

OKLAHOMA Water News

Bimonthly Newsletter of the Oklahoma Water Resources Board

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From the Director



*Duane A. Smith
OWRB Executive Director*

The State Legislature convened at noon on February 7, and another legislative session is officially underway. While lawmaker priorities will center around improving education and health care, tort and workers compensation reform, tax cuts, and other important priorities of the state, water issues will continue to garner their fair share of attention.

I'm especially excited that in his State of the State address and FY-06 executive budget request, Governor Henry advocated \$25 million under his proposed \$145 million capitol improvement bond package to help replenish the Statewide Water Development Revolving Fund. Specifically, the funds would provide the necessary matching money

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Board Considers New Rules

At its February 8 meeting, the nine-member Water Board conducted preliminary discussion of new and revised agency rules. The preview provided Board members with an opportunity to screen potential changes to OWRB policy in advance of formal consideration and action at the March 8, 2005, Board meeting.

Of particular interest is a proposed rule change to Chapter 20, Appropriation and Use of Stream Water. In addition to ensuring that regulated stream water is put to beneficial use, Chapter 20 requirements provide for valid excuses through which users may avoid reduction or cancellation of water rights resulting from nonuse of water under the OWRB's "use or lose" requirement.

Current acceptable causes for a user's nonuse of water include flooding or related damage to a field, pump, intake structure or other equipment; drought or related events that caused the supply to be unavailable; service or active duty in the armed forces; placement of land appurtenant to the water right into a conservation reserve or related program; and wrongful acts of others that prevented the use and/or caused pollution of the supply. A proposed change this year, however, would add an additional acceptable reason for nonuse to avoid loss or reduction of a water right--specifically that the lack of actual use of the water was due to unforeseen lack of demand.



One new proposed OWRB rule change seeks to improve how Water Quality Standards data is collected and interpreted.

The rule change was proposed because especially larger water systems, which must anticipate sudden and/or rapid growth in future infrastructure development plans, may overestimate future water needs at the time of permit issuance.

Other new rules and amendments under consideration include the following:

See New Rules, Page 2

that qualifies the state for up to \$125 million in Environmental Protection Agency capitalization grants. In turn, Oklahoma can leverage these funds to underwrite an estimated \$650 million in community water and wastewater project financing. That's a 2600 percent return on the state's investment in water and sewer infrastructure. You simply won't find a better deal that benefits more people than the OWRB's Financial Assistance Program.

Many Oklahomans may remember that the Financial Assistance Program (FAP) was established in 1983 through an appropriation identical to that proposed this February by Governor Henry. Collectively, to date, the agency's five loan and grant programs have funded more than \$1.3 billion in community water and sewer infrastructure projects throughout Oklahoma. As the state agency authorized to assist political subdivisions and municipal corporations of the state, the Board eliminates the inherent risks involved in lending to private entities. Since inception of the FAP, we have not experienced a single default.

The Governor's budget also recommends \$2.5 million to initiate update of the Oklahoma Comprehensive Water Plan, the state's long-term strategy to manage and protect our water resources. Funds for the multi-year study will come from the Gross Production Tax Rural Economic Action Plan (REAP) Fund. The remaining \$4 million dollars required for the \$6.5 million study are targeted for expenditure in FY-2007 and FY-2008 (\$2 million for each year). The Governor's recommendation will almost certainly further intensify the recent interest

in water planning by members of the Legislature and other state leaders. Looking back, the 1980 and 1995 Water Plans were extremely foresighted policy tools that laid the groundwork for much of Oklahoma's water future to date, such as water/wastewater project financing, regionalization of water systems, instream flow protection, and joint management of surface and groundwaters.

Although OWRB staff are already working on integral regional water use projections through 2060, a specific strategy for conducting the updated Water Plan effort remains under consideration. However, I envision a plan that balances economic development and the environment and addresses the many competing interests between public water supply, agriculture, recreation, fish and wildlife, navigation, hydropower, and other sectors. And while the Governor's budget request is a good start, the new Water Plan must offer up recommendations through which Oklahomans can prepare for the \$4 billion water/wastewater infrastructure financing need anticipated over the next 20 years.

We also must resolve anticipated community water supply and treatment issues, especially in rural Oklahoma, and identify specific water system and water resource needs to supply the greatest number of people in the most efficient manner. Critical to this aspect of the Water Plan update will be facilitation of local involvement in developing solutions to water problems. Only a "bottom-up" strategy will maximize requisite local support for this critically important planning process.

New Rules . . . Continued from page 1

- Chapter 1--Organization and Procedure of the OWRB-- Add language providing that no person shall serve as chairman for more than two consecutive years.
- Chapter 20--Taking and Use of Streamwater--(1) Provide conditions to protect navigation use of water on permits. (2) Add a new rule to clarify that the filling of an impoundment at a mining site authorized by the Oklahoma Department of Mines is not a use of water requiring a permit provided that such activity does not

interfere with downstream domestic and existing appropriative uses.

- Chapter 35--Well Driller and Pump Installers Licensing--Provide for an exemption to the continuing education requirement for renewal of licenses and operator certifications. The amendment has been proposed following a request from a long-time well driller who believes there should be an exemption to continuing education requirements based on length of time an operator has been drilling.
- Chapter 46--Water Quality Standards Implementation--Improve the interpretation of data collected that directly impacts how water quality standards are implemented and use support decisions are made in Oklahoma.
- Chapter 55--Floodplain Management--reflect the change in state law that provides authority to the Board to accredit floodplain administrators for purposes of the Oklahoma Floodplain Management Act and National Flood Insurance Program. Additionally, a new subchapter containing rules detailing requirements for accreditation of floodplain administrators would be added to the chapter.

OWRB Rulemaking

Administrative rules must be adopted in accordance with rulemaking requirements of state law. The OWRB has developed its rules in compliance with statutory requirements, and likewise continues to follow the provisions of the law when amending current rules and creating new rules.

At times, the Board or an interested person may find that current rules do not adequately address a given circumstance. If a rule change is necessary, the interested person may request the Board, or the Board may decide on its own, to initiate the process of making a new or amended rule to deal with the situation.

Fite Appointed to Water Board

In late January, Governor Henry appointed Ed Fite to the Oklahoma Water Resources Board. Since 1983, Fite has served as Administrator for the Oklahoma Scenic Rivers Commission, a state agency charged with protecting and preserving the Illinois River and its tributaries.



A native Oklahoman, Fite earned his bachelor's degree from Northeastern State University in Tahlequah. Fite also serves as the State Representative to the Interagency Wild and Scenic River Coordinating Council, and he formerly served as Vice-President of the National Association of State and Local River Conservation Programs. He is a founding member of Save the Illinois River, Inc., a citizens' coalition formed in the mid-1980s to solicit public support to protect the river and its tributaries. He is a member of the Solid Waste Institute of Northeast Oklahoma and Chairman of the Cherokee Nation Environmental Protection Commission.

Ed has received recognition from many organizations over the years, including the Wildlife Federation and Sierra Club, and he was presented with a Lifetime Achievement Award from Keep Oklahoma Beautiful. He was instrumental in getting Oklahoma to pursue litigation that ultimately led to a U.S. Supreme Court decision resulting in the finding that the EPA could require an upstream state to comply with a downstream state's water quality standard.

Fite fills the vacancy left in Congressional District 2 by Glenn Sharp, who resigned from the Board last spring. Fite represents recreational water use.

In addition to Fite, the other eight current Board members include the following:

- Ervin Mitchell, Chairman, represents soil conservation interests. Mitchell, a Balko resident representing District 3, is a cattleman and farmer and has served on the Balko School Board, Oklahoma State School Boards Association, Oklahoma Association of Conservation Districts, and Beaver County Conservation District Board. His term expires in May 2005.

- Lonnie Farmer, Vice Chairman, represents agricultural water use interests. Farmer, an Oklahoma City resident representing District 5, is a retired bank presi-

dent and the former mayor of Davidson. A founder and former Board member of the Oklahoma Rural Water Association (ORWA), he drove formation of the Tillman County Water Development Authority. His term expires in May 2011.

- Bill Secrest, Secretary, represents rural residential water use interests. A resident and former City Manager of Broken Arrow, Secrest represents District 1. He was a founder of Wagoner County RWD #5 and managed the District until his retirement. He serves on Boards of the ORWA and National Rural Water Association. His term expires in May 2007.

- Harry Currie represents industrial water use interests. A resident of Oklahoma City, Currie is an At Large member. He is the owner of an Oklahoma City bag manufacturing firm and owns farming and ranching interests. He served two terms as mayor of Del City and is an active member in many civic groups and boards. His term expires in May 2006.

- Rudy Herrmann represents industrial water use interests. A Tulsa resident, Herrmann is an At Large member. He is currently an Adjunct Assistant Professor in the Master of Science in Engineering and Technology Management Program at Oklahoma State University. He is a retired President and CEO of Dover Resources Inc. His term expires in May 2007.

- Jack W. Keeley represents municipal water use interests. Keeley is a member of the Harvard Engineering Society and National Water Well Association. Currently residing in Ada, he formerly served as Director of Research for the EPA's Robert S. Kerr Environmental Research Lab (1984-1988). He represents District 4 and his term expires in May 2010.

- Jess Mark Nichols represents irrigation interests. An Altus resident, Nichols serves as an At Large member. He is a cotton farmer and a member of the Lugert-Altus Irrigation District, and currently serves on the Board of Directors for the Oklahoma Boll Weevil Eradication Org., Producers Oil Mill, and Southwest Technology Center. His term expires in May 2011.

- Richard Sevenoaks represents municipal water use interests. A Tulsa resident, Sevenoaks serves as an At Large member. He is an auction company owner and member of the Tulsa Metropolitan Utility Authority, Tulsa Utility Board, and Regional Metro Utility Board. His term expires in May 2009.

Purpose of the Board

The purpose of the Oklahoma Water Resources Board is to determine and administer rights to the use of waters of the State; develop long-range plans to encourage the conservation, development, and utilization of the water resources of the State; coordinate, review, reject, modify, or approve all local, state, and federal water activities within the State; and establish and administer standards of quality for the prevention, control, and abatement of pollution of the waters of the State. Board membership must include at least one member well versed in each of the following major types of water use: recreational, industrial, irrigational, municipal, rural residential, agricultural, and soil conservation work, but no more than two members may be selected representing any one of the major types of water use.

2004 Moisture Benefits State

In 2004, Oklahomans were afforded a temporary respite from persistent drought conditions in the state, especially in the west. Compared to 2003 and normal annual statewide rainfall, 2004 was a wet year, according to the Oklahoma Climatological Survey. In fact, last year was the 20th wettest year since record-keeping began in 1895.

Although the southeast region of Oklahoma experienced a relatively dry year (almost three inches under its normal precipitation, the ninth driest on record), rainfall in the Panhandle and west central regions resulted in the top 10 wettest years for both areas.

2003 and 2004 Statewide Precipitation Monthly Totals vs. Normal

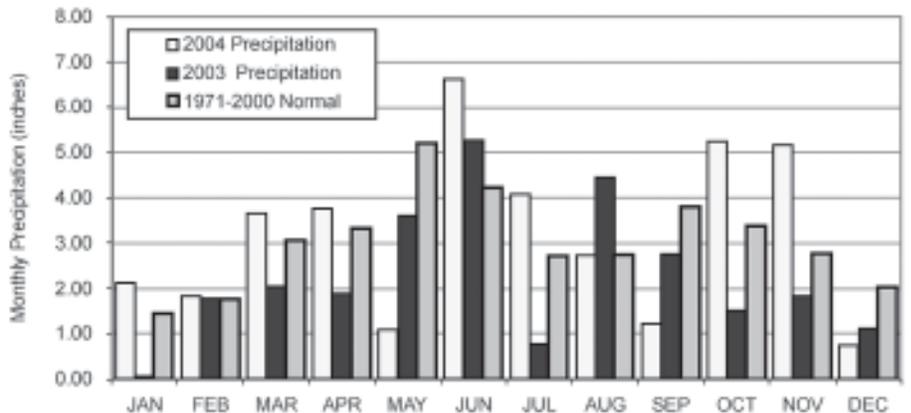


Chart courtesy Oklahoma Climatological Survey

When is a Dam Safety Permit Required?

To maintain and improve the safety of dams in Oklahoma, the OWRB reminds many dam owners and operators of requirements related to construction or modification of those structures.

Permits from the Water Board for construction or modification are required for all nonfederal dams that are 25 feet or more in height or impound 50 acre-feet or more of water. (The dam height is typically measured from the natural streambed at the downstream toe of the dam to the top of the crest.) *Exceptions are made in the height requirement for dams less than 6 feet in height and in the capacity requirement for those impounding less than 15 acre-feet.* However, the permit exception does not apply if the Board determines the dam to have a high

hazard potential. Typically, larger federal structures are the responsibility of the operating agency, usually the U.S. Army Corps of Engineers or Bureau of Reclamation. Applications, including specific plans for dam construction and modification, are reviewed by OWRB engineers then submitted to the nine-member Board for consideration.

In Oklahoma, most dams are owned and managed by public entities (such as local governments and conservation districts) and private individuals. Often, problems related to the structural integrity and safety of dams are identified during required engineering inspections. The Water Board prescribes annual inspections of dams classified as "high hazard," those whose failure could cause loss of life or substantial economic damage. "Significant"

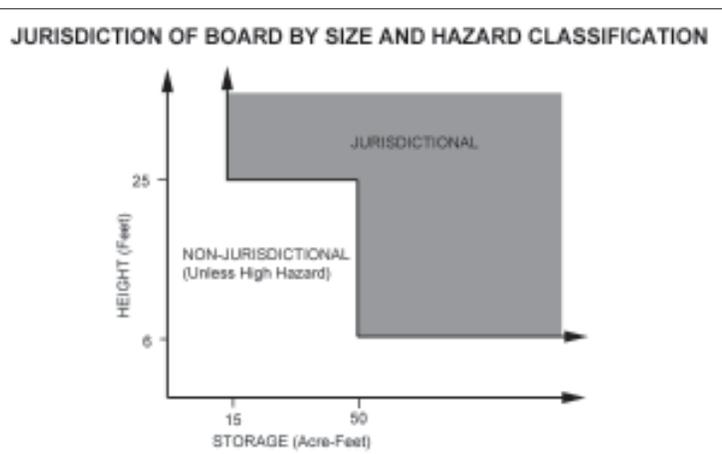
Safety of Dams Act

In December, President Bush signed the Safety of Dams Act of 2004 to shore up aging dams in the western United States. Senator Pete Domenici's bill (S.1727) amended the Reclamation Safety of Dams Act of 1978 to increase authorized appropriations levels to \$540 million annually for the Bureau of Reclamation to carry out dam safety projects. The Senate passed S.1727 in September. The Bureau's "Safety of Dams Program" is currently authorized at \$109 million per year.

and "Low" hazard classifications require less frequent examinations.

The OWRB's database contains 4,483 total dams and 97 percent are under OWRB jurisdiction. About 2,100 are small watershed upstream flood control dams that are operated and maintained by conservation districts throughout the state in cooperation with the Oklahoma Conservation Commission and Natural Resource Conservation Service.

For more information on the Oklahoma Dam Safety Program or to obtain applications for dam construction or modification, contact the OWRB at (405) 530-8800 or visit the agency's Web site at <http://www.owrb.state.ok.us>.



Reflections

Water Should be Top Priority

The following is a guest editorial from an April 2004 edition of the Shawnee News-Star. The author is Dr. Joe Taron, a 2004 Oklahoma Water Pioneer.

I am concerned about water, and our lack of appreciation for it and protection of it.

Water is our most precious commodity; we cannot live without it. Yet, I think we have taken for granted an abundant supply of safe clean water. I am concerned that the people apparently in charge are not adequately educating the citizenry as to supply and demand and protection of our water supply.

I feel we should all be aware of the water cycle (i.e. evaporation, collection or condensation in the clouds, rainfall, absorption in the soil and uptake by the plants, consumption by animal and human population, and back to evaporation.) I realize this is an over simplification, but you get the picture. The more pollution we allow to happen to the ground water and surface water the less evaporation takes place and hence the cycle is impaired.



Dr. Joe Taron

With federal and state mandates as to safe drinking water, the cost to deliver this commodity becomes greater and greater. These increased costs must be passed on to the consumer.

We, as citizens, have been spoiled with abundant, inexpensive water, yet it is the one commodity, "utility," we cannot live without. I have spoken with citizens who complain about a \$40 water bill, yet willingly pay that amount and more to have cable TV.

I feel we need to re-evaluate our priorities and take the necessary steps to preserve and protect the things most necessary. I think we need an accelerated program to educate the consuming public relative to conservation and protection of our water supply.

The people in charge need to constantly monitor supply, demand and quality, and see that the funds are available to provide safe, abundant drinking water, even if it means a rate increase.

"I have spoken with citizens who complain about a \$40 water bill, yet willingly pay that amount and more to have cable TV."

Submit Your Reflections

Reflections, a new regular segment of the bi-monthly *Oklahoma Water News*, will feature citizen viewpoints on Oklahoma's most pertinent water issues and/or the general importance of water. Submissions should generally contain no more than 500 words and the OWRB reserves the right to edit submissions to maintain consistency with newsletter and agency guidelines. Articles can be emailed to pubinfo@owrb.state.ok.us or mailed to the OWRB's Public Information Section at 3800 North Classen Blvd., Oklahoma City, Oklahoma, 73118.

Arbuckle Study Update

Recent Arbuckle study efforts have focused on fault characterization, evaluation of petroleum well information, modeling, tree ring analyses, and related tasks to improve understanding of the Arbuckle-Simpson aquifer's hydrology. In January, OWRB staff measured streamflow on more than 90 streams emanating from the aquifer. In March, workers will measure the depth to water in about 50 wells in the Hunton Anticline region to create a map of the underlying water table.

To fill the void left by three departing employees heavily involved in the Arbuckle study, the OWRB has hired three very qualified geologists. Christopher Neel is a full-time employee, while Gregory Gromadzki, a Ph.D. candidate at OSU, and Nicole Baylor, an M.S. candidate at OU, are participating in internship programs.

Due to the recent high price of oil and gas, it appears that the OWRB will obtain the state's cost match of \$500,000 from the gross production tax to fund the study for the upcoming year.



Water from Gale Spring (above) flows from its source toward 3-Mile Creek (below).

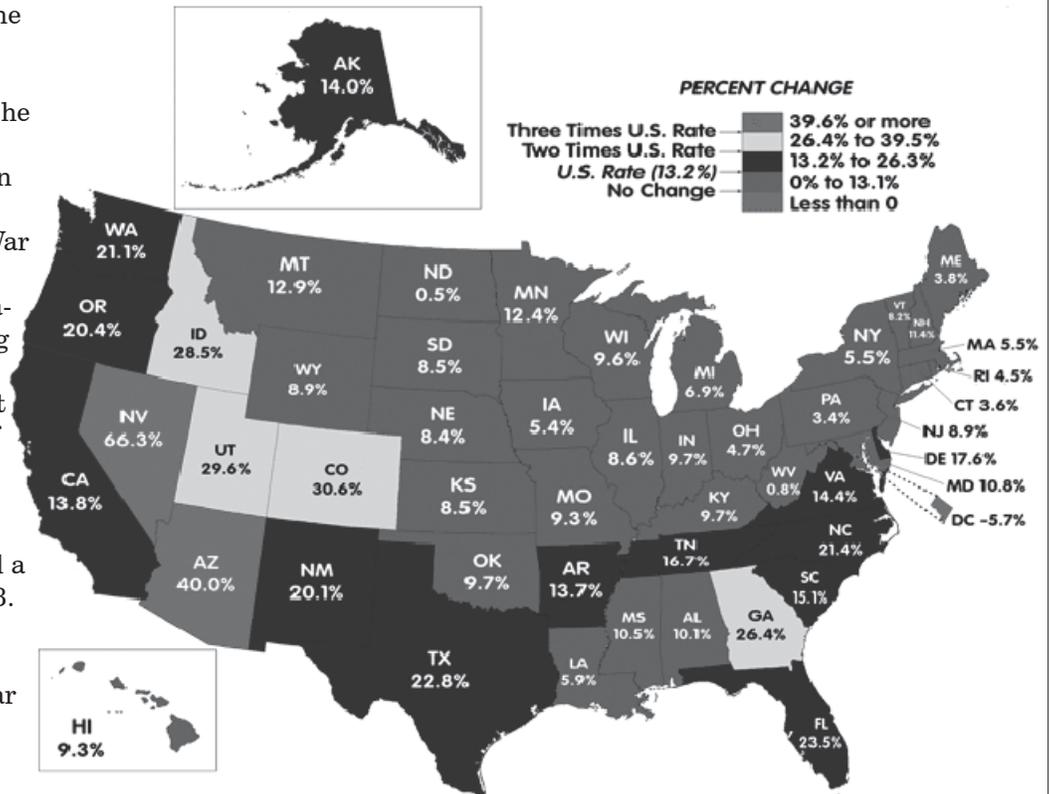


Census Reveals U.S. and Oklahoma Growth

According to the 2000 Census, the 1990 to 2000 population increase (32.7 million) was the largest in American history. The previous record increase for a decade was 28 million between 1950 and 1960, a gain fueled primarily by the post-World War II baby boom.

Every state grew in population during the 1990s, ranging from a high of 66 percent in Nevada to a low of 0.5 percent in North Dakota. The state of Oklahoma experienced a net growth of 305,069 persons, a net increase of 9.7 percent.

The 2000 Census indicated a U.S. population of 248,709,873. According to Census Bureau projections, the nation will grow to 400 million by the year 2050.



OWRB Sponsors Blood Drive

In January, 23 OWRB employees donated blood to the Oklahoma Blood Institute, a state-wide not-for-profit organization that has provided blood to patients in more than 94 hospitals in more than 56 Oklahoma counties since its establishment in 1977. The blood drive was organized by Hannah Harder, Training Coordinator for the agency's Oklahoma Water Watch Program.



Christopher Neel of the OWRB's Planning and Management Division, one of 23 staff members donating blood

Bowers Receives Employee Award

Rhonda Bowers of the OWRB's Planning and Management Division received the Employee of the Quarter Award at the agency's January staff meeting.

Bowers was specifically recognized by her coworkers for her effective and independent handling of the Planning Section's board meeting materials, exceptional commitment to the Water Board's floodplain management and dam safety programs, and competency and professionalism in the performance of her duties, as well as exceptional service to the State of Oklahoma throughout her 25 years of public service.



A limited number of free copies of the OWRB's video, *Oklahoma Water: A Quality of Life*, are available on DVD while supplies last. The informative 30-minute production debuted at the Governor's Water Conference on October 20, 2004. To request a copy, call 405-530-8800. Allow two to three weeks for delivery.

OKLAHOMA WATER A QUALITY OF LIFE

Oklahoma Drought Monitor

Reservoir Storage

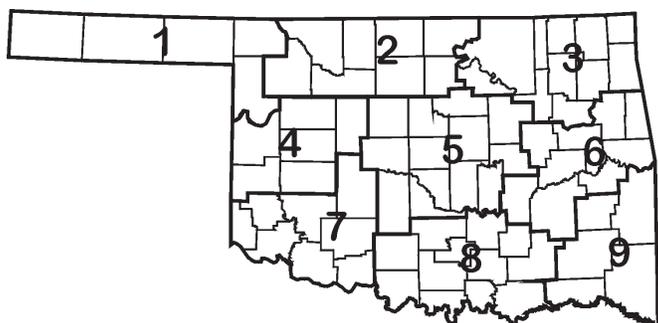
Lake storage in Oklahoma remains generally good, although lakes in the southwest continue to experience low levels. As of February 18, the combined normal conservation pools of 31 selected major federal reservoirs across Oklahoma (see below) are approximately 97.4 percent full, a 0.7 percent decrease from that recorded on January 18, according to information from the U.S. Army Corps of Engineers (Tulsa District). Twenty-five reservoirs have experienced lake level decreases since that time and only four reservoirs are currently operating at less than full capacity (compared to three last month). Two reservoirs—Lugert-Altus, only 54.2 percent full; and Tom Steed, 77.5 percent—remain below 80 percent capacity.

Storage in Selected Oklahoma Lakes & Reservoirs

As of February 18, 2005

Climate Division	Conservation Storage (acre-feet)	Present Storage (acre-feet)	Percent of Conservation Storage
North Central	420,480	420,480	100.0
Northeast	3,710,194	3,635,393	98.0
West Central	276,790	266,417	96.3
Central	154,225	154,225	100.0
East Central	3,022,323	3,022,323	100.0
Southwest	301,810	73,685	24.4
South Central	2,795,156	2,795,156	100.0
Southeast	1,464,929	1,464,929	100.0
State Totals	12,145,907	11,832,608	97.4

Drought Indices



According to the latest Palmer Drought Severity Index (February 12, below), no regions in Oklahoma are currently experiencing drought conditions and all remain “moist.” Only three of Oklahoma’s nine climate divisions have undergone PDSI moisture decreases since January 15. The greatest decrease occurred in the Southeast climate division.

The latest monthly Standardized Precipitation Index (through January, below) indicates no long-term dryness in Oklahoma; wet conditions continue to dominate. Among the *selected* time periods (3-, 6-, 9- and 12-month SPIs), no climate divisions indicate dryness. And considering longer periods (through six years), no regions indicate dry conditions.

Palmer Drought Severity Index

Climate Division (#)	Current Status 2/12/2005	Value		Change In Value
		2/12	1/15	
NORTHWEST (1)	EXTREME MOIST SPELL	4.09	3.72	0.37
NORTH CENTRAL (2)	EXTREME MOIST SPELL	4.26	4.15	0.11
NORTHEAST (3)	UNUSUAL MOIST SPELL	2.96	3.05	-0.09
WEST CENTRAL (4)	VERY MOIST SPELL	3.26	3.11	0.15
CENTRAL (5)	UNUSUAL MOIST SPELL	2.90	2.86	0.04
EAST CENTRAL (6)	UNUSUAL MOIST SPELL	2.07	2.41	-0.34
SOUTHWEST (7)	VERY MOIST SPELL	3.16	2.93	0.23
SOUTH CENTRAL (8)	VERY MOIST SPELL	3.13	3.11	0.02
SOUTHEAST (9)	MOIST SPELL	1.99	2.54	-0.55

Standardized Precipitation Index

Through January 2005

	3-Month	6-Month	9-Month	12-Month
NORTHWEST (1)	EXTREMELY WET	EXTREMELY WET	VERY WET	VERY WET
NORTH CENTRAL (2)	VERY WET	MODERATELY WET	MODERATELY WET	VERY WET
NORTHEAST (3)	MODERATELY WET	NEAR NORMAL	NEAR NORMAL	MODERATELY WET
WEST CENTRAL (4)	EXTREMELY WET	VERY WET	MODERATELY WET	VERY WET
CENTRAL (5)	VERY WET	MODERATELY WET	MODERATELY WET	MODERATELY WET
EAST CENTRAL (6)	MODERATELY WET	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL
SOUTHWEST (7)	VERY WET	VERY WET	MODERATELY WET	VERY WET
SOUTH CENTRAL (8)	VERY WET	MODERATELY WET	MODERATELY WET	MODERATELY WET
SOUTHEAST (9)	MODERATELY WET	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL

Financial Assistance Program Update

Loans/Grants Approved as of February 8, 2005

FAP Loans—308 totaling \$538,550,000

The OWRB's Financial Assistance Program (FAP), created by the State Legislature in 1979, provides loans for water and wastewater system improvements in Oklahoma. The tremendous popularity of the bond loan program is due, in part, to extended payoff periods of up to 30 years at extremely competitive low-interest rates, averaging approximately 4.762 percent since 1986.

CWSRF Loans—162 totaling \$559,196,254

The Clean Water State Revolving Fund (CWSRF) loan program was created in 1988 to provide a renewable financing source for communities to draw upon for their wastewater infrastructure needs. The CWSRF program is Oklahoma's largest self-supporting wastewater financing effort, providing low-interest loans to communities in need.

DWSRF Loans—46 totaling \$189,283,938

The Drinking Water State Revolving Fund (DWSRF) loan program is an initiative of the OWRB and Oklahoma Department of Environmental Quality to assist municipalities and rural water districts in the construction and improvement of drinking water systems. These projects are often mandated for communities to obtain compliance with increasingly stringent federal standards related to the treatment of drinking water.

REAP Grants—412 totaling \$35,811,834

The Rural Economic Action Plan (REAP) Program was created by the State Legislature in 1996. REAP grants, used for water/wastewater system improvements, target primarily rural communities with populations of 7,000 or less, but priority is afforded to those with fewer than 1,750 inhabitants.

Emergency Grants—510 totaling \$29,941,006

OWRB emergency grants, limited to \$100,000, are awarded to correct situations constituting a threat to life, health, and/or property and are an indispensable component of the agency's financial assistance strategy.

Total Loans/Grants—1,438 totaling \$1,352,783,032

Applicants eligible for water/wastewater project financial assistance vary according to the specific program's purpose and requirements, but include towns and other municipalities with proper legal authority, various districts established under Title 82 of Oklahoma Statutes (rural water, master/water conservancy, rural sewage, and irrigation districts), counties, public works authorities, and/or school districts. Applications for agency financial assistance programs are evaluated individually by agency staff. Those meeting specific program requirements are recommended by staff for approval at monthly meetings of the nine-member Water Board.

More information about the OWRB's Financial Assistance Program can be obtained by calling the OWRB at (405) 530-8800.

Ervin Mitchell, *Chairman*; Lonnie L. Farmer, *Vice Chairman*; Bill Secrest, *Secretary*
Harry Currie, Ed Fite, Rudy Herrmann, Jack Keeley, Mark Nichols, Richard C. Sevenoaks

Brian Vance, *Writer/Editor* • Darla Whitley, *Writer/Layout* • Barry Fogerty, *Photography*

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