

May 15, 2012

The Honorable Emily Hammond Mezell  
Oklahoma Water Resources Board  
3800 N. Classen Blvd.  
Oklahoma City, OK 73118

Re: In the Matter of Determining the Maximum Annual Yield for the Arbuckle-Simpson Groundwater Basin underlying parts of Murray, Pontotoc, Johnston, Garvin, Coal and Carter Counties

Dear Judge Mezell:

These comments are submitted on behalf of Oklahoma Farm Bureau, Inc. (OFB), the state's largest agricultural organization with approximately 141,000 member families. OFB supports the state sanctioned rights of its members to own and use groundwater as private property. We are concerned the Tentative Order will restrict the use of groundwater in the basin, thereby limiting the ability of farmers and ranchers to choose the type and method of their farming and ranching operations and creating a negative fiscal impact on individuals and the state's economy.

OFB was incorporated in 1942 as a 501(C)(5) agricultural organization. OFB is composed of farm and ranch families and other persons with an interest in agriculture who become members concurrently of an affiliated county Farm Bureau, the state Farm Bureau and the American Farm Bureau Federation (AFBF). These local, state and national units are bound together by voluntary cooperative agreements which state the common objectives and the procedures by which the three shall cooperate.

Upon affiliation through the cooperative agreement, county units of this organization become affiliated members, agree to abide by the provisions of the state bylaws and by the bylaws of the AFBF. Carter, Coal, Garvin, Johnston, Murray and Pontotoc County Farm Bureaus are affiliated with OFB and AFBF.

No person shall serve as an officer or director of a county Farm Bureau who does not qualify as a voting member of the state organization as defined in the OFB bylaws.

According to the OFB Bylaws, persons engaged in production of farm products, including lessees and tenants of land so used, the major portion of whose average gross income is derived

from such production, may make application through an affiliated county unit for voting membership in the organization, and if accepted, will upon payment of dues be entitled to all rights and privileges of voting membership therein.

Persons, firms, organizations, boards or associations who do not qualify as voting members may make application for associate membership through an affiliated county unit. The county Farm Bureau board shall annually classify its members as voting or associate. The counties listed in the Tentative Order had the following number of voting members as of August 31, 2011:

1. Carter – 217
2. Coal – 289
3. Garvin – 620
4. Johnston – 843
5. Murray – 504
6. Pontotoc – 1,297

Cattle and calves, hay, and pecans are some of the major crops grown in Carter, Coal, Garvin, Johnston, Murray and Pontotoc counties.

Figures from the USDA National Agricultural Statistics Service for hay<sup>1</sup> estimate the total production from the affected counties in 2011 as:

1. Coal – 31,000 tons
2. Garvin – 19,400 tons
3. Johnston – 21,000 tons
4. Murray – 14,500 tons
5. Pontotoc – 39,000 tons

The numbers of cattle and calves in the affected counties dropped from thousands to tens of thousands of dollars from 2010 to 2012, due to the drought that affected the state. Figures from the USDA National Agricultural Statistics for all cattle and calves<sup>2</sup> estimate the total production from the affected counties as of January 1, 2012 as:

1. Carter – 42,000 head
2. Coal – 33,500 head
3. Garvin – 65,000 head
4. Johnston – 35,000 head

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<sup>1</sup> USDA National Agricultural Statistics Service, Oklahoma Hay County Estimates, Alfalfa and Other Hay, Acres, Yield, and Production, by County, Oklahoma, 2011. Issued April 2012.

<sup>2</sup> USDA National Agricultural Statistics Service, Oklahoma Cattle County Estimates, Cattle Inventory by Class and County, Oklahoma, January 1, 2012. Issued May 2012.

5. Murray – 21,000 head
6. Pontotoc – 44,000 head

Figures from the USDA National Agricultural Statistics Service for pecans<sup>3</sup> from the 2007 Census estimate production from the affected counties as:

1. Carter – 8,037 acres
2. Coal – 5,453 acres
3. Garvin – 10,746 acres
4. Johnston – 4,901 acres
5. Murray – 2,430 acres
6. Pontotoc – 8,857 acres

The aforementioned commodities are not exhaustive of the commodities grown in the counties. While the production numbers for the three commodities may seem impressive, other measures of production are not favorable. In a comparison of the estimated statewide and county dollar average per farm for market value of agricultural products sold, none of the counties came near the statewide average.<sup>4</sup> The low county numbers demonstrate there is a need to further develop and improve agricultural production in the area. Following are the numbers (average per farm) for comparison:

1. Statewide - \$67,072
2. Carter - \$21,657
3. Coal - \$31,937
4. Garvin – \$25,330
5. Johnston - \$28,688
6. Murray - \$26,267
7. Pontotoc – \$18,710

Growing crops and livestock require water. Rain falls on the counties listed in the Tentative Order, and the parts of the counties which overlie the groundwater basin recharge and replenish the aquifer. If the Tentative Order is adopted, the maximum amount of water which could be permitted for use is less than the amount of water falling on farmers and ranchers land recharging the aquifer. Thus, farmers and ranchers would be unable to use the water their own land has contributed to the aquifer.

If the Tentative Order is adopted, the groundwater farmers and ranchers will be barred from using will be distributed to springs and streams, which are “public” water. The rights of farmers

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<sup>3</sup> USDA National Agricultural Statistics Service 2007 Census of Agriculture, Acres of Pecan Production by County in Oklahoma.

<sup>4</sup> USDA National Agricultural Statistics Service 2007 Census of Agriculture, County Data, County Summary Highlights for Oklahoma.

and ranchers to use their groundwater should not be inferior to the users of stream water. The Tentative Order's proposal to drastically limit groundwater use is effectively transferring private property to the state.

In Oklahoma, groundwater is private property. By severely limiting the amount of water that can be used from the groundwater basin, the Tentative Order is limiting agricultural production, and therefore, prosperity in the area and the state.

Oklahoma Farm Bureau may submit further comments after the Hearing is concluded.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Marla R. Peek". The signature is written in a cursive, flowing style.

Marla R. Peek  
Director of Regulatory Affairs