

CALL TO ORDER

The Regular Meeting of the Oklahoma Water Resources Board was called to order by Acting Chairman Tom Gorman, on February 20, 2024, at 9:34 a.m. at the Oklahoma Water Resources Board located at 3800 N. Classen Blvd. Oklahoma City, Oklahoma 73118. The meeting was conducted pursuant to the Oklahoma Open Meeting Law with due and proper notice provided pursuant to Sections 303 and 311 thereof. The agenda was posted on February 15, 2024, at 3:00 p.m., at the Oklahoma Water Resources Board's offices at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

A. Roll Call. Acting Chairman Gorman welcomed everyone to the meeting and asked for the roll call of members.

*Due to Madam Chair Castillo, Mr. Gorman was appointed Acting Chairman for the February 20, 2024 board meeting.

*Due to absence of Secretary Landess, Mr. Stallings was appointed as Secretary by Acting Chairman Gorman for this meeting.

Board Members Present

Ron Justice
Robert L. Stallings, Jr.
Matt Muller
Tom Gorman
Bob Latham
Darren Cook

Board Members Absent

Jennifer Castillo
Suzanne Landess

Staff Members Present

Julie Cunningham, Executive Director
Sara Gibson, General Counsel
Robby Short, Communication and Marketing Coordinator
Tamara Lilly, Executive Administrator
Joe Freeman, Chief, Financial Assistance Division
Bill Cauthron, Chief, Water Quality Programs Division
Chris Neel, Chief, Planning and Management Division
Cleve Pierce, Chief, Administrative Services Division

Others Attending

Mary Stallings
Kin Peterson, City of Guymon
Bryan Kroeker, Cleo Springs
Andy Freeman, City of Sulphur
James Anderson, Grayson, OK
Susan Paddock, M&P Strategic Solutions
Vanessa Aguilar, OCWUT
Will Huggins, OCWUT
Newakis Weber, Chickasaw Nation
Justin Hodge, DEQ
Sheldon Miggetto, City of Stilwell
Leslie Lewis, Halff
Candy Thompson, DEQ

Victoria Tran, SOEE
Michael Shannon, City of Guymon,
Randy McDaniel, BancFirst
Charlie Swinton, BancFirst
Travis Archer, Parkhill
Rayna Noah, Sardis Lake Water
Connie Pattillo, Wind River Microbs
Marla Peek, OK Farm Bureau

B. Discussion, Amendments and Vote to Approve Official Minutes of the January 16, 2024, Regular Meeting. Acting Chairman Gorman inquired if all members reviewed the minutes of the January 16, 2024, meeting and if no questions, or changes, requested a motion to approve. No comments or amendments; Mr. Muller motioned to approve, and Mr. Justice seconded the motion. Acting Chairman Gorman called for the vote.

AYE:	Latham, Stallings, Justice, Muller, Gorman
NAY:	None
ABSTAIN:	Cook
ABSENT:	Landess and Castillo

C. **Executive Director’s Report:**

Every climate region in the state is over 100% of normal rainfall for the last 30 days. The southwest region is the highest at 187% of normal. Soil moisture and crop moisture are normal or wetter across the state. According to the drought outlook, only a very small area in southwest Oklahoma is predicted to have persistent drought over the next few months.

Legislative Session:

The State Chamber and Oklahoma Farm Bureau legislative receptions, Several Committee meetings Session seems to be moving along at a brisk pace, a lot of bills have already made it through the first round of committee meetings. The State has a surplus of revenues from 2023, current debate is between saving, investing, or returning those revenues Preparing analyses and taking meeting requests from legislators. There have been several requests for fiscal impact estimates for specific bills filed

Bills of note

Bill: SB 1331 (S. Bullard) Water Infrastructure Investment Revolving Fund and Grant/Loan program and Senator Bullard has asked for our help to craft language that would roll our budget requests for funding to leverage our existing loan programs and fund the REAP grant program. Our ROI estimate is showing a dollar for dollar return on state investment, with an estimated \$508 million in funds available through federal dollars, bond proceeds, and local match.

Bill: SB 1391 (Rogers) Oklahoma Water Resources Board; creating the Arkansas River Levee Improvement revolving fund; making an appropriation.

Bill: SB 1352 Authors: Bullard. Reservoirs; creating the Reservoir Capital Investment Fund and the Water Sustainability Revolving Fund for purposes of reservoir construction; authorizing a fee for water used for growing commercial marijuana.

Bill: SB 1580 Authors: Woods, Tom Summary: Requires a board of county commissioners to intervene when rural water districts face certain emergency issues and authorizes the commissioners to direct a study by the Water Resources Board on sustainability.

HB 3194 (Rep. Newton) Metering

Bill: SB 1341 Authors: Howard Water and water rights; establishing requirements for basins within a critical groundwater management area.

D. Financial Update

Mr. Cleve pierce, Chief Administrative Services Division, presents the budget report for the period ending January 2024. Mr. Pierce reports the agency has spent 53 % of it appropriated budget leaving 47 %; spent 34% of its revolving budget, leaving 66%; has spent 20% of its federal budget, leaving 67 %. Overall, the total budget remaining is 67% with 42% of the year remaining.

2. FINANCIAL ASSISTANCE DIVISION

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.

This is a \$7,975,000 loan request from the Stilwell area development authority located in Adair County. They are requesting the loan proceeds for construction of a new 5 million gallon per day water treatment plant including a raw water pump station, a rapid mix basin, two high-rate pulsating clarifiers, 4 declining rate cluster filters, 4 service pumps, 2 backwash sludge pumps, 2 clearwells, and a new chemical feed building. In addition to the requested loan the project will be funded with \$5,018,500 in OWRB ARPA tribal grant funds, \$5,099,500 in Cherokee nation tribal match funds, a \$7 million Indian Health Services grant, and a \$1,220,000 Cherokee nation engineering grant. The water board loan will be funded through the drinking water SRF loan program with a fixed interest rate plus a half point administrative fee. The loan will mature within 30 years of the completion of construction and will be secured with a lien on Stilwell’s water revenues, 90% of their electric system revenues, and a mortgage.

Over the last 10 years Stilwell’s water connections have increased by 3.45% and sewer connections by 4.44%. Their debt coverage ratio stands at 4.88 times.

Acting Chairman Gorman asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Latham seconded the motion; Acting Chairman Gorman called for the vote.

AYE: Latham, Stallings, Justice, Muller, Cook, Gorman
NAY: None
ABSTAIN: None
ABSENT: Landess and Castillo

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.

At last September’s board meeting the Oklahoma City Water Utilities Trust was approved for a \$53,938,500 clean water state revolving fund loan. The loan is for improvements to a wastewater lift station, improvements to the deer creek wastewater treatment plant and to the north Canadian wastewater treatment plant. In addition, the funding is for decommissioning existing septic systems serving residences near lake Overholser. The residences will be connected to the trust’s wastewater system which will be extended and constructed as part of the project. Since the approval and closing of the loan the cost of the sewer tie ins and septic tank decommissioning have increased. Therefore, the trust is requesting an \$850,000 increase in the loan amount to \$54,788,500. The increase will be funded through our sponsorship portion of our clean water SRF loan program. All other terms of the loan such as interest rate, maturity date, and collateral shall remain the same. The loan is secured with a lien on Oklahoma City’s water, sewer, and sanitation system revenues. Their debt coverage ratio stands at approximately 3 times.

Acting Chairman Gorman asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Muller seconded the motion; Acting Chairman Gorman called for the vote.

AYE: Latham, Stallings, Justice, Muller, Cook, Gorman
 NAY: None
 ABSTAIN: None
 ABSENT: Landess and Castillo

3. SUMMARY DISPOSITION AGENDA ITEMS

All the items listed below under this Summary Disposition Agenda are recommended for approval. 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.

Request to transfer items from Summary Disposition to the Special Consideration Agenda and Action on whether to transfer such items.

Discussion, questions, and responses pertaining to any items remaining on Summary Disposition agenda and possible action items listed below.

- 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
 - E. Licensee: M&M Water Well Service
DPC-1091
 - 5. Operator: Will Morris
OP-2460
Activities: Pump installation

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| 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

Acting Chairman Gorman asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Muller and Mr. Stallings seconded the motion; Acting Chairman Gorman called for the vote.

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| AYE: | Latham, Stallings, Justice, Muller, Cook |
| NAY: | None |
| ABSTAIN: | Gorman |
| ABSENT: | Landess and Castillo |

4. VOTE ON PROPOSED NEW AND AMENDED PERMANENT RULES OF THE BOARD
Chairman Jennifer 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.

Acting Chairman Gorman asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Latham and Mr. Stallings seconded the motion; Acting Chairman Gorman called for the vote.

AYE: Latham, Stallings, Justice, Muller, Cook, Gorman
NAY: None
ABSTAIN: None
ABSENT: Landess and Castillo

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

Acting Chairman Gorman asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Muller seconded the motion; Acting Chairman Gorman called for the vote.

AYE: Latham, Stallings, Justice, Muller, Cook, Gorman
NAY: None
ABSTAIN: None
ABSENT: Landess and Castillo

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

Acting Chairman Gorman asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Muller and Mr. Stallings seconded the motion; Acting Chairman Gorman called for the vote.

AYE: Latham, Stallings, Justice, Muller, Cook, Gorman
NAY: None
ABSTAIN: None
ABSENT: Landess and Castillo

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

Acting Chairman Gorman asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Muller and Mr. Latham seconded the motion; Acting Chairman Gorman called for the vote.

AYE: Latham, Stallings, Justice, Muller, Cook, Gorman

NAY: None

ABSTAIN: None

ABSENT: Landess and Castillo

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

Acting Chairman Gorman asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Latham seconded the motion; Acting Chairman Gorman called for the vote.

AYE: Latham, Stallings, Justice, Muller, Cook, Gorman

NAY: None

ABSTAIN: None

ABSENT: Landess and Castillo

*Discussion was had on the method of distribution of the Rule Notices and how this information is distributed to the public, trade organizations and other entities.

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

Acting Chairman Gorman asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Muller seconded the motion; Acting Chairman Gorman called for the vote.

AYE: Latham, Stallings, Justice, Muller, Cook, Gorman
 NAY: None
 ABSTAIN: None
 ABSENT: Landess and Castillo

B. Consideration of and Possible Action on Items Transferred from Summary Disposition, if any.

6. New Business **Chairman Jennifer Castillo**

a.) No New Business to report

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.

7. ADJOURNMENT

There being no further business, Acting Chair Gorman adjourned the regular meeting of the Oklahoma Water Resources Board at 10:22 a.m. on February 20, 2024. The next regular meeting of the Oklahoma Water Resources Board will be held on Tuesday March 19, 2024, at 9:30 a.m., at the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., Oklahoma City, Oklahoma 73118.

OKLAHOMA WATER RESOURCES BOARD

 Jennifer Castillo, Chairman

 Thomas Gorman, Vice Chairman

 Matt Muller

 Darren Cook

 Ron Justice

 Bob. Latham

 Robert L. Stallings, Jr.

ATTEST:

 Suzanne Landess, Secretary (SEAL)

