

**Citizens for the Protection of the Arbuckle Simpson Aquifer**  
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SB288 Implementation Recommendations

- Per the study data, set the maximum annual yield so that total aquifer development does not exceed 25,000 to 30,000 acre feet per year with an equal proportionate share (EPS) of 1.5 acre inches per year.
- The permitting process should place the burden on the applicant to show under the study's model that granting the requested permit amount will not cause a greater than 20% impact on local springs and streams; if showing is made and permit issues, OWRB should condition permits to provide for future enforcement if impact occurs or use deviates from what was permitted.
- CPASA understands that it will be vital for the implementation efforts to allow for a phase in period for current and actual permitted uses. As such we recommend the following time frame for such implementation:
  - Current Permit Holders – Actual Users
    - 10 years at current and actual usage
    - 10 years at recharge rate
    - Thereafter, at EPS
  - Current Permit Holders – Non-Users
    - 5 years at recharge rate
    - Thereafter, at EPS
  - New Applicants
    - At EPS
- To the greatest extent possible, the permit should require wells to be located and operated to avoid or minimize impacts on local springs and streams.
- In light of the purpose of the sole source aquifer designation, no transfer of groundwater rights to any point of diversion or place of use outside the aquifer area.
- A permit applicant should not be able to use ground water rights associated with lands outside of the Arbuckle Simpson aquifer for diversion of ground waters within the aquifer area.

- To provide for some user flexibility, OWRB could allow for diversion amounts, rates, and schedules that allow users to realize the benefit of any actual and meaningful impact mitigation and/or aquifer recharge.
- OWRB must be empowered to require objective proof of actual water use (*e.g.*, metering, not user estimates), and any allowance for a phased-in period of use that exceeds the EPS must be based on such data.
- A mechanism should be developed by which groundwater rights otherwise available for development and use could be set aside for purposes of environmental flows and/or conservation. Such set asides should earn tax credits or some other incentivizing compensation.
- Combined ground water that collects in open pit mines should absolutely *not* be exempt from S.B. 288 management rules, and any diversion or use of such water *must* be accounted against existing or applied-for permits; alternatively, the discharge of Arbuckle Simpson groundwater as part of any mining operation should be considered *per se* unlawful “waste” in the absence of some effective management or alternative regulation of such discharges is provided for in a manner consistent with the purposes of S.B. 288.