluded that  
13 the lawsuit may proceed in federal district court; and

14 WHEREAS, Tarrant Regional Water District officials are seeking  
15 to use the favorable court ruling as leverage to encourage Oklahoma  
16 authorities to negotiate the sale of water; and

17 WHEREAS, it is vitally important to the future of Oklahoma that  
18 the state be given the opportunity to continue to prohibit the sale  
19 of water out of state until a comprehensive scientific hydrological  
20 study of the water resources of this state can be completed so that  
21 decisions about the sale of water out of state and all other water-  
22 use issues are based on correct and complete scientifically based  
23 information and an understanding of how such action will impact the  
24 state as a whole.

1 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES  
2 OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

3 THAT the Oklahoma House of Representatives directs the defendant  
4 members of the Oklahoma Water Resources Board and the Attorney  
5 General of Oklahoma to continue to vigorously defend the lawsuit  
6 filed by the Tarrant Regional Water District in federal district  
7 court and not to enter into negotiations to settle the lawsuit prior  
8 to trial.

9 THAT a copy of this resolution be distributed to the members of  
10 the Oklahoma Water Resources Board and the Attorney General of  
11 Oklahoma.

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13 52-1-7235 KB 03/03/09

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