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# TULSA BUSINESS & LEGAL NEWS

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**DAILY BRIEFS**

**PARKING METER COSTS RAISED TO \$1 PER HOUR**

It will cost more to park at meters in Tulsa.  
 The new rate, effective March 23, is \$1 per hour.  
 Meters are being changed to the new rates at night by city employees.

**NATIONAL LIBRARY WEEK SET APRIL 13-19**

Libraries stand as a beacon of knowledge in a community — an unwavering resource to any person who enters the book-filled stacks.  
 To recognize the library's importance in the community, Tulsa City-County Library presents "Lives Change @ Your Library," during National Library Week, April 13-19.  
 The weeklong celebration highlights ways libraries can benefit all citizens. Tulsa City-County Library features more than 1.5-million items to choose from. Enjoy books for children, tweens, teens and adults. Customers also can enjoy Wi-Fi, computers, copiers, printers, fax service and business databases. Ask a librarian about meeting rooms, study areas and other gathering places for individuals, small groups and larger

See Briefs, 2

## Gunfights, courts settle disputes

*Water rights always areas for contention*

BY RALPH SCHAEFER  
 ralphs@tulsabusiness.com

Water disputes have been ongoing for centuries as people sought to retain this precious commodity for their use.  
 Brought forward, water war fights were portrayed in the old western movies where the large landowner and others would dry up riverbeds to prevent a neighbor from having water.  
 Now, instead of gunfights, battles are waged in lawsuits, most notably the current litigation, the Choctaw Nation v. Oklahoma, being heard in the Western District of Oklahoma.  
 All parties are under a gag order so recent information on the issues are not openly discussed.  
 Water issues in Oklahoma had their beginning early in the 19th Century when the U.S. government mandated that tribes be moved from their East Coast homes to the Midwest, a journey that became famous in 1832 that now is known as the Trail of Tears.  
 Congressional action shortly after the Civil War deferred the water rights of Indian tribes to the states.  
 That action taken in approximately 1866 generally tends to ignore the fact that the U.S. Congress can supercede state actions on these issues.

***"The Choctaw Nation v. Oklahoma lawsuit could last a real long time while both the scarcity of water and bad blood is increasing between the parties."***

TAIWAGI HELTON  
 University of Oklahoma  
 College of Law Professor






Taiwagi Helton, University of Oklahoma professor of law, spoke at the University of Tulsa College of Law WaterWeek. Helton earned his law degree from TU.



Riparian and Prior Appropriation Systems are in place.  
 The Riparian System, adopted from Europe as part of the nation's common law, allows a landowner to use water that abuts his land and is limited by a reasonable use doctrine.  
 That contrasts to the Appropriation System developed in mining camps that allow water to be diverted from a stream provided the owner can prove the water will be used in a manner deemed reasonable.  
 "Two other states, California and Ne-



in 1908 which relates to the Five Tribes

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**DAILY BRIEFS**

- Briefs**, from 1 events for non-profits or small businesses. Library cards are free to anyone who lives, works or goes to school in Tulsa County.
- Library cards can be used to access these free services including:
    - **Download Digital Magazines** — Read and download digital issues of your favorite magazines for free. Choose from more than 125 magazines.
    - **Stream Movies** — Streaming movies offers thousands of movies and TV shows on demand.
    - **Download Music** — Download and keep up to five free songs per week. Choose from over 7-million songs.
    - **Learn a Language** — Mango is an online language program that helps a person learn by listening to native speakers and engaging in interactive lessons.
    - **Get Homework Help Now!** — K-12 students and others can connect online to a live tutor for help with their homework. Homework Help Now! is available seven days a week, 2-11 p.m. Writing and skills building also are offered.
    - **Find a Job Now!** — Get online job assistance from your home, including expert resume help, interview coaching, GED test preparation and career assistance.
    - **Download the Mobile App** — Download the library's App to your smartphone, www.tcll.us/App. Convenience is the key to connecting with a librarian, searching the library catalog, downloading the latest eBook and sharing your insight with other readers.
  - from Monday, April 14 to Friday, April 18, the campaign is hosting several social media promotions. All participants will be entered into a grand-prize drawing for a Kindle Fire. Details and official rules available on the @ your library website. Promotions include:
    - **Scan a selfie!** Local celebrities, library staff

## Spring — and tornado season is here

### Oklahoma Now

BY GOV. MARY FALLIN  
*maryfallin@tulsabusiness.com*

Spring is here, and we can all be thankful for the opportunity to spend more time outdoors and enjoy the beautiful Oklahoma weather. Unfortunately, the changing weather patterns also mean something else: the beginning of tornado season.

Last year's horrible May storms were an unwelcome reminder that Oklahoma's weather can be deadly. They were also a reminder that, as a state, we need to do more to protect ourselves, especially our children, from the danger of tornadoes.

Oklahoma currently has more than 1800 schools, about a third of which have safe rooms or tornado shelters. In a state where tornadoes are a common occurrence, that just isn't enough. We need to do more to give our communities the tools they need to make our schools safer for our students and teachers.

Traditionally, all school construction has been proposed, constructed and funded at the local level. That allows local communities to decide what to prioritize in their schools and to take responsibility for the necessary funding. If a school district wants to build a storm shelter — or, for that matter, a new gymnasium — it is done through a bond issue.

Each bond issue must be passed locally, with at least 60 percent of the vote, and be funded through property taxes. In most districts, building new storm shelters or safe rooms would cost the average homeowner about \$2 a month

Unfortunately, some school districts are unable to pursue storm shelters or other safety upgrades because they have reached their legal limit on bonding capacity. They are "maxed out," so to speak.

To help those districts, I've asked the Legislature to pass a Constitutional amendment (HJR 1092) that would raise the cap on maximum bonding authority by ten percent for a limited time. Schools that take advantage of this provision would have to use any new bonds for safety upgrades, ensuring the money is going to its intended purpose.

This is a fiscally responsible way to fund safety upgrades in our schools. It doesn't redirect funds for other priorities — including educational projects — to new projects. It's also fair. Communities that have already paid for safety upgrades wouldn't be asked to fund projects in the rest of the state, something they would be forced to do if state dollars were used.

This resolution has already passed in the state House of Representatives. My hope is it will soon pass in the Senate and go to a vote of the people in November.

But regardless of what the state does, every Oklahoman needs to make sure they are prepared for tornadoes and storms right now. That starts with having a plan.

If you live in tornado alley, you should own a battery operated NOAA Weather Radio with a warning alarm feature.

Owning one and setting the alarm will ensure you receive automatic weather updates, even if your power goes out.

if a tornado or storm is coming your way. A reinforced underground storm shelter, storm cellar, enclosed basement or safe room are the safest places to be.

If you do not own or have access to an underground shelter, consider building one. The Oklahoma Office of Emergency Management offers a lottery system for storm shelter rebates of up to \$2,000.

You can register for the program, called SoonerSafe, at [www.soonersafe.ok.gov](http://www.soonersafe.ok.gov).

The SoonerSafe program has helped nearly 1,200 homeowners fund safe rooms since 2011. In fact, since 1999, Oklahoma has funded more than 12,000 safe room rebates totaling more than \$30 million.

If getting underground or into a safe room is not an option, it's important to get inside a strong building and go to an interior room, away from doors and windows, on the lowest floor possible. Cover up — use whatever you can to protect yourself from flying debris.

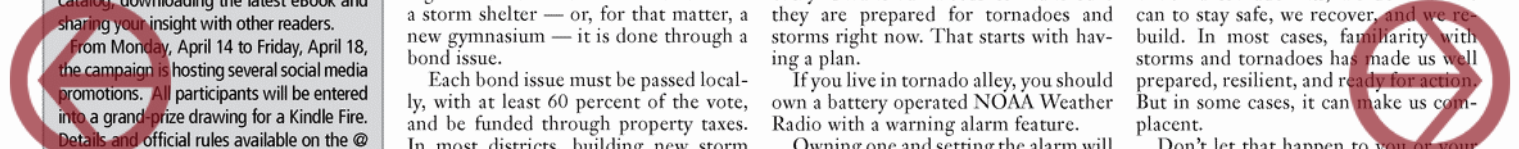
Above all else — do not get caught in a car or a mobile home with a tornado heading your direction. Neither offers any significant protection, and both are likely to get thrown in high winds.

Oklahomans are used to tornadoes. When a tornado hits, we do what we can to stay safe, we recover, and we rebuild. In most cases, familiarity with storms and tornadoes has made us well prepared, resilient, and ready for action. But in some cases, it can make us complacent.

Don't let that happen to you or your family. Be prepared and have a plan. Let's make sure we have the safest environment



GOV. FALLIN



make your own. Photos can then be uploaded to Flickr to the Lives change @ your library group, or tweeted or posted to Facebook using the hashtags #liveschange and #nlw14. Librarians can download the Lives change @ your library word balloon from the National Library Week website.

• Camera shy supporters are encouraged to tweet their change using the hashtags #livechange and #NLW14. Library supporters that need more than 140 characters can submit their stories the You belong @ your library story collection database. «

in 1970. In that case, the court ruled the right to water is implicit in the reservation of land. That doctrine is based on a conveyance of water rights at the time the tribes were removed from the East.

According to Helton, the earlier Winters doctrine show the Indian water rights are uncontroversial and the U.S. Supreme Court and other courts have reaffirmed that repeatedly. No court has found that Indian lands or Indian reservations are denied water rights under that doctrine.

Helton said that the Five Tribes wa-

homa because of the peculiar circumstances in Indian Country. The court in the Choctaw Nation v. Oklahoma interpreted the meaning of the treaties at issue in incredibly broad terms with the right to the bed and base of the Arkansas River.

According to Helton, this is a valuable case because rules for riverbed ownership are as favorable to states as any. For navigable streams, ownership of the riverbed, the land below the ordinary high water mark, is deemed to be an incident of sovereignty.

“When the original 13 states kicked

and when new states entered the union there was a presumption of them owning the navigable portions of the streams,” he said. “That changed when the court found in favor of the tribes. Effectively, the Five Tribes doctrine says that when the territory was set aside for the tribes, it was established for the purpose of a homeland that never was to be included in any state. The tribes owned the land in communal fee and they were to exercise control exclusive of any state. They were promised virtual independence.

See **Gunfights, 3** —————

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