

For Immediate Release  
Aug. 11, 2016



## **Momentous Water Rights Agreement Reached by the Chickasaw Nation, Choctaw Nation, State of Oklahoma and City of Oklahoma City**

Agreement settles long-standing water disputes, establishes framework for future cooperation and conservation, and provides certainty for water resource management

OKLAHOMA CITY/DURANT, Okla./ADA, Okla. – The Chickasaw and Choctaw Nations, the State of Oklahoma and the City of Oklahoma City announced today that they have reached a water rights settlement, which will be presented to Congress for final approval.

When finalized, the settlement will resolve long-standing questions over water rights ownership and regulatory authority over the waters of the Choctaw and Chickasaw Nations' historic treaty territories, an area that spans approximately 22 counties in south-central and southeastern Oklahoma. The agreement provides a framework that fosters intergovernmental collaboration on significant water resource concerns within the Settlement Area, while at the same time protecting existing water rights and affirming the State's role in water rights permitting and administration. Additionally, the agreement will implement a robust system of lake level release restrictions to allow Oklahoma City's measured use of Sardis Lake for municipal supply purposes while continuing to support regionally critical recreation, fish and wildlife uses.

"We are proud to be part of this historic agreement among the State of Oklahoma, the Choctaw and Chickasaw Nations and the City of Oklahoma City," said Oklahoma Gov. Mary Fallin. "We all understand the importance of water for sustaining life and as the engine that drives our economic growth. By choosing cooperation and collaboration over conflict and litigation, this agreement strengthens governmental relationships based on the common interests of the State and the Choctaw and Chickasaw Nations.

“While the State will continue to exercise its authority to manage and protect water resources throughout Oklahoma, the Choctaw and Chickasaw Nations will rightly play a role in significant water allocation and management evaluations within the Settlement Area. This agreement is an important first step in all Oklahomans coming together to address the wise use and protection of our shared water resources.”

For decades there has been legal uncertainty in the Settlement Area regarding water rights and regulatory authority arising from unresolved questions of federal law and tribal rights. These uncertainties have contributed to long-running conflicts over Sardis Lake and the Kiamichi Basin in southeastern Oklahoma, resulting in multiple court actions. Once finalized, the settlement will end ongoing litigation including a federal lawsuit the Nations filed against the State of Oklahoma and the City of Oklahoma City with regard to Sardis Lake and other waters of the historic treaty territory and a second lawsuit the State filed to adjudicate water rights in the Kiamichi, the Muddy Boggy, and the Clear Boggy watersheds. By reaching this settlement, the parties avoid decades of litigation and associated expenses and uncertainty for the State, the Nations, Oklahoma City and property owners throughout the Settlement Area.

Attorney General Scott Pruitt commented, “Water is a shared resource, so finding a way to work together was vitally important. I commend the Choctaw and Chickasaw Nations and City of Oklahoma City for working purposefully and tirelessly with the State over the past five years to reach an equitable agreement. The State retains its permitting authority over water in the Settlement Area, which is important since uniform permitting and administration provide certainty and consistency for the management and use of water resources. When finalized, the agreement will protect existing rights and provide certainty for future uses in southeastern Oklahoma and other areas of the state.”

Under the terms of the agreement, the Choctaw and Chickasaw Nations will participate in technical evaluations of significant future water right allocation proposals within the Settlement Area. The agreement also formalizes protections for the current and future water needs of communities throughout the region, ensuring adequate water for south-central and southeastern Oklahoma and enhancing stewardship of water resources both for future consumptive use within the region as well as protecting lake levels and stream flows on which the vibrant tourism industry relies.

“This agreement is a win for all Oklahomans,” said Gov. Bill Anoatubby of the Chickasaw Nation. “We have forged this deal based on our common interests with an understanding that we all want the same thing – to take care of our vital water resources responsibly with respect to the needs of all Chickasaws, Choctaws and Oklahomans. The nations now have a meaningful and active voice in significant water transfers from our area. Furthermore, this settlement preserves and protects

water resources essential to economic growth and quality of life in south-central and southeastern Oklahoma. Unity and cooperation among all stakeholders offers our best chance to help ensure a strong economy and thriving natural environment for our children and grandchildren through proper stewardship of our shared water resources.”

Chief Gary Batton of the Choctaw Nation stated, “What happens in regards to the protection and preservation of water is of great importance. When finalized, this agreement secures existing uses of water and provides certainty with regard to the future use of Sardis Lake for the benefit of recreation, fish and wildlife, and local water use. Importantly, moving forward, both the Choctaw and Chickasaw Nations will have a seat at the table in the protection of southeastern Oklahoma water resources for municipal and recreational use. And, as we all know, a vibrant recreation and tourism industry creates jobs and strengthens economies inside and outside of the Settlement Area. Additionally, we are pleased that the agreement supports keeping water in the Settlement Area within the State by maintaining current state law prohibitions and adding significant protections.”

“Five years of concentrated research, analysis and modeling provide the underpinnings of this agreement,” stated J.D. Strong, Oklahoma Water Resources Board (OWRB) executive director. “All parties were committed to basing decisions on fact and science, building upon the foundation of the Oklahoma Comprehensive Water Plan using the best information we had or could develop regarding potential impacts on lake levels and stream flows. The State, the Nations and Oklahoma City were committed to applying what we have learned through decades of study so that our water resources can be protected while supporting a strong and growing economy in the region and throughout the state.”

The agreement also establishes the legal security of Oklahoma City’s water supplies and gives the greater Oklahoma City metropolitan area access to water for its future needs. Oklahoma City’s releases from Sardis Lake will be governed by a system of lake level release restrictions based on the Oklahoma Department of Wildlife Conservation’s lake level management plan, which is designed to protect fishing and recreational resources. Oklahoma City will also gain access to the Kiamichi River dependent upon lake level release and minimum stream flow restrictions intended to protect the environment and recreational uses.

Oklahoma City Mayor Mick Cornett commented, “We expect the considerable growth we have experienced in Oklahoma City over the past decades to continue well into this century. Our future growth will be propelled by our ability to attract capital, promote innovation, maintain affordable energy, increase productivity, and probably most importantly, manage our water and land use. And while this agreement ensures we have access to water through a clearly defined and orderly

process for decades ahead, we must continue to promote water conservation. We are pleased to be part of this agreement and the opportunities it creates for even greater collaboration and cooperation in the future.”

The agreement achieves the State’s goals of affirming the OWRB’s role in water rights administration, allowing for an orderly system of water allocation and administration. Additionally, the agreement resolves the outstanding debt associated with Sardis Lake and provides vital water supply to local water users and to Oklahoma City, while at the same time protecting recreational uses and the reservoir’s trophy bass fishery.

Existing water rights or rights to surface or groundwater will not be affected by the agreement, and the agreement does not authorize out-of-state use or diversion of water, which remains unlawful absent of State legislative approval. The settlement calls for a commission to evaluate the impacts of future proposals for out-of-state water use or diversion, which would remain subject to State legislative authorization. Should the Oklahoma Legislature ever approve such a proposal, the agreement ensures that any proceeds would be devoted to meeting water and wastewater infrastructure needs, particularly in southeastern Oklahoma.

In response to the announcement of an agreement, The Honorable Judge Lee R. West, with the United States District Court for the Western District of Oklahoma, commented, “I have been on the bench for 51 years, but this is an especially proud moment to witness all of these diverse parties coming together to find solutions that are in the best interest of all Oklahomans and my home state. This is without doubt an historic achievement.”

After the agreement is signed by all parties, it must be approved by federal legislation and executed by the Secretary of the United States Department of the Interior. The parties are now working with the Oklahoma congressional delegation to secure appropriate legislation.

Additional information can be found online at [www.WaterUnityOK.com](http://www.WaterUnityOK.com).

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