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THE IMPACT OF RURAL WATER DISTRICTS ON STATE WATER POLICY:
A CASE STUDY OF INSTITUTIONALIZATION IN SOUTHEASTERN
OKLAHOMA

The University of Oklahoma

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THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

THE IMPACT OF RURAL WATER DISTRICTS ON STATE WATER
POLICY: A CASE STUDY OF INSTITUTIONALIZATION
IN SOUTHEASTERN OKLAHOMA

A DISSERTATION

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degree of

DOCTOR OF PHILOSOPHY

BY

EDWARD B. BROOKS

Norman, Oklahoma

1982

THE IMPACT OF RURAL WATER DISTRICTS ON STATE WATER
POLICY: A CASE STUDY OF INSTITUTIONALIZATION
IN SOUTHEASTERN OKLAHOMA

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THE IMPACT OF RURAL WATER DISTRICTS ON STATE WATER
POLICY: A CASE STUDY OF INSTITUTIONALIZATION
IN SOUTHEASTERN OKLAHOMA

CHAPTER 1

INTRODUCTION TO AND THE SETTING
OF THE STUDY

Introduction

Water is a basic resource that man needs for survival; yet, people seldom worry about water supply until they experience its shortage. Diverse sources¹ state that the United States has water supply problems that are aggravated by increasing population. Not only is the population increasing, but the increase is spread unevenly among geographic areas of the nation. There continues to be migration from the northeastern U.S. to the West and the Sun Belt. The Sun Belt and the West overlap, and the states from Oklahoma and Texas westward to the Pacific Ocean enjoy membership in both regions, better known as the Southwest.² U.S. water supply problems are shared by all states but are most serious in the arid Southwest.

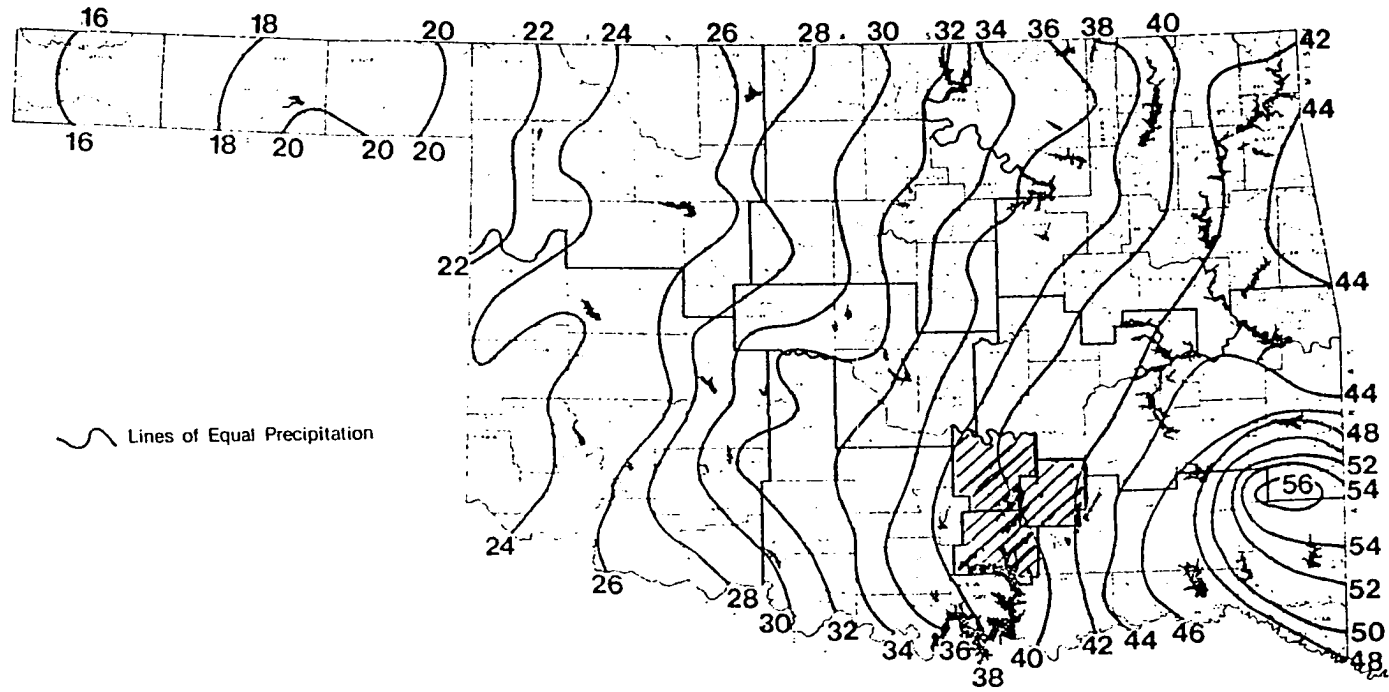
The Southwest has increased its population due to the migration of people from the East. However, it is climatologically the most arid region of the U.S., and the present migration exacerbates the water supply problems of the area.³ Oklahoma is located in the Southwest and has both the problems of increasing population and scarce water resources. The line dividing the humid East and the arid West divides Oklahoma in half. Figure 1.1⁴ delineates in detail the progression of aridity in Oklahoma from east to west.

The growing population is a sign of increasing industrialization and urbanization,⁵ and these, too, further aggravate the state's water supply problems. Additional industry and population not only require more water but also create the need for more energy. Oklahoma, rich in oil and coal, is expected to expand its energy production, and that necessitates at least a ten percent increase in the amount of water used from 1975 to 2000.⁶ Water supply is at the heart of politics in Oklahoma, for without it the state cannot hope to continue its growth. Southeastern Oklahoma is the region of the state that has an abundant supply of water and is, therefore, important to the state's further growth.

One could write almost lyrically about southeastern Oklahoma. Generally, it is rolling countryside, lush and green. The hot winds blow from Texas in June and begin the inevitable browning process of one hundred degree days in

Figure 1.1

Map of Oklahoma Indicating Average
Annual Precipitation in Inches



July and August. But one cannot drive thirty miles without seeing evidence of substantial water supplies in the form of rivers, streams, ponds, and springs. This is the land depicted in Rogers' and Hammerstein's Oklahoma, "where the wind comes sweeping down the plain . . .," and in John Steinbeck's The Grapes of Wrath, which graphically outlines the dust bowl days of the 1930s and the subsequent move of many Oklahomans to California. The memory of those dust bowl days serves to keep cool, clear water as a shimmering "Holy Grail" for Oklahomans in their search for a better way of life.

Southeastern Oklahoma is predominantly rural and has a low per capita income⁷ in comparison to the urban population. Other sources state that a ". . . typical rural area in America today is clearly inferior to its urban counterpart on a number of issues."⁸ As a result, an adequate living standard is equated with the urban rather than the rural setting. But rural people who have acquired certain of modern life's amenities, such as telephone and electricity, now desire adequate water to acquire the standard of living normally associated with the urban rather than the rural life style.

Southeastern Oklahoma has water in abundance, but it is not always potable and not always located where the user desires it. The main problem is the acquisition of a distribution system to transport the water to where it is needed. With the advent of Rural Water Districts (RWDs)

in 1963 and federal funding of such operations, the acquisition of a modern life style appears within the grasp of southeastern Oklahoma.

As southeastern Oklahomans use more water locally, there is less to be sent to other areas of the state. Yet, other areas, mainly Oklahoma City and Lawton, are experiencing more growth than southeastern Oklahoma⁹ and desire the water for their use. The political conflict is obvious and has been continuous for a number of years.¹⁰

The purpose of this study is to shed light on how southeastern Oklahomans (a minority of Oklahoma's populace) have been able to wage and win the political battle concerning water transfer from east to west with the state legislature in 1978 and 1979. This dissertation will look at the establishment, institutionalization, and resultant interlinking of RWDs with various local, state, federal, and sub-state regional planning agencies dealing with water supply. Thus do RWDs, both formally and informally, form strong political bonds with other agencies, enabling them to wage the necessary political battles. Due to the complexities of such political interrelationships, the microcosm of Coal, Johnston, and Pontotoc counties has been chosen as the area of a case study to fill in the informational gaps. The three county area is located in the heart of southeastern Oklahoma and opinions of leaders in the area would adequately represent those of southeastern as well as all of eastern Oklahoma leaders.

Research Design

Thus far the introduction has given a thumbnail sketch of the significance of U.S. and Oklahoma water problems. The chapter continues with a discussion of the geographic, historic, political, and economic setting of southeastern Oklahoma. It then proceeds to a discussion of Oklahoma and national water policy including a brief description of the administrative agencies that are actors on the water policy scene. The chapter includes backdrop information necessary to understand the dissertation's further design and development.

Chapter 2 states the basic research questions of the study. From that point, the methodology of interviewing, from both political science and ethnographic points of view, is analyzed. The discussion then turns to the categorization of the forty interviews conducted for the paper using Institution Building (IB) as a model for that purpose. The chapter continues with an argument that Deil S. Wright's conceptualization of Intergovernmental Relations (IGR) can serve as the framework for the study. It is further proposed at that juncture that the study descriptively fulfills Theodore J. Lowi's thesis that American constitutional federalism has given way to "interest-group liberalism."¹¹ Lowi deplores the process of pluralism and the dissertation at least bears out that the process of pluralism is currently functioning as Lowi

indicates. The chapter concludes with a review of the pertinent literature.

Chapter 3 develops the concern of political scientists with special districts, and details the complete history of a specific RWD so that the nuances of organization can be fully understood. The first topic argues that despite the desire of urban governments to consolidate special districts, the special districts proliferate and resist consolidation. With the exception of school districts, little research has been conducted by political scientists of the special district. The balance of chapter 3 deals with the formation of one RWD so that the temporal complexities and the intertwining of personnel from the grassroots through state to national administrative units can be seen in microcosm.

Building on that theme, chapter 4 analyzes the state law permitting RWD organization. It then proceeds to the exploration of internal and external organization structure. External structure is the primary contact with the maze of state and national administrative organizations with which RWDs have contact. Herein all fourteen of the RWDs under consideration are discussed individually and significant differences noted. The importance of the RWD members' recognition of the change in Oklahoma water law is highlighted. Lastly, the IGR are described that aid southeast Oklahoma RWD leaders prevent the transfer of

their water rights to others as suggested by the Oklahoma Water Resources Board (OWRB).

Chapter 5 first examines the leadership dimension of RWDs. Education, occupation, and time available appear as significant characteristics of the leaders. The leaders are better educated than the average person of the area. The leaders also constitute an elite due to the large number of businessmen and professionals that make up RWD leadership. State and national officials titillated the RWD leaders to expand their horizons so that the leaders explored every available resource. Chapter 5 then discusses the ideology produced by the leaders after their horizons had expanded to include economic prosperity for an area long economically depressed. The ideology, which spread up and down eastern Oklahoma, eventuated in the fulfillment of their basic goal--the assurance that southeastern Oklahoma would have first claim on its own water.

Chapter 6 closes the dissertation with a brief summary and a statement of conclusions.

The Setting: Southeastern Oklahoma

Geography

Topographically, Oklahoma slopes from the northwest to the southeast.¹² The three county area of this study (Coal, Johnston, and Pontotoc) is one of the higher rainfall areas of the state;¹³ and as a result of being in

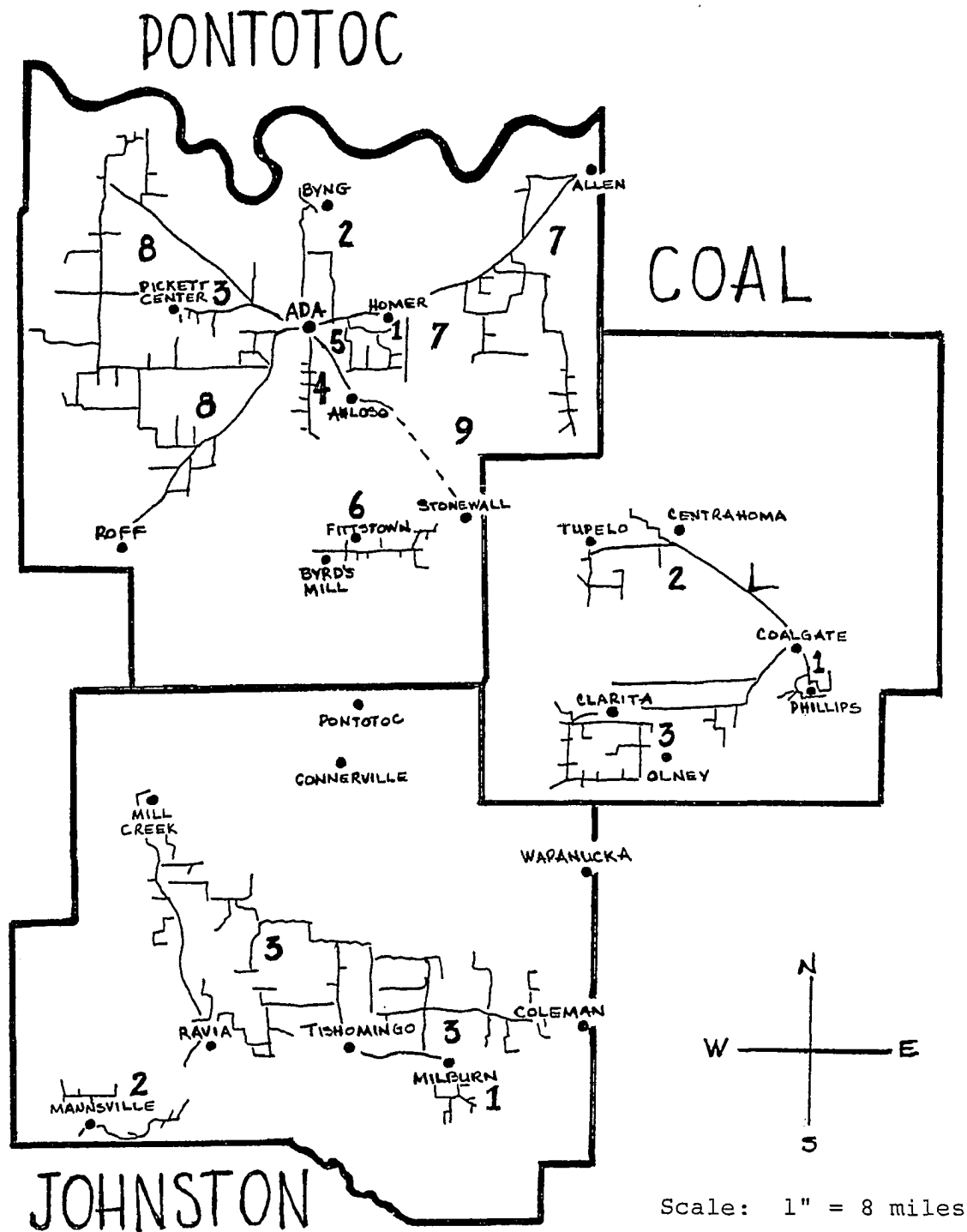
some of the lower portions of the state, the area is the proud possessor of considerable water runoff.¹⁴ The "Arbuckle Group"¹⁵ is located in southern Pontotoc County and northwestern Johnston County. This particular water producing area was formed by the earth's upheaval millions of years ago that formed the Arbuckle Mountains of Oklahoma. The ability of water to pass through faults in the limestone rock and eventually accumulate in large pools of water has made this area one of the major water basins of Oklahoma.¹⁶

Johnston County has a large formation of granite through its north central portions and, therefore, a good portion of southern Johnston County draws its water from wells located in "Antlers Sand"¹⁷ or from clear water streams originating in the Arbuckle Group.¹⁸ Coal County obtains most of its water from wells located in minor groundwater basins. Coalgate, the county seat, has Lake Coalgate supplied by Caney Creek which, according to the OWRB, is sufficient to supply the entire county if the distribution system were available.¹⁹ Pontotoc County draws most of its water from the Arbuckle Group.

This three county area is twenty-five to thirty-five miles east of a line which if drawn north and south through the middle of the state would demark the arid, western portions. Figure 1.1 has the three counties darkened so that their location in the state is easy to spot. Figure 1.2 is an enlarged map of the three counties.

Figure 1.2

Map of Coal, Johnston, and Pontotoc Counties, Oklahoma,
 Depicting Rural Water Lines and County District Numbers



Obviously, there would be a competition for the water of the Arbuckle Group which appears to be plentiful if there were the means to transport the water to the arid part of the state.²⁰ Such a means has been proposed at the state level.²¹ The competition foreseen is not only within the state of Oklahoma but will also be an interstate problem, for the groundwater and stream water flow continues south from Oklahoma into Texas. Naturally, local people are concerned, for they have no desire to allow water to be taken away from them when shortage might appear in the future. The resulting political situation is complex and compounded by the traditional, cultural attitude of southeastern Oklahoma. The historical and political setting then becomes extremely important.

Historical and Political

Coal, Johnston, and Pontotoc counties are part of a rather unique political area. The southeastern quadrant of Oklahoma has long been known by the name "Little Dixie"²² because it has tended over the years to vote like the South and also because it has many southern traditions.²³

Oklahoma's political history begins long before the Civil War. In the 1820s, Indian Territory was occupied by various plains tribes. The Removal Policy of the 1830s (resulting in what is known as the Trail of Tears²⁴) brought to Oklahoma from the southeastern states the Indians known as the Five Civilized Tribes.²⁵ These tribes had already

begun mingling their blood with that of the white man and had adopted many of the white man's institutions and customs. Slavery, one of the white man's institutions, was brought into Oklahoma, especially the southeastern quadrant, by the Five Civilized Tribes.

Those tribes fought on the side of the Confederacy in the Civil War and the Territory underwent much the same treatment as the rest of the South during reconstruction.²⁶ After the Civil War, many whites migrated from the Confederacy to what was to become the State of Oklahoma. One of the issues at Oklahoma's constitutional convention was that of Jim Crow laws.²⁷ After statehood was achieved, "[o]ne of the first matters of legislative business, Senate Bill Number One, combined all the racial bias of the Constitutional Convention in what was known as the 'Jim Crow Code.'"²⁸ Politically, the state tended to stay in the southern mode: one party politics, segregation, agricultural, and rural.

The "Little Dixie" area of the state continues in this mode with the political mode being protagonistic to: rural life, agriculture, rugged individualism, and self reliance. The general populace of southeastern Oklahoma also tends to be antagonistic to: the labor movement, urbanism, outside governmental interference, and big business. This political mold leads one distinguished author to say:

Southern institutions including slaveholding, a transplant by the Five Civilized Tribes, are

a part of Oklahoma's culture. Oklahoma was a Confederate province during the Civil War, and later underwent a reconstruction program every bit as vindictive as any experienced by the other components of the Confederacy. This partly accounts for the fact that to this day the southeastern section of the state is known as Little Dixie.²⁹

Governmentally, the state has followed the development of the South: county government is important (the state is divided into seventy-seven counties) and small towns and cities have long been formed, as soon as the population size warranted, so that "home rule" would prevail. Though the population of the state tends to be urbanized statistically around Oklahoma City, Tulsa, and Lawton, the actual land mass of Oklahoma is still fairly sparsely settled and falls under the designation "rural." The primary source of income is still agriculture in the southeastern quadrant.

Certain old, established families have considerable influence and those who have better than an average education are also people of influence within their communities. Only by 1970 did the state of Oklahoma achieve a median educational level of twelve years, and the three counties of this study ranged from nine years for Johnston County to eleven years for Coal County.³⁰

Usually the same people of influence can be seen at public meetings. They do not necessarily hold public office, but their influence is considerable. Control of the local communities rests in the hands of a few and though this has its disadvantages in a democracy, it is

beneficial when organizing a new institution such as an RWD, for few people are required to promote the endeavor. People in the small, local communities have faith in the influential to do that which is good for the community.³¹

The political culture of southeastern Oklahoma is stated by Daniel J. Elazar to be "Traditionalistic/Individualistic."³² The foregoing adequately depicts the area historically and politically to match Elazar's graphic description which includes a reliance upon influential elites by the people.³³ According to Elazar, the political culture is the sum total of cumulative historical experience of various groups of people who immigrated to an area plus their economic backgrounds.³⁴ For that reason, a look must be taken at the economic setting of the subject three county area.

Economic

Pontotoc, Coal, and Johnston counties are largely rural. Table 1.1 illustrates the rural complexion of the three counties. As is usually true of rural situations, the income levels are low when compared with the state and nation. Table 1.2 indicates some of the economic problems of the area.

As Table 1.2 indicates, per capita personal incomes increased substantially for all the governments considered. With the exception of Pontotoc County, the local area did not gain as well as the state and nation. Oklahoma

Table 1.1

Number of People Living in Coal, Johnston,
and Pontotoc Counties, Oklahoma, in 1980
and Estimated Percentage of Rural

County	Population	
	Number ^a	Percent Rural ^b
Coal	6,041	67
Johnston	10,356	69
Pontotoc	32,598	51

^aSOURCE: Oklahoma Employment Security Commission, Oklahoma Population Reports. Special Studies: April 1, 1930-April 1, 1980 Census Enumerations (Oklahoma City: Oklahoma Employment Security Commission, July 1981), table III, pp. 10, 11.

^bIbid., table V, pp. 18, 22, 29. Percent calculated by subtracting cities of 2,000 or more in population from the county total and then calculating percent.

Table 1.2

Comparison of Per Capita Personal Incomes,
1970 with 1977, for the U.S., Oklahoma,
and the Counties: Coal, Johnston,
and Pontotoc

Government	Years		Per Capital Personal Incomes		1977 Percent of National
	1970	1977 ^b	Dollar Gain	Percent Gain	
The U.S.	3966 ^a	7026	3060	77.15	100.00
Oklahoma	3341 ^b	6269	2928	87.64	89.23
Counties:					
Coal	2217 ^b	3751	1534	69.19	53.39
Johnston	2455 ^b	3925	1470	59.88	55.86
Pontotoc	2883 ^b	5450	2567	89.04	77.56

^aSOURCE: Oklahoma, Center for Economics and Management Research, College of Business Administration, University of Oklahoma, Statistical Abstract of Oklahoma, 1978 (Norman: University Printing Services, 1978), p. 279, for data on U.S.

^bOklahoma Employment Security Commission, Oklahoma Per Capita Personal Income (Residence Adjusted), 1969-77 (Oklahoma City: Oklahoma Employment Security Commission, April 1979).

did better than the U.S., but Coal and Johnston counties fared much worse than the state or nation. When a comparison of the state and county per capita incomes is made to the national per capita income, the counties fare worse than the state, although considerable gain was made in actual dollars of per capita personal income.

Between 1970 and 1980, Oklahoma's population increased 18.2 percent, while the nation's increased only 11.4 percent. The roles were reversed from the 1960-1970 period when national population increased 13.4 percent but the state's only increased 9.9 percent.³⁵ The subject counties likewise experienced population increase from 1970 to 1980. Coal County increased 9.33 percent, Johnston County increased 31.58 percent, and Pontotoc County increased 16.97 percent.³⁶ The county increases appeared primarily in the rural areas except for Coal County.³⁷

Coal, Johnston, and Pontotoc counties experienced substantial poverty and high unemployment in 1970.³⁸ By August, 1981, Oklahoma enjoyed the lowest unemployment rate in the nation at 2.8 percent.³⁹ Johnston and Pontotoc counties likewise had reduced unemployment to the 2.2 percent level, but Coal County was still at 5 percent.⁴⁰

In summary, the three county area continues economically depressed. Even though unemployment has been substantially reduced, per capita incomes are still much lower than either the state or nation. In relationship to the

economics of water transfer from this area of the state to the more prosperous western region, one source says that "[t]he rich get richer . . ."⁴¹ and implies that the poor get poorer.

On the other hand, the larger population in the three counties combined with larger per capita income does indicate economic advancement and more money being spent. The area is rich in mineral resources. Coal, oil and natural gas, glass sand, limestone, dolomite, and granite⁴² are the most dominant. As the possessor of abundant water, the area can develop its mineral production. In recent times, for example, there have been suggestions of constructing coal gasification plants.⁴³ However, these plants use 72-158 gallons of water per one million standard cubic feet (MSCF).⁴⁴ The proposed plant in eastern Oklahoma would produce 500 MSCF daily.⁴⁵ Coal production in Oklahoma, all from the east central and southeastern regions, doubled from 1963 to 1973.⁴⁶ If that trend continues, considerable water will be used at an average of 16 gallons per ton.⁴⁷

Economic progress is being made in the area. The potential economic development, however, is much greater than has already occurred. The economic deprivation of the past appears to be at an end and a new era of prosperity at hand. Water supply is seen as the key by local people to the achievement of their rising economic aspirations.

The right to water is outlined in a complex series of statutory laws and judicial pronouncements.

Through the RWD organization, local people have found the professionals to advise them about these legal complexities and their use. The RWD, furthermore, has brought together the people in a block with the political potential to use the law to their advantage.

Oklahoma Water Policy

Oklahoma water policy is extremely complex. In order to facilitate its understanding, the law, its administration, and the state, local, and regional agencies connected with it are described here.

The Law

The problem of water distribution in Oklahoma has its analogy in Walter Prescott Webb's thesis concerning land development in the Great Plains area of the U.S. He believed that: land was divided according to concepts brought from the eastern U.S. and not according to the dictates of the climate of the area, the Great Plains.⁴⁸ The people who settled in Oklahoma brought with them the traditions of "riparian" rights to water that worked in the East but, when brought to the arid areas of the West, simply did not work. The riparian doctrine was at first followed in Oklahoma and it worked in the eastern regions of the state. The doctrine did not work in the state's western regions and westerners gradually moved to the use of the appropriation doctrine of water rights stemming from Spanish and Mexican law.⁴⁹

Riparian rights came to America from England as part of the U.S. English common law inheritance. The English, however, had never fully developed the doctrine. Two famous American jurists, Story and Kent, developed the riparian right doctrine prior to 1833 relying on French civil law sources. When the term "riparian" first appeared in English case law in 1849, the English jurists relied primarily on Story and Kent.⁵⁰

. . . The doctrine of riparian rights gives to the owners of land bordering on a stream or lake certain rights not enjoyed by nonriparian owners. The common-law doctrine of riparian rights entitles each owner of land bordering on a stream to have the waters thereof flow in the natural channel, unpolluted in quality and undiminished in quantity. Strictly interpreted, the doctrine would forbid any use of the waters of the stream. It was modified in England to recognize two uses--ordinary and natural, including use for domestic and livestock purposes, and extraordinary or artificial, including use for irrigation and mechanical purposes.⁵⁷

Riparian rights were in conflict with U.S. industrialization and so a "reasonable use" doctrine was propounded in the industrialized states.⁵² Today, riparian water rights can be separated into two categories: (1) natural flow and (2) reasonable use. Courts generally have had to settle the disputes waged between the two doctrines by litigants.⁵³

The other water rights doctrine used in Oklahoma is the "appropriation doctrine." Its main tenets are:

1. It gives an exclusive right to the first appropriator; and, in accordance with the doctrine of priority, the rights of later appropriators are conditional upon the prior rights of those who have preceded.

2. It makes all rights conditional upon beneficial use--as the doctrine of priority was adopted for the protection of the first settlers in time of scarcity, so the doctrine of beneficial use became a protection to later appropriators against wasteful use by those with earlier rights.
3. It permits water to be used on nonriparian lands as well as on riparian lands.
4. It permits diversion of water regardless of the diminution of the stream.
5. Continuation of the right depends upon beneficial use. The right may be lost by nonuse.⁵⁴

Oklahoma water law is an evolutionary merger of riparian and appropriation rights to water. The riparian doctrine was and is traditionally used in the eastern half of the state while appropriation doctrine is more commonly used in the western half of the state.⁵⁵

Prior to statehood, "... [t]he Eighth Legislative Assembly of Oklahoma Territory enacted the first Water Law in 1905. . . ."⁵⁶ The 1907 Constitution empowered the legislature to control certain phases of water development in the state. The 1905 law based water rights on beneficial use or the appropriations doctrine. However, the riparian rights propounded in 1890 by the territorial legislature continued to be recognized under the 1905 statute. These conflicting laws were brought forward on the statutory books of the state and judicial opinions continued recognizing riparian rights preceding the 1905 statute. This legal state of confusion continued in the state until 1963.⁵⁷

In 1963, the state legislature changed the law, and although previously established riparian rights were to be honored, the state, in effect, adopted the doctrine of appropriation.⁵⁸ In other words, the state, after 1963, owned all water rights and would then parcel them out to the people upon application for beneficial use. Riparian rights continued in effect under Title 60 of the Oklahoma Statutes as part of property rights, especially if the rights extended back prior to statehood.⁵⁹ At first the riparian owner had two years to convert his right by application for his appropriation right. This was later changed legislatively so that prior domestic riparian rights may still be recognized, even if the owner had not applied for his appropriation right.⁶⁰

Administration of the Law

Administratively, the State Engineer had the authority to administer the water law of the state from 1907 to the 1930s. In the 1930s, the Oklahoma Planning and Resources Board was statutorily created to handle the management of parks, forestry, and water resources. In 1957, after a water study authorized in 1955 by the legislature was completed, the Oklahoma Water Resources Board (OWRB) was created to manage the state's water.⁶¹ The OWRB was charged ". . . with the orderly planning, development, and protection of Oklahoma's water resources for the benefit of all Oklahomans."⁶² The OWRB, under statutory appropriation

doctrine prior to 1963, had to adjudicate an entire river basin to allow an appropriation to be made. The process was so complicated and expensive ". . . that the system was virtually moribund."⁶³ It was to cope with this problem that the 1963 statute was passed.

Rural water development began shortly after the establishment of OWRB when the national law of 1961 allowed possible financial assistance to develop rural water systems through the Farm Home Administration (FmHA).⁶⁴ The state legislature responded quickly in 1963 by authorizing rural water districts. Legally, any two landowners could petition the county commissioners asking that an RWD be formed.⁶⁵ Also in 1963, the state legislature authorized OWRB to develop plans for the statewide development of water ". . . to meet both the current and long range needs of the people of oklahoma; . . ."

The statutory authority to develop long range water planning by OWRB has led to political controversy in the 1970s. OWRB, in 1975, introduced Phase I; Oklahoma Comprehensive Water Plan, which proposes the building of a conveyance system to transfer water from southeastern Oklahoma to other areas of the state located in the arid regions.⁶⁷

State, Local, and Regional Administrative Agencies

State, local, and regional administrative agencies deal with RWDs on a regular basis for specific purposes.

This section briefly describes the relationships as a matter of identifying the actors on the stage of water policy development.

State

Secretary of State: The Secretary of State in Oklahoma charters non-profit corporations. This form of incorporation has been used in place of RWDs because it does not require platting of the district. On the other hand, such private, non-profit corporations cannot officially be known as RWDs.⁶⁸

Oklahoma Water Resources Board: As already indicated, the OWRB authorizes the use of water or extends the right of beneficial use. This authorization appears to be perfunctory at present, since no RWD has been turned down to date. The principal criterion of OWRB in awarding a permit is simply the availability of a water source.

Oklahoma State Department of Public Health: The OSDPH through its water quality division is responsible for the checking of water samples sent in by the RWDs. If the quality of water is not up to minimum standards, then the OSDPH has authority to stop operations of the RWD. No district has so far had its operations stopped and if the quality of water is below minimum standards, there has usually been a technical error either in sampling or in the purification process. Such problems have been settled without any alterations of the operations and consist mainly of

mixing the proper chemical additives into the water supply for maintenance of quality standards.⁶⁹

Local

Board of County Commissioners: The County Commissioners are the main authorizing body for the RWD.⁷⁰ If the RWD can meet the specifications of state law, then County Commissioners have been willing to authorize a district.

Cities: In Coal and Pontotoc counties, the RWDs have obtained water from the county seats--Coalgate and Ada city water authorities, respectively. There has been little problem in Coalgate, but there has been a considerable problem in Ada.⁷¹

Regional

Southern Oklahoma Development Association: There is only one regional organization of consequence, the Southern Oklahoma Development Association (SODA). SODA was the nation's first locally initiated economic development district. Its first project was the construction of the Lake of the Arbuckles, and so it is evident that SODA's first interest was water for recreation and supply. It started as a three county organization in 1957 and is today composed of ten counties, their municipalities and conservation districts along with the Chickasaw Nation. It is the Sub-state Planning District #4 of eleven in Oklahoma. SODA functions as a technical assistance arm to the local governments of

the ten county area and its board of directors is composed of either the elected officials or persons selected by them to represent the governments. It has several advisory committees, one of which is the SODA Water Committee. That committee makes recommendations on water problems in the area and several of its members are members of RWDs.⁷²

Conclusion

People in southeastern Oklahoma are really just beginning to develop fully their water resources for domestic use in the rural areas.⁷³ They are resentful of the possible encroachment upon what they consider to be their traditional riparian water rights so that the water can be transported to other regions of the state. They became aware of the appropriation doctrine through the organization of their RWDs. The RWDs plus the towns and cities of the region through the media and personal contact are keeping their people apprised of the possible transfer of "their" water. The reaction to the transfer of water has been negative and the people have sought protection by using the water through their RWDs and uniting politically through their representatives in the state legislature to thwart the transfer plan.

National Water Policy

National water policy has long been fragmented due to its diverse nature. The national government has

been involved in four major policy areas in which water is the subject: irrigation, flood control, navigation, and power generation. These four main policy topics have been enlarged by related subjects in which the national government has become embroiled: water supply, recreation, pollution control, fish and wildlife conservation, and waterflow and runoff retardation.⁷⁴ Starting with the U.S. Army Corps of Engineers' involvement in 1824, national water policy, encompassing the topics already mentioned, was administered in 1956, according to Ben Moreell, by twenty-five major federal agencies, eighteen other offices and bureaus, and sixteen committees of Congress.⁷⁵ By 1977, there were ". . . 26 agencies within 8 departments and 10 independent agencies and commissions. . ."⁷⁶ administering the fragmented water policy of the federal government. Overseeing that administration and developing new water policy on behalf of Congress were some sixty-three committees and sub-committees.⁷⁹

In an attempt to centralize water policy, Congress enacted the Water Resources Planning Act of 1965 and thereby created the Water Resources Council (WRC).⁷⁸ The WRC is composed of eight federal agencies⁷⁹ with four others participating.⁸⁰ Although Congress considered including the WRC within the Executive Office of the President,⁸¹ water policy today continues as fragmented as in 1956 when Ben Moreell made his comments.⁸² Although the conflicts appear

somewhat moderated from Moreell's time, other sources state that the conflicts are moderated only when every agency is willing to adapt to a distributive policy for the purposes long in evidence. If an agency desires stopping distribution, then conflict runs rampant. Structures such as environmental impact statements and other related projects have helped reduce tensions.⁸³

Actually only five departments (Army, Agriculture, Commerce, Housing and Urban Development, and Interior) are of concern to this study. They will be discussed later along with the other agencies involved. At this time, a brief discussion of federal laws controlling water resources ensues.

The Law

Federal law pertaining to water is policy oriented and established guidelines for the overall control of water usage. There is no federal law which establishes water rights, rather water right law is established by the states as part of their residual power.⁸⁴ Even here the distinction must be carefully drawn, for the national government by its war, interstate commerce, and treaty powers plus the property and general welfare clauses does control all navigable streams and according to some might be able to control absolutely all water resources in the nation.⁸⁵ However, the federal government did not become involved in vast projects until the twentieth century and by that time the states,

especially the seventeen western states, had created a body of water right law through legislative and judicial action.⁸⁶ The federal government traditionally had acquired water rights from the states for its projects,⁸⁷ but the Winters Doctrine of 1908⁸⁸ has modified that policy and by the 1970s was causing much consternation.

The Winters Doctrine establishes the right of the federal government to retain water rights in perpetuity for federal reservations. Since American Indians are the main occupants of those reservations, the principle of water rights in perpetuity also applies to the Indians living on the reservations, leading some to call it "Indian Rights" water law. Likewise, in the western states where there are large reserves of federal lands, those who leased the land for various agricultural purposes acquired water rights under state law. Conflict arises in modern times because the federal government is presently demanding water for the development of the reservations when the water of those reservations has already been appropriated to others for beneficial use. The conflict is as yet unresolved.⁸⁹

In 1978, however, the Winters Doctrine was modified by the U.S. Supreme Court in United States v. New Mexico.⁹⁰ The Court held:

. . . that under the reserved water rights doctrine--a doctrine whereby the United States, when it withdraws land from the public domain and reserves it for a federal purpose, reserves, by implication, appurtenant water then unappropriated to the extent needed to accomplish the

purpose of the reservation--the United States as a result of its setting aside the Gila National Forest, was entitled to reserved water rights in the Rio Mimbres River to the extent necessary to preserve timber and a favorable water flow in the Forest, such purposes being those for which national forests were established, but that the United States did not have reserved water rights for purposes of recreation, aesthetics, wildlife-preservation, or cattle grazing.⁹¹

The key wording was ". . . the United States did not have reserved water rights. . ." for any purposes other than that originally prescribed by Congress. Additionally, the U.S. Supreme Court said that it will examine such cases when there is a specific difference from precedent since the reservation of water rights was only implied from congressional action by the Court.⁹²

In 1824, the Army Corps of Engineers was authorized by Congress to aid in the development of rivers and harbors. In the 1830s, the Corps' authority was expanded to include navigable streams.⁹³ The main expansion of federal policy began with the settlement of the western states. The Homestead Act of 1862 encouraged the settlement of the West. Soon afterwards, the settlers became aware of the aridity of the area and began asking for help to irrigate their lands. The Desert Lands Act of 1877 promoted the development of irrigation by its insistence upon the homesteader's irrigation of the land at his own expense in order for him to acquire the property. State programs to aid the homesteader were not lavish enough to finance large projects, so finally in 1902 the federal government via the Reclamation Act began playing

a substantial role in the development of irrigation in the western states.⁹⁴ From that time, the federal government has played an increasing role in the development of water resources. As large dams were built to store water, the policy expanded to include the generation of electricity, the control of flooding, and the conservation of soil (especially after the dust bowl days).⁹⁵

Ben Moreell emphasizes the expansion of federal involvement by analyzing the financing of projects. Of \$16.3 billion spent from 1824 to 1955, 71 percent was spent after 1940.⁹⁶ In 1976, by comparison, \$4.8 billion were appropriated by Congress for the various water programs involving the federal government.⁹⁷ Obviously, the federal government has become powerful and controlling through its financial capability. Water supply problems, however, are always local.⁹⁸

Federal projects that conflict with local interests can and are held up by various suits and other delaying actions that frustrate federal administrators. The delaying actions many times concern water rights and equitable settlement of claims on the part of landowners whose property is to be inundated. The lesson learned by federal administrators is that local people need to be brought into the planning stages of a project in order to obtain cooperation from local administrators and people.⁹⁹

Conclusion

Administrators of federal water policy normally involve state and local administrators from the very beginning of a project. The cooperation entails local people at times putting pressure on congressmen so that the project which will benefit them will be successfully concluded. On the other hand, the local water rights are usually observed by the federal administrators or at least accommodations made with local interests in mind. If the local people are unwilling to accommodate the federal agency's needs, then the project can be delayed or discontinued. In other words, a mutuality of interests among federal, state, and local administrators is established.

Primary Federal Administrative Agencies Concerned in Southeastern Oklahoma

The RWDs of southeastern Oklahoma are dealing with the following named agencies either directly or indirectly. The agencies below are the principal administrators of national law in the region.

Department of the Army,
Corps of Engineers

The Corps of Engineers was initially authorized by Congress in 1824 to aid in the development of harbors. Since that time it has gained major responsibility for planning and engineering water projects concerned with navigable

streams, flood control, water supply, irrigation, and in more recent times, environmental problems associated with water pollution affecting urban areas. It acts as the engineering and planning arm for other federal agencies and thus most of the projects with which it is associated also involve several other federal agencies.¹⁰⁰

Department of Agriculture

Two agencies of the Department of Agriculture are concerned with southeastern Oklahoma water affairs; the FmHA and the Soil Conservation Service (SCS).

Farm Home Administration

The FmHA was created by the Secretary of Agriculture in 1949 to assist farmers in obtaining home loans so that the quality of farm life could be upgraded. In 1961, the FmHA was authorized to help farmers acquire potable water by financing small, rural water lines. That authority was expanded to include rural communities up to a population of 10,000.¹⁰¹

Soil Conservation Service

The SCS was established in 1935 to aid rural landowners in the conservation of their land. The accomplishment of that policy required the planning of watersheds with the aid of the Corps of Engineers so that streams would be controlled in such a way as to prevent the washing away of top

soil. In more recent times, SCS has become responsible for rural clean water. The lakes created by SCS have become a source of water supply for rural water districts.¹⁰²

Department of Commerce,
Economic Development Agency

The Economic Development Agency (EDA) was created as a part of the Department of Commerce in 1965 as the executive branch response to the Public Works and Economic Development Act of 1965. EDA has the responsibility for helping geographic areas of economic depression and high unemployment to create jobs. It is interested in the establishment of new businesses for that purpose and also to halt out-migration from a geographic area. EDA has been responsible for loaning and/or granting money to RWDs so that an adequate water supply would be available for prospective businesses.¹⁰³

Department of Housing and
Urban Development

To date this department has not played a major role in RWD politics. However, it has become interested in the development of small communities and has granted some funds for the construction of RWDs with community development as the object. Also HUD has assisted Indian housing sponsored by the various tribal governments.¹⁰⁴

Department of the Interior

Two agencies of the Department of the Interior have played major roles: The Bureau of Indian Affairs (BIA) and the Bureau of Reclamation (BOR).

Bureau of Indian Affairs

BIA was transferred from the Department of War to the Department of the Interior when the latter was created as a cabinet level agency in 1849. BIA's role has all along been to aid American Indians and act as their protector. The BIA, in recent years, has aided American Indians through the tribal governments of Oklahoma in building housing throughout the rural area. In conjunction with the housing, the BIA has been involved in funding the Indians' share of RWDs throughout southeastern Oklahoma.¹⁰⁵

Bureau of Reclamation

BOR was established in the Department of the Interior as the Reclamation Service in 1902 under the authority of the Reclamation Act of 1902. It acquired bureau status in 1923. BOR has broad authority to develop water projects in the seventeen western states and Hawaii to aid and stabilize the economy of the region. The development of dams and other water diversions so that water can be stored for the purpose of irrigating arid lands has been the significant area of operations for BOR. The projects are to assist state and local governments and other federal

agencies in the economic development of the region in which they are located.¹⁰⁶

Summary Comment on Federal Agencies

The Corps of Engineers and the BOR overlap functions. The Corps accomplishes much of its mission east of the Mississippi River and the responsibility of BOR is in the seventeen western states. The Corps does major engineering and planning work on BOR projects so there is considerable cooperation between them. SCS likewise has a mission in conflict with both the Corps and BOR, but again cooperation is evident. That is not to say that there are no conflicts among the major agencies but rather to say that the cooperation is a necessity if each is to survive. Local organizations, often set up under state authority, obtain the services of each of the major federal agencies. Cooperation is secured through such administrative structures.

The Environmental Protection Agency (EPA) plays a major role in setting water quality standards and maintaining pollution abatement programs. Created as a separate agency in 1970, EPA normally sets national standards and state agencies are responsible for their maintenance within the state.¹⁰⁷ The environmental impact statements now demanded for every major project have resulted in more cooperation among the national agencies, since EPA was thwarted

at various times when it desired to close down a project. As long as the distribution of water is allowed, other agencies are pacified. EPA has, consequently, gone out of its way to develop ideas that satisfy environmental standards and at the same time allow the distribution of water resources to continue.¹⁰⁸

Conclusions

The historical background of southeastern Oklahoma indicates a southern complexion. One of the main characteristics of that complexion is its use of political elites. Though the elites may not be democratic, they are easier to organize for the promotion of a new governmental unit such as an RWD. In the process of organizing RWDs, elites have been able to recognize the necessity of a large political power base to insure the further economic development of southeastern Oklahoma. Such a plan is, of course, desirable to the average citizen who has lived for many years in dire economic circumstances.

The goal of an RWD is the provision of potable water to the group of people who organized the district. Water provision is primary, but the people who organized the RWD are aware that property values will go up, and that the community can expand because the conveniences of the American life style are available to all comers. The economic betterment of the community is secondary and occurs as a logical consequence of the acquisition of water.

There are those consequences, however, that are less evident which one could call "unexpected" or "latent." Due to Oklahoma law, the water, once acquired, continues as a vested right as long as it is used beneficially. The RWD officials have constructed a web of political power around the vested right so that the OWRB's Comprehensive Water Plan can be defeated politically in the state legislature.

The cleverly orchestrated political plan uses the desires of southeastern Oklahomans to obtain federal monies to expand economic development. That development insures not only the continued use of water rights already acquired but also the acquisition of additional water rights to aid the expanded economic development. That circular logic reinforces the desires of southeastern Oklahomans for more water. The argument includes the establishing of a large political base by unifying both rural and city folk to support legislators who fight to keep the water in southeastern Oklahoma as opposed to transferring it to western and northern Oklahoma.

The political power base is further enhanced by administrators of federal and state agencies through their interlinks with local officials that eventuates in support of local projects. These administrative links are supported and even necessitated by national and state laws. The conclusion, finally, can be drawn that local forces have

the potential to control state and national policy formation or at least have considerable impact on policy.

Notes

¹Tom Mathews et al., "The Angry West vs. the Rest," Newsweek, September 17, 1979, pp. 31-40; "U.S. Water Resources: When Will the Well Run Dry?" The Morgan Guaranty Survey, August, 1979, pp. 8-12; and Marvin Duncan and Ann Laing, "Western Water Resources: Coming Problems and the Policy Alternatives," The Economic Review, February, 1980, pp. 14-22.

²Mathews, "The Angry West," p. 34; W. Eugene Hollon, The Southwest: Old and New (New York: Alfred A. Knopf, 1961), p. 4; herein Hollon gives an excellent delineation of the West and the Southwest.

³"U.S. Water Resources," p. 10.

⁴Oklahoma, Water Resources Board, Phase I: Oklahoma Comprehensive Water Plan (Oklahoma City: Water Resources Board, September 1, 1975, Publication No. 60), Section II, Statewide Resources, p. 1. (Hereafter cited as: OWRB, 1975 Oklahoma Water Plan).

⁵Gerald M. Lage, Ronald L. Moomaw, and Larkin Warner, A Profile of Oklahoma, Economic Development: 1950-1975 (Oklahoma City: Frontiers of Science Foundation, 1977), p. 94, table 7-3.

⁶U.S., Water Resources Council, The Nation's Water Resources, 1975-2000, vol. III (Washington, DC: Government Printing Office, December, 1978), p. 48, table II-4. This is by comparison to U.S., Water Resources Council, Federal Energy Administration, Project Independence Blueprint, Final Task Force Report, Water Requirements, Availabilities, Constraints, and Recommended Federal Actions (Washington, DC: Government Printing Office, 1974), pp. 28-32, tables 3 through 7, wherein 1965-1985 figures indicated a 50 percent increase. Manufacturers have reduced consumption of water by various conservation methods; thus, the new figures are not as dramatic as the old. (Hereafter cited as: U.S., WRC, National Water Requirements and Recommendations.)

⁷See tables 1.1 and 1.2, *infra*, pp. 15 and 16.

⁸Dennis Warner and Jarir S. Dajani, Water and Sewer Development in Rural America: A Study of Community Impacts (Lexington: Lexington Books, D.C. Heath and Company, 1975), p. 2. (Hereafter cited as: Warner and Dajani, Rural Water and Sewer Developments.)

⁹Lage et al., A Profile of Oklahoma, p. 29, figure 3-2.

¹⁰"Playing Parochial Politics," Daily Oklahoman, September 1, 1978, p. 10; and Richard Tapscott, "State Resumes War over Water," Tulsa Tribune, May 12, 1979, pp. 1-2a.

¹¹Theodore J. Lowi, The End of Liberalism: The Second Republic of the United States, 2d ed. (New York: W. W. Norton & Company, 1979), p. 50.

¹²John W. Morris, Oklahoma Geography (Oklahoma City: Harlow Publishing Corporation, 1952), Front page, map 1, and p. 11, map 6.

¹³See figure 1.1, p. 3 *infra*. The darkened area in figure 1.1 is the three county area--the primary subject of this dissertation.

¹⁴OWRB, 1975 Oklahoma Water Plan, section II, p. 3; the counties are in the 10-15 inches per year runoff area.

¹⁵*Ibid.*, p. 10a, figure II-9.

¹⁶*Ibid.*; and Oklahoma, Water Resources Board, Ground Water in the Northern Part of the Arbuckle Mountains, Pontotoc County, Oklahoma (Oklahoma City: Oklahoma Water Resources Board, Publication No. 12, 1966), pp. 1-2 of text, no pagination. (Hereafter cited as: OWRB, Ground Water in Pontotoc County.)

¹⁷OWRB, 1975 Oklahoma Water Plan, section II, p. 10a, figure II-9.

¹⁸*Ibid.*, section IV, Southeast Region, p. 5, figure IV-4; Pennington Creek flows directly into Tishomingo and according to the figure has its origin in the Arbuckle Group. The granite formation in Johnston County acts as a dam for the water flowing through fractured limestone into the Arbuckle Group.

¹⁹*Ibid.*, p. 11, table IV-6.

²⁰*Ibid.*, section I, pp. 8a-12.

²¹*Ibid.*

²²Arrell M. Gibson, Oklahoma: A History of Five Centuries (Norman, OK: Harlow Publishing Corporation, 1965, p. 468.

²³William B. Hesseltine and David L. Smiley, The South in American History, 2d ed. (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1960), pp. 591-606; Francis Butler Simkins, A History of the South (New York: Alfred A. Knopf, 1956), pp. 3-12, 597-615. Both of these works on the South indicate certain cultural traditions such as fundamentalist religion, rural-conservative background,

and other cultural traditions that make the South unique in the U.S. Southeastern Oklahoma shares this background. The southern tradition of southeastern Oklahoma could be the subject of a dissertation within itself and will be expanded upon only cursorily herein.

²⁴Gibson, Oklahoma History, pp. 91-120; the Trail of Tears refers to the mandated migration of Indians from the southeastern U.S. to Oklahoma during the presidency of Andrew Jackson.

²⁵*Ibid.* This refers to the intermingling of the tribes with the white men and the fact that these tribes adopted language, custom, political arrangements such as constitutionalism, and in many cases the religion of the white man while still located in southeastern United States.

²⁶*Ibid.*, pp. 193-234.

²⁷*Ibid.*, p. 334; the convention was also dominated by southeastern Oklahomans.

²⁸*Ibid.*, p. 343.

²⁹*Ibid.*, p. 468.

³⁰U.S., Department of Commerce, Bureau of the Census, Census of the Population: 1970, vol. 1, Characteristics of the Population, pt. 1, United States Summary and pt. 38, Oklahoma. For Oklahoma, the median education was 12.1; for Coal County it was 11.1; for Johnston County it was 9.9; and for Pontotoc County it was 10.6.

³¹Interview with Lloyd W. Goss, Ph.D., Associate Professor of History, East Central Oklahoma State University, Ada, Oklahoma, June 13, 1979; he is a native of Tupelo, Oklahoma in Coal County. (Hereafter cited as: Goss Interview.)

³²Daniel J. Elazar, American Federalism: A View from the States (New York: Thomas Y. Crowell Company, 1966), p. 108, figure 4.

³³*Ibid.*, pp. 92 and 93, for Elazar's definitions of the traditionalist political culture, and pp. 86-89, for the individualistic political culture.

³⁴*Ibid.*, pp. 84-86.

³⁵U.S., Department of Commerce, Bureau of the Census, Population Profile of the United States: 1980, Current Population Reports, series P-20, no. 363 (Washington: Government Printing Office, 1981), table 6.

³⁶Oklahoma, Department of Economic and Community Affairs, Census '80: Final Population and Race Totals for Oklahoma (Oklahoma City: Department of Economic and Community Affairs, April, 1981), p. 5.

³⁷Oklahoma Employment Security Commission, Oklahoma Population Reports. Special Studies: April 1, 1930-April 1, 1980 Census Enumerations (Oklahoma City: Oklahoma Employment Security Commission, July, 1981), compares figures in tables III and V.

³⁸U.S., Department of Commerce, Bureau of the Census, Census of the Population: 1970, vol. 1, Characteristics of the Population, pt. 38, Oklahoma, table 43, Summary of Social Characteristics by Counties.

³⁹Oklahoma Employment Security Commission, Labor Force Data: July, 1981 and August, 1981 (Oklahoma City: Oklahoma Employment Security Commission, 1981), p. 1 of August, 1981 data.

⁴⁰*Ibid.*, pp. 1-3; Eileen Alt Powell, "Jobless Rate Rose to 7.5% in September," Wall Street Journal, October 5, 1981, p. 2, national unemployment in August, 1981, was 7.2%.

⁴¹Sierra Club, Oklahoma Chapter, "Position Paper #1: Oklahoma Water Transfer, An Environmental Critique of Phase 1, The Oklahoma Water Plan" (Norman: Oklahoma Chapter of the Sierra Club, 616 Tulsa Way, 1978), p. 18. (Hereafter cited as: Sierra Club, "An Environmental Critique of the Oklahoma Water Plan.")

⁴²OWRB, 1975 Oklahoma Water Plan, section IV, Southeast Region, p. 4.

⁴³*Ibid.*, section II, p. 11.

⁴⁴U.S., WRC, National Water Requirements and Recommendations, p. 22, table 1.

⁴⁵OWRB, 1975 Oklahoma Water Plan, section II, p. 11.

⁴⁶Lage et al., A Profile of Oklahoma, p. 68.

⁴⁷U.S., WRC, National Water Requirements and Recommendations, p. 21.

⁴⁸Walter Prescott Webb, The Great Plains (Boston: Ginn and Co., 1931), pp. 385-452.

⁴⁹Roy E. Huffman, Irrigation Development and Public Water Policy (New York: The Ronald Press Company, 1953), p. 40; Joseph F. Rarick, "Oklahoma Water Law, Stream and Surface in the Pre-1963 Period," Oklahoma Law Review, vol. 22, no. 1 (February, 1969), pp. 20-21, wherein Rarick documents that appropriations doctrine had its origin in gold mining camps.

⁵⁰Huffman, Irrigation and Water Policy, pp. 37-38.

⁵¹Ibid., p. 38.

⁵²U.S., Environmental Protection Agency, Office of Research and Development, Robert S. Kerr Environmental Research Laboratory, Land Application of Wastewater and State Water Law: An Overview, vol. 1, written by Donald W. Large, University of Wisconsin Law School, Madison (Springfield, VA: National Technical Information Service, November, 1977), pp. 7-8. (Hereafter cited as: U.S., EPA, Robert S. Kerr Lab, Wastewater and State Water Law.)

⁵³Ibid., p. 8; and Rarick, "Oklahoma Water Law, Pre-1963 Period," pp. 13-18; Rarick here documents the confusion of statutory law and judicial pronouncement in Oklahoma.

⁵⁴Huffman, Irrigation and Water Policy, p. 40.

⁵⁵Ben Moreell, Our Nation's Water Resources, Policies and Politics (Chicago: The University of Chicago, The Law School, 1956), p. 19.

⁵⁶Oklahoma, Water Resources Board, 1977 Annual Report (Oklahoma City: Water Resources Board, Publication no. 77, May, 1977), p. 8. (Hereafter cited as: OWRB, 1977 Annual Report.)

⁵⁷OWRB, 1975 Oklahoma Water Plan, section I, pp. 4-5; Ralph E. Olson, "Management of Water in Oklahoma," Proceedings of the Oklahoma Academy of Science, vol. 51 (1971), p. 138; Rarick, "Oklahoma Water Law, Pre-1963 Period," pp. 11-12.

⁵⁸Joseph F. Rarick, "Oklahoma Water Law, Ground or Percolating in the Pre-1971 Period," Oklahoma Law Review, vol. 24, no. 4 (November, 1971), pp. 403-26; and Rarick, "Oklahoma Water Law, Pre-1963 Period," pp. 21-26.

⁵⁹Joseph F. Rarick, "Oklahoma Water Law, Stream and Surface under the 1963 Amendments," Oklahoma Law Review, vol. 23, no. 1 (February, 1970), pp. 25-27.

⁶⁰Ibid.

⁶¹OWRB, 1975 Oklahoma Water Plan, section I, p. 5; also see Oklahoma Statutes Annotated (1972), title 82, sections 1071-79.

⁶²"Water Resource Board Does the Planning," Eco Systems, vol. 4, no. 8 (May, 1974), p. 12.

⁶³Rarick, "Oklahoma Water Law, Pre-1963 Period," p. 2.

⁶⁴Supra, "National Water Policy, Farm Home Administration," p. 33.

⁶⁵Oklahoma Statutes Annotated (1972), title 82, section 1324.4.

⁶⁶Ibid., section 1072(d).

⁶⁷OWRB, 1975 Oklahoma Water Plan, section I, pp. 2-3.

⁶⁸Interview with Kenneth R. Johnson, Attorney for Clarita-Olney Water, Inc., and Centrahoma Water Company, Inc., and Pontotoc County Rural Water Districts #6, #7, #8, and #9, Ada, Oklahoma, July 14, 1979. (Hereafter cited as: Johnson interview.)

⁶⁹Oklahoma, School of Environmental Sciences, East Central State College, Oklahoma Environmental Control Action Plan, Preliminary Report (Ada: East Central State College, February, 1971), pp. 18-22. (Hereafter cited as: Oklahoma, ECSC, Environmental Action Plan.)

⁷⁰Oklahoma Statutes Annotated (1972), title 82, section 1324.4.

⁷¹See chapter 3, supra, pp. 83-84.

⁷²Interview with Bill Clifford, Director of Economic Development, Southern Oklahoma Development Association, Ardmore, Oklahoma, July 31, 1979. (Hereafter cited as: Clifford interview.)

⁷³Commission on Rural Water, "Guide to State and Federal Policies and Practices in Rural Water-Sewer Development" (Chicago: Commission on Rural Water, National Demonstration Water Project, Information Clearinghouse, 1974), p. 188, figure 11, which indicates that only 50 percent of the rural population is served by community facilities.

⁷⁴Moreell, Our Nation's Water Resources, p. 16.

⁷⁵Ibid.

⁷⁶U.S., General Accounting Office, Community and Economic Division, Water Resources Planning, Management and Development: What Are the Nation's Water Supply Problems and Issues? (Washington, D.C.: General Accounting Office, July 28, 1977, CED-77-100), p. 9. (Hereafter cited as: U.S., GAO, Water Resources Planning.)

⁷⁷Ibid., p. 13.

⁷⁸Ibid., p. 9.

⁷⁹"U.S. Water Resources," p. 8.

⁸⁰U.S., WRC, National Water Requirements and Recommendations, inside flyleaf. Therein the agencies are represented by the Secretaries of: Agriculture; Army; Interior; Health, Education, and Welfare; Transportation; and the Chairman of the Federal Power Commission; with participation by the Secretaries of Commerce; Housing and Urban Development; the Administrator of the Environmental Protection Agency; the Attorney General of the U.S.; the Director of the Office of Management and Budget; the Chairman of the Council on Environmental Quality; and the Chairman of the River Basin Commissions. According to U.S., GAO, Water Resources Planning, p. 12, in 1977, HUD replaced HEW on the Water Resources Council and the Secretaries of Commerce and Transportation and the Administrator of EPA have been included on the Council.

⁸¹U.S., GAO, Water Resources Planning, p. 12.

⁸²Moreell, Our Nation's Water Resources, pp. 59-78, for an excellent historical development of these agencies and the resultant conflicts.

⁸³Helen Ingram and J. R. McCain, "Federal Water Resources Management: The Administrative Setting," Public Administration Review, vol. 37, no. 5 (September/October, 1977), pp. 451-52.

⁸⁴Milton H. Jamail, John R. McCain, and Scott J. Ullery, Federal-State Water Use Relations in the American West: An Evolutionary Guide to Future Equilibrium (Tucson: The University of Arizona, Office of Arid Lands Study, Arid Lands Resource Information Paper No. 11, 1978), p. 2; and U.S. EPA, Robert S. Kerr Lab, Wastewater and State Water Law, pp. 3-6, for an excellent discussion of state laws.

⁸⁵U.S., EPA, Robert S. Kerr Lab, Wastewater and State Water Law, pp. 3-4.

⁸⁶Wells A. Hutchins, Water Rights Laws in the Nineteen Western States, 3 vols., compiled by Harold H. Ellis and J. Peter DeBraal (Washington, D.C.: Department of Agriculture, 1971), vol. III, pp. 1-2 and 21-37, for a discussion of federal and state powers and rights. The discussion indicates the complexities since Congress at times expressly recognizes existing state law and at other times courts have allowed federal desires to supersede local desires. (Herein cited as: Hutchens, Water Law in the West.)

⁸⁷Jamail et al., Federal-State Water Relations in the West, p. 3.

⁸⁸Winters v. United States, 207 U.S. 564 (1908). For further explanation, see: Hutchens, Water Law in the West, vol. III, p. 39; Dallin W. Jensen, "Some Legal Aspects of Water Resources Management," Public Administration Review, vol. 37, no. 5 (September/October, 1977), p. 459; Duncan and Laing, "Western Water Resources," p. 16; and "Washington and Water Rights," Wall Street Journal, September 6, 1979, p. 16. Another excellent source is: U.S., General Accounting Office, Report to the Congress by the Comptroller-General, Revised Water Rights for Federal and Indian Reservations: A Growing Controversy in Need of Resolution (Washington, D.C.: General Accounting Office, November 16, 1978). (Hereafter cited as: U.S., GAO, Reserved Water Rights.)

⁸⁹Mathews, "The Angry West," pp. 39-40, for a current and colorful discussion of western water problems.

⁹⁰United States v. New Mexico, 438 U.S. 696, 57 L.Ed.2d 1952, 98 S.Ct. 3012.

⁹¹Ibid., 57 L.Ed.2d 1052-53.

⁹²Ibid., 1058.

⁹³Moreell, Our Nation's Water Resources, pp. 25-27.

⁹⁴Huffman, Irrigation and Water Policy, chapter 3, "Irrigation in Public Land Policy," pp. 13-32, for a detailed account of this development.

⁹⁵Moreell, Our Nation's Water Resources, pp. 37-55.

⁹⁶Ibid., p. 17.

⁹⁷U.S., GAO, Water Resources Planning, p. 9.

⁹⁸Jamail et al., Federal-State Water Relations in the West, p. 4.

⁹⁹Ibid., pp. 8-11.

¹⁰⁰U.S., Department of Defense, Army Corps of Engineers, Water Resources Development by the U.S. Army Corps of Engineers in Oklahoma, January, 1979 (Dallas: Southwestern Division, U.S. Army Corps of Engineers, January, 1979), pp. 1-13, for a complete listing of all the duties of the Corps of Engineers. (Hereafter cited as: U.S., Army Corps of Engineers, Water Resources Development in Oklahoma, January, 1979).

¹⁰¹U.S., United States Government Manual, 1978/79 (Washington, D.C.: Government Printing Office, revised May 1, 1978), pp. 109-12.

¹⁰²Ibid., pp. 133-36.

¹⁰³Ibid., pp. 150-51.

¹⁰⁴Ibid., pp. 298-316.

¹⁰⁵Ibid., pp. 332-33.

¹⁰⁶Ibid., pp. 336-37.

¹⁰⁷Ibid., pp. 504-9.

¹⁰⁸Ingram and McCain, "Federal Water Resources Management," pp. 425-53.

CHAPTER 2

CONCEPTUALIZED FRAMEWORK OF THE STUDY

Focus

The focus of this research is the sub-state regional planning of water supply going on in Oklahoma with RWDs at its base. The intergovernmental relationships are developed from this planning process. This chapter is concerned with four basic elements of the research involved in the study: (1) the research questions, (2) the methodology of the research, (3) the theoretical framework of the study, and (4) a review of the pertinent literature.

Research Questions

Perhaps the most persistent question that occurs as a result of reading about special districts is, Why have special districts, mainly single purpose, proliferated in the U.S.? A subordinate question of consequence is, Why are they not being consolidated into larger governmental units in view of the consolidation that has been prevalent in recent decades? The RWD is the research microcosm

examined herein to shed light on this and other questions. For example, How do RWDs organize and how do they develop relations with other governmental units? Through the web of political influence that they weave, can the RWDs thwart enunciated state policy? If this web of political influence can thwart state policy, can it present problems to national policymakers in their attempts to develop a coherent national water policy? Lastly, are such interests truly subverting to the constitutional concept of federalism as suggested by Theodore J. Lowi?

Methodology

The method by which the desired information for this study could be obtained was not clear at the outset. The first question that arose was, Where should one start? A mail-out questionnaire to local residents on RWD water lines appeared inappropriate since no list of residents was available. As Daniel J. Elazar paints his "traditionalist political culture,"¹ of which the area is a part, most of the local people would not answer a questionnaire on the basis that if one wanted the information he should go to the hierarchy involved. A scholarly, lifetime observer of the local scene² agreed that the questionnaire survey investigation would not achieve the desired results. He further agreed that a more pinpointed investigation of RWD leaders would yield the desired information.

At this juncture, an evaluation was made of various field methods of investigating from which one could begin to draw conclusions concerning the subject of the influence of RWDs on regional, state, and national organizations. Stanley Zimmerman and Edwin L. Cobb recommended that community leaders be contacted to see who will support the formation of an RWD.³ If community leaders were the focal point of organization, then investigation of local leaders should and did reveal some of the people involved with Pontotoc County RWDs. From that springboard to sources of information, the names of RWD leaders for the three county area were obtained.

W. Richard Scott discusses field research of established, large organizations and suggests two approaches:

- (1) sustained participation by the investigator and
- (2) transitory participation by the investigator.⁴

Sustained investigation appeared impractical for the object of the field research, namely the RWD. The transitory approach was chosen as the most practical. Scott's transitory investigator is one who is involved with several respondents but only for a short time with each. Further complications were encountered with the definition of the research problem, especially if it was of an exploratory nature. The investigator of an exploratory situation is concerned with the "totality" of the situation and ". . . the multiplicity of factors which compose it. . . ."⁵ Scott concludes that this type of a study is a case study or field study.

As already stated, the scaled, interview questionnaire technique for the attitudinal survey was considered, and finally rejected, when it became apparent during the first interview that the information sought would not be obtained via that instrument. A detailed questionnaire had been originally constructed to obtain information from respondents concerning personal background, goals, and amount of interference by related agencies; but, after the scaled questionnaire appeared doomed to failure, the background questionnaire appeared too detailed for the subjects to answer. Many sources indicated that detailed, personal information was necessary to ascertain the effect of the institution on its members or of the members on their institution; yet, those same sources said that the information had to be of such quality that quantitative methods were eventually ruled out.⁶ Though the personal interview technique is fraught with the dangers of interviewer subjectivity and bias due to immersion in the situation, the risk was deemed worth taking in order to obtain the richness of full disclosure of information not allowed by other methods. Furthermore, most of these problems, especially familiarity with the subjects, are overcome by the independent objectivity of the investigator. The exploration of the thesis was so intriguing that a further search for methodological soundness was conducted.

Within the discipline of anthropology is a sub-field, ethnography, the study of culture.⁷ Ethnography

involves field work and interviewing to obtain information about culture by ". . . learning from people."⁸ This mode of interviewing fit the local scene and is the one adopted for the study. The ethnographer is further concerned with "tacit knowledge, . . . a larger part of any culture. . . ."⁹ which is inferred by the investigator after considerable contact with the culture. Water is, for southeastern Oklahomans, that type of object--tacit knowledge.

By listening to people in the area talk and by observing their actions regarding weather reports, amounts of rainfall, drought, and the problems of building a home in a location with sufficient water, one is able to ascertain that water is truly a "holy grail" and an automatic, cultural concern of each and every person in the area. As outsiders move into the area permanently, they too are infected with the disease of concern for water supply. What would be more suitable than to conduct an in-depth interview in which the respondent was allowed to tell his story? The interviewer could punctuate the story with questions in such a manner that the details of the establishment of the RWD were fully revealed. At the end of each interview, the respondent could be asked about his attitude concerning the transfer of water to other parts of the state and the reaction could be completely recorded. Such an informal method of interview would not be interrupted by note taking and results would be complete. It was decided that a tape recorder would be used with the respondents' permission.¹⁰

Interviews

Interviews were conducted with at least one "founder" of the RWD and a minimum of three current board members. There were five basic areas of information around which interviewing occurred: (1) individual background of the board members, (2) background of the water district's formation, (3) current operations of the water district, (4) what happened after the water district was operational and what the board members expected for the future, and (5) a survey of the member's attitude toward water transfer to ascertain representational attitudes of the area. If the information solicited from respondents appeared redundant, then interviewing within the particular RWD was discontinued. Also, it should be noted that within the actual interview, a definite sequence was not always followed, since different people would react differently to the same question.

Since the financing of the various districts, including cities and towns, is almost always accomplished by public means, records are available concerning current operating data as well as original financing. As the board members were interviewed and the various state and federal agencies were mentioned with which the RWD had had contact and dealings, additional sources of information were available. Interviews with outside sources, such as FmHA agents, officials of agencies such as the SCS, the OWRB, and OSDPH,

were used to corroborate, as necessary, the descriptive information obtained from the in-depth interviews.

Unlike survey data which are usually obtained by using a standard questionnaire, in-depth interviewing must be conducted in such a manner that is appealing to the person being interviewed at that moment. Though the questions might not be the same, the information obtained through skillful questioning can amount to the same thing. The in-depth interview for this study, however, must be centered around the five areas already mentioned so the information obtained can be comparable.

The interviews were then categorized according to the classifications of Milton J. Esman's Institution Building (IB) model,¹¹ to be discussed below. Each interview was then analyzed so that at least a mental note for cross reference with other interviews in the same RWD would be maintained.

Interview Classification

The IB model was developed out of the need of the United States Agency for International Development (USAID) to create a framework for the evaluation of projects sponsored by the agency in developing countries. The success or failure of the projects was to be judged on the basis of their lasting influence in societies which were modernizing through the use of technical assistance from the U.S. Southeastern Oklahoma is a modernizing and developing area of the

U.S. and the IB model could apply to it. The scholars involved in developing the model were either employees of or advisors to USAID. They were particularly concerned with establishing schools of higher education or, in many cases, they were concerned with the establishment of schools or departments of public administration within already existing institutions of higher learning.¹²

Although those scholars were concerned with methods by which institutions were founded and finally institutionalized, that is not a problem of this study. Oklahoma law¹³ actually institutionalizes an RWD. The IB model does, however, provide an excellent, two-part system of classifying elements of the institution: (1) institutional variables and (2) linkages.

Institutional Variables

Esman outlines five institutional variables,¹⁴ but two of these, program and internal structure, are really provided by Oklahoma statutory law.¹⁵ The IB model anticipates a small but growing organization. RWD boards are confined by law to nine members and the operating organizations are never large (usually consisting of an operator and a part-time bookkeeper/secretary). Growth is achieved through ties to other RWD's having membership in the same regional planning agencies and the Oklahoma Rural Water Association (ORWA). That growth is different from Esman's. The three institutional variables of interest to this study are: (1) leadership, (2) goals, and (3) resources.

Leadership

Esman and other IB authorities contend that "[t]he most important variable is leadership."¹⁶ Leadership is of utmost importance to the study of RWDs since it is the mainstay of the organization and the interviews were to be conducted with those RWD leaders. The important feature of Esman's leadership is its transactional nature in the operation of the organization with the outside world (the environment). Leadership actually transacts business between the RWD and the environment. The transactions spell success or failure for the institution under consideration, in this case the RWD.¹⁷ The transactions are really relationships developed with the personnel of other organizations, local, state, and national agencies which the RWD needs in order to succeed.

Resources

The principal resources of the institution (RWD) include the hired professionals, the attorney and the hydrological engineer. These skilled professionals are both internal to the organization, in the sense that they assist in the decision processes of the RWD, and external to it in that they are self-employed outside and work on a fee basis for the RWD. Leaders transact business with these professionals as well as other governments to which they are introduced by the professionals. Transactions are, therefore, at two levels--internal and external.

Goal

The third institutional variable, goal, has already been discussed.¹⁸ Esman's goal has an element of aura,¹⁹ and water has such a cultural aura in southeastern Oklahoma. Around the goal, potable water, develops an ideology of economic development which further enhances the idea of keeping the water in southeastern Oklahoma. This circular logic becomes a theme constantly heard throughout the area.

Linkages

Esman's linkages are external to the organization. He identifies four linkages, two of which are of critical importance for this study: enabling and functional. These two linkages allow the classification by importance to the RWD of the various governmental agencies with which the leaders transact business.

Enabling

Enabling linkages are those organizations, social groups, individuals, or governments that ". . . control the allocation of authority and resources needed by. . ." ²⁰ the RWD to function. Regardless of the level of government, the quest for enabling linkages from the leaders of RWDs resulted in the naming of governmental officials or units absolutely necessary for the RWD to begin and maintain its operations.

Functional

Functional linkages are ". . . those organizations performing functions and services which are complementary

in a production sense, which supply the inputs and which use the outputs of. . ."21 the RWD. Conceptually, this linkage permits one to think in terms of the RWD becoming part of a larger network of water distribution RWDs, an aim of certain governmental agencies. When the RWD output of water is necessary to other governmental units' accomplishment of their goal, potable water supply, then the RWD has the necessary instrument of compromise. The RWD may trade its water for other benefits, or if there are no other benefits to be obtained, the RWD may refuse the water supply.

Conclusion

IB permits the identification of various actors, individual and organizational, on the potable water supply stage. The actors, of course, come from all three levels of government, local, state, and national. Intergovernmental relations (IGR) is the architectonic framework that permits a view of the RWD in relation to its linkage to the environment without reference to the legal distinctions of superior/inferior.

Conceptualized Framework: Intergovernmental Relations

IGR is the conceptual framework followed in this study because it is comprehensive of all domestic governmental interactions in the U.S. that are of great concern in the development of RWDs. Furthermore, IGR recognizes that the interrelationships are really people-to-people

relations and that the interpersonal relationships are at the core of political decisions made for the RWDs. Also, IGR considers the administrator at the crux of politics when he is making a decision that will in fact serve as policy. Lastly, IGR occurs relative to a public policy area or subject. Public policy, in this case the distribution of potable water, is really the basis for IGR among officialdom.

IGR is not new, for it has its origins in the complexities of Franklin D. Roosevelt's New Deal of the 1930s.²² Its features are several and will be described in detail.

"First and foremost, IGR occurs within the federal system. American federalism is the context, not the totality of IGR."²³ Where federalism emphasizes national-state relationships, IGR emphasizes the interdependence and interrelationships of all governments.

IGR encompasses more than is usually conveyed by the concept of federalism, where the emphasis is chiefly on national-state relationships with occasional attention to interstate relationships. IGR recognizes not only national-state and interstate relations, but also national-local, state-local, national-state-local, and interlocal relations.²⁴

Secondly, IGR recognizes the human dimension of public policymaking. William Anderson, one of the early progenitors of IGR, says:

It is human beings clothed with office who are the real determiners of what the relations between units of government will be. Consequently, the concept of intergovernmental relations necessarily has to be formulated largely in terms of human relations and human behavior.²⁵

The second feature of IGR is especially important to the discussion of RWDs, for the personalities of the people involved and the way they are regarded in the communities play a big part in their successful formation of RWDs.

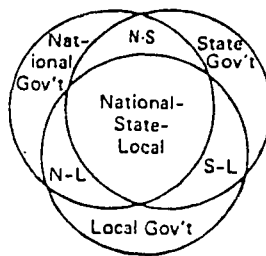
The third feature of IGR, important to this study, is the concept that the relations among officials of various levels is a continuing one. Officials in a certain policy area gradually develop knowledge of each other as human beings and the mutual trust (or distrust) inherent in that knowledge. Those who trust one another consequently consult with one another as new issues regarding the particular policy arena surfaces.²⁶

The fourth IGR component of interest is the actors involved in IGR. No public officials are excluded, from the lowest level to the highest. In recent years, academics interested in IGR have also demonstrated greater interest in the public administrators' role in IGR. Public administrators are the ones to translate legislative, executive, and judicial decisions into actual policy implementation. The focus on public administrators has been particularly true as academics interested in IGR have displayed a propensity for state and local affairs, and also because the researchers' and practitioners' interests coincide at that level.²⁷

The fifth and last main feature of IGR is its policy orientation. "In the context of IGR, policy is generated by interactions among all public officials."²⁸ Deil

S. Wright further explains that due to the complexities of the economic, political, technological, and social change involved, the continuous pressures of policy change have allowed public administrators much more latitude in formulating rules subordinate to congressional dictate and in the execution of the policy.²⁹ Within the context of Oklahoma potable water supply, the leadership of the RWDs meshed with the policy execution of local and state administrators are in fact at the core of policy making.

Figure 2.1
Intergovernmental Relations Model



The features of IGR are illustrated in figure 2.1.³⁰ The importance of the model is its visualization of the interdependencies that exist within IGR. Though each governmental element (local, state, and national) has its own specific jurisdiction within a policy arena, the main emphasis of the model is that the IGR area in which all participate is the largest. Deil S. Wright characterizes the features of the model as: limited dispersed power, interdependence, limited areas of autonomy, bargaining-exchange relationships,

and cooperation and competition.³¹ That model of policy formation combined with elements of IB as the classification model to ascertain the actors and the importance of their roles to the RWDs comprise the conceptual framework of the study.

A description of the U.S. administrative organization similar to that of Wright's is offered by Theodore J. Lowi. Lowi in The End of Liberalism³² maintains that since the 1930s, the line of authority between the state and national governments, known as federalism, has been blurred. He attributes the corruption of the federalistic design to national administrators who desire to subvert the idea of federalism. Lowi further states that the appeal of "interest-group liberalism . . . is that it helped flank the constitutional problems of federalism. . . ." ³³ Interest-group liberalism is the result of the corruption of the federal design which then allowed the national government to expand its role in the society. Eventually, elites no longer question the role of government and the end is justified if the process of formulating the policy is justified.³⁴ Lowi claims that this new public authority is similar to corporatism or syndicalism but really neither of those--he calls it "interest-group liberalism." He further comments,

It is liberalism because it is optimistic about government, expects to use government in a positive and expansive role, is motivated by the highest sentiments, and possesses a strong faith that what is good for government is good for the society. It is interest-group liberalism because

it sees as both necessary and good a policy agenda that is accessible to all organized interests and makes no independent judgment of their claims.³⁵

Lowi asserts that elites control the interest groups and that public administrators can appeal to the interest groups through programs they administer. Through this process the administrators have accumulated political power which can and does extend to the grassroots. Likewise, the grassroots people make appeals to the administrators. In the final analysis, without the federal principle being observed, the administrators at all levels then control programs as a means of self-preservation which destroys, according to Lowi, the constitutional barriers (federalism) which protected the individual from the pervasive interest-group liberalism. The interest groups have heightened expectations by the promise of progress to come but the delivery has been short of expectations. Lowi asserts that for this reason, there has been a general distrust of government and that the distrust is caused by the gap between expectations and reality.³⁶

Lowi appears correct in his description of changes that have occurred within the federal system. He equates interest-group liberalism with ". . . a vulgarized version of the pluralist model of modern political science. . . ."³⁷ The RWD movement of southeastern Oklahoma represents what he says in many respects. On the other hand, Lowi disagrees with the changes wrought out of the necessities of the 1930s. The changing dynamics of federalism are best accommodated

by Wright's IGR but does represent a picture that at least Lowi thinks to be totally illegitimate under the present U.S. Constitution. Lowi's criticism will be treated further in the conclusions when sufficient information is available to judge whether or not he is correct.

Review of Literature

A review of prominent political science journals such as the American Political Science Review, the Public Administration Review, State Government, Western Political Science Quarterly, Midwest Journal of Political Science, Political Science Quarterly, and Social Science Quarterly for the past twenty years reveals only scattered research done in the area of rural water districts or general water policy. Of the major journals, Public Administration Review has published the most and that only sporadically.

The early 1970s appear to be a time of significant interest in local government, perhaps sponsored by President Richard M. Nixon's "New Federalism." The articles during this period of time were generally a criticism of special districts as a fragmentation of the urban scene.³⁸ Articles dealing in the area of IGR were usually concerned with urban problems also and one source who took a generalized view came to the conclusion that the most important government depended upon whose eyes one was looking through.³⁹ In other words, little generalization was accomplished.

Papers of importance, unpublished in journal form, were obtained to see if anything of significance had been written pertaining to RWDs. Each was interested with a different area; for example, Robert Miewald was investigating Nebraska and the lack of foresightedness of Natural Resource Districts when planning the strategy of water supply.⁴⁰ David A. Discher's subject was the Iowa sub-state districts and their capability to act as coordinators of all governmental levels for the delivery of services.⁴¹ Discher's commentary highlighted the possibilities of sub-state districts but was overly optimistic. James H. Baker in an unpublished economic analysis criticized Alabama water districts for the lack of financial planning that resulted in later inadequacies of the delivery system.⁴² Baker's theme served as an alert so that such information, if obtained, could be followed up on the spot. However, Baker's theme of inadequate financial planning had been overcome by subsequent FmHA rules.

In recent times, there has been more activity on the part of academia with regard to the water situation. Robert D. Thomas and Keith G. Baker are writing about water resource policy in Florida and illustrate their subject using a growth and development model to determine how public officials are affected in their water resource policy considerations by urban growth and development.⁴³ Such urbanization is not yet of consequence in southeastern Oklahoma.

Most recently, Neil D. McFeeley bemoans the lack of research into the special district as the most proliferate unit of government.⁴⁴ The article is the best found dealing currently with special districts. McFeeley's article is generalized in order to indicate the need for research in the area of special districts.

Attention was given to major works in the area of special districts. Only two authors have produced major studies: John C. Bollens⁴⁵ and William H. Cape et al.⁴⁶ Bollens analyzed the special district exclusively and arrived at the conclusion that in most cases the special districts should be consolidated into general governments. Cape investigated special districts in Kansas and devoted part of his attention to Kansas water districts. He concluded that special water districts handled so many different phases of water policy that they should be united under a special tax district for the purpose of more uniform control. In addition to these sources, the most helpful of general works has been those of the Advisory Commission on Intergovernmental Relations (ACIR). The ACIR has produced major publications concerning special districts in 1964 and 1973.⁴⁷

In the general area of water policy, several books are of interest. First, an excellent conceptualization of the historical background of the water problem throughout the Great Plains region is presented by Walter Prescott

Webb.⁴⁸ Webb's thesis is that eastern land usage and water rights did not work in the Great Plains region. To Webb's thesis can be added such books as Ben Moreell's Our Nation's Water Resources--Policies and Politics,⁴⁹ and Roy E. Huffman's Irrigation Development and Public Water Policy,⁵⁰ for their grasp of the federal government's role in this policy arena. Both Moreell and Huffman deal primarily with the area of the U.S. western states but that geographic area is joined in part by Oklahoma. Harvey Lieber's Federalism and Clean Waters⁵¹ deals primarily with water pollution. His conclusion is that the national government dominates the area of water pollution control. Lieber's theme is interesting, since its conclusions regarding national dominance differ considerably from this study's conclusions. One must consider potable water supply and distribution much differently from irrigation and pollution control. An additional tome necessary for anyone dealing with water policy is the three volume work of Wells A. Hutchins, Water Rights Laws in the Nineteen Western States.⁵² Jack Hirshleifer et al., Water Supply: Economics, Technology, and Policy,⁵³ though originally written in the latter 1950s, continues to provide an excellent economic analysis of water policy.

After perusing this variety of sources, current information is best supplied from various collections of government documents. The OWRB annually reports on the state of water supply in Oklahoma and in 1975 produced an

overall plan for state water policy.⁵⁴ The plan was revised in 1980.⁵⁵ The National Demonstration Water Project, many times a contractor for U.S. Environmental Protection Agency projects,⁵⁶ produces various valuable monographs through its advisory and public relations arm, the Commission on Rural Water.⁵⁷ Other governmental agencies producing reports of significance regarding water supplies, in addition to various universities, include: the U.S. Army Corps of Engineers, the Bureau of Reclamation and the Office of Water Resource Research of the Department of Interior, the General Accounting Office, and the Department of Agriculture.

In the general area of IGR and IB, there are two main sources that sum up the characterizations of each. Deil S. Wright's Understanding Intergovernmental Relations⁵⁸ provides a recent and comprehensive study of IGR and its concepts. Joseph W. Eaton's book, Institution Building and Development⁵⁹ presents an excellent summation of various authors regarding IB. Eaton's work is best supplemented by conference reports and the participants' comments at Washington, D.C. in 1969⁶⁰ and at Logan, Utah in 1970.⁶¹ Larry B. Hill has updated the commentary on IB with an article in 1974⁶² and in 1976 a book illustrating its use.⁶³ A view in contrast to Deil S. Wright's is provided by Theodore J. Lowi. Lowi's thesis is that the IGR established by administrative officials from all levels of government have subverted the intent of the founding fathers and has led to the establishment of a second republic.⁶⁴

In attempting to wed IGR and IB to water policy, the most helpful sources include Allen V. Kneese and Stephen C. Smith's Water Research⁶⁵ and Stephen J. Fitzsimmons and Ovadia Salama's Man and Water.⁶⁶ Both of these sources attempt to provide the social science researcher with a framework for analysis that indicates intersections of governmental interests (for example, state and local government actors) reacting to a particular point of water policy (for example, distribution). Add to these sources Jamil E. Jreisat's article⁶⁷ concerning the relevance of IB to local, domestic government analysis and the basic research focal point, the RWD, becomes the intersection of social significance for the development of potable water supply policy in southeastern Oklahoma in the future.

Notes

¹Elazar, American Federalism, pp. 92-94.

²Goss interview.

³Stanley Zimmerman and Edwin L. Cobb, "Guide for the Development of Local Water Projects" (Washington, D.C.: Commission on Rural Water, National Demonstration Water Project, May, 1973), pp. 71-114. (Hereafter cited as: Zimmerman and Cobb, "Developing Water Projects.")

⁴W. Richard Scott, "Field Methods in the Study of Organizations," in Handbook of Organizations, ed. James G. March (Chicago: Rand McNally and Company, 1965), pp. 261-304. (Hereafter cited as: Scott, "Field Methods.")

⁵Ibid., p. 269.

⁶Ibid., pp. 271-83; also see Ralph Braibanti, ed., Political and Administration Development (Durham, NC: Duke University Press, 1969), p. 8, for a quote of Talcott Parsons' definition of institution, and p. 57 for Braibanti's own definition; both of these definitions emphasize the intimate relationship between the institution and leadership roles and the shaping of the roles by the institution, both external and internal. Such definitions and the detailed information necessary preclude quantitative survey techniques for the acquisition of the necessary information.

⁷Interview with J. Neil Henderson, Ph.D., Assistant Professor of Sociology, East Central Oklahoma State University, Ada, Oklahoma, July 23, 1979.

⁸James P. Spradley, The Ethnographic Interview (Dallas: Holt, Rinehart and Winston, 1979), p. 3.

⁹Ibid., p. 9.

¹⁰Only one respondent declined the use of the tape recorder.

¹¹Milton J. Esman, "The Elements of Institution Building," in Institution Building and Development: From Concepts to Application, ed. Joseph W. Eaton (Beverly Hills: Sage Publications, Inc., 1972), pp. 21-39. (Hereafter cited as: Esman, "Elements of IB.")

¹²Jamil E. Jreisat, "Synthesis and Relevance in Comparative Public Administration," Public Administration Review, vol. 35, no. 6 (November/December 1975), pp. 663-71.

¹³See p. 19, *infra*.

¹⁴Esman, "Elements of IB," pp. 22-23.

¹⁵Oklahoma Statutes, Supplement (1979), title 82, chapter 18, sections 1324.3 for purpose and 1324.7 for organization of the RWD Board.

¹⁶Esman, "Elements of IB," p. 33; Dr. John F. Hilliard's remarks in Proceedings: Conference on Institution Building and Technical Assistance, Held in Washington, DC, on December 4 and 5, 1969, ed. D. Woods Thomas and Judith G. Fender (Washington, DC: Agency for International Development, 1970), p. 24; "Report of the Committee on Leadership and Doctrine as Aspects of Institution Building," in Proceedings: Regional Conference on Institution Building, August 17-21, 1970, Utah State University, Logan, Utah, ed. Lyman F. Smart (Logan, UT: Office of International Programs, Utah State University, 1971), pp. 23-29.

¹⁷Esman, "Elements of IB," pp. 28-34, for his description of the transactional relationship of leaders to linkages.

¹⁸See pp. 37-39, *infra*.

¹⁹Esman, "Elements of IB," p. 29, where he writes about doctrine, the equivalent of an RWD's goal.

²⁰*Ibid.*, p. 23.

²¹*Ibid.*

²²Deil S. Wright, Understanding Intergovernmental Relations: Public Policy and Participants' Perspectives in Local, State, and National Governments (North Scituate, MA: Duxbury Press, 1978), p. 6.

²³Deil S. Wright, "Intergovernmental Relations: An Analytical Overview," in Current Issues in Public Administration, ed. Frederick S. Land (New York: St. Martin's Press, 1978), p. 136.

²⁴*Ibid.*

²⁵Wright, Understanding Intergovernmental Relations, p. 9, quoting William Anderson.

²⁶Ibid., pp. 12-13.

²⁷Ibid., p. 13.

²⁸Ibid.

²⁹Ibid.

³⁰Ibid., p. 20.

³¹Ibid., p. 29.

³²Lowi, The End of Liberalism.

³³Ibid., p. 54.

³⁴Ibid., p. 50.

³⁵Ibid., p. 51.

³⁶Ibid., p. 50.

³⁷Ibid., p. 51.

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CHAPTER 3

SPECIAL DISTRICTS AND THE FORMATION OF A RURAL WATER DISTRICT

Introduction

In the organization of government, there is a continual conflict which manifests itself: the contest between area and functional organization.¹ Area government is that which has particular geographic boundaries and provides various services (such as fire protection, water, hospital, and police protection) to the people who live within the jurisdiction. Functional government is that which provides a specific service for people but may cross jurisdictional boundaries in providing the service. Those governments most commonly called general purpose governments fall in the "area" classification and may be exemplified by cities, counties, states, and nations. Functional governments in the U.S. are usually known by the specific service they provide and by the term "district"--for example, a "rural water district" or a "hospital district." The RWD definitely falls into the "functional" classification. The conflict between the eastern Oklahoma RWDs' goals and the state's

desire to provide water to people in western Oklahoma is a further example of the continuing conflict between area and functional governments.

This chapter explores two subjects: First, the problem of the ever growing number of special districts in the U.S. is discussed from the point of view that little has been done by political scientists to shed light on why special districts continue to proliferate. Secondly, the formation of a specific RWD is chronicled to indicate how RWDs are formed and indicate why their users have such loyalty to them. All special districts are formed by local people and the history of an RWD will shed light on the intertwined human relations that result in loyalty to special districts by their founders and constituents.

Special Districts

The special district is involved functionally in providing water, hospital service, sewer service, ambulance service, and fire protection, to say nothing of the air districts which are taking up the issue of air pollution within localities. The vast research into urban areas in the past twenty years has allowed political scientists to examine the area/function problem existent between cities and special districts. The researchers have usually concluded that the special districts ought to be consolidated into the core city government or into some area governments.² Whether fortunately or unfortunately, most governments that perform

a specific function do not have to observe area jurisdictional lines. The conflict caused by the functional government's overlapping into the area government's jurisdiction is difficult to overcome.

Little research has been done on the "dark continent"³ of special districts, yet the special district appeared to be at the heart of the local, American political scene and a contentious unit of government that needed examination. John C. Bollens defined special districts as:

. . . organized entities, possessing a structural form, an official name, perpetual succession, and the rights to sue and be sued, to make contracts, and to obtain and dispose of property. They have officers who are popularly elected or are chosen by other public officials. . . . Moreover, they have considerable fiscal and administrative independence from other governments.⁴

It was Bollens who asserted in 1957 that special districts were considered the "dark continent" of political science in much the same manner that H. S. Gilbertson considered the county form of government in 1917; and that was a theme reiterated by others down to 1978.⁵ The "dark continent" theme was and is an allusion to the fact that little is known about special districts in the grassroots sense of how they were formed and how they functioned in detail.

Furthermore, it was and is the "dark continent" in the sense that so many of the special district relationships were conducted by local people on a very personal basis. One would have to be privy to personal telephone conversations, coffee shop gossip, and neighborhood, back-fence conversations

to begin to obtain much of the information regarding special districts' organization and internal and external operations. Many special districts were created years ago and yet little has been done to investigate them, largely for the reasons already stated.

Numerically, special districts have been the fastest growing unit of government in the U.S. From 1942 to 1977, non-school special districts increased from 8,299 to 26,140.⁶ For the same period of time, all governments in the U.S. declined in number from 155,067 to 80,171.⁷ The only other type of government that increased in number during that time was the municipality, but the increase was not nearly so dramatic as that of the non-school, special district.⁸

The sheer increase, as tabulated in table 3.1, when faced by a general decrease in other types of governments, is dramatic and obviously the question immediately occurs to one, why? The special district is that instrument by which local people achieve their goals (perform a function) under local authority and use the resources of both state and national governments in the process of doing so, if they are available. Anthony G. White indicates that 91 percent of all special districts are single-purpose.⁹ As Americans have become more prosperous and desire more of life's amenities, the special district has been their means of accomplishing local goals when area governments were either unable or unwilling to do so. The special district brings together federal

Table 3.1
Increase in Non-School Special
Districts, 1942-1977

Years	Increase	
	Numerical	Percent
1942-77	17,841	214.97
1942-52	4,041	48.69
1952-57	2,084	16.88
1957-62	3,899	27.03
1962-67	2,941	16.05
1967-72	2,621	12.32
1972-77	2,255	9.44

SOURCE: Compiled from information supplied by Neil D. McFeeley, "Special District Government: The 'New Dark Continent' Twenty Years Later," Midwest Review of Public Administration, vol. 12, no. 4 (December, 1978), p. 213.

monies, state authority, and local initiative and direction to achieve local goals. Additional factual data bears out that conclusion.

In 1979-80, local governments of all types spent \$260.7 billion, or 27.2 percent, of a total of \$958.7 billion spent by all U.S. governments.¹⁰ The local governments only generated 55.9 percent of their own general revenues.¹¹ These facts highlight two features of local government: (1) they are spending a large portion of all government expenditures and (2) they receive a sizable amount of their monies from the state and national levels of government. To be even more specific, non-school, special districts obtained 36.5 percent of their revenues from intergovernmental transfers.¹²

The RWDs began forming in Oklahoma in 1963. By 1973, Oklahoma was ranked third among all the states in the operation of rural water systems.¹³ Oklahoma had a total of 318 RWDs at that time out of a national total of 5,480.¹⁴ By October, 1981, the number of Oklahoma RWDs had increased to 478.¹⁵

Formation of a Rural Water District:
The History of Pontotoc County Rural
Water District #7

The people involved in RWDs come from all walks of life and the need for potable water becomes so important to the way in which they live that they eventually consolidate to form RWDs. Generally one can say that the RWDs organizationally follow a set pattern: (1) the need for potable water must be great enough to impel the people to

look into the situation; (2) The people need to be assured that there is a financing mechanism available; (3) A civil engineer and an attorney must be sought who understand the process of setting up an RWD; (4) A source of water supply must be assured; and (5) The construction of the delivery system takes place.

Pontotoc County Rural Water District #7 (PCRWD#7) is fairly typical in the way that it was set up. At this point, the chronology of events will be followed. This is not to say, however, that each RWD followed the same sequence exactly, but rather that the resultant patterns are similar.

Impulse

All sources consulted about RCRWD#7¹⁶ agreed that one individual had the most to do with the origination of the RWD. In this case history, he will be known as "the founder." The founder graduated from East Central Oklahoma State University, Ada, Oklahoma, in 1968 and went to work for a local bank. In 1969, he purchased some land two and a half miles east of Ada's city limits upon which he eventually built a home.¹⁷ He proceeded to drill for water on the land and after drilling two hundred feet came up with a salt water well. He then proceeded to start another well, but after drilling ninety feet he struck rock that would have made continuance extremely expensive. He then began talking to neighbors in the area to see what, if any, problems they had had in obtaining potable water. His next door neighbor had lived there for

twenty-five years and had had continuing potable water problems and so, further investigation proved, had other neighbors. Their solution had been to haul water when their undependable wells would dry up periodically. Most of the area had been plagued by such problems as long as people living there could remember.

The founder then went to one of his former college professors who lived in the same general vicinity (two miles north) to see if there was anything that could be done. The professor had been attempting to have a water line extended to his property and the founder felt that maybe he could try for the same program. He contacted the local FmHA agent to find out what the agency deemed necessary to consider a project feasible. At that time, he found that there had to be four members per mile for the potential district, according to FmHA specifications. He thereupon attended an Ada City Council meeting to see if the City would allow a proposed district to have water; it was at this juncture that he was told the only feasible way was to hook on to PCRWD#1 which extended for about one mile east of the city limits.

The founder next attended a meeting or two of PCRWD#1 in order to find out if it would allow a line to be extended one and one-half miles to his property and then looped back into PCRWD#1. Here he discovered that the board members of PCRWD#1 thought it only fair that anyone hooking onto their line should pay a prorata share of their line.

When combined with the knowledge that the Ada City Council would only allow the use of cast iron pipe instead of polyvinyl chloride (PVC) pipe, he became discouraged because the expense would be prohibitive to the people who wanted the water.

He had no way of knowing at the time that he had landed in the midst of a battle that was two edged. The Ada city manager did not want an expansion of the city limits and, therefore, was against the extension of city water to the rural area. The city manager thought that as water districts were added the rural residents would expect all the other city services. He used cast iron pipe as the issue that would build a fence around Ada (due to its expense) and keep it isolated from the rural people of Pontotoc County. Ada plumbers had no desire to change from the traditional cast iron and so, whenever the battle was waged at city council meetings, there were adequate forces to state that the quality of PVC was such that the city did not want to be responsible for PVC water lines. The city manager further separated the rural people from the urban by stating that the rural people did not contribute that much to the well-being of Ada despite the fact that most rural residents worked and spent their money in Ada.¹⁸ The areas that the city anticipated annexing sometime in the future were allowed to loop water lines from Ada, but they were all constructed of cast iron pipe. The two edged battle was composed of:

(1) rural versus city people and (2) cast iron versus PVC pipe.

After having spent some four to six months of his time looking into the feasibility of a small water district to be looped from RCRWD#1 and talking to several people, the founder became discouraged and in 1970 gave up his quest. He felt that the people of PCRWD#1 had been unfair and said that he told them, "What if the City of Ada had asked you to pay for a prorata share of their lines when you wanted water, would you have thought that was fair?"¹⁹ He believed that the Ada city manager was unrealistic but had no knowledge as to how he could counter the argument of PVC versus cast iron pipe. Consequently, he installed a filtration system on his water well and was able to have good quality water from which his neighbors from time to time hauled water.

During the next four years, he heard of various individuals trying to organize an RWD for the area, but he did not get involved. Finally, in 1974, a member of the PCRWD#1 called and told him there had been a change in the board membership and perhaps there would be a change of heart. A local dentist also called to ask him to join with a small group of men interested in forming an RWD. Apparently his activities of 1969-1970 had become fairly well known in the area and others who were thinking of trying to get potable water in a larger contiguous area were willing to join the effort. By the spring of 1975, friends prevailed on him to become interested again.

Organizing Popular Support

From the Spring of 1975 until the formal organization of PCRWD#7 in September, 1976, only two meetings were conducted. The first meeting took place in November, 1975, and five or six men, including the founder, a dentist, a school teacher, a farmer, and an Ada businessman, were in attendance. The founder, from his previous experience, had the foresight to ask the consulting civil engineer who had been involved in all the Pontotoc County RWDs to attend this first meeting. The group discussed "what it would take"²⁰ to accomplish the establishment of the RWD. The engineer brought some preliminary plans with him and the men in attendance proceeded (since they were from different communities of the proposed RWD) to plot on the engineer's map those people who might join the RWD. The engineer outlined the various procedures that would have to be followed and volunteered to help with the establishment of the necessary relationship with FmHA as well as the selection of a temporary board to accomplish the support necessary.

In the Spring, 1976, another meeting was called. This time each of the original five or six men called several people; word of the meeting was passed by word-of-mouth; and an announcement was placed in the local paper. The meeting was held at a neighborhood church and about forty to fifty people showed up. Again, the proposition of what was necessary, four households per mile, and a rough estimate

of costs was outlined to those in attendance. After this meeting, the homes of those in attendance were plotted on the engineer's map and it was decided that the RWD was indeed feasible.

On September 27, 1976, a hearing was held at the Pontotoc County courthouse and the County Commissioners approved the official organization of PCRWD#7. That same evening a meeting was held of the newly organized RWD and seventy-nine landowners attended.²¹ On September 30, 1976, a formal organization meeting was held at which the founder was elected Chairman of the Board along with the other officers and directors. The board included all the men who had been involved in the organization of the RWD. On September 16, 1976, the OWRB said by letter that the City of Ada had sufficient water to supply PCRWD#7 and preliminary contacts with the Ada City Council had been favorable.²² The necessary legal mechanisms were now in place and the board members went to the FmHA to obtain a letter of condition which stated that the RWD would have to have three hundred and fifty-four households using the RWD.²³ The problem now became one of raising the prerequisite number of users.

The engineer helped to select the people to do the solicitation.²⁴ The founder stated that extreme care was used in the selection process. No one desired to pressure people to join because there would be little room for the withdrawal of people at a later date. People were chosen who would do an honest job of selling the RWD to householders.

Two types of persons were chosen: (1) the person who by temperament and disposition could get along well with people and at the same time explain everything necessary to the householder so that he would not feel that he had been talked into something, and (2) the person who was well known in his particular area and although he would not talk much, if he signed up for membership, the rest of the community would follow suit.²⁵

Each board member and solicitor carried the necessary questionnaire and data sheets with him, and these were distributed to people as they contacted the members. The founder said that the solicitors were instructed to be as diplomatic about the signatures as possible, for if a person did not want to sign up, the RWD would usually still need easement rights from the individual. The following was an estimate of the statement made, according to the founder:

If you've got a good well and you don't want water, that's fine. You know! What we're trying to do is get water to people that need it, and we would like, if possible, when the time comes, and we do get this thing ok'd, to get an easement to go across your property.²⁶

Also, during the Fall of 1976, the Chickasaw Indian Housing Authority made it known that it was interested in water for the Kalihoma Reservation as well as Indian housing throughout the area. By May, 1977, sufficient signatures had been obtained to fulfill FmHA prerequisites and contracts for the FmHA loan were signed on July 14, 1977. The founder said it was not unusual to have one or two board meetings per week during the period of September, 1976, to May, 1977.

Technical Personnel Resources

Personnel who knew something about setting up an RWD were crucial to the temporary board which started out in an informal manner. The founder, time after time, stated that the consulting engineer was indispensable.²⁸ He also said that the attorney and a cooperative FmHA agent, of the personality that engendered trust in the board members, were likewise indispensable.

The Engineer

Prior to entering business for himself, the consulting engineer for PCRWD#7 had been employed both by the University of Oklahoma at Norman and by the United States Geological Survey in the early 1950s. In the latter 1950s he decided to start his own business and, of course, used his experience to guide him. As he traversed the state and saw situations in which it looked to him as though a good potable water supply would help people, he would stop and talk with various residents about the situation. In such a fashion he became known in all three counties--Coal, Johnston, and Pontotoc.²⁹ To him, the job of the consulting engineer was as much involved in public relations as in civil engineering.

About 1962 in Pontotoc County, a general meeting of rural people who desired potable water, had been called.³⁰ The engineer had already done some rough mapping of the area and therefore was prepared to tell the rural residents of Pontotoc County what the possibilities were at that time.

He not only maintained close contact with the local FmHA agent but was also well known to the county commissioners. He served as the consulting engineer on all the Pontotoc County RWDs and, of course, knew many people throughout the area, especially those having problems with water supply. Many times the engineer was in touch with various, small groups and would suggest their meeting with the temporary board of PCRWD#7. He helped to bring small pockets of people together who wanted potable water but by themselves could not afford it. The engineer became a bridge between groups of people. His contacts gave him a general knowledge of how much the county commissioners would cooperate, and in each case the cooperation was excellent.³¹

At the time when the RWD was forming, the engineer had to do a large quantity of the work, but he would not be paid until after the FmHA loan was granted, for the RWD had no operating funds unless the temporary board members were prosperous enough to furnish the funds from their own pockets. Because of his expertise, the engineer knew the kinds of personalities necessary to obtain the signatures of individuals within the proposed district. Consequently, while he did not directly choose the temporary board members, he was certainly influential in who was chosen.

Operating Manager

Another requirement for PCRWD#7 was an operations and maintenance manager who would be familiar with the

system. The engineer usually attempted to hire someone to act as daily inspector of the water line during the construction phase. In turn, this person could then become the operations and maintenance manager of the line once it was in operation.³² The manager thus knew the water line intimately, where it was, where trouble might occur, the customers, and was totally familiar with all other facets of the RWD. He must be able to decide when to sub-contract work and when he could do the repair himself. He had to be familiar with the board members to know the latitude that he had within the broad policy set by the board and he also had to be aware of the financial capabilities of the RWD.

The Attorney

PCRWD#7 was fortunate in that the attorney it hired to do the legal work for the RWD had been involved in the formation of RWDs in this area for several years.³³ Again, as in the case of the engineer, the founder of PCRWD#7 said that having a congenial attorney who could work with the temporary board and steer the board through many of its preliminary legal problems was indispensable.³⁴ Analysis of conversations with the attorney, engineer, and FmHA agent revealed that there was a rather common knowledge of one another because they had been involved together with the formation of several districts. Prospective board members, also, in their search for information about the formation of RWDs, talked to the engineer, attorney, and FmHA agent, and

through them were brought into contact with others involved in various phases of the work for RWDs in the area. In other words, there was already developing a network of mutual trust and confidence which grew through continued association.

The attorney handles all the paper work relating to the FmHA loan for the RWD. Involved in this process is the checking of county records on all the easement rights that members have obtained for the RWD ensuring that all data sheets are signed to comply with FmHA regulations. It is the attorney who usually charters the RWD, attends all meetings, and steers the RWD through the proper procedures, such as newspaper announcements, hearings with the county commissioners, and finally writes the by-laws of the corporation. The RWD must, of course, obtain a source of water. If, as in the case of PCRWD#7, the water is purchased from a city, the attorney handles the negotiations. But whether the RWD deals with a city or obtains its own source of water, the attorney negotiates a permit from the OWRB authorizing the RWD the use of the water. The attorney, like the engineer, receives no monies until the FmHA loan is approved. FmHA regulations stipulate that the attorney receive four percent of the total contract price of the RWD. The attorney must also arrange for a Bond Counsel, approved by FmHA, to make a final check of all the local attorney's work. The Bond Counsel usually received from twenty-five to fifty percent of the attorney's fee. PCRWD#7's attorney said that although

the fee on a gross contract of \$1,000,000 would be \$40,000, the per hour rate fee was in fact one of the lowest he received for professional services.

The FmHA Agent

Each project is approved through the local FmHA agent. Final approval rests with FmHA headquarters for Oklahoma in Stillwater, the site of the State's land-grant university. The Pontotoc County agent has always been extremely cooperative,³⁵ and he usually helps people forming an RWD from the beginning of the organization so that the people involved will be aware of what they must accomplish to satisfy FmHA. The consulting engineer handles much of the RWD's relationship with the local agent. The FmHA is actually responsible for the primary financing of the RWD. In the case of PCRWD#7, FmHA loaned \$517,000 at five percent interest and also made a grant of \$437,000.³⁶ Interest is paid FmHA annually, but principal payments do not begin until the RWD has been in operation two years.³⁷ Because the loans and grants involve such sizable amounts of money, FmHA regulations stipulate such things as the number of customers per mile that the RWD must have as well as the "tap fee" to be charged, the data sheet that must be signed by customers, and the necessary easement rights procured.

The tap fee for PCRWD#7 was \$75 per original customer. After construction of the water line began (and subsequently) the tap fee was \$250 because it must cover the

additional expense of bringing equipment back out to the site to hook on the customer. Despite this price differential, many do not sign up for membership until they actually see the water line coming down the road.³⁸ In the formation of the RWD, this is perhaps the most common occurrence. People contacted to join the RWD at inception are skeptical about the water line ever being put in. They feel that the tap fee will probably never be returned to them or that their money will be spent and they will receive nothing in return. However, FmHA regulations do not permit the spending of any monies until the contract has been signed in which case the RWD is normally going to go ahead with construction. The original tap fees are held in escrow until that time.³⁹

The fact that no money can actually be spent at inception presented another problem: easement rights cannot be purchased. The founder said that it was preferable to put the line on private property but that if the easement rights could not be obtained, the county commissioners always permitted the use of county right-of-way.

The problem with the use of county right-of-way revolves around the county road being expanded. If expansion does occur and the water line needs to be moved, the RWD is financially responsible for its relocation. In order to avert this future problem, the RWD prefers to use private property. Those people who join the RWD usually present no problem; it is the person who does not want to join the RWD

who feels that he ought to be reimbursed for the use of his property. If the same individual finally decides to join the RWD after construction starts and then must pay a \$250 tap fee, he is usually bitter (especially if he has donated easement rights).

PCRWD#7 was also involved in supplying the Chickasaw Indian Housing Authority with water and this involvement produced another complex relationship. The Indian Health Service had been concerned with the quality of water provided Indian Housing. The Housing Authority had to drill a well for each home and if the well went dry, the occupant usually would not have sufficient funds to drill another.⁴⁰ The Indians living in the geographic area of PCRWD#7 had this problem as did the long time residents of the area.

The drilling of one well averaged about \$2,500⁴¹ and can go as high as \$3,500. The tap fee on PCRWD#7 of \$75 and the retirement of the Indian house's prorata share of the total debt of the water line (which actually averaged \$2,250) totaled less than the drilling of water wells. Chickasaw Housing Authority decided to pay the entire amount for all its people at the same time that the FmHA loan was approved. Eleven Indian houses were paid for in this manner and the Indian Health Service paid an additional \$113,000 so that the Chickasaws paid a total of \$137,500 with seventy-five percent being paid initially and fifteen percent being paid after a certain amount of construction was accomplished

and the final ten percent was paid at the end of construction.⁴² PCRWD#7 had some working cash and the Indians on the water line only have to pay for the water they use according to the same rates that other customers pay. The Indians did not have to make water line payments (which is a \$5 monthly charge) as did the other customers. This financial arrangement had to be worked out with FmHA and the BIA.

Water Source

As noted in chapter 1,⁴³ Pontotoc County has one of the most prolific water producing formations in its southern extremities. The City of Ada obtains its water from Byrd's Mill Spring in the southern part of the county, twelve miles from Ada. Byrd's Mill Spring produces twenty million gallons of water per day and in 1979 the City used only ten million gallons daily at maximum consumption time.⁴⁴ Byrd's Mill Spring was purchased by the city in 1910 and a conveyance system was installed in 1927.

The City of Ada permitted two contiguous communities, Alhoso Y (southeast) and Latta (southwest), to install their own water lines and hook into Ada's water lines. That development occurred years ago. From 1965 to 1970, four RWDs were formed in Pontotoc County and put into operation. As the founder of PCRWD#7 noted, all these districts had been required to use cast iron pipe with the long range vision being that the pipe would last longer than any other type.⁴⁵ and that

the city might at some later date want to annex these areas (although that was not stated at the time). The city manager had developed a negative stance on the development of RWDs because he was worried that the city would be asked to furnish various services, such as police and fire protection, to the rural people without remuneration to the city which had no tax base in the rural area. The founder of PCRWD#7 received a call in 1974 about the change of board members on PCRWD#1 and subsequent meetings with that board revealed that the board had not changed its mind about the use of their line for extension since 1970. On January 1, 1975, a new city manager was hired for Ada and he had a different view of the development of RWDs from that of the former city manager.

Obviously, Ada had a prolific source of water that it had purchased years ago. Under riparian water doctrine, the City of Ada owned the water supply and so had a right to the use of as much of the water as it desired. In 1963, Oklahoma promulgated a new state water policy of appropriation rights. Under the changed law, the city had the right of beneficial use, but the state could assign the remaining water to someone else. In the 1970s, the city began to be aware that it could totally control its water supply only by establishing a beneficial use that would gradually use most of Byrd's Mill Spring production. The new city manager changed the policy of the city and the founder of PCRWD#7 and his fellow board members were able to secure permission from the city

to extend water to rural customers. By 1976, when the founder again approached the City Council, he was well received. The city did insist that extension of its water lines in the city limits be constructed of cast iron pipe but that the RWD, as long as it would maintain its own line and conduct all its own business, could use PVC water pipe. Consequently, PCRWD#7 installed about eight miles of cast iron pipe, but the remainder of the district was constructed of PVC water pipe. The city's agreement with the first four RWDs provided for city maintenance of the water line, city collection of bills, and city reading of water meters; the development henceforth would be completely different. PCRWD#7 benefitted from the changed attitude and was able to go into operation.

The City of Ada benefits in the sense that it now uses about ten million gallons daily in peak usage time as opposed to about six million gallons daily in peak usage time prior to 1975. The RWDs pay Ada for the water and become an excellent source of revenue for the city. Additionally, new RWDs will increase the city's usage and on twenty year projections assure the city that it can forever have exclusive control of the waters of Byrd's Mill Spring.⁴⁶ The formation of the RWDs has been, in the final conclusion, beneficial to Ada as well as to rural residents.

Actual Construction

After PCRWD#7 signed its contracts in July, 1977, bids were let and a contractor from Sulphur, Oklahoma received

the contract. Construction started in December, 1977. Meanwhile, the founder had sold his home and moved out of the RWD. During the construction phase of the RWD, the Secretary-Treasurer handled most of the detail.

The board of directors did not have too much to do during the construction phase, for the engineer, inspector, and contractor did the work. However, in the case of PCRWD#7, the construction phase was a very active time for the board. The first phase of the project was finished by the contractor in July, 1978, after the contractor had been held up by weather and rock formations which presented difficult construction problems.

Not the least of the problems were some seven change orders that the board approved and each had to be negotiated with the contractor. The change orders were necessitated by those who had not signed up originally but, upon seeing the water line coming down the road, decided that they should join. An eighth change order was put through, but the board finally said, "No, enough is enough."⁴⁷ The people involved in the eighth change order were told to come back to the board in about a year so that something could be done for them. The board was tired.⁴⁸ The final phase of PCRWD#7 was completed and water was turned on in April, 1979.

During the construction of the last phase of the district, other people north and east of Ada requested PCRWD#7 to extend to them. A new loan was obtained from

FmHA and construction was due to start shortly on this addition.

Water District in Operation

Phase one of PCRWD#7 has been in operation for a year. There have been no unusual problems and any major water line problems that do come up continue under the guarantee of the contractor for a year. Financially, the district has its affairs in good order and is in the process of accumulating funds for the first FmHA payment.

A full-time manager is in charge, the district has rented joint offices with PCRWD#8, and a joint secretary has been hired. At first, the manager was going to read meters, but the line is now so long that it would not be economically feasible. The customers have rate charts and instruction booklets on the reading of meters. The customer reads his meter and sends the reading and his payment to the office. The manager intends spot checking readings and major discrepancies in the customer's readings can usually be ironed out easily.

What started as a small water line of approximately three miles has turned into a water line of over one hundred miles. When the total water line is installed, it will extend from Ada to Allen, a community twenty miles northeast, and will cover the geographic northeastern quadrant of Pontotoc County. What started in 1969 to serve about fifteen families had in excess of four hundred customers when

it opened phase one and now has in excess of four hundred and fifty customers. The new extension upon which construction will start in the near future will bring in one hundred and forty-four additional customers.

Notes

¹James W. Fesler, "The Basic Theoretical Question: How to Relate Area and Function," in Current Issues in Public Administration, ed. Frederick S. Lane (New York: St. Martin's Press, 1978), pp. 126-35.

²Bollens, Special District Governments, and Cape et al., Government by Special Districts. Both of these books make the point that special districts ought to be consolidated in some manner.

³Bollens, Special District Governments, p. 1.

⁴Ibid.

⁵Ibid., and also see the following references which have born out the same theme since Bollens' publication: U.S., Congress, ACIR, The Problem of Special Districts in American Government; Bebout, "The Emerging State Governments," pp. 165-79; U.S., Congress, ACIR, Hearings on Substate Regionalism: Substate Regionalism and the Federal System, vol. VI; and McFeeley, "Special Districts, The Dark Continent," pp. 214-18.

⁶McFeeley, "Special Districts, The Dark Continent," p. 213.

⁷Ibid.

⁸Ibid.

⁹Anthony G. White, Non-School Special Districts in the United States, A Selected Bibliography (Monticello, IL: Council of Planning Librarians, Exchange Bibliography #435, 1973), p. 3.

¹⁰U.S., Department of Commerce, Bureau of the Census, Government Finances in 1979-80 (Washington, D.C.: Government Printing Office, 1981), p. 5, table C.

¹¹Ibid., p. 17, table 4.

¹²Ibid., p. 64, table 23.

¹³U.S., Department of Agriculture, Oklahoma State University Experiment Station, Economics and Growth of Rural Water Systems in Oklahoma, by Gordon R. Slogett and Daniel D. Badger (Stillwater: Oklahoma State University, August, 1974, Bulletin B-716), p. 5. (Hereafter cited as: U.S.D.A., O.S.U., Growth of Oklahoma Rural Water Systems.)

¹⁴Ibid.

¹⁵Interview with Gene Whatley, President, ORWA, in Duncan, Oklahoma March 2, 1982.

¹⁶Johnson interview; interview with Carl E. Steele, Hydrological Engineer, PCRWD#7, Ada, Oklahoma, July 20, 1979. (Hereafter cited as: Steele interview.); and interview with Silas P. Taylor, Secretary-Treasurer, PCRWD#7, Ada, Oklahoma, June 27, 1979. (Hereafter cited as: Taylor interview.)

¹⁷Interview with Wayne Case, Founder and former Chairman of PCRWD#7, Ada, Oklahoma, July 10 and August 6, 1979. (Hereafter cited as: Case interview.)

¹⁸This scenario is pieced together from several interviews: interview with Lonnie Abbott, State Representative, Founder and former Chairman of PCRWD#1, Ada, Oklahoma, June 23, 1979 (Hereafter cited as: Abbott interview.); Case interview; interview with Gerald Estes, Operator of PCRWD#7, Ada, Oklahoma, June 28, 1979 (Hereafter cited as: Estes interview.); interview with W. D. (Bud) Jaquess, Board Member of PCRWD#3, Ada, Oklahoma, July 5, 1979 (Hereafter cited as: Jaquess interview.); Johnson interview; interview with Paul Long, Building Inspector and Draftsman, City of Ada, Ada, Oklahoma, July 12, 1976, and June 18, 1979 (Hereafter cited as: Long interview.); interview with Lynn R. Shuyler, former Chairman of PCRWD#1, Ada, Oklahoma, June 27, 1979 (Hereafter cited as: Mr. Shuyler interview.); interview with Jean (Mrs. Lynn R.) Shuyler, Secretary, PCRWD#1, Ada, Oklahoma, June 27, 1979 (Hereafter cited as: Mrs. Shuyler interview.); interview with Garlen B. Smith, Chairman of PCRWD#4, Ada, Oklahoma, June 28, 1979 (Hereafter cited as: Smith interview.); Steele interview; Taylor interview; interview with B. H. Todd, Jr., President, Lakewood Water Association, Inc., Ada, Oklahoma, June 26, 1979 (Hereafter cited as: Todd interview.); and interview with James Treas, Chairman of PCRWD#8, Ada, Oklahoma, July 10, 1979 (Hereafter cited as: Treas interview).

¹⁹Case interview.

²⁰Ibid.

²¹Johnson interview; his legal files indicated that notice of the hearing was published in the local newspaper on September 17 and 24, 1976.

²²Ibid.; the legal files showed that the contract for water was signed between PCRWD#7 and the City of Ada on March 21, 1977.

²³Taylor interview.

²⁴Case, Steele, and Taylor interviews confirmed this information.

²⁵Steele interview.

²⁶Case interview.

²⁷Steele interview in which he said that this board got the RWD going faster than any other he had seen.

²⁸Case interview.

²⁹Steele interview.

³⁰Treas interview.

³¹The Case and Steele interviews confirm the cooperation.

³²All of the following cited interviews confirm that this is normal procedure: interview with William D. Deringer, Chairman of JCRWD#2, Mannsville, Oklahoma, July 31, 1979 (Hereafter cited as: Deringer interview.); Estes interview; interview with Carl Harbert, Operator of JCRWD#3, Tishomingo, Oklahoma, May 31, 1979 (Hereafter cited as: Harbert interview.); interview with Maxwell D. McDonald, Operator and former Chairman of PCRWD#6, Fittstown, Oklahoma, July 24, 1979 (Hereafter cited as: McDonald interview); interview with Bob Scott, Operator of PCRWD#8, Ada, Oklahoma, June 28, 1979 (Hereafter cited as: Scott interview); Steele interview; Taylor interview; and Treas interview.

³³Johnson interview.

³⁴Case interview.

³⁵In Case's interview, he said that this was true of the current agent. The Abbott and Johnson interviews confirmed that this was also true of this agent's predecessor.

³⁶Johnson interview.

³⁷Ibid.

³⁸Case interview. The same statement was made in interviews concerning each RWD in the three county area.

³⁹Case interview.

⁴⁰Interview with J. B. Keel, Secretary, JCRWD#3, Ada, Oklahoma, June 6, 1979. (Hereafter cited as: Keel interview.)

⁴¹Ibid.

⁴²Taylor interview.

⁴³Chapter 1, p. 9 *infra*.

⁴⁴Long interview.

⁴⁵Abbott interview.

⁴⁶PCRWD#9 was formed in the first week of August, 1979.

⁴⁷Taylor interview.

⁴⁸Steele and Taylor interviews in which they said that these people are located in Union Valley, a small community southeast of Ada. Union Valley is going to be included in PCRWD#9 and has already been de-annexed from PCRWD#7. PCRWD#7's board wanted to help these people but was just too exhausted, according to both Steele and Taylor.

CHAPTER 4

ORGANIZATION, STRUCTURE, AND INTERGOVERNMENTAL RELATIONS

The acquisition of potable water is certainly the motivating force activating local people to organize RWDs. However, the organization of the individual RWD appears to be only the beginning of the building of a complex superstructure which is in its infancy at present. If one asks the question, Why is a superstructure organization necessary?, the answer appears to be the protection of the water resource presently and potentially available. This chapter is intended to reveal the superstructure by a discussion of three elements: first, the legal methods by which the RWDs are organized; second, the internal and external structuring necessitated by the unification of communities, the funding program, and the source from which the water is to be obtained; and third, what sources from established, regional organizations have to say about the process and the possible organizational and structural complexities necessitated by developments that appear on the horizon.

OrganizationState Law

Oklahoma state law authorizes the creation of

RWDs:

Any two or more owners of lands may file with the county clerk a petition addressed to the board of county commissioners, praying for the incorporation of a district under the provisions of this act.¹

However, prior to the organizers of an RWD filing a petition, they usually gather the necessary users to form the district.² The filing petition may only disclose two landowners, but usually there are many more waiting in the wings for the actual public hearing that must be conducted by the Board of County Commissioners.³ By the time the County Commissioners conduct the public hearing, the water rights for the proposed RWD must have been secured⁴ and an actual district outlined on a map (which of course necessitates knowing the people who are going to be users). In other words, the preliminaries to formally incorporating the RWD must be extensive and complete, for when the formal organization is set up, it occurs within a matter of a few days.⁵ The law further stipulates a board of no more than nine members to be elected by the landowners within the RWD, the frequency of meetings, the replacement of vacancies on the board, and the powers of the board.⁶ The RWD boards are also provided with the power of annexation and de-annexation, much like a school district, and they can consolidate if

affected districts, by vote, agree. For all intents and purposes, the RWD is considered like any other incorporated entity; it can sue and be sued, and RWDs are considered by the Attorney General of Oklahoma to be ". . . instrumentalities of the state for purpose of the Oklahoma Employment Security Act."⁷

Secretary of State
Corporation

While state law specifically provided for the formation of RWDs, there is nothing in state law prohibiting a non-profit corporation which receives its charter from the Secretary of State to act as a water distribution company. This particular form of organization follows state law also but is incorporated through the Secretary of State rather than the County Commissioners.⁸ The only difference in this non-profit corporation under the County Commissioners is the fact that it does not have to plat or map its district. Also, the non-profit corporation chartered by the Secretary of State cannot use the title "RWD."

During the 1971-1973 era, FmHA funding changed its course and the funding was provided through insured loans (rather than direct loans) and grants. The grants were terminated in January 1973,¹⁰ apparently due to national economic conditions and, therefore, only the insured loan money was available. During that period of time, FmHA encouraged corporations which could move around the countryside easily in establishing a list of users. The normal

RWD formation, under the County Commissioners, necessitated a re-platting of the district each time the district changed its borders, but a regular corporation chartered under the Secretary of State was not under that restriction. Thus, for that two-year span of time, a different form of organization was used, resulting in Centrahoma Water Company, Inc., and Clarita-Olney Water, Inc., being formed.¹¹

In conclusion, most RWDs are organized under specific law that the state legislature enacted to make it easy for local people to organize RWDs. They would only have to be in touch with their Board of County Commissioners as the authorizing agency. However, the method of incorporating a non-profit entity for operating purposes can also be used if it is more advantageous to the participants--as it was in 1972-1973.

Structure

Organizational structure can and does assume two basic modes: internal and external. The internal structure is devoted primarily to organizing, in the case of RWDs, specific persons to become a viable organization. External structure is involved in the establishment of links to external organizations in order to develop support for the RWDs and also for future RWD development.

Internal

Internal structure of an RWD can be divided into two periods: pre-formal and post-formal organization.

Pre-Formal

During the pre-formal period, which can last from a few months to three or four years, a nucleus of people gathers together first and then moves out to solicit more members. Frequently the engineer is involved in selecting different people to go to different communities, but the selection process seeks those best suited for a particular area. The temporary board member must be one who can command the respect of the people he is contacting and persuade them to join the RWD. He is, by his peers, considered a leader. The informant, a founder or current officer, contacted in each RWD, considers all the other members to be leaders. These people see no difference in each other, for they are all going to have to do the same thing (in organizational terms, a "flat" rather than "hierarchical" organization). The original group usually continues intact during the pre-formal period. Only when a member of the group has to move away from the region does the group change, and only then a replacement is sought.

Post-Formal

When the RWD is formally organized, the temporary leaders are normally voted into office of the now legally organized RWD and, in fact, that continues to be the case for many years into the future. The only times this does not prove to be the case are situations such as Milburn, Oklahoma, and Mannsville, Oklahoma, where current town officials must be on the board. Yet, in each of these cases,

at least one board member or the current operator has been with the RWD since founding days. It is also not unusual to find that one of the founders, because he has the expertise, is asked to become the manager of the RWD, and in that case, he must resign from the board for no board member may be paid.¹² In many other cases, the original board members have continued on and most of the chairmen have been chairmen of the RWDs since inception. Unless there is some problem with the water line that is recurrent, members of the RWD do not attend meetings in any number, and thus the original board members are re-elected.¹³ Again, usually the only reason that a board member leaves the board is because he leaves the region. Thus, the internal structure of the RWDs remains as it was when the members began their association. Though the officers have titles, their expertise as individuals is well known from previous experience; therefore, there is little, if any, differentiation among them. The chairman, inevitably, is the person who had the most burning desire to acquire water and the will to persevere through years of trial in the process of getting the RWD formed and in operation.

External

Perhaps the single-mindedness of the board members is reinforced by their contacts with the hostile, outside environment. "Hostile" without a doubt is an over-statement of fact; but that is the perception of board members as they venture forth. If a look is taken at table 5.1, it is

obvious that most of the leaders are either retirees who have had considerable organizational or business experience; or businessmen (Construction employees, due to the sub-contractual nature of the business, know something of business affairs.) who know that they must acquire the expertise of accountants, civil engineers, and lawyers; and those who have contacts with county officials and federal agencies, the vital institutional linkages. The leaders, although groping, are really the contact men between the RWDs and the professional experts. Two items are absolutely necessary: funding and a source of water. If either of these necessities were already available, the leaders would not be in the process of forming an RWD. If the leaders, collectively or individually, fail to deal with these necessities, then the RWD would not be formed.¹⁴ One might also mention here the Board of County Commissioners, for they, like funding and water, are ultimately enabling linkages (to use IB language) to the foundation of the RWD. However, the County Commissioners are usually themselves rural people and potable water is already a cherished goal to them. They would only turn down the formation of an RWD if it failed to comply with statutory law, which, of course, requires funding and a water source as part of the preliminaries to legal organization.

Funding (An Enabling Linkage)

All the RWDs of Pontotoc, Coal and Johnston counties obtained their funding from the FmHA, EDA and BIA, with the

exception of PCRWD#3 and PCRWD#5, which were privately funded.¹⁵ The FmHA makes no rules concerning the structuring of the RWD board in general except that the board should represent the users of the district. However, since state law says there can be only nine board members,¹⁶ the structure of the board is dictated to some extent by the funding source when four or five different communities are involved. The leaders and engineer are aware of the need to have representatives from all the communities if the RWD is to be formed, for support must be obtained by leaders familiar with people in the community. In reality, to the leadership, to gain user support and to gain funding is one and the same thing. As the RWD encompasses different communities, however, the difficulty in obtaining cooperative leaders is heightened. Differences, such as religious, communal or ideological, are put aside, however, for the sake of pursuing potable water.¹⁷

The funding source does have its effect on the formation and structure of the RWD. The effect is sometimes structural, but more often attitudinal. The problem is principally funding. Federal agencies run out of funds for a particular year and then plans must be postponed.¹⁸ At other times, as previously mentioned,¹⁹ national policy changes dictate a rescinding of FmHA funds or the type of funding for a period of time; this can and has brought about structural changes,²⁰ at times an entirely different type of organization. Changing policies in BIA and EDA can also

cause delays and force changes. The user who has deposited from \$75 to \$250 as a tap fee becomes discouraged and withdraws his commitment. The leaders must be able to reassure these people or the RWD will die in the formative stage.

In at least one case the leaders attended a political rally for their congressman and, after the rally, told him of their inability to obtain FmHA funds. The congressman assured them that the money would be forthcoming, and in a short period of time it was. Though that case was unusual, it indicated the extent to which the leaders will go to assure the success of the RWD.

Funding, as an enabling linkage, changes course after the organization is formally set up and is actually in operation. The funding of the continuing operations of necessity must come from the users through the fees they pay. Although most RWDs in the three county region have had no difficulty so far, two of them have financial complications due to their original funding arrangements. Though funding did not cause a change in leadership, the future is tenuous.

In one case--Milburn, Oklahoma (JCRWD#1)--the RWD went into operation exclusively to serve the town. After a few years of operation, the well water began to leach iron into the system, making the water unpalatable to taste and unpleasant to smell. Unable to solve the situation by filtering the water (because such a solution was too expensive),

the RWD leaders began purchasing water from JCRWD#3. Though the arrangement provided satisfactory water, the costs were greater than the water cost from the RWD's own well. The increase in cost necessitated an increase in water user rates which made subscribers extremely unhappy. Subsequent elections resulted in several new members on the Town Council and also on the board of the RWD.²¹ The members of the board were unhappy with the new arrangement since they wished to control their own water destiny but were unable to do so since they had to purchase the water from the only outside source available.

In the other case, the Centrahoma Water Company, Inc. had originally had too few subscribers to obtain FmHA funding. In years past the FmHA calculated the number of subscribers by dividing the tap fee into the total amount deposited in the bank. Consequently, several of those who had already subscribed bought about fifteen additional "dry" taps.²² The additional taps brought the number of subscribers up to the appropriate amount. However, once the RWD was in operation the revenues produced proved insufficient because the "dry" tap subscribers paid no line fee or water user fee. Rates were raised, and although the RWD was making its FmHA payments on time, funds for operations and maintenance were deficient much of the time. Those interviewed felt that if fees were increased the subscribers would be dissatisfied and there would be changes in the leadership as a result.²³

Currently, FmHA insists that "dry" taps pay line fees after operations start.²⁴

Source of Water
(An Enabling Linkage)

The RWDs in the three county area obtain their water in two ways: by drilling their own wells or by the purchase of water from an existing city water system. To fully understand the complexities of water source, one also needs to understand the situation of small towns in the area.

Towns

Most of the towns in the three county region have their own water supplies or, as in Connerville, people have individual wells. An oil tanker truck spill in its supply lake recently forced Wapanuka to develop a new source from wells.²⁵ Tupelo, in Coal County, experienced problems with its water wells a few years ago and hooked into Centrahoma Water Company, Inc. Currently, Tupelo is again providing its own water from wells. As figure 1.2²⁶ illustrates, any of Johnston County's small towns may hook into JCRWD#3 in case of emergency and Milburn (JCRWD#1) is buying water from JCRWD#3 presently.

Each of the small towns has a long history, going back before statehood. An examination of that history usually shows that the towns were formed around a water source. According to one informant, the reason that there had been little growth in towns of less than seven hundred inhabitants

was that they were content to stay small and did not have the foresightedness to enlarge their water supplies which would have allowed expansion.²⁷

Lake Coalgate in Coal County is large enough to supply the entire county²⁸ if the distribution systems are put in place. There are already three RWDs in Coal County and two more in the process of formation.²⁹ All the Coal County residents interviewed felt that this would ultimately lead to the growth of the City of Coalgate.

Ada started expanding its water supply in 1910 with the purchase of Byrd's Mill Spring and the expansion has been a continuing city project. This is one of the principal reasons why Ada has experienced greater growth than any town in the area.

The source of water for most towns has been merely adequate. The leaders saw no future in expansion of the town and so no further steps were taken to obtain additional water unless the existing system failed. The water source to that extent dictated first the development of the community and secondly the lack of expansion of the community. JCRWD#1 and JCRWD#2 were formed to replace small community systems which had failed and as has already been noted, JCRWD#2 has led to population expansion of Mannsville, Oklahoma. Likewise, Phillips, Oklahoma (CCRWD#1) had its water supply fail and so organized an RWD to take advantage of the FmHA funding to link itself into the Lake Coalgate system. Phillips has

stayed about the same in population, but as new industry moved into Coalgate, some people built homes in the Phillips area.³⁰

RWDs Owning
Water Supplies

Of the fourteen RWDs covered in the three county region, only three, all in Johnston County, ever supplied their own water. As Milburn's water supply was contaminated, the town bought water from the newly established JCRWD#3. Mannsville, Oklahoma (JCRWD#2) had a good well and so far that well has continued to supply adequate water for a growing town.

While many of the residents of Johnston County live in small towns, 1970 census figures reveal that twelve hundred people lived on farms.³¹ There are now twelve hundred people being served by JCRWD#3.³² Though JCRWD#3 did not supply every farmer, it must have supplied water to a large number of the rural people living outside the small communities in the county. The RWD obtained a series of three wells about two or three miles south of Mill Creek, Oklahoma. During the first two years of operation over seventh million gallons of water were pumped and the RWD had applied and received permission to pump thirty-eight million gallons for the year 1979-1980.³³ To reach its large number of users the supply, located in the northwest quadrant of the county, virtually had to be distributed around the entire county

heartland.³⁴ The RWD surrounds the main city and county seat, Tishomingo, and could easily be linked to it and the other small towns. The leadership represents people from the western and eastern reaches of the county and really links people together in a way no one would have thought possible had there not been the quest for water. If the source had been located differently, possibly the one hundred and sixty miles of pipe would have never been laid and such a unifying of people would have never come to pass.

RDWs Purchasing Water

Of the fourteen RDWs covered, two now supply their own water but twelve purchase their water. In Coal and Pontotoc Counties, one central city in each, Coalgate and Ada respectively, supply the water. Coalgate has not been insistent on promulgating regulations for the RDWs concerning types of housing and its spacing, so the RDWs (which extend considerable distances from the city) have operated in much the same fashion as RDWs supplying their own water. Pontotoc County, perhaps the most developed in the state in water,³⁵ presented a completely different story.

The City of Ada was the source of water for all the RDWs in Pontotoc County. Ada has long had the most prolific water source known in the state. The city fathers seemed content to try and provide the amenities of city living to the city proper but have not annexed much surrounding area and, in fact, have indicated little interest in expanding the city limits.

The first two RWDs in Pontotoc County were formed to provide water to two independent school districts which could not survive without water. The city was using only six million gallons per day during peak periods of use in the summer and had proven reserves of ten to twelve million gallons per day going unused from its Byrd's Mill Spring. There was no reason for the city to refuse to supply water to people requesting it.

On the other hand, Ada, in the mid-1960s, was straining to provide adequate fire and police protection within the city limits and eventually it had the same problem with ambulance service. There was fear that if the RWDs were allowed to organize and obtain water that it just would be a matter of time before the city would be asked to annex the territory and then have the responsibility for installing all other city services as well as adequate water lines. With this possibility in mind, the city insisted that cast iron pipe, rather than PVC, be used in these first districts. In other words, city standards would be maintained in anticipation of annexation. Cast iron is still required within city limits, but with the formation of PCRWD#6, PVC was allowed for extensions beyond the city limits. In addition to the cast iron pipe issue, the city insisted that all housing on the water lines conform to city inspection regulations and that the city have final approval on any sub-divisions, requiring proper spacing between houses. In other words, zoning was in effect in the rural area.³⁶

The restrictions were undoubtedly designed to discourage expansion of the city through annexation. The cast iron pipe was more expensive than PVC and also more costly to install,³⁷ thus only the stout-of-heart would persist in demands for service. Despite the expense, however, those living just beyond the borders of the city continued to press for water and eventually the first four RWDs were built during the 1960s.³⁸ With a change of city manager and a city council change-of-heart, the other four districts were allowed to form and use PVC outside the city limits. The last three of these districts were master-metered (the city just bills the RWD for the gross amount of water used) and the individual RWD had to handle its own meter reading, billing, payments, and maintenance. The first four districts had had the city of Ada perform these services for them.

Ada, in the long run, found that the RWDs allowed increases of population in the rural area within a five mile radius of the city limits. Furthermore, the city had made considerable amounts of money from the sale of the water to the RWDs. In the case of the last three water districts, the city merely acted as a wholesaler. Perhaps the greatest benefit for both Ada and Coalgate was that a greater claim could be made under the beneficial use doctrine of appropriate rights, so the cities feel confident that they can maintain a greater control over their water source and the state will be less likely to try to ex-appropriate the water to other users.

In summary, the source of water for the RWD has much to do with the internal structure of the leadership. Whether or not the district is to be spread over a large area changes the complexion of the leadership. If the source of water is a substantial distance from the points of delivery, then the board will have to represent various communities of interest which makes cooperation that much more difficult (JCRWD#3, PCRWD#7 and #8 are good examples).

If the small towns in the area desire to expand, they have the choice of considerable capital expenditure to seek their own water source. Clearly, it is to their advantage to join forces with some nearby RWD at less cost and gain greater political clout when a claim to beneficial use of water is made.

In both Coal and Pontotoc Counties, the purchase of water from a central source not only gives greater political leverage on a beneficial use of water basis but can reduce individual user cost as the systems expand. The reduction of cost per user can be seen in the reduction of line fees on just PCRWD#4 from a graduated scale based on use, around \$50 per month line fee at peak use to a flat line fee of \$5 per month in 1978.³⁹ The effect on the internal and external structure of the RWDs in the case of purchased water is obvious, for the RWDs are to some extent beholden to the seller. Good relations and cooperation must exist. Those relationships can be tested severely when a major

water line breaks between the water source and the point of delivery.⁴⁰ Recriminations between sellers and buyers, city versus rural, leads to a temporary impasse; the solution is usually eventual cooperation and mutual sharing of the cost. Again, unifying of the rural and urban area is accomplished in a situation in which each had previously been united against the other.

Analysis

Oklahoma statutory law appears to have followed the desires of the polity in the case of RWD organization. For example, there is an apparent movement toward officials of several RWDs meeting together to solve mutual problems. Statutory law permitted county organization of RWDs, but this has been repealed recently and regional districts are now authorized by statute.⁴¹ Apparently, the legislature realized that the sub-regional planning organizations of the state, such as SODA, were accomplishing the objective of bringing RWD personnel together through such organizations as Water Committees. Oklahoma Rural Water Association (ORWA), though started to train operators of RWDs, was also accomplishing that same objective.

The enabling linkages, funding organizations and units that provide a source of water, certainly have an impact on the internal and external structure of the RWD. The internal structure has tended toward community coagulation, and, of course, the purchase of water makes the RWD

dependent upon the seller--a unifying element with people who previously had had nothing in common. Even the old towns, independent as they may be, are becoming aware that as they increase their demand for water, the water may have been already appropriated by the state⁴² and unavailable for their use. The necessity for establishing beneficial use is a concept to which the people in the region are just now adapting. The more people there are under one umbrella or organization, the greater use established under the appropriative water right doctrine. Of course, the same realization is established in the city/RWD link through purchased water. Again, unification around the water source is evident. A small, infant organization, the RWD, has through establishment of bridges of cooperation, developed the beginning of a superstructure of organization with itself at the base, thus insuring its institutionalization and continued political clout.

Intergovernmental Relations

RWDs will continue in existence, but in order for them to be considered truly institutionalized, they must establish a wider, communal responsibility than just mere survival. In a cause/effect relationship, the ingredient that had caused wider, communal responsibility is the threat presented to the RWDs by possible state or national government appropriation of RWD water for non-use. Due to that threat, the RWDs have been making contacts to enable them to unify on a greater scale than they have so far.

Regional

Some form of organization, regional and perhaps state-wide, is needed, which can pull people together as the RWDs themselves have pulled people together in a locally unified effort to obtain potable water. People with similar problems seeking similar solutions appear as the answer in the process of forming regional organizations.

In such a quest, many of the people interviewed attended meetings of federal officials and interested parties from the region set up by the Congressman from the Third District of Oklahoma, Mr. Wesley W. (Wes) Watkins.⁴³ At those meetings (in 1977; 1978; 1979; and January, 1980), various problems were discussed, among them the problem of potable water. Usually the water discussions were centered on easier ways of obtaining funding.⁴⁴ Farmers on rural water lines, county officials, city officials, SODA officials, ORWA officials, OWRB officials, Corps of Engineer officials, and Department of Agriculture (USDA) officials were in attendance. Through such meetings, people faced each other with their problems and found mutuality as well as differences.

Most of those people were fully aware that for any one of them to achieve his goals, he had to compromise some in order to obtain more of what he wanted. Such regional and state-wide meetings occurred with greater frequency⁴⁵ and culminated in December 15, 1980, with the Governor's Water Conference in Oklahoma City.⁴⁶ As the mutual problems

were faced and solutions sought, various organizations, some formal and some informal, began to spring up.

For example, SODA maintains a Standing Water Committee which suggests foreseeable water problems in the rural areas and possible solutions. State Senator James McDaniel (representing counties in this area) is included in this water committee, ex officio. Other members of the SODA Water Committee include: (1) the operators of Centrahoma Water Company, Inc., as Chairman of the Committee; (2) the chairman of JCRWD#3 as a member; (3) an Ada architect; and (4) other members who are also members of ORWA. The SODA committee is regional and encompasses people with contacts as far west as Duncan, Oklahoma. The committee makes policy suggestions to the Board of SODA. The committee states, for example, that: (1) multi-jurisdictional water supply and distribution systems should be encouraged and given priority by federal agencies like FmHA, SCS, BOR, and the Corps of Engineers; (2) Southern Oklahoma should develop a regional, wholesale water network; (3) SODA should prepare a base map indicating all existing systems for possible looping where possible; and (4) SODA should prepare to develop a program design for wholesale water distribution.⁴⁷

SODA is not the only regional organization involved. The Kiamichi Economic Development District of Oklahoma (KEDDO), another southeastern Oklahoma, sub-state, regional, planning agency, has been involved in co-sponsoring with SODA some

of the meetings of local people with federal officials that have been arranged by Congressman Wes Watkins.⁴⁸ People from these two sub-state, regional, planning agencies have joined with a third, Eastern Oklahoma Development District (EODD), to discuss their mutual water problems in an informal manner.⁴⁹ The point is that there is communication taking place that finally results in similar solutions being sought, especially concerning funding.

Local people are not standing still. Several Coal County RWD officials are having informal talks about joint concerns and have talked about forming a county organization.⁵⁰ These desires have been carried forward to SODA, resulting finally in the SODA Water Committee's recommendations. Pontotoc County is unified through the City of Ada which supplies water for all the RWDs. Problems of water supply brought on by drought in the summer of 1980 have resulted in divisions between the city and rural people, but all of Pontotoc County is unified in supporting Ada in acquiring additional water rights. Pontotoc County officials are spending more time before the OWRB and, consequently, looking for political support to legislate an amendment to the present law making it more favorable to cities. Johnston County officials are very aware of the benefits of regional distribution systems, since JCRWD#3 has been able to supply water to JCRWD#1. Furthermore, H. B. Ross, Superintendent of Water for the City of Tishomingo, states that he hopes to

unify the entire county by the city joining JCRWD#3.⁵¹ In Johnston County, there are already real possibilities of unification into JCRWD#3. The chairman of JCRWD#3 is also a member of the SODA Water Committee. In the three counties, there is a movement toward unification and wider regional organization to accomplish various objectives which are all subordinate to the main goal--provision of sufficient quantities of potable water to the people.

From the evidence presented that RWD personnel are interlinking through the formation of superstructure organizations, one might ask: Why are not these organizations more evident in the daily lives of Oklahomans? The answer is the crux of the matter and is two-fold: (1) There is no national funding of regional water distribution organizations; and (2) the state funding made possible by legislation in 1979 has never been used due to high national interest rates which preclude investors from making funds available.

State: Resolution
of Conflict

Observers of the Oklahoma water scene were surprised when the results of drought in the summer of 1977 revealed that two-thirds of the communities with mandatory or voluntary water rationing were located in the eastern half of the state.⁵² In the spring, 1979, session of the state legislature, the battle erupted into a dispute over two bills which semantically had opposing definitions of user water rights.⁵³

Although the bills passed in the houses in which they were offered, each met defeat in the other house.⁵⁴ During that legislative session, however, a bill was enacted whereby Oklahomans could provide their own financing for water projects up to \$1.5 million.⁵⁵

The 1979 investment fund addition to Oklahoma water law indicated the legislative desire to help small, local projects, but state funding was not available for larger projects such as the transfer plan offered by OWRB in 1975. Between 1975 and 1980, OWRB had apparently offered compromises to its original goal stated in its transmittal letter to then Governor David L. Boren: "We further recommend that the necessary legislative action be taken to implement this plan. . . ."⁵⁶ In 1980, the OWRB "foreward" to its revised plan said that the Oklahoma Comprehensive Water Plan is designed to accomplish the water-related goals of the State of Oklahoma by setting forth . . . a strategy for the orderly control . . . of the state's water resources."⁵⁷ The operable word promoting compromise was "strategy" rather than the former "implement this plan." On February 3, 1981, the state House of Representatives adopted the OWRB 1980 proposal.⁵⁸ Further evidence of compromise is the fourth paragraph of the OWRB transmittal letter to Governor George Nigh:

The Board concurs with the concern of many Oklahomans that eastern Oklahoma be assured an adequate water supply for industry, agriculture, and human consumption, not only for the present, but also for the near and distant future. Such concerns played a pivotal role in the Plan's formulation.⁵⁹

The compromise preserves for eastern Oklahomans the ability to develop economically and be assured that they can acquire the water needed for that development. Though easterners must maintain a vigil about the possible transfer of water from east to west, they are at least assured that there is place within the planning process for maintaining their rights. State funding may be available for small projects in the future, especially those of interlinking existing water systems, and so the additional, necessary enabling link is a source of funding large enough for major projects such as reservoirs and/or treatment plants. That effort is concerned with national funding endeavors.

National

Funding of RWDs has historically been handled by the FmHA since the early 1960s. BIA, HUD, and EDA have, in some cases, made supplemental grants to aid Indians, small towns or communities, and industrial development respectively. FmHA authorization by Congress enabled it to help individuals and small communities, first up to five thousand but now up to ten thousand. FmHA was never authorized to invest the large sums of money necessary to build reservoirs and the treatment plants necessitated by the raw water in them. The state funding plan was obviously not sizable enough to accomplish that task either.

The RWD leaders through their contacts with regional organizations and their congressmen have discussed such

funding with state and national officials of the SCS, BOR, and the Corps of Engineers. Congressman Watkins has been instrumental in having an experimental treatment plant built on the McGee Creek site in Atoka County, constructed under the auspices of BOR. That project is to be completed in 1984 or 1985 and the water from the treatment plant will be sold to local and regional users on a usage basis. The cost of the project will be born by the BOR.⁶⁰ Under this arrangement the distributing agency would be the BOR and the beneficiaries would be Oklahoma City, City of Atoka, Atoka County, and SODA, with reserves to go to other local organizations as necessary.

Two other reservoirs of significance are planned in southeastern Oklahoma, namely Parker and Tupelo.⁶¹ Though these projects are still in the planning stages, future development might include treatment plants similar to the McGee Creek project. The major construction costs would be paid by the national government through the Corps of Engineers and BOR. Once those costs are eliminated, cities and RWDs could fund distribution systems either through the state, FmHA, or bonded indebtedness. The future of eastern Oklahoma depends on such funding and the political force of the RWDs has certainly had its impact on this development due to RWD leaders' connections with both state and national officialdom.⁶²

Conclusions

Obviously, the interfacing of various organizations in southeastern Oklahoma through member personnel is bringing about an awareness of regional needs and, consequently, a need for regional organization. The basic enabling linkage is funding. The political scene regarding funding is confused, but at issue is the conflict between those who now have potable water and wish to retain their future rights to it against those who have an immediate need for it. The right is not necessarily one that can be easily granted, for the ramifications are many. Really, what people want is an assurance of potable water on a continuing basis and that if they run out of water, they can get more. "Transfer" appears to be a scare word at this time and there are those who prefer to use the word "distribution."⁶³ However, others say that there is no real difference; if you are "distributing" water, you are "transferring" it from one place to another.⁶⁴ There does, however, appear to be the connotation of "take away" when one refers to "transfer."

The problem is not one for southeastern Oklahoma alone, nor for the state itself.⁶⁵ It is well known that the states of Texas and Colorado are having the same problems, as are other areas of the United States. To keep all the water of the Mississippi River available to the people at its place of origin would, in 1981, be ludicrous. It is likewise ludicrous to say that New Orleans, Louisiana

ought to get all Mississippi River water and deny the place of origin any water.

Due to the funding authority of FmHA, the RWDs are built to satisfy the water demands of small numbers of people. Thus many times, to be involved in regional distribution systems, the water lines of rural districts have to be enlarged. FmHA is not presently authorized to handle such capital investment. Present policy directions indicate that the necessary capital will probably be combined from both state and national government sources. What local people fear is that, if the authority is taken out of their hands, water policy may be implemented which may be harmful to the localities. The RWD experience has convinced them that they are capable of organizing and doing the job themselves if given adequate funding. A farmer with an eighth grade education, who is also on the Excise Board of his county, realizes that if land is taken out of production for the sake of reservoirs, tax dollars will be lost, making funding on a local basis even more remote than it is today and possibly destroying present services. If the place of use is forced to pay the taxes the land would have brought in, that plus the possible sale of water could increase revenues and make more local funding possible. On the other hand, such a tax burden on the user would make the transfer of water financially inadvisable. The necessary tax dollars from the state would spread the burden. Though some believe that water should be transported

for irrigation, the cost-benefit ratio so far established makes that impractical. Potable water transfer would not entail the political war that irrigation water transfer would, although in either case the political conflict will not be easily surmounted.

To insure the institutionalization of the RWDs, a continuing progression toward regionalization must be shown. They are headed in that direction, but the enabling linkages to accomplish the regional organizations necessary for the future offers a not inconsiderable political problem made more difficult by the attitude of the people in the area of water origin. That attitude is formed by many years of experience and cultural formation, and in all probability it will take many years to overcome, despite the urgency of the times concerning the issue of potable water. Organizationally, the state has provided for regional organizations, but funding appears as the present stumbling block and the source of future heated, political debate.

Notes

¹Oklahoma Statutes Annotated (1972), Title 82, chapter 18, section 1324.4.

²See chapter 3, pp. 81-85, *infra*, in which a detailed description is offered of the early formation years. Note that the petition, newspaper filings, and other legal matters did not occur until 1976, at least two years after the founders decided to try to establish the RWD.

³Oklahoma Statutes Annotated (1972), Title 82, chapter 18, section 1324.5.

⁴*Ibid.*, section 1324.6.

⁵See chapter 3, *infra*.

⁶Oklahoma Statutes Supplement (1978), Title 82, chapter 18, for the most current law.

⁷Oklahoma Environmental Reporter, September 13, 1978, p. 2.

⁸Johnson interview.

⁹Commission on Rural Water, "State and Federal Practices in Rural Water-Sewer Development," pp. 71-72.

¹⁰*Ibid.*

¹¹Johnson interview.

¹²Interview with J. T. Bridges, Operator and former Board Member, Centrahoma Water Co., Inc., Centrahoma, Oklahoma, June 20, 1979 (Hereafter cited as: Bridges interview.); McDonald interview; and interview with Lawrence Stutte, Operator and former Chairman, Clarita-Olney Water, Inc., Clarita, Oklahoma, June 13, 1979 (Hereafter cited as: Stutte interview.). According to these interviews, this was the case in Centrahoma Water Co., Inc., Clarita-Olney Water, Inc., and PCRWD#6 (Fittstown).

¹³This comment was advanced by every source interviewed.

¹⁴See chapter 3, pp. 84-86, *infra*; the founder would not compromise with PCRWD#1 and, therefore, he was initially defeated in his quest.

¹⁵Todd interview. During the interview, Todd said that the only reason that PCRWD#5 was privately funded was

that he could not obtain an actual four users per mile to meet FmHa prerequisites, even though he averaged more than enough users per mile.

¹⁶Oklahoma Statutes Annotated (1972), Title 82, chapter 18, section 1324.7.

¹⁷Johnson and Steele interviews.

¹⁸This happened in the forming of PCRWD#6.

¹⁹See p. 107, *infra*.

²⁰*Ibid*.

²¹Interview with James McGlocklin, Operator, JCRWD#1, Milburn, Oklahoma, June 4, 1979 (Hereafter cited as: McGlocklin interview.); interview with Etcyl D. Osborn, Board Member, JCRWD#1, Milburn, Oklahoma, June 4, 1979 (Hereafter cited as: Osborn interview.); interview with Ms. Augusta Phiifer, Board Member, JCRWD#1, Milburn, Oklahoma, June 4, 1979 (Hereafter cited as: Phiifer interview.); and interview with Johnny F. Robinson, Mayor of Milburn and Chairman of JCRWD#1, Milburn, Oklahoma, June 4, 1979 (Hereafter cited as: Robinson interview).

²²A "dry" tap is one which the subscribers purchase to have water at a later date but do not anticipate using the water when the RWD goes into operation; a "wet" tap fee is paid by those who anticipate using the water as soon as it is turned on.

²³Bridges interview; interview with A. A. Howell, Secretary, Centrahoma Water Co., Inc., Tupelo, Oklahoma, June 12, 1979 (Hereafter cited as: Howell interview.); Johnson interview; and interview with Pat Thomas, Chairman of Centrahoma Water Co., Inc., Coalgate, Oklahoma, June 15, 1979 (Hereafter cited as: Thomas interview.). The information was compiled from all these interviews. The officers of this RWD had changed over the years due to the death or retirement of several older members.

²⁴Taylor interview.

²⁵Interview with Lyndel Whitworth, Assistant to Congressman Wesley W. (Wes) Watkins, Ada, Oklahoma, July 25, 1979. (Hereafter cited as: Whitworth interview.)

²⁶See p. 10, *infra*.

²⁷Steele interview.

²⁸OWRB, 1975 Oklahoma Water Plan, section IV, Southeast Region, p. 11.

²⁹Howell interview.

³⁰Interview with Ed Farley, Chairman, CCRWD#1, Phillips, Oklahoma, June 12, 1979. (Hereafter cited as: Farley interview.)

³¹U.S., Department of Commerce, Bureau of the Census, Census of the Population: 1970, vol. 1, Characteristics of the Population, pt. 38, Oklahoma, table 43, Summary of Social Characteristics by Counties.

³²Harbert interview.

³³Ibid.

³⁴See figure 1.2, p. 10, *infra*.

³⁵Abbott interview.

³⁶Compiled from the following interviews: interview with Ralph W. Delaney, Consulting Civil Engineer, Ada, Oklahoma, July 13, 1976 (Hereafter cited as: Delaney interview.); interview with George E. Gurley, Editor, The Ada Evening News, Ada, Oklahoma, June 7, 1976 (Hereafter cited as: Gurley interview.); and Long interview. Information also extracted from contracts between the City of Ada and the RWDs.

³⁷Michael D. Campbell and Jay H. Lehr, Rural Water Systems Planning and Engineering Guide (Washington, D.C.: Commission on Rural Water, 1973), table 18, p. 85.

³⁸See chapter 5, pp. 162-66, *supra*.

³⁹Interview with Mary (Mrs. Louis J.) Hazlewood, Secretary-Treasurer, PCRWD#4, Ada, Oklahoma, June 26, 1979 (Hereafter cited as: Hazlewood interview.); the water is paid separately as a per 1,000 gallon rate.

⁴⁰Such a thing happened in Ada in 1974. The problem is: How to pay for a new water line? In Ada, a vote on increased sales tax rejected the proposed tax; the final solution was to increase all water rates; thus, the rural users and city users would pay equally.

⁴¹Oklahoma Statutes Supplement (1978), Title 82, chapter 17.

⁴²The tendency has been for each person to use more water, especially when automatic dishwashers, washing machines, etc. are considered.

⁴³Clifford and Howell interviews. Clifford presented a letter of February 8, 1978, which he wrote to Mr. Gordon Cavanaugh of the FmHA which resulted in a special meeting at Murray State College on November 28, 1978, between local officials and FmHA officials.

⁴⁴Whitworth interview, January 8, 1981.

⁴⁵Thirteen of those interviewed attended the meetings and attested to their value. Information was freely exchanged between the Washington officials and the local officials. Frequency of the meetings was confirmed during interviews with Lyndel Whitworth.

⁴⁶Oklahoma, The Governor's Water Conference, Water: The Issue of the 80s (Oklahoma City: Sheraton Century Center and Skirvin Plaza Hotel, December 15, 1980).

⁴⁷From a document, SODA Water Committee, Recommended Policy Statements, submitted by Clifford during interview.

⁴⁸Whitworth interview, January 8, 1981.

⁴⁹Interview with Leonard Briley, City Manager of Ada, Ada, Oklahoma, September 15, 1980 (Hereafter cited as: Briley interview.).

⁵⁰Bridges, Farley, Howell, and Thomas interviews confirm the informal talks. County organizations were discontinued under state law, but regional organizations are possible under Oklahoma Statutes Supplement (1978), Title 82, chapter 17.

⁵¹Interview with H. B. Ross, Superintendent of Water, City of Tishomingo, Tishomingo, Oklahoma, June 13, 1979. (Hereafter cited as: Ross interview.).

⁵²Tapscott, "State resumes war over water," p. 2a.

⁵³Eastern Oklahoma Development District Water Resources Committee (A. G. Bradford, Coleman Fite, Martin Hager Strand, L. V. Watkins, and Perry Wheeler) to Senator James W. McDaniel, State Capitol Building, Oklahoma City, telegram, May 28, 1979. James W. McDaniel, Oklahoma State Senator, Oklahoma City, to Eastern Oklahoma Development District Water Resources Committee, Muskogee, letter, May 30, 1979. The subjects of the controversy were two bills: (1) Senate Bill No. 25, "Oklahoma Water Development Act," offered by Senator James W. McDaniel, Dist. 13, and Representative Roy B. Hooper, Jr., Dist. 64, 1st sess., 37th Legislature (1979); and (2) House Bill No. 1460, "Oklahoma

Water Development and Conservation Act," offered by Representative Don Mentzer, Dist. 2, 1st sess., 37th Legislature (1979). The controversy threatened to end all national government involvement in water projects according to: Robert H. Weimer, Southwest Regional Director, Bureau of Reclamation, U.S. Department of the Interior, Dallas, Texas, to the Honorable George Nigh, Governor of Oklahoma, letter, May 18, 1979.

⁵⁴Clifford interview.

⁵⁵Oklahoma Statutes Supplement (1979), section 1085.23 (investment fund), and section 1985.24 (\$1.5 million limit).

⁵⁶OWRB, 1975 Oklahoma Water Plan, p. xii.

⁵⁷OWRB, 1980 Oklahoma Water Plan, p. i.

⁵⁸News broadcast, February 3, 1981, KADA Radio, Ada, Oklahoma, which said that the Oklahoma House of Representatives had adopted the OWRB, 1980 Oklahoma Water Plan.

⁵⁹OWRB, 1980 Oklahoma Water Plan, p. ii.

⁶⁰*Ibid.*, pp. 80, 82.

⁶¹*Ibid.*, p. 86.

⁶²The previous section of chapter 4, Intergovernmental Relations, pp. 124-32, *infra*, is the attempt in this study to operationalize Deil S. Wright's conceptualization of IGR in Understanding Intergovernmental Relations as described in chapter 2, pp. 60-64, *infra*.

⁶³Clifford interview.

⁶⁴Interview with Dave Roberson, Operations and Maintenance Consultant, Oklahoma Rural Water Association, Ada, Oklahoma, August 7, 1979. (Hereafter cited as: Roberson interview.)

⁶⁵"U.S. Water Resources," pp. 8-12.

CHAPTER 5

LEADERSHIP AND THE DEVELOPMENT OF AN IDEOLOGY

Introduction

Leadership is thought to be the controlling, institutional variable by several IB scholars.¹ Yet, one is given to wonder about that particular point, for if the goal of the organization is in itself so powerful that it can on its own command men, may not the goal be the most important of all variables? Goal

. . . is the most elusive of the institution variables. It is the expression of what the organization stands for, what it hopes to achieve, and the styles of action it intends to use. Men are motivated to act partly by the expressions of ideas and symbols. Clear, consistent, confident, and oft-repeated expressions of doctrine can develop consensus on common objectives among members of an organization, establish the premises for effective communication, develop a strong sense of collective purpose of cohesion, thus increasing both the satisfactions of its members and the effectiveness of the organization in dealing with the external environment.²

The goal for an RWD, put as simply as possible, is the acquisition of a commodity, potable water. Though

southeastern Oklahoma is not really part of the desert Southwest, it is definitely part of that area rimming the desert and so the consequences of arid, climatic conditions on life style are well known to the people of the area.³ Therefore, goal is at least as important as leadership because it is the device that the leaders use to motivate the citizenry.

This chapter first discusses leadership of the RWDs and the external influences exerted by the professionals whom the leaders hire. The contacts with state and national organizational personnel also aid the RWD leaders to expand their horizons to the multiple goals of the RWDs. The chapter then turns to a discussion of the RWD goals, for their achievement marks the way to the development of an ideology. The ideology consists of area survival interpreted by local people in that manner when they are confronted with the possible exappropriation of "their" water.

Leadership

RWD Leadership

The leadership involved in forming an RWD compares well with the description of leadership involved in IB,⁴ for it is the most important institutional variable other than goal. Various attempts have been made to identify leaders and all have their imperfections.⁵ This study likewise has its imperfections, but the realities of the case studies

resulting in conclusions about the types of individuals involved and modus operandi are an offset to what might be considered methodological imperfection. This study can be classified as using positional penetration, since inquiries were made first with those people in a position to know who was involved in the founding of RWDs in the counties and also who were current officers. Contacts were made with founders and current officers to obtain detailed information pertaining to the institutionalization of the RWD.

George E. Berkley says that "[l]eadership is to a great extent determined by the needs of the situation."⁶ He indicates that different types of situations demand different types of leaders.⁷ Situational leadership best characterizes the leaders of the RWDs.

Background

Of thirty-seven interviews conducted, age was obtained in twenty-six.⁸ These twenty-six people represented ages ranging from 35 to 72. The age of those interviewed appeared older than normal for the three county area, the state, or the nation.⁹ The significance of age appeared to be that more of the leaders were retirees and, therefore, had the necessary time to talk to potential subscribers. Those interviewed were asked how much formal education they had had and that really appeared as more significant than age.

The leaders of the RWDs had attained a mean, formal education level of 14.4 years. This, when compared to the most recent census figures, revealed that the formal educational level of the leaders was 16.6 percent higher than the nation and state, 33.4 percent higher than Pontotoc County, 42.8 percent higher than Johnston County, and 27.4 percent higher than Coal County.¹⁰ When one considers that the average age was older than normal for the area and that Oklahoma residents in that age group were notoriously low in educational level in years past, the educational level became a major variable differential for RWD leaders.

Table 5.1 shows the occupations of the RWD leaders interviewed for this study. To further break down the table, the "retirees" include five former members of the armed forces, one federal employee who was also a former sheriff of Coal County, one electronics engineer who serves as operations manager, one retired businessman who serves as operations manager, one construction worker, and one rancher. "Construction" includes an operations manager who formerly worked in water line construction, a general contractor, a speculative builder, and a construction superintendent. "Businessman" includes a banker, auto dealer, car wash owner, a bookstore manager, a furniture store owner (all the former in Pontotoc County), and two grocers. "Other" includes five public employees (including one state legislator, one federal water laboratory supervisor, one director of public housing,

Table 5.1
Occupation of RWD Leaders Interviewed,
by County and RWD Number

County #	Occupation						
	Retiree	Rancher/ Farmer	Construction	Businessman	Realtor	Housewife	Other
Coal							
#1	2						1
#2	1	1					1
#3		2					
Johnston							
#1	2						2
#2	1			1			
#3	2	1	1				
Pontotoc							
#1				1		2	2
#2					1		1
#3			1		1		
#4				1		1	
#5			1				
#6	1			1			
#7	1			2			
#8			1	1			
Total	10	4	4	7	2	3	7
Percent	27.0	10.8	10.8	18.9	5.4	8.1	18.9
N = 37							

one employee of a county treasurer's office, and one public school official), one telephone company employee, and one operations manager. The other categories are self-explanatory.

From the general description of the organization of an RWD,¹¹ it is apparent that one of the ingredients that someone involved in an RWD must possess is time. Retirees and ranchers/farmers (depending on the time of year) would have the necessary time to talk to people and convince them of the necessity and feasibility of an RWD. Furthermore, businessmen, housewives, and realtors could usually find more time to accomplish the accumulation of public support than could most people employed in regular jobs. Businessmen in small communities, especially grocers, would see most of the people of the community within a month's time and, therefore, would be well situated to perform similar tasks. Grocers were the main promoters of the RWDs formed in three small towns in the three county area.¹²

Summary

With few exceptions, the founders and leaders of the RWDs who were interviewed had lived in the area all their lives. The retired servicemen and women had returned home after having been in the service anywhere from twenty to thirty years. Although they were veritable strangers, they felt impelled to do something for the people of the area so they could join into the spirit of the community. As one man put it:

I came home. . . . I had a need of my own and realizing the potential need of everybody in the county . . . and too I felt a kind of a need to contribute something in the way of time and effort. I had been traveling over the country and never settled in a community . . . never really felt that I was a part or belonged and here was an opportunity to give a little time to help myself and then help everybody else, too. So . . . this is one of the things that caused me to become interested in it.¹³

Although that public spirited sentiment was not expressed by all the former service personnel, there was evidence that this was the way they, too, felt. The sophistications of the day, however, prevented most of them from saying it as forthrightly as did that gentleman.

As indicated by the occupations listed in table 5.1, those involved in forming RWDs were people whose roots were sunk in the community. Their businesses were such that they were usually well known. Ranchers, for example, typically dealt with the county commissioners on a variety of projects, including roads and the necessity for water. Such an inter-link was provided one rancher when a county commissioner told him about FmHA financing during the course of conversation. Construction people were continually involved with city inspectors (in the case of Pontotoc County) as well as the necessary permits from the county commissioners whenever they were building in the rural area (the movement toward rural living definitely got started in earnest during the mid-1960s). Small town grocers would see many people passing through their stores and they could talk to the people about

the possibility of forming an RWD, to say nothing of the various county officials who would visit with them during the course of a month. Also, they would be in contact with each other due to the nature of their occupation.

The very nature of the various occupations (especially ranching, farming, construction, and real estate) necessitates heavy financing and many times long term financing either with local banks, with farm credit organizations, or with the FmHA. These sources would know about the possibility of financing RWDs through FmHA, especially since the capital would be forthcoming from outside the area and thus add to the area's prosperity. To sum up, the occupations of the founders and leaders spoke to the interlinks with the greater society necessary to satisfy the institutional variables leading to institutionalization.

Professional Influence

In each and every RWD, the engineer and the attorney were significantly influential. In many cases, the county commissioners were the catalysts for the founders for the commissioners knew at least one, if not both, of the people who had the necessary information to be of great help. It could be said that the founders, through contact with the county commissioners, had established at least one enabling linkage contact and were in the process of establishing contact with the professionals absolutely necessary to carry the RWD to fruition.

The Engineer

At the initial stage of formation, however, the most important person was the engineer, for he acted to supply details as to what could be expected from the FmHA and the technical knowledge of feasibility as well as the knowledge of a possible source of water (whether it was purchased supply or drilled supply). The engineer really provided all the technical knowledge about forming the RWD, from the human resources necessary to organize the RWD, through the acquisition of public support and financing stage, and finally to the actual construction. As one source said:

It's a big problem to get one of those things started. First of all, no one really knows what to do. And you feel like there's a need for water in the area but you don't know what to do to get it. . . . The engineer is counselor . . . he knows more about what's happening than anybody . . . your engineer can kill you. He's guiding every step, telling you what to do.¹⁴

The engineer, due to the fact that he had worked in the area for a long time and knew several people, went so far, in several cases, as to inform the leaders of one another and encourage them to get together to see what the possibilities were. He had to be a person perceptive in human relations, for he tried to push the leaders to choose among themselves the ones who could best talk to people and generate public support. He, many times, handled preliminary contacts with the FmHA agent and invited the agent to preliminary meetings so that the leaders could find out just what was necessary. He worked with the leaders concerning the essentials of what

they would say to people to obtain public support, making them always aware that easement rights were necessary even if the potential user did not want to subscribe.¹⁵ One engineer even deferred the acceptance of his fee so that the water district could purchase some equipment necessary for maintenance.¹⁶ In many respects, the engineer projected or infused his knowledge into the leaders so that they could actually carry the whole project through; he cajoled and encouraged when the road got bumpy.

The Attorney

The attorney, one willing to attend all the preliminary meetings of the RWD leadership and explain all the legal ramifications, was next to the engineer in importance as a human resource to the RWD leaders. While the attorney in several RWDs was suggested by the engineer, in Pontotoc County one young attorney, early in the history of county RWDs, had handled the legal matters of PCRWD#3. Because he had done a good job, the FmHA agent, the county commissioners, and the engineer touted his services when asked. Subsequently, he became the attorney for four additional RWDs in Pontotoc County and two in Coal County. Very recently, he became the attorney for the newly formed PCRWD#9 and, if callers to the Pontotoc County FmHA agent ask about some legal matter, the agent or his secretary will refer them to this attorney.

The attorney not only handles the legal matters, but he also contacts the county commissioners to see if they

are receptive to the formation of the RWD. Furthermore, if water is to be purchased from a city, he handles preliminary negotiations; if it is to be drilled wells, he handles the permits (this is also the case with purchased water) necessary from the OWRB as well as legal matters concerning the well site. Although the leaders in their contacts with people to become subscribers obtain the signed easement rights, the attorney must check each through county records to assure their correctness. He becomes a primary human resource of informational inputs to the leadership, second only to the engineer. As one source said: "You are totally in the hands of your engineer and attorney."¹⁷

Community to Community

In some cases, where the water line of the RWD was to be exceptionally long, the RWD actually linked together several small communities. For example, PCRWD#8 included parts of Latta, Center, Oil Center, Vanoss, and Gaar Corner, all identifiable communities in western Pontotoc County. The leadership originated in Latta but had to include people from each of these communities. Centrahoma Water Company, Inc. was another example of similar proportions. Normally, these small, unincorporated communities were centered around a school to serve the rural people. Some of these communities were founded prior to statehood¹⁸ and have built a strong community identity through the athletic competition of their schools. These communities had only grade schools, but

eventually a high school had to be built for several communities. The community that received the high school was the envy of the other communities. These factors resulted in "feuds" and antagonisms between and among communities that continue to this day.¹⁹

In the choice of leaders from each community, great care had to be taken. The engineer was usually the person who had been talking to those who wanted water in the area, so he normally suggested that the leaders contact one another. He not only had to be careful whom he picked, he also had to be careful as to the location of the meeting.²⁰ In most cases, the desire for water superimposed itself over the feud, but not always. The lack of trust and the feeling of envy continued to split Tupelo, Oklahoma, and Centrahoma, Oklahoma.²¹ In an emergency, Tupelo hooked into the Centrahoma Water Company, Inc. (which was really a water wholesaler and not associated in any manner with the town of Centrahoma) for water, but voted to drill more water wells and maintain its independent status. The normative linkages developed in those circumstances had to be created with great care and perception. In the case of PCRWD#8, the communities were successfully brought together to form an RWD and there was at least one person from each community on the board of directors.

Another case, PCRWD#5, resulted in the RWD breaking apart. Originally, the RWD was to encompass an area southeast of Ada known as Ahloso Y. Ahloso Y residents had,

several years ago at their own expense, installed a water line and hooked into the City of Ada. However, over the years and with additional community development, the line (four inch) became inadequate and the City of Ada refused to allow more users on the line. PCRWD#5 was formed to handle Ahloso Y as well as the Lakewood Addition, but one person felt that there was no need for a new line. That one person was able to accumulate support to the extent that, even though the FmHA loan money was in the bank and contracts were to be signed, the RWD was disbanded on the night the matter was to be finalized. One of the principals finally financed his own water line to the Lakewood Addition, but the Ahloso Y situation continues muddled.²²

State and National Organization Influence

The RWD leaders are informed by both the engineer and the attorney about the fiscal and legal responsibilities that are entailed in the process of setting up an RWD. Through These two professionals or through the county commissioners, the RWD leaders make contact with the local FmHA agent. At that juncture, the agent spells out to the leadership the prerequisites of the FmHA and at times indicates other sources of money. Contact is then usually made with one of the sub-state, regional, planning agencies to obtain information about additional funding.²³

Through contact with SODA (or its counterparts) the RWD leaders are influenced to contact the necessary federal

agencies that might supply money for economic development, EDA, or for community development, HUD. The job of the people at a sub-state, regional planning agency is to help people like the RWD leaders to obtain the necessary contacts with federal agencies to accomplish the task or goal they have set out to accomplish.²⁴ Through such an agency as SODA, if one of the Indian tribes has not already been in touch with the RWD leaders, they would be informed of the possibility of obtaining funding for Indian housing through BIA or the Indian Health Service. The negotiations are conducted with the Indian tribal headquarters and the Indians in turn handle their own financing.]

Depending upon the situation of the RWD, the leaders would be involved in contacting various other state and national agencies. The intricate pattern of contacts is woven by both state and national officials encouraging the RWD leaders in the development of the RWD so that it can furnish the best possible service for its users. The state and national officials usually know each other and further inform the RWD leaders of possible regional, state, and federal water development plans.²⁵ The plans can make the RWD leaders aware of the necessity of obtaining further water sources and water financing into the future. The plans can also scare RWD leaders by indicating possible expropriation of water by others. These possibilities further galvanize the RWD leaders into action.

Analysis

Leadership is certainly important to the establishment of an RWD. One could say that the engineer is leading people around by the nose, but his advice must be sound, for if it is not, then he does not get paid.²⁶ The leaders must have the desire to obtain drinkable water and that goal has previously been analyzed as permeating the mind of each rural resident as a prerequisite to living the "good life." That desire is so firmly entrenched in the minds of rural residents that the engineer is merely titillating the leaders with feasibility of achievement.

The leaders represent the basic human resource of the institution; the engineer and the attorney represent supplemental human resources because they bring to the combination the ingredient of technical information. The leaders bring the necessary resources of time and linkages to the community-at-large. They link to the county commissioners, the city officials, and many times the FmHA agent, all of whom are the enabling linkages to the organization of the RWD. The leaders are the functional linkages of the organization, for they supply its initial inputs and are a part of and relate to the user group that must be aggregated. They are merely the most highly motivated of users. Linkages to other community organizations are not highly developed and need not be, because the individuals in these organizations have for years been indoctrinated about the value of potable water to their way

of life. As long as the formation of one RWD does not detract from the supply of water available to other individuals, they would not block the quest.

In only one case was such a quest blocked and then the difficulty was prompted by economic considerations. The Ada city manager, who hindered the formation of RWDs in Pontotoc County, was not a native of the area and objected to the RWDs because he did not want to place additional financial stress on Ada to supply services to the rural area. This prevented PCRWD#1 from serving PCRWD#7.

Other linkages, such as newspaper editors, reflect the norms of the community and are likewise committed to the goal. Newspaper editors in the area have, in fact, become laudatory of the RWDs.²⁷ If newspaper editors are considered as leaders of public opinion, then they are diffuse linkages influencing public acceptance of RWDs. In other words, goal infects diffuse linkages and is reinforced by public opinion leaders of the area.

In conclusion, the leaders and the RWD are one and the same and are so identified by the society-at-large. They are the transactional agents and represent linkage support mechanisms many times as well as institutional variables. The internal structure of the institution, while being built, is inconsequential and the leaders consider each other as co-equals in the task at hand.²⁸ Only after the institution is formally organized does the internal structure begin to

make any difference. Even then, due to the fact that the founders are usually the officers and remain so for a considerable length of time, the atmosphere remains collegial rather than competitive.

The RWD leaders' role is even more enhanced by the intricate web of political contacts they have made with various state and national agency people. Any newly elected officer would have to learn about these contacts and eventually be as competent as the RWD leaders have become through their working through the maze of officialdom to obtain the necessary water and financing to insure the RWD of success. In the terms of George E. Berkley, the situation produces the needed type of leader²⁹ and in all probability the unique nature of the RWDs' goals produces the unique type of leader involved in them.

Goals

As already stated at the beginning of this chapter, the provision of potable water in Oklahoma has an aura about it and no one doubts its necessity. The final goals, primary and secondary, of an RWD become so important that they lead eventually to the formation of an intricate political web of personal contacts and an ideology surrounding the development of water resources in southeastern Oklahoma.

Primary

In 1935, the Soil Conservation Service (SCS) was created as part of USDA to help the residents combat the soil

erosion which led to the dust bowl. "Rows of trees were planted to check the wind and break up dust storms, and thousands of tanks and reservoirs were constructed to hold future run-off of surface water."³⁰ Southeastern Oklahoma became a major water holding area. Finally, in the 1960s, the financial and organizational mechanisms were put in place to help people obtain drinkable water in rural areas.

Potable water controls the type of life led in rural areas. Currently, the southeastern region of Oklahoma is provided with electricity, telephone service, and natural gas through various utility companies. Rural people who have these amenities of life would, of course, like to have indoor toilet facilities but, without good wells or other source of water, such facilities are still conveniences rather than necessities in some areas.³¹ Presently, the normal automatic washer uses about ten gallons of water through each one of its three cycles. A person whose well only produced fifteen gallons of water per hour will take about three hours to do a normal washer load of clothing.³²

A modern way of life is next to impossible without large amounts of water; consequently, an adequate living standard is equated with the urban rather than the rural setting. Rural people, who already have many amenities, now demand the necessary water for the conveniences they have hitherto been forced to forego. Southeastern Oklahoma has water in abundance but it is not always potable and not always located

where the user desires it. The main problem is a distribution system to transport the water where it is needed.³³

Water pollution in the area, caused by waste water runoff from cities and industry plus the invasion of fresh water supplies by salt water used in tertiary methods of oil recovery throughout the region, results in contamination of shallow groundwater supplies. Rural residents and their septic tanks also cause a large amount of water pollution. In some areas of the region, contamination has occurred so regularly since the 1950s that people had lost hope of ever having drinkable water in sufficient quantity.

With the advent of RWD systems during the 1960s, the means became available to distribute water. Local residents, however, were skeptical that these problems would really be solved. The founders of RWDs have said time and again that:

. . . after people saw the water line coming down their road, they would come to me and want on the line. Initially, however, these same people doubted that the water line would ever come through and this is the point at which I would have to convince them that the project was possible.³⁴

Perhaps the most difficult people to convince were those who had lived in the area for many years. People who had recently moved to the rural area had long accepted the city or town water supply as a necessity supplied. When they moved to a rural area and were confronted with water problems, they frequently became the leaders in a movement to obtain potable

water for rural residents.³⁵ Aside from the primary goal, there occasionally emerged secondary objectives.

Secondary

The secondary goals include two categories: economic and emergent. The economic goals are perhaps the most obvious and will be discussed first; the emergent goals are involved with the potential of the organization of RWDs into new and additional structures, largely covered in chapter 4, but at least to be mentioned here under "goals."

Economic

Any community which can assure its people that they will have the continued use of a necessary resource such as water is hoping for economic payoffs. The economic payoffs may be involved either in the maintenance of the status quo in which everyone is assured that the bottom will not drop out of the economic well-being of the community, or in the continued economic progress of the community by evidence of more jobs, additional income, and population growth.

Johnston County

Basically, the leaders of RWDs were not in overt pursuit of economic advantage by the establishment of RWDs. The primary goal, potable water, was the overriding consideration.³⁶ Truly, this was the case of Milburn, Oklahoma (JCRWD#1) which has stayed about the same in population since the RWD was founded in 1966. JCRWD#2 (Mannsville, Oklahoma)

experienced substantial growth in population due to the addition of a water system.³⁷ However, that growth was due mainly to its becoming a bedroom community for Ardmore, Oklahoma. Various people employed in new industry located in Ardmore moved to Mannsville and the town has just about doubled in number of residential families since the RWD started in 1967.³⁸ Without a doubt, the RWD contributed to Mannsville's growth, for it assured people that they could live in a small town and enjoy the same convenience as a larger city.

JCRWD#3 posed a completely different picture, for it truly serves a rural area. One of the founders said that no economic advantage was desired, rather the hope was that several rural residents would be supplied with drinkable water who had not been able to have a good supply of water in the past. However, several new homes are being built on the water line in JCRWD#3 and recently there has been talk of cattle feeder lots and a chicken raising operation being added to the line.³⁹ JCRWD#3 installed commercial size pipe between Ravia and Mill Creek, Oklahoma, because there was already commercial development there including the quarrying of sand, dolomite, and limestone. The founders and members of the RWD did not project any great economic development of the area and still do not feel that there will be any great commercial boom--the primary object was drinkable water for rural people.

Coal County

Coal County was in much the same circumstances as Johnston County. CCRWD#1 was formed to serve the community of Phillips, Oklahoma, just south of Coalgate, Oklahoma. CCRWD#1 started in 1964 with some forty-nine members.⁴⁰ The community has not experienced substantial growth in recent times and was considered to be stable by two of the founders of the RWD.

CCRWD#2 (now known as Centrahoma Water Company, Inc.) and CCRWD#3 (now known as Clarity-Olney Water, Inc.) were originally formed under the auspices of the Coal County Board of Commissioners. However, due to FmHA loan and grant policy changes in 1972-1973, both of these districts were incorporated under the Oklahoma Secretary of State.⁴¹ No major economic development was anticipated by the founders of these districts. Both corporations obtained their water from the City of Coalgate, Oklahoma, and sold water to rural residents southwest of Coalgate some eleven miles to Clarita-Olney, and northwest of Coalgate fourteen miles to Centrahoma and Tupelo. The Centrahoma district has increased from 81 original subscribers to 186. The number of additional subscribers did not mean that the area had expanded that much, but rather that many people did not hook on until the water line was a fact.⁴²

There is, however, migration into the area which has allowed an occasional sale of land at \$600 to \$1,000

per acre for residential purposes which would not have happened prior to the installation of the water line.⁴³ The migration occurs because people are moving out of the towns and cities to the rural area and building homes on small parcels of land, usually about ten acres. Such a sale of land is an unusual case and there is no major land or industrial development going on in Coal County at this time.

Pontotoc County

Of the three counties covered, Pontotoc gave most attention to questions of development. Most of the RWDs formed in this county were formed with economic benefits in mind. True, the primary goal was for drinkable water, but the extension of the city's water to the rural area (for, in effect, the RWDs were extensions) created a boom in rural living.

From 1970 to 1980, Pontotoc County's population increased 16.97 percent to 32,598.⁴⁴ During this same time, Ada, the county seat and major city of the county, grew from 14,859 to 15,902, a 7.01 percent increase.⁴⁵ County and city calculations indicated that more people were moving into the rural area and that most of the housing development had to occur in the rural area. Most of the rural development in Pontotoc County occurred in a five to eight mile radius of Ada.⁴⁶

RWD development in Pontotoc County occurred in spurts. As of July 31, 1979, there were eight RWDs in the

county. PCRWD#1-#4 were organized from 1963 to 1968. PCRWD#5-#8 were organized between 1970 and 1978. Although there was no particular idea that the city or county would benefit economically in the sense of additional, major business moving into the area, it was a commonly known fact that Ada always had a housing shortage. The development of rural water lines would aid economically in that there would be prospective housing development possibilities and several of the founders definitely had this in mind.⁴⁷ PCRWD#1 and #2 were formed in large measure to salvage two schools, Byng and Homer. The latter had a well that would no longer provide water by 2:00 p.m. each day and a school definitely had to have water to survive. The Superintendent of the Homer Independent School became the founder of PCRWD#1 in 1963 for that reason, and by 1965 it was ready for operation.⁴⁸ PCRWD#2 was organized shortly thereafter to protect the Byng Independent School District which also needed water for the school to continue. It also went into operation in 1965. The Homer school did not expand and eventually was merged into the Byng district. Though there was some housing development in the Homer area, it was small at best. However, in the Byng area, housing developments sprang up around the school and the school district eventually merged Homer and other smaller independent school districts into itself so that it almost surrounded Ada.⁴⁹ Though the founder of PCRWD#2 was interested primarily in acquiring potable water for the school, land developers

were also interested and did profit from land sold and housing built in the area.⁵⁰ PCRWD#1 extended Ada water lines about one mile east of the city limits. PCRWD#2 extended Ada water lines about eight miles north of Ada.

PCRWD#3 started operations in 1966 and extended Ada water lines about eight miles west of the city to Pickett Center. The major founder and organizer owned substantial amounts of land in the area which he was in the process of developing. He wanted potable water for his development as well as for other people of Pickett Center. Substantial housing development occurred in the area subsequent to the development of the RWD and, of course, the founders who owned land there made sizable financial gains.

PCRWD#4 extended about five miles south of the Ada city limits and started operations in 1968. The RWD catered to rural people who raised cattle or just enjoyed country living. Housing development had not occurred to any great extent by 1968 in the area, but the Robert S. Kerr Environmental Research Laboratory of the Environmental Protection Agency (EPA) had been recently installed about three miles south of Ada and its officials desired city water. The line started with 37 subscribers. Subdivision of several parcels of land since 1968 have enlarged the number of subscribers to 141.⁵¹ One of the founders was very much involved in subdividing his land.⁵²

Officially, there was no PCRWD#5 formed, but informally a private individual did install a water line which

extended from part of PCRWD#1. It is locally known as PCRWD#5, the Lakewood Addition.⁵³ Not only was potable water desired for the residents of the addition, but also for the landowner who was speculatively building on it at the time. He, in essence, financed his own RWD so that he could make the profit from the land and housing sales.⁵⁴

PCRWD#6 was formed to take the place of a private water company that provided water for the community of Fittstown, thirteen miles south of Ada. This small community had obtained water from Ada for about forty years, but the old system was worn out. PCRWD#6 bought out the old company and used FmHA financing to provide potable water to Fittstown. While there were additional connections to the new system in the town, the founders were not interested particularly in economic interests but rather in potable water which would insure the town's survival.⁵⁵

The original founders of PCRWD#7 were not concerned with land sales. However, as popular support was obtained, some of the interested parties included people who owned acreage in the vicinity which they desired to subdivide at a later date.⁵⁶ Obviously, as PCRWD#7 provided potable water to the northeast quadrant of Pontotoc County and eventually served six hundred families, what was once merely farm and ranch land would be subdivided and the established trend of people moving a few miles outside the city limits to enjoy rural living would contribute to an already established trend of land prices skyrocketing in the area.⁵⁷

PCRWD#8 was likewise organized just to obtain good quality water, its main founders being businessmen, school teachers, ranchers, and others who merely enjoyed rural living. PCRWD#8 brought water farther west in Pontotoc County from PCRWD#3 (two of three PCRWD#8 connections to Ada water were extensions of PCRWD#3) and catered to fairly stable small communities and ranchers. Some land subdivision is going on, but nothing major.⁵⁸

Emergent

As each RWD was formed, the only goal appeared to be potable water. The economic benefits of those RWDs first formed appeared only as stabilizing and survival type benefits. The leaders and founders truly did not see that as more RWDs came into being they would together become a new force on the political scene. Subsequently, the Oklahoma legislature authorized the formation of county-wide organizations of RWDs.⁵⁹ In addition, SODA through its Standing Water Committee brought various people who are officers of their RWDs together to suggest policy regarding water development in the ten county area covered by SODA.

The Oklahoma Rural Water Association (ORWA) was formed in 1970 by members of RWDs who were interested in helping train people to operate RWDs. The educational attempt was the primary interest, but the ORWA quickly became involved in the politics of rural water.⁶⁰ The National Rural Water Association (NRWA) was established in much the

same manner in Oklahoma and was formed to get into the rural water politics evident on the national scene. Both these organizations continued as the lobbying arm of the RWD movement.

The organization of RWDs got local people further involved in the politics of water than they had ever been before. They found out that it was necessary to receive a permit from OWRB to use the water which, in turn, further enlightened them about the appropriative rights involved in Oklahoma water law since 1963.⁶¹ As these few people began to spread the information that use of water had to be established in order that a right to it could be claimed, the idea spread that if increased use could be shown, the OWRB would not be able to take the right to use the water away from them. This latter idea was not entirely selfish but involved what people thought to be the continuance of their way of life--survival. The idea has finally led to the development of an ideology throughout southeastern Oklahoma. Emergent goals may become at least as important to the local residents as was the primary goal of potable water.

Analysis

Coal, Johnston, and Pontotoc Counties have always been considered to be economically stagnant areas of the state. When other geographic areas were "booming" there was not much change in the three county area and when other areas were

"busting" there likewise was little change in the local economy.

Economically, one could say that residents were complacent. In all likelihood, the residents of the three counties could not identify the formation of RWDs with economic success and even if they had, their previous experience would have led them to discount it. Yet, land values in Johnston County are beginning to increase.⁶² When those who live in the towns of Coal County desire to move to a more rural setting on anywhere from one to ten acres, the land, formerly valued at \$200-\$300 per acre, is selling at prices from \$600-\$1,000 per acre.⁶³ In Pontotoc County, much the same thing has happened. In 1966, land outside the city limits of Ada sold for \$100-\$150 per acre; in 1979 that same land was selling for \$500-\$2,000 per acre, depending on proximity to the city.⁶⁴ From the information presented, the founders of the RWDs had little idea of financial gain in mind, yet, clearly, there has been substantial financial increase in property values. Likewise, the founders had no expectation of political power in establishing the RWDs, yet, by 1979, political power was a major, if unintended, consequence.⁶⁵

It was the primary goal, potable water, which could touch every individual in the area and motivate him into action. The Dust Bowl days are a living memory to many. Water, which is plentiful in the spring, evaporates by mid-summer and drought becomes the dreaded watch-word. One only

needs to drill a water well in the general area to see that it is difficult at best to obtain groundwater for his household. But when the primary goal of an ample, stable supply is met, an important secondary goal quickly emerges in the form of enhancement of property values. The further unintended goal follows, that of developing a political network to continue the viability of the RWDs. This last has become most important to the development of the economic resources of the area.

Ideology

As mentioned initially in this chapter, Esman's goal appears as strong a controlling factor as does the leadership of the RWDs. Goal or doctrine matches very well H. Mark Roelofs' definition of ideology, especially when combined with Roelofs' definition of myth.

As stipulated in what follows, myth denotes the nationally shared framework of political consciousness by which a people becomes aware of itself as a people, as having an identity in history, and by which it is also prepared to recognize some governing regime within its community as legitimate. Myth is a people's legend and its hope. Ideology . . . is a narrower and more practical term. As stipulated in what follows, it is the framework of political consciousness, the set of ideas, by which a people, or at least its dominant, governing element, organizes itself for political action. Myth gives meaning to existence and endeavor. Ideology gives patterns for political action.⁶⁶

If the leadership of the RWDs accomplished anything beyond its initial goal of potable water, it is the unification of people not only within southeastern Oklahoma but up and down

the eastern half of the state by the use of a theme that is on the tongue of all. That theme, paraphrased, is that our future development is tied to the use of our water for ourselves. Without the water, eastern Oklahoma will continue poverty stricken with little hope of development. Development and water go hand-in-hand.

Table 5.2 and its qualifying reasons, extracted from forty interviews, clearly assert the main tenets of the new ideology.

Qualifying Reasons for Table 5.2

1. The cost of water transfer should be borne by those to whom the water is transferred.
2. Do not cover up more valuable ranch and farm land with holding reservoirs.
3. The transferred water should not be used for irrigation, just for drinking and household use.
4. There should be just compensation for whatever land is taken for reservoirs to the people from whom the land is taken.
5. The tax revenue taken away from the county should be paid in future perpetuity by those to whom the water is transferred.
6. People in the area of the water's origin should have first claim to it and if they experience shortage, then they are entitled to withhold the water being transferred.

Other facts are to be noted: (1) Percentages are calculated using all forty respondents; however, since five registered no opinion and no qualifying reason, the use of

Table 5.2
 Attitude Survey of Those Interviewed on the
 Transfer of Water from Eastern Oklahoma
 to Other Areas of the State, with
 Qualifying Reasons for Attitude

Interview	Transfer Water			Qualifying Reasons						
	Yes	No	No Opinion	1	2	3	4	5	6	Other
1	x									
2	x				x		x			
3		x			x		x	x	x	
4	x				x		x			
5		x		x	x			x		
6	x									x
7	x									x
8		x								x
9		x		x		x				x
10		x								x
11		x				x				
12	x					x				x
13	x			x			x	x		x
14		x								
15		x								x
16	x				x					
17	x									x
18	x									x
19		x		x			x			
20		x		x						x
21		x		x						
22	x			x						x
23			x							
24	x									
25			x							
26		x		x			x			
27	x									x
28	x									x
29			x							
30	x									x
31			x							
32		x			x					
33	x									x
34		x								x
35			x							
36	x									x
37	x									
38	x									
39	x			x						x
40	x									
Total	21	14	5	9	6	3	6	3	19	1
N=40										
Percent	52.5	35	12.5	22.5	15	7.5	15	7.5	47.5	2.5

thirty-five respondents would more significantly highlight the results. (2) Sixteen (40 percent) of the respondents had only one reason for their attitudes. (3) Eleven (27.5 percent) had no reason for their attitudes, but of that group, five (12.5 percent) were initially of no opinion. (4) Nine (22.5 percent) of the respondents chose two reasons, two (5 percent) chose three reasons, and two (5 percent) chose four reasons.

Analysis

In general, reason #6 is the epitome of the ideology surrounding the claim to water in southeastern Oklahoma. The dominant idea is that southeasterners may use the water first and, if water is transferred to other areas, the place of origin should have first claim to its use during times of drought or shortage. Those questioned were clearly concerned with equitable treatment for all Oklahomans. They were not opposed to transfer of water per se. The equity concept is in their minds as borne out by reasons #1 and #3.

Ranchers especially desire that "just compensation" be secured for those whose land would be used for reservoirs. "Just compensation" does not mean only the current price for the land but also includes the compensation for the income the land would produce for the owner during his lifetime. In summation, the poll indicates the arguments used throughout eastern Oklahoma against the transfer of water. Because the desired compensation is contrary to present law and

impossible to achieve, the real answer was a resounding "no" to the transfer of water plan. The six reasons can be heard in conversation with eastern Oklahomans, dependent upon to whom one is talking.⁶⁷

Conclusions

The various qualities possessed by the RWD leaders were not particularly unique. True, they were better educated than the average and many of them were involved in some kind of local business. If there was any unique quality, it had to be the time they had with which they could pursue the interests of their RWDs. Their ability to spell out to prospective users the actual possibility of obtaining running water in their homes was also rather unique.

What was most prominent about the development of the RWDs, however, was the ability of the leadership to develop the secondary goals of the RWDs through various state and national agencies. As the secondary goals were developed, an ideology developed that unified people throughout the region. That ideology transformed politically the water plan offered by OWRB to the point that the 1975 plan was changed from a plan to be adopted by the state legislature to a plan that in 1980 was suggested as a "strategy" for the future.⁶⁸ Eastern Oklahomans had wrought the political change absolutely necessary to the achievement of their goals before others in the state could implement their schemes for the water's use.

Notes

¹Esman, "Elements of IB," pp. 28-29.

²Ibid.

³Gibson, Oklahoma History, pp. 6-11.

⁴Esman, "Elements of IB," p. 29.

⁵Linton C. Freeman, Thomas J. Fararo, Warner Bloomberg, Jr., and Morris H. Sunshine, "Role of Community and Clientele Leaders--Identifying Community Leaders in Decision-Making," in Policies, Decisions, and Organizations, by Fremont J. Lyden, George A. Shipman, and Morton Kroll (New York: Appleton-Century-Crofts, 1969), p. 66.

⁶George E. Berkley, The Craft of Public Administration (Boston: Allyn and Bacon, Inc., 1975), p. 177.

⁷Ibid., p. 178.

⁸Operations managers and bookkeepers were not questioned about age and, due to a group interview, neither were the members of the JCRWD#1 Board (Milburn, Oklahoma).

⁹U.S., Department of Commerce, Bureau of the Census, Census of the Population: 1970, vol. 1, Characteristics of the Population, pt. 1, United States Summary, and pt. 38, Oklahoma. Median age in 1970 for the nation was 28.1; for the State of Oklahoma, 29.4; for Pontotoc County, 45.3; for Johnston County, 43.8; and for Coal County, 37.9. The average age of the respondents was 52.6 years, but since Census Bureau statistics use median ages, they are not precisely comparable.

¹⁰Ibid. The median years in 1970 of education for the nation was 12.1; for the state, 12.1; for Pontotoc County, 10.6; for Johnston County, 9.9; and for Coal County, 11.1.

¹¹See chapter 3, *infra*, pp. 81-100.

¹²Mannsville, Milburn, and Fittstown, Oklahoma, had grocers as the main promoters of their RWDs, according to interviews with: Deringer, McDonald, McGlocklin, Osborn, Phifer, and Robinson.

¹³Interview with William H. Pogue, Chairman, JCRWD#3, Tishomingo, Oklahoma, May 30, 1979. (Hereafter cited as: Pogue interview.)

¹⁴Bridges and Case interviews.

¹⁵Steele interview.

¹⁶Bridges and Howell interviews.

¹⁷Case interview.

¹⁸George Shirk, ed., Oklahoma Place Names, 2d ed. rev. and enlarged (Norman: University of Oklahoma Press, 1974).

¹⁹Goss interview.

²⁰Steele interview.

²¹Bridges, Goss, and Howell interviews.

²²Todd interview.

²³Those leaders involved in originally establishing an RWD inevitably agreed with this statement.

²⁴Clifford interview.

²⁵For example, the various meetings arranged by Congressman Wesley W. (Wes) Watkins, see chapter 4, pp. 125-27, *infra*, and the recent Governor's Conference in 1980.

²⁶During the interview with Steele, he said that he got nothing for his endeavors in the Ahloso Y situation.

²⁷Interviews with: Gurley and George Hill, Editor of the Coalgate Record Register, Coalgate, Oklahoma, June 15, 1979.

²⁸Every interview corroborates this point.

²⁹Berkley, Public Administration, pp. 177-78.

³⁰W. Eugene Hollon, The Southwest: Old and New (New York: Alfred A. Knopf, 1961), p. 320.

³¹Delaney interview. Mr. Delaney not only said this but also said it in various reports he made available on several towns in the three county region of concern herein.

³²Bridges interview in which he cited an actual person living near him who would not join the RWD but would rather allow his wife to take that kind of time to do the family wash.

³³Steele interview; also see OWRB, 1975 Oklahoma Water Plan, section IV, Southeast Region, pp. 10-13, table IV-6, in which distribution systems are given as the main solution to long term problems.

³⁴Each of the following interviewees agreed on this point: Case, Howell, Pogue, Smith, Stutte, Taylor, and Treas.

³⁵Case of PCRWD#7 and Pogue of JCRWD#3 are prime examples of this occurrence.

³⁶This was stated to be the case by every Johnston County RWD official contacted.

³⁷Deringer interview.

³⁸Ibid.; he said that the number of subscribers had increased from one hundred and sixty-two to over three hundred.

³⁹Harbert interview.

⁴⁰Interviews with Farley and McKinney.

⁴¹The Johnson interview covers this development in chapter 4, pp. 108-9, *infra*.

⁴²See chapter 3, pp. 93-94, *infra*, which describes this phenomenon.

⁴³Howell interview.

⁴⁴Oklahoma, DECA, Census '80: Final Population and Race Totals for Oklahoma (Oklahoma City: Department of Economic and Community Affairs, April, 1981), p. 5.

⁴⁵Ibid.

⁴⁶Interview with Paul Alford, Alford Real Estate-Auctioneers, Ada, Oklahoma, August 16, 1979; this statement was also born out by: "State and County in the Same Boat," Ada Evening News, March 12, 1981, p. 10A.

⁴⁷Interviews with: Abbott; Melvin W. Chilcoat, Chairman, PCRWD#3, Ada, Oklahoma, June 2, 1979; Joseph Engel, Board Member, PCRWD#2, Ada, Oklahoma, June 25, 1979; Hazlewood; Jacquess; Smith; and Todd.

⁴⁸Abbott interview.

⁴⁹Interview with Bill Koller, Secretary, PCRWD#2, Byng, Oklahoma, June 9, 1979.

⁵⁰Engel interview.

⁵¹Hazlewood interview.

⁵²Smith interview.

⁵³Steele and Todd interviews.

⁵⁴Todd interview and confirmed by the Johnson interview.

⁵⁵McDonald interview.

⁵⁶Engel interview.

⁵⁷Detailed history of PCRWD#7 is presented in chapter 3, pp. 81-101, *infra*.

⁵⁸Treas interview.

⁵⁹During Bridges and Howell interviews, they stated that Coal County has already had informal organizational meetings.

⁶⁰Interviews with: Roberson and Gene Whatley, President, ORWA, in Ada, Oklahoma, August 7, 1979.

⁶¹See chapter 1, pp. 20-24, *infra*.

⁶²This was confirmed in interviews with: Tom Burch, Vice-Chairman, JCRWD#3, Ravia, Oklahoma, June 6, 1979; Deringer; and Pogue.

⁶³Howell interview.

⁶⁴Alford interview.

⁶⁵Tapscott, "State resumes war over water," pp. 1-2a.

⁶⁶H. Mark Roelofs, *Ideology, and Myth in American Politics: A Critique of a National Political Mind* (Boston: Little, Brown and Company, 1976), p. 4.

⁶⁷Confirmed with Roberson and Whatley during interviews.

⁶⁸See chapter 4, p. 129, *infra*.

CHAPTER 6

SUMMARY AND CONCLUSIONS

Summary

The formation of RWDs in the three county area of investigation followed the establishment of federal funding via the FmHA in 1961. In 1963, the state law authorized RWDs and coincidentally changed state surface water right law to appropriation doctrine. During the 1960s, there was a boom in the organization of RWDs with nine of the fourteen discussed herein established between 1963 and 1970. For the most part they were formed for small communities. In the 1970s, there were fewer RWDs established, but they covered more territory and included more people. The larger districts were at least partially due to the fact that organization methods became fairly well regularized and well known to practitioners like the hydrological engineer and attorney. One attorney alone was associated with the establishment of eight of the fourteen districts. One hydrological engineer was associated with nine of the fourteen districts.

The RWDs played no other role during their formative years except that of providing water for their members. In 1970, the RWDs began joining the Oklahoma Rural Water Association (ORWA) and National Rural Water Association (NRWA), their lobbying arms, but there was not much political activity until 1975 when the OWRB recommended that water be transferred from eastern to western Oklahoma. Only then did water politics intensify.

Likewise in the mid-1970s, the RWD leaders became cognizant of various facts: (1) both surface and groundwater laws--the latter in 1973--operated under appropriation doctrine; (2) there was talk of transferring water away from eastern Oklahoma; (3) for the first time in thirty years southeastern Oklahoma was showing population and industrial growth, economically times were getting better; and lastly, (4) all of the growth and prosperity would be jeopardized if they could obtain no more water for the growth that seemed at hand. RWD leaders received this information from regional planning agencies like SODA; the local Congressman, Wes Watkins, who sponsored meetings that brought officials from all levels of government together; state agencies like OWRB; and projections by various federal agencies helping fund RWDs like EDA, FmHA, and BIA. RWD leaders and their members discussed in coffee shops and grocery stores various possibilities such as construction of lakes and subsequent transfer of water. Their conclusions were obvious: those who would get water

should pay the full cost, including lost income from land claimed by eminent domain as well as the market value of the land. These discussions concluded finally in the response to the survey conducted as part of this research. That response, when analyzed, resulted in six main reasons (see page 173), usually based on costs, that said the respondent was recognizing the equity of each Oklahoman in the water. However, the respondent was, in effect, saying that that equity would not be recognized because those from outside the area who wanted the water would indeed pay a price so high for it that the water would not be purchased and thus not be transferred.

As the RWD leaders began their search for a means to obtain water for their localities, they were convinced by federal and state officials that RWDs could solve their problem. These federal and state officials lived in the area and some undoubtedly became members of RWDs during their formation. The numerous contacts made by the RWD leaders resulted in a political network. That network eventually coopted many of the local, state, and federal officials. These agencies saw the RWDs fulfill their objectives and thus were also coopted into helping and protecting the RWDs survive. This resulted in an interest group which favorably considered RWD objectives when they were under fire by other agencies. Though the RWDs may not be able to win all national policy battles, they are in a position to protect themselves

and achieve real consideration of their point of view.

RWDs were first on the water scene and their leaders were well placed in their home communities to bring considerable political pressure to bear in the national policy arena--in fact, they would undoubtedly be consulted on any suggested change in policy. The people of eastern Oklahoma, when threatened concerning their water supply, would listen closely to these leaders whose experience by now is extensive.

Conclusions

First, the investigation was enhanced by personal contact and extensive, conversational interviews. Undoubtedly, such complete information could not have been obtained by surveys or other methods. Institution building (IB) served well to classify the interviews and proved its value for analysis of the domestic U.S. scene. Intergovernmental relations (IGR) provided an integrated, systemic, analytical tool without the contentious "superior-inferior" dichotomy of federalism standing in its way. Local, state, and national administrators recognize the collaboration necessary within a given policy arena at all government levels, if a policy is to be carried out. That collaboration culminates in sympathy, aid, and cooperation among them due to the similarity of interests held by the administrators. The interest group thus formed has inordinate powers to facilitate change in the policy arena of concern. IGR thusly led to systemic conclusions otherwise impossible to achieve.

Second, the three county sample of RWDs clearly spells out why all special districts, generically speaking, can and do resist consolidation. The extreme loyalty to the district by its members is the main ingredient because the district provides an essential service to its members. The members have been willing to sacrifice personal time and finances for the district's establishment. Also, as rural Americans are better educated, they desire services which provide the amenities of life enjoyed by other Americans. These reasons explain the continued proliferation of special districts as well as their resistance to change and consolidation.

Third, special districts as a category are really not a "dark continent" but merely so close to local people that one must be able to relate to the people in order to obtain the information necessary for clarification. The districts are interwoven into the daily lives of people so intimately that they are taken for granted. However, when a special district is threatened with consolidation or transfer of "their" water, the people will "fight" politically for the maintenance of the district for fear that its function will not be properly provided by others. Of course, it never had been provided prior to the organization of the special district.

Fourth, the ability of special districts to maintain themselves when threatened is further enhanced by their

dealings with state and national officials and agencies. Those officials and agencies have usually proven to be supportive of the district when it is under attack because there is a mutuality of interest among the special district and the state and national officials having contact with it. In other words, the hierarchy of officialdom benefits since the programs they are administering serve the special districts and maintain the agency's volume of business. Structural consolidation has been unnecessary because of functional and ideological cooperation in fulfilling the goals of the participating members. The RWDs, in particular, are here worthy of note since they not only provided water but simultaneously built the environment for fulfilling the economic potential of southeastern Oklahoma. In the southeastern Oklahoma case study, the RWDs' ability to effect change in state policy was demonstrated. It was also contended that they might even be consulted concerning any proposed change in national policy by their contact with national politicians and administrators. Undoubtedly, most special districts, whether hospital, fire, water, etc., enhance economic potential resulting in loyalty of the members. Likewise, the generic special districts' ability to resist consolidation indicates a possible web of influence which further demonstrates the administrative interest group supporting any kind of special district.

Fifth, Lowi's contention that interest groups really conduct the political debate concerning any subject

is borne out by the study. However, his additional contention that interest group politics have subverted the federal system (clear authority demarcation) is not necessarily the case. The word "federalism" cannot be found in the U.S. Constitution. The term describes the form of government desired by those at the Philadelphia Convention, called "Federalists," who desired to unify the newly found nation. It is generally accepted today that the original thirteen states were having problems over the issues of tariff barriers and the necessary taxes to provide for the common defense as stipulated under the authority of the Articles of Confederation. It is further accepted today that the Federalists, by sponsoring the new Constitution, were attempting to unify that which was cracking under the pressure of no unifying authority.

The U.S. Constitution was written to establish just such a unifying authority in the national government. McCulloch v. Maryland (1819) established national supremacy according to Article VI of the U.S. Constitution. The Civil War, fought over the states' right to secede from the Union, was won by the North, as Abraham Lincoln said, to preserve the indivisibility of that union. Clearly, the lines of authority drawn by the U.S. Supreme Court during the Industrial Revolution, known as "dual federalism," were further interpretations of the federalistic principle; yet, national authority still was allowed to supersede state authority when the two clashed. In other words, the federal principle drawn by the founding

fathers was vague, left to interpretation, and that interpretation varied from time to time to meet the exigencies of the day.

Lowi, on the other hand, states that there is a clear line of authority demarcation between the states and the national government. If one accepts a particular doctrine, enunciated at a particular time in U.S. history (the Industrial Revolution), then he is correct. As the thesis of this paper states, interest groups have unified around particular policy areas. The unification has largely been accomplished by public administrators' implementing congressional statutes as well as state and local intent. As the water policy arena exemplifies, the incremental manner in which both state and national policy have originated defies any interpretation that there was a concerted effort by either officialdom or the people to subvert federalism. Yet, Lowi contends that these interest groups have subverted the U.S. Constitution and the principle of federalism laid down there that no authoritative writer today would say is sharply defined. Rather, the results of this paper point to the conclusion that there has been a natural evolution toward a more integrated and unified America that results from the cooperation of officialdom at all levels. That cooperation and resultant unification appear much more in line with the original intent of the constitutional framers of this nation than do the clear-cut lines of authority which promote division between state and national

governments. Further studies of special districts from the grassroots point of view, and other studies concentrating on certain policy arenas, might well serve the purpose of either backing Lowi's thesis that the Constitution has been subverted or confirm, as does this paper, that there has been a natural evolution toward unification within many arenas of public policymaking.

The grassroots point of view furthers the understanding of the values of the people incorporated into the policymaking arena. Such understanding in other areas in conjunction with personal interview survey data may well point to new directions of research by political scientists. The conflicts settled politically would be more fully understood if the values of the concerned parties were fully explained.

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