

# OKLAHOMA WATER RESOURCES BOARD OFFICIAL MINUTES

August 20, 2019

## 1. CALL TO ORDER

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Robert L. Stallings, Jr., at 9:30 a.m. on August 20, 2019, at the offices of the Oklahoma Water Resources Board, 3800 N. Classen Boulevard, 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 August 16, 2019, at 4:30 p.m., at the Oklahoma Water Resources Board's offices at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma, and provided on the agency's website.

A. Roll Call. Chairman Stallings asked for the roll call of members.

### Board Members Present

Robert L. Stallings, Jr., Chairman  
Stephen Allen, Vice Chairman  
Bob Drake, Secretary  
Charles Darby  
Ford Drummond  
Suzanne Landess  
Matt Muller

### Board Members Absent

Jennifer Castillo  
Robert L. Melton

### Staff Members Present

Julie Cunningham, Executive Director  
Sara Gibson, General Counsel  
Cleve Pierce, Chief, Administrative Services Division  
Joe Freeman, Chief, Financial Assistance Division  
Kent Wilkins, Chief, Planning and Management Division  
Bill Cauthron, Chief, Water Quality Programs Division  
Mary Schooley, Executive Secretary

### Others Present

Minh Ngo, Bentonville, AR  
C. Snyder, Owasso, OK  
Rodney J. Ray Owasso, OK  
Nick Parker, Tulsa, OK  
Kim Hornbuckle, Beckham Rural Water District #1, Waurika, OK  
Anthony Mackey, Noble, OK

George Pankonin, City of Enid, OK  
Colby Byrd, Falls Creek Springs, Keah Investors, Double C Cattle Co., and Smokey Valley  
Volunteer Fire Department  
Shane Jemison, Chickasaw Nation, Norman, OK  
Eric Cowan, Bank of America Merrill Lynch, St. Louis, Mo  
Tom Liu, Bank of America Merrill Lynch, New York, NY  
Robert Oss, City of Webbers Falls, OK  
Sandy Wright, Town of Webbers Falls, OK  
Rebecca Poole, Carollo Engineers, Oklahoma City, OK  
Eddie Kelly, Hartshorne City Council, Hartshorne, OK  
Bodie Bachelor, Centennial Law Group, Durant, OK  
Charlie Swinton, BancFirst, Oklahoma City, OK  
Darrell Wooton, Beckham County Rural Water District #1,  
Michael Taylor, Cowan Group  
Elia Stumpf  
Marla Peek, OFB, Oklahoma City, OK  
Brad Scott, City of Waurika, OK  
Jared Davidson, Public Finance Law Group, Durant, OK  
Baylee Williams, Governor's Stitt's office, Oklahoma City, OK  
Steven Hoffman, Department of Environmental Quality, Oklahoma City, OK  
Eddie Rhandour, Department of Environmental Quality, Oklahoma City, OK  
Elizabeth Nichols, Lazy S  
Krystina Phillips, CPASA  
Carly Cordell, Office of the Secretary of Energy & Environment, Oklahoma City, OK  
Secretary of Energy & Environment Ken Wagner, Oklahoma City, OK  
Geoff Canty, Norman,  
Charles Roos, Lazy S, Roff, OK  
Richard Lerblance, Hartshorne, OK  
Shawn Leopard, COWRA

Following the Roll Call, Chairman Stallings introduced Secretary Ken Wagner, Governor Stitt's Cabinet Secretary of Energy and Environment who previously served at the US Environmental Protection Agency. Secretary Wagner addressed the members and, on behalf of Governor Stitt, he thanked the OWRB Board members for their service. He said of all the environmental media, water is the most emotional, from recreation to essential to live, as well as sacred to Native Americans. He said the OWRB sets Water Quality Standards which is the basis for a regulatory framework that allows industry, agriculture, and recreation to happen in a way that is meaningful and preserves our way of life in Oklahoma. He said we know the importance of floodplain management and dam safety from the last several months, and the OWRB -- as one the state's largest bankers -- finances infrastructure projects that help everyday Oklahomans have clean water, and so wastewater is treated in a way that the discharge protects the waterways that we love. He was complimentary of the Board's water rights administration program, the working group regarding the Illinois River, and said he is excited to work with directors like Julie Cunningham. While at EPA he visited with every state's environmental agency and Oklahoma's environmental regulators and leadership are the most practical, the best in the country, and he met recently with the Oklahoma Military base leadership who said Oklahoma is the "Gold Standard" to work with. He said it was a privilege and honor to be present today for Governor Stitt, he thanked the Board members for the important job they do to represent the State's diversity, and said the only thing better than our water, is our people.

B. Discussion, Amendments, and Vote to Approve Official Minutes of the June 18, 2019, Regular Meeting. Chairman Stallings said there was no July meeting, so the Board will consider the June 18, 2019, meeting minutes. He asked if there were any comments or proposed amendments to the minutes of the June 18, 2019, meeting minutes. There were no changes or discussion.

Mr. Allen moved to approve the minutes of the June 18, 2019, meeting, and Mr. Darby seconded. There was no discussion. Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Landess, Stallings

NAY: None

ABSTAIN: Drummond, Muller

ABSENT: Castillo, Melton

C. Executive Director's Report

Ms. Julie Cunningham, Executive Director, welcomed everyone in attendance and expressed appreciation for Secretary Wagner's attendance to express the Governor's goal to make Oklahoma a "Top Ten State" and tell Oklahoma's story. She appreciated both the Governor and the Secretary promoting Oklahoma's abundant natural resources and support of the OWRB in elevating the importance of water, water planning, and long-term resiliency planning for drought and flood; noting 30% of the state is experiencing moderate drought.

Regarding calendar notes, Ms. Cunningham attended the US Army Corps of Engineers Tulsa District Change of Command on July 8, inducting Colonel Scott Preston whom OWRB staff will be meeting with to discuss state projects. On July 9, staff met with the Chickasaw and Choctaw Nations as required by the Settlement Agreement to discuss and coordinate on water planning, infrastructure projects, and studies and is a great venue to share information. On July 15, Ms. Cunningham participated in an interview with the City of Enid; July 23, Secretary of Energy and Environment conducted a retreat with the Cabinet Agency Directors and Secretary Mazzei provided guidance and set goals on budgeting; and, the Kansas-Oklahoma Arkansas River Compact conducted its annual meeting July 25 in Bartlesville. She participated in an interview with Oka' Institute regarding the Arbuckle Simpson Aquifer; attended the National Integrated Drought Information System 2nd Forum in Washington DC; and met with the new director of the Oklahoma Department of Emergency Management. She announced there will be a legislative interim study on the 2019 Arkansas River Flood Event hosted by Representative Sims-- the two agencies will make a joint presentation to the study committee. On August 7, she and staff met with Senator Inhofe's staff, Brian Hackler, Deputy Chief of Staff, and Legislative Director, Andrew Forbes, regarding the next Water Resources Development Act which is the funding source for many OWRB programs which Congress is committed to update every two years. She also attended the Governor's Economic Development Conference and her interest is that companies looking to locate in Oklahoma will know where to obtain information on water, water availability and water rights, and is working to get that on the Department of Commerce website, as well as the state's natural resources guide i.e., mining operations, etc.; the conference also discussed workforce issues.

Ms. Cunningham concluded her report noting the dewatering project at Webbers Falls to salvage the barges lodged in the dam during the flooding, and also mentioned the dam failure at Cushing Dam. Mr. Kent Wilkins noted the agenda item regarding Cushing's application for corrective action on the downstream slope but has nothing to do with the current situation with the spillway where in two sections water is allowed to flow out of the dam; the cause is unknown at this time. He commended the city officials that have taken the appropriate steps to secure the situation. Ms. Cunningham recognized Mr. Yohanes Sugeng, OWRB Engineering Manager, and Mr. Zach Hollandsworth; she updated the members that this is a recreation dam, not water supply, and there are no downstream structures.

There were no questions by members.

D. Financial Update

1. Budget Report. Mr. Cleve Pierce, Administrative Services Division Chief, addressed the members and stated the agency has just begun the new fiscal year and the budget report is for the time period ending June 2019. He said budget was posted mid-month, and the expenditures are personnel costs. The agency received \$5.4 million from the Legislature, \$4.2 will be used for operation, and \$1.2 is pass through to the REAP Program; the total operation budget is approximately \$17.4 million. For the time period, the agency has spent 7% of the appropriated budget leaving 93%, spent 4% of the revolving budget leaving 96%, and has spent 4% of federal dollars keeping within a 3% spending rate for the agency, same as last year.

Mr. Pierce concluded his report stating he will be assisting Executive Director Cunningham with reporting requirements to Secretary Mazzei. Mr. Drummond asked how the number compared to last year, and Mr. Pierce responded that the agency receive a little more because of the mandated pay raise, although it is not as much as he anticipated the raise will cost some so the budget is almost "flat."

There were no other questions by members. Chairman Stallings complimented Mr. Pierce and his staff.

2. **FINANCIAL ASSISTANCE DIVISION**

A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for East Central Oklahoma Water Authority, Muskogee County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this item is an \$100,000.00 Emergency Grant request by the East Central Oklahoma Water Authority located in Muskogee County, which serves the community of Webbers Falls and the surrounding area in Muskogee County. He said that as a result of the heavy flooding in the area earlier this year, the main water line was washed out, and the community is currently using a water connection to Porum to serve customers south of town and a water connection to Gore to serve customers in town. The grant will go along with loan funds from items 2.E. to bore a 14-inch HDP A casing under the Arkansas River, install 8-inch pipe, install a 1-inch water line, and install two gate vales and a manhole. Staff recommended approval of the emergency grant application.

Representing the ECOWA was Sandra Wright, Mayor and Authority Chairman. Mayor Wright addressed the Board and said the project needed to be completed as soon as possible and thanked the Board for consideration of the grant and loan. City Engineer Robert Bond also spoke to the Board, and thanked the Board's staff for its quick actions, as well as other entities that have assisted.

Chairman Stallings called for a motion. Mr. Drummond moved to approve the emergency grant to the ECOWA, and Mr. Darby seconded. There were no questions; Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller, Stallings

NAY: None

ABSTAIN: None

ABSENT: Castillo, Melton

B. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Rural Water, Sewer and Solid Waste Management District No. 1, Beckham County. Recommended for Approval. Mr. Freeman stated this item is a \$100,000.00 Emergency Grant request for the Beckham County Rural Water District No. 1. Because of flooding earlier this year, the District lost two 8-inch water mains leaving a majority of the District without water. The District replaced the 8-inch west line, and slip lined the 16-inch east line with a 10-inch pipe. In addition to the grant, the District has invested \$174,000.00 into the project. Staff recommended approval of the application.

Mr. Darrell Wooton, District Board Member, and Ms. Kim Hornbuckle, Engineer, were present in support of the grant application. Ms. Hornbuckle described the city's loss of two river crossings (one of three total was already unusable) with customers on the north side of the river and water source on the south, the city invested its own money to get some water back in the line. She stated the city appreciated the Board's

consideration. Mr. Wooton spoke to the members stating the District has 1200 taps serving four different communities, the project cost is \$1.3 million and he expressed his appreciation for the Board's assistance.

Mr. Drummond asked how the District planned to raise additional funds. Mr. Wooton said the District raised rates which will bring in an additional \$100,000 per year, raised rates on the base \$1 each year for an additional \$30,000 per year for 5 years, and the District has used most of its reserves and is now depending on loans and grants. He said the District had used \$350,000.00 in CDs with \$200,000.00 reserved for Rural Development for loans with them, and he described the other financial resources spent. The only option remaining was to raise rates which took three months to convince the Board to approve because it was a difficult decision.

Mr. Drummond moved to approve the emergency grant to the Beckham County RWSSWM District No. 1, and Mr. Drake seconded. There was no discussion, and Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller, Stallings

NAY: None

ABSTAIN: None

ABSENT: Castillo, Melton

C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding

Application for Waurika Public Works Authority, Jefferson County. Recommended for Approval. Mr. Freeman stated this item is for consideration of a \$400,000.00 loan request from the Waurika Public Works Authority located in Jefferson County that is requesting the loan to acquire and install an automatic meter reading system. He said the loan will be funded through the Clean Water State Revolving Fund Loan program, and he noted provisions of the loan agreement. Waurika PWA has one loan with the Board with an outstanding loan of approximately \$940,000.00, and the debt coverage ratio stands at 2.46-times. Staff recommended approval of the loan request.

Mr. Brad Scott, Waurika City Manager, was present in support of the loan request. Mr. Scott described the vibrancy of Waurika because the Board's previous loan to assist the town in financial management. He said this loan will address the next efficiency of the town being able to use manpower more properly.

Mr. Muller asked how long it would take to pay off the loan, and Mr. Scott answered 15 years.

There were no other questions for Mr. Scott, and Mr. Allen moved to approve the Clean Water Funding application to the Waurika PWA, and Mr. Drake seconded. Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller, Stallings

NAY: None

ABSTAIN: None

ABSENT: Castillo, Melton

D. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding

Application for Hartshorne Public Works Authority, Pittsburg County. Recommended for Approval. Mr. Freeman stated this matter is a \$580,000.00 request by the Hartshorne Public Works Authority, located in Pittsburg County. The loan will be funded through the Clean Water State Revolving Fund Loan Program, and he noted provisions of the loan agreement. Mr. Freeman explained that the Authority is requesting the loan to install an automatic meter reading system, the loan will mature within 20 years of the completion of the project, and he noted provisions of the loan agreement; the debt coverage ratio stands at 4.91-times. Staff recommended approval of the loan request.

Representing the Hartshorne PWA was Ms. Eddie Kelly, Councilwoman; Mr. Dale Burke, Engineer, and Richard LeBlance, City Attorney. The representatives explained the town is recovering from mismanagement and because of nonworking meters the city is losing \$4,000 in water loss, in addition to the use of contract manual labor to read meters if they can be found. The loan will help the city recoup funds for other expenditures, and they thanked the Board for its consideration of the loan application.

Mr. Allen asked how long it will take to install the new meters, and Mr. Burke responded about 120 days to get the meters operational.

Chairman Stallings asked if there were other questions. There were none, and Mr. Drake moved to approve the funding request to the Hartshorne PWA, and Mr. Drummond seconded. Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller, Stallings  
NAY: None  
ABSTAIN: None  
ABSENT: Castillo, Melton

E. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for East Central Oklahoma Water Authority, Muskogee County. Recommended for Approval. Mr. Freeman stated this loan request is to go along with item 2.A. approved by the Board to the East Central Oklahoma Water Authority located in Muskogee County. He said the Authority is requesting \$1 million in Drinking Water SRF loan funds to pay to bore under the Arkansas River for the placement of water line and restore water service to the Webbers Falls area. He noted provisions of the loan agreement saying the Authority anticipated repaying a large portion of loan in reimbursement grants which has been applied for through the Federal Emergency Management Agency, USDA, and the Cherokee Nation. If the loan is fully drawn, and not reimbursement, the Authority's debt coverage ratio would be at 1.55-times. Staff recommended approval of the loan application.

Mayor Sandy Wright, and Vice Mayor Bobby Oss, were present in support of the funding request. Mayor Wright stated the flood washed away the pipeline and the funding source will finance boring 10 feet under the river bed to install new pipe to get water to the town that is in desperate need. Mr. Oss stated the project will allow the town to help other communities in the future.

Mr. Drummond asked how long it would take to get the project completed, and Mr. Oss responded it is an expedited process and he anticipated by this Fall it would be operational. Mr. Allen asked about the drill, and Mr. Oss said it is a 2500 foot drill into the bedrock.

There were no other questions, and Chairman Stallings asked for a motion. Mr. Darby moved to approve the Drinking Water SRF loan to the East Central Oklahoma Water Authority, and Mr. Allen seconded. Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller, Stallings  
NAY: None  
ABSTAIN: None  
ABSENT: Castillo, Melton

F. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Enid Municipal Authority, Garfield County. Recommended for Approval. Mr. Freeman stated this item is an \$11 million loan request from the Enid Municipal Authority. He said the loan will be for refinancing a portion a \$34.5 million Clean Water SRF loan that Enid obtained from the Board in 2010 to construct a water reclamation facility. He explained the original loan was closed on a tax-exempt basis and the \$11 million refinance portion will be closed as a taxable loan; this will allow Enid, from a tax point of view, flexibility and latitude to sell treated wastewater for private use. Mr. Freeman noted provisions of the loan agreement. Enid currently has 9 outstanding loans with the Board with a combined balance of \$142.4 million and its debt coverage ratio is 3.46-times. Staff recommended approval of the funding request.

Mayor George Pankonin, City Manager Jerald Gilbert, and Community Finance Director Erin Crawford, were present representing Enid. Mr. Mayor Pankonin stated the project will not only help his community but also that part of the state.

Mr. Drummond asked the amount of the refinancing, and Mr. Freeman answered, \$800,000, and that will allow the city to look at negotiating any contract with private entities. Because the original loan was closed on a tax-exempt basis it limited the city's flexibility to charge customers; there is cash to refinance the

loan. Mr. Drummond asked if it will be sold to oil and gas, and Mr. Gilbert answered it would likely be used for the cooling processes for a large industry in town, currently the city does not charge for waste water--this will save money and the revenue will help finance the Kaw Lake project. Mr. Allen asked if the industrial customer is currently using wastewater or potable water, and Mr. Gilbert responded it is using both types of water. Chairman Stallings asked if there were other questions, and there were not.

Mr. Drummond moved to approve the Clean Water SRF program funding to the Enid Municipal Authority, and Mr. Drake seconded.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller  
NAY: None  
ABSTAIN: Stallings  
ABSENT: Castillo, Melton

G. Consideration of and Possible Action on Proposed Resolution Authorizing Certain Individuals To Sign and Act on Behalf of the Board Regarding the Board's Financial Assistance Program, State Revolving Fund Programs, and Issues of Indebtedness and Authorizing Members to Act as Assistant Secretary. Mr. Freeman explained this resolution authorizes certain individuals to sign and act on behalf of the Board regarding the Board's Financial Assistance Program, and State Revolving Fund Loan Programs. The resolution also names each Board member, except the Chairman, as assistant secretary in the absence of the secretary. The resolution allows Bank First, the Board's Trustee, to know the Board's composition and have signatures on file for verification. The resolution also adds Ms. Landess as a Board member in place of Mr. Hitch.

There were no questions. Mr. Muller moved to approve the resolution, and Mr. Allen seconded. Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller, Stallings  
NAY: None  
ABSTAIN: None  
ABSENT: Castillo, Melton

H. 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. Mr. Freeman said this item is for the approval of selection of investment banker for the upcoming issuance for the Clean Water and Drinking Water SRF bond issue. He said the staff received proposals for senior manager from JP Morgan, Wells Fargo, Bank of America Merrill Lynch, RBC Capital Markets, City Global Markets, and Morgan Stanley. Staff received proposals for co-managers from Capital Securities, BOK Financial Securities, Goldman Sachs, Stevens, Stifel Nicolaus, UBS, UMB, and Wells Nelson. The senior manager proposals were reviewed according to each firm's Clean Water and Drinking Water SRF bond issuance experience, their non-SRF pool revenue bond issuance experience, their marketing and distribution capabilities, and the overall quality of the proposed financing plan. Following, the staff reviewed the proposals with the Board's Financial Advisor, Anne Burger-Enriken at Hilltop Securities, and Andrew Metzger, Deputy State Treasurer for Oklahoma and State Bond Advisor. Mr. Freeman consulted the Board's Finance Committee composed of Mr. Stallings, Mr. Allen, and Mr. Melton. Staff recommended selection of Bank of America Merrill Lynch as senior manager, and co-managers BOK Financial Securities, Morgan Stanley, and Stifel Nicolaus.

Chairman Stallings asked if there were questions; there were none.

Mr. Allen moved to approve the staff's recommendation of senior managers and co-managers to the Board's Clean Water and Drinking Water SRF programs, and Mr. Drummond seconded. Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller, Stallings  
NAY: None  
ABSTAIN: None

ABSENT: Castillo, Melton

### 3. SUMMARY DISPOSITION AGENDA ITEMS

Any item listed under this Summary Disposition Agenda may, at the requested of any member of the Board, the Board's staff, or any other person attending this meeting, may 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. Chairman Stalling asked if there were any items that needed to be removed to the Special Consideration Agenda. He asked that item L.5. (Hoskins Enterprises), be considered separately.

B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Action on Items Listed. There were no requests for other changes to the Summary Disposition Agenda.

Mr. Muller moved to approve the Summary Disposition Agenda with item L.5. withdrawn, and Mr. Drummond seconded.

There was no discussion, and Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller, Stallings

NAY: None

ABSTAIN: None

ABSENT: Castillo, Melton

Chairman Stallings stated that item L.5. is a dam permit for Hoskins Enterprises in Fairview, Oklahoma, which he is involved with and cannot approve. Mr. Allen moved to approve Summary Disposition Agenda item L.5., Hoskins Enterprises (Fairview Frac Pit), Major County, #OK30573, and Mr. Darby seconded.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller

NAY: None

ABSTAIN: Stallings

ABSENT: Castillo, Melton

The following items were approved:

C. Consideration of and Possible Action on Financial Assistance Division Items:

1. 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>
None				

2. CWSRF 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-20-0013-CW	Westville Utility Authority	Adair	\$ 37,575.00

b.



- D. Consideration of and Possible Action on Contracts and Agreements:
1. Amendment Agreement between USDA-Agricultural Research Service and the OWRB for monitoring and evaluating water resources in the Upper Washita River Basin.
  2. Interagency Agreement between the State of Oklahoma Office of the Secretary of Energy & Environment and the OWRB for technical preparation for revision of Oklahoma's Water Quality Standards and Implementation Rules.
  3. Amendment to Joint Funding Agreement between the United States Geological Survey and the OWRB providing increased funding for the Boone and Roubidoux Aquifers Study.
  4. Amendment to Interagency Agreement between the Department of Environmental Quality and the OWRB to provide laboratory services for water quality sampling programs.
  5. Agreement between the Tulsa District, U.S. Army Corps of Engineers and the OWRB to assist in development of the update to the Oklahoma comprehensive water resources plan.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
1. MeChelle Allen, LLC, Caddo County, #2013-521
  2. Bullet Energy Services, LLC, Stephens County, #2017-578
  3. Minh Dat Ngo and Trang Thi Diem Truong, Delaware County, #2018-584
  4. D & B Oilfield Services, Inc., Major County, #2019-520
  5. Styx Oilfield Services, LLC, Woodward County, #2019-522
  6. Vamoosa Land, LLC, Dewey County, #2019-527
- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
1. Scott & Kristi Horton, Harmon County, #1974-091
  2. Charles E. Roberts & Connie Kay Roberts Revocable Trust, Dewey County, #1974-376B
  3. David Martin Pearson, Roger Mills County, #1984-521B
  4. W. H. Braum Family, LP, Grady County, #1984-655
  5. Greg & Geri Little, Caddo County, #2006-549
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. Judy Blankenship, Beckham County, #2017-565
  2. Jay Land & Cattle Co., LLC, Major County, #2017-575
  3. Michael D. & Sarah G. Mehan, Canadian County, #2018-589
  4. Charles E. & Wathina M. Luthi, Woodward County, #2019-508
  5. Rogert Griggs, Comanche County, #2019-513
  6. George & Amy Wells, Canadian County, #2019-521
  7. Woodward County Rural Water District No. 2, Woodward County, #2019-523
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. Jeff & Jeri Slatten, Beaver County, #1978-610
- I. Consideration of and Possible Action on Applications to Amend Prior Rights to Use Groundwater:
1. Donald E. & Deanna Williamson, Roger Mills County, #1953-690
  2. Donald E. & Deanna Williamson, Roger Mills County, #1954-276
- J. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Gary Bishop Irrevocable Trust, Haskell County, #2013-007

2. Ashby Investments, LLC, Johnston County, #2019-005
  3. Jeremy & Jennifer Price, Blaine County, #2019-013
  4. 33 Farms, LLC, Sequoyah County, #2019-017
- K. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:
1. P & K Stone, LLC, Johnston County, #2016-034
- L. Consideration of and Possible Action on Dam and Reservoir Construction:
1. City of Cushing (Cushing Lake), Payne County, #OK10642
  2. TPH Capital, LLC (Tim Halter Lake), Pontotoc County, #OK30373
  3. Tony Shreiner, LLC (Schreiner Pond #1), Tillman County, #OK30564
  4. Cedar Falls Ranch, LLC (Cedar Falls Ranch Dam), Carter County, #OK30572
  5. *Hoskins Enterprises (Fairview Frac Pit), Major County, #OK30573 (withdrawn from vote on summary disposition agenda, and approved by separate vote).*
  6. Brushy Lake, LLC (Brushy), Grady County, #OK30574
- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
    - a. Licensee: CPN/Pot County RWD No. 3 DPC-1019  
Operator: Dennis Bristow OP-2083
  2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses
    - a. Licensee: Alex Ewbank Water Well Drilling LLC DPC-0975
      1. Operator: Alex Ewbank OP-2187
    - b. Licensee: Hauser Water Resources DPC-0820
      1. Operator: Mark Forrester OP-2287
    - c. Licensee: B & H Construction DPC-0765
      1. Operator: Tyler Leddon OP-2288
- N. Consideration and Possible Action on Proposed Resolution Appointing Persons to Serve as Members of the Well Driller and Pump Installers Advisory Council:  
Names of persons to serve as members are individually set out in the August 20, 2019 packet of Board materials.
- 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, Washington County, #FP-19-10
  2. Oklahoma Department of Transportation, Tulsa County, #FP-19-11
  3. Oklahoma Department of Transportation, Sequoyah County, #FP-19-12
- P. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
1. Tina M. Watts, City of Cache, #FPA-803
  2. Glenn P. Yandell, Town of Colony, #FPA-804
  3. Jeff Wallace, Town of Dover, #FPA-805
  4. Stuart B. Page, Town of Freedom, #FPA-806
  5. Scott J. Kniess, Town of Kinta, #FPA-807
  6. Susan E. Whittle, McIntosh County, #FPA-808
  7. Archie D. Coverdill, City of Morris, #FPA-809
  8. Jim L. Kirby, City of Noble, #FPA-810
  9. Edward G. Kramer, City of Shidler, #FPA-811
  10. Karl A. Burkhardt, Town of Stonewall, #FPA-812
  11. Alice Faye Bland, Town of Taloga, #FPA-813
  12. Shawn Smith, Town of Webbers Falls, #FPA-814
  13. Ronald M. Ramey, Woodward County, #FPA-815

C. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any. There were no matters transferred from the Summary Disposition Agenda.

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

A. There were no questions about agency matters or other items of interest for the Board.

5. **SPECIAL CONSIDERATION**

A. Consideration of and Possible Action in the Matter of Application for Temporary Groundwater Permit No. 2018-573, Lazy S Ranch Properties, LLC, Carter County:

1. Summary – Mr. Kent Wilkins, stated this application is for a temporary groundwater permit 2018-573 in the name of Lazy S Ranch Properties, LLC, Carter County, and the application is before the Board for approval of the permit. On August 21, 2018, the application was submitted for a temporary groundwater permit seeking 4,134 acre-feet (AF) of groundwater for agricultural purposes and ten well locations. The land dedicated to the application overlies the Arbuckle Group and Simpson Group formation with a default equal proportionate share of 2.0 acre-feet per acre per year since no maximum annual yield has been determined for this basin. Notice of the application was published on two occasions in a newspaper of general circulation in Carter County, and timely protests were received by Mr. Jerry Pletcher, Falls Creek Springs Arbuckle Ranch LLC, Citizens for the Protection of the Arbuckle Simpson Aquifer (CPASA), the Smokey Valley Volunteer Fire Department, Double C. Cattle Company LLC, KEAH Investors LLC, and the Russell Noble Trust. Mr. Wilkins stated a prehearing conference was held where the applicant presented a motion for the determination of standing which was accepted and the parties were provided time to respond, and response briefs were filed by all protestants. A hearing was conducted on May 1, 2019, and the hearing examiner (HE) found the following as set forth in the applicant's motion were undisputed. Only one protestant has a well outside the area of the Arbuckle Simpson Groundwater Basin boundary, the Russell Noble Trust, which is 1.6-miles away. No Lazy S well sites are located within the Arbuckle Simpson formal basin boundary; the boundaries have been litigated through the courts in Oklahoma and are well defined. The HE determined the boundaries must have meaning and consequence or they are irrelevant and the HE ruled the boundary must be respected, and further ruled the CPASA did not meet standards set forth in case law to gain organizational standing. For reasons listed in the order, the applicant's motion for determination of standing, as much as it is interpreted as an objection to standing, is sustained against all protectants, therefore, the matter was remanded back to the staff for processing.

Mr. Wilkins stated staff processed the application and found that the Lazy S Ranch Properties, LLC, satisfied the necessary elements pertaining to permit number 2018-573. The record showed the applicant has a valid right to the dedicated land, the land overlies the Arbuckle Group Simpson Group formation, an unstudied temporary groundwater basin with a default equal proportionate share of 2.0 acre-feet per acre per year; agriculture use is a beneficial use, waste will not occur by pollution or depletion, therefore, staff recommended approval of the groundwater permit in the amount of 4,134 AF per year.

Representing the applicant is Ms. Elizabeth Nichols, and representing the other parties is Ms. Krystina Phillips and Mr. Colby Byrd.

Chairman Stallings stated the applicant, represented by Ms. Nichols may speak first for five minutes. The protestants representing Falls Creek Arbuckle Ranch and CPASA then each have five minutes to address the Board.

3. Discussion and presentation by parties. Ms. Nichols addressed the members and stated this is a binary question – is a groundwater well within the Arbuckle Simpson Groundwater Basin that has been studied, or is it not, and the answer in relation to this application is, no it is not. Therefore, the rules of the

Arbuckle Simpson Aquifer (ASA) cannot apply to this particular groundwater application, and she asked that the Board approve the order. She likened that the application of rules that are not within the area where the groundwater is located is equivalent to driving from Texas to Oklahoma and applying the speed limit from one state to the other...applying rules that are not applicable to the area, the ASA boundary is specifically geographical and to expand it means the boundary has no meaning. Ms. Nichols asked the Board to approve the order and grant the groundwater permit to the Lazy S Ranch.

Mr. Muller asked the intended specific use of the water, and Ms. Nichols answered, agricultural purposes, and Mr. Charles Roos stated there are several possibilities, there is 1,000 acres of farmable land and this is to establish the water rights. Mr. Allen referred to the map and said it appeared the dedicated land follows the border of the ASA, is that correct and is there undedicated land owned by the claimant that extends beyond the boundary into the aquifer? Ms. Nichols answered, yes. Mr. Muller asked if the wells have already been drilled, and what is the proposed well spacing. Ms. Nichols answered the wells have not been drilled and OWRB standards will be met. Mr. Drake asked if the water is to be used for another purpose does the applicant come back to the Board to change the permit, and Ms. Nichols said they would comply with the proper procedure. Mr. Wilkins explained a change of use from agriculture would require proper notice with the possibility of protest, hearing, and essential elements of a regular application. Mr. Allen asked if the Board chose not to approve the application today, then procedurally, it would go back to hearing, the applicant may still get a water permit subject to the admission of additional evidence protestant. General Counsel Sara Gibson stated the Board can approve the permit, deny the permit, or remand it to the hearing examiner for further consideration. If the Board does not approve the item today the application is denied and it would be required to refile the application.

Mr. Drummond asked if the issue today is about standing or about the permit, and Ms. Gibson said the hearing examiner determined the protestant's lack of standing to become parties in an individual proceeding, and because there were no other issues, remanded to staff that determined it met all criteria for an approvable permit. There were no other questions for the applicant.

Ms. Krystina Phillips addressed the members representing CPASA and respectfully requested the Board remand this issue back to the HE, reinstate CPASA and the other protestants as parties, allow discovery and a formal presentation of evidence in order for the Board to make an educated and informed decision as to this groundwater application. She cited three reasons: adopting the order is direct contradiction to well established Oklahoma law and statute, would be a reversal of long-standing precedence of the Board, and the facts while meager, support CPASA position and contradicts the alleged findings. She noted Title 82 1020.9(a) regarding the OWRB's responsibility to make certain determinations from evidence presented, and she read the finding verbatim, "proposed use is likely to degrade or interfere with springs or streams emanating...sensitive sole source groundwater basin or subbasin." She argued the ASA is the only sensitive sole source basin, and the statute states the proposed use is not likely to degrade or interfere...and this is one of the only pieces of evidence that in the USGS study, on page 6 from the study, that fresh water is known to occur beyond the outcrop. The ASA continues in the subsurface beyond the legally delineated boundary and is hydrologically connected such that the withdrawal of groundwater at 2 acre-feet per acre per year is likely to degrade or interfere with springs and streams. She said the Board is required to make that determination to be able to issue the permit and the only evidence on record supports the opposite position and would be a reversible error for the OWRB to make a decision without having a full record. She addressed the matter of standing, noting an Oklahoma Supreme Court case, *DuLaney v. Oklahoma State Department of Health*, regarding the protest of an administrative action and she noted her provided argument (Exception 3, page 6) regarding the OWRB's historical address of standing erring on the side of caution and allowed a protestor to be a party; this matter would be a complete 180-degree turn and deny protestors the ability to protest. She said the HE cited well spacing requirements which has nothing to do with standing and imposed an arbitrary geographic restriction to prohibit participation. She said she noted for the HE the Oklahoma Supreme Court had struck down a similar restriction that was imposed by the Oklahoma

Department of Mines regarding a 1-mile restriction; the Court found that was in violation of due process. She said for the Board to uphold the HE order is a violation of due process. She said she is not asking the Board to deny the permit, but to reinstate CPASA and other protests as a party, remand to conduct discovery, let her prove there is a hydrologic connection, and then take up the matter once there is an actual record.

Mr. Drummond asked if Ms. Phillips agreed the proposed locations of the wells are outside the line designating the ASA, and she responded, yes, they are within "spitting distance" of the legally defined boundary, and as the statute says, the OWRB has to determine whether the proposed use is likely to interfere, not whether it is over a groundwater and is likely to interfere. She said the HE is asking the Board to "read in" a part of the law that doesn't exist. Mr. Drummond asked how far the gray area should be extended, if someone is drilling one mile away, would they have the same challenge. Ms. Phillips answered it could, this is much stronger than if a mile away; the record showed in figure no.3 the aquifer ends exactly where the wells are proposed, and based on the OWRB's own work already done it is more likely than not that these geologic layers exist and that the 14 proposed wells will hit it and will affect the springs and streams in the area.

Mr. Muller stated that in her argument the area for protest should be wider rather than narrower, at what point do you stop enlarging the geographic range within which someone can protest, and he used the Washita River as an example of being located over the ASA, which CPASA would want to protect. Ms. Phillips answered that for CPASA's purpose, if it is not over a location where it is likely to affect the flow of streams and springs they would not get involved, she said the Oklahoma Supreme Court trend is toward enlargement of the area people can protest, and there is USGS evidence that fresh water extends past the outcrop. Chairman Stallings asked if she would agree as you move away from the boundary the quality/permeability of the rock are probably going to be degraded, and Ms. Phillips answered there is a potential but her argument is more clear, and would be more fragile a mile away, but here it is in the same rock and the USGS report states it extend beyond the legally delineated boundary, and the Board must make the determination whether the proposed use is likely to degrade. Chairman Stallings discussed an example of drilling and diminished results because of distance and stated the USGS looked at the evidence and said where the line is. She contended the report said the legally delineated boundary is based on where the layers surface. He said that means the thickness is less so the quality and volume is less, and she said it is known there are areas of fresh water beyond the outcrop, and she asked for the opportunity to prove that to the Board; she repeated her argument for standing.

Chairman Stallings stated Ms. Phillips had exceeded the five minutes. He invited Mr. Byrd to speak to the Board representing Falls Creek Springs Arbuckle Ranch LLC, LEAH Investors LLC, Double C Cattle Company LLC, and Smokey Valley Volunteer Fire Department Association. He said he agreed with Ms. Phillips regarding the substance and merit of the water application, hydrologic connection, and issues that should be addressed in an individual hearing. He focused on procedural and due process aspect before the Board, that Lazy S presented the Board with a binary choice, approve or deny the application. He said that choice puts the cart before the horse; the choice is really whether the protestors have been denied the right to due process, the right to a fair hearing. He referred to the HE order dismissing the lack of standing stating the incorrect rule of law had been applied, there is no authority for a motion to determine standing in the Administrative Procedures Act, and the most similar motion would be a motion to dismiss. He discussed the rulings by the Oklahoma Supreme Court and that the pleadings must be accepted as proof, by rejecting the claims there is a hydrologic connection between the ASA and the proposed wells may interfere with springs and streams, and the HE's rejection is a misapplication. For the Board to approve the application and ignore the error is a reversible error. Secondly, he discussed the due process issue regarding the geographic limitations on who is able to protest a groundwater application and he referred to the Daffin Case and argued the ruling of standing and spacing requirements are erroneous and not supported in law and the HE order is fraught with legal error. He asked the Board to remand and continue the proceeding and allow protestors to provide evidence regarding a hydrologic connection as approval of the permit would degrade streams emitting from the ASA. There were no questions by Board Members of Mr. Byrd.

Chairman Stallings advised the Board it may continue to discuss the matter in this meeting and take whatever action it would like to take, or the Board can vote to enter executive session and return to take action or not.

Mr. Drummond asked Ms. Gibson to comment regarding the issue of wells outside the border of the ASA and the argument that the law provides for interference with the ASA even if not overlying the aquifer. Ms. Gibson responded that Ms. Phillips is representing 1020.9 and the provision is as she read it, and as defined in section 1, 1020.9(a) directs the moratorium shall be in place until the Board conducts and completes the hydrologic study and approves a maximum annual yield (MAY) that will ensure the Board permits water from a sensitive sole source groundwater basin or subbasin will not interfere with reduce the flow. Reading those together would indicate that it is about the basin and that the Board would complete a basin study and MAY and apply the standards to wells within that basin. Mr. Muller stated these wells are not within the basin, and Ms. Gibson stated they are not.

Mr. Allen stated he had read through the pleadings with his lawyer hat and there is a good argument on both sides of the issue. He also looked at the picture without the lawyer hat, looking at the location of the wells along the border of the aquifer which prompted the question, did the land extend beyond; interesting the only land dedicated is not over the aquifer and all the wells are located along the edge of the aquifer. If he had an oil and gas facility in a similar situation he might want the right to present whether they are completing within his facility. He agreed with the rule of law and the establishment of the boundary should be honored, but also a wholesome record to make a decision is important and in his opinion at a minimum the Board should remand and allow the record to be created.

Mr. Drake asked if Mr. Allen would make that a motion.

Mr. Darby stated he would make it as a motion, and, Mr. Drake seconded the motion.

Chairman Stallings clarified the motion is to remand the matter to the hearing examiner, and Mr. Drake added to reestablish standing and allow others to come in at this late date that were unaware it was happening. He also commented the aquifer belongs to the people of Oklahoma and feeds Turner Falls, and he described the area, and said it cannot be pinpointed where the aquifer is and 4,000 acre-feet permit could be devastating. He hoped the Board would remand.

Ms. Gibson asked for clarification on the motion for the hearing examiner. Mr. Allen said he would like to see the protestants have an opportunity to offer evidence, and the Board may consider the exact same permit based upon the record reviewed and analyzed, but he supported allowing additional evidence. Mr. Drummond asked if the Board can direct the parties that can be involved, he agreed with Mr. Allen as the Board's process in the past has been to allow more debate rather than less, and to allow parties to participate to obtain more facts for the record rather than less. He said given the location of the wells and the sensitive nature of the aquifer he would agree the Board should err on the side of caution, there is not an immediate use for the water right, and he encouraged the Board to remand the matter to the hearing examiner.

Mr. Darby said he believed the issue of standing should only pertain to the parties identified and not opened up to more; his motion regarded the parties identified. Mr. Drake said those he referred to would have more influence i.e., Falls Creek, Davis, which did not file a protest, and he hoped those that would be affected the most are the recreational areas and the Falls Creek Baptist Assembly, and he would like for them to have the opportunity. Mr. Allen interjected his concern about opening the notice and application and petition were filed with proper notice, and parties had a time period to file their protest. This Board has considered on numerous occasions whether to open to parties that did not respond to the notice, and has consistently said, no to that, which he would want to honor; the parties on record that have filed a protest should be heard. Mr. Drake stated then he would not change his second to the motion.

Chairman Stallings said then the Board is considering allowing people with additional standing to do additional study. Mr. Darby said it is to allow standing to present evidence. Chairman Stallings said Ms. Phillips mentioned additional study and he didn't believe it fair to make the applicant wait a year for additional study, and he wanted to be clear. The members and parties expressed the appropriate time frame and procedure under ordinary course, that the HE will make determination regarding discovery and evidence, whether evidence should be presented during discovery that supersedes the multi-million dollar 6-year study,

that the objective is whether to deny the order and apply the rules to the Lazy S Ranch which is outside the boundary, and nothing should occur during the course of discovery that will supersede the science in the ASA "gold standard."

3. Possible Executive Session; and 4., - the Board did not vote to enter executive session.

5. Vote on whether to approve the Application as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order.

Chairman Stallings stated the motion is to allow additional standing and remand the matter, and Ms. Gibson clarified it is the reinstatement of the timely filed protests by the hearing examiner and remand for further consideration.

Mr. Muller commented he understood allowing protest but he is concerned about an evolution of deep pockets to fight protestants could be allowed to fight water rights, and as more and more groups organize--while this group is passionate and have the right concerns at heart--in the future groups could have ulterior motives to stifle activity. He is concerned from a private property right eroding through regulation when the law is clear who is a protestant and the system could be locked down. Mr. Drake stated he did not disagree with Mr. Muller but this particular aquifer is the only sole source and the only avenue for water and the boundary line is a hundred or so feet from that line, there is no question the water is there and 4,000 acre-feet is a lot of water. He is a supporter of property rights for groundwater but not when it will destroy the livelihood, this is policy regarding sole source has been made and the boundary is another 100-200 feet. Mr. Muller said there is speculation on what the wells will yield and they have not been drilled; do we have faith and trust in the geologist (in modeling). Mr. Drake responded he understood Mr. Muller's point and respected greatly the ability of Mr. Roos, and the people of the area that think the water is there although he could not approve it.

There was no other discussion, and Chairman Stallings called for the vote. Mr. Allen clarified that the Board is voting in favor of remanding.

AYE: Allen, Darby, Drake, Drummond

NAY: Muller, Stallings

ABSTAIN: Landess

ABSENT: Castillo, Melton

Chairman Stallings stated the motion passes and the permit will be remanded to the hearing examiner. He thanked everyone for their participation. Mr. Muller asked how much time will it be to rehear and bring the matter to the Board; Ms. Gibson answered the typical discovery period on an ASA cases is between 3-6 months. Ms. Phillips stated they are prepared and she did not believe it would be difficult. Ms. Gibson stated that the process should take about nine months or so.

**B. Consideration of and Possible Action on Proposed Tentative Determination of the Maximum Annual Yield for the Garber-Wellington Groundwater Basin underlying parts of Cleveland, Logan, Lincoln, Oklahoma, Payne, and Pottawatomie Counties:**

1. Summary – Mr. Kent Wilkins, stated this item is for consideration of the proposed Tentative Determination of the Maximum Annual Yield for the Garber-Wellington Groundwater Basin underlying parts of Cleveland, Logan, Lincoln, Oklahoma, Payne, and Pottawatomie Counties. He said the Oklahoma Groundwater Law requires the OWRB to conduct a hydrologic survey for each groundwater basin for which the OWRB must determine a Maximum Annual Yield (MAY) of fresh water to be produced. A map was shown illustrating the location of the aquifer within the state boundaries, also known as the Central Oklahoma Aquifer, and the communities that overly the basin. Mr. Wilkins defined a "major groundwater basin" as a distinct underground volume of water overlain by contiguous land having substantially the same geological and hydrological characteristics, groundwater well yield of at least 50 gallons per minute on average from a bedrock aquifer, and at least 150 gallons per minute on an average in the alluvium and terrace. The MAY is to be based on the following: total land overlying the basin, the amount of water in storage in the basin, the rate of recharge to and total discharge from the basin, the transmissivity of the basin,

and the possibility of pollution from natural sources. The USGS in cooperation with the OWRB investigates the hydrogeology and assimilates the groundwater flow in the Garber Wellington Aquifer using a groundwater flow model which is also used to assimilate groundwater levels, analyze water budgets, and test water management scenarios necessary to make a determination of a MAY and Equal Proportionate Share (EPS). The Garber-Wellington Groundwater Basin (GWGB) underlies approximately 2,891 square miles in central Oklahoma, and consists of Permian-age Garber Sandstone, Wellington Formation, and Chase, Council Grove, and Admire Groups. As demonstrated by the USGS groundwater flow model, the groundwater in storage in the GWGB as of 2009 is estimated to be 98,676,000 acre feet and a specific yield of 0.13, and a mean saturated thickness of 392.5; groundwater wells in the aquifer yield and average 65 gmp--qualifying the aquifer as a major basin--total amount of recharge is estimated at 283,703 acre feet per year at a rate of 8.4 inches per year. The total discharge, including prior rights, over a twenty-year period, is 1.8 million acre feet. The GWGB has a mean transmissivity of 1,057 square feet per day, the quality of the groundwater produced is considered good, water quality concerns include elevated concentrations of metals and trace elements, nitrates and total dissolved solids. The MAY of the GWGB over 20 year period could be tentatively determined to be 8 million acre-feet per year, and based on the MAY for the 20-year period, an EPS and total land overlying the area could be tentatively determined at 4.55 acre feet per year. The USGS conducted a model of EPS at 2 acre-feet per acre which produced a basin life of 37-41 years. Mr. Wilkins stated that from the hydrologic survey investigation the MAY yield of the GWGB over a 37-41-year period is tentatively determined to be 3.7 million acres per year, the EPS to be allocated to each acre of land overlying the aquifer, based on the MAY, tentatively determined to be 2.0 acre-feet per acre per year.

In summary, Mr. Wilkins stated the total land overlying the basin is 1.8 million acres and estimated storage is 98 million acre-feet of water; the rate of natural recharge is 1.84-inches per year, and water rights established prior to July 1, 1973, total 94,760 acre-feet; total discharge over a 20-year basin life is 1.8 million acre-feet of water, the mean transmissivity of the basin is 1,057 square feet per day, potential for pollution includes naturally occurring arsenic, chromium, selenium, chloride and chloride nitrates, phosphates and total dissolved solids and intrusion of salt water; and, the tentative EPS based on a 40-year basin life is 2.0 acre-feet of water per acre of land per year. It is therefore ordered by the Tentative Order that the Garber Wellington Groundwater Basin is hereby declared to be a major groundwater basin under provisions of the Oklahoma Groundwater Law, and that the tentative determination of the MAY of the basin is 3.7 million acres and the EPS be allocated to each acre of land overlying the basin tentatively determined to be 2.0 acre-feet per acre per year. Staff recommends approval of the proposed order, and if approved public hearings will be held in the counties overlying the basin.

Mr. Drummond asked Mr. Wilkins to review the process following approval of the tentative order. Mr. Wilkins stated if this order is approved, meetings are required to held in the counties overlying the basin, and at some point there will be a final determination for the Board' consideration. Ms. Gibson added the agency notifies each temporary permit holder of the tentative order as well as hearing and public comment period are scheduled; there is a publication requirement which will also be on the agency website. The agency has one year to bring the MAY back to the Board. Mr. Drummond said because this has been an unstudied basin, the temporary permits have been two acre-feet per acre so there will not be an impact, and Mr. Wilkins stated that is correct. The members and staff discussed the number of acres overlying the basin; communities that depend on the GWGB which is underdeveloped by 25%; how adjudicated prior rights are factore; the required conservative model used a 40-year basin life that considered "a well in every acre of land," but does not mean the basin is fully allocated; that the staff went beyond the law in calculation; that the temporary permits will become permanent; and, that the final MAY cannot be lowered unless determined when studied during a 10-year follow up period, but would only affect new permits.

2. Discussion and presentation by parties. There was no discussion or presentation by parties.



3. Vote on whether to approve the Proposed Tentative Determination as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order.

Mr. Muller moved to approve the Tentative Determination of the Maximum Annual Yield for the Garber-Wellington Groundwater Basin underlying parts of Cleveland, Logan, Lincoln, Oklahoma, Payne, and Pottawatomie Counties, and Mr. Allen seconded. There was no other discussion, and Chairman Stallings called for the vote.

AYE: Allen, Darby, Drake, Drummond, Landess, Muller, Stallings  
NAY: None  
ABSTAIN: None  
ABSENT: Castillo, Melton

**6. 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.

There were no other New Business items for the Board's consideration.

**7. ADJOURNMENT**

There being no further business, Chairman Stallings adjourned the meeting of the Oklahoma Water Resources Board at 11:23 a.m. on August 20, 2019.

**OKLAHOMA WATER RESOURCES BOARD**

\_\_\_\_\_/s/\_\_\_\_\_  
Robert L. Stallings, Jr., Chairman

\_\_\_\_\_Absent\_\_\_\_\_  
Stephen B. Allen, Vice Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Charles Darby

\_\_\_\_\_Absent\_\_\_\_\_  
F. Ford Drummond

\_\_\_\_\_/s/\_\_\_\_\_  
Robert L. Melton, Sr.

\_\_\_\_\_/s/\_\_\_\_\_  
Jennifer Castillo

\_\_\_\_\_/s/\_\_\_\_\_  
Matt Muller

\_\_\_\_\_/s/\_\_\_\_\_  
Suzanne V. Landess

**ATTEST:**

\_\_\_\_\_/s/\_\_\_\_\_  
Bob Drake, Secretary (SEAL)