

**OKLAHOMA WATER RESOURCES BOARD**  
**OFFICIAL MINUTES**  
**Regular Meeting**

**September 15, 2020**

**1. CALL TO ORDER**

The Regular Meeting of the Oklahoma Water Resources Board was called to order by Chairman Robert L. Stallings, Jr., at 9:32 a.m. on September 15, 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 September 11, 2020, at 4:00 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.

A. Roll Call. Chairman Stallings called the meeting to order and stated this meeting is being conducted with social distancing and via Zoom Webinar. He 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  
Bob Drake, Secretary  
Jennifer Castillo  
Charles Darby  
Thomas A. Gorman  
Suzanne Landess  
Robert L. Melton  
Matt Muller

Board Members Absent

Stephen Allen, Vice Chairman

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 attended the meeting:

R. Wayne Schroeder  
Kaylee Davis-Maddy, Attorney  
Mike and Jody Pendleton

B. Discussion, Amendments, and Vote to Approve Official Minutes of the August 18, 2020, Regular Meeting. Chairman Stallings asked if there were any comments, proposed amendments, or a motion to approval of the August 18, 2020, meeting minutes. There were no comments.

Mr. Darby moved to approve the minutes of the August 18, 2020, Regular Meeting, and Ms. Castillo seconded. There was no discussion. Chairman Stallings called for the vote.

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

Mr. Drake joined the meeting following the vote.

C. Executive Director's Report

Ms. Julie Cunningham, Executive Director, welcomed everyone to the meeting. She began her report stating this is a busy time of year, and provided the members with an update on the State's climate conditions. Noting the recently published Water Resources Bulletin, which is available on the OWRB website, she said that 33% of the state is experiencing moderate drought, typically the western counties and the Panhandle, while at the same time the south central and south eastern climate divisions are experiencing the first and second wettest periods since measuring began in 1921.

Governor Stitt has extended his executive order for all 77 counties declaring a health emergency through the end of the month (as he has month-to-month). She explained the legislation that was approved in the Spring for Boards and Commissions to conduct meetings virtually will expire November 15, and she suggested the Board conduct its November meeting before the 15th (it is scheduled for November 17) after receiving notice from Secretary Budd. In the past, the November and December meetings were combined to be held in conjunction with the annual water conference; however, the conference is being pushed back in order to be the focus of the kickoff the 2025 update of the Water Plan. The December meeting will need to be held to consider the record-breaking number of loans. Therefore, staff will plan that the October meeting will be held virtually, the November meeting will be rescheduled before November 15 and will be virtual, and the December meeting will be held in person, adhering to social distancing guidance.

Operationally, Ms. Cunningham reported staff has developed a new online complaint system saving several thousand dollars a year and she congratulated staff for finding those efficiencies and improved customer service. Several staff are testing Microsoft Teams Voice platform in an effort to modernize the phone system and realize a savings. Regarding calendar notes, Ms. Cunningham and Financial Assistance staff met with Dan Hillenbrand of Senator Inhofe's office legislation related to water technology and infrastructure improvement that he has been asked to cosponsor - the "Water Technology Enhancement and Commercialization Act of 2019" or the "Water TEC Act of 2019". It supports innovation in water/sewer infrastructure, recognizes loss of operator workforce and attempts to standardize training, among other things. Mr. Hillenbrand will be speaking to the Interstate Council on Water Policy annual meeting about the proposed legislation and highlighting Oklahoma modes of operation in coordination with federal agencies and communities. Staff has been meeting with firms about the kickoff for the 2025 water plan update and the first round stakeholder engagement and the scope of work for the next several years; the Board approved a contract with Carollo Engineering. Staff has met with Bureau of Reclamation Oklahoma and Texas representatives to determine ways for better collaboration on joint funding projects and to develop a system of more widely notifying potential grant recipients (communities, districts, tribes) of funding opportunities for water planning initiatives. The Water Quality Standards Group conducted the first of three informal

public hearing webinars on the 2021 proposed rulemaking focusing efforts on adopting the 2016 recommendations from the Joint Study Committee on the Illinois River (which was comprised of 3 representatives from Oklahoma and 3 from Arkansas). Staff worked cooperatively across the state line as well as with Oklahoma agencies with the Arkansas Division of Environmental Quality staff. The first webinar went very well and had good participation and comments. Two additional webinars are scheduled for September 22 and October 6; staff will be working with the Board's Rules Committee on the rules proposal for next year.

Staff met with the Produced Water Working Group which is chaired by the OWRB and was appointed by the Governor in 2016 to address earth quake issue and find potential commercial uses for an otherwise wasted product of oil and gas mining. She described the members of the PWWG that represent diverse backgrounds that have come together to develop solutions representing oil and gas, academia, research, water use sectors, and state and federal environmental agencies as well as commerce and industry sectors. Secretary of Energy and Environment Ken Wagner, Secretary of Agriculture Blayne Arthur, and Tom McGuire of the US Environmental Protection Agency were also in attendance. There is great participation by the group and work being done regarding recycling and reuse of produced water. She said the PWWG and Groundwater Protection Council's work is widely recognized and are leaders in this arena; she anticipated there would be semi-annual meetings in the future.

Ms. Cunningham concluded her report reminding the members to notify staff of their Board Committee assignment choices. Chairman Stallings mentioned rescheduling the November Board meeting and Ms. Cunningham said staff will poll members about a date convenient the second week of November. There were no other comments or questions.

#### 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 August 31, 2020. He said for the time period, the agency has spent 16% of the appropriated budget, leaving 84%; has spent 8% of the revolving fund leaving 92%; and has spent 5% of federal dollars with 95% remaining. The overall budget remaining stands at 91% with 83% of the fiscal year remaining; the agency's spending level is the same as this time last year. He said that the staff is working on the budget request and Strategic Plan for FY21-26 documents due October 1.

Mr. Pierce concluded his report with an update on the Gross Production Tax collections which were low in July but rebounded in August. There were no questions by members.

## 2. **FINANCIAL ASSISTANCE DIVISION**

A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for East Central Oklahoma Water Authority, Muskogee County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this item is a \$100,000 emergency grant for the East Central Oklahoma Water Authority serving the Town of Webbers Falls in Muskogee County. He said the Town had sustained substantial flooding in May of 2019 and a sewage problem caused by the flooding was discovered during a construction project. The problem caused unstable underground conditions that resulted in quick sand and a two-foot drop in the sewer main. The proposed project will abandon the failed sewer main, install a lift station upstream and pump around the problem area. The estimated cost of the project is \$117,648; the project will be funded with the OWRB emergency grant, and \$17,648 in local funds. Staff recommended approval.

Mr. Freeman read a statement from Mayor Sandra Rice thanking the OWRB for its support and aid the past year.

There were no questions, and Chairman Stallings stated he would entertain motion regarding the emergency grant.

Mr. Melton moved to approve the emergency grant to the East Central Oklahoma Water Authority, and Mr. Gorman seconded.

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

B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Atoka Municipal Authority, Atoka County. Recommended for Approval. Mr. Freeman stated this item is for a \$1,261,000.00 loan request by the Atoka Municipal Authority. He said the Authority is requesting the loan to go along with OWRB loan proceeds approved earlier this year to modify and upgrade the water treatment plant, rehabilitate the elevated storage tank, construct a new clear well, rehabilitate two booster pump stations, install automatic meter readers, and improve the SCADA operations. Mr. Freeman stated the loan will be funded through the Drinking Water State Revolving Loan Program, and he noted provisions of the loan agreement. Atoka has two loans with the Board with a combined balance of \$4.8 million; its debt coverage ratio stands at 1.41-times. Staff recommended approval of the loan application.

Mr. Freeman read a statement from Mayor Brian Cathey expressing his gratitude for the OWRB staff's assistance to provide cost-effective financing for the project.

There were no questions by members regarding the application by the Atoka Municipal Authority, and Chairman Stallings stated he would accept a motion.

Mr. Drake moved to approve the Drinking Water SRF loan to the Atoka Municipal Authority, and Mr. Darby seconded.

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

C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Grove Municipal Services Authority, Delaware County. Recommended for Approval. Mr. Freeman stated this item is a \$5,350,000.00 loan request by the Grove Municipal Services Authority located in Delaware County. The Authority is requesting the loan to extend replacement of sewer lines and manholes throughout its system. Mr. Freeman stated the loan will be funded through the Clean Water SRF loan program, and he noted provisions of the loan agreement. He said that over the last ten years, Grove's water connections have increased by 28% and its wastewater connections have increased by 15%. Grove currently has three loans with the Board with a combined principal balance of \$8.8 million and the debt coverage ratio stands at a strong 5.27- times. Staff recommended approval of the loan application.

Mr. Bill Keifer, General Manager, provided a statement which Mr. Freeman read expressing the Authority's appreciation to the Board for its assistance in providing low-interest rate financing to make sewer line repairs across the community. He said the Board's programs have aided the Authority in improving the water and sewer system at very competitive rates and terms, and the Authority is pleased to come back to the Board for this important project.

Chairman Stallings asked for questions, and there were none. He stated he would entertain a motion for the Grove MSA application.

Ms. Castillo moved to approve the Clean Water SRF loan to the Grove Municipal Authority, and Ms. Landess seconded.

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

### 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 asked if there were questions or comments about the items listed on the Summary Disposition Agenda.

There were no questions, and Chairman Stallings stated he would entertain a motion. Mr. Darby moved to approve the Summary Disposition Agenda, and Mr. Drake seconded. Chairman Stallings called for the vote.

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

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>
None				

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

1. No-cost Extension Agreement with United States Geological Survey for the Hydrogeologic Investigation and Groundwater-Flow Model of the Salt Fork Red River Alluvial Aquifer in Southwestern Oklahoma.

2. No-cost Extension Agreement with United States Geological Survey for the Updated Hydrogeology, Numerical Simulation of Groundwater Flow and Effects of Water Use and Drought on the Groundwater Resources in Reach 1 of the Washita River Alluvial and Terrace Aquifer.

3. Interagency Agreement between OWRB and the Oklahoma Department of Agriculture, Food and Forestry ("ODAFF") for collecting groundwater samples at monitoring wells of swine licensed managed feeding operations ("LMFOs").

4. Amendment Agreement between USDA-Agricultural Research Service ("ARS") and the OWRB for monitoring and evaluating water resources in the Upper Washita River Basin.

5. Amendment Agreement with Meshek and Associates, LLC extending time and adding to the scope of work to provide professional engineering services in connection with Cooperating Technical Partnership Program Assistance for the creation and maintenance of Flood Hazard Data.

6. Cooperative Agreement between Oklahoma State University, Oklahoma Conservation Commission and OWRB to provide funding for the purchase of soil moisture sensors and associated service agreements for the participants that complete the Master Irrigator Program.

E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:  
None

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:  
None

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

1. Johnston County Rural Water District No. 3, Johnston County, #1976-775

I. Consideration of and Possible Action on Applications to Amend Prior Right to Use Groundwater:  
None

J. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:

1. Nowata County Rural Water District No. 6, Nowata County, #2018-086

2. Will Harrington, Choctaw County, #2019-021

K. Consideration of and Possible Action on Dam and Reservoir Construction:  
None

L. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:

a. Licensee: Currie Drilling Company, Inc. DPC-0986

Operator: Shane Currie OP-1526

b. Licensee: Neill Well Service DPC-0998

Operator: Brandon Neill OP-2331

c. Licensee: The Phoenix Group DPC-0565

Operator: David Correll OP-2040

2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:

a. Licensee: Hoffman & Ewbank, LLC DPC-0063

Operator: George Emmert OP-2332

b. Licensee: Etter Water Well DPC-0782

Operator: Daniel Murge OP-2248

c. Licensee: Building and Earth Sciences, Inc. DPC-0979

Operator: John Tucker OP-0951

d. Licensee: Associated Environmental, Inc DPC-0269

Operator: Will Van Hoozer OP-2333

M. Consideration of and Possible Action on Proposed Resolution Appointing Persons to Serve as Members of the Well Driller and Pump Installers Advisory Council:

Names of persons to serve as members are individually set out in the September 15, 2020, packet of Board materials.

N. Consideration of and Possible Action on Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:

1. Oklahoma Department of Wildlife Conservation, Comanche County, #FP-20-04

O. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:

1. Lynn Burrow, City of Glenpool, #FPA-835

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

A. Presentation and Discussion of Board Education Series, "The Marketing Evolution of the Financial Assistance Division." Mr. Joe Freeman provided a history of the Board's Financial Assistance program beginning in the 1980's using a PowerPoint presentation, "The Marketing Evolution of the Financial Assistance Division." He said the Board provides financing to 65% of Oklahoma communities through loans and grants, but staff had evaluated what other services the Board can provide. He visited with the members about the evolution of the OWRB marketing program. Initially, staff traveled the state introducing the programs to city managers, city councils and rural water districts. However, people involved in city government change and it is a continual process to staff in touch with districts and communities. The first emergency grant was awarded in 1983, and the loans began in the 1986, closing four loans from the 1985 bond issue, the Financial Assistance Loan Program. The first Clean Water State Revolving Fund loan was granted in 1990; 1996 saw the Rural Economic Action Plan grants, as well as the Drinking Water State Revolving Fund Loan Program. The Board has administered various other funding programs over the years including Contract Financial Assistance Programs, Drought Grant Program, Water for 2060 Drought Grant Program, and Emergency Drought Relief Program. The best marketing program is the meet and exceed the customer's needs and in 2017 staff had the opportunity to work when EPA in Washington, DC, to improve services further with EPA funded Northbridge Environmental Consultants to assist in gathering a focus group of current and potential borrowers as well as borrowers with consulting engineers, financial advisors and bond counsels. From this group, staff learned ways to better serve cities and rural water districts throughout Oklahoma to provide more assistance for SRF borrowers to comply with Davis-Bacon Act wage requirements, provide a different method to fund planning and design for smaller communities, and enhance the OWRB outreach program. Mr. Freeman stated he had presented a panel on outreach, that included Ms. Tonya White, the Board's Marketing and Outreach Manager, and others at the 2019 Council on Infrastructure Financing Agencies which resulted in additional funding from EPA in December 2018 for a more comprehensive marketing plan with assistance from Northbridge. He said it was EPA's intent that the OWRB marketing plan be the model for other states throughout the country.

Ms. Tonya White, OWRB Marketing Manager, continued with the presentation and discussed with the members the staff's development and implementation of the strategy for planning and development success beginning with a kickoff in January 2019 that would evaluate the marketing efforts currently underway through the Financial Assistance Division (FAD), and goals for what could be done, along with a complete trends analysis for the last several years to include the percentage of the state that is using SRF funding. February 2019 saw the review of Clean Water State Revolving Fund Model Marketing Plan, with worksheet detail outlining objectives and in April 2019, a physical meeting with Northbridge was held to "brainstorm" on previously discussed details, recognize assets, and identify and prioritize marketing and outreach action items for SRF programs' marketing plan. The meeting resulted in a draft of a two-year structure built around 4-5 core messages that are woven into and through all materials and discussions in all contexts, important marketing activities done on an ongoing basis, establish a campaign of communication and coordination with internal staff, and break the year into two (2)-month blocks and rotate the program through six (6) focused themes highlighting different aspects of the program and targeting different slices of Oklahoma's customer base, which she discussed in detail. Ms. White explained that implementation of the State of Oklahoma SRF Marketing Plan begin January 2020 as an organized and methodical outreach to non-borrowers, borrowers and consulting professionals through GovDelivery email, calls, conferences, social mediae, etc., to increase SRF program education for agency employees, and a pre-determined strategy

designed to become a systematic process for growth and success. The effort saw a very strong start and the advent COVID-19 had an effect on clients and staff decided not to directly engage as originally anticipated but to use time to enhance current services offered and to build out themes more clearly. This would also allow time to interact with different groups within the FAD for additional growth and contributions to the marketing plan, conduct research and target other organizations marketing plans, and allow the FAD the ability to adapt to opportunities and changes provided within the SRF programs going forward using tools such as GovDelivery usage for mass email distribution to targeted recipients. Another key date of January 2021 has been established to fully engage in FAD's original approach to the Marketing Plan and is very active, and although it has taken a shift, staff will go forward with a more developed program. Ms. White concluded her remarks describing the Board's relationship with BondLink used for communication with investors on refinancing project, and she offered marketing packets that are available to the members to utilize in their respective regions.

Ms. Cunningham commented that EPA and the states are interested in the program to be able to meet the billion-dollar need identified in the 2012 Water Plan. The goal is to get the money out the door, making it as easy as possible for the communities to get projects built, finding the right funding source for the right community to improve water and wastewater systems and clean rivers in the state

(The presentation is available on the OWRB website Board meetings page.)

## **5. SPECIAL CONSIDERATION**

### **A. Consideration of and Possible Action in the Matter on Application for Regular Permit to Use Groundwater No. 2018-540, R. Wayne and Mary S. Schroeder, Canadian County:**

1. Summary – Mr. Kent Wilkins, Chief, Planning and Management Division, stated to the members this item is for the consideration of an application for a regular permit to use groundwater, #2018-540 in the name of R. Wayne and Mary S. Schroeder in Canadian County. He described the filing of the permit application to withdraw 79.35 acre-feet of groundwater per year from one well located on dedicated land in Canadian County. Initially the application was for the purpose of oil and gas, mining, and irrigation but prior to the hearing was amended for the purpose of irrigation use only. Mr. Wilkins said the land dedicated overlies the Alluvium & Terrace Deposits of the North Canadian River--for which the Maximum Annual Yield (MAY) and Equal Proportionate Share (EPS) have been determined as one acre-foot of water per acre per year. He described that proper notice was provided and a timely protest was received by Mike and Jody Pendleton, Judith Risk, Zan Nelson, Thomas Manske and Wayne and Shirley Morse. Staff determined the protests did not provide enough information to meet the standard for protests, and time was allowed for the protestants to respond, which was received by Mike and Jody Pendleton and Judith Risk. A hearing was conducted on July 15, 2020, and appearing on behalf of the applicant was Kaylee Davis-Maddy and protestants appeared on their own behalf. Protestants alleged the applicants well location was not within the North Canadian A&T but is in the El Reno Basin which is a minor bedrock aquifer and has a well spacing distance of 1320 feet. The protestants were also concerned about the groundwater supply in the area and the use of groundwater could potentially adversely affect nearby neighbors use of groundwater from the same basin, and also that the well was drilled prior to receiving the permit.

Mr. Wilkins referred to the Hearing Examiner's proposed order citing Title 82 O.S. §1020.9, Oklahoma Administrative Code 785:30 regarding issues to be determined by the Board: (a) the applicant owns or has a valid lease for the dedicated land to take groundwater, (b) the dedicated land overlies a fresh groundwater basin or subbasin, (c) the applicant will put the water to beneficial use; and (d) waste by depletion and waste by pollution will not occur, and in areas overlying a sensitive sole source aquifer, whether streams and springs would be degraded. In this case, the North Canadian Alluvium is not a sole source aquifer. If the Board finds in favor of the applicant on all issues within its jurisdiction, the Board is required to approve the application and issue the appropriate permit. Mr. Wilkins read from the proposed order, "The Board's proposed order acknowledges the Protestants' concerns about groundwater supply in the

area and that the use of groundwater could potentially be adversely affected by neighboring uses of groundwater from the same basin. However, there is no basis in this case to determine that Applicant's proposed use will be impermissible or unlawful. The legislative policy expressed in the Oklahoma Groundwater Law is 'to utilize the groundwater resources of the state.' The Oklahoma Groundwater Law authorizes the controlled reduction of the groundwater basin as long as that reduction is done in an orderly fashion according to the statutory scheme for reasonable restrictions on such use. The surface owner or lessee of land overlying a fresh groundwater basin is entitled to use the groundwater beneath the surface once certain elements of the Oklahoma Groundwater Law have been met. Here the application is in accordance with and not contrary to the law and rules." Mr. Wilkins stated the hearing examiner found the applicant has satisfied the necessary elements to obtain permit #2018-540, and the record showed the applicant owned or leased and has dedicated 79.35 acres of land to the application, the land overlies a fresh groundwater basin--the North Canadian River Alluvium and Terrace Aquifer, it is a studied basin and the MAY/EPS has been determined as one acre foot of water per acre per year, that irrigation is a beneficial use, and waste by pollution or waste by depletion will not occur. He said the Board hereby orders application #2018-540 in the name of R. Wayne and Mary S. Schroeder shall be and is hereby approved in the amount of 79.35 acres, authorizing one groundwater well located in Canadian County (legal description cited), and that all other terms and provisions set forth in the application and not inconsistent with the Order shall be incorporated as part of the permit.

Mr. Wilkins stated Mr. Schroeder is present along with his attorney, Ms. Kaylee Davis-Maddy. The protestants, Mike and Jody Pendleton, are also present.

There were no questions by Board Members.

2. Discussion and presentation by parties. Chairman Stallings invited the applicant to address the Board and allowed five minutes.

Ms. Kaylee-Davis Maddy and Mr. Schroeder approached the podium and she stated to the members their appreciation of the Board's consideration and the hearing examiner recommendation for approval. She reserved the remainder of her time for rebuttal.

Chairman Stallings invited the protestant to speak to the Board, allowing five minutes. Ms. Jody Pendleton approached the members and stated she and Mike Pendleton had concerns about the permit being approved due to the limited water source. She explained the history of the Schroeder's farm and that water has always been an issue and they are now on their third well and during months of drought they monitor use and neighbors have trucked in water. They were dismayed at the application to sell water which could cause nine families in the area to be out of water. She believed the water is over the El Reno basin on the map, which has 1320 feet of spacing, and she asked the Board put a limit on the amount of water that can be withdrawn to .5 acre-foot. She said the well log by Mr. Schroeder's driller indicated red shale and both aquifers were perforated. She asked that the water use be metered, that he has had some violations in the past by OCC, and said he agreed during the hearing to a meter. Ms. Pendleton thanked the Board for its consideration, and asked that when making these decisions, the Board look at the actual impact to the people. She reserved her remaining time for rebuttal.

Mr. Davis-Maddy responded that there were a number of things presented to the Board that were not in the record. She said allegations at the hearing of selling water do not concern this well, this well has never been used; he did sell water from a different location that is unrelated. Regarding the allegations the well is in the El Reno basin, Ms. Davis-Maddy stated there is no evidence of that in the record; the information has been provided as to which aquifer Mr. Schroeder's well is located and that is the North Canadian. There is well spacing, and there is an amount of water authorized and all the requirements have been met. Regarding the statement that Mr. Schroeder meter the water because of violation of the Oklahoma Corporation Commission, she said there is no evidence that was not said in the hearing and is unfounded, today is the first time it has been brought up. Mr. Schroeder has met all requirements necessary to receive the groundwater well, it is in the North Canadian. They understand the neighbors' concerns, but that is what the law is for, and once the requirements are met it is mandatory; the law allows one-acre foot per acre. She

respectfully requested the proposed findings of fact, conclusions of law and Board order be approved as submitted.

Ms. Pendleton responded by referring to the matter of the alluvium terrace she felt was in question and she did not bring a geologist to make a report, but that Mr. Schroeder's well log indicated he is in the red shale and she felt new guidance would be within the parameters to add the 1320ft spacing. She agreed that it is the law that Mr. Schroeder be granted one acre foot but to take a chance and dry up someone's property, but is that right, she asked. She thanked the Board for its consideration and that the restrictions are not unheard of or excessive to reduce to .5 acre-feet or to ask for a meter.

Chairman Stallings stated the option to the Board is to have questions and vote in open session, or stated the Board may enter an Executive Session to discuss and return (to regular session) to vote.

Ms. Castillo stated she had questions that would be appropriate to ask on an Executive Session. Chairman Stallings asked for the motion.

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.

Ms. Castillo moved the Board enter Executive Session to discuss the application before the Board. Ms. Landess seconded.

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

(b) Designation of person to keep written minutes of Executive Session, if authorized. Executive Secretary Mary Schooley kept written minutes.

(c) Executive Session, if authorized.

At 10:42 a.m., Chairman Stallings stated the Board would convene into Executive Session. Mr. Cole Perryman put the webinar panelists on hold, and the webinar remained open. The Board was provided a teleconference number; however, some technical difficulties were experienced and not all members were able to join. A quorum members joined the Executive Session via teleconference at 11:17 a.m.

4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.

Mr. Perryman opened the webinar at 11:30 a.m. and Chairman Stallings announced the Board reconvened in regular 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 was a motion. Mr. Darby moved to approve application #2018-540, and Mr. Drake seconded.

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

Mr. Gorman, Ms. Landess, and Mr. Melton stated their vote to abstain was because they were unable to join the Executive Session via teleconference due to technical difficulties.

B. 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 regular meeting of the Oklahoma Water Resources Board at 11:33 a.m., on September 15, 2020.

**OKLAHOMA WATER RESOURCES BOARD**

\_\_\_\_\_/s/\_\_\_\_\_  
Robert L. Stallings, Jr., Chairman

\_\_\_\_\_  
Stephen B. Allen, Vice Chairman

\_\_\_\_\_  
Charles Darby

\_\_\_\_\_  
Robert L. Melton, Sr.

\_\_\_\_\_  
Jennifer Castillo

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Suzanne V. Landess

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Matt Muller

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Thomas A. Gorman

**ATTEST:**

\_\_\_\_\_(signature stamp)\_\_\_\_\_  
Bob Drake, Secretary

(SEAL)

Members voted to approve the September 15, 2020, meeting minutes at the October 20, 2020, Board meeting which was held via videoconference and were not present to sign the document.