

# OKLAHOMA WATER RESOURCES BOARD

## OFFICIAL MINUTES

July 20, 2021

### 1. CALL TO ORDER

The Regular Meeting of the Oklahoma Water Resources Board was called to order by Chairman Matt Muller, at 9:30 a.m. on July 20, 2021, in the second floor Board Room of the Oklahoma Water Resources Board located at 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 July 16, 2021, at 4:20 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 Muller welcomed everyone to the meeting and asked for the roll call of members. He recognized Secretary Wagner who will speak to the future of Oklahoma and American energy.

#### Board Members Present

Matt Muller, Chairman  
Charles Darby, Vice Chairman  
Jennifer Castillo, Secretary  
Thomas A. Gorman  
Ron Justice  
Bob Latham  
Robert L. Melton  
Robert L. Stallings, Jr.

#### Board Members Absent

Suzanne Landess

#### Staff Members Present

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

#### Others Attending

Newakis Weber, Chickasaw Nation, Ada, OK  
Andrew Welch, Oklahoma State Senate, Oklahoma City, OK  
John Riesenberg, Oklahoma State Senate, Oklahoma City, OK  
Jennifer Wasinger, Freese Nichols, Inc., Oklahoma City, OK

Baylee Williams, Office of Governor Stitt, Oklahoma City, OK  
Season Crabtree, Guernsey, Oklahoma City, OK  
Bodie Bachelor, Centennial Law Duncan, OK

B. Discussion, Amendments, and Vote to Approve Official Minutes of the June 15, 2021, Regular Meeting. Chairman Muller stated members were provided the draft minutes of the June 15, 2021, meeting and asked the Board's pleasure regarding the minutes. There were no comments or amendments.

Mr. Stallings moved to approve the minutes of the June 15, 2021, Regular Meeting, and Mr. Darby seconded. Chairman Muller called for the vote.

AYE: Melton, Castillo, Stallings, Latham, Darby, Justice, Gorman, Muller

NAY: None

ABSTAIN: None

ABSENT: Landess

C. Executive Director's Report

Ms. Julie Cunningham, Executive Director, welcomed everyone to the meeting and began the report stating because of the recent rains, all the lakes are full and one month ago 163,000 Oklahomans were experiencing drought, now only 9,000. She said her colleagues in other western states are reporting dire straits with record drought which has been reported as being the worst drought in the western US since the year 880. These conditions stress the importance of the water plan as we experience extreme periods of weather with drought and severe floods.

Regarding state legislation, Governor Stitt signed the OWRB Water Quality Standards rules amendments for Chapters 45 and 46. She invited Secretary of Energy and Environment Ken Wagner to speak to the Board about the Hydrogen Pipeline Task Force. Secretary Wagner addressed the Board members and introduced Andrew Welch and John Riesenbergh with Oklahoma State Senate, Baylee Williams with Governor Stitt's office, and Vickie Tran and Sam Freck with SOEE. He informed the members about Senate Bill 1021 creating a Hydrogen Pipeline Task Force to investigate state capacity and potential for hydrogen gas operations. The Task Force, which he chairs, includes 10 members, one of which is the OWRB. The task force will be looking at how Oklahoma can participate and excel in an hydrogen economy. He has met with the Oklahoma Congressional Delegation and Congress is planning to make funds available to states; Oklahoma has all of the resources necessary including geography, distribution range of a 300-mile radius, and three components to produce hydrogen: water resources, abundant low cost natural gas, and trained and available work force. A report is due to the Legislative Leadership and the Governor by December 1, 2021. Secretary Wagner discussed the national decarbonization goals, believes hydrogen energy production will happen, and he is excited at the prospect of Oklahoma's participation. Ms. Cunningham commented about the Task Force's first meeting, and she is looking for ways to meet the Water for 2060 goal by potentially using recycled and marginal waters for hydrogen production.

Continuing, Ms. Cunningham mentioned that the Kerr Lab held a stakeholder update on its aquifer storage research under the direction of Dr. Anne Keeley, Director of the Groundwater Characterization and Remediation Division. Much work is being done by East Central University, Oklahoma State University, Ada, the Environmental Protection Agency, and USGS. Several years ago the OWRB proposed legislation, which was approved, to set up a framework for aquifer storage to be able to tap into the water source, determine if the water is there, did it migrate, and if the aquifer is a good storage location -- the OWRB will assist regarding water quantity, and the DEQ with water quality. The next update of the water plan will include aquifer storage.

July is Lakes Appreciation Month, and Ms. Cunningham invited Ms. Julie Chambers, Manager of the Lakes Monitoring Program, to speak to the members about Oklahoma's program. Ms. Chambers stated July has been designated Lakes Appreciation Month by Governors for several years, emphasizing the important of Oklahoma's 200 man-made lakes, the Oklahoma Clean Lakes Association, and the North American Lake Management Society which will hold its annual meeting in Oklahoma City this year. She and Ms.

Cunningham said OWRB staff limnologists monitor Oklahoma’s lakes (Beneficial Use Monitoring Program or BUMP) to understand trends in water quality, sedimentation, quality, and cost of treatment. Staff conducts bathymetric mapping of lakes to understand the life of a lake which could be the only water supply for a community. She described several projects conducted under the five-year national assessment, including Lake Thunderbird and Waurika, which project was financed through the OWRB Financial Assistance Program.

Ms. Cunningham updated the members on the status of the comprehensive 2025 water plan which will include flood planning as a result of SB 1269. The legislature approved a resiliency revolving fund, but not the actual funding, so the OWRB has secured a FEMA grant of \$1.3 million a year to develop the plan along with OEM Director Gower and the Department of Commerce disaster recovery grant. Regarding federal updates, staff is watching proposed budgeting for the American Rescue and Recovery Act that authorized \$1.9 billion. Staff is working with Secretary Wagner and other agencies to identify projects which will be reviewed by the Legislative Committee established to recommend projects; the funding can be used for water and wastewater projects and OWRB is working on a proposal for small communities that would apply for an OWRB REAP grant.

Ms. Cunningham concluded her report. There were no questions by members.

#### D. Financial Update

1. Budget Report. Mr. Cleve Pierce presented the budget report which he said is for the period ending June 30, 2021. He said the agency has spent 74% of the appropriated budget, leaving 16%; has spent 63% of the revolving budget leaving 17%; and has spent 33% of federal dollars with 47% remaining. The categories left unspent (FY21) were in professional services and travel, and overall, the total budget remaining is 33%. He noted that to date in the current month, the agency has made \$185,000 in expenditures for FY21 obligations, mostly in the areas of off-cycle payroll, professional services, and travel. The agency’s 2022 budget is currently being processed and staff is working with OMES and should be published by day’s end.

Mr. Pierce concluded the report. There were no questions.

## 2. **FINANCIAL ASSISTANCE DIVISION**

A. 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. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this item is consideration of a resolution authorizing certain individuals to sign on behalf of the Board in regard to the FAP Loan program, and Drinking Water and Clean Water SRF loan programs. He explained the resolution also names each Board member except the chairman as assistant secretary in the absence of the secretary. The resolution allows BancFirst as the Board’s Trustee to know the Board’s composition and to have signatures on file for verification. The resolution adds Mr. Latham and Mr. Justice as Board members. Staff recommended approval.

Chairman Muller asked for questions or a motion. Mr. Darby moved to approve the resolution, and Mr. Stallings seconded. There were no questions or discussion, and Chairman Muller called for the vote.

AYE: Melton, Castillo, Stallings, Latham, Darby, Justice, Gorman, Muller  
NAY: None  
ABSTAIN: None  
ABSENT: Landess

Mr. Freeman reminded the members that on the August meeting agenda there will be a resolution for authorization of a Drinking Water Revolving Fund Bond Issue to replenish the Drinking Water SRF Loan Program which will require a supermajority of members in attendance.

**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. There were no requests to transfer items to the Special Consideration Agenda.

B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Action on Items Listed. Chairman Muller asked if there were changes to the Summary Disposition Agenda. There were none; he said he would entertain a motion for approval of the Summary Disposition Agenda items.

Mr. Melton moved to approve the Summary Disposition Agenda items, and Ms. Castillo seconded. Chairman Muller called for the vote.

- AYE: Melton, Castillo, Stallings, Latham, Darby, Justice, Gorman, Muller
- NAY: None
- ABSTAIN: None
- ABSENT: Landess

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				

1. 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-21-0023-CW	Calera Public Works Authority	Bryan	\$ 70,000.00
b.	ORF-22-0013-CW	The Caddo Public Works Authority	Bryan	117,560.00
c.	ORF-22-0015-CW	The Salina Public Works Authority	Mayes	142,140.00
d.	ORF-22-0014-CW	Tishomingo Municipal Authority	Johnston	190,000.00

- D. Consideration of and Possible Action on the Contracts and Agreements:
1. Agreement between Baylor University and OWRB to provide services including a core-flux method quantifying internal loading in Lake Thunderbird and related technical assessment.
  2. Interagency Agreement between Oklahoma Department of Environmental Quality and OWRB to provide bathymetric surveys for Cedar Lake and Spavinaw Lake.
  3. Agreement between OMES, In Situ, and OWRB for seven (7) Multiparameter Sondes and Sensors to be used for discrete water quality monitoring in remote areas of Oklahoma.
  4. Joint Funding Agreement between United States Geological Survey ("USGS") and OWRB for hydrogeologic investigation and framework of the Antlers Aquifer in southeastern Oklahoma.
  5. Joint Funding Agreement between USGS and OWRB for hydrogeologic investigation and framework of the Red River Alluvial Aquifer in southern Oklahoma.
  6. Joint Funding Agreement between USGS and OWRB for enhanced monitoring and evaluation of hydrologic trends for the Eastern Arbuckle Simpson Aquifer in south-central Oklahoma.
  7. Agreement between Oklahoma Interactive/NIC and agency to provide a public-facing credit card and electronic check acceptance application and processing services.
  8. Amendment extending time and increasing cost of Sponsored Research Agreement (SRA Phase I) between Board of Regents of the University of Oklahoma and OWRB to migrate web maps and layers from OWRB's ArcGIS Enterprise to new infrastructure at Center for Spatial Analysis.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
1. Alan R. & Marcie L. Kohout, Custer County, #2020-514
  2. John E. & Markie Jo Repp, Caddo County, #2020-540
  3. Steinert Land, LLC, Garfield County, #2021-504
  4. P & M Lands, LLC, Caddo County, #2021-508
  5. Vamoosa Land, LLC, Dewey County, #2021-510
- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
1. John E. & Markie Jo Repp, Caddo County, #1976-563B
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. Town of Paden, Okfuskee County, #2015-596
  2. David Wayne Bunch, Tillman County, #2020-539
  3. Daniel Roraback and Joshua Roraback, McCurtain County, #2021-511
  4. Ronnie L. & Audrey L. Cochran, Cimarron County, #2021-512
- 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 Permits to Use Stream Water:
1. Thomas L. & Susan R. Adams Revocable Trusts, Blaine County, #2021-002

- K. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
  - 1. Alan R. & Marcie L. Kohout, Custer County, #2020-007
  - 2. Caviness Farms, LLC, Atoka County, #2020-009
  
- L. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:
  - 1. Wooderson Farms, Kay County, #2014-060
  - 2. Lacey Weger and Jacob Shires, Bryan County, #2018-010
  
- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
  - 1. New Licenses, Accompanying Operator Certificates and Activities:
    - a. Licensee: Miller Water Well Service DPC-1053
    - Operator: Robert Miller OP-2372
  - 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses
    - a. Licensee: Enercon Services, Inc. DPC-0549
    - Operator: Bryan Morris OP-2373
    - b. Licensee: Authentic Drilling, Inc. DPC-0967
    - Operator: Issac Allsop OP-2374
  
- N. Consideration of and Possible Action on Dam and Reservoir Construction:  
None
  
- 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, LeFlore County, FP-2021-08
  
- P. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:  
None
  
- Q. Consideration of and Possible Action on Applications to Merge and/or Acquire Assets:
  - 1. Grove Municipal Services Authority and Delaware County RWD No. 6, #RWA2021-0001

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

A. Presentation and Discussion regarding Board Education Series, “Overview of the Well Drilling and Pump Installation Program.” Mr. Chris Neel, Chief, Water Rights Administration Division, introduced Mr. Charles O’Malley, Program Lead for the Well Driller’s and Pump Installer’s Program. Mr. O’Malley addressed the Board members and utilized a PowerPoint presentation to inform the members about the purpose of the program to provide groundwater protection through the licensing of professionals. Licensed drillers are to follow the guidelines so that wells are built with integrity and prevent a direct conduit for pollution sources to the aquifer and drinking water. A large percentage of Oklahoma’s population receive drinking water directly from groundwater wells. Mr. Neel described instances of unlicensed drillers and Mr. O’Malley said it is a constant challenge regarding unlicensed drillers filing well logs and the proper installation of the well surface seal.

Mr. O’Malley introduced his presentation stating he would talk about well system components program summary, continuing education, well logs and the agency data base (completion and plugging reports), and the advisory council. He illustrated the proper installation of a typical well and surface seal, describing the casing, well bore, pump, discharge line, and well house, stating the key is a cement seal in the annular space to prevent pollution from such sources as animals and fertilizer. He said the program was

established for the regulation of commercial drilling in 1972 establishing construction standards and requiring well logs; in 1982, licensing requirements were implemented along with monitoring well standards; in 2003 the online well log filing program was created, and in 2018 the marginal well category was added. The program manages the licensure for all persons engaging in the commercial drilling or plugging of groundwater wells, geotechnical borings and monitoring wells, pump installation, geothermal wells, marginal quality water wells, and cathodic protection. Currently, the program manages 350 drilling/pump contracting licenses, and 621 operator certificates. Staff duties include preparing examinations and establishing other requirements for applicants to obtain, maintain, and renew licenses and operator certifications; conduct inspections and enforcements; and, manages the indemnity fund and well logs. Drilling and pump contractors are required to obtain 8 hours of continuing education per 2-year license period, and the Oklahoma Groundwater Association and Oklahoma State University provide education and training. Mr. O'Malley discussed completion reports or "well logs" that are required to be filed within 60 days of drilling or plugging a well or borehole and illustrated the information about wells included in the 206,000 logs available in the agency's database, 60% being groundwater wells. Mr. Neel and Mr. O'Malley discussed the qualifications and duties of the Well Drilling and Pump Installation Advisory Council, and its role as the "eyes and ears" of what is occurring in the field across the state.

Members and staff discussed how the pressure tank operates with an air bladder, pulling or plugging a well located in a well house, inclusion of monitoring wells in the database, quality of the geologic information included in the logs, and planned future automation improvements for better quality control.

Mr. O'Malley and Mr. Neel concluded their report.

Chairman Muller commented the Board may not fully appreciate the many different areas the OWRB oversees and keeps the public safe from, and informed about, and the education series is a great benefit to the Board.

## **5. SPECIAL CONSIDERATION**

A. No Items. There were no items for the Board's consideration

B. Consideration of and Possible Action on Items Transferred from the Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition for the Board's consideration.

## **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 or any revised agenda.

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

**7. ADJOURNMENT**

There being no further business, Chairman ~~Stallings~~-Muller adjourned the Regular Meeting of the Oklahoma Water Resources Board at 10:40 a.m., on July 20, 2021.

**OKLAHOMA WATER RESOURCES BOARD**

\_\_\_\_\_/s/\_\_\_\_\_  
Matt Muller, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Charles Darby, Vice Chairman

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

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

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

\_\_\_\_\_/s/\_\_\_\_\_  
Thomas A. Gorman

\_\_\_\_\_/s/\_\_\_\_\_  
Ron Justice

\_\_\_\_\_/Absent\_\_\_\_\_  
B. Latham

***ATTEST:***

\_\_\_\_\_/Absent\_\_\_\_\_  
Jennifer Castillo, Secretary  
(SEAL)