

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

SPECIAL MEETING

April 21, 2020

9:30 a.m.

3800 N. Classen Boulevard, Oklahoma City, OK 73118

This meeting will be held via videoconferencing or teleconferencing in compliance with the Open Meetings Act as amended by SB661.

<https://zoom.us/j/95318421553>

US: +1 669 900 6833 or +1 346 248 7799

or +1 929 205 6099 or +1 253 215 8782

or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 953 1842 1553

If the meeting is disconnected, the meeting will recess, reconnect, and reconvene.

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 April 17, 2020, at 5:20 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

Members attending the meeting via videoconference:

Robert L. Stallings, Jr., Chairman; Stephen Allen, Vice Chairman; Jennifer Castillo; Charles Darby; F. Ford Drummond; Suzanne Landess; Robert L. Melton, Sr.; Matt Muller

Members attending the meeting via teleconference:

Bob Drake, Secretary

Any executive session will be held via teleconference.

- 01000**
- 1. CALL TO ORDER** **Chairman Robert L. Stallings, Jr.**
 - A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the February 18, 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 Adair Municipal Authority, Mayes County. Recommended for Approval.
- B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Calera Public Works Authority, Bryan County. Recommended for Approval.
- C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Kingfisher Public Works Authority, Kingfisher County. Recommended for Approval.
- D. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Locust Grove Public Works Authority, Mayes County. Recommended for Approval.
- E. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Edmond Public Works Authority, Oklahoma County. Recommended for Approval.
- F. Report of the February 18, 2020 Board Audit Committee Meeting Including Oklahoma Water Resources Board State Loan Program Revenue Bonds and Clean Water State Revolving Fund Program (CWSRF) Financial Statements as of June 30, 2019 and 2018, Audits of the CWSRF Administrative Fund and the Drinking Water Treatment Loan Administrative Fund as of June 30, 2019 and 2018.

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> |
|-----------------|------------------------|------------------------------|---------------|---------------------------|
| GGEDA | | | | |
| a. | FAP-20-0014-R | Welch Public Works Authority | Craig | \$127,750.00 |
| SODA | | | | |
| b. | FAP-18-0023-R | Allen Public Works Authority | Pontotoc | 110,000.00 |

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-20-0002-DW | Cheyenne Utility Authority | Roger Mills | \$100,000.00 |

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

1. No cost amended contract between OWRB and the Oklahoma Rural Water Association to provide training and education for water system board members and operators.
2. Agreement between OWRB and the Oklahoma Ground Water Association ("OGWA") for the oversight of continuing education of Well Drillers and Pump Installers.

E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:

1. Kay Electric Cooperative, Inc., Kay County, #2019-545
2. Board of Regents of Oklahoma Community College, Oklahoma County, #2019-554
3. Mark & Jana Turner, Jackson County, #2019-557

F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:

None

G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:

1. Hanson Aggregates, LLC, Johnston County, #2008-529
2. Jake William Damron, Beckham County, #2019-515
3. George Frederick Rousser, Jr., Beaver County, #2019-558

H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:

1. A & S Farms, LLC, Texas County, #1976-552

- I. Consideration of and Possible Action on Applications to Amend Prior Right to Use Groundwater:
1. Town of Mountain View, Washita County, #1955-1152
 2. Western Carter County Water & Sewage Corporation, Carter County, #1969-377
 3. Western Carter County Water & Sewage Corporation, Carter County, #1969-378
- J. Consideration of and Possible Action on Applications for Term Permits to Use Stream Water:
1. Bluefin Water Solutions, LLC, McClain County, #2019-010
 2. Bluefin Water Solutions, LLC, Grady County, #2019-011
 3. Randall R. and Kerri K. Williams Trust, Jackson County, #2019-046
 4. Stroh Brothers, Kingfisher County, #2020-001
- K. Consideration of and Possible Action on Applications for Seasonal Permits to Use Stream Water:
- None
- L. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Lacey & Diana Weger, Bryan County, #2019-015
 2. Oklahoma Tourism and Recreation, Muskogee County, #2019-043
 3. Matthew & Ashley Coe, Logan County, #2019-054
- M. Consideration of and Possible Action on Applications to Amend Seasonal Permits to Use Stream Water:
1. Oklahoma Department of Wildlife, Comanche County, #2018-042
- N. Consideration of and Possible Action on Dam and Reservoir Construction:
1. Falcon Lake HOA (Falcon Lake), Canadian County, #OK00469
 2. Dale Hardesty (Hardesty), Grady County, #OK30576
 3. Madala Farms (Hart 1), Garvin County, #OK30578
- O. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: Coleman Drilling Company DPC-0984
Operator: Craig Reidner OP-2311
 - b. Licensee: M & T Pump Service DPC-0986
Operator: Mike Colantonio OP-2312
Operator: Tristan Colantonio OP-2313
 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - a. Licensee: Authentic Drilling, Inc DPC-0967
Operator: Scott Nyseth Jr OP-2310
 - b. Licensee: Mr. Pump, LLC DPC-0311
Operator: Geoffrey Cantrell OP-2314
- P. 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, Cherokee County, #FP-20-01
 2. Oklahoma Department of Transportation, Cherokee County, #FP-20-02
 3. Oklahoma Department of Transportation, Sequoyah County, #FP-20-03

- Q. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
1. Jerry L. Abbott, Jackson County, #FPA-832

04000 4. QUESTIONS AND DISCUSSION ABOUT AGENCY MATTERS AND OTHER ITEMS OF INTEREST Chairman Stallings

- A. No items.

05000 5. SPECIAL CONSIDERATION Chairman Stallings

- A. Consideration of and Possible Action in the Matter on Application for Temporary Permit to Use Groundwater No. 2017-583, Chau Tran and Donna Nguyen, Delaware 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 in the Matter on Application for Temporary Permit to Use Groundwater No. 2017-585, Nghi Uy Truong and Thuy Diem Nguyen, Delaware 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.

C. Consideration of and Possible Action on Motion to Reconsider the Hearing Examiner's Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Regular Permit to Use Surface Water No. 2016-033, 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 Motion to Reconsider as presented or as may be amended, or vote on any other action or decision relating to the Motion to Reconsider.

D. Contingent Upon the Action Taken on Item 5.C. above, Possible Consideration of and Possible Action on the Hearing Examiner's Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Regular Permit to Use Surface Water No. 2016-033, 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 any action or decision relating to the Board's Order in this matter.

E. 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, May 19, 2020, at 9:30 a.m., at the Oklahoma Water Resources Board Offices located at 3800 N. Classen Boulevard, Oklahoma City, OK 73118

4/17/2020