NOTICE OF PREHEARING CONFERENCE AND HEARING

IN THE MATTER OF DETERMINING THE MAXIMUM ANNUAL YIELD FOR THE ARBUCKLE-SIMPSON GROUNDWATER BASIN

1. Background; Legal authority and jurisdiction; Matters asserted

The Oklahoma Groundwater Law (Oklahoma Statutes Title 82, Sections 1020.1 and following) authorizes the Oklahoma Water Resources Board (OWRB) to complete an administrative proceeding to determine the maximum annual yield (MAY) of fresh groundwater which may be used from, and allocated to each acre of land over, a groundwater basin.

The OWRB has issued a tentative determination of the MAY of fresh groundwater that may be used from the Arbuckle-Simpson Groundwater Basin (Arbuckle-Simpson) underlying portions of Murray, Pontotoc, Johnston, Garvin, Coal and Carter Counties. This Tentative MAY Order is based upon factors prescribed in Oklahoma Statutes Title 82, Sections 1020.5, 1020.9A and 1020.9B. The Tentative MAY Order sets the total amount of groundwater that may be withdrawn annually from the entire Arbuckle-Simpson at 78,404 acre-feet. The equal proportionate part of the yield to be allocated to each acre of land overlying the Arbuckle-Simpson has tentatively been set at 0.20 acre-feet per acre per year (equivalent to 2.4 inches of groundwater per acre per year). The Tentative MAY Order also provides that existing valid temporary permits to withdraw groundwater from the Arbuckle-Simpson shall remain in effect, subject to annual revalidation, for a period of five (5) years after the effective date of the final order determining the MAY of the Arbuckle-Simpson, unless an extension of time is granted for good cause shown.

The Oklahoma Groundwater Law provides that once the OWRB has set a tentative MAY determination for a major groundwater basin such as the Arbuckle-Simpson, the OWRB shall call, give notice of, and hold a public hearing at a centrally located place within the area of the basin.

Prior to the Prehearing Conference and Hearing (described below), copies of the pertinent hydrologic survey and investigation upon which the Tentative MAY Order is based shall be available for inspection and examination at the Oklahoma Water Resources Board, 3800 N. Classen Blvd., Oklahoma City, Oklahoma; on the OWRB website at http://www.owrb.ok.gov/studies/groundwater/arbuckle_simpson/arbuckle_study.php; and at the following locations:

- Hugh Warren Memorial Library, 124 S. Rennie, Ada, Oklahoma;
- Chickasaw Regional Library System, 601 Railway Express, Ardmore, Oklahoma;
- Ardmore Public Library, 320 E ST NW, Ardmore, Oklahoma;
- Coal County Public Library, 115 W. Ohio, Coalgate, Oklahoma;
- Nora Sparks Warren Memorial Library, 210 N. Willow, Pauls Valley, Oklahoma;
- Mary E. Parker Memorial Library, 500 W. Broadway, Sulphur, Oklahoma; and
- Johnston County Library, 116 W. Main, Tishomingo, Oklahoma.

Materials available for inspection include but are not limited to:

1. United States Geological Survey report entitled Hydrogeology and Simulation of Groundwater Flow in the Arbuckle-Simpson Aquifer, South-Central Oklahoma, Scientific Investigations Report 2011-5029; and
2. Tentative MAY Order (Oklahoma Water Resources Board Order entitled "Tentative Determination of Maximum Annual Yield of Groundwater From the Arbuckle-Simpson Groundwater Basin" approved on March 13, 2012).

2. Prehearing Conference

In anticipation of substantial public interest and participation in the Hearing to be held later, the OWRB will first hold a **PREHEARING CONFERENCE on May 9, 2012 beginning at 9:00 A.M. in the Pontotoc Technology Center, Seminar Center Auditorium, 601 West 33rd, Ada, Oklahoma**. The Prehearing Conference will be conducted for the purposes of identifying the interested parties, organizing and expediting the presentations to be made during the Hearing to be held later, establishing fact stipulations if any, and addressing any other matters deemed appropriate by the Hearing Examiner. Formal presentations of evidence will **not** be considered at the Prehearing Conference, but interested parties may raise any evidentiary issues they wish to be considered at the Hearing. Each person that desires to be recognized and participate in the Hearing and remainder of the proceeding as a "party" must attend the Prehearing Conference in person or through an authorized representative. Only recognized "parties" will be allowed to participate in the Hearing by presenting formal evidence and legal argument.

3. Hearing

The OWRB will hold the **HEARING on May 15, 2012 beginning at 9:00 A.M. in the Murray County Exposition Center, 4000 West Highway 7, Sulphur, Oklahoma**. At the Hearing, the OWRB will present evidence of the hydrologic survey, findings and determinations upon which the Tentative MAY Order is based, and any party who was recognized during the Prehearing Conference shall have the right to present evidence in support or opposition thereto. Interested parties will also be invited to provide input on: (1) criteria or standards that could be considered good cause for approval of an extension of time of the five-year implementation period before regular permits are issued to replace existing temporary permits; (2) potential modification of the well spacing provisions in current rules relating to distances of proposed wells to other wells; (3) a proposal to adopt an established spacing distance between new proposed wells and springs and streams in the Arbuckle-Simpson; and (4) a methodology for assessing and determining the effects of proposed pumping of specifically proposed wells on specific springs and streams, as set forth in Appendix 2 to the Tentative MAY Order. There will also be an opportunity for those not recognized as parties to submit other oral or written comments for the record.

After the Hearing is completed, the OWRB will proceed to make its final determination of the MAY of groundwater which shall be allocated to each acre of land overlying the Arbuckle-Simpson, including any and all special provisions and conditions relating thereto.

4. Particular sections of statutes and rules involved:

Statutes: Oklahoma Statutes Title 82, Sections 1020.1 through 1020.6, 1020.9A, 1020.9B, 1020.17, 1020.18, 1085.2 and 1085.10; Title 75, Sections 250.1, 250.3, and 308a through 323

Rules: Oklahoma Administrative Code Title 785, Chapter 4 on Rules of Practice and Hearings; Section 785:30-1-2; and Title 785, Chapter 30, Subchapter 9 on Maximum Annual Yield Determinations

For more information, contact Anissa Maher, Hearings Clerk for the OWRB, at (405) 530-8800.

Dated this 26th day of March, 2012.

Emily Hammond Meazell
Hearing Examiner