

# OKLAHOMA Water News

2nd Quarter 2012

## Inside

53rd Legislature Advances  
Water Plan Implementation

Development of Statewide  
Groundwater Monitoring  
Program Initiated

Arbuckle-Simpson Hearing  
Attracts Large Crowd

Drummond Elected Board  
Chairman

Governor Fallin Appoints  
Jason Hitch to OWRB

Landscape Irrigation  
Controllers Earn  
"WaterSense" Label

Governor and Tribes  
Create Water Task Force

The Role of Conservation  
in Water Management

Utilizing "Marginal  
Quality" Waters

Drought Update

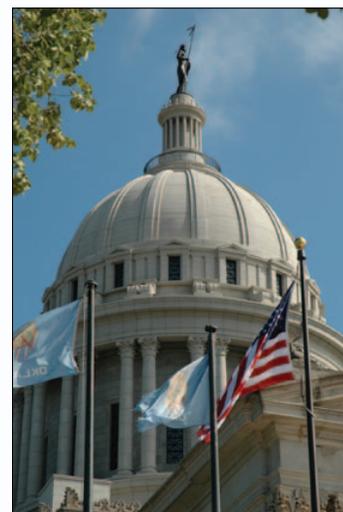
## 53rd Legislature Advances Water Plan Implementation

The 2012 legislative session resulted in landmark water policy improvements for the State of Oklahoma, accelerating implementation of at least half of the priority recommendations offered by the *2012 Update of the Oklahoma Comprehensive Water Plan*.

**SB 1975: General Appropriations Bill**—Provides \$6,999,671 to the OWRB, a 27 percent increase over FY-2012. An additional \$1.5 million, coupled with the extension of existing Gross Production Tax proceeds, will allow the OWRB to begin implementation of OCWP recommendations, resulting in establishment of Oklahoma's first comprehensive statewide groundwater monitoring program, restoration of the state's comprehensive statewide stream and lake monitoring program to the level realized in the late 1990s, and a reduction of the growing backlog of statutorily mandated groundwater and stream water allocation studies.

**HB 3055: Water for 2060 Act**—Establishes a statewide goal to use no more fresh water in 2060 than what is used today. The Act creates a 15-member advisory council—chaired by the OWRB Executive Director with members appointed by the Governor, House Speaker, and Senate President Pro Tempore—to make recommendations on water conservation practices and incentives necessary to achieve this goal. The advisory council is required to submit a final report of its findings and recommendations to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate within three years.

**HJR 1085: Water Infrastructure Credit Enhancement Reserve Fund**—Sends State Question 764 to a vote of the people in November's general election. Approval of SQ 764 would create the Credit Enhancement Reserve Fund, which would allow the OWRB to increase the leveraging  
*(continued on page 3)*



## From the Director

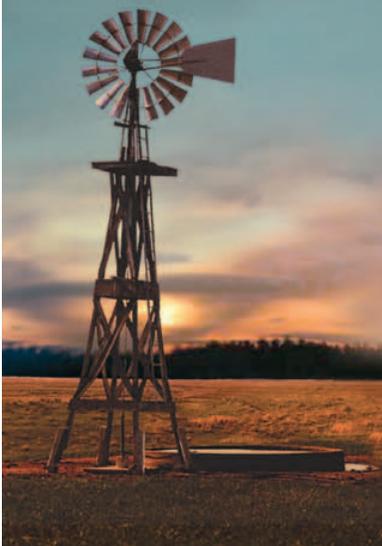
Thanks to an unprecedented level of support from Governor Fallin, the State Legislature, citizens, and many in the water user community during the recently concluded legislative session, implementation of the *2012 Update of the Oklahoma Comprehensive Water Plan* is off to a magnificent start.

On the heels of the most scientifically defensible and extensively vetted Water Plan ever developed by the state, our leaders responded with perhaps the most meaningful collection of water policy legislation and funding in Oklahoma history. As a result, we now have both the directive and tools necessary to meet head-on Oklahoma's water

*(continued on page 2)*



J. D. Strong, Executive Director  
Oklahoma Water Resources Board



*From the Director (continued)*

challenges through revitalized and innovative water management and protection programs. Through passage of Speaker Kris Steele's Water for 2060 Act, water conservation took a giant leap forward as Oklahoma becomes the first state in the nation to establish a comprehensive, statewide goal of consuming no more fresh water in 2060 than is consumed today. Through House Bill 3055, a 15-member advisory council will be created to recommend appropriate water conservation practices, incentives, and educational programs to accomplish this bold strategy, while at the same time ensuring that Oklahoma's population and economy continue to grow and prosper. In addition, HB 2835, by Rep. Scott Martin, will result in fresh water conservation through incentives to encourage the recycling of gray water. The resulting new law exempts from regulatory requirements the use of up to 250 gallons per day of private, residential gray water for household gardening, composting, or landscape irrigation.

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*"...Oklahoma becomes the first state in the nation to establish a comprehensive, statewide goal of consuming no more fresh water in 2060 than is consumed today."*

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Equally important was the required first step taken by legislators in addressing Oklahoma's projected \$82 billion water and wastewater infrastructure financing needs through HJR 1085 by Rep. Phil Richardson and Sen. Brian Crain. The resolution authorizes State Question 764 on the November general election ballot, which seeks voter approval of a new Water Infrastructure Credit Enhancement Reserve Fund. This crucial new fund would enable the OWRB, the primary source of water and sewer infrastructure financing in Oklahoma, to increase its leveraging capacity. Over the next several months, you'll be hearing much more about SQ 764 and its importance to our ability to provide safe, dependable, and affordable water supplies to Oklahomans into the foreseeable future.

Last but certainly not least, the FY-2013 budget agreement includes specific funding to expand and integrate the state's water quality and quantity monitoring programs, another key grass-roots provision of the OCWP. Sediment, pathogenic bacteria, toxic algae, and a host of other pollutants and contaminants threaten both Oklahoma's water resources and our public's health. The decisions we make each day to ensure safe, reliable water for our citizens and communities require constant monitoring of water quality and quantity, an abundance of data, and advanced modeling techniques. Such capabilities will be enabled through an additional \$2 million



*Executive Director J.D. Strong looks on as OWRB Director of Planning Kyle Arthur presents details of OCWP analyses to members of the Joint Legislative Water Committee in August 2011. The Committee's work was instrumental to development of water-related legislation passed during the 2012 session.*

in appropriations to the OWRB and Conservation Commission. Most notably, the OWRB will use a portion of the funding to establish the state's first comprehensive groundwater monitoring program. The Legislature also extended utilization of Gross Production Tax proceeds for OCWP implementation, including support of planning partnership opportunities, updates of hydrologic studies, and enhancement of water management and modeling tools.

In all, accomplishments from the 2012 legislative session will accelerate implementation of at least half of the eight priority recommendations included in the 2012 OCWP Update (Water Quality and Quantity Monitoring; Water Supply Reliability; Water Conservation, Efficiency, Recycling and Reuse; and Water Project and Infrastructure Funding). Additional legislation providing for improved enforcement of water well drilling regulations and enhanced floodplain management rules address at least two OCWP supporting recommendations.

While we are off to a tremendous start on Water Plan implementation, much work remains to truly ensure the sound water future envisioned by the OCWP. Regional planning, for example, was the most popular Water Plan recommendation among citizen participants because it allows them to engage more formally in how water resources are planned at the local level and managed by the state. Unfortunately, enabling legislation was narrowly defeated due to the negative lobbying efforts of certain special interest groups. Additionally, we must redouble our efforts to work with Oklahoma's tribal governments to resolve conflicting water issues and we still need to ensure adequate protection of instream flows that are so critical to state and local tourism economies. We look forward to working with our multitude of partners and leaders at the State Capitol to advance these critical issues as well. 💧

## 53rd Legislature (continued)

capacity of the State Financial Assistance Program sufficient to address the identified \$82 billion water and wastewater infrastructure financing need in Oklahoma over the next 50 years.

### HB 1910: Water Well Drilling

**Inspection and Compliance**—Grants the OWRB authority to inspect specific water wells upon consent of the landowner or as allowed by district court order and disapprove use of any well found to be noncompliant with state laws and regulations. The bill also authorizes the OWRB to prepare exams and other licensing requirements for water well drillers and pump installers.

**HB 2835: Gray Water Reuse**—Allows for the use of up to 250 gallons per day of private, residential gray water for household gardening, composting, or landscape irrigation without a permit from the Oklahoma Department of Environmental Quality (ODEQ). (Gray water is wastewater generated from domestic activities—laundry, dishwashing, bathing, etc.—that can be recycled on-site for landscape irrigation and related uses. Gray water does not contain human waste.) The bill also establishes requirements of approved gray water systems.

## Oklahoma's Water and Wastewater Project Need

Drinking Water Infrastructure Need (in 2007 Dollars)			
Present to 2020	2021-2040	2041-2060	Total Period
\$9,680,000,000	\$10,610,000,000	\$17,530,000,000	\$37,790,000,000

Wastewater Infrastructure Need (in 2010 Dollars)			
Present to 2020	2021-2040	2041-2060	Total Period
\$12,590,000,000	\$22,830,000,000	\$8,470,000,000	\$43,890,000,000

See page 9 of the OCWP Executive Report for more details about Oklahoma's future water project and infrastructure financing needs.

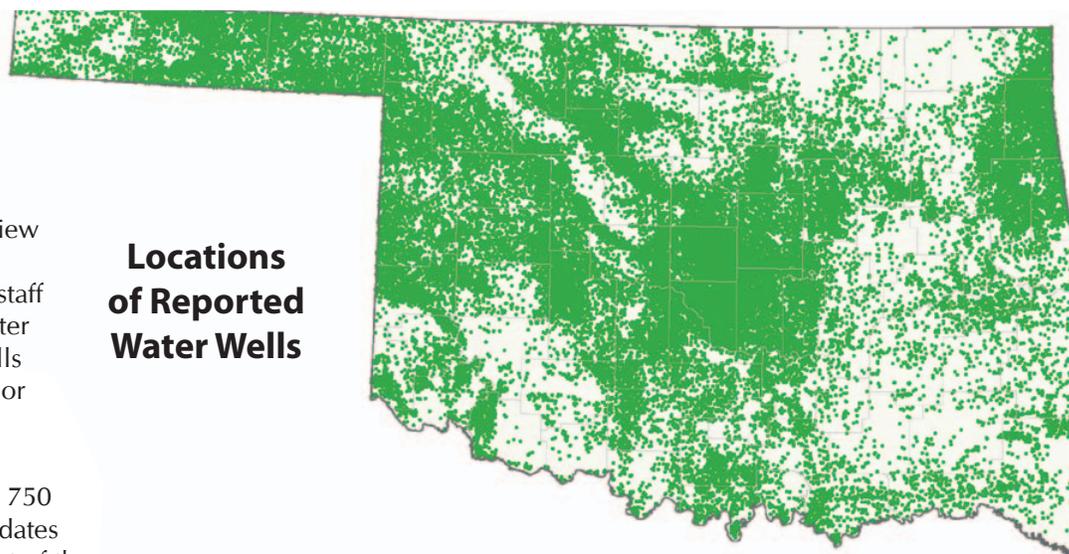
**SB 1043: Water Reuse**—Requires the ODEQ to promulgate rules no later than July 1, 2013, for the indirect potable reuse of treated wastewater. By August 31 of this year, the ODEQ is also required to convene a workgroup of municipalities, consulting engineers, technical experts, and the general public to explore opportunities for water reuse and to review and make recommendations on rules defining indirect potable reuse.

**SJR91: Municipal Water Reuse Rules**—A Joint Resolution approving permanent ODEQ rules relating to municipal water reuse. ♦

## Development of Statewide Groundwater Monitoring Program Initiated

Enabled through a recent \$1.5 million legislative appropriation, a new statewide groundwater monitoring and assessment program is being developed by the OWRB. Following stakeholder input and peer review of Oklahoma's first holistic groundwater network, agency staff will collect baseline groundwater level and quality data from wells in Oklahoma's twenty-one major aquifers.

Initial planning has led to the identification of approximately 750 wells that could be ideal candidates for the water quality component of the strategy, while about 1,200 potential wells could make up an expanded groundwater level network in Oklahoma. Among many benefits, data will be used to track trends and identify both limitations and opportunities related to site-specific groundwater usage throughout the state. ♦



**Locations  
of Reported  
Water Wells**

More than 140,000 domestic, permitted and other water wells dot the state. Approximately 2,000 of these wells—and perhaps future wells that penetrate Oklahoma's major aquifers—could comprise the OWRB's new comprehensive groundwater monitoring network, including for the first time both quality and quantity components. The new program will provide increased confidence in the usability of Oklahoma's vital groundwater supplies.

## Arbuckle-Simpson Hearing Attracts Large Crowd

More than 150 citizens and individuals representing landowners, municipalities, mining interests, water interest groups, and government agencies attended the OWRB's hearing on the tentative determination of the Arbuckle-Simpson Groundwater Basin maximum annual yield (MAY) held May 15-16 in Sulphur. A similar crowd attended an organizational prehearing conference on May 9 in Ada.

Numerous individuals, both in support of and opposed to the tentative determination, presented evidence to Hearing Examiner Emily Hammond Mezell, University of Oklahoma law professor. Those presenting evidence included OWRB staff, local landowners, and representatives of numerous agencies and organizations, including the National Park Service, U.S. Fish and Wildlife Service, Oklahoma Farm Bureau, Oklahoma Independent Petroleum Association, Environmental Federation of Oklahoma, Oklahoma Cattlemen's Association, Oklahoma Aggregates Association, and Citizens for the Protection of the Arbuckle-Simpson Aquifer. Written comments were also submitted at the hearing and accepted by the OWRB through May 31. Legal response briefs were accepted through June 18.

The OWRB's tentative determination—proposing a yield of 78,404 acre-feet per year, equal proportionate share of 0.2 acre-foot (or 2.4 inches) per acre per year, and five-year implementation schedule—was approved in March at the Board's monthly meeting.

The Hearing Examiner is expected to complete her evaluation of the evidence and legal arguments and prepare a Proposed Order with a recommendation for a final determination by the end of summer. ♦

## Drummond Elected Board Chairman

At its monthly meeting in June, the OWRB elected Ford Drummond as the new Chairman. Former Chairman Linda Lambert will assume the Vice Chairman position while Tom Buchanan remains Secretary.

Drummond, who joined the Board in 2006, is an At Large member representing agricultural water use interests. He currently resides in Bartlesville and is the owner and operator of a large family ranch in Osage County. ♦

## Governor Fallin Appoints Jason Hitch to OWRB

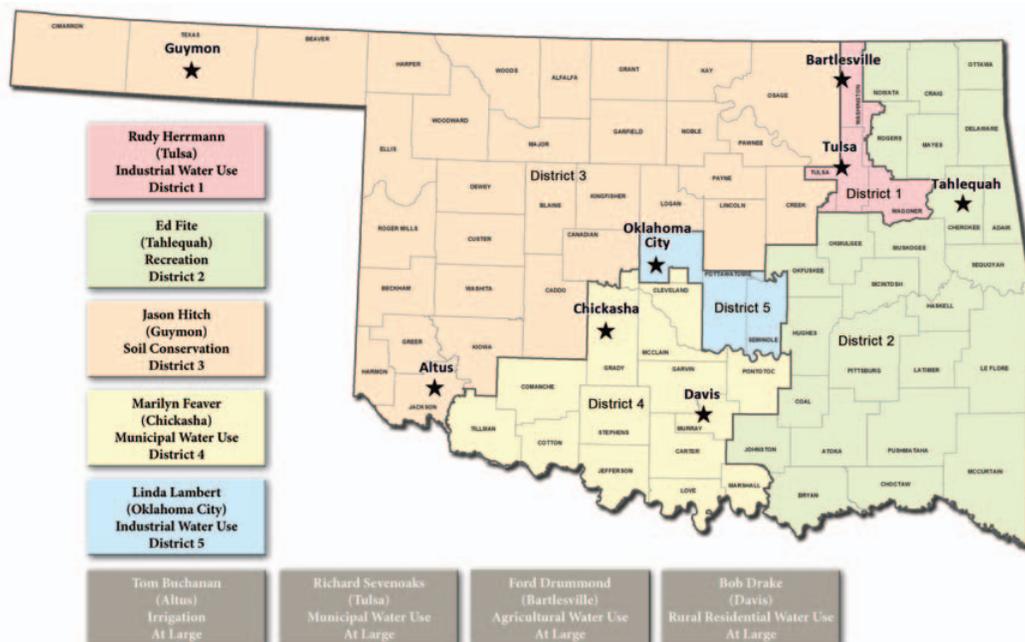
On April 19, Guymon rancher Jason W. Hitch was appointed by Governor Fallin to succeed Kenny Knowles on the Oklahoma Water Resources Board.

Hitch will represent soil conservation interests and Congressional District 3 as one of nine members of the OWRB. He will serve a seven-year term expiring in May 2019.



Hitch is the co-owner of a large family agricultural operation in Texas County. He serves on the Board of Directors of Bank of the Panhandle, as Chairman and Executive Board member of the National Cattlemen's Beef Association Committee, and as Vice-Chairman of the Texas Cattle Feeder's Association. ♦

## Current OWRB Membership and Representation



**NOTICE**  
Beginning in July, all OWRB meetings will be held on the third (rather than the second) Tuesday of each month.

# OKLAHOMA Governor's Water Conference

November 13-14, 2012

Southern Hills Marriott

TULSA

For more information visit [www.owrb.ok.gov](http://www.owrb.ok.gov).

## Landscape Irrigation Controllers Earn "WaterSense" Label

WaterSense, an EPA-sponsored partnership program that utilizes consumer labeling to signify water-efficient products, has been extended to manufacturers, retailers, and distributors of weather-based irrigation controllers.

WaterSense labeled controllers, which use local weather and landscape conditions to tailor irrigation schedules to actual conditions, signify technology that saves water and performs as well or better than comparable standard models in facilitating a healthy and attractive landscape for homes and businesses. Instead of irrigating on a preset schedule set by a clock timer controller, these systems control water application to more closely match plants' water requirements. They also prevent waste and over-watering and reduce annual water bills, all while facilitating a healthier landscape.



All WaterSense labeled products must be independently certified to meet the EPA's water efficiency and performance criteria. The EPA worked with a variety of stakeholders to develop criteria and performance measures for WaterSense labeled controllers, based on the industry's Smart Water Application Technologies™ protocol for climate-based controllers.

The weather-based irrigation controller specification also requires supplementary capabilities, such as multiple programming features, ensuring flexibility and adaptability to local weather conditions.

WaterSense-labeled controllers operate like a thermostat for your sprinkler system, telling it when to turn on and off based on local weather data. They have the potential to provide home and building owners across the country 110 billion gallons of water savings and roughly \$410 million in savings per year on utility bills.

Residential outdoor water use in the United States accounts for more than 7 billion gallons of water each day, mainly for landscape irrigation. Experts estimate that as much as half of this water is wasted due to over watering caused by inefficiencies in irrigation methods and systems. ♦

## Governor and Tribes Create Water Task Force

In May, Oklahoma Governor Mary Fallin, Chickasaw Nation Governor Bill Anoatubby, and Choctaw Nation Chief Gregory Pyle announced creation of a 19-member task force charged with resolving the ongoing lawsuit over Oklahoma water rights. The divergent membership includes numerous state, city, and tribal government officials as well as leaders from Oklahoma's business and energy sectors.

"Water rights and water security are linked to both economic and quality of life issues," said Fallin, Anoatubby, and Pyle in a joint statement. "Our hope is that this new task force will help to pave the way toward an agreement that is fair and beneficial to all relevant parties."

Court-appointed mediator Francis E. McGovern will meet regularly with task force members to ferret out a potential resolution to a lawsuit filed last August by the Choctaw and Chickasaw Nations that lays claim to the water rights in 22 southeast Oklahoma counties. Proceedings will remain confidential. ♦

## State Question #764

LEGISLATION:	HJR 1085
SUBJECT:	Creates the Water Infrastructure Credit Enhancement Reserve Fund
ELECTION DATE:	Next General Election, November 6, 2012

**BALLOT TITLE:** This measure amends the Oklahoma Constitution. It adds a new Section 39A to Article 10 creating a new reserve fund for the Oklahoma Water Resources Board. The fund would enable the Board to finance water resource and sewage treatment projects sufficient to meet the state's projected \$82 billion water/sewer infrastructure project need through 2060.



*Bartlesville water tower  
(photo courtesy HUB  
Engineering)*

## OCWP Conservation Techniques

Summarized below are suggested water conservation techniques—combining ideas from both “Moderately” and “Substantially Expanded” conservation scenarios—offered by the *2012 OCWP Update*.

### MUNICIPAL & INDUSTRIAL CONSERVATION:

- Passive conservation through government plumbing codes as part of the federal Energy Policy Act
- Expand metering of customer water usage
- Reduce system leakage and water losses
- Conservation pricing
- Educational programs
- High efficiency plumbing codes utilizing fixtures with lower maximum flow rates than those required under the Energy Policy Act.

### CROP IRRIGATION CONSERVATION:

- Increase field application efficiency of surface irrigation systems
- Shift to micro-irrigation
- Widespread implementation of low energy precision application (LEPA) sprinkler systems
- Shift to less water-intensive crops

## Utilizing “Marginal Quality” Waters

According to the *2012 OCWP Update*, expanded use of marginal quality waters (MQW) could also have significant utility in reducing future demand placed on fresh water. The OCWP Marginal Quality Water Workgroup studied the potential utilization of several categories of water sources—such as brackish groundwater, treated wastewater effluent, production water from oil and gas operations, and stormwater runoff—demonstrating marginal quality. The Workgroup concluded that certain MQW sources have excellent potential to augment supply in many areas of Oklahoma.

The reuse of wastewater, especially treated municipal and industrial discharges, for non-potable irrigation and industrial applications showed particular promise in reducing demand upon water supply systems. ♦

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## The Role of Conservation in Water Management

Conservation and related measures that maximize efficiency can play an essential role in water management through reducing the demand for water. Conservation increases water availability for both consumptive and nonconsumptive needs (such as recreation and fishing), reduces energy and infrastructure operation costs, proactively mitigates drought episodes, and reduces the need for inter-basin transfers of water.

Conservation strategies can be implemented on both the demand and supply/distribution sides of water management. Municipal and Industrial (M&I) demand side conservation techniques reduce water demand by changing consumer behavior through implementing education programs, promoting the use of water efficient appliances, and employing conservation pricing. Supply or distribution conservation involves effective management of system water losses through analysis of water use and leak detection. Reduced water demand from conservation prolongs the lifespan of current supplies, which allows utilities to defer, downsize, or even eliminate costly investments in new facilities and water supplies. Customers benefit through reduced water and energy utility bills.

Crop Irrigation (or agricultural) supply side conservation reduces water demand through activities such as implementation of irrigation systems with increased efficiencies and production of crops with decreased water requirements.

For the *2012 OCWP Update*, various water conservation scenarios were analyzed to reduce demand and thus mitigate the degree of projected water deficits in Oklahoma. The analysis targeted the state’s two largest water use sectors, Municipal and Industrial (M&I) and Crop Irrigation, which together account for about 72 percent of the overall current (2010) statewide water demand. The study contemplated both “moderate” (Scenario I) and “substantially expanded” (Scenario II) levels of conservation.

OCWP analysis indicates that full implementation of Scenario I would reduce 2060 water demands to levels approaching those forecasted for 2020. Additionally, full implementation of Scenario II, or at least some of its components, would result in achievement of the new statewide goal, established through recent passage of the Water for 2060 Act, of consuming no more fresh water in 2060 than is consumed today.

In most OCWP planning basins, managing water demand through conservation activities was shown to be equally effective in reducing or eliminating gaps or storage depletions, particularly in alluvial aquifers. Scenario I could reduce surface water gaps statewide by 25% and reduce the number of watershed basins with projected surface water gaps from 55 to 42; reduce alluvial groundwater depletions by 32% (from 63 basins to 51); and reduce bedrock groundwater depletions by 15% (from 34 basins to 26). ♦

# Drought Update

## Reservoir Storage

As of June 5, eighteen reservoirs (of thirty-one selected major federal reservoirs across Oklahoma, listed at right) are operating at less than full capacity, according to information from the U.S. Army Corps of Engineers (Tulsa District); twenty-seven reservoirs have experienced lake level decreases since May 8.

## Standardized Precipitation Index

The latest monthly Standardized Precipitation Index (see table below) indicates near long-term dryness in the East Central, South Central and Southeast climate divisions.

## Palmer Drought Severity Index

According to the latest Palmer Drought Severity Index (see table below), four of nine climate divisions in Oklahoma are currently experiencing drought conditions.



Storage in Selected Oklahoma Lakes & Reservoirs (June 5, 2012)

LAKE	Change in Elevation (feet) 5/8/12-6/5/12	Current Flood Control Storage (acre-feet)
North Central		
Fort Supply	-0.11	-215
Great Salt Plains	-0.66	1,144
Kaw	-1.49	10,504
Northeast		
Birch	1.32	2,570
Copan	-12.23	2,460
Fort Gibson	-0.69	7,334
Grand	-1.15	-2,454
Hudson	-0.92	5,115
Hulah	-12.65	7,862
Keystone	-2.19	23,868
Oologah	-9.68	8,406
Skiatook	1.28	-39,037
West Central		
Canton	-0.06	-42,763
Foss	-0.28	-44,098
Central		
Arcadia	1.33	2,431
Heyburn	-0.49	-259
Thunderbird	-0.45	-13,890
East Central		
Eufaula	-1.26	-51,926
Tenkiller	-1.27	-8,057
Southwest		
Fort Cobb	-0.12	-7,947
Lugert-Altus	0.29	-102,062
Tom Steed	-0.48	-38,316
South Central		
Arbuckle	-0.30	785
McGee Creek	-0.14	1,604
Texoma	-0.23	-198,423
Waurika	-0.62	-58,134
Southeast		
Broken Bow	-1.87	-61,219
Hugo	-1.15	-24,953
Pine Creek	-1.18	-3,959
Sardis	-0.26	-532
Wister	-0.29	1,220

CLIMATE DIVISION	Standardized Precipitation Index (through May 2012)				Palmer Drought Severity Index
	3-month	6-month	9-month	12-month	June 2, 2012
Northwest (1)	Near Normal	Moderately Wet	Moderately Wet	Near Normal	Moderate Drought
North Central (2)	Moderately Wet	Very Wet	Very Wet	Near Normal	Moist Spell
Northeast (3)	Moderately Wet	Near Normal	Near Normal	Near Normal	Mild Drought
West Central (4)	Near Normal	Near Normal	Near Normal	Near Normal	Near Normal
Central (5)	Near Normal	Near Normal	Near Normal	Near Normal	Near Normal
East Central (6)	Near Normal	Near Normal	Near Normal	Moderately Dry	Moderate Drought
Southwest (7)	Moderately Wet	Near Normal	Near Normal	Near Normal	Incipient Drought
South Central (8)	Near Normal	Near Normal	Near Normal	Moderately Dry	Incipient Drought
Southeast (9)	Very Dry	Near Normal	Near Normal	Very Dry	Moderate Drought

For more drought information, and to obtain updated information on Oklahoma's drought and moisture conditions, go to [www.owrb.ok.gov/supply/drought/drought\\_index.php](http://www.owrb.ok.gov/supply/drought/drought_index.php).

[www.owrb.ok.gov](http://www.owrb.ok.gov)

*Ford Drummond, Chairman • Linda Lambert, Vice Chairman • Tom Buchanan, Secretary  
Bob Drake • Ed Fite • Marilyn Feaver • Rudy Herrmann • Jason Hitch • Richard Sevenoaks*

*Enhancing the quality of life for Oklahomans by managing, protecting, and improving the state's water resources to ensure clean, safe, and reliable water supplies, a strong economy, and a healthy environment.*



**2nd Quarter 2012**

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## FINANCIAL ASSISTANCE PROGRAM UPDATE

*Loans & Grants Approved as of June 12, 2012*

### **FAP Loans—343 for \$778,120,000**

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 very competitive interest rates, averaging approximately 4.762 percent since 1986.

### **CWSRF Loans—253 for \$1,059,158,629**

The Clean Water State Revolving Fund (CWSRF) loan program was created in 1988 to provide a renewable financing source for communities to use 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—141 for \$761,119,642**

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—574 for \$50,969,444**

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—565 for \$33,725,677**

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

### **Drought Response Program Grants—2 totaling \$200,000**

Through the OWRB's Drought Response Program, funding is available for communities in most dire need during state drought emergencies declared by the Governor. A maximum of \$300,000 is diverted from existing OWRB Emergency Grant funds to establish the Program.

### **Total Loans/Grants: 1,878 for \$2,683,293,392**

### **Estimated Savings: \$936,866,931**

*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.*

**For more information, call 405-530-8800  
or go to [www.owrb.ok.gov/financing](http://www.owrb.ok.gov/financing).**