

**FINAL AGENDA
OKLAHOMA WATER RESOURCES BOARD**

**February 20, 2024
9:30 A.M.**

3800 N. Classen Blvd., Oklahoma City, Oklahoma 73118

A copy of this notice of meeting and agenda has been posted in a prominent location at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City, Oklahoma on February 15, 2024 at 3:00 p.m. A copy of this agenda is available on the OWRB website at [Oklahoma.gov/owrb](https://www.oklahoma.gov/owrb).

01000 1. CALL TO ORDER

Chairman Jennifer Castillo

- A. Roll Call.
- B. Discussion, Amendments, and Vote to Approve Minutes of the January 16, 2023, Regular Meeting.
- C. Executive Director’s Report and possible discussion: **Director Julie Cunningham**
 - 1. Calendar Items
 - 2. Legislative Update
 - 3. Agency Update
- D. Financial Update and Possible Discussion **Mr. Cleve Pierce**

02000 2. FINANCIAL ASSISTANCE DIVISION

Mr. Joe Freeman

- A. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for the Stilwell Area Development Authority, Adair County, Oklahoma. Recommended for Approval.
- B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for the Oklahoma City Water Utilities Trust, Oklahoma County, Oklahoma. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS

Any item listed under this Summary Disposition Agenda may, at the request of any member of the Board, the Board’s staff, or any other person attending this meeting, be transferred to the Special Consideration Agenda. Under the Special Consideration Agenda, separate discussion and vote or other action may be taken on any items already listed under that agenda or items transferred to that agenda from this Summary Disposition Agenda.

- A. Requests to Transfer Items from Summary Disposition Agenda to the Special Consideration Agenda and Action on Whether to Transfer Such Items.
- B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Possible Action on Items Listed Below.
- C. Consideration of and Possible Action on Financial Assistance Division Items:

1. Emergency Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	FAP-24-0007-G	Kaw City	Kay	\$ 63,867.25

2. Rural Economic Action Plan (REAP) Grant Applications:
None.

3. CWSRF Principal Forgiveness Loan Applications:
None.

4. DWSRF Principal Forgiveness Loan Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	ORF-24-0016-DW	Pawnee Works Authority	Public Pawnee	\$ 800,000.00

5. Sewer Overflow and Stormwater Reuse Municipal Grants (“OSG”)
None.

6. American Rescue Plan Act (ARPA) Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	ARP-23-0023-DTG	The Dewar Works Authority	Public Okmulgee	\$ 300,000.00
b.	ARP-23-0017-DTG	The Sardis Lake Water Authority	Pushmataha	\$ 396,000.00
c.	ARP-23-0037-DTG	The Garvin Works Authority	Public McCurtain	\$ 600,000.00
d.	ARP-23-0025-G	The Guymon Authority	Utilities Texas	\$ 675,150.00
e.	ARP-23-0244-G	City of Waukomis	Garfield	\$ 932,672.73
f.	ARP-23-0154-G	Town of Muldrow	Sequoyah	\$ 980,000.00
g.	ARP-23-0031-G	Haileyville Works Authority	Public Pittsburg	\$ 1,000,000.00
h.	ARP-23-0087-G	Pittsburg County Works Authority	Public Pittsburg	\$ 1,000,000.00
i.	ARP-23-0104-G	Town of Wilburton	Latimer	\$ 1,000,000.00

j.	ARP-23-0026-DPG	Town of Grayson		Okmulgee	\$ 1,153,846.00
k.	ARP-23-0021-DPG	Mountain Park Master Conservancy District		Kiowa	\$ 1,409,648.00
l.	ARP-23-0098-G	Bartlesville Authority	Municipal	Washington	\$ 2,000,000.00
m.	ARP-23-0039-DPG	Oklahoma City Utilities Trust	Water	Oklahoma	\$ 2,083,434.00
n.	ARP-23-0034-DTG	The Sardis Lake Authority	Water	Pushmataha	\$ 2,896,500.00
o.	ARP-23-0010-DTG	Sulphur Authority	Municipal	Murray	\$ 5,000,000.00

D. Consideration of and Possible Action on the Contracts and Agreements:

1. Resolution authorizing an application for funding assistance through the Federal Emergency Management Agency Program to rehabilitate high hazard-potential dams.
2. Resolution authorizing an application for funding assistance through the Federal Emergency Management Agency National Dam Safety Program State Assistance Grant Program to establish and maintain effective state dam safety programs.
3. Agreement between the State of Oklahoma Department of Emergency Management and Homeland Security and the OWRB applying to all Hazard Mitigation Assistance funds. Funds are provided through or by the State of Oklahoma to support the Building Resilient Infrastructure and Communities Grant Program.

E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:

1. Austin Reimer, Major County, 2023-549
2. CUCU Properties, LLC, LeFlore County, 2023-552
3. L & H AGRI, LLC, Delaware County, 2023-564
4. Steinert Land LLC, Alfalfa County, 2023-604
5. 3P Ranch, Garvin County, 2023-606

F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:

1. Lavonne Kroeker, Major County, 2002-601

G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:

None

H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:

1. Grewell Equity, LLC, Texas County, 2002-609

I. Consideration of and Possible Action on Applications to Amend Prior Right to Use

Groundwater:

None

J. Consideration of and Possible Action on Applications to for Term/Seasonal Permits to Use Stream Water:

None

K. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:

1. David M. Barton, Kay County, 2023-002

L. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:

None

M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:

A. Licensee: Innov8 Drilling Services, LLC

DPC-1032

1. Operator: Justin Brittain

OP-2500

Activities: Groundwater Wells and Heat Exchange Wells

B. Licensee: Danny McDowell

DPC-1036

2. Operator: Danny McDowell

OP-2508

Activities: Pump Installation and Plugging of certain Water Wells

2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:

A. Licensee: Jay's Waterwell

DPC-0459

1. Operator: Logan Cowan

OP-2501

Activities: Pump Installation

B. Licensee: Aqua Well Drilling, Inc

DPC-0708

2. Operator: Robert Perry

OP-2502

Activities: Pump Installation

C. Licensee: Cherokee Nation

DPC-0885

3. Operator: Steven Woods

OP-2503

Activities: Pump installation

D. Licensee: Cherokee Nation

DPC-0885

4. Operator: Jarod Caughman

OP-2504

Activities: Groundwater wells

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| E. Licensee: M&M Water Well Service | DPC-1091 |
| 5. Operator: Will Morris | OP-2460 |
| Activities: Pump installation | |
| F. Licensee: Martin Marietta Materials | DPC-0735 |
| 6. Operator: Levi Buerk | OP-2505 |
| Activities: Monitoring wells | |
| G. Licensee: Aqua Drill Services, LLC | DPC-0783 |
| 7. Operator: Doyle Marksberry Jr | OP-2506 |
| Activities: Groundwater Wells | |

N. Consideration of and Possible Action on Dam and Reservoir Construction:

1. Hobart Lake Dam, #OK10494, Washita County
2. Eucha Lake Dam, #OK11026, Delaware County
3. Stan Raetz Dam, #OK30390, Caddo County

O. Consideration of and Possible Action on Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:

1. Oklahoma Department of Wildlife Conservation, Woodward County, FP-2024-1
2. Oklahoma Department of Transportation, Lincoln County, FP-2024-2
3. Oklahoma Department of Transportation, Rogers and Wagoner County, FP-2024-3
4. Oklahoma Department of Transportation, Rogers and Wagoner County, FP-2024-4
5. Oklahoma Department of Transportation, Rogers and Wagoner County, FP-2024-5
6. Oklahoma Department of Transportation, McClain County, FP-2024-6
7. Oklahoma Turnpike Authority, Creek County, FP-2024-7
8. Oklahoma Department of Wildlife Conservation, Wagoner County, FP-2024-8

P. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:

1. Daniel Hesson, Kay County, #FPA-547
2. Scott Sturtz, Cleveland County, #FPA-327
3. Sophia West, Pittsburg County, #FPA-818
4. Scott Wintz, Lincoln County, #FPA-512
5. Kenneth Smith, Marshall County, #FPA-144
6. Dana Lee, Cherokee County, #FPA-9

04000 4. VOTE ON PROPOSED NEW AND AMENDED PERMANENT RULES OF THE BOARD **Chairman Castillo**

A. Rules Amendments Recommended for Adoption in Chapter 5 – Fees

1. Summary – **Mr. Zachary Hollandsworth**

Subchapter 1. General Provisions

785:5-1-9. Dam safety and inspection fees [AMENDED]

2. Questions and discussion by Board Members
 3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions.
- B. Rules Amendments Recommended for Adoption in Chapter 20 – Appropriation and Use of Stream Water
1. Summary – **Mr. Chris Neel**

Subchapter 13. Interference Conditions at Bureau of Reclamation Reservoirs [NEW]
785:20-13-1. Definitions
785:20-13-2. Lugert-Altus Reservoir
785:20-13-3. Tom Steed Reservoir
785:20-13-4. Notification of interference

 2. Questions and discussion by Board Members
 3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions
- C. Rules Amendments Recommended for Adoption in Chapter 25 – Dams and Reservoirs
1. Summary – **Mr. Zachary Hollandsworth**

Subchapter 3. Responsibility, Classification and Design Standards

785:25-3-2. Owner's responsibility [AMENDED]
785:25-3-6. Minimum spillways performance standards [AMENDED]
785:25-3-7. Minimum outlet conduit capacities [AMENDED]

Subchapter 5. Applications and Approval of Construction

785:25-5-1. Application and fee required [AMENDED]

Subchapter 7. Post Approval Actions

785:25-7-6. Notice of completion and filing of supplementary drawings or descriptive matter [AMENDED]
785:25-7-7. Emergency action plans

Subchapter 9. Actions After Construction

785:25-9-1. Inspection of dams [AMENDED]

Appendix A. JURISDICTION OF BOARD BY SIZE AND HAZARD CLASSIFICATION

 2. Questions and discussion by Board Members
 3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions
- D. Rules Amendments Recommended for Adoption in Chapter 30 – Taking and Use of Groundwater
1. Summary – **Mr. Chris Neel**

Subchapter 3. Permit Application Requirements and Processing

- 785:30-3-4. Notice of application [AMENDED]
- 2. Questions and discussion by Board Members
- 3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions
- E. Rules Amendments Recommended for Adoption in Chapter 50 – Financial Assistance
 - 1. Summary – **Mr. Joe Freeman**
Subchapter 15. Waste and Wastewater American Rescue Plan Act (ARPA) Grant Program Requirements and Procedures
 - 785: 50-15-6. Disbursement of funds [AMENDED]
Subchapter 17. Oklahoma Dam Rehabilitation (OKDR) Grant Program Requirements and Procedures
 - 785: 50-17-8. Disbursements of funds [AMENDED]
Subchapter 19. American Rescue Plan Act Tribal Cooperation Grant Program Requirements and Procedures
 - 785: 50-19-6. Disbursement of funds [AMENDED]
 - 2. Questions and discussion by Board Members
 - 3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions

05000 5. SPECIAL CONSIDERATION

Chairman Jennifer Castillo

- A. Consideration of and Possible Action in the Matter of Stan Raetz Lake Dam, ID No. OK30390, Caddo County, Oklahoma:
 - 1. Summary – **Mr. Yohanes Sugeng**
 - 2. Discussion and presentation by parties
 - 3. Possible Executive Session:
As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.
 - (a) Vote on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
 - (b) Designation of person to keep written minutes of Executive Session, if authorized.
 - (c) Executive Session, if authorized.
 - 4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
 - 5. Vote on whether to approve the Proposed Order as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order
- B. Consideration of and Possible Action on Items Transferred from Summary Disposition, if any.

06000 6. NEW BUSINESS

Chairman Jennifer Castillo

Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.

07000 7. ADJOURNMENT

The next regular meeting of the Oklahoma Water Resources Board will be held on Tuesday, March 19, 2024, at 9:30 am. In the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK 73118.