

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

February 18, 2020

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 February 13, 2020 at 5:35 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

- 01000 1. CALL TO ORDER** **Chairman Robert L. Stallings, Jr.**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the January 21, 2020, 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 **Mr. Cleve Pierce**
 - 1. Budget Report
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Wilburton Public Works Authority, Latimer County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Atoka Municipal Authority, Atoka County. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS

Chairman Stallings

All of the items listed below under this Summary Disposition Agenda are recommended for approval.

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:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
None				

- 2. DWSRF 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-20-0024-DW	Weleetka Public Works Authority	Okfuskee	\$ 95,330.00

- D. Consideration of and Possible Action on the Contracts and Agreements:
 - 1. Intergovernmental agreement between OWRB and Central Oklahoma Master Conservancy District for providing services including water quality monitoring for Lake Thunderbird and reporting the results thereof.
 - 2. Amendment Agreement between OWRB and Meshek & Associates, LLC to update data retention requirement for information provided by FEMA as part of the Cooperating Technical Partner Program Assistance for creation and maintenance of flood hazard data.
 - 3. Sponsored Research Agreement between OWRB and Oklahoma State University to establish Master Irrigator Program and On-Farm Demo Program.
 - 4. Joint Funding Agreement between OWRB and USGS to provide review of OWRB draft hydrological reports by USGS.

5. Contract for Legal Services between OWRB and Lyn Martin-Diehl, PLLC providing us an attorney to act as Hearing Examiner.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
1. Avard Regional Rail Park Authority, Woods County, #2017-573
 2. Brent Arthur Wedel, Major County, #2018-572
 3. Bergen Minerals, LLC, Oklahoma County, #2018-591
 4. Fred & Sharlene Chamberlain, Mayes County, #2019-516
 5. RWC Revocable Trust, Bryan County, #2019-546
- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
1. Cedar Ridge Country Club, Tulsa County, #2012-522
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater: None
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater: None
- I. Consideration of and Possible Action on Applications to Amend Prior Right to Use Groundwater:
1. Wilds Grantor Trust dated August 27, 2013, Canadian County, #1969-275
 2. Brent Arthur Wedel, Major County, #1972-215
- J. Consideration of and Possible Action on Applications for Term Permits to Use Stream Water: None
- K. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Avard Regional Rail Park Authority, Woods County, #2017-059
 2. Max Weldon Living Trust and Floyd E. Bergen, Grady County, #2019-035
 3. RWC Revocable Trust, Bryan County, #2019-053
 4. Kast Trust Farms, Washita County, #2019-055
- L. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:
1. S & C Holdings, LLC, Bryan County, #1964-751B
 2. S & C Holdings, LLC, Bryan County, #1971-256B
- M. Consideration of and Possible Action on Dam and Reservoir Construction:
1. City of Sand Springs (Sand Springs Municipal), Osage County, #OK12618
- N. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: Arrow Water Well Service DPC-0922
 - Operator: Jeremy Lanoy OP-2066
 - Activities: Pump Installation

- 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - a. Licensee: Etter Water Well, LLC DPC-0782
 Operator: Dustin Raper OP-2307
 Activities: Pump Installation

- 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, Cimarron County, #FP-19-20
- P. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
 - 1. Rachael E. Huey, Comanche County, #FPA-826
 - 2. Lori M. Veal, Town of Disney, #FPA-827
 - 3. Colin Keith Beatty, City of Edmond, #FPA-828
 - 4. Mike W. Jones, Town of Jet, #FPA-829
 - 5. Roy Marty Nichols, City of Pawnee, #FPA-830
 - 6. Teresa J. Tosh, Tulsa County, #FPA-831

04000 4. VOTING ON PROPOSED NEW AND AMENDED PERMANENT RULES OF THE BOARD Chairman Stallings

- A. Rules Amendments Recommended for Adoption in Chapter 5 – Fees
 - 1. Summary – **Mr. Kent Wilkins**

Subchapter 1. General Provisions

785:5-1-6. Stream water permit application and administration fees [AMENDED]

785:5-1-10. Groundwater application and administration fees [AMENDED]

785:5-1-11. Well driller and pump installer licensing fees [AMENDED]

785:5-1-16. Fees required in other matters [AMENDED]

785:5-1-21. Documentation Reviews Related Water Trapped in Producing Mines [NEW]
 - 2. Questions and discussion by Board Members
 - 3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions
- B. Rules Amendments Recommended for Adoption in Chapter 25 – Dams and Reservoirs
 - 1. Summary – **Mr. Kent Wilkins**

Subchapter 1. General Provisions

785:25-1-3. Violations and penalties [AMENDED]

Subchapter 3. Responsibility, Classification and Design Standards

785:25-3-2. Owner's responsibility [AMENDED]

785:25-3-6. Minimum spillways performance standards [AMENDED]

Subchapter 5. Applications and Approval of Construction

785:25-5-4. Additional report information [AMENDED]

Subchapter 7. Post Approval Actions

785:25-7-7. Emergency action plans [AMENDED]

Subchapter 9. Actions after Construction

- 785:25-9-1. Inspections of dams [AMENDED]
- 785:25-9-3. Correction of deficiencies (not creating imminent peril) [AMENDED]
- 785:25-9-5. Correction of deficiencies creating imminent peril [AMENDED]
- Appendix A. Jurisdiction of Board by Size and Hazard Classification [REVOKED]
- Appendix A. Jurisdiction of Board by Size and Hazard Classification [NEW]
- Appendix B. Minimum Spillway Performance Standards [NEW]

- 2. Questions and discussion by Board Members
- 3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions

C. Rules Amendments Recommended for Adoption in Chapter 30 – Taking and Use of Groundwater

1. Summary – **Mr. Kent Wilkins**

- Subchapter 3. Permit Application Requirements and Processing
- 785:30-3-1. General application requirements [AMENDED]
- Subchapter 5. Groundwater Permits
- 785:30-5-5. Contents of permits [AMENDED]
- 785:30-5-7. Cancellation or suspension of permits [AMENDED]
- 785:30-5-9. Annual reports of water use [AMENDED]
- 785:30-5-10. Marginal water permits [NEW]
- Appendix D. Identified Springs that Emanate From a Sensitive Sole Source Groundwater Basin [REVOKED]
- Appendix D. Identified Springs that Emanate From a Sensitive Sole Source Groundwater Basin [NEW]

- 2. Questions and discussion by Board Members
- 3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions

D. Rules Amendments Recommended for Adoption in Chapter 35 – Well Driller and Pump Installer Licensing

1. Summary – **Mr. Kent Wilkins**

- Subchapter 3. Licensing and Certifications
- 785:35-3-1.2. Military service occupation, education and credentialing [NEW]
- Subchapter 11. Plugging and Capping Requirements for Wells and Test Holes
- 785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water observation wells, heat exchange wells and water well test holes [AMENDED]

- 2. Questions and discussion by Board Members
- 3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions

05000 5. SPECIAL CONSIDERATION

Chairman Stallings

A. Consideration of and Possible Action in the Matter on Application for Regular Permit to Use Stream Water No. 2016-0033, Arbuckle Aggregates, LLC, Johnston County:

1. Summary – **Mr. Kent Wilkins**
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 Items Transferred from Summary Disposition Agenda, if any.

6. NEW BUSINESS

Chairman Stallings

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.

7. ADJOURNMENT

Chairman Stallings

The next regular meeting of the Oklahoma Water Resources Board is scheduled for Tuesday, March 18, 2020, at 9:30 a.m., at the Oklahoma Water Resources Board Offices located at 3800 N. Classen Boulevard, Oklahoma City, OK 73118

2/13/2020