

Bill Clark  
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Roff, OK 74865  
580-456-7798

March 9, 2011

Mr. J. D. Strong  
Executive Director  
Oklahoma Water Resources Board  
3800 North Classen  
Oklahoma City, OK 73118

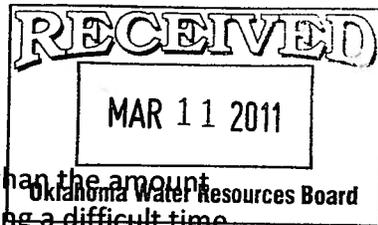
Dear Mr. Strong,

Thank you for taking the time to meet with myself and the other concerned landowners about the fate of the Arbuckle Simpson Aquifer. I know you and your staff have been placed in a very difficult position by the passage of SB 288 and that your recommendation to the board of the maximum annual yield will probably not be popular with any of the stakeholders.

It is my belief that your decision ultimately will be made by interpreting the law and not the science of the recent study. I am certain that you and your staff have asked the question "What is legal?" As we have discussed, strict compliance with this special law means that absolutely no water can be pumped from the Arbuckle Simpson Aquifer because history tells us that the springs and streams have stopped flowing during times of extreme drought. So, for lawmakers or hydrologists to tell us that they can control all negative impact to the surface water is laughable, unless they have found a way to control the rainfall.

If it is generally accepted that zero use was not the intention of our legislators, then the interpretation of their language would have to fall somewhere between zero and a substantial reduction from two acre feet. That being the case, then it is certainly plausible that reducing the potential negative impact to the springs and streams by over 75% would fall well within the interpretation of the law and the intention of our legislators.

Having groundwater permits reduced from two acre feet to the annual recharge would effectively reduce the negative impact to the springs and streams by over 75% if every acre over the entire aquifer were permitted. Of course, the negative impact would be much less under the likely scenario that only a small percentage of the aquifer would actually be permitted. If I recall correctly, approximately 10% of the total acreage is currently permitted and there are permit applications on file for about the same amount. Even if the amount of pending applications were doubled and approved, we would still have less than one-third of the aquifer permitted.



As a landowner, it is hard for me to conceive how we should receive any less than the amount of water that recharges on our land. As I mentioned in our meeting, I am having a difficult time explaining to my family how it is fair that we receive any less water than falls on and soaks into the aquifer through our land. I would appreciate you taking the time to read the enclosed letter that I sent to Duane Smith following the public meeting held in Ada to announce the findings of the study. I address the issue of fairness with Mr. Smith and I would ask you the same question "What is fair?"

I believe that there is a single answer to both questions of "What is fair?" and "What is legal?" The answer is simply recharge.

Please consider that as landowners, we are not compromising by receiving permits for the recharge. A compromise would be splitting the difference between the two extremes of 24" and 0", thereby giving regular permits of one acre foot to surface owners. No, current and potential groundwater permit holders that settle for recharge will have been trounced by losing over 75% of their water and then will be subject to the problematic if not impossible task of proving that their well location will not have further negative impact to the springs and the streams. I have heard it estimated that over 60% of the aquifer would not be permitted because of the proximity to springs and streams. Adding insult to injury would be adding a long phase in period for those that supported the passage of SB 288 and now are facing the fact they will not have enough permitted water to satisfy their use.

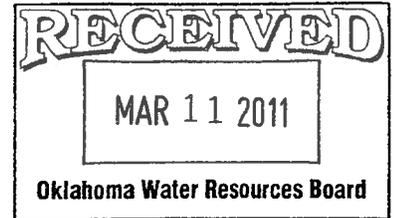
I would ask that you would consider my plight and that reducing my groundwater permits below recharge would severely limit if not completely prevent my use of my water.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clark". The signature is written in a cursive, flowing style.

Bill Clark

Bill Clark  
23650 CR 3500  
Roff, OK 74865  
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September 25, 2009

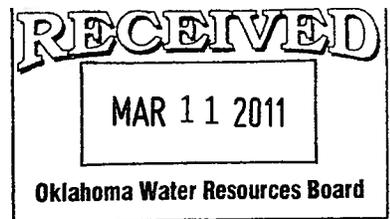
Mr. Duane Smith  
Executive Director  
Oklahoma Water Resources Board  
3800 North Classen  
Oklahoma City, OK 73118

Dear Mr. Smith,

Thank you for allowing this time for stakeholders to submit input for the management strategies that will affect the future of the Arbuckle Simpson Aquifer. As we have discussed in the past, the hardest question to answer in this controversy has been "What is fair?" The study answered a number of the questions about the aquifer, but it didn't answer the fairness issue. Now it is up to the OWRB to determine "What is fair?" I hope that the board will not only look at the science, but will use common sense when they consider this very weighty matter. This decision will impact the private property rights of Oklahomans and will play a large role in determining the future of this part of the state. Even more sobering for the OWRB should be the likelihood of the precedent of commingling ground water and surface water law being applied across the entire state. Setting the maximum annual yield at a ridiculously low amount could be the beginning of the end for all ground water use in Oklahoma.

Time to ponder a situation usually helps us to come to a better conclusion. Now that I have had several years to think about what is fair, I am comfortable with my recommendation. As a landowner, I am convinced that it would be unfair to receive anything less than the amount of water that is contributed to the aquifer through recharge on my property. With that said, the following are my management strategy suggestions that could mitigate the impact of the use of my groundwater:

- Allow agriculture irrigation permits for up to one acre foot per surface acre. Very little farmable land exists over the aquifer so the potential to deplete the ground water would be minimal. Not knowing what the future holds, I think it would be very foolish to basically abolish the practice of irrigation for food production in this part of the state.



- Issue all other permits at the recharge rate with the following contingency; permits would be issued if the land owner agreed to, and is in compliance with, a conservation plan administered by the NRCS that would include brush control and proper grazing management.

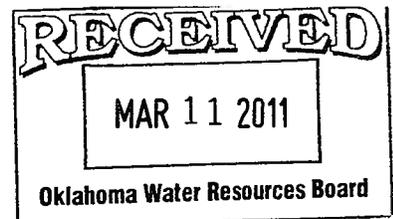
Brush control would decrease the amount of water lost through evapotranspiration. The landscape over the aquifer has changed dramatically over the last 50 to 75 years. It is estimated by Oklahoma State University that we are losing 765 acres per day in Oklahoma to the Eastern Red Cedar. A mature cedar tree can use over 30 gallons of water per day and its leaves can intercept up to 25% of the rainfall allowing it to evaporate before it reaches the ground. One of the highest concentrations of these trees is in the Arbuckle Mountains of Southern Oklahoma. Dr. Todd Halihan recently stated at the Governor's Water Conference that reducing evapotranspiration by 3.6% will "make all the water the US uses".

Poor grazing management by many landowners has had a negative impact upon recharge by dramatically increasing the amount of runoff from each rainfall event. Soil that has very little vegetation left from overgrazing naturally cannot recharge the aquifer as well as the vast stirrup high native grass prairies that once dominated this region.

Brush control and proper grazing go hand in hand. The implementation of these practices will not only increase the amount of available water but will cost very little to implement. Verification could come by simply attaching a statement of compliance with the NRCS plan to the annual water use report that is sent to the OWRB.

If the water has been severed from the land or if the land owner is not willing to commit to a conservation plan, then the permits would be issued at one half of the recharge. This would not only discourage the severance of the water from the land but should insure good stewardship of all of our natural resources.

- Well spacing should be increased to reduce the impact on the immediate area around the well fields. Most well fields over the Arbuckle Simpson Aquifer that I am aware of are spaced closely together to reduce the cost of the infrastructure. In fact, a new well was recently drilled near my home by a RWD that is less than 100' from another well that is currently being used for public water supply. Blue River no longer runs through my property as it once did and I am convinced it is because of the concentration of wells.



- Artificial recharge could also increase the amount of available groundwater. This has been successful in other aquifers and could be used here to minimize any negative impacts on springs and streams.

There is one additional reason that I believe issuing permits for recharge will have less impact to the springs and streams than the study portrayed. The fact that the recharge rate increases proceeding times of drought or with increased usage of the groundwater, has not been considered in any of the modeling that I saw. The study did verify that immediately following a drought, recharge will increase dramatically. It stands to reason that pumping more extensively would allow for more recharge just as a drought does. I don't claim to understand all of the science, but common sense says that if in fact the aquifer is pumped more – it will recharge more.

Compliance with SB 288's directive is nonsensical. To not have a negative impact on the springs and streams, during times of drought, means that no water can be pumped. Unless we completely stop all use of groundwater, we must face the fact that at times, there will be a negative impact on the springs and streams. Implementing the strategies I have suggested, or others that would promote conservation and recharge, would add another layer of assurance that minimal impact would come to the springs and streams.

Permits for recharge would allow most of the existing users to continue using the amount of water they need without creating an emergency and would hopefully eliminate the majority of the lawsuits or proposed changes to our state laws that are bound to take place if the landowners are reduced to 1.8" and term permits are issued to current users.

Your consideration of the aforementioned recommendations would be appreciated.

Respectfully,

Bill Clark