

Johnston County

# Capital-Democrat

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May 29, 2012

The Honorable Emily Meazell  
Hearing Examiner, Arbuckle-Simpson Aquifer MAY  
c/o Oklahoma Water Resources Board  
3800 N. Classen  
Oklahoma City, OK 73118

Madame,

Please accept this statement as my written comments in support of the OWRB Tentative Order setting the MAY of the Arbuckle-Simpson Aquifer at 78,404 acre ft.

“...a maximum annual yield that will ensure that any permit for the removal of water from a sensitive sole source groundwater basin or subbasin *will not reduce* the natural flow of water from springs or streams emanating from said basin or subbasin.”

“Before the OWRB takes final action on an application, the Board shall determine.....whether: d. the proposed use is likely to *degrade or interfere* with springs or streams emanating....”

—*from Senate Bill 288*

When the Central Oklahoma Water Resource Authority (COWRA) first announced plans to construct a \$200 million pipeline to transport groundwater from south central Oklahoma to central Oklahoma in March, 2002, I must say most of us didn't have a clue as to the impact it might have on the Arbuckle-Simpson Aquifer. As the editor/publisher of the Tishomingo newspaper, at the time I didn't even know what an aquifer was, much less realize just how dependent the community of Tishomingo is on the Arbuckle-Simpson for its water supply.

On behalf of the newspaper, I remember contacting the OWRB for the first time to see what this might mean for Pennington Creek and Blue River, only to be told that the OWRB “could not be certain” it would have any impact at all. It was only after we printed our first story about COWRA's plans that a retired army general who lives in a housing area on Blue River by the name of Harry Barnes dropped by the newspaper office with a copy of USGS Circular 91. “Here, you need to read this,” he said shoving the pamphlet into my hands. “It will tell you what you want to know.”

After thumbing through the pages of the USGS survey, I began to understand just how dependant Pennington and Blue are on the aquifer for stream flow. It didn't take a rocket scientist to figure out fairly quickly that large withdrawals from the aquifer such as those proposed by COWRA would have a serious impact on both streams. General Barnes, who was in his 80s at the time, told me it would be up to those of us a little younger to fight for our water, and fight we did.

Following a series of local editorials written about the topic, one day Earl Brewer, a resident of Tishomingo and a former director of the Oklahoma Dept. of Corrections, walked into the newspaper office. “I've been reading your paper about our water, and the more I read, the madder I get,” Brewer said. “We need to call a meeting and see if we can get some people involved who are willing to fight this.”

Earl had “fire in his belly” as one person told me later, and was the linchpin for forming first “Citizens for the

Protection of Johnston County Water” (CPJCW) which later would become “Citizens for the Protection of the Arbuckle-Simpson Aquifer” (CPASA) under Earl’s leadership.

As one of the original organizers (there were four: Earl Brewer, John Bruno (now deceased), Gary Greene and myself), we held our first meeting with the general public. A steering committee was formed that later became the board, and eventually by-laws were written. During a permit hearing at Wayne, OK where the Hearing Examiner failed to appear due to a family emergency, officers were elected by those attending. Realizing that the threat to the aquifer was much greater than to just Johnston County and with similar interests organizing in Davis and Ada, we changed our name and invited them to join us, which they did.

In the meantime, the newspaper continued to publish stories about the aquifer, including updates on any new permit applications for municipal or other use that had been submitted to the OWRB. While CPASA has lately claimed there were only two, totalling 80,000 acre ft., my recollection is there were several more, and if I remember correctly the cumulative total acre ft. of all existing permits plus those pending when the moratorium was passed was more in the neighborhood of 130,000 acre ft. (although only a few have since been granted).

Prior to Senate Bill 288 taking its final form, we pursued relief on the federal, state and tribal levels through anyone who would listen to us. While most were sympathetic, it was State Senator Jay Paul Gumm (D-Durant) who ultimately devised a mechanism that would comply with existing Oklahoma groundwater laws while still implementing a moratorium and authorizing a hydrological study prior to anything else moving forward. It was in a private meeting with Sen. Gumm in Tishomingo that John Bruno insisted language be included in the bill that would connect ground and surface water together for the first time in the history of state water law. I remember that meeting very well because at the time I didn’t understand just how important this would become if we were to be successful in protecting our springs and streams. Gumm also expressed serious doubts about being able to get the law passed if it was included, but thanks to Bruno’s continuing insistence, he relented and agreed to include the language in the bill.

It was at another groundwater permit hearing sometime later at Murray State College in Tishomingo that that point was driven home, when the Hearing Examiner told the audience of several hundred people that the impact groundwater pumping would have on surface water was “irrelevant,” since Oklahoma water law did not recognize that hydrological connection, and any testimony or evidence related to surface water would not be a part of his decision. It was only after the insistence by legal representation of CPASA that he agreed to allow the testimony regarding surface water to be entered into the record, pending the outcome of SB 288 under debate in the state legislature at the time, as to whether or not it might be considered later.

The rest, as they say, is history, and while most of this doesn’t really address the matter at hand, I did want to provide some background and context about a battle we have been fighting diligently for a decade now. The threat was initiated by an outside group and had it been successful, would have been devastating to this part of Oklahoma. I personally believe the citizens of Tishomingo have been fighting for our very survival as a community due to our dependence on Pennington and the lack of an affordable sufficient quality secondary drinking water source. Kill Pennington Creek and you kill Tishomingo, Oklahoma, U.S.A. Pretty simple, really. And I believe our community of a little over 3,000 inhabitants is unique when compared to other cities in the Arbuckle-Simpson Aquifer basin in regard to a total dependence upon this one solitary source of surface water for its future existence. Everyone else, I believe, has other economically viable alternatives. I don’t believe the people of Tishomingo do.

And so in closing let me say I wish you the wisdom of Solomon in arriving at a decision that is fair and equitable to everyone involved. But I would also ask that in applying the law, that you also consider why some laws are made, and how they can be implemented to advance the cause of the greater public good and the world in which we live.

May God bless you and guide you in exercising that authority. Our future is literally in your hands. Thank you for including these and other comments in your deliberations.

Sincerely,

Ray Lokey  
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