

OKLAHOMA Water News

4th Quarter 2012

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Annual Report of OWRB Activities for 2012

Initial Implementation of the Oklahoma Comprehensive Water Plan

State Legislative leaders responded positively to the 2012 Update of the Oklahoma Comprehensive Water Plan, providing both substantive water policy legislation and funding for implementation. As a result, the OWRB and related agencies now possess both the directive and tools necessary to meet Oklahoma's water challenges through revitalized and innovative water management and protection programs. 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.

Water for 2060 Advisory Council

With passage of the Water for 2060 Act (HB 3055), Oklahoma became the first state in the nation to establish a bold, statewide goal of consuming no more fresh water in 2060 than is consumed today. The OWRB has partnered with the U.S. Army Corps of Engineers and its contractors, through the Corps' Planning Assistance to State Program, to begin preliminary work required to support the new Water for 2060 Advisory Council, chaired by the OWRB Executive Director. The Council's fifteen members—to be appointed by the Governor, Speaker of the House, and President Pro-Tempore of the Senate—are charged with studying and recommending appropriate water conservation practices, incentives, and educational programs to moderate statewide water usage while preserving Oklahoma's population growth and economic development goals. Council meetings will commence once appointments are completed.

Passage of State Question 764

Passage of State Question 764 in November allows the OWRB's Financial Assistance Program to meet much of the state's projected \$82 billion water and wastewater financing need. The new Water Infrastructure Credit Enhancement Reserve Fund, created through a constitutional amendment approved by voters, essentially establishes a \$300 million pledge of credit that enables the OWRB to leverage funds in the bond market as water and sewer projects become ready for construction.

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From the Director

It was great to return to Tulsa for the Governor's Water Conference in November. Once again, we had an extraordinary turnout and stimulating discourse on Oklahoma's water issues. Tulsa Mayor Dewey Bartlett, Jr., and Dayton Duncan, principle writer and co-producer of the newly released *Dust Bowl* documentary, got the conference off to a wonderful start, and our unique "roundtable" sessions highlighted a particularly diverse agenda. It has been an eventful year since unanimous OWRB approval of the 2012 Update of the Oklahoma Comprehensive Water Plan (OCWP). Many OCWP recommendations that originated from the public input process are now being implemented due to tremendous support from Governor Fallin

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



*2012 Annual Report (continued)***Water Monitoring and Analysis**

The FY-2013 budget included an additional \$2 million in appropriations to the OWRB and Conservation Commission to expand and integrate the state's water quality and quantity monitoring programs, another key grass-roots provision of the OCWP. This funding will ensure continued improvement in managing Oklahoma's water resources for future needs.

In 2012, the OWRB initiated the state's first comprehensive groundwater monitoring program. The agency's existing network of water wells was refined and expanded in close cooperation with various stakeholders, peer agencies, and landowners. With a specific component to assess groundwater quality, initial groundwater sampling will begin in the spring of 2013. Long-term monitoring will provide

essential data to assess trends over time and assist in water supply management decisions.

The Legislature also extended utilization of Gross Production Tax proceeds for OCWP implementation, particularly updates of hydrologic studies and enhancement of water management and modeling tools. Through this approximately \$1.3 million, the OWRB and its many partners will address the OCWP's specific recommendation calling for completion or update of all surface and groundwater basin studies across the state within 10 years (by 2022). Advanced tools and resources applied to this effort will provide fundamental information to ensure accurate allocation of waters by enhancing the forecasting of potential water shortages in a stream basin or aquifer and enabling a more accurate evaluation of various water use scenarios.

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From the Director (continued)

and the State Legislature. New legislation has provided the impetus and tools that will help ensure reliable supplies of water for all Oklahomans through 2060 and beyond, while also making Oklahoma a leader among western states in the water management arena.

"While the technical aspects of our planning strategy were sound, it was clear to us from the outset that OCWP success would rest entirely upon involving Oklahomans in the process, listening to their concerns, and obtaining grassroots support."

Seven years ago, as OWRB staff developed the early blueprint for the 2012 OCWP Update, we deliberated several different paths. Clearly, we would need to conduct a comprehensive inventory of Oklahoma's water supplies and project future demands for all water use sectors. This necessitated an analysis at the local or system level using hydrologic, rather than political, boundaries. At that time, we were aware that the state's public water supply infrastructure was ill-equipped to address its rapidly growing population. We would need to assess the projected needs of the state's water and wastewater facilities and identify funding mechanisms sufficient to meet these needs. All of this information would then be used to identify options—including development of new sources, augmentation of existing supplies, or improved management schemes—that could prevent projected water deficits or "gaps" wherever they were likely to occur.

While the technical aspects of our planning strategy were sound, it was clear to us from the outset that OCWP success would rest entirely upon involving Oklahomans in the process, listening to their concerns, and obtaining grassroots support. To meet this challenge, we teamed with the Oklahoma Water Resources Research Institute and fanned

out across the state to document constructive opinions of Oklahoma citizens regarding the most pressing water-related issues. The resulting product, refined and submitted to intense scrutiny at more than a hundred public meetings, became the basis for OCWP recommendations, including eight priority initiatives that are now well on their way to implementation.

With this most recent OCWP update in place, the issue of water—as with the economy, energy, education, or roads—is here to stay in the public's consciousness and discourse. On behalf of the Board, OWRB colleagues and planning partners, we are enormously encouraged to see how much importance Oklahomans now place on both the utilization and protection of their water resources.

We will certainly need continued support of OCWP initiatives, especially as we close the books on the warmest and driest year that most Oklahomans have ever experienced. Drought in Oklahoma should no longer be considered a "phenomenon" or unusual occurrence. We must expect it, prepare for it, and adjust to it through strengthened water policies and programs.

Through the *Executive Report*, 13 Watershed Planning Region Reports, and other OCWP products resulting from the detailed analysis of water resources, limitations, and options statewide, the *2012 OCWP Update* provides an invaluable source of information for dealing with drought and related water supply issues. Water managers and decision-makers at every level can benefit from this extensive groundwork as they develop plans for meeting their long-term water needs well into the future.

In conclusion, I'd like to remind everyone that our annual Water Appreciation Day will be held March 19 at the State Capitol. I encourage everyone to join us as water agencies and organizations gather to demonstrate the infinite importance of Oklahoma's water resources. 💧

2012 Annual Report (continued)

Instream Flow Workgroup

The OWRB initiated work with the U.S. Army Corps of Engineers and its contractors to implement the OCWP instream flow recommendation. In early 2013, the OCWP Instream Flow Workgroup—originally commissioned during the update process to conduct an independent technical, legal, and policy analysis of a potential instream flow program in Oklahoma—will begin meeting to craft recommendations for the most efficient, feasible method for balancing the water needs of consumptive users with those that rely upon water flowing in streams and lakes for economic development and recreation.

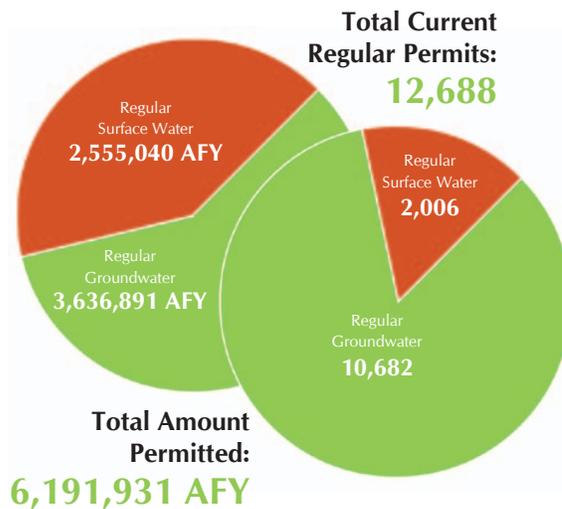
OCWP Public Water Supply Planning Guide

Throughout the five-year 2012 OCWP Update process, considerable attention was given to creating both sensible and functional planning documents to serve as indispensable technical resources for water providers, policy makers, and water users in making informed decisions concerning future local and regional water use and management. In addition to 13 Watershed Planning Region Reports and various other supporting materials and modeling tools, in late 2012 the OWRB also published the *OCWP Public Water Supply Planning Guide*, which provides more than 770 water systems with a primer for data collection, identifying gaps between existing infrastructure and supply and future needs, and strategies to close identified gaps. In November, OWRB staff mailed copies of the *OCWP Executive Report, Planning Guide*, and appropriate *Regional Reports* to all identified water systems in the state.

Water Use Permitting

In 2012, the OWRB experienced another considerable increase in water use permit applications. New applications for stream and groundwater permits have more than doubled in the last five years, while the number of requests for amendments to existing permits has more than tripled. Staff processed 2,442 Provisional Temporary (90 day) permits, more than 800 permits above the five-year average (1,616).

Total Permits Approved in 2012:
2,806



Increases in water use during the year were primarily due to oil and gas production and farming. Applicants were most interested in groundwater, especially in west and northwest Oklahoma where stream flows were greatly reduced due to continued drought conditions.

Staff also responded to numerous calls from water users concerned about shortages—even more than during the 2006 drought. A number of investigations were conducted in response to complaints about dry or depleted creeks, declining water levels in wells, and interference between junior and senior water right holders.

In April, the OWRB introduced same-day online approval of provisional temporary permits. This new web-based program provides enhanced convenience to Oklahoma water users, promotes the state’s energy industry, and saves considerable staff time. Provisional temporary permits, typically authorizing a relatively small amount of water, are the most common type of permit administered by the OWRB, and are primarily utilized for oil and gas production.

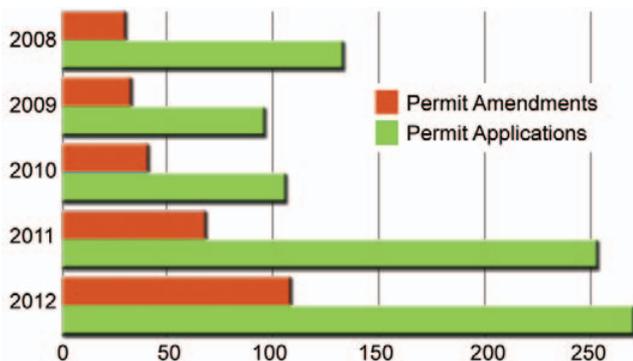
Hydrologic Studies

The OWRB began the Rush Springs Aquifer Study in 2011-2012 in conjunction with a hydrologic investigation and stream water allocation model of the Upper Washita River. The Rush Springs aquifer is an important source of irrigation and municipal water supply in the west-central portion of the state. The OWRB will be working cooperatively on the project with the Bureau of Reclamation and the Ft. Cobb and Foss Reservoir Master Conservancy Districts.

The Garber-Wellington Water Management Study, focusing on the physical properties and future management of central Oklahoma’s primary groundwater source, was completed in 2011 and the final report and groundwater flow model are under review. The OWRB expects to publish the report by September 2013.

The OWRB is initiating 20-year updates on hydrologic studies for the Enid Isolated Terrace and Elk City Sandstone aquifers; anticipated completion of this work is late 2014. Under contract with the U.S. Geological Survey, the OWRB will conduct a 20-year update of the groundwater study for the North Canadian River Alluvium and Terrace Groundwater

Permit Applications and Amendments for the Past Five Years (2008-2012)



Note: Chart does not include Provisional Temporary Permits.

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2012 Annual Report (continued)

Basin from the Beaver-Harper County line to Lake Overholser at the Canadian-Oklahoma County line. The investigation will determine if there has been any significant depletion in the basin and develop a new groundwater flow model. Work is anticipated to be completed by late 2013. The USGS has also been contracted to begin a basin study of the Canadian River Alluvium and Terrace aquifer and a 20-year update of the North Fork of the Red River Alluvium and Terrace aquifer.

In March 2012, the Board issued a tentative determination of the Maximum Annual Yield for the Arbuckle-Simpson Groundwater Basin. A public hearing on the tentative yield was held in May. At the conclusion of 2012, the matter remained under advisement of the hearing examiner.



OWRB hydrologist, Jessica Magers, looks for wells in the Rush Springs Aquifer that are suitable for groundwater level recorders.

Floodplain Management

In coordination with the Federal Emergency Management Agency (FEMA), the OWRB completed the six-year Map Modernization (Map Mod) program in 2012. Map Mod provided 41 counties and more than 200 municipalities with updated, digitized Flood Insurance Rate Maps (FIRMs).

With assistance from the Oklahoma Floodplain Managers Association (OFMA), the OWRB provided 16 training opportunities in 2012 and also monitored the week-long "Managing Floodplain Development through the NFIP" class, required of managers to achieve Certified Floodplain Management (CFM) status.

Well Driller and Pump Contractor Program

During 2012, OWRB staff licensed 21 new Well Drilling and Pump Installer firms and 56 new operators, and they maintained licenses for 361 licensed firms and 645 licensed operators. The OWRB also received reports for 3,192 water wells, 1,916 monitoring wells/geotechnical borings, and 927 heat exchange wells completed in 2012. Staff maintains a well log database of more than 147,000 well completion, boring, geothermal, and plugging records that are accessible to the public.

Dam Safety

OWRB staff completed more than 300 site visits to verify structure type and measure dimensions of bridges, culverts, and other drainages associated with dams. With this information, more than 67 simplified breach inundation maps were completed. As part of an effort to update the OWRB dam inventory database, dozens of dams currently meeting jurisdictional size, though not in inventory, have been identified through utilization of the new dam inventory online viewer created by OWRB GIS staff.

In conjunction with a private engineering firm, OWRB staff produced 10 breach inundation maps for selected high hazard potential dam owners to include in their Emergency Action Plans (EAPs). In Norman, the OWRB cooperated with city engineers and residents to rehabilitate and develop an emergency action plan for a high hazard dam.

Water Quality Standards

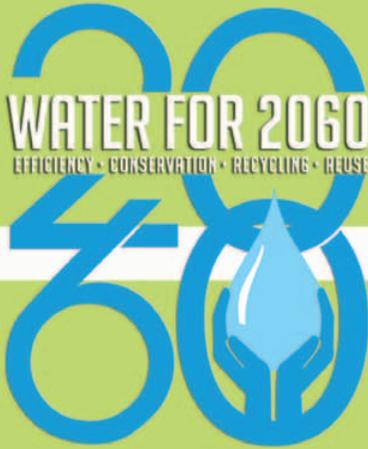
During 2012, several important revisions to Oklahoma's Water Quality standards were proposed, including 1) new human health criteria for four new pollutants to be added and criteria for 21 existing priority pollutants recalculated for carcinogens and noncarcinogens; 2) amendments to Appendix H, Beneficial Use Designations for Certain Limited Areas of Groundwater limiting future uses of groundwater at several sites and providing information necessary to protect public health; and 3) designation of the Arbuckle-Simpson aquifer as Class I Special Source Groundwater, a designation currently applicable to only small portions of the aquifer.

OWRB staff completed the ten-year review of Oklahoma's .037 milligram/liter phosphorus standard for Oklahoma's six Scenic Rivers. A technical advisory group—consisting of state, federal, and tribal officials and point and nonpoint source dischargers from both Oklahoma and Arkansas—was formed to evaluate the current appropriateness of the numerical standard based on the latest, best scientific information available. Though no consensus was reached between Oklahoma and Arkansas members, the majority of the working group concluded that current information supports the existing criterion and no change is necessary. It further recommended that an additional study documenting chemical, physical and biological integrity should occur to guide future water quality management of these waters. In addition to the primary workgroup report, Arkansas members prepared and formally submitted a separate report entitled "Arkansas TAG Members' Minority Report to OWRB."

Lake Rehabilitation

Lake revegetation projects were completed in 2012 at Eucha and Fort Cobb: more than 8,000 wetland plants were established at Eucha on 6,400 square feet of floating islands consisting of recycled plastic; 2,000 aquatic plants were placed in enclosed pens and cages at Fort Cobb. Work also continued at Stanley Draper, Grand, and Hudson Lakes to establish and spread the growth of native plants. OWRB staff continued to work cooperatively with the Central Oklahoma Master Conservancy District (COMCD) to monitor and improve water quality in Lake Thunderbird where a new

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33RD ANNUAL GOVERNOR'S WATER CONFERENCE 10TH ANNUAL OWRRI WATER RESEARCH SYMPOSIUM

The 33rd Annual Oklahoma Governor's Water Conference was held in Tulsa on November 13-14. As with previous years, the Conference attracted more than 400 water officials and citizens interested in Oklahoma's water resources and the latest developments concerning water management and quality, infrastructure financing, and other vital water issues.

Attendees had the opportunity to hear prominent state and national figures highlight key developments impacting Oklahoma's water resources, with an in-depth focus on priority recommendations of the 2012 Update of the Oklahoma Comprehensive Water Plan, including water conservation and efficiency, water and wastewater infrastructure financing, and improved water quality and quantity monitoring programs. Each day's program ended with a roundtable discussion—day one on regional water planning and day two on instream/environmental flows. Many attendees commented that they enjoyed the opportunity to hear roundtable participants engage each other in frank discussion of the issues.

Delivering this year's keynote address was Dayton Duncan, an award-winning writer and documentary filmmaker. Duncan previewed his latest film project with renowned documentarian Ken Burns, "The Dust Bowl", a two-part series that aired November 18 and 19 on PBS.

Receiving the 2012 Oklahoma Water Pioneer award—given each year to those individuals who have made lifetime contributions to the planning, development, management, and conservation of Oklahoma's water resources—were Rep. Phil Richardson, Ed Brocksmith, and Ronn Cupp. OWRB Executive Director J.D. Strong presented the awards at the luncheon on November 13.



Dayton Duncan shares his "Dust Bowl" experiences with a captive audience, followed by book signing and visiting with conferees.



OWRB Chairman and Conference emcee Ford Drummond welcomes Day 2 speakers: Curt Brown, Bureau of Reclamation; Gary Sherrer, Oklahoma Secretary of Environment; and Brian Richter, The Nature Conservancy.



J.D. Strong hosts a roundtable discussion of instream flows with Mike Fuhr, The Nature Conservancy; OU law professor Drew Kershen; Marla Peek, Oklahoma Farm Bureau; and Charlette Hearn, Oklahomans for Responsible Water Policy.



Strong presents water pioneer awards to (left to right) Ed Brocksmith, Ronn Cupp, and Rep. Phil Richardson.

2012 Annual Report (continued)

system was implemented to oxygenate lake water. Monitoring results are positive and it is probable that COMCD will continue to operate the system to improve the quality of raw water supplied to Norman, Del City, and Midwest City.

Financial Assistance Programs

In 2012, the OWRB's Financial Assistance Program (FAP) approved 56 grants and loans totaling almost \$142 million to address the water and wastewater infrastructure needs of Oklahoma communities and rural water/sewer districts. Five of these grants addressed water needs resulting from the Drought Emergency declared by Governor Fallin in July. Additionally, the Program closed six bond issues last year, two for the State Revolving Fund in the amounts of \$86.5 million for Clean Water and \$49.3 million for Drinking Water, and four for the State Loan Program totaling \$81.1 million. OWRB financing in 2012 saved communities and water systems more than \$44 million over traditional financing avenues. In 2012, the OWRB reached the \$1 billion milestone in total FAP savings.

**Total Loans and Grants
Approved in 2012:
2,806**

**Total Funding in 2012:
\$141,601,531**



Construction of the new aeration basin at the Eufaula wastewater treatment plant. The \$4,035,000 CWSRF project is expected to be completed by April of 2013.

Legal Developments

In January 2012, the Tarrant Regional Water District filed a petition with the U.S. Supreme Court asking the Court to review the July 2011 opinion of the federal 10th Circuit Court of Appeals that upheld Oklahoma's laws relating to permit applications to use stream water out of state. Soon thereafter, the Supreme Court ordered the Solicitor General to file a brief stating his views on whether the Court should take the case. In November 2012, the Solicitor General recommended that the Supreme Court should indeed hear the case. The Supreme Court's decision on whether to review the lower court decision is expected in January 2013.

In response to a federal lawsuit filed by the Chickasaw and Choctaw Nations in August 2011 against Governor Fallin and OWRB members, in February 2012 the Office of Attorney General asked the Oklahoma Supreme Court to take jurisdiction of a stream adjudication for the Kiamichi, Muddy Boggy, and Clear Boggy stream systems. The Tribes had asked the federal court for an order to prevent Oklahoma City and others from taking water from anywhere in roughly the southeast quarter of the state (within the Nations' territorial boundaries) unless adjudication is completed. The Oklahoma Supreme Court accepted the OWRB's case. However, the U.S. government, on behalf of the Tribes, removed the state case to the federal court. Subsequently, the federal court judge ordered the Indian Tribes, Governor Fallin and OWRB members to mediate the dispute over Indian water rights. Mediation settlement efforts are ongoing.

A case involving a disputed permit to use groundwater remains active in Tillman County District Court. A case involving the hazard classification of a dam in Sequoyah County remains active; a hearing in that case is scheduled for March 2013.

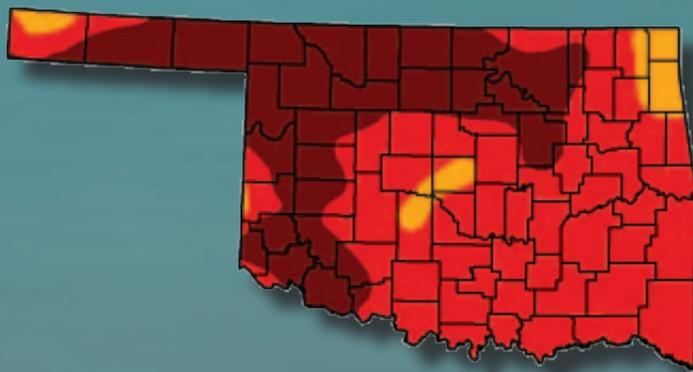
In May 2012, a public hearing on the Tentative Order for the Arbuckle-Simpson Groundwater Basin Maximum Annual Yield was conducted in Sulphur. Administrative proceedings on that matter are ongoing. ♦

FY 12 Expenditures and FY 13 Budget

	FY 12 Expended	FY 13 Budgeted
Administration	\$2,694,047.87	\$2,447,895.00
Water Quality	3,181,976.75	3,792,925.00
Financial Assistance	2,397,490.13	3,416,315.00
Planning & Management	3,369,325.63	5,067,707.00
Secretary of Environment	7,236,106.81	13,564,342.00
Information Technology	—	1,390,693.00
Totals	\$18,878,947.19	\$29,679,877.00
Fund Name		
General Appropriations	\$3,959,425.45	\$5,371,606.00
Drillers & Installers Indemnity Fund	4,300.00	50,000.00
OWRB Revolving Fund	2,004,982.20	1,060,971.00
Water Resources Revolving Fund	763,088.90	1,048,392.00
Drillers & Installers Regulation Fund	12,500.00	25,474.00
Water Infrastructure Development Fund	848,042.67	1,682,779.00
Federal Funds - OWRB	1,696,060.65	3,541,212.00
Federal Funds - OSE	7,071,414.44	9,442,732.00
Environmental Remediation Fund	0.00	3,961,308.00
USGS Cooperative Agreement	399,552.00	291,752.00
American Recovery & Reinvestment Act Fund	10,067.00	0.00
DW Loan Administration Fund	465,291.23	1,182,129.00
CW Loan Administration Fund	1,644,222.65	1,321,522.00
CW Loan Fund	0.00	700,000.00
Totals	\$18,878,947.19	\$29,679,877.00

Drought Update

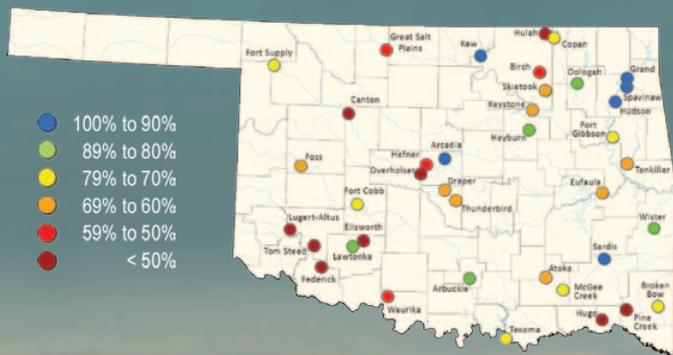
U.S. Drought Monitor January 1, 2013



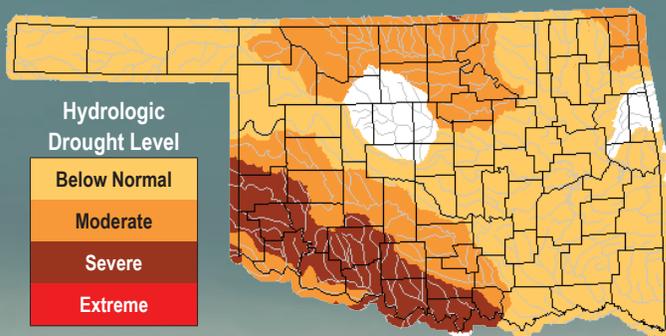
Drought Intensity & Percent of State in Drought Category

Abnormally Dry	100.00
Moderate Drought	100.00
Severe Drought	100.00
Extreme Drought	94.89
Exceptional Drought	37.06

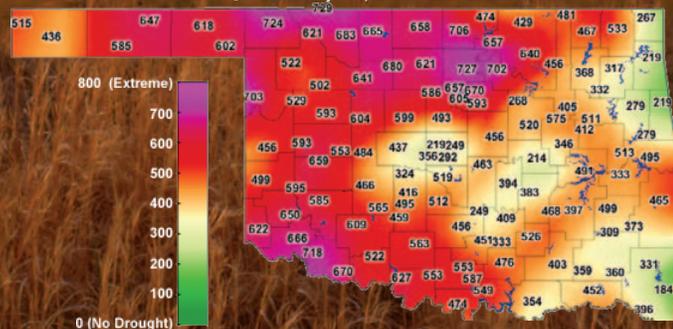
Reservoir Storage January 3, 2013



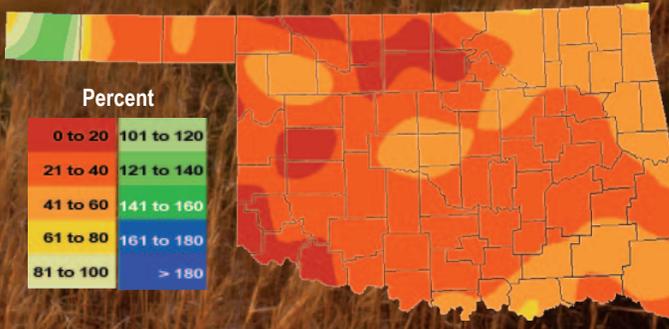
Streamflow (7-Day Average) January 6, 2013



Keetch-Byram Drought Index January 7, 2013



Percent of Normal Precipitation Last 90 Days (October 9 to January 6)



Data obtained from the National Drought Mitigation Center, U.S. Geological Survey, U.S. Army Corps of Engineers and Oklahoma Climatological Survey. For more drought information, and to obtain updated information on Oklahoma's drought and moisture conditions, go to www.owrb.ok.gov/drought.

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*

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



4th Quarter 2012

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FINANCIAL ASSISTANCE PROGRAM UPDATE

Loans & Grants Approved as of December 18, 2012

FAP Loans—351 for \$823,795,000

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—264 for \$1,160,391,860

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—156 for \$836,198,451

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—578 for \$51,284,406

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—566 for \$33,776,351

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—7 totaling \$490,791

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: 1,922 for \$2,905,936,859

Estimated Savings: \$1,000,108,379

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.**