

## Tishomingo National Wildlife Refuge

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November 29, 2011

Hon. Linda Lambert  
Chairwoman, Oklahoma Water Resources Board  
3800 North Classen Boulevard  
Oklahoma City, Oklahoma 73118

*Re: Support for the Order Establishing the Tentative Maximum Annual Yield of the Arbuckle-Simpson Aquifer*

Dear Chairwoman Lambert:

The Arbuckle-Simpson Aquifer is the only Sole Source Aquifer in the State of Oklahoma, as designated by the Environmental Protection Agency in 1989. Moreover, the Arbuckle-Simpson Aquifer is the only Sensitive Sole Source Aquifer in the State of Oklahoma, as designated by the Oklahoma Legislature through S.B. 288 in 2003.

The purpose of Tishomingo National Wildlife Refuge is for refuge and breeding ground for migratory birds and other wildlife..." Public Lands Order 312, dated Jan. 24, 1946. The very existence of Cumberland Pool on the Refuge depends upon the springs and streams emanating from the Arbuckle-Simpson Aquifer. Pennington and Sandy Creeks both flow directly into Cumberland Pool allowing for a major feeding and resting area for migratory birds. It is vital to the continued sustainability of the Refuge that the Arbuckle-Simpson Aquifer be managed to allow for the continued flow of water that provides miles of riparian habitat, on the refuge, for wildlife. Without a sustainable model in place, the Refuge's purpose, as set forth by the federal government, will be frustrated.

Pursuant to Oklahoma law, the Oklahoma Water Resources Board must issue an order establishing the maximum annual yield of the Arbuckle-Simpson Aquifer after a hydrologic study has been completed. The data obtained through the Oklahoma Water Resources Board's hydrologic study of the Arbuckle-Simpson establishes that a maximum annual yield of 66,560

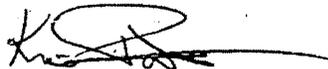
acre-feet is protective of the Arbuckle-Simpson Aquifer. Accordingly, the equal proportionate share (acre-feet per acre per year), based upon the maximum annual yield and total overlying land area, is 0.2 acre-feet per acre per year.

The Order Establishing the Tentative Maximum Annual Yield allows a twenty (20) year phase in period for existing permits. The Order Establishing the Tentative Maximum Annual Yield also calls for a well setback for all major springs in the Arbuckle-Simpson Aquifer, as identified by the Oklahoma Water Resources Board. However, location exceptions for wells proposed within the well setback area are allowed if the Oklahoma Water Resources Board finds that placing the well within the setback area prevents inequitable or unreasonable treatment and is not likely to interfere with springs emanating in whole or in part from the Arbuckle-Simpson Aquifer.

The Tishomingo National Wildlife Refuge supports the Order Establishing a Tentative Maximum Annual Yield for the Arbuckle-Simpson Aquifer. Specifically, the Refuge supports the Oklahoma Water Resources Board's determination of the maximum annual yield for the Arbuckle-Simpson Aquifer being 66,560 acre-feet per year and the Board's determination that the equal proportionate share, or acre-feet per acre per year, be 0.2 acre-feet per acre per year.

The Refuge also supports a twenty (20) year phase in for existing groundwater use permits. Additionally, the Refuge supports a well setback from major springs within the Arbuckle-Simpson Aquifer, as well as a location exception from said setback. Provided, that the Oklahoma Water Resources Board determines that placing a well within the setback area prevents inequitable or unreasonable treatment and is not likely to interfere with springs emanating from the Aquifer.

Sincerely,



Kristopher K. Patton  
Refuge Manager  
Tishomingo NWR