

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

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.)

CPASA’S MOTION FOR JUDICIAL NOTICE OF COGNIZABLE FACTS

COMES NOW Citizens for the Protection of the Arbuckle-Simpson Aquifer (herein “CPASA”) and respectfully requests this Court take judicial notice of certain cognizable facts. In support, CPASA states as follows:

AUTHORITIES

Hearings related to a tentative maximum annual yield determination made by the Oklahoma Water Resources Board (herein “OWRB”) “shall be conducted pursuant to Article II of the Administrative Procedures Act.” 82 O.S. § 1020.6(A).

Pursuant to Article II of the Oklahoma Administrative Procedures Act, “[n]otice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency’s specialized knowledge. . . .” 75 O.S. § 310(4). Accordingly, CPASA requests the following judicially cognizable facts be noticed for purposes of the administrative proceeding relating to the OWRB’s Tentative Determination of Maximum Annual Yield for the Arbuckle-Simpson Groundwater Basin:

1. Prior to making orders establishing the tentative maximum annual yield for the Arbuckle-Simpson Groundwater Basin, the Oklahoma Water Resources Board made hydrologic surveys and investigations.
2. The Arbuckle-Simpson Groundwater Basin underlies parts of Murray, Pontotoc, Johnston, Garvin, Coal, and Carter Counties.
3. The OWRB published notice of the Hearing on its Tentative Determination of Maximum Annual Yield for the Arbuckle-Simpson Groundwater Basin in newspapers of general circulation in each county having lands that overlie the groundwater basin at least once per week for two (2) consecutive weeks, with the last publication being at least thirty (30) days prior to the date of the hearing.
4. The OWRB called and noticed hearings at centrally located places within the area of the Arbuckle-Simpson Groundwater Basin. Specifically, the Prehearing Conference was held in the City of Ada, located in Pontotoc County, Oklahoma, and the Formal Hearing was held near the City of Sulphur, located in Murray County, Oklahoma.
5. Copies of the OWRB's hydrologic survey were made available for inspection and examination by all interested parties prior to the Formal Hearing.
6. The OWRB based its tentative determination of maximum annual yield on the total land area overlying the groundwater basin, which it found to be 612.5 square miles, or 392,019 acres.
7. The OWRB based its tentative determination of maximum annual yield on the amount of water in storage in the Arbuckle-Simpson Groundwater Basin.

8. The OWRB based its tentative determination of maximum annual yield on the rate of recharge to the Arbuckle-Simpson Groundwater Basin, which it determined to be 5.58 inches per year.

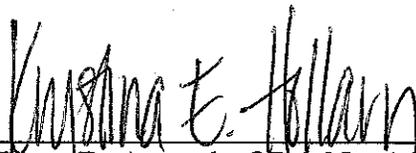
9. The OWRB based its tentative determination of maximum annual yield on the total discharge from the Arbuckle-Simpson Groundwater Basin, which it determined to be based upon prior rights to the use of groundwater and estimations of average stream flow.

10. The OWRB based its tentative determination of maximum annual yield on the transmissibility of the Arbuckle-Simpson Groundwater Basin, which it determined to be 11,000 feet squared per day.

11. The OWRB based its tentative determination of maximum annual yield on the possibility of natural pollution, which it determined to be negligible.

12. MODFLOW 2000 is the industry standard computer program used to simulate the flow of water within a groundwater basin.

Respectfully submitted this 9th day of May,

Handwritten signature of Krystina E. Hollarn in black ink, written over a horizontal line.

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