IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

OKLAHOMA FARM BUREAU LEGAL FOUNDATION, et al.,	)	
Petitioners,	)	
v.	)	**Case No. CV-2013-2414**
OKLAHOMA WATER RESOURCES BOARD,	)	
Respondent,	)	**District Judge Barbara Swinton**
v.	)	
TISHOMINGO NATIONAL FISH HATCHERY, et al.,	)	
Other Parties of Record.	)	

RESPONSE AND OBJECTION TO PETITIONERS' MOTION TO COMPEL PRODUCTION OF UNREDACTED OWRB MEMORANDUM

Respondent Oklahoma Water Resources Board ("OWRB") hereby submits its Response and Objection to Petitioners' Motion to Compel Production of Unredacted OWRB Memorandum (hereinafter "Motion to Compel"). In summary, the Respondent objects to Petitioners' Motion to Compel as improper and demonstrates that the relevant and applicable law does not support awarding the unusual, extreme, and novel relief which the Petitioners now seek. In opposition to the Motion to Compel, and in support of Respondent's objection, Respondent submits the following:

BACKGROUND

As a preliminary matter, Respondent restates its continuing objection to Petitioners' efforts to cast aside the rule that judicial review of agency final orders shall be confined to the record. Respondent urges that Petitioners' Motion for Discovery and now this Motion to Compel

are contrary to the applicable law. Therefore, the Court must not grant Petitioners the relief they now seek.

The instant case is an action for judicial review, *i.e.* an appeal, of a final order of an administrative agency in an individual proceeding, as provided by the Oklahoma Administrative Procedures Act ("APA") at 75 O.S. § 318 *et seq.* It is not a trial-type action in which the Oklahoma Discovery Code[1] is applicable. Section 321 of title 75 is the statute that governs the scope of the review by the court on appeal. Section 321 provides in pertinent part:

> "The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court." (Emphasis added.)

Respondent OWRB reiterates its objections, arguments and authorities stated in its Response and Objection to Motion for Discovery and Hearing on Procedural Irregularities and for Scheduling Conference filed with the Court on May 14, 2014.

The same irregularities alleged by Petitioners in their Motion for Discovery, etc. in this case have already been litigated by two of the Petitioners, and adjudicated by the Supreme Court, in *Arbuckle-Simpson Aquifer Protection Federation of Oklahoma, Inc. v. Okla. Water Resources Bd.*, 2013 OK 29 (hereinafter "*ASAPFO*"). As a result, Petitioners' claims are barred by collateral estoppel. Even if Petitioners' allegations were not precluded, there is no authority supporting the relief they seek. The only exception to the general rule of "review confined to the record" is that "testimony [on alleged irregularities not shown in the record] may be taken in the court". 75 O.S. § 321. Section 321 does not authorize "discovery" or "limited discovery" as requested in Petitioners' Motion for Discovery and Motion to Compel.

[1] 12 O.S. §§ 3224 through 3237.

Nevertheless, as directed by the Court at the June 6, 2014 hearing on Petitioners' Motion for Discovery, the Respondent produced to Petitioners the memorandum dated September 14, 2012 prepared by the OWRB's then-Staff Attorney, Jerry Barnett (hereinafter referred to as the "Attorney Memorandum"), with redactions of material that constitute attorney work product. The Attorney Memorandum was written in order to assist the OWRB's Hearing Examiner with certain issues she had identified in her post-hearing communications with the OWRB's then-General Counsel (Dean A. Couch) and Staff Attorney Jerry Barnett. The Attorney Memorandum was included as an attachment to an email dated September 14, 2012 from Jerry Barnett to the OWRB Hearing Examiner. That email, plus the attached Attorney Memorandum as redacted, is attached hereto as Exhibit 1.

AUTHORITY AND ARGUMENT

PROPOSITION 1. OWRB HAS SUSTAINED ITS BURDEN REGARDING ITS CONFIDENTIAL ATTORNEY WORK PRODUCT CLAIM.

OWRB has satisfied its burden regarding its opinion work product claim as required by 12 O.S. § 3226(B)(3). The Attorney Memorandum was prepared by an attorney for the OWRB in anticipation of almost certain litigation and not as a part of ordinary job duties. Petitioners, however, have failed to demonstrate the extraordinary circumstances that would require disclosure of the opinion work product contained in the Attorney Memorandum.

Petitioners cite *Chandler v. Denton*, 1987 OK 38, and *Lindley v. Life Investors Ins. Co. of America*, 267 F.R.D. 382 (N.D. Okla. 2010), to support the claim that the OWRB has not met its burden of proof regarding privilege of the Attorney Memorandum. *Chandler*, addressing attorney-client privilege, and *Denton*, addressing attorney ordinary work-product privilege, do not address the special protection afforded to the opinion work product of an attorney. The distinction between opinion work product and other attorney privilege claims has been addressed

by the Oklahoma Supreme Court in *Ellison v. Gray*, 1985 OK 35, and the Oklahoma Legislature by statute.

In *Ellison v. Gray*, the Supreme Court of Oklahoma discussed the discoverability of an attorney's "ordinary work product" and "opinion work product" under the Oklahoma Discovery Code. The Court stated, in pertinent part:

> During the course of a particular representation, the attorney draws from various mental impressions consisting of conclusions, legal theories, and opinions, evaluations of strength and weakness, and inferences drawn from interviews of witnesses. The sum total of these impressions, when reduced to writing, is the attorney's work product. Only the distilled product which is communicated to the client, or any communication received by the client from counsel which is intermixed with work product, is discoverable. Ordinary work product consists of factual information garnered by counsel acting in a professional capacity in anticipation of litigation. It includes facts gathered from the parties and witnesses, and materials discovered through investigations of counsel or his/her agents. Although ordinary work product is cloaked with a qualified immunity, it may be discovered upon a showing of the inability to secure the substantial equivalent of the materials without undue hardship. [Footnote and citations omitted.] The opinion work product area is carved out to protect the right of counsel to privacy in the analysis and preparation of the client's case. [Footnote and citations omitted.] Opinion work product includes the lawyer's trial strategies, theories, and inferences drawn from the research and investigative efforts of counsel. Historically, the thoughts of an attorney have been free from invasion, and the impressions, theories, trial tactics, and opinions of counsel have been sheltered from disclosure. Opinion work product enjoys a virtual immunity from discovery, and it may be discovered only under extraordinary circumstances. [Footnote and citations omitted.]
>
> Although the two are closely related, an attorney's work product is not synonymous with the attorney-client privilege. The work product rule remains closely identified with the attorney-client privilege because work product represents efforts expended by the attorney during the course of the professional relationship. The attorney client privilege belongs to the client and must be invoked by the client. The attorney's work product exemption may be claimed by the attorney and not by the client; information which is not protected from discovery by the attorney-client privilege may nonetheless be exempt as work product.

Ellison, 1985 OK 35, ¶¶ 7-8. Title 12, Section 3226(B)(3) of the Oklahoma Statutes states, "In ordering discovery for such materials when the required showing has been made, the court shall

protect against disclosure of the mental impressions, conclusions, opinions or legal theories of an attorney or other representative of a party concerning litigation."

It is noted that Petitioners have made no showing of hardship or that they cannot obtain the substantial equivalent of the materials sought in their Motion, which is a prerequisite to demonstrating a need for "ordinary work product." *Ellison*, at ¶ 16. Therefore, it appears that Petitioners are conceding that the materials sought are "opinion work product," which is subject to a higher showing of necessity. *Id.*

The OWRB's Final Order being appealed by Petitioners in this case had its genesis in 2003 when the Oklahoma Legislature enacted Enrolled Senate Bill No. 288 ("SB 288"), published at 2003 Okla. Sess. Laws, Ch. 365 and later codified at 82 O.S. §§ 1020.9, 1020.9A and 1020.9B. Among other things, SB 288 imposed a moratorium on issuance of certain temporary permits to use groundwater from sensitive sole source groundwater basins until the OWRB approves a maximum annual yield ("MAY") for such basins that will ensure that any permit from such a basin will not reduce the natural flow of water from springs or streams emanating from such basin.

On June 5, 2003, soon after SB 288 was approved by the Governor, plaintiffs Jacobs Ranch, L.L.C., Roos Ranch, Inc., and Roos Resources, Inc. (hereinafter, the "Jacobs Plaintiffs") filed an action in the District Court of Oklahoma County against the OWRB and its Executive Director for declaratory and injunctive relief (*Jacobs Ranch, L.L.C. v. Smith*, Case No. CJ-2003-4700). The Jacobs Plaintiffs, who were represented by attorneys in the law firm of Crowe & Dunlevy of Oklahoma City, each claimed rights in and to the groundwater in the Arbuckle-Simpson Groundwater Basin underlying their property in Pontotoc County. They moved for summary judgment to declare that SB 288 was unconstitutional under the U.S. and Oklahoma

Constitutions, and to enjoin the law's enforcement. The District Court ultimately ruled that SB 288 was valid and enforceable, and entered summary judgment in favor of the OWRB, its Executive Director, and numerous intervenors. The Jacobs Plaintiffs appealed the judgment to the Supreme Court of Oklahoma. Upon consideration, the Supreme Court affirmed the District Court's summary judgment and upheld the constitutionality and validity of SB 288. *Jacobs Ranch, L.L.C. v. Smith*, 2006 OK 34.

In the meantime, the OWRB had begun the extensive process of performing a hydrologic study of the Arbuckle-Simpson Groundwater Basin in order to satisfy the applicable statutory requirements 82 O.S., §§ 1020.4, 1020.5, 1020.6, 1020.9, 1020.9A and 1020.9B for making a determination of the MAY for that basin. By March 2012, the OWRB had completed the study and made a tentative determination of the MAY. Subsequently, the OWRB retained Emily Hammond Meazell, then a law professor at the University of Oklahoma, to be the Hearing Examiner to conduct the MAY hearing on behalf of the OWRB.

Professor Meazell presided at the prehearing conference on May 9, 2012 and the hearing held on May 15 and 16, 2012. At those proceedings, Petitioners Oklahoma Farm Bureau Legal Foundation and Pontotoc County Farm Bureau appeared and were represented by attorneys from Crowe & Dunlevy of Oklahoma City. Another Petitioner, the Arbuckle-Simpson Aquifer Protection Federation of Oklahoma, Inc., appeared and was represented by attorney James R. Barnett of Doerner, Saunders, Daniel & Anderson, LLP of Oklahoma City. In announcing his appearance at various stages of the administrative proceeding, James R. Barnett often stated to the effect that he was representing "ranchers who own a substantial amount of land over the Arbuckle-Simpson basin." Following the hearing, the parties who participated in the hearing (including Petitioners) submitted briefs of legal argument and other filings. The Hearing

Examiner took the case under advisement and began evaluating the evidence and arguments in the record.

Based on actions taken before, during and after the hearing, it was clear that one or more of the parties identified as "Protestants" (i.e., those who presented evidence and legal argument in opposition to the OWRB's tentative determination of the MAY) were preparing to, and probably would, appeal from any final order of the OWRB which they deemed too restrictive or otherwise unsatisfactory to their interests. Consequently, it was entirely reasonable for the OWRB's attorneys to analyze the case, formulate a strategy for defending the preliminary and final evaluations, rulings, and orders of the Hearing Examiner and ultimately the OWRB, and advise the Hearing Examiner and OWRB accordingly. A part of this analysis and strategy is included in the Attorney Memorandum. The portion of the Attorney Memorandum that was not redacted constitutes the "ordinary work product" of those attorney-staff communications (i.e., "factual information garnered by counsel acting in a professional capacity in anticipation of litigation...includ[ing] facts gathered from the parties and witnesses, and materials discovered through investigations of counsel or his/her agents"; *Ellison*, 1985 OK 35, ¶ 7). However, the portion of the Attorney Memorandum that was redacted contained "opinion work product" (i.e. it included litigation strategy, theories and inferences drawn from the research and investigative efforts of counsel). It has been properly redacted because it constitutes "opinion work product" which the Supreme Court of Oklahoma held in *Ellison v. Gray* is "virtual[ly] immun[e] from discovery".

PROPOSITION 2. THE OWRB TIMELY ASSERTED AND HAS NOT WAIVED THE CONFIDENTIALITY OF THE ATTORNEY MEMORANDUM.

Petitioners' own filings in this case show that the OWRB has claimed as confidential the Attorney Memorandum from the time the OWRB made its first response to the Open Records

Act request submitted by attorneys for certain Protestants (and now Petitioners). The November 8, 2012 Affidavit of L. Mark Walker (attached as Exhibit 2 to Petitioners' Motion for Discovery filed April 30, 2014 in this case) states in paragraph no. 3:

> "3. On November 2, 2012, the OWRB produced certain records in response to the Open Records Act request, but withheld others on the basis of claimed privilege. The November 2, 2012 transmittal letter from Dean Couch to myself is attached hereto as Exhibit B." (Emphasis added.)

That November 2, 2012 transmittal letter from the OWRB (Exhibit B attached to the November 8, 2012 Walker affidavit) stated:

> Our staff has searched our agency's records and, subject to the exemptions from the Act discussed below, copied such records to CDs which are responsive to your request....
>
> While we have endeavored to be fully and openly responsive to your request, there are a limited number of records that will be kept confidential as allowed and authorized by the following provisions of law:
>
> A. 51 O.S. § 24A.5(1): "The Oklahoma Open Records Act, Sections 24A.1 through 24A.28 of [Oklahoma Statutes Title 51], does not apply to records specifically required by law to be kept confidential including:
> a. records protected by a state evidentiary privilege such as the attorney-client privilege [and] the work product immunity from discovery...." (Emphasis added.)

Furthermore, the cases cited by Petitioners to support this contention relate to the involuntary production of documents by an attorney or client and the attorney's failure to invoke privilege before the documents had been put into use as evidence for the opposing party. This is not the circumstance in this case.

PROPOSITION 3. THE OWRB'S ATTORNEY HAS ASSERTED CONFIDENTIALITY OF THE ATTORNEY WORK PRODUCT. THERE HAS BEEN NO "SUBJECT MATTER WAIVER."

The cases cited by Petitioners support the claim of "subject matter waiver" address disclosures made by clients. These cases do not apply to an attorney's opinion work product, which may be asserted by the attorney regardless of the client's disclosures of other material.

> Although the two are closely related, an attorney's work product is not synonymous with the attorney-client privilege. The work product rule remains closely identified with the attorney-client privilege because work product represents efforts expended by the attorney during the course of the professional relationship. The attorney client privilege belongs to the client and must be invoked by the client. The attorney's work product exemption may be claimed by the attorney and not by the client; information which is not protected from discovery by the attorney-client privilege may nonetheless be exempt as work product. (Emphasis added.)

Ellison, 1985 OK 35, ¶ 8. Attorney opinion work product has traditionally been afforded a greater level of protection than so-called "ordinary work product," which includes information merely gathered by the attorney, but not containing the attorney's "thoughts, impressions, views, strategy, conclusions, or other similar information."

PROPOSITION 4. THE "SEPARATION OF FUNCTIONS" ARGUMENT DOES NOT APPLY IN THE PRESENT CASE.

Petitioners' "separation of functions" argument, based on the federal Administrative Procedures Act, is inapplicable. The specific and pertinent law governing the MAY determination process, 82 O.S. §1020.6 and the *ASAPFO* decision, provides that OWRB staff is not a party in a MAY proceeding. Therefore, Petitioners' argument is inapplicable to the present case and must be disregarded.

PROPOSITION 5. PETITIONERS' ARGUMENT THAT THE OWRB "CANNOT HIDE INFORMATION" IS A DISTORTION OF *ELLISON*.

Petitioners' Motion to Compel mistates both law and fact arguing Respondent acted contrary to Oklahoma law by "hid[ing] information critical to the fact finding process." Petitioners' sole citation to what it describes as "long recognized" Oklahoma law is a single

sentence – quoted in portion only – from *Ellison v. Gray*, 1985 OK 35, and submitted without either context or explanation of its applicability to the case at bar. A brief review of the *Ellison* opinion demonstrates that it neither stands for the proposition argued by Petitioners nor is applicable to the facts of this case.

The *Ellison* decision involved a party bringing suit for malicious prosecution. *Id*, at ¶ 4. In response to the malicious prosecution claim, the defendant in *Ellison* pled and argued a defense of "good faith reliance upon advice of counsel," which required a showing that (1) the client disclosed all facts relating to the case within the client's knowledge to the attorney in question, and (2) the client acted honestly and in good faith upon the advice given. *Id*, at ¶ 14; *Lewis v. Crystal Gas Company*, 1975 OK 26, ¶ 12, 532 P.2d 431. Therefore, in *Ellison*, the attorney-client communications sought were the central focus of the litigation ("the advice of counsel is clearly at issue") and thus fell within a recognized exception to the Discovery Code's protection of attorney work product. *Ellison*, 1985 OK 35, at ¶14.

Contrary to Petitioners' argument, the *Ellison* court did not hold that the work product privilege could not be asserted to protect "the thoughts, impressions, views, strategy, conclusions, or other similar information" of an non-party, non-witness agency's legal staff. *See ASAPFO*, at ¶¶ 6-8. Rather, the *Ellison* court held, after lengthy analysis, that it could not permit these materials "acquired and prepared by an attorney in anticipation of litigation" to be discovered "indiscriminately." *Ellison*, 1985 OK 35, at ¶16. Ultimately, the *Ellison* court limited discovery to those materials which were essential to the defendant's asserted defense: (1) documents containing remarks made by the defendant to the attorney, and (2) any questions asked by the attorney which prompted replies relevant to the subject matter at issue. *Id*, at ¶ 17. Additionally, the documents in question were not ordered to be directly produced to the party

seeking their discovery; rather, they were to be presented to the trial court for an *in camera* inspection "to determine which materials are discoverable by these guidelines." *Id.*

In contrast to *Ellison*, the central issue in the present case is the technical and scientific data that led to the development of the MAY. All such scientific or technical data used by the Hearing Examiner is already contained in the expansive record submitted to this Court.

PROPOSITION 6. THE ATTORNEY MEMORANDUM WAS NOT PREPARED IN THE "ORDINARY COURSE" OF BUSINESS, BUT IN WELL-FOUNDED ANTICIPATION OF LITIGATION.

In their attempt to avoid the legal protections required for attorney work product, Petitioners attempt to construe the communication in question as "advice provided [...] in the ordinary course of business." The sole factual basis for their assertion that the communication in question is "in the ordinary course of business" appears to be the OWRB's previous acknowledgment that it has provided "administrative, technical and legal support to the Hearing Examiner" in previous MAY proceedings. Petitioners make no attempt to distinguish between instances when the OWRB's assistance is "in the ordinary course of business" as opposed to when it is given "in anticipation of litigation," and instead expect the Court to adopt its own subjective conclusion that the communications in the Memo in question were not made in anticipation of litigation simply because the OWRB has rendered similar assistance in the past. Adopting Petitioners' proffered rationale would undoubtedly remove any and all meaningful protection for attorney work product gathered or generated by the OWRB legal staff, regardless of context or circumstance, whether litigation is anticipated or not, simply because the OWRB legal staff has performed those functions for the agency in the past.

A more reasoned approach is to look for objective facts establishing an identifiable need or resolve to litigate prior to the gathering or generation of attorney work product. *See Hall v.*

Goodwin, 1989 OK 88, ¶ 9, 775 P.2d 291 (Court's analysis of work product privilege and citation to *Janicker v. George Washington University*, 94 F.R.D. 648 suggests a determination based on objective facts). The discussion under Proposition 1, *supra* at pages 3-7, demonstrates the objective factual basis for the OWRB's anticipation of litigation in this case, which precipitated the preparation of the Attorney Memorandum. Moreover, the OWRB's work on the MAY for the Arbuckle-Simpson Groundwater Basin was hardly within the ordinary course of business for the OWRB. This work was the first MAY done in implementation of a new law enacted in 2003, which amended the more general requirements for MAY determinations already provided in the Oklahoma Groundwater Law.

PROPOSITION 7. PETITIONERS' ARGUMENT CITING 75 O.S. 310(4) IS NOT APPLICABLE TO THIS ISSUE.

Petitioners argue that the language of 75 O.S. § 310(4) removes or derogates the statutory protections afforded to attorney opinion work product. Respondent is not aware of any relevant authority which supports Petitioners' position here, and certainly Petitioners did not city any in their Motion to Compel. In fact, the Attorney Memorandum in question did not add evidence to the MAY record but rather utilized the agency attorney's expertise to evaluate evidence and arguments already in the record. Furthermore, the portions of the Attorney Memorandum that arguably contained scientific and/or technical data have already been made available to the Petitioners. Therefore, Petitioners' argument must fail, and the Motion to Compel must be denied.

CONCLUSION

Respondent OWRB renews its assertion that the "irregularities" alleged by Petitioners in their Motion for Discovery, etc. in this case have already been litigated by two of the Petitioners, and adjudicated by the Supreme Court, in the *ASAPFO* case. As a result, Petitioners' claims are

barred by collateral estoppel. However, even if Petitioners' allegations were not precluded, the relevant authority does not support the relief Petitioners are now seeking. The only exception to the general rule of "review confined to the record" is that "testimony [on alleged irregularities not shown in the record] may be taken in the court". 75 O.S. § 321. Section 321 does not authorize "discovery" or "limited discovery" as requested in Petitioners' motion. For this reason, and because of the foregoing argument and authority, Petitioners' Motion to Compel must be denied.

WHEREFORE, Respondent OWRB respectfully prays that this Court deny the Petitioners' Motion to Compel, to set a schedule for briefing and other proceedings as appropriate, and for such other relief as the Court deems proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on August 12, 2014, a true and correct copy of the above and foregoing instrument was mailed by regular mail, postage prepaid, to those persons listed on the following pages:

Jerry Barnett

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This is to certify that on August 12, 2014, a true and correct copy of the above and foregoing instrument was mailed by regular mail to those persons listed on the following pages:

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Barnett, Jerry

From: Barnett, Jerry
Sent: Friday, September 14, 2012 11:08 AM
To: 'meazeleh@wfu.edu'
Cc: Couch, Dean
Subject: Followup on evidentiary issues
Attachments: Evidentiary issues - Answers 9-14-2012.docx

Hello Professor Meazell,

I am sorry it has taken so long to get this to you. I am afraid one of the primary culprits for the delay has been my own self-inflicted down time which I suspect you have heard about from Dean. I am mending remarkably well but I don't need to be trying (again) to act like a 25-year-old any time soon. ☺

What I have compiled in the attachment (with our technical staff's assistance) focuses on answering the three questions that Dean relayed to us from his conversation with you back on August 14. I wanted to send you this first, to see if the form and content are helpful or if you would prefer something more or even something else.

I also wanted to ask, for my own benefit, if you could identify specifically the additional evidentiary issues, from Mark Walker's post-hearing brief or otherwise, for which you would like us to find answers in the record. I know that Dean volunteered that we would work on a listing of those issues and furnishing pertinent responses from the record, but in all candor I am dense and struggling with this. I have noted many issues raised in Mr. Walker's brief, but it seems to me that many of them are legally argumentative, or factual issues which are not particularly material or necessary for the Board to decide. If it is not too presumptuous of me, I thought it would save us and you time and effort if you could direct me to the issues you want us to work on, and we will get those items addressed in a second installment. Please let me know what I need to do and we will do our best to move forward. You can email me back, or call me (405-530-8803), as is most convenient for you.

I hope you are well-settled in and enjoying this new chapter in your life.

Thank you for your patience, and have a good weekend,

Rowdy

Exhibit 1

Evidence to answer inquiries by Professor Meazell: 9/14/2012

1. Amount of water in storage: 9,408,461 AF vs. "about 11,000,000" AF

The latter figure is in OWRB Exhibit 5 (the March 13, 2012 Tentative Order approved and signed by the Board) at page 3, Tentative Finding paragraph no. 6. It is based in part on an average saturated thickness of 3,400 feet (id.).

The former figure is in OWRB Exhibit 4 (the PowerPoint presentation made by Julie Cunningham at the February 13, 2012 Board meeting). It is based in part on an average saturated thickness of 3,000 feet (id.).

[redacted]

2. "Why Scott Christenson used the model he did rather than the model used by Dr. Peeter"

OWRB Exhibit 10, Slides 30 and 31;
Testimony of Scott Christenson, Hearing Recording Part 6, 1:00 through 4:30 and following; and
OWRB Exhibit 1:
Abstract, page 1 first paragraph and page 2 third paragraph and following; and
Pages 80-89

[redacted]

[redacted]

3. Why the eastern portion of the aquifer was primarily studied

OWRB Exhibit 1 (the USGS Study Report) page 5, second column, second full paragraph:

> "The hydrogeologic study and groundwater-flow model were focused on the eastern Arbuckle-Simpson aquifer because (1) the data needed to build the model are sparse in the western and central Arbuckle-Simpson aquifer, (2) the eastern Arbuckle-Simpson aquifer is the largest part of the aquifer by area and volume, (3) most of the current (2011) groundwater withdrawals from the aquifer are from the eastern Arbuckle-Simpson aquifer, and (4) the largest (by flow) streams and springs sourced from the aquifer are on the eastern Arbuckle-Simpson aquifer. Although the study emphasized the eastern Arbuckle-Simpson aquifer, understanding of the eastern part of the aquifer requires studying the entire aquifer, especially with respect to the geology."