

A G E N D A
OKLAHOMA WATER RESOURCES BOARD

Regular Meeting

August 18, 2020
9:30 a.m.

3800 N. Classen Boulevard, Oklahoma City, OK 73118

This meeting will be held via videoconferencing or teleconferencing in compliance with the Open Meetings Act as amended by SB661.

[HTTPS://ZOOM.US/J/99958135205](https://zoom.us/j/99958135205)

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If the meeting is disconnected, the meeting will recess, reconnect, and reconvene. Any executive session will be held via teleconference.

A copy of this notice of meeting and agenda has been posted in a prominent location at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City, Oklahoma, on August 14, 2020 at 4:10 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

Members attending the meeting via videoconference:

Robert L. Stallings, Jr., Chairman; Stephen Allen, Vice Chairman; Jennifer Castillo; Charles Darby; Suzanne Landess; Robert L. Melton, Sr.; Matt Muller; Thomas A. Gorman

Members attending the meeting via teleconference:

Bob Drake, Secretary

- 01000 1. CALL TO ORDER** **Chairman Robert L. Stallings, Jr.**
- A. Roll Call.
- B. Discussion, Amendments, and Vote to Approve Official Minutes of the June 16, 2020, Special Meeting
- C. Executive Director's Report and possible discussion: **Ms. Julie Cunningham**
1. Calendar Items
2. Legislative Update
3. Agency Update
- D. Financial Update **Mr. Cleve Pierce**
1. Budget Report

- A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Bartlesville Municipal Authority, Washington County. Recommended for Approval.
- B. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Broken Arrow Municipal Authority, Tulsa County. Recommended for Approval.
- C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Broken Arrow Municipal Authority, Tulsa County. Recommended for Approval.
- D. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Broken Arrow Municipal Authority, Tulsa County. Recommended for Approval.
- E. 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. Recommended for Approval.
- F. Consideration of and Possible Action on a Proposed Resolution Selecting a Disclosure Counsel to the Board in Connection with the Board’s Financing Programs. Recommended for Approval.
- G. Consideration of and Possible Action on a Proposed Resolution Selecting a Bond Counsel in Connection with the Issuance of One or More Obligations to Provide Funding for the State Loan Program. Recommended for Approval.
- H. Consideration of and Possible Action on a Proposed Resolution Selecting Investment Banker(s) in Connection with the Issuance of One or More Obligations to Provide Funding for the State Loan Program. Recommended for Approval.
- I. Resolution Authorizing the Issuance of the Oklahoma Water Resources Board Revolving Fund Revenue Bonds –Clean Water Program (2019 Master Trust) in the Aggregate Principal Amount Not to Exceed \$100,000,000; 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.

- J. Resolution Authorizing the Issuance of Oklahoma Water Resources Board State Loan Program Revenue Bonds in an Aggregate Principal Amount not to Exceed \$150,000,000; at a Net Interest Cost not to Exceed Six Percent (6.0%); Providing for the Issuance of Said Bonds in One or More Series; Approving and Authorizing Execution of a Series 2020B Supplemental Bond Resolution and, if Deemed Advisable, an Additional Supplemental Bond Resolution for Each Additional Series; Waiving Competitive Bidding on the Bonds and Authorizing the sale Thereof by Negotiation and at a Discount Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to Said Bonds; Authorizing the Chairman or Vice Chairman to Deem Preliminary Official Statements for Additional Series of Bonds Final; Directing Deposit of Proceeds Derived from the Issuance of the Bonds in the State Treasury and Requesting the State Treasurer to Remit Such Proceeds to the Bond Trustee; Ratifying and Approving the Form of Promissory Note, Loan Agreement, and Note Purchase Agreement to be Executed by Borrowers in the State Loan Program; 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.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Stallings

All of 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.

- 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. 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>
ACOG				
a.	FAP-20-0001-R	Orlando Public Works Authority	Logan	\$91,000.00
EODD				
b.	FAP-18-0027-R	Westville Utility Authority	Adair	44,000.00

KEDDO

c. FAP-20-0009-R McCurtain Municipal Authority Haskell Change of Scope

NODA

d. FAP-20-0010-R Jet Utilities Authority Alfalfa 88,922.85

SWODA

e. FAP-19-0036-R Quartz Mountain Regional Water Authority Kiowa 64,415.00

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-21-0005-CW	Westville Utility Authority	Adair	\$109,395.26
b.	ORF-18-0004-CW	Elk City Public Works Authority	Beckham	Change of Scope
c.	ORF-21-0014-CW	Eufaula Public Works Authority	McIntosh	240,000.00

3. DWSRF Principal Forgiveness Loan Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	ORF-19-0018-DW	Stroud Utilities Authority	Lincoln	\$161,000.00

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

1. Intergovernmental Agreement with Central Oklahoma Master Conservancy District to provide services including a core-flux method quantifying internal loading in Lake Thunderbird and related technical assessment.
2. Cooperative Agreement with Oklahoma Conservation Commission to provide funding to contribute to the completion of four soil health system economic case studies for future soil health progress by the Oklahoma Soil Health Partnership.
3. Multipurpose Grant Agreement with Office of Oklahoma Secretary of Energy and Environment to conduct three water quality projects including: The Development of Internal Loading Methodology on Sensitive Water Supply Reservoirs, Using Soil Health to Optimize the Benefits of Poultry Litter in Eastern Oklahoma and Improving the Current Inspection Process used by the Oklahoma Dept. of Environmental Quality
4. Sponsored Research Agreement (SRA Phase I) between OWRB and Board of Regents of the University of Oklahoma to migrate web maps and layers from OWRB's ArcGIS Enterprise to new infrastructure at Center for Spatial Analysis.
5. Sponsored Research Agreement (SRA Hosting Maintenance Agreement) between OWRB and Board of Regents of the University of Oklahoma for Center for Spatial Analysis to host and maintain ArcGIS Enterprise on its infrastructure.

6. Disaster Relief Grant with Office of Oklahoma Secretary of Energy and Environment providing funding to maintain, protect and improve water quality of Oklahoma streams, groundwater and other waterbodies.
 7. Contract between the State of Oklahoma through the Office of Management and Enterprise Services on behalf of the OWRB and Baylor University for the Provision of Conducting Sediment Phosphorus and Nitrogen Flux Estimation Study in Oklahoma Lakes.
 8. Agreement between the Office of Secretary of Energy and Environment to fund the State of Oklahoma's Water Quality Management Planning Program.
 9. Joint Funding Agreement between OWRB and the United State Geological Survey for the collection of seven stream-flow sites and three lakes within the Little Washita River Basin and the Washita River near Carnegie Station with the Oklahoma-Texas Water Science Center.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
 1. Scott & Michelle Reimer, Major County, #2020-512
 - F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
 1. Goldsby Water Authority, McClain County, #2011-607A
 2. Estack, LLC, Kingfisher County, #2019-532
 - G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
 1. Ryan B. Koehn and Donavon W. Koehn, Texas County, #2019-518
 2. Matthew & Ashley Coe, Logan County, #2019-550
 3. Whitetail Farms, LLC, Ellis County, #2020-503
 4. Jimmy Williams and Tim Williams, Texas County, #2020-522
 - H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
 1. Gruhlkey's, a General Partnership and Need it More, LP, Beaver County, #1997-697
 - 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 Permits to Use Stream Water:
 1. Connie & Coy Briggs, Bryan County, #2019-033
 2. Judy Ann Fox, Trustee of the Judy Ann Fox Revocable Trust, dated 11/29/2012, McClain County, #2020-002
 - K. Consideration of and Possible Action on Applications to Amend Term Permits to Use Stream Water:
 1. Ovintiv Mid-Continent, Inc., Garvin County, #2018-046

- L. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Robert & Joan Hoile, Blaine County, #2017-016
 2. Cliff & Joleen Leach, Pottawatomie County, #2019-031
 3. Katrina Lee & Will Grote, Johnston County, #2019-056
 4. Ovintiv Mid-Continent, Inc., Stephens County, #2020-006
 5. Ten Point Farms, LLC, Muskogee County, #2020-008
- M. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:
1. Wooderson Farms, Kay County, #2014-059
- N. Consideration of and Possible Action on Dam and Reservoir Construction:
None
- O. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: McCarthy Brothers Drilling DPC-0988
Operator: Jeremy McCarthy OP-2318
 - b. Licensee: Alliance Irrigation DPC-0990
Operator: Larry Hersh OP-2319
 - c. Licensee: Warrior Well Service DPC-0992
Operator: Kenneth McMahon OP-2320
 - d. Licensee: Beyond Engineering and Testing DPC-0994
Operator: Eddie Duran OP-2321
 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses
 - a. Licensee: All Out Pump Service and Drilling DPC-1025
Operator: William Bischoff, Jr. OP-2322
 - b. Licensee: Envirotech Drilling Services DPC-0836
Operator: Joshua Crow OP-2323
Operator: Jamie Vasquez OP-2324
Operator: Mario Moya OP-2325
 - c. Licensee: C & W Construction DPC-0528
Operator: Christopher Almond OP-2326
 - d. Licensee: Aqua Well Drilling DPC-0708
Operator: Randy McKay OP-2327
Operator: Steven Madison OP-2328
 - e. Licensee: Total Water Solutions DPC-0930
Operator: Darin Ingram OP-2151
 - f. Licensee: Authentic Drilling DPC-0976
Operator: Quicksilver Simon OP-2329
- P. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
1. Sean K. Fairbairn, City of Tuttle, FPA-834
- Q. Consideration of and Possible Action on a *De Minimis* Exemption Determination for Jennings Stone Company, Inc. – Fittstone Inc. South Quarry – ODM LE-1954, Johnston County, Oklahoma.

04000 4. QUESTIONS AND DISCUSSION ABOUT AGENCY MATTERS AND OTHER ITEMS OF INTEREST Chairman Stallings

A. No items.

05000 5. SPECIAL CONSIDERATION Chairman Stallings

A. Consideration of and Possible Action on Amendment to Extend Time for the “State of Oklahoma, Choctaw Nation of Oklahoma, Chickasaw Nation, City of Oklahoma City Water Settlement” (“Settlement Agreement”):

1. Summary – **Sara Gibson**
2. Discussion and questions by Board
3. Vote on whether to approve the Amendment as presented or as may be amended, or vote on any other action or decision relating to the Amendment to the Settlement Agreement.

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

6. NEW BUSINESS Chairman Stallings

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 Chairman Stallings

The next regular meeting of the Oklahoma Water Resources Board is scheduled for Tuesday, September 15, 2020, at 9:30 a.m., at the Oklahoma Water Resources Board Offices located at 3800 N. Classen Boulevard, Oklahoma City, OK 73118

8/14/2020