

CALL TO ORDER

The Regular Meeting of the Oklahoma Water Resources Board was called to order by Madam Chair Jennifer Castillo, on May 21, 2024, at 9:30 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 May 15, 2024, at 4:00 p.m., at the Oklahoma Water Resources Board's offices at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

A. Roll Call. Madam Chair Castillo welcomed everyone to the meeting and asked for the roll call of members.

Board Members Present

Ron Justice
Robert L. Stallings, Jr.
Darren Cook
Jennifer Castillo
Tom Gorman (late)

Board Members Absent

Matt Muller
Bob Latham

Staff Members Present

Julie Cunningham, Executive Director
Sara Gibson, General Counsel
Robby Short, Communication and Marketing Coordinator
Cris Kittenbrink, Legal Assistant
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
Michael S, City of Woodward
Glen Winters, Altus, OK
Shawn Barnett, City of Woodward
M. Carson
Andrew Ralston, Tulsa Ports
Michael Scalf, City of Blanchard
Daniel O., City of Blanchard
Kim Peterson, City of Guymon
Charles Swinton, BancFirst
Carrie Everson, City of Midwest City
Tim Lyson, City of Midwest City
R. Paul Streets, City of Midwest City
Brandon Bundy, City of Midwest City
C.W.W
Emily Cimswell, Centennial Law
David Parson
Will Haggins, City of OKC
Leslie Lewis, Halff
Steve Manek, TEIM Design
Michael Shannon, Cit of Guymon
Craig Stokes, City of Collinsville

Elizabeth Gray, City of Bethany
Anne B. Entrekin, Hilltp Securities
David Bullard, City of Henryetta
J. L., City of Bartlesville
Jason Muninger, City of Bartlesville
Dale Cottingham, Winters Farms
Susan Paddack, M&P
Alyssa Sloan, Winters Farms
Eric King, Fellers Snider
Victoria Tran, SOEE
Alan Swartz
Steven Hoffman, DEQ
Chris Gander BOKFS
Randy McDaniel, BancFirst
T. Justiss, OKFB
Brendan Hoover, Kirkpatrick Policy Group
Bodie Bachelor, Centennial Law

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

AYE: Stallings, justice, Landess, Cook and Castillo
NAY: None
ABSTAIN: None
ABSENT: Latham, Gorman, and Muller (Mr. Gorman arrived at the meeting after this vote)

C. Executive Director’s Report:

The Oklahoma Water Resources Bulletin for May 2024 is now available for viewing. The Oklahoma Water Resources Bulletin for May 2024 is now available. Statewide we have received 147% normal precipitation with the South Central Region at 204% normal rainfall. The region has received nine and a half inches, almost five inches above normal. The Crop Moisture Index shows Southeastern Oklahoma as excessively wet, the wettest category, and lake levels are several feet above normal in that area. The Panhandle is the only region below normal for rainfall-12 percent of the state, all in that area, is now in drought status, which affects about 55,000 Oklahomans. NOAA’s seasonal drought outlook changed significantly from last month, now predicting persistent drought and drought development through August in the entire Panhandle, extending into north central Oklahoma, and all along the western edge of the state. It has been a dry month in the Panhandle (40% normal precipitation) and North Central OK (30% normal).

Legislative Session:

May has been all about the budget. The Senate implemented a new system this year that requires everything to go through public meetings, most of the budget negotiations were essentially restarted when Sen. Thompson was removed from the appropriations chair. Senator Bullard’s infrastructure bill could be reintroduced this session. Jarred Campbell, of Idabel, was appointed to the Oklahoma Water Resources Board, to serve an unexpired term ending May 14, 2030, succeeding Charles L. Darby, Jr. Robert Stallings, Jr., was reappointed to serve a seven year term on the Oklahoma Water Resources Board, succeeding himself.

Bills of Note:

SB 1331 PASSED SENATE FLOOR vote (S. Bullard) Water Infrastructure Investment Revolving Fund and Grant/Loan program. Floor amendment changed the funding amount from \$250 million to \$125 million and would give OWRB authority to invest the funds in existing or new programs where we see the need.

SB 1391 PASSED SENATE FLOOR vote (Rogers) Oklahoma Water Resources Board; creating the Arkansas River Levee improvement Revolving fund; making an appropriation. Emergency.

HB 1394 (Newton) metering amended to allow alternative measuring systems. Passed House Floor vote.

SB 1341 Requires all holders of certain commercial water permits to equip wells with monitoring equipment, report to the Water Resources Board on usage, and directs the Board to enforce new regulations and develop plans for the preservation of aquifers. Passed senate floor vote.

D. Financial Update

Mr. Cleve pierce, Chief Administrative Services Division, presents the budget report for the period ending April 2024. Mr. Pierce reports the agency has spent 79 % of it appropriated budget leaving 21 %; spent 51% of its revolving budget, leaving 49%; has spent 29% of its federal budget, leaving 71%. Overall, the total budget remaining is 50% with 70 % of the year remaining.

FY 2025 New Budget is in the works and will be finalized soon.

2. FINANCIAL ASSISTANCE DIVISION

- A.** Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for the Midwest City Municipal Authority, Oklahoma County, Oklahoma. Recommended for Approval.

This is a \$1 million ARPA grant to construct a lift station, install approximately 9000 feet of 12-inch water line, 400 feet of 8-inch gravity sewer main, and 1300 feet of 4-inch sewer force main. The loan will be funded through your state revenue bond loan program also known as the fap loan program. The loan will bear a fixed rate of interest and will have a maturity not to exceed 30 years (planning on 10 years). We will secure the loan with a lien on Midwest City’s water, sewer, and sanitation system revenues plus a 1.6515% sales tax (pledged from 3 separate ordinances). Their water and sewer connections have increased by approximately 6% over the last ten years and their debt coverage ratio stands at 4.2 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Gorman and Ms. Landess seconded the motion; Madam Chair Castillo called for the vote.

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

- B.** Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for the Henryetta Municipal Authority, Okmulgee County, Oklahoma. Recommended for Approval.

This is a \$4,750,000 loan request from the Henryetta municipal authority. They are requesting the loan for construction of a one-million-gallon pre-stressed concrete water storage tank and for laying approximately 13,700 feet of water mains. The loan will be funded through the FAP loan program with a fixed interest rate and will have a maturity not to exceed 31 years.

We will secure the loan with a lien on Henrietta’s water, sewer, and sanitation system revenues, a two-cent sales tax, and a mortgage. They currently have two loans outstanding with the board with a combined balance of \$3.5 million and their debt coverage ratio stands at 2.67 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Justice seconded the motion; Madam Chair Castillo called for the vote.

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

C. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Blanchard Municipal Improvement Authority, McClain County, Oklahoma. Recommended for Approval.

This is a \$9.2 million fap loan request from the blanchard municipal improvement authority located in mcclain county. They are requesting the loan for installing approximately 6400 feet of force sewer main, 1250 feet of 8-inch gravity sewer line, and 33,000 feet of water line. The project will also entail a new booster pump station and a 1-million-gallon ground storage tank adjacent to the station. The loan will have a maturity not to exceed 30 years and will bear a fixed rate of interest. We will secure the loan with a lien on blanchard’s water, sewer, and sanitation system revenues as well as a one cent sales tax and one cent use tax. Over the last ten years their water and sewer connections have increased by over 32% and their debt coverage ratio stands at 1.34 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. justice and Mr. Stallings seconded the motion; Madam Chair Castillo called for the vote.

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

D. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Guymon Utilities Authority, Texas County, Oklahoma. Recommended for Approval.

This is a \$10 million loan request from the Guymon utilities authority. They are requesting the loan to go along with a U.S. department of commerce EDA grant and ARPA grant proceeds for planning and design for an additional water source and supply for the community. In addition, funds will be used to rehabilitate 3 lagoon cells, repair the sequential batch reactor system, a new lift station and force main to move wastewater between the existing lagoons, the SBR, and rehabilitated lagoons, and new piping for the rehabilitated lagoon cells. The loan will be funded through the fap loan program with a fixed interest rate and a maturity not to exceed 30 years. The loan will be secured with a lien on Guymon’s water, sewer, and gas system revenues and a one cent sales tax (expires 12/27). Guymon is a long-time loan customer, and they currently have 4 loans outstanding with the board with a balance of approximately \$10.6 million. Guymon’s population has increased by 13% over the last ten years and their debt coverage ratio stands at 1.58 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Gorman and Ms. Landess seconded the motion; Madam Chair Castillo called for the vote.

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

- E.** Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Bethany Public Works Authority, Oklahoma County, Oklahoma. Recommended for Approval.

This is a \$10,335,000 loan request from the Bethany public works authority. They are requesting the loan proceeds for a Scada system and sump pump for their water treatment plant, for rehabilitation of a booster pump station and water storage tanks, and for installation of automated water meters. The loan will be funded through the FAP loan program with a fixed interest rate and will have a maturity not to exceed 31 years. The loan will be secured with a lien on Bethany's water system revenues and a three-cent sales tax. They currently have one loan with the board with a balance of approximately \$1.5 million. Bethany's population has increased by about 9% over the last 10 years and their debt coverage ratio stands at 1.96 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Gorman seconded the motion; Madam Chair Castillo called for the vote.

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

- F.** Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for the Woodward Municipal Authority, Woodward County, Oklahoma. Recommended for Approval.

This is a \$11,340,000 FAP loan request from the Woodward municipal authority. They are requesting the loan for the replacement of about 5000 feet of 6 inch to 12-inch water lines, replacement of about 3000 feet of 8-inch sewer lines, rehab of 50 manholes, rehab of 7 water storage tanks, rehab at the wastewater treatment plant to enhance sludge removal efficiency, rehab of 6 existing water wells and decommissioning of 20 inactive wells. In addition, funds will be utilized for equipment purchases including an emergency generator, a bulk fill water station, a sewer camera inspection van, and new sludge handling equipment. The loan will have a maturity not to exceed 30 years and will be secured with a lien on Woodward's water, sewer, and stormwater system revenues. Woodward has been a long-time loan customer and they have one outstanding loan with a balance of approximately \$314,000 and their debt coverage ratio stands at 2.3 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Ms. Landess seconded the motion; Madam Chair Castillo called for the vote.

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

- G.** Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for the Tulsa's Port of Catoosa Facilities Authority, Rogers County, Oklahoma. Recommended for Approval.

This is a \$15 million loan request from the Tulsa's Port of Catoosa facilities authority. They are requesting the loan for the engineering and design of a 3.1 million gallon per day wastewater treatment plant to accommodate the wastewater from the port of Inola industrial park operated by the port authority and all the wastewater from the town of Inola. The plant will consist of separate treatment trains for the municipal and industrial waste streams.

The industrial train will be designed to treat approximately 2.5 million gallons a day through continuous backwash sand filters. The municipal train will be designed to treat approximately a half million gallons per day through an activated sludge system with UV disinfection. The project will be funded with the clean water SRF loan requested as well as \$38,620,000 in legislative appropriation known as the northeast Oklahoma infrastructure fund which is item c.7.a. On today's agenda, an economic development authority grant of \$22.3 million, and \$4 million in ARPA grant funds. The clean water SRF loan will bear a fixed interest rate plus a half point administrative fee and will mature within 30 years of the completion of the project. The loan will be secured with a lien on the authorities revenues and leases. This consists of the operating revenues less operating expenses of the Tulsa's Port of Catoosa facilities authority plus lease revenues from the city of Tulsa – Rogers county port authority plus lease revenues from the Inola public works authority. The authority's debt coverage ratio stands at 3.78 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Gorman and Mr. Stallings seconded the motion; Madam Chair Castillo called for the vote.

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

H. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Collinsville Municipal Authority, Tulsa County, Oklahoma. Recommended for Approval.

This is a \$29,550,000 loan request from the Collinsville municipal authority. They are requesting the loan for construction of a new 3.4 million gallon per day wastewater treatment plant, to rehabilitate a lift station, rehabilitate an effluent pump station, and construct a new elevated headworks. The loan will be funded through the FAP loan program with a fixed interest rate. The loans maturity will not exceed 31 years and will be secured with a lien on Collinsville's water, sewer, and electric system revenues and a 1.75 cent sales tax (expires 6/2030). They currently have 3 loans outstanding with a combined balance of \$8.6 million. Over the last ten years their water connections have increased by over 12% and sewer connections by 28%.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Justice seconded the motion; Madam Chair Castillo called for the vote.

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

I. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Bethany-Warr Acres Public Works Authority, Oklahoma County, Oklahoma. Recommended for Approval.

This a \$30 million fap loan request from the Bethany- Warr Acres public works authority which operates the Bluff Creek wastewater treatment plant which is utilized by both the cities of Bethany and Warr Acres. They are requesting the loan for a major rehabilitation of the wastewater treatment plant. In addition, loan proceeds will be used for refinancing a bank loan (f&m) that was for wastewater treatment plant improvements. The loan will bear a fixed interest rate and will have a maturity not to exceed 31 years. The loan will be secured with a lien on Bethany's water system revenues and a 3-cent sales tax. The loan will also be secured with a lien on Warr Acres sewer revenues and a 1 cent sales tax. Over the last ten years Warr Acres population has grown by 4% and Bethany's by 9% and the debt coverage ratio stands at 2.19 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Justice and Mr. Stallings seconded the motion; Madam Chair Castillo called for the vote.

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

J. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for the Oklahoma City Water Utilities Trust, Oklahoma County, Oklahoma. Recommended for Approval.

This is a \$75,261,000 loan request from the Oklahoma City water utilities trust. They are requesting the loan for rehabilitation and upgrade projects at the Hefner and Draper water treatment plants, to rehabilitate the Atoka reservoir intake tower, replace the Atoka pump station's balancing tank, for electrical improvements to a booster station, and for replacement of waterlines between Northwest 10th and Main street along Pennsylvania Avenue. The loan will be funded through the drinking water SRF loan program with a fixed rate of interest plus a half point administrative fee. The loan will mature within 30 years of the completion of the projects and will be secured with a lien on Oklahoma City's water, sewer, and sanitation system revenues. Over the last ten years the city's water and sewer connections have increased by approximately 19% and the city's population over the last twenty years has increased by 34%. The trust is our largest borrower, and they currently have 22 outstanding loans with a total balance of \$492.6 million. Their debt coverage ratio stands at 3.14 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Gorman and Ms. Landess seconded the motion; Madam Chair Castillo called for the vote.

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

K. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for the Bartlesville Municipal Authority, Washington County, Oklahoma. Recommended for Approval.

This is a \$83,235,500 loan request from the Bartlesville municipal authority. They are requesting the loan for major rehabilitation of their wastewater treatment plant infrastructure as well as to expand the plant to support indirect potable reuse. The loan will be funded through the clean 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 the project and will be secured with a lien on Bartlesville's water and sewer system revenues. They currently have 2 outstanding loans with the board with a combined balance of \$6.5 million. Since 2014 Bartlesville's water connections increased by 3% and sewer connections by 6.6%. Their debt coverage ratio stands at 2.49 times.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Ms. Landess and Mr. Stallings seconded the motion; Madam Chair Castillo called for the vote.

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

- L. Consideration of and Possible Action on Selection of Investment Banker(s) in Connection with the Issuance of Obligations to Provide Funding for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Programs. Recommended for Approval.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Gorman seconded the motion; Madam Chair Castillo called for the vote.

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

- M. Resolution Authorizing the Issuance of Oklahoma Water Resources Board Revolving Fund Revenue Bonds - Clean Water Program, (2019 Master Trust), in the Aggregate Principal Amount Not to Exceed \$150,000,000.00; Approving and Authorizing Execution of a Bond Indenture Providing for the Issuance of the Bonds; Providing for the Sale and Delivery of the Bonds and Authorizing a Certificate of Determination; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to the Bonds; Authorizing Execution of Such Other and Further Instruments, Certificates, and Documents as May Be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing Other Provisions Relating to the Issuance of the Bonds. Recommended for Approval.

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Ms. Landess and Mr. Justice seconded the motion; Madam Chair Castillo called for the vote.

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

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-24-0006-G	Carnegie Public Works Authority	Caddo	\$ 8,005.00
b.	FAP-24-0008-G	West Siloam Springs Municipal Authority	Delaware	\$ 44,157.50
c.	FAP-24-0009-G	The Clinton Public Works Authority	Custer	\$ 100,000.00

2. Rural Economic Action Plan (REAP) Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
INCOG				
a.	FAP-24-0032-R	Depew Public Works Authority	Creek	\$ 99,000.00
SWODA				
b.	FAP-24-0087-R	Canute Public Works Authority	Washita	\$ 99,624.00

3. CWSRF Principal Forgiveness Loan Applications:

None.

4. DWSRF Principal Forgiveness Loan Applications:

None.

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-23-0030-DTG	The Checotah Public Works Authority	McIntosh	\$ 600,000.00
b.	ARP-23-0116-G	Rural Water District No. 1, Hughes County	Hughes	\$ 620,000.00
c.	ARP-23-0224-G	The Caddo Public Works Authority	Bryan	\$ 1,000,000.00
d.	ARP-23-0025-DTG	The Checotah Public Works Authority	McIntosh	\$ 1,000,000.00
e.	ARP-23-0262-G	The East Central Oklahoma Water Authority	Muskogee	\$ 1,000,000.00
f.	ARP-23-0011-DG	Oklahoma City Water Utilities Trust	Oklahoma	\$ 1,000,000.00

g.	ARP-23-0115-G	Rural Water District No. 8, McCurtain County	McCurtain	\$ 2,000,000.00
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7. Special Appropriations Grant:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	NOI-23-0001-G	City of Tulsa - Rogers County Port Authority	Rogers	\$ 38,620,000.00

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

1. Memorandum Agreement with USGS and Arkansas-Oklahoma Arkansas River Compact Commission for water monitoring and data collection.
2. Memorandum Agreement with USGS and City of Enid for water monitoring and data collection
3. Memorandum Agreement with USGS and the City of Lawton for water monitoring and data collection.
4. Memorandum Agreement with USGS and the City of Moore for water monitoring and data collection.
5. Memorandum Agreement with USGS and the City of Norman for water monitoring and data collection.
6. Memorandum Agreement with USGS and the Central Oklahoma Master Conservancy District for water monitoring and data collection.
7. Memorandum Agreement with USGS and CP Kelco for water monitoring and data collection.
8. Memorandum Agreement with USGS and Fort Cobb Master Conservancy District for water monitoring and data collection.
9. Memorandum Agreement with USGS and Grand River Dam Authority for water monitoring and data collection.
10. Memorandum Agreement with USGS and Hardage Site Remedy Corp. for water monitoring and data collection.
11. Memorandum Agreement with USGS and Lugert-Altus Irrigation District for water monitoring and data collection.
12. Memorandum Agreement with USGS and Oklahoma Gas and Electric Company. for water monitoring and data collection.
13. Memorandum Agreement with USGS and Oklahoma Dept. of Wildlife Conservation for water monitoring and data collection.
14. Memorandum Agreement with USGS and Poteau Valley Improvement Authority for water monitoring and data collection.
15. Interagency Agreement between OWRB and Oklahoma Department of Agriculture, Food and Forestry for collecting groundwater samples at monitoring wells of swine licensed managed feeding operations.
16. Agreement between OWRB and the Oklahoma Ground Water Association for continuing education services for well drillers and pump installers.

17. Joint Funding Agreement between OWRB and United States Geological Service for continued operation and maintenance of the Monitoring Program.
18. Professional Services Engagement Letter with Arledge & Associates, P.C. to provide auditing services related to the Board's financial assistance programs for the Oklahoma Clean Water State Revolving Fund Loan Account Program financial statements and Uniform Guidance Single Audit.
19. Professional Services Engagement Letter with Arledge & Associates, P.C. to provide auditing services related to the Board's financial assistance programs for CWSRF and DWSRF Loan Administrative Funds Audits
20. Professional Services Engagement Letter with Arledge & Associates, P.C. to provide auditing services related to the Board's financial assistance programs for FAP Administration Fund Audit.
21. Professional Services Engagement Letter with Arledge & Associates, P.C. to provide auditing services related to the Board's financial assistance programs for Revenue Bond Issues Audit.
22. Professional Services Engagement Letter with Arledge & Associates, P.C. to provide auditing services related to the Board's financial assistance programs for the American Rescue Plan (ARPA) financial statements and Uniform Guidance Single Audit.
23. Professional Services Engagement Letter with Crawford & Associates, P.C. to provide account services related to the Board's financial assistance programs.
24. Agreement with Arbitrage Compliance Specialist, Inc. for arbitrage services in connection with the issuance of the state government entity obligations and indebtedness for OWRB loan programs
25. Addendum to Issuer User Agreement between OWRB and BondLink, Inc. for investor support services for OWRB bond issuances.

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

1. THI Group, LLC, LeFlore County, 2023-553
2. Encore Cultivation, LLC, Jackson County, 2023-668

F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
None

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:
None

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:
None

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: M&H Enterprises DPC-1046
1. Operator: Mark Smith OP-2539
Activities: Pump installation

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

a. Licensee: F&H Drilling Services DPC-0065
1. Operator: Casey Pickard OP-2532
Activities: Groundwater wells and pump installation

b. Licensee: Dolese Bros. Co. DPC-1023
2. Operator: Dan Heidrick OP-2533
Activities: Monitoring wells

c. Licensee: J&B Pump and Supply DPC-0587
3. Operator: Jacob Barker OP-2535
Activities: Pump installation

d. Licensee: J&B Pump and Supply DPC-0587
4. Operator: Matthew Caraway OP- 2200
Activities: Plugging of certain water wells

e. Licensee: Talon LPE DPC-0619
5. Operator: Robert Meyer OP-2534
Activities: Groundwater wells, monitoring wells, pump install, heat exchange

f. Licensee: Equus Environmental, LLC DPC-0371
6. Operator: Justin Hoppis OP- 2537
Activities: Monitoring wells

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

1. Watonga Lake, Blaine County, OK00115
2. West Thomas Field Services Dam, Custer County, OK30622
3. Knob Creek Dam, Garvin County, OK30634

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 Transportation, Bryan and Marshall Counties, FP-2024-9

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

1. Blake Woods, Adair County, #FPA-844
2. Tyler Hulse, Muskogee County, #FPA-523
3. Keith Huitt, Garvin County, #FPA-794

Q. Consideration of and Possible Action on a Consent Order:

1. Stigler Lake Dam, Haskell County, OK00699

Madam Chair Castillo asked for additional questions, discussion, or motion. A motion for approval was made by Mr. Stallings and Mr. Gorman seconded the motion; Madam Chair Castillo called for the vote.

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

4. **QUESTIONS AND DISCUSSION ABOUT AGENCY MATTERS AND OTHER ITEMS OF INTEREST**

Chairman Jennifer Castillo

A. No Items

5. **SPECIAL CONSIDERATION**

Chairman Jennifer Castillo

A. Consideration of and Possible Action on Application for a Temporary Groundwater Right No. 2022-573, Winters Farms, LLC, Jackson County, Oklahoma:

1. Summary – Mr. Chris Neel:

On October 31, 2022, the Applicant filed Application No. 2022-0573 with the Board for a permit to use groundwater in Jackson County, Oklahoma. Applicant requested authorization to use 299.3 acre-feet of groundwater each year from the eight existing, previously drilled, groundwater wells for agricultural use to grow cotton, wheat, alfalfa, or grass. Protestants do not dispute the reported locations of the Applicant’s eight wells. Applicant dedicated to the application 149.64 acres of land; namely 149.64 acres in the NW ¼ of Section 30, Township 3 North, Range 19 West Indian Meridian, Jackson County; *See* OWRB Exhibit 1.

The existing groundwater wells are located in Jackson County as follows:

1 Well: NE ¼ of SW ¼ of NW ¼ of Section 30, Township 3 North, Range 19 West, Indian Meridian, Jackson County; 1 Well: NW ¼ of NW ¼ of NW¼ Section 30, Township 3 North, Range 19 West, Indian Meridian, Jackson County; 3 Wells: SW ¼ of NW ¼ of NW ¼ of Section 30, Township 3 North, Range 19 West, Indian Meridian, Jackson County; 1 Well: NW ¼ of SW ¼ of NW ¼ of Section 30, Township 3 North, Range 19 West, Indian Meridian, Jackson County; and, 2 Wells: SW/4 of SW/4 of NW/4 of Section 30, Township 3 North, Range 19 WIM, in Jackson County.

On March 2, 2023, Board staff notified Applicant that the application had been reviewed and directed Applicant to give notice of the application by certified mail to each surface owner of land within 1,320 feet of the outside boundary of the ten-acre tract of land with a groundwater well location covered by the application, and publish notice of the application in a newspaper of general circulation in the county in which the wells are located during the weeks beginning March 19, 2023, and March 26, 2023. *See* OWRB Exhibit 3. The notice was published on March 10, 2023, and March 17, 2023, in *The Altus Times*, a newspaper of general circulation in Jackson County. *See* OWRB Exhibit 4. The notice listed a protest deadline of April 24, 2023. *See* OWRB Exhibit 5. Applicant also sent, by certified mail, direct notice to those individuals listed on the surface estates owner’s map. *See* OWRB Exhibit 5. It is noted that the direct notice sent by certified mail to surface estate owner Wesley Churchwell (Father-in-Law to Carl Wayne Whitaker) at an address in Midwest City, Oklahoma, came back to the Applicant as “undeliverable”. *See* Applicant’s Exhibit 19; Protestants’ Exhibit 26; and uncontested testimony from Applicant’s Manager Glen Winters that Wesley Churchwell, Father-in-Law of Protestant Carl Wayne Whitaker, due to health issues, was residing in Altus, Oklahoma, at the home of Protestant Carl Wayne Whitaker, at the same time the direct notice sent by certified mail to Wesley Churchwell at an address in Midwest City, Oklahoma, came back as “undeliverable”. (*See* Applicant’s Exhibit 19). It is also noted that Protestants’ Exhibit 26, a U.S. Department of Agriculture Annual Lease Agreement Certification Statement, signed as Lessee by Protestant Carl Wayne Whitaker on May 17, 2023, discloses that Landowner/Lessor Wesley Churchwell has leased a Jackson County, Oklahoma, tract of land of 147.00 acres, more or less, to Protestant Carl Wayne Whitaker, and that Protestants’ Exhibit 22, documents that Protestant Carl Wayne Whitaker, through a Warranty Deed, actually owns a tract of land of 1.18 acres, more or less. It is further noted that the direct notice sent by certified mail to surface owner Sherrie Reaser came back as “unclaimed”, as did the direct notice sent by certified mail to surface owners Charles and Tresa Garrett. *See* Applicant’s Exhibit 19. The Applicant’s Manager Glen Winters testified that upon learning the aforesaid direct notices for Sherrie Reaser and Charles and Tresa Garrett came back as “unclaimed”, he telephoned both Ms. Reaser and Mr. Garrett to inform them of the notice and apparently neither chose to file a protest.

Surface estate owners David and Amy Parson and Carl Wayne Whitaker each protested the application by separate letters dated April 24, 2023, and each was made a party herein. *See* OWRB Exhibit 6. At the Hearing, Protestant David Parson testified that he purchased water for his domestic use from a rural water district, and that he had no OWRB groundwater permit for his single water well that he used in his two-year old cattle and livestock operation that includes ten (10) cows,

eight (8) calves, and seven (7) or eight (8) goats. Even though Protestant David Parson uses his single water well solely for his cattle and livestock (goats) operation, under the provisions of 82 O.S. §1020.1(2), in part, "...the use of water by a natural individual or by a family or household for household purposes, **for farm and domestic animals up to the normal grazing capacity of the land...**" (emphasis added), is defined as "domestic use". The Applicant alleges that well #31843 depicted on OWRB Exhibit 7 is the one and only well of the Protestant David Parson, and as such well #31843 is located on land that overlies a different groundwater basin, namely the North Fork of the Red River groundwater basin. The Protestant David Parson alleges his one and only well is not printed or depicted on OWRB Exhibit 7 and is not well #31843, but rather is depicted on Protestants' Exhibit 24 as a hand-drawn circle that lies above the Southwestern Oklahoma groundwater basin and nearer to the Applicant's property than well #31843, which Protestant David Parson does not claim to be his well.

Protestant Carl Wayne Whitaker testified at the Hearing that he had two water wells, one for his domestic use and one he used solely for his cattle operation including eleven (11) cows and eleven (11) calves, for which second water well he had no OWRB groundwater permit. Once again, under the provisions of 82 O.S. § 1020.1(2), in part, "...the use of water by a natural individual or by a family or household for household purposes, **for farm and domestic animals up to the normal grazing capacity of the land...**" (emphasis added), is defined by statute as "domestic use".

1. Discussion and presentation by parties:

Presentations were made by both respective parties before the Board. Questions were asked of each party, including of staff's opinion of waste, and answered in-kind. A brief discussion was had, and the Board members moved into an Executive Session.

2. Possible Executive Session:

Madam Chair Castillo asked for further discussion, a motion for Executive Session or a vote on the matter. A motion was made to go into Executive Session by Mr. Stallings and seconded by Mr. Justice.

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

Staff members requested to remain for Executive Session are Sara Gibson, Julie Cunningham, and Chris Neel. Cris Krittenbrink to keep Executive Session minutes.

Madam Chair Castillo asked for a motion to move out of Executive Session and to resume Regular Session. Ms. Landess made a motion and was seconded by Mr. Stallings.

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

Regular session has resumed, and Madam Chair Castillo asked for a motion regarding this application. Mr. Gorman made a motion that the application be remanded back to the Hearing Officer to obtain more evidence regarding the availability of water on other parts of the dedicated land and to obtain more evidence regarding waste by depletion and beneficial use. Mr. Stallings seconded the motion.

Madam Chair Castillo asked if there were any other discussion or questions and made a motion for the vote.

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

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.

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

6. **New Business** Chairman Jennifer Castillo

No new business

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, Madam Chair Castillo adjourned the regular meeting of the Oklahoma Water Resources Board at 11:06 a.m. on May 21, 2024. The next regular meeting of the Oklahoma Water Resources Board will be held on Tuesday June 18, 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

Robert L. Stallings, Jr.

ATTEST:

Bob. Latham

Jarred Campbell

Suzanne Landess, Secretary (SEAL

