

OKLAHOMA COMMISSIONERS' REPORT

Kansas-Oklahoma Arkansas River Compact Commission

*Annual Meeting
Lawrence, Kansas
July 24, 2002*

STATE CLIMATE & STREAMFLOW

An ongoing drought, beginning last summer, continues to worsen throughout much of northwestern Oklahoma, especially the Panhandle region. Since June 1, 2001, the Northwest/Panhandle climate region is almost 12 inches below its normal rainfall (53 percent of normal). As expected, streamflows in the region are much below normal. The West Central, Southwest, and North Central climate divisions are also quite dry over the past year; statewide precipitation is 80 percent of normal, an 8.5-inch precipitation deficit.

BASIN-AREA WATER REPORTS/STUDIES

Through cooperation with the Tulsa District of the U.S. Army Corps of Engineers and funded through the Corps' Planning Assistance to the States Program, the Board completed the following projects last year:

- The first phase of an investigation of a regional water treatment and distribution system in the Kaw Reservoir area of north central Oklahoma. Four alternatives were developed to provide water from Kaw Lake to the systems participating in the study. If funded, the second phase of the study will include development of conceptual designs and costs estimates and an analysis of potential environmental and cultural resources issues.
- A study on the feasibility of a regional sewer system in the Lake Texoma area of south central Oklahoma (completed in November).
- A study on water management strategies for the Oologah Lake watershed in northeast Oklahoma.

Planning projects initiated during 2001 include:

- An investigation of water supply alternatives for Adair County Rural Water District Number 5, and
- Geotechnical work at the proposed Mangum Reservoir site in southwestern Oklahoma.

The Board participated in the following water quality-related studies during 2001 (related to the Compact area):

- Results from sampling efforts to track nutrient loading at Lake Tenkiller established a critical link between ongoing efforts to reduce nutrients in the watershed and the effect of nutrient loading on the lake.
- Directed through legislation passed in 1997, a draft report was completed to assess the impact of CAFOs on the City of Oklahoma City's water supply reservoirs extending from Canton Lake to McGee Creek Lake. The beneficial use status of each reservoir was assessed to discern links between CAFO wastewater lagoons and lake tributaries.
- A cost-sharing agreement with the City of Tulsa enabled OWRB staff to address specific local water quality concerns at Eucha and Spavinaw Lakes (Tulsa's two-reservoir water supply system). Based on two years of data, the OWRB determined that algae growth in both Eucha and Spavinaw were impairing fish and wildlife uses. Phosphorus load reductions were developed to reverse the nutrient enrichment process.
- A cooperative assessment with the Central Oklahoma Master Conservancy District (COMCD) to address water quality concerns, especially those caused by suspended

solids, at Lake Thunderbird. A pilot demonstration program to control shoreline erosion at Thunderbird, in cooperation with the U.S. Bureau of Reclamation, Oklahoma Department of Tourism and Recreation, and COMCD, will be implemented in 2003.

- Completion of an EPA-funded demonstration project at Lake Wister to reduce suspended solids and control erosion through introduction of non-invasive aquatic plants. A project was also initiated between the OWRB and the Corps of Engineers to monitor water quality at Wister and develop a plan to control suspended solids and increase oxygen.

Due to the effects of a localized drought episode during late 2001 and early 2002, water supply storage at Hulah Lake, a Corps project on the Caney River just south of the Kansas-Oklahoma state line, was reduced to less than 18 percent of capacity. Officials with the City of Bartlesville, whose residents depend upon Hulah as their primary water source, have requested assistance from Congressman Don Nickles in securing federal funds to initiate a long-term water supply planning study for the community. The OWRB is assisting Bartlesville with the study authority request and will coordinate subsequent study efforts with appropriate federal agencies.

As directed through legislation passed in 2001, the OWRB has initiated dialogue with the states of Nebraska, Colorado, Kansas, New Mexico, and Texas, as well as federal agencies, regarding formation of a regional High Plains Ogallala Aquifer Compact. Activities related to creation of a compact will be initiated through the Western States Water Council.

GROUNDWATER BASIN STUDIES

In 2001, the OWRB completed two separate maximum annual yield studies of the High Plains (Ogallala) Aquifer, underlying northwest Oklahoma. Based on study results, the nine-member Water Board reduced the amount of permitted water annually available for future users to 1.4 acre-feet per acre of land in parts of Ellis, Harper, Dewey, and Woodward Counties. Existing permits were "grandfathered in," allowing users to maintain their temporary allocation of 2.0 acre-feet per year. The Board approved a permanent allocation of 2.0 acre-feet for permittees in the Panhandle region.

THE 2002 OKLAHOMA LEGISLATIVE SESSION

The Water Resources Board was again very successful in achieving legislative goals established prior to the 2002 legislative session. The 2002 session concluded in May.

- SB 972—ensures that municipal dischargers will not be subjected to potential increased treatment costs until the phosphorus loadings from all impaired state-designated Scenic River watersheds are identified and addressed through the state's total maximum daily load (TMDL) process.
- SB 1247—expands eligibility for the Board's Rural Economic Action Plan (REAP) grant program, increasing the population limit for eligible entities from 1,500 to 1,750 and the household tap limit for rural water/sewer districts from 450 to 525.
- SB 1306—allows certain swine feeding operations to transfer water rights permits to heirs or other buyers without having to apply for a new permit.
- SB 1410—places a three-year moratorium on state efforts to compact with Oklahoma's Native American tribes or negotiate agreements to market large supplies of water out of state, unless repealed by the State Legislature. The bill also directs creation of a 19-member joint legislative committee to investigate state water planning issues.
- HB 1995—allows the Board, for the first time, to fund nonpoint source-related projects through the Clean Water SRF Loan Program.
- HB 2228—broadens the scope of the Oklahoma Floodplain Management Act and encourages training for Oklahoma's floodplain management officials.

- HB 2330—provides guidance to the OWRB in defining recreational sites related to the three-mile setback provision for swine feeding operations under state groundwater law.
- HB 2349—prohibits the siting of poultry operations within floodplains or close to Scenic Rivers, public drinking water wells, and other important water bodies in the state.
- HB 2525—appropriates \$3.84 million in General Revenue Funds to the OWRB, a 4.64% reduction (\$392,711) from last year's appropriation. This includes \$4.23 million for REAP grants and adds one FTE to the Board's Financial Assistance Division. The appropriation also includes \$220,430 for contractual services with the Oklahoma Rural Water Association to provide training and technical assistance for rural water systems.
- HB 2526—authorizes the OWRB to expend \$1 million from Gross Production Tax REAP funding for the Beneficial Use Monitoring Program and provides full funding (\$1.2 million) if tax revenues are sufficient. It provides \$1.872 million in REAP funding to the Oklahoma Conservation Commission as cost-share and \$250,000 for upstream flood control structure rehabilitation work. Also included from REAP monies is \$50,000 in additional funding to the Oklahoma Rural Water Association and \$171,758 to the OWRB for water study matching funds.

NUMERICAL WATER QUALITY STANDARD FOR PHOSPHORUS

In March, the OWRB approved the first-ever numeric water quality standard for phosphorus in Oklahoma's designated Scenic Rivers. Brian Griffin, Oklahoma's Secretary of Environment, is currently involved in discussions with Arkansas environmental officials to implement the new 0.037 milligrams per liter (mg/L) phosphorus limit while minimizing the potential economic impacts to municipalities and poultry operations in both states.

STATUS OF STATE-TRIBAL WATER COMPACT & CONTRACT FOR WATER MARKETING TO NORTH TEXAS

In January 2002, Oklahoma Governor Frank Keating, Choctaw Nation Chief Gregory Pyle and Chickasaw Nation Governor Bill Anoatubby announced that the out-of-state water sale contract negotiations with the North Texas Water Agency had been terminated due to substantial differences between the Oklahoma entities and NTWA regarding the value of marketed water. Earlier this year, the OWRB and Corps of Engineers (Tulsa District) completed Phase I of the Southeast Oklahoma Water Availability Study, which included development of a detailed computer model to assess various water usage scenarios; future study phases are on hold. The OWRB's status report to Governor Keating on compact and contract negotiations, completed in March, is available on the OWRB's Web site (www.owrb.state.ok.us).

CANADIAN RIVER COMPACT DISPUTE (OKLAHOMA-TEXAS)

Through Senate Concurrent Resolution 18, passed in 2001, the OWRB is directed to pursue U.S. Supreme Court action against the State of Texas for violating terms of the Canadian River Compact. Texas' development of Palo Duro Reservoir (on Palo Duro Creek, a tributary of the Beaver-North Canadian River) in 1991, approximately 12 miles upstream from the Texas/Oklahoma state line. The situation precludes water releases sufficient to satisfy Oklahoma's apportionment under terms of the Compact. Of specific concern is reduced flows for Canton Lake, a primary source of water for Oklahoma City on the North Canadian River, which could be further impacted by a second proposed reservoir on a separate tributary of the North Canadian in Texas.

UPDATE OF THE OKLAHOMA COMPREHENSIVE WATER PLAN (2005)

OWRB staff recently began making initial preparations for the 2005 update of the Oklahoma Comprehensive Water Plan. The plan will incorporate a region-based planning approach to maximize citizen involvement.

WEATHER MODIFICATION

For the second consecutive year, the Legislature declined funding for the state's weather modification program, directed by the OWRB. The OWRB continues to support implementation of a multiyear research program to determine the effectiveness and applicability of cloud seeding technology in mitigating severe weather events, especially hail damage, and as a drought/water resource management tool.

Oklahoma is seeking continued, out-year support and state/federal funding for a long-term regional weather modification research effort -- involving the States of Oklahoma, Kansas and Texas -- that would scientifically verify the effectiveness of cloud seeding technology. The five-year, \$2.5 million/year program will utilize research scientists and agencies of the Oklahoma Weather Center, a unique alliance of federal, state and University of Oklahoma organizations who work together to improve understanding of weather-related events.

WATER RESOURCES FINANCING

The Oklahoma Water Resources Board administers the State *Financial Assistance Program* (FAP), backed by the Statewide Water Development Revolving Fund, which awards loans and grants for the construction and improvement of water and sewer facilities. The Board offers loans from proceeds of revenue bonds to eligible communities for sewer and water improvements and refinancing. To date, the Board has approved 259 bond loans totaling almost \$404 million statewide. The emergency grant program, funded by interest earnings on the Revolving Fund, has approved 489 grants for more than \$29 million. These grants have stimulated many millions of dollars more in water/wastewater projects throughout the area.

The Board also provides loans through the Clean *Water (CWSRF) and Drinking Water Construction Revolving Fund (DWSRF) Programs* for various wastewater and water treatment/distribution projects, respectively, which are often required to bring borrowers into compliance with EPA requirements. The CWSRF Loan Program, which provides funds for the construction of new wastewater facilities or the replacement or rehabilitation of existing facilities, has approved 128 loans for almost \$443 million. The DWSRF, a cooperative program recently developed by the OWRB and Oklahoma Department of Environmental Quality, was created to assist municipalities and rural water districts in constructing drinking water treatment and distribution system improvements required to comply with the federal Safe Drinking Water Act. The program has approved 23 loans for almost \$74.5 million.

The *Rural Economic Action Plan (REAP)* grant program is operated by the Board in a manner very similar to its emergency grant program. REAP gives priority to communities with populations less than 1,500 and rural water districts with less than 450 household taps. The Board has approved 331 REAP grants totaling more than \$28 million.