



WATER-RIGHT DOCKET

Chickasaw National Recreation Area

Docket No: 1

BUFFALO SPRINGS

Preliminary Docket Information

08-14-1995: two spring in sulphur creek group; august 14, 1995

August 14, 1995

L54(479)

Memorandum

To: Files

From: Owen Williams, Chief, Water Rights Branch *OW*

Subject: Dockets

This is one of two springs in the "Sulphur Creek group" as defined by Charles N. Gould in 1905. The springs are named:

Buffalo Springs Docket # 01
Antelope Spring 02

Where it is available, water quality data are included in the CHIC springs dockets. This is done here because of the original purposes for which the park was established. Water quality data would not normally be a part of a docket, but CHIC's springs were viewed as medicinal at the time of the park's establishment. This reason, among others, necessitated the protection and preservation of CHIC springs.

The State of Oklahoma has been informed of the U.S.'s claim to the springs but no quantification of a right under the reservation doctrine, or any other doctrine, has been made.

WATER DOCKET INFORMATION

AREA CHICKASAW

DOCKET NO. 1

APPLICATION NO. _____

STATE RIPARIAN NO. _____

CERTIFICATE NO. _____

TITLE OF DOCKET BUFFALO SPRINGS

PRIORITY _____

REMARKS. _____

Card #3
Add Change

Status
Active Inactive

Water System
Primary Secondary

Type of Source
Lake River Spring Well

Legal Source
Surface Water Ground Water

Priority
year month day

Quantity Vested
cub.ft. gal acre ft. miner's in. per
sec min day month year

Quantity Used
cub.ft. gal acre ft. miner's in. per
sec min day month year

Use of Water
Primary Secondary

(00) Mine (05) Campground (09) Recreation (13) Other
(01) Wildlife (06) Domestic (10) Mining
(02) Stockwater (07) Public Supply (11) Power
(03) Irrigation (08) Municipal (12) Fire Protection

Reservation Date
year month day

Date of Adjudication
year month day

Hydrologic Unit Number

Card #4
Add Change

Card #5
Add Change

Card #6
Add Change

Card #7
Add Change

Remarks
B U F F A L O S P R I N G S I S O N E O F T H E P R I N
C I P A L C O N T R I B U T O R S T O T R A V E R T I N E
C R E E K W H I C H F E E S I N T O R O C K C R E E K
I T F L O W S T H R O U G H T H E P A R K B O U N D A R
I E S . B U F F A L O S P R I N G S V A R I E S B E T W E E
N O A N D 2 5 0 0 G P M . W A T E R F L O W M A I N
T A I N S T H E N A T O P A L S E T T I N G F O R T H E
A R E A .

*Complete letter
in CHIC-0030*

L34(SW2-OM)

MAY 27 1983

Mr. James R. Barnett
Executive Director
Oklahoma Water Resources Board
P.O. Box 53585
Oklahoma City, Oklahoma 73152

Dear Mr. Barnett:

Following the National Park Service's "Declaration of Water Rights" to all springs and wells (see Enclosure A for individual listing), at Chickasaw National Recreation Area dated May 9, 1983, enclosed you will find the following additional information:

1. Excerpts of correspondence, office memoranda, etc., dated from the early 1900's generally describing the development of selected springs within the Sulphur Springs Reservation (formerly Platt National Park).
2. Photographs showing visitor use of selected springs through the years.

In addition to the above declarations, the National Park Service obtains water from the following water sources for municipal purposes.

1. City of Sulphur, Oklahoma.
2. Rural Water District No. 1.
3. NPS Water Treatment Plant.

Municipal water purchased from the City of Sulphur and the Rural Water District No. 1 from 1976 to 1982 is as follows:

<u>Year</u>	<u>City of Sulphur</u>	<u>RWD No. 1</u>
1976	1.431	.003
1977	2.199	.021
1978	4.383	.032
1979	3.287	.133
1980	1.035	.068
1981	1.639	.015
1982	1.195	3.037

The above material values are in million of gallons per year.

Supplemental mineral water is obtained from the overflow of an artesian well (Caylor Well), which is located on non-National Park Service property within Sulphur, Oklahoma. The water has been flowing into park land since 1937, as nearly as we are able to determine at this time. A formal agreement reflecting the above verbal agreement, which has been in effect since 1937(?), was entered on June 3, 1961. The initial flow to the park from Caylor Well is estimated at 15 to 20 gallons per minute.

Visitation figures to the area (see Enclosure 3), compiled by the staff of Chickasaw National Recreation Area from 1907 to 1982 are also enclosed. As you will note, visitation to the area shows an increasing trend from 106,332 in 1908 to 2,094,319 in 1982. Visitation has increased in part because of the increasing size of the park and construction or replacement of physical facilities, plus the discovery of the recreational and aesthetic benefits of the area by first time visitors to the area.

Additional information is available, should you and the board request it. The information may take some time to secure as it is stored in Dallas, Texas. Obtaining additional information may require as much as two months work and attendant costs estimated at \$10,000.

Sincerely,

/s/ JACK NECKELS

Associate Regional Director,
Park Operations, SWR

Enclosures 3

bcc:

Field Solicitor, Santa Fe
Superintendent, Chickasaw
Chief, WASO/497

Solicitor, Regional Office, P.O. Box 3156, Tulsa, Oklahoma 74101 (Attn: E. King)
(each w/o enclosures)

GMoore:og:5/26:83

Enclosure A

LISTING OF DECLARATION OF WATER RIGHTS

1. Antelope Springs
2. Buffalo Springs
3. Cunningham Spring
4. Base Spring
5. Big Tom Springs
6. Arsenic Spring
7. Little Tom Springs
8. Swords' Spring
9. Townsley's Spring
10. Dog Springs
11. Unnamed Spring
12. Hillside Spring
13. Beach Springs
14. Beach Springs
15. Beach Springs
16. Sand Springs
17. Bromide Spring
18. Cliff Bromide Spring
19. Unnamed Spring
20. Black Sulphur Spring
21. Sulphur Spring
22. Tuff's Spring
23. Iron Spring
24. Soda Spring
25. Sulphur Springs
26. Sulphur Springs
27. Wilson Spring
28. Churchill Spring
29. Rucker's Spring
30. Iron Spring
31. Jericho Spring
32. Unnamed Springs
33. Vendome Well
- Observation Well No. 1
- Observation Well No. 2

LS4(SWR-OM)

May 3, 1983

Mr. James R. Barnett
Executive Director
Oklahoma Water Resources Board
P.O. Box 53585
Oklahoma City, Oklahoma 73152

Dear Mr. Barnett:

In accordance with an agreement reached during a meeting between members of our respective staffs on April 21, 1983, the National Park Service declares a water claim to all waters issuing from a total of 33 springs which were identified by Dr. Charles N. Gould, Professor of Geology at the University of Oklahoma, in 1906. In addition, the National Park Service declares its claims to water which issue from the Vendome Well, a free flowing artesian well.

Within 2 weeks, the National Park Service will submit under separate cover, two packages consisting of photographs and excerpts of correspondence dating back to the turn of the century, concerning these claims.

Sincerely,

/s/ Robert L. Kerr

Regional Director,
Southwest Region

Separate Cover

cc:

Field Solicitor, Santa Fe)

Superintendent, Chickasaw) each w/copy of enclosure

Chief, WASO/497)

Mr. K. King, Solicitor, Regional Office, P.O. Box 3156, Tulsa, OK 74101 w/enc.

George:edr:5/9/83

OM

DECLARATION OF OWNERSHIP OF WATER RIGHTS

page 1 of 2

No. Buffalo Springs - Sulphur Artesian Basin
 Basin Name

Declaration No. _____ Date received _____

1. Name of Declarant United States of America through National Park Service Chickasaw
National Recreation Area, Box 201, Sulphur, OK 73086
 Mailing Address _____

County of Murray State of Oklahoma

2. Source of water supply Simmons/Arbuckle Group *(see Sec. 8A)
 (artesian or shallow water aquifer)

3. Describe well location under one of the subheadings:

a. NE 1/4 SW 1/4 NE 1/4 of Sec. 1 Twp. 15 Rge. 3E 1PM in
Murray County.

b. Tract No. _____ of Map No. _____ of the _____

On land owned by United States of America

4. Description of well: date drilled _____ driller _____ depth _____ feet.
 outside diameter of casing _____ inches; original capacity _____ gal. per min.; present
 capacity _____ gal. per min.; pumping lift _____ feet; static water level _____ feet (above)
 (below) land surface; make and type of pump _____
 Make, type, horsepower, etc., of power plant _____
 Fractional or percentage interest claimed in well _____

5. Quantity of water appropriated and beneficially used to 3300 gallons per minute (Sec. 8B)
 (acre feet per acre)

historical and current uses: public drinking water, live-
 for stock watering, education, recreation, fish purposes.
 (acre feet per annum) and wildlife including support of existing natural riparian
 ecosystem.

6. Description of spring: Developed or Undeveloped (Circle One)

Date Developed: prior to 1904 _____ by unknown _____

7. Water was first applied to beneficial use 07 01 1902
 month day year

and since that time has been used fully and continuously for the above described

8A. Classified as part of Sulphur Creek Group by Dr. Charles N. Gould,
 purpose in Number 5. Geologist, in "Report on Springs", August 13, 1906.

B. Reported in Dr. Jimmy F. Harp, et. al., Associate Professor in
 8. Additional statements or explanations School of Civil Engineering and Environmental Science,
University of Oklahoma in "Subsurface and Surface Water Flows at Platt National Park, Sulphur,
Oklahoma", April 1976.

8C. See Attached.

I, Robert J. Harp being first duly sworn upon my oath, depose
 and say that the above is a full and complete statement submitted in evidence of
 ownership of a valid water right, that I have carefully read each and all of the items
 contained therein and that the same are true to the best of my knowledge and belief.

Robert J. Harp declarant
 by _____

Subscribed and sworn to before me this 9th day of May, A.D., 19 83

My commission expires February 21, 1987 John J. Ullrich Notary Public

Page 2 of 2

8. . This Declaration is provided pursuant to the policy of the Secretary of the Interior to recognize and grant deference to state laws, regulations and procedures where those secure water rights and uses of the United States. This Declaration is given as a matter of comity, cooperation and information. It does not consent to the jurisdiction of the State in regards to judicial or other adjudications, the rights of the United States to the use or amount of water, or the amount described in this Declaration. This Declaration cannot affect vested rights under Federal or State law.

These Declarations concerning ownership of or flows of springs - developed and undeveloped - and wells should be taken and considered in totality as part of the entire Chickasaw National Recreation Area.



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
REGIONAL OFFICE, SOUTHWEST REGION
P.O. BOX 3156
TULSA, OKLAHOMA 74101

April 22, 1983

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4-0911	

Mr. James R. Barnett
Executive Director
Oklahoma Water Resources Board
P. O. Box 53585
Oklahoma City, Oklahoma 73152

Re: Determination of Prior Vested Ground Water Rights, Murray County

Dear Mr. Barnett:

In accordance with the conclusions reached during the discussion on April 21, among members of your staff, employees of the National Park Service, and me in the Office of the Chief, Division of Stream Water, concerning the determination of prior vested ground water rights in Murray County as they affect the Chickasaw National Recreation Area, additional time is hereby requested to May 9, 1983, within which National Park Service will submit evidence and information to supplement the record on behalf of historical uses by the National Recreation Area and its predecessor National Park.

It was agreed during our discussion that, subject to your approval of this request for additional time, supplemental information and evidence will be provided to O.W.R.B. by May 9 in order to allow timely completion of the ongoing determination process.

Sincerely yours,

Kathleen King
Kathleen King
Department Counsel
National Park Service

cc: Office of the General Counsel, OWRB, Attention: Glen Hammonds

bcc: Regional Director, NPS, Attn: Gary Moore, Hydrological Engineer
Field Solicitor, Santa Fe, Attn: John Harrington

T15 R3E IM

[illegible]

data presented in
Declaration I claim
ownership of.

Churchill	SW NE	under	5 gpm	7-1-C2
Spring	8/	Spr.		
Ruckers	SW NE	under	3 gpm	7-1-C2
Spring	8/	Spr.		
Iron	SW NE	under	4.65 gpm	7-1-C2
Spring	8/	Spr.		
Jericho	SW NE	under	3 gpm	7-1-C2
Spr.	8/	Spr.		
Underwood	SW NE	under	4.25 gpm	7-1-C2
Springs (2)	8/	Spr.		

September 11, 1995

L54(479)

Memorandum

To: Files

From: Owen Williams, Chief, Water Rights Branch

Subject: Land Status Information - CHIC Dockets

Information concerning land status for CHIC is contained in the file folder labeled CHIC Deeds rather than in individual dockets.

Other Supporting Information

USDA Agricultural Center Building
Stillwater, OK 74074 RECEIVED

RECEIVED

SOUTHWEST REGIONAL OFFICE

DEC 11 1986

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cc: District Director, Atoka, OK

Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

November 21, 1986

134 (479)
BMR/SWR

Mr. Richard F. Brown, Chief
Community and Business Programs
Farmers Home Administration

Dear Mr. Brown:

The acting Director of the National Park Service's Southwest Region, Donald A. Dayton, and the Region's Chief Scientist, Keith Verbergh, have requested that the Water Rights Branch provide you with copies of the results of two research efforts:

- a. Hydrogeologic investigation of Artesian spring flow, Sulphur, Oklahoma area, by John Charles Sargent, Jr. (1985), and
- b. Hydrologic simulations of the Simpson-Arbuckle aquifer, Sapulpa, Oklahoma area, by Steven Richard Wold (1986).

Copies of the two master's degree theses are enclosed for your perusal.

We appreciate your careful review of the proposal being considered, as well as any proposals that might further degrade an already critically overdrawn ground water system.

Thank you.

Sincerely,

Stanley L. Fonce

Stanley L. Fonce, Chief
Water Rights Branch

cc: Donald A. Dayton, Acting Regional Director, SWR
Keith Verbergh, Chief Scientist, SWR
D. Scott Brown, Hydrologist, WRB

FHP:DSBrowne:cc:221-5341:11/19/86:2119brw.rtl

11/18/86

10:06

8 475 6694

NPS SWF

N



United States
Department of
Agriculture

Farmers
Home
Administration

USDA Agricultural Center Building
Stillwater, OK 74074

JOIT BROWN

RECEIVED

NOV 13 1986

November 5, 1986

2 - [initials]
3 - X KM 11/10

4 ONR KY 11/10

Mr. Donald A. Dayton
Acting Regional Director, Southwest Region
U.S. Department of Interior
National Park Service
P.O. Box 728
Sante Fe, NM 87501

Dear Mr. Dayton:

This is in response to your inquiry of October 21, 1986, regarding two (2) proposed water wells being financed by Farmers Home Administration for RWD#1 Murray County. Your concern was that the development of these wells could affect the springs at the Chickasaw National Recreation Area.

Farmers Home Administration is doing further study of this proposal as a result of your inquiry. Please send the copies of the research papers mentioned in your letter so that Farmers Home Administration will have as much information as possible to review before we make a decision on how to proceed with this project.

RICHARD P. BROWN
Chief, Community and Business Programs

cc: DD, Atoka



Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

N3617(SWR-ONR)

OCT 21 1988

Mr. Leo B. Hogan
Farmers Home Administration, USDA
Agricultural Center Building
Stillwater, Oklahoma 74074

Dear Mr. Hogan:

The National Park Service, on behalf of the Chickasaw National Recreation Area, is deeply concerned about the proposed action of the Farmers Home Administration to provide financial assistance for two new water supply wells near Sulphur, Oklahoma.

The location of the proposed wells, specifically Section 31, Township 1 North, Range 4 East, of Murray County, is a critical recharge area for Buffalo and Antelope Springs. These naturally flowing freshwater springs are an unquestionably unique and outstanding resource. They are, in fact, a national treasure.

Despite the importance of these and other natural springs in the area--important from both historic and economic standpoints--they are being lost at an alarming rate. Since the area was designated a National Park in 1906, approximately 30 natural springs have ceased flowing. Only five remain. It is our opinion that the aquifer is being overdrawn; and unless measures are taken to reverse the existing rate of ground water withdrawals in the area, Buffalo and Antelope Springs themselves will stop flowing.

The United States and the University of Oklahoma have funded research into the geologic and hydrologic characteristics of the Sulphur area. Two observation wells located near Buffalo and Antelope Springs, together with a wealth of pertinent data, provide the basis for a disturbing conclusion: The ground water level is decreasing at an average rate of 0.65 feet per year; and within 40 years, Buffalo and Antelope Springs are expected to stop flowing.

The two proposed wells being considered by your agency are within the known recharge area for Buffalo and Antelope Springs. Unlike the wells that presently provide Sulphur and the surrounding area with domestic and small industrial water needs, the hydrologic gradient between the two proposed wells and the two natural springs favors the wells. It is plausible that such a condition might exacerbate an already critical situation. Studies of increased pumping rates from the recharge area indicate that Buffalo and Antelope Springs could stop flowing in less than 40 years, perhaps as few as 10.

The only solution to this urgent problem is to seek effective means of reversing the rate of withdrawals. Indeed, if the long-term interests of the area, the state, and the United States are to be served, financial assistance should be directed toward alternatives to pumping ground water.

Therefore, we request your agency's reconsideration of support for this proposed action; and we urge its serious deliberation of alternatives that will protect, not injure, the important resources associated with Oklahoma's only national park unit.

If you so choose, we will gladly provide your agency with copies of the research papers that support the findings we bring to your attention.

Sincerely,

(Sgd.) Donald A. Dayton

Acting

Regional Director,
Southwest Region

cc:
Superintendent, Chickasaw

bcc:
Chief, Water Resources Division (WRD), Ft. Collins, Colorado
Stan Ponce, WRD/WRB
Bill Werrell, WRD/WSB
Scott Brown, WRD/WRB

N3617(SWR-ONR)

OCT 20 1986

Mr. Gerald E. Burelli, Chairman
Oklahoma Water Resources Board
P.O. Box 53585
Oklahoma City, Oklahoma 73152

Dear Mr. Burelli:

The National Park Service, on behalf of the Chickasaw National Recreation area, is deeply concerned about two proposed water supply wells near Sulphur, Oklahoma. The wells and supply system are the subject of a \$1 million financial assistance request of the Farmers Home Administration by the Murray County's Rural Water District No. 1. We assume that a procedure has been or will soon be initiated to secure water rights for the proposed wells.

The location of the proposed wells, specifically Section 31, Township 1 North, Range 4 East, of Murray County, is a critical recharge area for Buffalo and Antelope Springs. These naturally flowing freshwater springs are an unquestionably unique and outstanding resource. They are, in fact, a national treasure protected by an Act of Congress in 1906.

Despite the importance of these and other natural springs in the area--important from both historic and economic standpoints--they are being lost at an alarming rate. Since the area was designated a National Park in 1906, approximately 30 natural springs have ceased flowing. Only five remain. It is our opinion that the aquifer is being overdrawn; and unless strict measures are taken to reverse the existing rate of ground water withdrawals in the area, Buffalo and Antelope Springs themselves will stop flowing.

The United States and the University of Oklahoma have funded research into the geologic and hydrologic characteristics of the Sulphur area. Two observation wells located near Buffalo and Antelope Springs, together with a wealth of pertinent data, provide the basis for a disturbing conclusion: The ground water level is decreasing at an average rate of 0.65 feet per year; and within 40 years, Buffalo and Antelope Springs are expected to stop flowing.

If allowed, the two wells would be located within the known recharge area for Buffalo and Antelope Springs. Unlike the wells that presently provide Sulphur and the surrounding area with domestic and small industrial water needs, the hydrologic gradient between the two proposed wells and the two natural springs favors the wells. It is plausible that such a condition might exacerbate an already critical situation. Modeling studies of increased pumping rates from the recharge area indicate that Buffalo and Antelope Springs could stop flowing in less than 40 years, perhaps as few as 10.

In our opinion, the only solution to this urgent problem is to seek effective means of reversing the rate of withdrawals. Indeed, if the long-term interests of the area, the state, and the United States are to be served, every concerned agency and person must consider alternatives to pumping ground water from this area.

Therefore, we respectfully request the Oklahoma Water Resources Board's recognition of this proposal for new wells, or any similar proposal in the future, as proposals that are clearly in opposition to Oklahoma's policy for protecting resources such as those at Chickasaw. That policy assures non-degradation with respect to "waters which constitute an outstanding resource or in waters of exceptional recreational or ecological significance. These include water bodies in National and State parks, Wildlife Refuges, and those designated Scenic Rivers."

While such a policy may be directed at sources of pollution, preventing the total loss of natural springs such as Buffalo and Antelope Springs must be a part of the spirit of that policy. After all, Chickasaw is Oklahoma's only national park unit.

At the appropriate time, we would appreciate being notified of the state's review of any application for water rights associated with this proposed action.

Sincerely,

(sgd.) Donald A. Dayton
Acting Regional Director,
Southwest Region

cc:
Superintendent, Chickasaw

bcc:
Tom Lucke, WRD
Stan Ponce, WRD/WRB
Bill Werrell, WRD/WSB
Scott Brown, WRD/WRB

October 17, 1984

LS4 (479)
SWR/GN14

Memorandum

To: Superintendent, Chickasaw National Recreation Area

Through: Chief, Water Resources Division, Fort *Thomas W. Locke*

From: Chief, Water Rights Branch

Subject: Application for exemption from Oklahoma's Underground Injection Program

This memorandum is our response to a request by the Southwest Regional Office of the Solicitor to consider the need to object to the Oklahoma Corporation Commission's Cause No. 17976. The Commission is considering an application for exempting three townships from the state's Underground Injection Control Program and an immediate response was needed. Therefore, communication was effected by telephone during the week of October 6. The enclosed issues and concerns tracking sheet outlines the issue and sets forth the actions we carried out.

The lands and aquifers for which an exemption is being sought are located approximately 20-30 miles north of the Chickasaw National Recreation Area. (Please refer to the enclosed map and application.)

Oil is being extracted from water-containing formations that underlie lands located slightly south of the Canadian River. The waste water is high in total dissolved solids (TDS) (10,000-15,000 mg/L) and it must be either discharged onto the surface or re-injected into deeper underground formations. The latter choice is preferred by the State for obvious reasons. The Vicks and Simpson aquifers, which underlie the locations identified in the application, have relatively low TDS concentrations (less than 10,000 mg/L). It is into these two aquifers that the waste water will be injected if the exemption is granted.

According to William Kinney, the professional geologist who has knowledge of the area's geology and was assigned to this issue by the State of Oklahoma, a huge uplift (Lawrence Uplift) separates the Chickasaw National Recreation Area from the three townships at issue. He is confident that there is no hydrologic connection.

2

With these facts in mind, we concluded that there is no need to object to this application. After discussing the issue with you, we communicated the same to Marshall Greenburg.

We appreciate being informed of this and all other actions that deserve careful consideration of their potential to injure the natural springs of Chickasaw National Recreation Area. Please contact Scott Brown or myself if you have any further questions.

Sincerely,

Stanley L. Ponce:

Stanley L. Ponce

cc: Keith Yarbrough, Southwest Regional Office
Mr. Lindsey, Office of the Solicitor
Mr. Marshall, Chief, Water Services Branch

FBI:SGreen:cc:pm1:10/09/06:221-5361:21009hrw.sml

WATER RIGHTS BRANCH INFORMATION TRACKING SYSTEM

ISSUES AND CONCERNS

October 10, 1986

REGION: Southwest UNIT: CHIC DATE RECEIVED: 7/25/86 CODE: Telephone

CONTACTS:

Name Marshall Stranberg Title Staff Attorney Regional Solicitor's Office Phone 918/581-7302

Name Keith Verbergh Title Physical Scientist SM Regional Office Phone 905/948-6412

WRS Lead Contact Scott Brown

LAST UPDATE: October 8, 1986

ISSUE/CONCERN:

An application to exempt certain aquifers in Central Oklahoma from underground injection controls was brought to the attention of the Solicitor's office of the Southwest Region. The Water Rights Branch was asked to advise whether or not the NPS has an interest in the proceedings being carried out to allow the exemptions.

The lands and aquifers described are in somewhat close proximity to Chickasaw National Recreation Area and a hearing to consider the exemption is scheduled for October 15, 1986, at Oklahoma City.

ACTION PLAN:

If the request for an exemption is granted, waste water (a by-product of extracting oil) will be reinjected into the Viola and Simpson formations.

The Water Rights Branch will evaluate the possible impact of waste water injection on the natural springs of the Chickasaw National Recreation Area. The following actions will be carried out.

1. Identify the nature of the substances to be injected into the aquifers for which an exemption is being sought.
2. Determine the likelihood of a hydrologic connection between the aquifers for which an exemption is being sought and those which underlie or recharge the recreation area.
3. Communicate concerns, if any, to the Superintendent and Regional Solicitor's office before October 10.

ACTION SCHEDULE

Action	Due Date	Completion Date	Responsible Person(s)
1	October 10	October 6	Scott Brown
2	October 10	October 7	Scott Brown
3	October 10	October 8	Scott Brown

COMMENTS**Telephone Communications**

10-06-66 Shirley Viles, Attorney, Oklahoma Corporation Commission. She identified nature of substances to be reprojected into the aquifers--contingled waste water.

10-07-66 Wm. Stacey, Geologist, Oklahoma 405/321-2500. He assured us that there is no hydrologic connection and he elaborated on the water quality of the aquifers at issue.

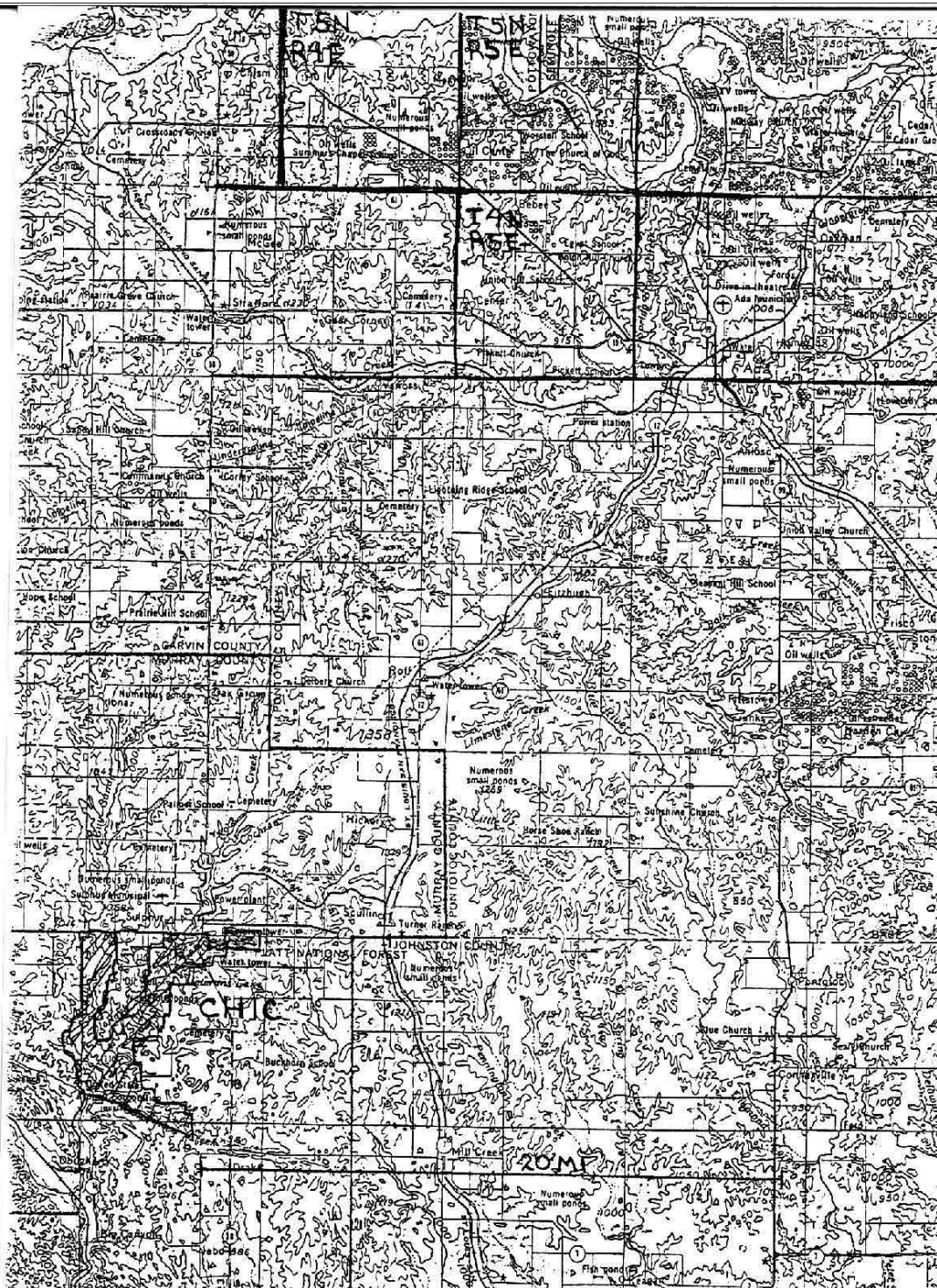
10-08-66 Jack Linahan, Supt., CHIC. I briefed him concerning the information received from State of Oklahoma officials. In view of the distance between the area for which an exemption is being requested and the suspected recharge area for springs within the recreation area, no action was suggested.

Marshall Streuburg, Staff Attorney, SW Regional Solicitor's Office. Same discussion as with the Superintendent.

10-14-66 Keith Tarborough, Southwest Regional office.

COMPLETION SUMMARY

See cover letter.



are underlain by the Viola and Simpson formations located at an elevation of approximately 2300 feet to 3500 feet. That the Viola and Simpson formations in these Sections contains water with fewer than 10,000

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

FILED

APPLICANT: BONITA J. HYATT
CONSERVATION ATTORNEY
OKLAHOMA CORPORATION COMMISSION

SEP 9 - 1986

RELIEF SOUGHT: EXEMPTION OF VIOLA AND SIMPSON)
AQUIFERS FOR PURSUANT TO OCCRP)
8-8.1; OCC-OGR 3-313; AND OCC)
EMERGENCY ORDER NO. 301606.)

SECRETARY
CORPORATION COMMISSION
OKLAHOMA
NO. 17976

LANDS COVERED: TOWNSHIP 5 NORTH, RANGE 5 EAST;)
TOWNSHIP 5 NORTH, RANGE 4 EAST;)
AND TOWNSHIP 4 NORTH, RANGE 5)
EAST, IN SEMINOLE COUNTY,)
POTTAWATOMIE COUNTY, AND)
PONTOTOC COUNTY, OKLAHOMA.)

FILED
SEP 12 1986
Department of the Interior
REGIONAL SOLICITOR
Tulsa, Oklahoma

APPLICATION

COMES NOW, the Applicant, Bonita J. Hyatt, Conservation Attorney for the Oklahoma Corporation Commission, and represents and shows the Commission as follows:

1. Parties:

(a) The Applicant is Bonita J. Hyatt, Conservation for the Oklahoma Corporation Commission, Jim Thorpe Building, 2101 N. Lincoln, Blvd., Oklahoma City, Oklahoma 73105.

(b) Respondents are the Chief Executive Officers of all incorporated municipalities and the Chairmen of the rural water districts located in the area of the application as listed on Exhibit "A" attached hereto; and the Oklahoma Water Resources Board of the State of Oklahoma.

2. Allegations:

(a) That the Oklahoma Corporation Commission for the State of Oklahoma and United States Environmental Protection Agency, Region 6, by Memorandum of Agreement established policies, responsibilities and procedures for the State of Oklahoma, Underground Injection Control Program, as authorized by 42 U.S.C. 300h-4 of the Safe Water Drinking Act, as amended. That pursuant to said agreement, the Oklahoma Corporation Commission was granted primacy in regard to the permitting and regulation of all Class II underground injection wells.

(b) That pursuant to Emergency Order No. 301606, the Oklahoma Corporation Commission established Rule OCCRP 8-8.1 and OCC-OGR 3-313 to provide a method and criteria to exempt certain aquifer from the protection offered by the OCC rules.

(c) That the below-described lands:

Township 5 North, Range 5 East,
Township 5 North, Range 4 East, and
Township 4 North, Range 5 East,
Seminole County, Pottawatomie County,
and Pontotoc County, Oklahoma,

are underlain by the Viola and Simpson formations located at the depth of approximately 2300 feet to 3500 feet. That the Viola and Simpson formations in these Sections contains water with fewer than 10,000 milligrams per liter total dissolved solids.

(d) That OCC-OGR 3-206 requires that surface casing be set across and at least 50 feet below the base of treatable water defined by OCC-OGR 1-101 as water with less than 10,000 milligrams per liter total dissolved solids.

P.D. NO. _____
Page No. 2

(e) That OCC-OCR Rule 3-301 requires the OCC to prevent pollution of a treatable water aquifer by injection or disposal wells.

(f) That the Viola and Simpson aquifers have not been classified as exempt aquifers.

(g) That the Viola and Simpson aquifers are not being used for human consumption nor has potential for future use.

(h) That the Viola and Simpson formations are productive of hydrocarbons in commercial quantities in this area.

(i) That to further the production of hydrocarbons and protect the treatable water of this state, this application should be granted.

(j) That the Applicant will file supporting information or receive waivers of the same pursuant to OCCRP 8-8.1.

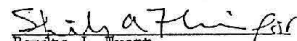
3. Legal Authority:

The relief sought herein is authorized pursuant to 52 O.S. 1981, §139, OCCRP 8-8.1, OCC-OCR 3-313, and Order No. 301606.

4. Relief Sought:

WHEREFORE, premises considered, the Applicant respectfully requests that the Viola and Simpson formations on the above-described lands be determined to be exempt aquifers pursuant to the rules of the Commission and for such other relief as may be appropriate.

Respectfully submitted,


Bonita J. Wyatt
Conservation Attorney

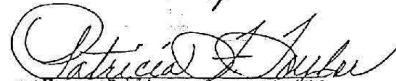
VERIFICATION

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I, Shirley A. Flies, of lawful age, being duly sworn, states that I have read the above and foregoing Application am familiar with the contents thereof, and the statements therein contained are true and correct.


Shirley A. Flies

Subscribed and sworn to before me this 9th day of September 1986.


Notary Public

My Commission Expires: May 27, 1988

EXHIBIT "A"

Chief Executive OfficersSeminole County

Toumy Peay, Mayor
c/o City Hall
P. O. Box 402
Allen, Oklahoma 74825

Lola Mae Gainer, Mayor
403 South Madison
Konawa, Oklahoma 74849

John Smith, Acting Mayor
General Delivery
Bowlegs, Oklahoma 74830

Dave Jordan, Mayor
Box 217
Maud, Oklahoma 74854

Gail Dockrey, Mayor
P. O. Box 134
Calvin, Oklahoma 74531

James Knowles, Mayor
P. O. Box 1273
Seminole, Oklahoma 74868

Lloyd Morgan, Mayor
P. O. Box 13
Crownwell, Oklahoma 74837

Leodus Barks, Mayor
P. O. Box 1497
Wewoka, Oklahoma 74884

Pontotoc County

Clinton Sturdebant, Mayor
12th & Rennie
Ada, Oklahoma 74820

Arthur Pipkin, Mayor
General Delivery
Francis, Oklahoma 74844

Wayne Cooksey, Treasurer
General Delivery
Allen, Oklahoma

Don Boatwright, Mayor
General Delivery
Roff, Oklahoma 74865

Charles Barrick, Mayor
Route 3
Ada, Oklahoma 74820

B. J. Dalton, Mayor
General Delivery
Stonewall, Oklahoma

W. F. Mitchusson, Mayor
Route 1
Fitzhugh, Oklahoma 74843

Pottawatomie County

James Overstreet, Mayor
P. O. Box 308
Asher, Oklahoma 74826

Ted Wilson, Mayor
General Delivery
Earlsboro, Oklahoma

Gene Myers
Box 731
Dale, Oklahoma 74838

Dave Jordan, Mayor
Box 217
Maud, Oklahoma 74854

Charlie Williams
Box 280
McCloud, Oklahoma 74851

Ruby Davis, Mayor
P. O. Box 706
McComb, Oklahoma 74852

Pierre F. Taron
P. O. Box 1448
Shawnee, Oklahoma 74802

O. G. VanSchuyber
P. O. Box 142
Wanette, Oklahoma 74878

Chairmen of the Rural Water DistrictsPontotoc County

Stanely Graham
Box 271
Fittstown, Oklahoma 74842

Jim Allred
Route 1, Box 176
Allen, Oklahoma 74825

Wendell Mitchusson
Route 1
Fitzhugh, Oklahoma 74843

Eldon Humphers
Route 1, Box 27A
Stonewall, Oklahoma 74871

Pottawatomie County

Dr. Joe Taron
1605 N. Harrison
Shawnee, Oklahoma 74801

Donald H. Benson
Route 2
Shawnee, Oklahoma 74801

Bill Jordan
Box 151
Saint Louis, Oklahoma 74866

Seminole County

Chester Brantley
Route 1, Box 293
Wewoka, Oklahoma 74884

C. L. Thomas
Route 1, Box 23A
Wewoka, Oklahoma 74884

D. N. Lawrence
Route 2
Wewoka, Oklahoma 74884

Paul Mathews
Box 1264
Seminole, Oklahoma 74868

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICANT: BONITA J. HYATT
CONSERVATION ATTORNEY
OKLAHOMA CORPORATION COMMISSION

RELIEF SOUGHT: EXEMPTION OF VIOLA AND SIMPSON) CAUSE P.D.
AQUIFERS FOR PURSUANT TO OCCRP)
8-8.1; OCC-OCR 3-313; AND OCC) NO. 17976
EMERGENCY ORDER NO. 301606.)

LANDS COVERED: TOWNSHIP 5 NORTH, RANGE 5 EAST;)
TOWNSHIP 5 NORTH, RANGE 4 EAST;)
AND TOWNSHIP 4 NORTH, RANGE 5)
EAST, IN SEMINOLE COUNTY,)
POTTAWATOMIE COUNTY, AND)
PONTOTOC COUNTY, OKLAHOMA.)

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Applicant has filed an Application for the Exemption of Viola and Simpson formations pursuant to Emergency Order No. 301606, OCCRP 8-8.1, and OCC-OCR 3-313 from the protection required for underground sources of drinking water under the Safe Water Drinking Act and the Rules and Regulations of the Oklahoma Corporation Commission on the below-described lands:

Township 5 North, Range 5 East,
Township 5 North, Range 4 East, and
Township 4 North, Range 5 East,
Seminole County, Pottawatomie County,
and Pontotoc County, Oklahoma,

NOTICE IS FURTHER GIVEN that this cause be set before the panel of Hearing Officers designated to hear this cause on the 15th day of October, 1986, at 8:30 a.m., in Room 301 of the Jim Thorpe Office Building, for hearing, taking of evidence and reporting to the Commission.

NOTICE IS FURTHER GIVEN that pursuant to OCCRP 8-8.1(E) persons having a protest or interest in this cause must file an Entry of Appearance or Notice of Protest in the cause no less than five (5) days prior to the hearing set forth above.

NOTICE IS FURTHER GIVEN that all interested persons may appear and be heard. For information concerning this action, contact Shirley A. Flies, Attorney, Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Oklahoma, Phone (405) 521-2255.

CORPORATION COMMISSION OF OKLAHOMA

FILED

SEP 9 - 1986

HAMP BAKER, Chairman

SECRETARY
CORPORATION COMMISSION
OF OKLAHOMA

NORMA EAGLETON, Vice Chairman

JAMES B. TOWNSEND, Commissioner

DONE AND PERFORMED this 9 day of Sept, 1986.

BY ORDER OF THE COMMISSION:

BERDEE S. HOLT, Secretary

SAF/bl,pdn,pft

October 15, 1986

L54 (479)
SWR/CHIC

Memorandum

To: Regional Director
Southwest Region
Through: ^{Acting} Chief, Water Resources Division
From: Chief, Water Rights Branch
Water Resources Division

Subject: Proposed water wells east of Chickasaw National Recreation Area

It has been brought to our attention by the Superintendent of Chickasaw National Recreation Area that two new water supply wells are being proposed near Buffalo and Antelope Springs and that the Farmer's Home Administration apparently supports the proposal. It is our opinion that these wells will further contribute to the diminishment of flow of these significant springs.

We have drafted urgent responses to the FmHA and the Oklahoma Water Resources Board for your consideration. Please note that comments directed to Mr. Hogan (FmHA) must be submitted by October 17.

Do not hesitate to call me if you have any questions.

Stanley L. Ponce

Stanley L. Ponce

FNP:DSSBrown:pmi:10/15/86:221-5341:31015bro.mmi

DRAFT

Mr. Leo B. Hogan
Farmer's Home Administration, USDA
Agricultural Center Building
Stillwater, Oklahoma 74074

Dear Mr. Hogan:

The National Park Service, on behalf of the Chickasaw National Recreation Area, is deeply concerned about the proposed action of the Farmers Home Administration to provide financial assistance for two new water supply wells near Sulphur, Oklahoma.

The location of the proposed wells, specifically Section 31 of Township 1 North, Range 4 East, of Murray County, is a critical recharge area for Buffalo and Antelope Springs. These naturally flowing freshwater springs are an unquestionably unique and outstanding resource. They are, in fact, a national treasure.

Despite the importance of these and other natural springs in the area -- important from both historic and economic standpoints -- they are being lost at an alarming rate. Since the area was designated a National Park in 1906, approximately 30 natural springs have ceased flowing. Only five remain. It is our opinion that the aquifer is being overdrawn, and unless measures are taken to reverse the existing rate of ground water withdrawals in the area, Buffalo and Antelope Springs themselves will stop flowing.

The United States and the University of Oklahoma have funded research into the geologic and hydrologic characteristics of the Sulphur area. Two observation wells located near Buffalo and Antelope Springs, together with a wealth of pertinent data, provide the basis for a disturbing conclusion: The ground water level is decreasing at a rate of 0.65 feet per year and within 40 years

Buffalo and Antelope Springs are expected to stop flowing.

The two proposed wells being considered by your agency are within the known recharge area for Buffalo and Antelope Springs. Unlike the wells that presently provide Sulphur and the surrounding area with domestic and small industrial water needs, the hydrologic gradient between the two proposed wells and the two natural springs favors the wells. It is plausible that such a condition might exacerbate an already critical situation. Studies of increased pumping rates from the recharge area indicate that Buffalo and Antelope Springs could stop flowing in less than 40 years, perhaps as few as 10.

The only solution to this urgent problem is to seek effective means of reversing the rate of withdrawals. Indeed, if the long-term interests of the area, the state, and the United States are to be served, financial assistance should be directed toward alternatives to pumping ground water.

Therefore, we request your agency's reconsideration of support for this proposed action and we urge its serious deliberation of alternatives that will protect, not injure, the important resources associated with Oklahoma's only national park unit.

If you so choose, we will gladly provide your agency with copies of the research papers that support the findings we bring to your attention.

Sincerely,

Robert I. Kerr
Regional Director

cc: Superintendent, Chickasaw NRA
Keith Yarborough, SWR

Tom Lucke, WRD
Stan Ponce, WRD-WRB
Bill Werrell, WRD-WSB
Scott Brown, WRD-WRB

DRAFT

Mr. Gerald E. Borelli, Chairman
Oklahoma Water Resources Board
P.O. Box 53585
Oklahoma City, Oklahoma 73152

Dear Mr. Borelli:

The National Park Service, on behalf of the Chickasaw National Recreation Area, is deeply concerned about two proposed water supply wells near Sulphur, Oklahoma. The wells and supply system are the subject of a \$1 million financial assistance request of the Farmers Home Administration by the Murray County Rural Water District No. 1. We assume that a procedure has been or will soon be initiated to secure water rights for the proposed wells.

The location of the proposed wells, specifically Section 31 of Township 1 North, Range 4 East, of Murray County, is a critical recharge area for Buffalo and Antelope Springs. These naturally flowing freshwater springs are an unquestionably unique and outstanding resource. They are, in fact, a national treasure protected by an Act of Congress in 1906.

Despite the importance of these and other natural springs in the area -- important from both historic and economic standpoints -- they are being lost at an alarming rate. Since the area was designated a National Park in 1906, approximately 30 natural springs have ceased flowing. Only five remain. It is our opinion that the aquifer is being overdrawn, and unless strict measures are taken to reverse the existing rate of ground water withdrawals in the area, Buffalo and Antelope Springs themselves will stop flowing.

The United States and the University of Oklahoma have funded research into the geologic and hydrologic characteristics of the Sulphur area. Two observation wells located near Buffalo and Antelope Springs, together with a wealth of pertinent data, provide the basis for a disturbing conclusion: The ground water level is decreasing at a rate of 0.65 feet per year and within 40 years Buffalo and Antelope Springs are expected to stop flowing.

If allowed, the two wells would be located within the known recharge area for Buffalo and Antelope Springs. Unlike the wells that presently provide Sulphur and the surrounding area with domestic and small industrial water needs, the hydrologic gradient between the two proposed wells and the two natural springs favors the wells. It is plausible that such a condition might exacerbate an already critical situation. Modeling studies of increased pumping rates from the recharge area indicate that Buffalo and Antelope Springs could stop flowing in less than 40 years, perhaps as few as 10.

In our opinion the only solution to this urgent problem is to seek effective means of reversing the rate of withdrawals. Indeed, if the long-term interests of the area, the state, and the United States are to be served, every concerned agency and person must consider alternatives to pumping ground water in this area.

Therefore, we respectfully request the Oklahoma Water Resources Board's recognition of this proposal for new wells, or any similar proposal in the future, as proposals that are clearly in opposition to Oklahoma's policy for protecting resources such as those at Chickasaw. That policy assures nondegradation with respect to "waters which constitute an outstanding

resource or in waters of exceptional recreational or ecological significance. These include water bodies in National and State parks, Wildlife Refuges, and those designated Scenic Rivers."

While such a policy may be directed at sources of pollution, preventing the total loss of natural springs such as Buffalo and Antelope Springs must be a part of the spirit of that policy. After all, Chickasaw is Oklahoma's only national park unit.

At the appropriate time, we would appreciate being notified of the state's review of any application for water rights associated with this proposed action.

Sincerely,

Robert I. Kerr
Regional Director
Southwest Region

cc: Superintendent, Chickasaw NRA
Keith Yarborough, SWR
Tom Lucke, WRD
Stan Ponce, WRD-WRB
Bill Werrell, WRD-WSB
Scott Brown, WRD-WRB

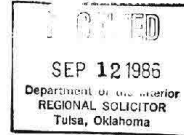
BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICANT: BONITA J. HYATT
CONSERVATION ATTORNEY
OKLAHOMA CORPORATION COMMISSION

RELIEF SOUGHT: EXEMPTION OF VIOLA AND SIMPSON
AQUIFERS FOR PURSUANT TO OCCRP
8-8.1; OCC-OCR 3-313; AND OCC
EMERGENCY ORDER NO. 301606.

LANDS COVERED: TOWNSHIP 5 NORTH, RANGE 5 EAST;
TOWNSHIP 5 NORTH, RANGE 4 EAST;
AND TOWNSHIP 4 NORTH, RANGE 5
EAST, IN SEMINOLE COUNTY,
POTTAWATOMIE COUNTY, AND
PONTOTOC COUNTY, OKLAHOMA.

SECRETARY
CORPORATION COMMISSION
OKLAHOMA
NO. 17976



APPLICATION

COMES NOW, the Applicant, Bonita J. Hyatt, Conservation Attorney for the Oklahoma Corporation Commission, and represents and shows the Commission as follows:

1. Parties:

(a) The Applicant is Bonita J. Hyatt, Conservation for the Oklahoma Corporation Commission, Jim Thorpe Building, 2101 N. Lincoln, Blvd., Oklahoma City, Oklahoma 73105.

(b) Respondents are the Chief Executive Officers of all incorporated municipalities and the Chairmen of the rural water districts located in the area of the application as listed on Exhibit "A" attached hereto; and the Oklahoma Water Resources Board of the State of Oklahoma.

2. Allegations:

(a) That the Oklahoma Corporation Commission for the State of Oklahoma and United States Environmental Protection Agency, Region 6, by Memorandum of Agreement established policies, responsibilities and procedures for the State of Oklahoma, Underground Injection Control Program, as authorized by 42 U.S.C. 300h-4 of the Safe Water Drinking Act, as amended. That pursuant to said agreement, the Oklahoma Corporation Commission was granted primacy in regard to the permitting and regulation of all Class II underground injection wells.

(b) That pursuant to Emergency Order No. 301606, the Oklahoma Corporation Commission established Rule OCCRP 8-8.1 and OCC-OCR 3-313 to provide a method and criteria to exempt certain aquifer from the protection offered by the OCC rules.

(c) That the below-described lands:

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Township 4 North, Range 5 East,
Seminole County, Pottawatomie County,
and Pontotoc County, Oklahoma,

are underlain by the Viola and Simpson formations located at the depth of approximately 2300 feet to 3500 feet. That the Viola and Simpson formations in these Sections contains water with fewer than 10,000 milligrams per liter total dissolved solids.

(d) That OCC-OCR 3-206 requires that surface casing be set across and at least 50 feet below the base of treatable water defined by OCC-OCR 1-101 as water with less than 10,000 milligrams per liter total dissolved solids.

P.D. NO. _____
Page No. 2

(e) That OCC-OGP Rule 3-301 requires the OCC to prevent pollution of a treatable water aquifer by injection or disposal wells.

(f) That the Viola and Simpson aquifers have not been classified as exempt aquifers.

(g) That the Viola and Simpson aquifers are not being used for human consumption nor has potential for future use.

(h) That the Viola and Simpson formations are productive of hydrocarbons in commercial quantities in this area.

(i) That to further the production of hydrocarbons and protect the treatable water of this state, this application should be granted.

(j) That the Applicant will file supporting information or receive waivers of the same pursuant to OCCRP 8-8.1.

3. Legal Authority:

The relief sought herein is authorized pursuant to 52 O.S. 1981, §139, OCCRP 8-8.1, OCC-OGP 3-313, and Order No. 301606.

4. Relief Sought:

WHEREFORE, premises considered, the Applicant respectfully requests that the Viola and Simpson formations on the above-described lands be determined to be exempt aquifers pursuant to the rules of the Commission and for such other relief as may be appropriate.

Respectfully submitted,

Shirley A. Flies
Shirley A. Flies
Conservation Attorney

VERIFICATION

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I, Shirley A. Flies, of lawful age, being duly sworn, states that I have read the above and foregoing Application am familiar with the contents thereof, and the statements therein contained are true and correct.

Shirley A. Flies
Shirley A. Flies

Subscribed and sworn to before me this 9th day of September 1986.

Patricia J. Taylor
Notary Public

My Commission Expires: May 27, 1988

EXHIBIT "A"

Chief Executive Officers

Seminole County

Tommy Peay, Mayor c/o City Hall P. O. Box 402 Allen, Oklahoma 74825	Lola Mae Gainer, Mayor 403 South Madison Konawa, Oklahoma 74849
John Smith, Acting Mayor General Delivery Bowlegs, Oklahoma 74830	Dave Jordan, Mayor Box 217 Maud, Oklahoma 74854
Gail Dockrey, Mayor P. O. Box 134 Calvin, Oklahoma 74531	James Knowles, Mayor P. O. Box 1273 Seminole, Oklahoma 74868
Lloyd Morgan, Mayor P. O. Box 13 Cromwell, Oklahoma 74837	Leodus Barks, Mayor P. O. Box 1497 Wewoka, Oklahoma 74884

Pontotoc County

Clinton Sturdebant, Mayor 12th & Rennie Ada, Oklahoma 74820	Arthur Pipkin, Mayor General Delivery Francis, Oklahoma 74844
Wayne Cooksey, Treasurer General Delivery Allen, Oklahoma	Don Boatwright, Mayor General Delivery Roff, Oklahoma 74865
Charles Barrick, Mayor Route 3 Ada, Oklahoma 74820	B. J. Dalton, Mayor General Delivery Stonewall, Oklahoma
W. F. Mitchusson, Mayor Route 1 Fitzhugh, Oklahoma 74843	

Pottawatomie County

James Overstreet, Mayor P. O. Box 308 Asher, Oklahoma 74826	Ted Wilson, Mayor General Delivery Earlsboro, Oklahoma
Gene Myers Box 731 Dale, Oklahoma 74838	Dave Jordan, Mayor Box 217 Maud, Oklahoma 74854
Charlie Williams Box 280 McCloud, Oklahoma 74851	Ruby Davis, Mayor P. O. Box 706 McComb, Oklahoma 74852
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Chairmen of the Rural Water Districts

Pontotoc County

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Wendell Mitchusson Route 1 Fitzhugh, Oklahoma 74843	Eldon Humphers Route 1, Box 27A Stonewall, Oklahoma 74871

Pottawatomie County

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1605 N. Harrison
Shawnee, Oklahoma 74801

Donald H. Benson
Route 2
Shawnee, Oklahoma 74801

Bill Jordan
Box 151
Saint Louis, Oklahoma 74866

Seminole County

Chester Brantley
Route 1, Box 293
Wewoka, Oklahoma 74884

C. L. Thomas
Route 1, Box 23A
Wewoka, Oklahoma 74884

D. N. Lawrence
Route 2
Wewoka, Oklahoma 74884

Paul Mathews
Box 1264
Seminole, Oklahoma 74868

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICANT: BONITA J. HYATT
CONSERVATION ATTORNEY
OKLAHOMA CORPORATION COMMISSION

RELIEF SOUGHT: EXEMPTION OF VIOLA AND SIMPSON) CAUSE P.D.
AQUIFERS FOR PURSUANT TO OCCRP)
8-8.1; OCC-OGR 3-313; AND OCC) NO. 17976
EMERGENCY ORDER NO. 301606.)
)
)

LANDS COVERED: TOWNSHIP 5 NORTH, RANGE 5 EAST;)
TOWNSHIP 5 NORTH, RANGE 4 EAST;)
AND TOWNSHIP 4 NORTH, RANGE 5)
EAST, IN SEMINOLE COUNTY,)
POTTAWATOMIE COUNTY, AND)
PONTOTOC COUNTY, OKLAHOMA.)

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Applicant has filed an Application for the Exemption of Viola and Simpson Formations pursuant to Emergency Order No. 301606, OCCRP 8-8.1, and OCC-OGR 3-313 from the protection required for underground sources of drinking water under the Safe Water Drinking Act and the Rules and Regulations of the Oklahoma Corporation Commission on the below-described lands:

Township 5 North, Range 5 East,
Township 5 North, Range 4 East, and
Township 4 North, Range 5 East,
Seminole County, Pottawatomie County,
and Pontotoc County, Oklahoma,

NOTICE IS FURTHER GIVEN that this cause be set before the panel of Hearing Officers designated to hear this cause on the 15th day of October, 1986, at 8:30 a.m., in Room 301 of the Jim Thorpe Office Building, for hearing, taking of evidence and reporting to the Commission.

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NOTICE IS FURTHER GIVEN that all interested persons may appear and be heard. For information concerning this action, contact Shirley A. Flies, Attorney, Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Oklahoma, Phone (405) 521-2255.

CORPORATION COMMISSION OF OKLAHOMA

FILED

SEP 9 - 1986

SECRETARY
CORPORATION COMMISSION
OF OKLAHOMA

HAMP BAKER, Chairman

NORMA EAGLETON, Vice Chairman

JAMES B. TOWNSEND, Commissioner

DONE AND PERFORMED this 9 day of Sept, 1986.

BY ORDER OF THE COMMISSION:

BERDEE S. HOLT, Secretary

SAF/bl,pdm,pft

PLATT
Docket

Southwest Region
P. O. Box 728
Santa Fe, New Mexico 87501

L54

MAY 11 1973

Dr. James Harp
School of Civil Engineering
University of Oklahoma
Norman, Oklahoma 73069

Dear Dr. Harp:

It was a pleasure meeting you and Dr. Joskim Laguros recently. Enclosed please find copies of the:

- (1) water level measurements for Antelope and Buffalo Springs;
and
- (2) groundwater level charges for the Horsman well.

As we discussed, we would appreciate reviewing a proposal to determine if groundwater withdrawals outside of Platt National Park has an effect on spring flows issuing from both Antelope and Buffalo Springs, and other minor springs within the Park.

This project has been given a high 1974 FY priority within this Region. We will award this contract as soon as funds are available. Should you have any questions, please call 505-982-3801, extension 493.

Sincerely yours,
(SIGNATURE)

Garland Moore
Hydraulic Engineer

Enclosures

cc:
Vic Berte, PNW-WASO
Director, DSC, R. Budz
Supt., Platt
PSN-SWR

GMoore:ba 5/11/73

I. Legal Addendum for Stream Systems

Any right of the Park to use stream water in Travertine Creek, Rock Creek or a source thereof originated with the ceding of Indian territory to the Department of the Interior.

The legislation establishing Platt National Park in 1902, 32 Stat. 655 provided that: "Until otherwise provided by law the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded." (U.S.C. title 16, sec. 151). When the Park was enlarged in 1905, the additional acreage was made subject to the same provisions as the original Park (U.S.C., title 16, sec. 152). This right was not affected by the enabling act for Oklahoma to become a state, 34 Stat. 265: "... nothing in this act contained shall repeal or affect any act of Congress relating to the Sulphur Springs Reservation [now Platt National Park] . . ." U.S.C., title 16, sec. 153. This right was expanded to include acquisition of water rights or lands or rights-of-way in 1946, 60 Stat. 885, U.S.C. title 16, sec. 17-2.

Although these laws by themselves indicate an absolute right to use all waters flowing through or originating in the Park, two other laws modify this right: 1) Authorization for the Arbuckle Reclamation Project, 87 Stat. 594 ceded a permanent right in waters for municipal use to water users, and 2) 82 Okla. St. 1972 requiring the U. S. to notify the Oklahoma Resources Board when water was to be appropriated by the U.S. Under this law, a public hearing with necessary notice to water users is required before the U. S. can claim use to surface waters.

At the present time, the Park has no permit to use any water from the Oklahoma Water Resources Board. Under the Winters doctrine and the Reservation doctrine, it would appear that permits are unnecessary. However, if an entire basin is adjudicated, it seems unlikely that the U. S. would refuse to cooperate with the State Board in its distribution of water rights. In fact, a federal court could require the U. S. to do so.

In summary, the Park may, even under Oklahoma law, make domestic use of water from the stream systems. Beyond this use, the U. S. may invoke the Reservation doctrine to use as much water as it cares to use. Some caution should be exercised in this regard, however, as the trend in the law is toward increased cooperation with state adjudications of water basins.

II. Legal Considerations Re Vendome Well

1. Background

Vendome well is a privately owned artesian well that is probably about 6" in diameter. It has been choked down to around 4" so that it has a fountain effect when it comes out of the ground. It has been commercially developed to the extent that a swimming pool has been built beside it. Although the pool has operated in recent years, it remained inactive during the 1972 summer season. In the 1930's, the OCC developed an artificial channel for the runoff from the well in Platt National Park, now called Sulphur Falls. This runoff is now a major attraction in the Park and also furnishes a permanent flow to Travertine Creek which feeds into the Arbuckle Reservoir. The Oklahoma Water Resources Board has fully appropriated all the waters in Arbuckle Reservoir.

2. Vendome Waters under Oklahoma Law

- A. Oklahoma divides its waters into four categories: percolating groundwater, underground stream flow, stream waters and surface waters. The major consideration is whether the Vendome waters would be classified as percolating groundwater or as stream water. There is no doubt but that the well produced nothing but groundwater when it was initially drilled. However, under a doctrine established in Chicago, R., I. & P. Ry. v. Groves, an Oklahoma case decided in 1908, and elaborated upon in Branch v. Altus, decided in 1945, an artificially made watercourse becomes "natural" over the years as the water cuts into channel with its natural erosive qualities. (see The Oklahoma Law of Water Rights, Hutchins, 1960, p.8 for a more comprehensive explanation of this doctrine)
- B. If the water is classified as groundwater, the owner of the well has complete control of the well water and may use it as he sees fit with the single restraint that the water not be wasted. However, Oklahoma Law, beginning in July 1973, will also require that a permit be obtained for use of any groundwater above domestic use. A quick review on Aug. 1, 1972, of permits for groundwater in Murray County did not reveal a present permit. This would limit the owner to a small percentage of the flow. The rest could continue to flow down Sulphur Falls.

Of course the owner could always shut down completely in which case, the Park would have to drill a new well. The more likely classification seems to be that Vendome water is stream

water since any source of stream water is considered to be included under the single classification of "stream water". In this case, the present owner would have to claim a permit under the stream waters appropriation for any use other than domestic. Again, a quick review of permits, also on Aug. 1st, did not reveal an existing permit.

In either case, the owner would have to apply for a permit to use existing flow at which time the Park present its case in a hearing when the owner would apply for a permit.

3. Conclusions

Although the Park could probably legally and successfully defend its present beneficial use of the water from Vendome Well, a more practical solution would be the purchase of the water rights from Vendome Well or the entire well. This would not only prevent inevitable costs involved in any lawsuit in the event the water would be classified as groundwater and the owner would ~~want~~ to seal off the well. This would prevent the cost of drilling a new well. It would also maintain good public relations within the local community as well as provide possible future development of the area surrounding Sulphur Falls.

Platt
Docket

Southwest Region
P. O. Box 728
Santa Fe, New Mexico 87501

L54

MAY 11 1973

Dr. James Harp
School of Civil Engineering
University of Oklahoma
Norman, Oklahoma 73069

Dear Dr. Harp:

It was a pleasure meeting you and Dr. Joaquin Laguros recently. Enclosed please find copies of the:

- (1) water level measurements for Antelope and Buffalo Springs;
and
- (2) groundwater level charges for the Horsman well.

As we discussed, we would appreciate reviewing a proposal to determine if groundwater withdrawals outside of Platt National Park has an effect on spring flows issuing from both Antelope and Buffalo Springs, and other minor springs within the Park.

This project has been given a high 1974 FY priority within this Region. We will award this contract as soon as funds are available. Should you have any questions, please call 505-982-3801, extension 493.

Sincerely yours,
(SIGNED)

Garland Moore
Hydraulic Engineer

Enclosures

cc:
Vic Berte, PNW-WASO
Director, DSC, R. Budz
Supt., Platt
PSN-SWR

GMoore:ba 5/11/73

WATER SYSTEM DATA

Buffalo
SpringsArea Platt National Park Recorded by C.T. Ottmer Date 8/21/72
Mo. Da. Yr.

1. Name of System: Stream systems
2. Location: State Oklahoma County Murray General Area Sulphur
3. General Description: Rock Creek, Travertine Creek, Springs flowing into creeks.
(Type of System, Use, Sources, Capacity, etc.)
(Bromide, Medicine & Black Sulphur Springs are included in Mineral Water Systems)
4. Water Rights: Type of Right domestic—Reservation Claim No. None
(Riparian, Appropriative, Absolute, etc.)
Permit No. None Docket No. None / Remarks: see addenda
(e.g. see addendum)
5. Sources of Supply: No./Type of Sources see addendum for source data
(Use Addendums for Source Data)

(NA) 6. Storage: No. of Storage Sites

*Storage Data #1: Location: Latitude / / Longitude / /
(Deg. Min. Sec.) (Deg. Min. Sec.)

Other Location Descriptions: _____

Type Storage _____
(Pneumatic, Elevated, Underground, Ground Level, etc.)

Pressure Setting _____ Type Construction _____
(If Pneumatic)

Capacity _____ gal. Inlet Size _____ in. Outlet Size _____ in.

Remarks: _____

*Storage Data #2: Location: Latitude / / Longitude / /
(Deg. Min. Sec.) (Deg. Min. Sec.)

Other Location Descriptions: _____

Type Storage _____
(Pneumatic, Elevated, Underground, Ground Level, etc.)

Pressure Setting _____ Type Construction _____
(If Pneumatic)

Capacity _____ gal. Inlet Size _____ in. Outlet Size _____ in.

Remarks: _____

(NA) 7. Distribution: Residences _____ Trailers _____

Drinking Fountains _____ Fire Hydrants _____ Other _____

8. Vendome Well	Latitude	34°30'20" N	longitude	96°58'22" W	(Indian
Buffalo Springs	"	34°30' 9" N	"	96°56'20" W	Meridian)
Antelope Springs	"	34°30'17" N	"	96°56'28" W	
Travertine Creek joins Rock Creek	"	34°30'14" N	"	96°58'16" W	
Rock Creek enters Park	"	34°30'29" N	"	96°58'28" W	
Rock Creek leaves Park	"	34°29'35" N	"	96°59'24" W	

ADDENDUM FOR SOURCE DATA

N/A

Source No./Names _____

Power Source _____ Motor: Make _____ HP _____
(Electric, Gas, Generator)

RPM: _____ Type _____ Phase _____ Cycles _____

Pump Housing: Type Const. _____; Size x x
(Walls) (Roof) (W x L x H)

Control: Automatic _____
(Float, Electrode, Pressure, Time, etc.)

Manual _____

Other _____
(Explain)

History: Driller or Construction Co. _____ unknown _____
(Name) (Address)

Date Drilled: / / 1922 Pump Intake Setting NA ft.
Mo. Da. Yr.

Method Drilled: unknown _____
(Air, Rot, Bored, Cable, Dug, Hyd. Rot, Jetted,
Air Percussion, Reverse Rotary, Trenching, etc.)

Lift Type: _____
(Air, Bucket, Cent, Jet, Nose, Piston, Submerg, Turb, etc.)

Hgt. of Casing above Ground ---- ft. Static Water Level --- ft.
(From top of casing to water level)

Drawdown NA ft. Q at Specified Drawdown ----

Method of Measurement:

Static Water Level NA
(Air Line, Steel Tape, Electric Probe, etc.)

Drawdown NA
(Air Line, Steel Tape, Electric Probe, etc.)

Remarks: 1) see addendum: Legal considerations re Vendome Well; 2)
(e.g. see addendums for chemical analysis, water usage, etc.)
Flow measured at 2500 gpm 12/1/59; 3) well drilled to depth of 365 ft.;
4) channel to Travertine Creek constructed by CCC in the thirties.

Remarks regarding source data in general: Buffalo Springs, Antelope Springs and Vendome Well are the principal contributors to Travertine Creek which feeds into Rock Creek as it flows through the Park boundaries. All three sources are artesian. Vendome averages approx. 2500 gpm. Buffalo and Antelope Springs vary between 0 and 2500 gpm.

OKLAHOMA STATE DEPARTMENT OF HEALTH
ENGINEERING LABORATORY

REPORT OF WATER ANALYSIS

SAMPLE Buffalo Springs ENGINEERING LABORATORY NUMBER 859
 SOURCE OF SAMPLE Platt National Park DATE TAKEN 10-1-63
 CITY Sulphur DATE RECEIVED 10-3-63
 COUNTY Murray DATE COMPLETED 10-15-63
 PUBLIC ☒ PRIVATE ☐

RESULTS REPORTED IN PARTS PER MILLION

CONSTITUENT	PPM	CONSTITUENT	PPM
SILICA (SiO ₂)		IRON (Fe)	0
CALCIUM (Ca)	73	MANGANESE (Mn)	0
MAGNESIUM (Mg)	33	SULFATE (SO ₄)	18
SODIUM (Na)		SPECIFIC CONDUCTANCE (Microhms)	
POTASSIUM (K)		DISSOLVED SOLIDS	380
BICARBONATE (HCO ₃)	405	TOTAL HARDNESS (CaCO ₃)	336
CARBONATE (CO ₃)		CALCIUM HARDNESS (CaCO ₃)	180
CHLORIDE (Cl)	10	NON-CARBONATE HARDNESS (CaCO ₃)	4
FLUORIDE (F)	0	"P" ALKALINITY (CaCO ₃)	0
NITRATE (N)	0.01	TOTAL ALKALINITY (CaCO ₃)	332
AMMONIA (N)	0.60	COLOR	0
		TURBIDITY (SiO ₂)	0
DISSOLVED OXYGEN			
BIOCHEMICAL OXYGEN DEMAND		pH	7.4

REMARKS

ANALYST John Thompson

(2)

8-22-72	1.88
8-31-72	1.88
9-11-72	1.69
9-19-72	1.89
9-23-	1.53
9-25-72	1.49
10-10-72	1.28
10-16-72	1.26
10-22-72	1.16
10-24-72	1.26
11-2-72	1.90
11-5-72	1.92
11-13-72	1.96
11-26-72	2.00
1-3-73	2.01
1-16-73	2.04
1-4-73	2.08

(1)

6-24-72	1.95
6-26-72	1.95
7-11-72	1.94
7-16-72	1.93
7-21-72	1.92
7-24-72	1.91
7-28-72	1.91
7-30-72	1.91
8-5-72	1.90
8-7-72	1.89
8-14	1.89

Buffalo Springs

(3)

2-6-73	2.07
2-13-73	2.10
2-14	2.12
2-25	2.10
3-14	2.10
3-6	2.11
3-11	2.13
3-18	2.15
3-29	2.15

EPR-62

ANALYTICAL REPORT

To M. C. Powers

Report Number 5975

Date February 17, 1959

Book Number 942

Eight water samples as designated

<u>Sample</u>	<u>Iodide, % (Gravimetric)</u>	<u>Bromide, % (Gravimetric)</u>	<u>Chloride, % (Gravimetric)</u>	<u>Total Halide, calculated as Chloride, mg/kg → <i>in ppm</i> (Titrimetric)</u>
1.	0.000	0.012	0.005	- 125
9 ~~over 2~~	0.0039	0.000	0.0155 ¹⁵⁵	- 194
3.	0.000	0.003	0.0534 ⁵³⁴	- 557
4.	*	*	*	2.9 2.9
5.	0.001 ¹⁰	0.012 ¹²⁰	0.2270 ²²⁷⁰	- 2400
6.	0.001	0.000	0.0876 ⁸⁷⁶	- 896
7. ¹⁰	0.001 ¹⁰	0.012 ¹²⁰	0.2170 ²¹⁷⁰	- 2300
8. ^{2?}	0.000	0.000	0.0099 ⁹⁹	- 99

*Method inapplicable.

notes from Gould & Schoff - 1939 -

- 1) They think the mineral (bromide + medicine) springs have same origin as the sulphur springs.
- 2) There are no analyses of the sulphur springs - only the medicine + bromide.
 → Gould (1939) gives chemical of BIG TOM as Cl- 482, Na 269, Ca 96, Mg 35, K 24.6, mineral spg. about 2000 ppm Cl.
- 3) They say sulphur springs flow only 5 as much ~~in~~ in 1939 as in 1906!! i.e. less intake of H_2O There is being taken out by wells + springs.
- 4) They say:
 - A. fresh water from foot of toe
 - B. mineral (all) water from Simpson.
- 5) They do not explain in detail the antelope, Buff + other fresh H_2O springs as naturally where water table hits surface.
- 6) They do not mention mixing of ~~the~~ H_2O seen with the brine.
- 7) They relate fluctuations of springs to rainfall - especially fresh water springs.
- 8) They say in course of time both springs + wells will decrease

Metals(cont.)

Wt. % of residue	1	2	3	4	5	6	7	8
Silicon	Tr.	Tr.	Tr.	Tr.	Tr.	Tr.	Tr.	Tr.
Total								
Sulphur	0.00	0.00	0.19	0.19	0.12	0.32	0.19	—
Potassium	0.36	0.63	1.38	0.44	0.67	1.14	0.63	0.17

COMPOSITION OF SPRING AND WELL WATER
IN
PLATT NATIONAL PARK

Halides Wt. % of total Sam.	Buffalo Springs	Antelope Springs	Sulphur Pool	Black Sulphur	Washillon Springs	Sulphur Springs	Brande Springs	Medicine Springs
Chloride	0.0050	0.0099	0.0534	----	0.0155	0.0876	0.2270	0.2170
Bromide	0.0000	0.0000	0.0030	0.0003	0.0000	0.0000	0.0120	0.0120
Iodide	0.0000	0.0000	0.0000	-----	0.0039	0.0010	0.0010	0.0010
Total Halides	0.0050	0.0099	0.0564	0.0003	0.0194	0.0886	0.2400	0.2300
PEM Halides	50	99	564	3	194	886	2400	2300
Metals Wt. % of residue								
Calcium	23.50	15.51	2.51	31.30	4.15	1.51	7.01	3.52
Iron	0.15	0.09	0.14	0.30	0.16	0.09	0.12	0.12
Titanium	Tr.	Tr.	Tr.	Tr.	Tr.	---	---	Tr.
Copper	0.065	0.095	0.100	0.105	0.064	0.050	0.062	0.065
Chromium	0.024	0.021	0.022	0.028	0.037	0.018	0.017	0.011
Zinc	Tr.	---	---	Tr.	---	Tr.	Tr.	Tr.
Nickel	Tr.	Tr.	Tr.	Tr.	Tr.	Tr.	Tr.	Tr.
Strontium	0.071	0.055	0.445	0.030	0.126	0.365	0.040	0.040
Barium	Tr.	Tr.	Tr.		Tr.	---	Tr.	Tr.

ADP1-155

WE

WE. CONP

DATE _____

2-17-59

Buffalo Springs:
1

Pavilion Spry.

~~209~~

PROBLEM

Sulphur pool

(v)

Black Sulphur Spr.

4

[illegible]

SCALE FACTORS

FPC 1-4-10 2-8-4-1-2

WELL

1P

Li F X T2)

DATE

2-13-58

PROBLEM

Buffalo Spring

Pavillion Spring

Sulphur pool

Black Sulphur Spring

ELEMENTS	PK.HGT FPC	PK.HGT ADP	PK.HGT SC	PK.HGT LiF	WT. %	PK.HGT ADP	PK.HGT SC	PK.HGT LiF	WT. %	PK.HGT FPC	PK.HGT ADP	PK.HGT SC	PK.HGT LiF	WT. %	PK.HGT ADP	PK.HGT SC	PK.HGT LiF	WT. %
Li 3																		
Be 4																		
B 5																		
Na 11																		
Mg 12																		
Al 13																		
Si 14																		
P 15																		
S 16																		
Cl 17																		
K 19																		
Ca 20	4224				23.5	8.32			4.15	5.28				2.51	16.272			31.3
Sc 21																		
Ti 22	4					5			4					10				
V 23																		
Cr 24	136				0.024	2.12			0.037	1.16				0.022	160			0.028
Mn 25																		
Fe 26					52	0.15			56	0.16				56	0.145			104
Co 27																		0.305
Ni 28					5				5					20				5
Cu 29					17	0.265			16	0.064				20	0.1			22
Zn 30					2													2
Ga 31																		
Ge 32																		
As 33																		
Se 34																		
Br 35					23	0.0			14	0.03				64	0.126			
Rb 37																		
Sr 38					34	0.071			64	0.126				220	0.445			3
Y 39																		
Zr 40																		
Mo 42																		
Pd 46																		
Ag 47																		
Cd 48																		
In 49																		
Sn 50																		
Sb 51																		
I 53																		
Cs 55																		
Ba 56	10	15				1				3					4			
La 57																		
Ce 58																		
Pr 59																		
Nd 60																		
Pm 61																		
Sm 62																		
Eu 63																		
Gd 64																		
Tb 65																		

Maps and Miscellaneous Information

PHOTOGRAPHIC ADDENDUM FOR PLATT NATIONAL PARK



BUFFALO SPRINGS

PHOTOGRAPHIC ADDENDUM FOR PLATT NATIONAL PARK



BUFFALO SPRINGS

Docket Information

Number of Documents in Docket 60

Documents Dated from 2/13/1958 to 9/11/1995

Docket Compiled: 6/13/2016