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OWRB Sets Preliminary Hearing on Arbuckle-Simpson Groundwater Permits

On Tuesday, the Oklahoma Water Resources Board initiated the first step in considering the proposed use of south central Oklahoma groundwater by thirsty communities in central Oklahoma.

Judge Don Barnes, a retired Oklahoma Supreme Court justice recently retained by the Water Board to consider protested water use applications and related matters under the agency's purview, will oversee a prehearing conference on September 30. The purpose of the conference is to identify those persons who intend to present detailed evidence and/or testify at upcoming regular hearings on the two proposed permits filed by applicants Clayton and Julie Jack (1,700 acre-feet per year) and William and Betty Ann Clark (805 ac-ft/yr). The prehearing conference will be held at the Mid-America Technology Center, located at I-35 and Highway 59, three miles west of Wayne, Oklahoma. The prehearing will begin at 1 p.m.

Earlier this year, a local development company, PESA LLC, approached numerous central Oklahoma communities—including Yukon, Piedmont, El Reno, Mustang, Calumet, Okarche, and others—with a proposal to provide future water supply through an 88-mile pipeline from the Arbuckle-Simpson Aquifer. PESA has reportedly secured the water rights from many landowners overlying the groundwater source and several municipalities have already entered into agreements to join the estimated \$200 million project, which would supply as much as 60,000 acre-feet of water per year to the Oklahoma City area.

A primary factor in the OWRB's decision to hold the prehearing conference is the large number of protests and comments filed in relation to the permit applications. To date, the Board has received approximately 1,600 protests. Consistent with state water law, all have been notified of the prehearing conference.

"This conference will help Judge Barnes by allowing him an opportunity to establish the specific issues he will be hearing evidence and testimony on at the actual hearing," says Mike Mathis, chief of the OWRB's Planning and Management Division. "In general, it will just make the proceedings go more smoothly."

Mathis stresses that the conference is not a formal evidence hearing. Therefore, evidence in opposition to or in support of the permit applications will not be heard or accepted at the prehearing. However, he adds, any protestant who desires to present evidence at the regular hearing is required to attend the prehearing and explain to the hearing examiner what kind of evidence he or she intends to show at the regular hearing. The Board will announce a date for the regular hearing shortly after conclusion of the prehearing conference.

The Water Board is currently working with members of Oklahoma's Congressional delegation to identify funds that would be utilized to sponsor a comprehensive multi-year study of the prolific and highly complex groundwater source. The Arbuckle-Simpson Aquifer supplies flow to many area rivers and streams—including Byrd's Mill Spring and the Blue River, the drinking water source for the City of Ada—but OWRB hydrologists indicate that more information is required to properly manage and protect the groundwater formation. The aquifer underlies some 500 square miles from near Ardmore, in Carter County, to Ada, in Pontotoc County.

Judge Barnes' formal order on the prehearing conference is available on the OWRB's web site at www.owrb.state.ok.us. Copies of the order are also available for review at public libraries in Ada, Davis, Pauls Valley, Sulphur, and Tishomingo.

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