

**DRAFT AGENDA
OKLAHOMA WATER RESOURCES BOARD**

**September 20, 2022
9:30 a.m.**

3800 N. Classen Boulevard, Oklahoma City, OK 73118

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 September 16, 2022 at 10:00 a.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

01000 1. CALL TO ORDER Chairman Matt Muller

- A. Roll Call.
- B. Discussion, Amendments, and Vote to Approve Official Minutes of the August 16, 2022 Regular Meeting.
- C. Executive Director’s Report and possible discussion: **Ms. Julie Cunningham**
 - 1. Calendar Items
 - 2. Legislative Update
 - 3. Agency Update
- D. Financial Update and Possible Discussion **Mr. Cleve Pierce**

02000 2. FINANCIAL ASSISTANCE DIVISION Mr. Joe Freeman

- A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Salina Public Works Authority, Mayes County. Recommended for Approval.
- B. Consideration of and possible Action on a Proposed Order Approving Drinking Water Funding Application for Perry Municipal Authority, Noble County. Recommended for Approval.
- C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for The Coweta Public Works Authority, Wagoner County. Recommended for Approval.
- D. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Broken Arrow Municipal Authority, Tulsa County. Recommended for Approval.

- E. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Oklahoma City Water Utilities Trust, Oklahoma County. Recommended for Approval.
- F. 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.
- G. Consideration of and Possible Action on a Proposed Resolution Selecting a Disclosure 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. 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 Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Program. Recommended for Approval.
- J. Consideration of and Possible Action on a Proposed Resolution Selecting a Disclosure Counsel in Connection with the Issuance of One or More Obligations to Provide Funding for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Program. Recommended for Approval.
- K. Consideration of and Possible Action on a Proposed Resolution Selecting an Investment Banker Pool 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.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS

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:

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-23-0152- CW	The Inola Public Works Authority	Rogers	\$171,000.00
b.	ORF-22-0063- CW	The Barndsdall, Oklahoma Public Works Authority	Osage	275,372.78
c.	ORF-23-0147- CW	The Covington Utilities Authority	Garfield	392,968.00
d.	ORF-23-0080- CW	Pawhuska Public Works Authority	Osage	962,500.00

3. DWSRF Principal Forgiveness Loan Applications:

None.

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

1. Joint funding agreement between OWRB and the United States Geological Service for the collection of continuous monitoring of seven stream-flow sites and three lakes within the Little Washita River Basin and the Washita River near Carnegie.
 2. Contract between OWRB and the Oklahoma Floodplain Managers Association, Inc. for publishing information materials to educate the public, floodplain managers and administrators on flood hazards and the reduction of these hazards.
 3. Contract for professional services between OWRB and HISINC, LLC to administer, manage and implement floodplain administration assignments as requested by OWRB.
 4. Rehabilitation of high hazard potential dams grant agreement between OWRB and the Oklahoma City Water Utilities Trust, Oklahoma County for the Overholser Dam Structural Stability Study.
 5. Rehabilitation of high hazard potential dams grant agreement between OWRB and the City of Lawton, Comanche County for the Lake Ellsworth Dam Gate Operations Study.
 6. Rehabilitation of high hazard potential dams grant agreement between OWRB and the City of Lawton, Comanche County for the Lawtonka Lake Dam Gate Operations Study.
 7. Professional Services Agreement between OWRB and Hilltop Securities, Inc. for financial advisor services related to the Board's financial assistance programs.
 8. Professional Services Agreement between OWRB and Freese and Nichols, Inc. for the provision of a one-day Dam Inspection Basics Class.
 9. No-Cost Amendment Agreement between OWRB and the Office of the Secretary of Energy and Environment to extend the project period for the Clean Water Act OK FY18 604(b) Water Management Planning Program Grant.
 10. Amendment Agreement between OWRB and the United States Department of Agriculture-Agricultural Research Service for monitoring and evaluating water resources in the Upper Washita River Basin
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
1. Allen Entz, Caddo County, 2022-501
 2. Darren Reimer, Major County, 2022-503
- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
1. Garden Valley Land & Cattle Company, Inc., Harmon County, 1974-091
 2. Goldsby Water Authority, McClain County, 2011-607A
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. Bantu Wind A, LLC, Love County, 2022-519

- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. A & S Farms LLC, Texas County, 1976-552
 2. Luthi Land & Cattle LLC, Ellis County, 1997-679
- 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:
None.
- K. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Terral Klaassen, Caddo County, 2022-001
- L. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:
1. Danny Shane & Amy J. McDonald, Hughes County, 2014-011
- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
 - A. Licensee: Wright Water Well DPC-0959
 1. Operator: Stephen Wright OP-2129

Activities: Groundwater Wells & Pump Installation
 - B. Licensee: Cooper Water Well Services DPC-1024
 2. Operator: Andrew Cooper OP-2420

Activities: Groundwater Wells & Pump Installation
 - C. Licensee: John Banman DPC-1026
 3. Operator: John Banman OP-2421

Activities: Groundwater Wells
 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - A. Licensee: J & J Drilling DPC-0106
 1. Operator: James Winkler OP-2422

Activities: Groundwater Wells & Pump Installation
 - B. Licensee: H & E Waterwells DPC-0063
 2. Operator: Masen Hoffman OP-2423

Activities: Groundwater Wells, Monitoring Wells, Pump Installation, Heat Exchange
 - C. Licensee: B & H Construction DPC-0765
 3. Operator: Derek Morris OP-2424

Activities: Heat Exchange
- 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, Oklahoma County, #FP-2022-10

2. Oklahoma Department of Transportation, Osage County, #FP-2022-11

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

1. Nikolas Smith, Kingfisher County, #FPA-018
2. Terry Bryan, Woodward County, # FPA-054

Q. Consideration of and Possible Action on Proposed Consent Order between OWRB and the City of Beggs for repair of the New Beggs Dam ID: OK 11078 after an overtopping event.

04000 4. QUESTIONS AND DISCUSSION ABOUT AGENCY MATTERS AND OTHER ITEMS OF INTEREST **Chairman Matt Muller**

A. No Items.

05000 5. SPECIAL CONSIDERATION **Chairman Matt Muller**

A. Consideration of and Possible Action on Application for a Temporary Groundwater Right No. 2021-513, Jesse Joe & Rachael Elizabeth Newell, Beckham County, Oklahoma:

1. Summary – **Mr. Chris Neel**
2. Discussion and presentation by parties
3. Possible Executive Session

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.

- (a) Vote on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
- (b) Designation of person to keep written minutes of Executive Session, if authorized.
- (c) Executive Session, if authorized.
4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
5. Vote on whether to approve the Proposed Order as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order.

B. Consideration of and Possible Action on Exemption Under 82 O.S. § 1020.2 for Water Trapped in Producing Mines, Ashby Investments, LLC, Blue Sky Rock Quarry, Johnston County, Oklahoma:

1. Summary – **Mr. Chris Neel**
2. Discussion and presentation by parties
3. Possible Executive Session

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.

- (a) Vote on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
- (b) Designation of person to keep written minutes of Executive Session, if authorized.
- (c) Executive Session, if authorized.
- 4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
- 5. Vote on whether to approve the Proposed Order as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order.

06000 6. PROPOSED EXECUTIVE SESSION

Chairman Muller

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(4) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

Pursuant to this provision, the Board proposes to hold an executive session for the purpose of discussing Sonny Bullett and Larry Perdue v. The Oklahoma Water Resources Board and Andrea Cochran, Gerald Cochran, Louanna Cochran, William Cochran, Melissa Foreman, Suzanne Maupin, and Viola Powell v. The Oklahoma Water Resources Board and Chau Tran and Donna Nguyen.

Statement by legal counsel advising on whether disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest.

- A. Vote on whether to hold Executive Session upon determination that disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
- B. Designation of person to keep written minutes of Executive Session, if authorized.
- C. Executive Session, if authorized.

Return to open meeting and possible vote or action on any matter discussed in the Executive Session.

07000 7. NEW BUSINESS

Chairman Matt Muller

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.

08000 8. ADJOURNMENT

Chairman Matt Muller

The next regular meeting of the Oklahoma Water Resources Board will be held on Tuesday, October 18, 2022 at 9:30 a.m. in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK 73118.

9/9/2022