

OKLAHOMA WATER RESOURCES BOARD OFFICIAL MINUTES

April 21, 2020

1. CALL TO ORDER

The Special Meeting of the Oklahoma Water Resources Board was called to order by Chairman Robert L. Stallings, Jr., at 9:30 a.m. on April 21, 2020, in the second floor Board Room of the Oklahoma Water Resources Board located at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma, 73118. The meeting was conducted pursuant to the Oklahoma Open Meeting Law with due and proper notice provided pursuant to Sections 303 and 311 thereof. The agenda was posted on April 17, 2020, at 5:20 p.m., at the Oklahoma Water Resources Board's offices at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma, and provided on the agency's website.

Chairman Stallings stated the special meeting is being conducted via Zoom Webinar and he provided guidance for the meeting proceedings during the video conference, stating if participant's video is not working to call a phone number provided on the agenda and agency website, that microphones and videos of participants will be muted except when time for a participant to speak, and as with all meetings of the Board the general public comment will not be available. Questions by participants regarding technical issues may be placed in the question box, and if technical issues occur, the meeting will recess until the issue can be resolved; if a recess occurs, do not leave the meeting. Board members are asked to identify themselves when making a motion or asking a question.

A. Roll Call. Chairman Stallings called the meeting to order and asked for the roll call of members who participated in the meeting via video or telephone conferencing.

Board Members Present

Robert L. Stallings, Jr., Chairman
Stephen Allen, Vice Chairman
Bob Drake, Secretary
Jennifer Castillo
Charles Darby
Ford Drummond
Suzanne Landess
Robert L. Melton
Matt Muller

Board Members Absent

None

Staff Members Present and Participating via Zoom Webinar

Julie Cunningham, Executive Director
Sara Gibson, General Counsel
Cleve Pierce, Chief, Administrative Services Division
Joe Freeman, Chief, Financial Assistance Division
Kent Wilkins, Chief, Planning and Management Division

Bill Cauthron, Chief, Water Quality Programs Division
Mary Schooley, Executive Secretary

The following persons participated via Zoom Webinar

Krystina Phillips, Citizens for the Protection of the Arbuckle Simpson Aquifer, (IELG) Ada, OK
Jason B. Aamodt, Indian and Environmental Law Group, Tulsa, OK
Elizabeth Nichols, Arbuckle Aggregates, Edmond, OK
R. Blaine Nice, Fellers Snider Blankenship Bailey & Tippens, P.C., Oklahoma City, OK
Matthew D. Alison, Indian and Environmental Law Group, Tulsa, OK
Erin Potter Sullenger, Crowe & Dunlevy, Oklahoma City, OK
Scott Butcher, Crowe & Dunlevy, Oklahoma City, OK

B. Discussion, Amendments, and Vote to Approve Official Minutes of the February 18, 2020, Regular Meeting. Chairman Stallings asked if there were any comments, proposed amendments, or approval of the February 18, 2020, regular meeting minutes.

Mr. Darby moved to approve the minutes of the February 18, 2020, meeting, and Mr. Drummond seconded. There was no discussion. Chairman Stallings called for the vote.

AYE: Drummond, Muller, Castillo, Drake, Darby, Landess, Melton, Stallings
NAY: None
ABSTAIN: Allen
ABSENT: None

C. Executive Director's Report

Ms. Julie Cunningham, Executive Director, welcomed everyone and thanked the members for their patience as staff worked to prepare the meeting via Zoom videoconferencing, and she thanked staff for their efforts. Ms. Cunningham noted on April 17, 2020, the agency conducted its annual Remembrance Ceremony of the Oklahoma City Murrah Building Bombing at the trees in the OWRB parking lot, via Teams meeting (with 48-plus participants) and about 20 people in person. The agency honored Trudy Rigney and Bob Chipman, OWRB employees who were killed and the 20-plus employees that were injured. The OWRB family picked up the pieces together following the bombing, and now have a family culture at the agency. She said the agency is resilient and looking forward to recovery at this time.

Ms. Cunningham updated the members on the agency budget. She and Mr. Pierce have met with Secretary Mazzei regarding the FY'20 \$450 million shortfall which will be made up through several sources including the Rainy Day Fund. There will not be General Revenue Shortfall this year (through June), and the Board of Equalization has projected a \$1.3 billion shortfall for FY'21. Discussions with Secretary Mazzei's office, and in meetings with Senator Jech and Representative Newton of the Natural Resources Appropriations Subcommittee, centered on a 3% cut, this information is requested every year -- and also discussed a priority system of ways the agency would cut General Revenue funds from the budget. The OWRB budget is 40% federal revenue, 24% state appropriations, and 23% fees, and 14% Gross Production Tax, and there will be some funds from the COVID-19 response. The agency has seen the full GPT appropriation for FY'20, but it is not known what the appropriation will be for FY'21. Ms. Cunningham stated the agency is looking at opportunities to streamline operations.

Ms. Cunningham asked Mr. Freeman to update the Board on the Financial Assistance Division loan repayment status and the bond market. Mr. Freeman stated to the members that from the beginning of the situation of working from home, he has been in constant communication with the Financial Team and working with Ann Burger-Enriken (Hilltop Securities) and disclosure counsel (Gilmore & Bell), and bond counsel on the SRF (Hall Parkhurst). They determined there were no disclosures needed at this time under securities rulemaking and under the Board rules because there had not been any material events occur in regard to the Board's bonds. He said the team had been able to successfully remarket the variable rate bonds,

although at a higher interest rate, the remarketing period was through the end of March when the market was out of whack. The bonds were remarketed about 10 days later than usual and he worked with Zack Robinson and his team at BOK Financial Securities. Regarding capacity repayments, Mr. Freeman reported all payments due in March have been collected, and the next payment is not due from borrowers until August and September, and he hoped things will have settled down by then. Staff is encouraging borrowers to work with their local trustee who will send a monthly status to the Board. The OWRB Lending Manager, Charles de Coune, will be providing the information on a monthly basis, the draw requests are being monitored and are coming in at a usual pace so construction is occurring, and staff will be surveying borrowers about their status so as to be aware of any disclosure problem. Mr. Freeman concluded the update, and there were no questions by members.

Ms. Cunningham continued her report regarding the situational update on the COVID-19 response. She said the agency has been running smoothly, communication continues with Governor Stitt, Secretary Wagner who has been very supportive, and Secretary Budd has requested the agency's continuity plan. There has been communication with Secretary Mazzei on the budget updates, as well as daily phone calls with the Office of Emergency Management for daily briefings. She thanked the Management Team and staff on every level for an outstanding job pitching in and determined what was needed to get the job done at home. The agency fully implemented the teleworking process, improved online capabilities with questions from the public directed at the appropriate staff person, and improved automation of program processes. The Team is determining trackers for workload accountability and transparency, and the agency is looking forward to hearing guidance on the recovery phase for returning to the office.

Ms. Cunningham concluded her report with an update on the State and Federal Legislative activities. She announced that Governor Stitt had appointed Tom Gorman of Bartlesville to replace Ford Drummond. She thanked Mr. Drummond for his 14 years of service, this is his last meeting, and the agency hoped to recognize him next month. Mr. Drummond said it had been a privilege to be a part of this organization, he is proud of the agency and the people and the work that is done for the citizens of Oklahoma.

There were no questions of Ms. Cunningham by the Board members.

D. Financial Update

1. Budget Report. Mr. Cleve Pierce, Administrative Services Division Chief, addressed the members and stated the budget report is for the time period ending March 30, 2020. He said for the time period, the agency has spent 67% of the appropriated budget, leaving 33%; has spent 51% of the revolving budget leaving 49%; and has spent 52% of federal dollars with 48% remaining. The overall budget remaining stands at 45% with 25% of the fiscal year remaining. He said the agency is at about 4% over the spending from last year's spend rate which is usually 2-3%; however, the budget was about \$200,000 less overall, and the percentage increase is because there was a lower budget, not an increase in spending.

Mr. Pierce referred to Ms. Cunningham's remarks regarding the budget, and entertained questions from the Board members.

There were no questions by members, and Mr. Pierce concluded his report.

2. **FINANCIAL ASSISTANCE DIVISION**

A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Adair Municipal Authority, Mayes County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this first item is a \$41,000 emergency grant request from the Adair Municipal Authority located in Mayes County. He said the Authority has a six-inch water line which runs under Highway 69 which began leaking up through highway construction joints following a Department of Transportation dowel joint refit and diamond cutting project. The water line was centered directly under the ODOT project, and is thought to have been possibly the cause of the leakage. Mr. Freeman stated the project is to replace the line with a new line which will be in a 12-inch welded steel casing. The project cost

is \$48,380.00, and will be funded with \$7,380.00 in local funds and the requested OWRB grant. Staff recommended approval of the emergency grant request.

Mr. Hall, Chairman of the Authority, asked Mr. Freeman to express the Authority's appreciation for any help the OWRB can extend to the small community, and that the grant will definitely lessen the financial burden on the citizens.

Chairman Stallings stated he would entertain a motion if there were no questions; there were none. Mr. Allen moved to approve the \$41,000 emergency grant request to the Adair Municipal Authority, and Mr. Darby seconded. Chairman Stallings called for the vote.

AYE: Drummond, Allen, Muller, Castillo, Drake, Darby, Landess, Melton, Stallings
NAY: None
ABSTAIN: None
ABSENT: None

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. Mr. Freeman said this item is a \$1,555,000 loan request from the Calera Public Works Authority located in Bryan County. He said the Authority is requesting the loan to replace three wells, and for water plant renovations including installing piping, rehabilitate filters, replace filter piping, and install emergency generators and an aerator. He said the loan will be funded through the Drinking Water State Revolving Fund Loan Program, and he noted provisions of the loan agreement. The Town's water and sewer connections have increased by approximately 30% over the last ten years. Calera has been a customer of the Board's since 1992, and its debt coverage ratio stands at approximately 1.9-times. Staff recommended approval of the loan, with closing subject to completion of water permitting through the OWRB Planning and Management Division.

Mr. Freeman stated the Town of Calera would like to express its appreciation to the OWRB for consideration of the proposed loan. Calera has experienced significant growth in recent years, and the improvements to the water system will allow the Town to stay ahead of the increasing demand. The Town also expressed its appreciation to the OWRB staff for all of its support.

Chairman Stallings stated he would accept a motion for the Town of Calera loan application. Mr. Drummond moved to approve the DWSRF loan to the Calera PWA, and Ms. Castillo seconded.

AYE: Drummond, Allen, Muller, Castillo, Drake, Darby, Landess, Melton, Stallings
NAY: None
ABSTAIN: None
ABSENT: None

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. Mr. Freeman stated the next item is a \$4,328,000 loan request from the Kingfisher Public Works Authority. The Authority is requesting the loan for rehabilitating and upgrading its existing wastewater treatment plant. The upgrade will include headworks, sequencing batch reactor equipment, and ultra violet disinfection along with pump and laboratory building work. He said the loan will be funded through the Clean Water State Revolving Fund Loan Program and he noted provisions of the loan agreement. Kingfisher's debt coverage ratio stands at approximately 2.3-times. Staff recommended approval of the loan application.

Mr. Freeman relayed City Manager Dave Slezcik's comments thanking the Board for considering the proposed loan, and for the OWRB staff's assistance. The Mayor said he is grateful the interest rates are low, the wastewater project has been well received and will provide stimulus to the local economy.

Chairman Stallings stated he would accept a motion for approval of the loan application for Kingfisher PWA. Mr. Drake moved to approve the Kingfisher PWA Clean Water SRF loan, and Mr. Darby seconded. Chairman Stallings called for the vote.

AYE: Drummond, Allen, Muller, Castillo, Drake, Darby, Landess, Melton, Stallings
NAY: None

ABSTAIN: None

ABSENT: None

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. Mr. Freeman said this item is a \$9,875,000 loan request from the Locust Grove Public Works Authority located in Mayes County. The PWA is requesting the loan for construction of a new water treatment plant which will include replacement of 1,200 feet of 8-inch raw water line, along with construction of a new chemical feed and storage facilities. The loan will also refinance an interim loan which was for a portion of the engineering, environmental, and geotechnical costs associated with the project. Mr. Freeman stated the loan will be funded through the Drinking Water State Revolving Fund Loan Program, and he noted provisions of the loan agreement. Locust Grove has two outstanding loans with the Board, and its debt coverage ratio stands at 1.49-times. Staff recommended approval of the loan application.

Mr. Freeman shared Mayor Jason Williams' message to the Board expressing his appreciation to the Board and staff for assistance with the loan for the Authority's construction of the new water plant. The Mayor said the town has been struggling for years about how to make the mandated improvements to comply with the consent order, and without the Board's help, the Authority would not be able to complete the project. He looked forward to working with the Board and others, and to the successful completion of the project.

There were no questions by the members, and Chairman Stallings stated he would accept a motion for the Locust Grove application. Mr. Melton moved to approve the DWSRF loan to the Locust Gove PWA, and Ms. Castillo seconded. Chairman Stallings called for the vote.

AYE: Drummond, Allen, Muller, Castillo, Drake, Darby, Landess, Melton, Stallings

NAY: None

ABSTAIN: None

ABSENT: None

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. Mr. Freeman said this next item is for a \$40,000,000.00 dollar loan request from the Edmond Public Works Authority. The Edmond PWA is requesting the loan for upgrading its Lake Arcadia water treatment plant supervisory control and data acquisition system, rehabilitate treatment processes at the plant, as well as construct new residual handling and dewatering facilities. Mr. Freeman said the loan will be funded through the Drinking Water State Revolving Fund Loan Program, and he noted provisions of the loan agreement. Edmond currently has two loans with the Board with a combined balance of approximately \$5.9 million. Over the last ten years, Edmond's water connections have increased by approximately 16%, and wastewater connections have increased by 15%; the debt coverage ratio stands at approximately 2.38-times. Staff recommended approval of the loan application.

Mr. Freeman stated that the City expressed its appreciation for the Board's consideration, and it highly valued the Board's financing program. Mr. Drummond said this is a large Drinking Water loan and he asked how it will affect the Board's capacity. Mr. Freeman answered staff looks at the capacity numbers and currently is able to handle this loan very easily. He said staff looks at all of the anticipated loans over the next five years under the SRF loan program, and this would fit with any capacity model that would include upcoming needs, and would not affect any community except perhaps not meet all the demand of Oklahoma City. The Board anticipates being able to meet the needs of all communities, and Oklahoma City takes what remains after the Board funds other needs.

Mr. Drummond moved to approve the Drinking Water SRF loan application to the Edmond PWA, and Mr. Allen seconded. There were no other questions, and Chairman Stallings called for the vote.

AYE: Drummond, Allen, Muller, Castillo, Drake, Darby, Landess, Melton, Stallings

NAY: None

ABSTAIN: None

ABSENT: None

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. Mr. Freeman stated to the members that this last item is the presentation of the annual report of the Board's Audit Committee. The Committee, comprised of Mr. Darby, Mr. Drummond, and Ms. Landess, met following the February 18, 2020, Board meeting. The agenda for the meeting included: review of the Auditor's management letter and audits by the Board's auditors from Arledge and Associates, along with the most recent EPA annual evaluation of the SRF loan programs; review of the Arbitrage Rebate reports which are all in good standing; and review of the borrower's annual audited debt coverage report indicating approximately 97% of the borrowers are meeting their debt coverage ratio requirements as of their last audit. The Committee reviewed the continuing disclosure policy and reported the loan document exceptions outstanding as of calendar year end, stood at 7.64%. Mr. Freeman stated the borrower loan agreement requires that borrower's maintain property insurance, fidelity bond coverage, liability insurance, worker's compensation coverage, utilize licensed operators, and submits annual audits. The Committee is able to report there are no loan payment defaults in any of the three loan programs. He said the Committee also reviewed the debt service reserve balances, the Board's investment portfolio, and the standby bond purchase agreement with State Street Bank of Boston which relates to the Board's variable rate bonds that are outstanding. Mr. Freeman concluded the report, and there were no questions by the Board members.

3. SUMMARY DISPOSITION AGENDA ITEMS

Any item listed under this Summary Disposition Agenda may, at the requested of any member of the Board, the Board's staff, or any other person attending this meeting, may 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. There were no requests to move items to the Special Consideration Agenda.

B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Action on Items Listed. Chairman Stallings stated that staff requested withdrawing item N.2., dam and reservoir construction #OK30576. There were no questions and no discussion regarding the items remaining on the Summary Disposition Agenda. Chairman Stallings stated he would entertain a motion to approve the agenda.

Mr. Drummond moved to approve the Summary Disposition Agenda, and Mr. Darby seconded. Chairman Stallings called for the vote.

AYE: Drummond, Allen, Muller, Castillo, Drake, Darby, Landess, Melton, Stallings

NAY: None

ABSTAIN: None

ABSENT: None

The following items were approved:

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 *Item withdrawn*
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

4. **QUESTIONS AND DISCUSSION ABOUT AGENCY MATTERS AND OTHER ITEMS OF INTEREST.**

A. No items. There were no items for the Board's consideration.

5. SPECIAL CONSIDERATION

Prior to presentation of the following matters, Chairman Stallings stated each party will be allowed five minutes to present argument to the Board, and he reminded the participants that new evidence cannot be presented to the Board at this time. Remarks must address only the facts admitted to the record at the agency's administrative hearing. He asked that each person state their name and the party they represent prior to making their remarks. Chairman Stallings asked Board members to please withhold questions until the presentation of the arguments.

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, Chief, Planning and Management Division, presented application #2017-583 by Chau Tran and Donna Nguyen for a temporary permit to use groundwater in Delaware County. He said the application is to withdraw 50 acre-feet of groundwater for the purpose of concentrated poultry farming from two wells located on dedicated lands in Delaware County. The record shows that the applicants have established they own the dedicated land, and the land overlies the Boone and Roubidoux Formation, for which the maximum annual yield and equal proportionate share have not been determined; therefore, each land owner is entitled to a groundwater allocation of up to two acre-feet per acre per year. The applicants made certified notice of the application by mail to each landowner within 1320 feet of the outside boundary of each 10-acre tract of land from each of the wells, and also published notice of the application as required. The Board received timely protests from Andrea, Louann, William, and Gerald Cochran, Melissa Foreman, Suzanne Maupin, and Viola Powell by their attorney Matthew D. Alison, with Indian and Environmental Law Group, PLLC. Mr. Wilkins said the protestants reside east of the applicant's poultry farm and use groundwater from nearby wells which they asserted would be adversely affected by the applicant's proposed use of the groundwater. A hearing was conducted on November 22, 2019; applicant's appeared with their attorney, Blaine Nice and J.D. Weiss with Fellers, Snider; and protestants appeared with their attorney.

Mr. Wilkins cited the state statutes and explained the specific requirements for obtaining a temporary groundwater permit: applicant owns or holds a valid lease to the dedicated land, the land overlies a fresh groundwater basin or sub basin, that applicant's use is a beneficial use, that waste will not occur, and whether the proposed use would degrade springs or streams emanating from a sensitive sole source groundwater basin. If the Board finds the applicant has met all requirements, the Board must approve the application and issue the appropriate permit. Mr. Wilkins stated the hearing examiner found that the applicants, Tran and Nguyen, have satisfied the necessary elements for obtaining permit #2017-583. The applicants own and have dedicated 72 acres of land; the land overlies the Boone Roubidoux Formation and unstudied, defaults to two acre-feet of water per acre of land; poultry farming use is a beneficial use under applicable law, and waste will not occur -- either by pollution or depletion in the future. Staff recommended approval of the proposed order, and specifically, based on the findings of fact and conclusions of law, subject to certain conditions. The permit shall be issued authorizing 50 acre-feet of groundwater per year for the purpose of poultry farming in Delaware County, authorizing two groundwater wells (locations as described in the order), and further orders the applicant remain in compliance with the Oklahoma Department of Agriculture, Food and Forestry permitting requirements and provisions for poultry farming and wastewater discharge -- this provision shall be incorporated and made part of the permit; and, all other terms and provisions set forth in the application and not inconsistent with provisions of this Order shall be incorporated into and made a part of the permit.

Chairman Stallings asked, but there were no questions by the Board members at this time.

2. Discussion and presentation by parties. Mr. Blaine Nice, representing the applicants, stated to the members he submitted a statement of support of the hearing examiner's findings of fact, conclusions of law, and proposed Board order. The applicant has met the statutory requirements for the permit and he

respectfully asked the Board to approve the permit. He reserved his time for response following the protestant's presentation.

Mr. Alison stated Mr. Jason Aamodt would speak for the protestants; however, his video connection was lost and the Board took a five minute break to allow for Mr. Aamodt to join the meeting. (10:15-10:20 a.m.)

Mr. Aamodt thanked the members for the opportunity to speak to the Board. He said he would present the main exceptions given the time allowed, there is no legal requirement to present all exceptions, and does not limit issues on appeal. He spoke to three main issues: (1) the Hearing Examiner (HE) refused to follow the direction of the Delaware County District Court that requires the OWRB to consider and apply the state's water quality standards implementation plan, as well as the federal and state non-degradation standards under the Clean Water Act; (2) there is uncontroverted evidence that the applicants plan to use wastewater for air conditioning and cooling purposes for the animals that the HE failed to address; and (3) the HE prohibited the protestants from introducing evidence of pollution caused by use of the water and then held in the order that protestants failed to present evidence. He expounded on the issues stating the District Court issued an order in the particular case that was binding on the OWRB, the Board did not appeal and there was no stay of the order which set out (pages 2-3 of their exceptions). He said the OWRB has an obligation to enforce the no degradation policy through the Water Quality Standards (WQS) implementation plan which he said was ignored by the HE when the Court required the issues to be considered. Mr. Aamodt said the applicant's argument, which failed before the Oklahoma County District Court, is the same as the HE's argument put forth that there is a special exception for agricultural interests in the application for groundwater. He argued that is not how the law reads and does not impact the other issue about complying with the State's WQS and antidegradation rule. He said if the OWRB refuses to implement the State's District Court order, the appeal will go back to the same court, who will be frustrated hearing the Board has failed to comply with his order. He said he heard the Board is pursuing a legislative strategy to change the impact of the law and may itself, in violation of the federal Clean Water Act, potentially lose primacy for the delegation of the creation of WQS which could impact the OWRB's ability to access CWA revolving funds. He said it is an important issue to get right and important the Board comply with the District Court's order in Delaware County and consider the impact that these particular set of chicken houses, and all other chicken houses, that it might approve or disapprove for water use permits whether or not those uses of water are going to cause a violation of the WQS or violate the antidegradation rules under the state or federal CWA.

Chairman Stallings stated his time had expired, and Mr. Aamodt said the other issues are included in the exceptions.

Chairman Stallings invited Mr. Nice to respond. Mr. Nice stated he had technical difficulty and was unable to hear Mr. Aamodt's comments. He stated the hearing officer correctly found the Board was precluded from considering the issues Mr. Aamodt talks about in the protestant's exceptions regarding the judge's order. He said Mr. Tran and Ms. Nyguyen filed an appeal to the temporary injunction and no bond has been posted so he didn't believe it was in effect. He offered to answer questions.

Chairman Stallings invited questions from the Board. Mr. Allen asked counsel about the preclusion which is explicit in the statute that if the Department of Agriculture has authority the OWRB is precluded from considering what was added by the Legislature later, Section 1020.15. Mr. Nice answered the protestants presented evidence at the hearing in Delaware County about that but the proceeding was via audioconference and it was muddled. Mr. Aamodt answered by likening the matter that every road has two lanes: one lane is the OWRB permitting rules and the other lane -- independent of the permitting rules -- is whether the Board will comply with the CWA antidegradation rules through state water quality implementation plans, the groundwater permitting activities are one of the primary drivers of state surface water quality. He provided some history of the matter stating there were a number of cases involving applications for groundwater permits in the 1990's when Justice Kauger wrote a decision that waste by pollution must include the question of whether the use of groundwater would have an impact on surface water quality, i.e., the Kronseder case. The Oklahoma Legislature implemented this statute in response and while Oklahoma has no legislative history, he argued it is irrelevant because the statute reads differently than

the way the OWRB implements it in light of the "other side of the road" obligation. The left side or water permitting obligations, and right side or to conserve and protect water resources from pollution, are independent of one another. He suggested it made sense to look at it operationally. When the OWRB gets an application, there is no way to know whether a farm will comply with environmental law because it isn't operating. The Board has issued PTs (provisional temporary permits) to operate, which he said was a violation of his client's constitutional due process right which was ultimately struck down. He said if a farm is only getting started at the time of the permit application then there is no water quality change that is associated with its activities at the time of the permit application. Logically, it only works to look at it functionally after the permit is issued -- if it's a matter within one of the other environmental agencies jurisdiction because they have issued specific water pollution permits, then those agencies should deal with those pollution issues. But when the OWRB is considering whether it is going to impact surface water quality and whether the use will likely degrade or not degrade as it is required, that is when these issues rise before the Board. He said the law makes sense, it harmonizes but the Board needs to be careful as its failure to implement the "right side of the road" obligations under the CWA could potentially jeopardize its funding under the CWA.

There were no other questions, and Chairman Stallings asked if there was a motion to approve, or there is an opportunity on the agenda for an executive session.

Mr. Muller read the condition in the order that the applicant must remain in compliance with the Oklahoma Department of Agriculture (ODAFF) permitting requirements and provisions for poultry farming and wastewater discharge, and shall be incorporated into and made a part of the permit, and he asked if that language has been added to water permits in the past. General Counsel Gibson stated she was not aware of it. Mr. Muller asked if, by adding that language, does it change the permitting process or how to regulate water quality. Ms. Gibson answered, no, it is a more specific way of outlining responsibility of the parties and, as always, if the Board is notified by ODAFF or ODEQ that pollution is occurring as a result of the use, the Board would take action to suspend that permit. Mr. Muller asked it could be read if there is any violation of ODAFF requirements the water permit could be suspended or revoked, and other activities regulated by ODAFF (air quality, carcass disposal) may or may not have any bearing on water issues, and he suggested language be included that solely regarded violation of water quality requirements. Ms. Gibson suggested the statement be amended to state, "any violation notice by the Department of Agriculture that would constitute waste as prescribed in 82 O.S. Section 1020.15" would address the OWRB jurisdictional issues. Mr. Muller stated he would be more comfortable that any violation issues specific to waste or pollution issues the Board could then step in. If there are violations that are not within the Board' jurisdiction and water quality standards, those matters should be resolved by ODAFF.

Mr. Aamodt asked permission to address the question by Mr. Muller. Mr. Nice objected on the grounds Mr. Aamodt's comments had already been made. Chairman Stallings allowed Mr. Aamodt to speak. Mr. Aamodt stated the HE prohibited him from showing evidence the applicants were presently in violation and other water quality standards under their own ODAFF permits, was denied raising the issues, and then was said to have failed to introduce evidence. That was a denial of due process and when the matter is remanded, a new HE should be appointed. Mr. Nice stated there was a matter referred to ODAFF and the issue has been resolved and is part of the record.

3. Possible Executive Session; and 4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized. The Board did not vote to enter executive session.

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.

Chairman Stallings asked if there were other questions or a motion. Mr. Muller moved to approve the proposed order with the changes as suggested by Ms. Gibson. Mr. Darby asked for clarification. Ms. Gibson stated that in the actual "order" section of the proposed order, second paragraph, "It is further ordered applicant must remain in compliance with ODAFF permitting requirements.....Said provisions shall be ...part of the permit." She suggested adding, "Upon notice from ODAFF of any violation that constitutes

waste by pollution pursuant to 82 O.S. Section 1020.15 the OWRB shall take any necessary action to ensure that pollution ceases." (or refined statement)

Mr. Nice asked if the statement is to assure that the OWRB is only addressing those issues in its jurisdiction. Mr. Muller answered he wanted to narrow the scope that the OWRB will stop a permit based on water issues or pollution, and not on other issues ODAFF may regulate. Mr. Nice stated his appreciation for the clarification.

Mr. Allen stated that in his opinion the traditional manner in which the Board would understand and interpret legislative history and statutory intent is that a more general obligation would give way to a more specific provision in the statute. The Legislature was very clear when amending the statute to add the provision that requires the OWRB to refer to the ODAFF under certain circumstances and is specific language. With respect to the "right lane/left lane" analogy, the specific language needs to control and in that regard, he would second the motion by Mr. Muller with the order as amended.

Chairman Stallings asked if there were any other questions. There was no other discussion. Chairman Stallings called for the vote.

AYE: Drummond, Allen, Muller, Castillo, Drake, Darby, Landess, Melton, Stallings
NAY: None
ABSTAIN: None
ABSENT: None

Chairman Stallings noted the motion was approved.

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 stated this application, #2017-585, is by Nghi Uy Truong and Thuy Diem Nguyen, to take and use 160 acre-feet of groundwater in Delaware County per year to be withdrawn from two new wells for poultry farming. The land dedicated to the permit overlies the Boone and Roubidoux Formations for which the maximum annual yield and equal proportionate share have not been determined; therefore, each land owner is entitled to a groundwater allocation of up to two acre-feet per acre per year. The applicants made certified notice of the application by mail to each landowner within 1320 feet of the outside boundary of each 10-acre tract of land from each of the wells, and also published notice of the application as required. The Board received timely protests from Larry Perdue and Sonny Bullett by attorney Matthew D. Alison of Indian and Environmental Law Group, PLLC. Protestants reside within one-half mile of the poultry farm, use groundwater from wells nearby, and assert their property values will be adversely affected by the applicant's proposed use of groundwater. A hearing was conducted on January 7, 2020, at the offices of the Board; applicants Truong and Nguyen attended with attorney Robert Singletary later replaced by Erin Potter Sullenger and Scott A. Butcher, and protestants appeared solely through their counsel Matthew D. Alison.

Mr. Wilkins stated that in the proposed order, the hearing examiner (HE) found that the applicant has satisfied the necessary elements for obtaining a groundwater permit: owns and dedicated 80 acres of land to the application; the land overlies a fresh groundwater basin (Boone-Roubidoux), an unstudied basin with a default of two-acre feet per acre per year; the use of the water for poultry operation is a beneficial use; and waste by pollution or waste by depletion will not occur. Therefore, staff recommends approval of the permit and as stated in the order. Mr. Wilkins read the permit provisions which authorizes 160 acre feet of groundwater per year for the purpose of poultry farming in Delaware County, authorizes two groundwater wells (legal description), and specific conditions that the applicants must remain in compliance with ODAFF permitting requirements and provisions for poultry farming and wastewater discharge, provisions will be incorporated into the permit, and all other terms and provisions set forth in the application and not inconsistent with provisions of the Order shall be incorporated into the permit. Staff recommended approval of the Order as provided.

2. Discussion and presentation by parties. Mr. Wilkins said representing the applicants are Erin Potter Sullenger and Scott A. Butcher; and representing the protestants is Jason Aamodt. There were no questions by Board members, and Chairman Stallings invited the applicant's representative to address the Board.

Ms. Sullenger stated to the members that she and Mr. Butcher represented the applicants Nghi Uy Truong and Thuy Diem Nguyen in support of the proposed order to approve groundwater application #2017-585. She said they appreciated the Board's consideration and effort by OWRB staff to implement technology to meet safely today. She said she provided a statement regarding why the Board should approve the application and did not want to duplicate their comments other than to say the applicant operates a poultry farm in Delaware County with six houses for growing chickens, and poultry farms fall under the control and regulation of the Oklahoma Department of Agriculture, Food & Forestry under the Oklahoma Registered Poultry Feeding Operations Act. The applicants presented evidence at an administrative hearing and satisfied the statutory requirements for issuing the groundwater permit. Ms. Sullenger stated the proposed order clearly articulates the reasons upon which the application should be approved by the Board, with confidence, and she respectfully asked the Board to do so. She requested the remainder of her time to be used for response. There were no questions by the Board members.

Chairman Stallings called upon Mr. Aamodt, who stated Mr. Alison would present the protestants' case in this matter. Mr. Alison said he would address two issues, water quantity, and water quality. He argued that the statements in the staff introductory materials the basin is unstudied and no maximum annual yield has been determined and each landowner is entitled two acre-feet per surface acre, and the proposed order statement in FOF #5 that the maximum annual yield/equal proportionate share has been determined allowing two acre-feet per acre are incorrect, and it would be a reversible error for the Board to approve the order. He continued saying the proposed order also gets the law wrong by barring the protestants from requesting information on the applicant's need for 160 acre-feet per year, and he referenced a Nov. 8, 2019, order (quoting) the court will not receive evidence as to need by the applicant for the amount of water requested; and in the same order, he quoted the HE, this court will not receive evidence regarding beneficial use. He said this process is what led to the proposed order currently before the Board for consideration, and the law clearly has the responsibility to inquire about beneficial use as well as the quantity of water requested specific to Board's own rules regarding 785:30-5-2(e), where it states less than two acre-feet per acre annually may be granted if the applicant requests a lesser amount, or if the evidence submits an amount of two acre-feet per acre would not be a beneficial use or would constitute waste. He said based on the misapplication of law, the order would have the Board make hollow factual finding regarding beneficial use and quantity of water requested, thereby subject to reversal. He said the Board just considered an application for an identical poultry CAFO down the road for 50 acre-feet--that is what was requested and that is what the Board approved. Now, the Board is being asked to approve 160 acre-feet for an identical facility and activity. Regarding the second issue, water quality, the HE barred all inquiry into water quality, just as was done in the matter just considered by the Board. The Board did not fail to consider the issue of water quality, but actively prohibited protestants from addressing the matter. He argued it would be a reversible error for the Board to issue the permit when the Board barred all consideration, evidence, and testimony on the issue of water quality. He said the statute regards surface water quality only in a sub basin, and protestants raised concerns for runoff directly to Little Saline Creek, outside the issue of preclusion. He contended the water quality implementation plan requires no degradation will occur, which may be done by confirming with ODAFF; however, the OWRB staff did not confirm with ODAFF requirements and does not have information the applicant is in compliance with ODAFF. He said that after the Delaware County court issued an order, the HE issued the proposed order without ruling on the motion -- the order was drafted after the HE barred all inquiry on the issue of beneficial use and water quality impacts. He said the regulation of the poultry operation is under the purview of ODAFF, but use of water is solely within the purview of the OWRB. The proposed order lacks sufficient evidence for the Board's approval of the proposed order, the protestants were barred from addressing substantive issues, and it is a reversible error for the Board to

approve the permit based on factual and legal errors. Mr. Alison requested the Board remand the matter to an HE so that the administrative record can be fully developed on these crucial issues.

Chairman Stallings invited Mr. Butcher to rebut. Mr. Butcher responded to the water quantity issues, and Ms. Sullenger responded to the water quality issues. Mr. Butcher said there was no need for evidence about what the use of the water is as use for a chicken farm qualifies as a beneficial use. As regards the comments about the maximum annual yield (MAY) and the equal proportionate share, the statute authorizes the two acre-feet per acre if there is no practical effect, and he would not object to an amendment of the form of the order to correctly recite whether there is or is not a MAY, but the amount authorized is two acre-feet per acre. The applicant has 80 surface acres that is required, and that is what set the volume authorization of the 160 acre feet of water that was requested by the permit; there is no question that the full volume of water that is requested is authorized by law. Ms. Erin Sullenger addressed the question of water quality and the OWRB's role stating the Legislature clearly delegated responsibilities to DEQ, ODAFF, OCC, OWRB and others, and in this situation ODAFF has the role of looking at surface water pollution and would have the authority and expertise and resources to take enforcement for concerns dealing with runoff pollution that would go to Little Saline Creek. She said it is not appropriate for the purpose of this application to take that into consideration. Regarding the matter of the order is arbitrary and capricious, that is a decision made without fact and the circumstances are there is a poultry operation under the regulatory authority of ODAFF that has the authority to enforce water quality concerns expressed by the protestants. She contended the proposed order takes into consideration the relevant facts and a reasonable person would come to the same conclusion.

Chairman Stallings asked if there were questions by the members. Mr. Alison asked to address Ms. Sullenger's comments. Chairman Stallings stated Mr. Alison had been allowed more than his allotted time and if the members had questions of him, he would allow it.

Ms. Castillo, directing her comments to Ms. Gibson, stated she saw the disconnect regarding the two acre-feet per surface acre whether determined by the Board previously or by statute, and asked if the order can be amended to correct the statement at the beginning of the proposed order so that it matches with the paragraph 5 and the FOF. Ms. Gibson answered this is an order of the Board's and the Board can make any changes to the provisions of the order to reflect the tentative yield for the Roubidoux-Boone formation. Mr. Drummond noted the identical language in the previous order; it is an unstudied basin and the order approves two acre-feet which is allowed. Ms. Castillo wanted to assure the paragraphs are consistent with each other and the order just approved; Ms. Gibson agreed. Mr. Muller asked when the study on the Roubidoux will be completed, and Mr. Wilkins answered it is approximately into three years of the five year study from being completed. Mr. Muller clarified that Oklahoma views groundwater as a private property right, and allocates two acre-feet per acre on unstudied basins unless there is substantial evidence to preclude that. Once a study is completed, if there is evidence to reduce, the amount to be reduced is reduced among all permit holders. Mr. Wilkins agreed, adding the temporary permit will be converted to a regular permit; the equal proportionate share that is determined and approved, is the amount that can be changed up or down accordingly.

3. Possible Executive Session; and 4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized. The Board did not vote to enter an Executive Session.

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. Chairman Stallings asked if there are additional questions, or a motion. Ms. Castillo moved to approve the proposed order with two amendments: (1) changing language regarding two acre-feet to be consistent, and (2) change the language regarding the ODAFF permit requirements as in the previously approved application. Chairman Stallings stated the motion is to approve with two amendments, and he asked if there was a second. Mr. Steve Allen seconded the motion. Chairman Stallings called for the vote.

AYE: Drummond, Allen, Muller, Castillo, Drake, Darby, Landess, Melton, Stallings
NAY: None

ABSTAIN: None

ABSENT: None

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. Wilkins provided a brief history of the matter stating that in April 2017, Arbuckle Aggregates, LLC, (AA) published notice for an application to use 250 acre-feet of stream water from Mill Creek in Johnson County, and the application was protested by the Citizens for the Protection of the Arbuckle Simpson Aquifer (CPASA), along with interested parties. The use of the water is for mining. In February 2020, the Board approved the proposed order for this application, #2016-033, and placed certain restrictions on the AA water permit, including restrictions from diverting water from the flow of the creek if less than two cfs (cubic feet per second), and a condition allowing the diversion of water up to a rate of 2,500 gpm (gallons per minute) when the flow of the creek exceeds two cfs. Shortly after the Board approved the permit application #2016-033, the District Judge in Delaware County granted a temporary injunction against the OWRB from issuing successive provisional temporary permits for groundwater for use at a poultry farm. On February 28, 2020, the protestants to permit #2016-033 requested reconsideration of the Board's approval of the permit based primarily on the Delaware County injunction. He reminded the members that for stream water, Oklahoma Administrative Act, 785:20, requires consideration of the following factors: whether there is stream water available to appropriate based on the amount of water available, whether there is a present or future need for appropriated water, and whether interference will occur with existing domestic or appropriative uses if the permit is granted. Mr. Wilkins stated that the factors were considered and addressed in an order presented to the Board and approved at the February meeting. Mr. Wilkins said representing the applicant is Elizabeth Nichols, and representing the protestants is Krystina Phillips.

Chairman Stallings asked if there were questions by the Board members. There were none.

2. Discussion and presentation by parties. Chairman Stallings invited Ms. Nichols to address the Board. Ms. Nichols stated she submitted a memo to the Board and she would not rehash the contents, but the Tran/Nguyen permit is related to a groundwater provisional temporary permit, and not related to a stream water permit, such as AA. The criteria for a motion for reconsideration are in 75 OS 317 and CPASA's request for reconsideration does not meet the criteria. She asked to reserve the remainder of her time to respond to CPASA's argument.

Ms. Krystina Phillips representing CPASA stated to the members that she submitted a short motion for reconsideration, and she thanked the Board for its thoughtful consideration and conditions placed on the AA surface water permit at the February meeting. However, she said the Delaware County decision is equally applicable to a surface water permitting decisions, and she referred to page two of CPASA's motion and the argument of whether the Board is to consider water quality issues as well as water quantity issues. She stated Ms. Castillo asked at the February meeting about whether the Board is to consider water quality and the Board was advised it is not to make that consideration. However, the Delaware County court opinion makes clear the Board's statutory obligation under Title 27 A as a state environmental agency, and here this decision failed to consider the water quality issues that were raised in the proceeding. Ms. Phillips asked to show "snippets" of the transcript of the formal hearing so the Board could see the instances that were raised about water quality, and Chairman Stallings allowed it within the time limitations. The excerpts regard pumping upstream and availability of water for a riparian user and that overnight the testimony was that water had decreased in half and the pumping of 1,000 gpm upstream would have a negative impact and the upstream permit had the capability of pumping 2,500 gpm, the same as the maximum diversion rate of AA. She said the water quality was bad and the testimony was that you can only disinfect so much before it becomes toxic. She said it is known that these diversions affect water quality, and she would respectfully request, in order for the Board to satisfy the water quantity requirements and water quality considerations under Title 27A, that the condition be raised to 7.3 cfs.

Chairman Stallings asked for questions from the members. There were none.

3. Possible Executive Session; and 4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized. The Board did not vote to enter and Executive Session.

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.

Chairman Stallings stated he would entertain a motion. Mr. Allen moved, in light of the decision made in the prior two matters, that this motion for reconsideration be denied. Ms. Castillo seconded the motion.

Chairman Stallings stated there is a motion and second for the denial of the reconsideration, and he called for the vote.

AYE: Drummond, Allen, Muller, Castillo, Darby, Landess, Melton, Stallings

NAY: Drake

ABSTAIN: None

ABSENT: None

Chairman Stallings stated the motion is approved.

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:

No presentation nor action by the Board was taken on this matter.

E. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition Agenda.

6. NEW BUSINESS

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.

There were no New Business items for the Board's consideration.

7. ADJOURNMENT

There being no further business, Chairman Stallings adjourned the meeting of the Oklahoma Water Resources Board at 11:20 a.m., on April 21, 2020.

OKLAHOMA WATER RESOURCES BOARD

_____/s/
Robert L. Stallings, Jr., Chairman

Stephen B. Allen, Vice Chairman

Charles Darby

Robert L. Melton, Sr.

Jennifer Castillo

Suzanne V. Landess

Matt Muller

Thomas A. Gorman

ATTEST:

_____/signature stamp/_____
Bob Drake, Secretary

(SEAL)

Members voted to approve the April 21, 2020, meeting minutes at the May 19, 2020, Board meeting which was held via videoconference and were not present to sign the document.