

The Jackson Herald

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First shots fired in 'water war'

The first shots of a coming water war took place Wednesday as the Upper Oconee Basin Authority declined Jackson County's request for a third party to establish a yield for Bear Creek Reservoir.

Following a 45-minute closed door meeting, the authority voted to have its attorney respond to a previous letter from Jackson County's lawyer, Mike Bowers. County commission chairman Pat Bell voted against the motion.

"We disagree with the vote taken this morning," said Bell. "We're awaiting a response from our previous letter. There's no question of the fact that the estimated yield of Bear Creek must be recalculated."

Since Jackson is threatening litigation over the issue, the authority's attorney had attempted to prevent Jackson County from participating in Wednesday's closed door meeting. But when the group went into closed session at 10 a.m. Wednesday, Jackson County members did stay in the meeting, although Bowers was not allowed to attend.

Bowers had earlier taken a strong stand in a memo to UOBWA, saying Jackson County had a right to remain in any meeting of the group.

"Jackson County will not absent itself from any sessions of the authority, executive or otherwise," Bowers wrote in a letter to UOBWA's attorney earlier this week.

On Monday, the Jackson County Board of Commissioners held an emergency called meeting at which it authorized Bowers to file litigation against UOBWA if the group attempted to keep Jackson County representatives from attending the meeting.

HALF THE WATER

But the water issue over Jackson County's right to attend Wednesday's meeting pales in comparison to the larger issue of how much water is actually available in Bear Creek. Jackson County argues, and has a report to back it up, that the 505-acre reservoir is actually producing less than half of the amount of water as expected since the facility opened in 2002.

And Jackson County officials say that miscalculation is allowing Athens-Clarke County to get more water than its share at the expense of Jackson County.

The original estimates placed daily capacity under the worst drought scenario at 51 million gallons a day (mgd). That figure was later increased to 58 mgd.

But consultant C.H. Gurnsey says the more accurate number, based on data from the 2007 drought, is just 24 mgd.

The implications of Gurnsey's findings are critical. Jackson County is entitled to 25 percent of the water in the lake. That would be 14.5 mgd according to the original estimate, but only 6 mgd according to Gurnsey. Jackson County currently uses less than 2 mgd.

But Athens-Clarke, with a 44 percent stake in the water, would see its allocation dip from 25 mgd under the revised original estimate to 10.56 mgd. Since it uses about 18 mgd a day during the summer, Gurnsey's estimate suggests that Athens-Clarke is exceeding its entitlement at the expense of the other reservoir partners, primarily Jackson County.

According to the intergovernmental agreement for the creation of the reservoir, new capacity estimates were to be made based on “the worse historic drought for which applicable stream flow records are available.”

Bowers advised Jackson County officials that the estimate should have been recalculated last year. It should also be recalculated this year as stream flows are at historic lows.

If the authority doesn't recalculate the numbers, the matter could be headed for litigation.

PARKS CREEK

Although capacity and allocations are huge issues, Jackson County is also sparring with the authority over UBOG's opposition to Jefferson's request for withdrawal permits for its proposed Parks Creek Reservoir.

The authority petitioned the Environmental Protection Division over the objection of Jackson County to give it an extra 30 days to post “comments” in regard to the proposed permits.

Jackson County's position is that because the proposed reservoir relates to the North Oconee River, whereas the Bear Creek Reservoir is on the Middle Oconee River, the issue is of no concern to the basin authority. Athens-Clarke, on the other hand, does withdraw water from the North Oconee. **A letter from Bowers to the authority on behalf of Jackson County suggests that the basin authority is being used “as a tool for Athens-Clarke's own individual gain.”**

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September 24, 2008 **OPINIONS**

Stand Firm in Water War

The LOOMING political war between Jackson County and its partners in the Upper Oconee Basin Authority which controls the Bear Creek Reservoir is (no pun intended) a watershed event.

To protect the interests of Jackson County citizens, Jackson County should stand firm to protect both its fair share of the reservoir's resources and to protect its legal standing on the board.

The issues are complex and technical, but essentially this is the situation: Bear Creek has less than half the capacity of water than previously thought. Jackson County wants the formula that splits the water between Oconee, Barrow, Athens-Clarke and Jackson County to follow the initial agreement to assure that Jackson County has access to its 25 percent share, or is compensated for allowing others to use it.

But Athens-Clarke apparently opposes that idea. Under a revised and more accurate formula, Athens-Clarke would see its 44 percent share shrink from 25 million gallons per day to 25 million gallons per day to 10.5 mgd. In the summer, Athens-Clarke uses about 18 mgd, meaning that it is taking more than its share of available water without compensating the other counties involved.

Because Jackson County has threatened to sue over the issue, UOBA recently asked the county to not attend this week's board meeting. But Jackson is a partner in UOBA and has every right to be at the board meeting. Jackson's response to the request was terse: We will attend the board meeting and if you try to stop us, we'll sue.

There are other issues involved in the friction between Jackson County and UOBA but Jackson County is right to stand firm to protect its citizens. Because of its size, Athens-Clarke is acting like a schoolyard bully.

Jackson County should do whatever is necessary to stand up to that, even if it means delivering a hard legal punch in the nose to get the bully's attention.