



Message From Chris....

I've recently **moved** to a new location so please note my **new contact information**.

Vance Rexford Griswold, our newest addition, was born February 9th, 2012. He was 6 lbs. 1 oz., 19.25 inches. He's doing well at home....

Whether you're a banker, a broker, a business person, a ground lessee, or a landowner, it's helpful to understand a few, key things about the legalities surrounding water in Oklahoma. The purpose of this article is to make you a little more knowledgeable about the current laws concerning the use and ownership of water rights and how those might soon change. Read more below (and don't forget to click on my Facebook or YouTube links below to also see my short video on this material).

Water, Water Everywhere

First, it's important to understand that laws break "water" down into two categories: **i) ground water** and, **ii) surface water**.

Second, surface water, like wildlife hunting (e.g., deer hunting, bird hunting, etc...), is permit driven. In other words, you can't capture surface water on your own land (or land you're leasing from someone else) without obtaining a water use permit from the State of Oklahoma - just like you can't capture deer or other game without obtaining a hunting license. Generally speaking, and subject to the findings of a detailed surface water study conducted by the State, the amount of surface water that someone with a valid, water use permit can capture is two (2) feet of water per acre of land (also known as "2 acre feet").

Third, unlike surface water, ground water is **not** permit driven. It's **deed** driven. Better put, if someone purchases real property (and obtains the deed to such real property), that person has also obtained all right, title and interest in the ground water located under such real property, subject to either: **i)** someone else's previously issued and currently valid water use permit, or **ii)** the reservation of the ground water rights in a previous deed of conveyance.

Fourth, a landowner's ground water rights are currently "severable" from the rest of the real property. In other words, just like mineral rights, ground water rights can currently still be sold separately (i.e., they are "alienable") from the surface rights, the air rights, etc... of the real property. Think T. Boone Pickens and West Texas here....

Fifth, a lot of out-of-state buyers and non-agricultural groups have recently taken to purchasing the ground water rights to many rural properties. *So what?* This has prompted our law makers to review the efficacy of ground water rights remaining alienable/severable from the rest of the real property. *Why?* This “commoditized” buying and selling of ground water rights potentially puts Oklahoma’s agricultural industry at risk. However, this next legislative session may change the laws to make ground water rights unseverable from the rest of the real property to “cure” the problem. Let’s see what happens.

What My Clients Are Saying

“Chris Griswold was instrumental in negotiating a very solid, long-term lease for our new bank branch in Oklahoma City. His industry knowledge helped us avoid several potential pitfalls with a landlord that was somewhat difficult at times. It was a pleasure to work with Chris because of his professional style and easy going demeanour.”

Charlie Crouse / President / Summit Bank / Oklahoma City, Oklahoma

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