

1.B.

**November 18, 2025, Regular Meeting Draft Official Minutes
For consideration at the January 20, 2026 Board Meeting**

OKLAHOMA WATER RESOURCES BOARD MEETING INFORMATION

The Oklahoma Water Resources Board meets monthly in accordance with the date, time, and location shown on the final posted agenda. A draft Board meeting agenda and packet materials are scheduled to be prepared approximately 10 calendar days prior to the Board's meeting. A final agenda is scheduled to be posted at least 24 hours prior to the meeting. The standard sections of the agenda are numbered in a series; additional or special items will appear on the agenda subsequently. Standard sections include the following:

- 01000 = Call to Order
- 02000 = Financial Assistance Division
- 03000 = Summary Disposition Agenda
- 04000 = Items of Interest
- 05000 = Special Consideration Items

This meeting packet contains expanded information (summary documents, proposed orders, etc.) associated with individual agenda items. Each section of the packet contains a cover sheet noting the appropriate corresponding agenda item/number. (For example, to locate agenda item 2.D., concerning a grant or loan, review the packet for the section labeled, "2. Financial Assistance Division," which will begin on page 02000. Item D. is placed in alphabetical order in the section and is labeled accordingly.) The documents and information provided within the meeting packet are draft until approved by the Board. Please contact OWRB staff for the final, official documents as approved by the Board.

If you require assistance in locating an item or accompanying documents, please contact OWRB staff at (405) 530-8800.

CALL TO ORDER

The Regular Meeting of the Oklahoma Water Resources Board was called to order by Chairman Tom Gorman, on November 18, 2025, at 9:32 a.m. at the Oklahoma Water Resources Board located at 3800 N. Classen Blvd. 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 November 14, 2025, at 12:00 p.m., at the Oklahoma Water Resources Board's offices at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

A. Roll Call. Chair Gorman welcomed everyone to the meeting and asked for the roll call of members.

Board Members Present

Ron Justice
Robert Stallings, Jr.
Suzanne Landess
Jarred Campbell
Darren Cook
Heather McCall
Bob Latham

Board Members Absent

Bandy Silk

Staff Members Present

Julie Cunningham, Executive Director
Sara Gibson, General Counsel
Tamara Lilly, Executive Administrator
Lori Johnson, Chief, Financial Assistance Division
Bill Cauthron, Chief, Water Quality Programs Division
Chris Neel, Chief, Planning and Management Division
Jay Foote, Chief, Administrative Services Division

Others Attending

Dale Cottingham
Steve Hall
Avery Rigney
Mike Stewart
Robert Johnston
Gene McCullough
Bridgett Ciliberti
Matt LaFee
Kirby Falcon
Chris Deal
Joe Livingston
Marc Long
Tyson B.
Michelle Wynn
Nick Ciliberti
Nate R.
Mary Stallings
Marla Peek
Trace Justiss.
Chris W.
Randy McDaniel

Bodie Bachelor
Emily Criswell
Jennifer Wassinger
Chase K.
Cameron Bertelli
Kim Rice
Jered Davidson

PUBLIC COMMENT ON OKLAHOMA WATER RESOURCE BOARD RULES

Marla Peek
Trace Justiss
Ed Fite
Doug Harper
Nick Ciliberti
Bridget Ciliberti

B. Discussion, Amendments and Vote to Approve Official Minutes of October 21, 2025, Regular meeting. Chairman Gorman inquired if all members reviewed the minutes of the October 21, 2025, meeting and if no questions, or changes, requested a motion to approve. No comments or amendments; Mr. Latham motioned to approve, and Mr. Stallings seconded the motion. Chairman Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman
NAY: None
ABSTAIN: None
ABSENT: Silk

C. Executive Director's Report:

Director Cunningham reported that the Emergency Drought Committee met on November 17th to talk about the cost share program. The state is slowly seeping back into drought conditions, especially in the southwest and central portions of the state. They are reporting this will likely last through January of 2026.

The Governor's Water Conference is scheduled for the 3rd and 4th and we will not have a board meeting in December. Tamara wanted me to notify the Board members that the proposed 2026 board meeting dates were sent out and each of you have a hard copy for reference.

Last month Mr. Sugeng and Matt Cogburn presented at an interim study on Data Centers at the Capitol. We have met with several legislators to talk about funding and priorities for the Board and the state. We also met with the Choctaw Nation on joint ARPA projects to navigate the December 2026 spending deadline. Want to note our Budget Hearing is scheduled for December 16th at 3:30

OWRB along with the Choctaw and Chickasaw Tribes had a water settlement meeting referred to as a Section 9 meeting. This is a requirement of the settlement between OKC, the State, Choctaw and Chickasaw Tribes and OWRB. We discussed several avenues for collaboration between the State and the Nations, including continuing our joint construction grant programs if funding is available, public outreach campaigns on water infrastructure and true cost of water, and gauging to improve the watershed models required in the agreement. There are also numerous studies and infrastructure activities planned.

Regarding the Emergency Drought Committee meeting, the committee has awarded \$46.2 million dollars in cost share grants to 7,648 producers for over 11,603 on farm practices that provide or conserve water.

D. Financial Update

Mr. Jay Foote, Chief Administrative Services Division, presents the budget report for the period ending October 2025. Mr. Foote reports the agency has spent 21 % of its appropriated budget leaving 79 %; spent 18% of its revolving budget, leaving 82%; has spent 6% of its federal budget, leaving 94%. Overall, the total budget remaining is 85%.

2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Walters Public Works Authority, Cotton County, Oklahoma. Recommended for Approval.

This is a loan request from the Walters Public Works Authority in the amount of \$1,240,000. The loan proceeds will be used to install automated metering infrastructure for water and electric to replace the outdated and inaccurate meters. These improvements will help with leak detection, reduce water loss which is currently at 36%, and increase operational efficiency. The Oklahoma Conservation Commission has determined that replacing outdated electric meters with more efficient meters could reduce pollutant loading to water resources across production areas of the state through better management and that is consistent with the state's nonpoint source management program. The project will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 20 years. The loan will be secured with a lien on the revenues of the Authority's water, sewer, sanitation, and electric systems and a 3-cent sales tax and will include a mortgage on the water, sewer, and electric systems. Their debt coverage ratio stands at 4.21 times.

Chairman Gorman asked for a motion or further discussion. Mr. Justice moved to approve, and Mr. Latham seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

B. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Rural Water District No. 6, Garfield County, Oklahoma. Recommended for Approval.

This is a loan request from the Garfield County Rural Water District No. 6 in an amount not to exceed \$2,015,000. There are several components of the District's system that are aging and approaching the end of the effective life. The loan proceeds will be used for line replacement, new master meters, replace the Garber Booster pump station to include a new backup generator and SCADA system, and rehabilitation of existing water wells. The project will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 30 years. The loan will be secured with a lien on the revenues of the District's water system and will include a mortgage on their water system. This will be the District's only open loan with the Board and they have no other existing debt. Their debt coverage ratio stands at 1.52 times.

Chairman Gorman asked for a motion or further discussion. Ms. Landess moved to approve, and Mr. Campbell seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

C. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Collinsville Municipal Authority, Tulsa County, Oklahoma. Recommended for Approval.

This is a loan request from the Collinsville Municipal Authority in an amount not to exceed \$2,270,000. In July of this year, the city of Collinsville voted to rezone a 154-acre farmland tract to single family housing with a 400-home development planned for the area. The loan proceeds will be used to expand the Authority's wastewater service to the area by constructing a lift station and force main. The loan also includes a 12-inch waterline, which will be a shared cost with Washington Co. RWD #3 as they serve the area water. The loan will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 30 years. It will be secured with a lien on the revenues of the Authority's water, sewer, and electric systems, and a 1.75-cent sales tax. Their debt coverage ratio stands at 1.76 times.

Chairman Gorman asked for a motion or further discussion. Mr. Latham moved to approve, and Mr. Justice seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

D. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for the Rural Water District No. 6, Mayes County, Oklahoma. Recommended for Approval.

This is a loan request from Mayes County Rural Water District No. 6 in an amount not to exceed \$2,760,000. The District will utilize the loan proceeds to expand the water treatment plan capacity from 1.5 mgd to 2.0 mgd to accommodate continued growth in the area. The loan will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 30 years. It will be secured with a lien on the revenues of the District's water system and will include a mortgage on the water system. Their debt coverage ratio stands at 1.37 times.

Chairman Gorman asked for a motion or further discussion. Mr. Stallings moved to approve, and Mr. Latham seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

E. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Spiro Municipal Improvement Authority, LeFlore County, Oklahoma. Recommended for Approval.

This is a loan request from the Spiro Municipal Improvement Authority in an amount not to exceed \$3,125,000. The loan proceeds will be used to rehabilitate manholes, clean the mainline, and repair and replace sewer lines to address a Consent Order for unpermitted discharges caused by inflow and infiltration. The project will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 30 years. The loan will be secured with a lien on the revenues of the Authority's water, sewer, sanitation, and electric systems, a 1-cent sales tax and will include a mortgage on the water, sewer, and electric systems. Their debt coverage ratio stands at 2.46 times.

Chairman Gorman asked for a motion or further discussion. Mr. Justice moved to approve, and Mr. Stallings seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman
NAY: None
ABSTAIN: None
ABSENT: Silk

F. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for the Perry Municipal Authority, Noble County, Oklahoma. Recommended for Approval.

This is a loan request from the Perry Municipal Authority in an amount not to exceed \$4,110,000. The Authority's water treatment plant has become increasingly inefficient and requires improvements to maintain reliable service. The loan proceeds will be used to install a sludge box, a water main termination connection, and make improvements to the water treatment plant. The project will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 30 years. The loan will be secured with a lien on the revenues of the Authority's water system and a 2.25-cent sales tax and will include a mortgage on the water system. Their debt coverage ratio stands at 1.69 times.

Chairman Gorman asked for a motion or further discussion. Mr. Latham moved to approve, and Mr. Justice seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman
NAY: None
ABSTAIN: None
ABSENT: Silk

G. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Kingfisher Public Works Authority, Kingfisher County, Oklahoma. Recommended for Approval.

This is a loan request from the Kingfisher Public Works Authority in an amount not to exceed \$5,000,000. The loan proceeds will be used to design and construct a new mechanical headworks facility and lift station, design and install instrumentation and control systems within the well field, develop a hydraulic model for the water distribution system, and conduct system-wide sanitary sewer inspections. The project will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 29 years. The loan will be secured with a lien on the revenues of the Authority's water, sewer, and electric systems and will include a mortgage on the water, sewer, and electric systems. Their debt coverage ratio stands at 2.01 times.

Chairman Gorman asked for a motion or further discussion. Mr. Stallings moved to approve, and Ms. Landess seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman
NAY: None
ABSTAIN: None
ABSENT: Silk

H. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Clinton Public Works Authority, Custer County, Oklahoma. Recommended for Approval.

This is a loan request from the Clinton Public Works Authority in an amount not to exceed \$5,390,000. The loan proceeds will be used to address safety and maintenance concerns with the bar screen and lift station at the wastewater treatment plant and corrosion issues in the collection system. The project will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not

to exceed 30 years. The loan will be secured with a lien on the revenues of the Authority's water and sewer systems and a 3-cent sales tax and will include a mortgage on the water and sewer systems. Their debt coverage ratio stands at 3.47 times.

Chairman Gorman asked for a motion or further discussion. Mr. Justice moved to approve, and Mr. Stallings seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

I. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for the Pauls Valley Municipal Authority, Garvin County. Recommended for Approval.

This is a loan request from the Pauls Valley Municipal Authority in an amount not to exceed \$12,630,000. The loan proceeds will be used for improvements to the water treatment plant consisting of a new 75 foot clarifier, concrete lined backwash holding basin, chemical feed modifications, replacement of the microfilter membrane, and rehabilitation of a lift station in order to address a consent order. The project will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 30 years. The loan will be secured with a lien on the revenues of the Authority's water, sewer, and sanitation systems, and a 0.5-cent sales tax and will include a mortgage on the water and sewer systems.

Division Director Lori Johnson would like to add language to the Terms and Conditions number 1 section of the Board Order to allow flexibility to close this approval in one or more loans. Specifically, the sentence that reads... "The Applicant shall pay interest on the loan which will be closed in one or more series at a fixed or variable rate to be established periodically by the Board." The updated order, if approved, is in the signature package.

Chairman Gorman asked for a motion or further discussion. Mr. Latham moved to approve with the recommended amendment of multiple loan options, and Mr. Stallings seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

J. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Duncan Public Utilities Authority, Stephens County. Recommended for Approval.

This is a loan request from the Duncan Public Utilities Authority in an amount not to exceed \$13,520,000. The loan proceeds will be used for improvements to both the water and wastewater systems to rehabilitate or replace aging infrastructure. Specifically, at the wwtp: rehabilitation of lift stations, the headworks, and upgrading the SCADA system. At the wtp, rehabilitation the clarifier to address a CO. The project will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 30 years. The loan will be secured with a lien on the revenues of the Authority's water, sewer, sanitation, and electric systems, and a 1-cent sales tax. Their debt coverage ratio stands at 3.30 times.

Chairman Gorman asked for a motion or further discussion. Mr. Campbell moved to approve, and Mr. Stallings seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

K. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for the Muskogee Municipal Authority, Muskogee County. Recommended for Approval.

This is a loan request from the Muskogee Municipal Authority in an amount not to exceed \$37,170,000.

The Authority was approved for a \$78 million loan through the FAP program in January 2024 for comprehensive improvements to the wastewater treatment plant and demolition of existing facilities no longer in service. Bids were recently received and exceeded the engineer's estimate by over \$22 million. The funding will be used to provide additional funds for the project approved last year. The project will be funded through the FAP state revenue bond loan program with a fixed interest rate plus an administrative fee, and a maturity not to exceed 30 years. The loan will be secured with a lien on the revenues of the Authority's water and sewer systems and a 0.5-cent sales tax. Their debt coverage ratio stands at 1.56 times.

Chairman Gorman asked for a motion or further discussion. Mr. Latham moved to approve, and Mr. Justice seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Landess, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

3. SUMMARY DISPOSITION AGENDA ITEMS

Any item listed under this Summary Disposition Agenda may, at the request of any member of the Board, the Board's staff, or any other person attending this meeting, be transferred to the Special Consideration Agenda. Under the Special Consideration Agenda, separate discussion and vote or other action may be taken on any items already listed under that agenda or items transferred to that agenda from this Summary Disposition Agenda.

A. Requests to Transfer Items from Summary Disposition Agenda to the Special Consideration Agenda and Action on Whether to Transfer Such Items.

B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Possible Action on Items Listed Below.

C. Consideration of and Possible Action on Financial Assistance Division Items:

1. Emergency Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	FAP-26-0003-G	Harper County Rural Water District No. 1	Harper	\$ 56,028.60

2. Rural Economic Action Plan (REAP) Grant Applications:

None.

3. CWSRF Principal Forgiveness Loan Applications:

None.

4. DWSRF Principal Forgiveness Loan Applications:

None.

5. Sewer Overflow and Stormwater Reuse Municipal Grants ("OSG")

None.

6. American Rescue Plan Act (ARPA) Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	ARP-23-0043-DTG	City of Coweta, State of Oklahoma	Wagoner	\$ 500.00*
b.	ARP-23-0029-G	Rural Water District No. 17 LeFlore County	LeFlore	\$ 55,235.58
c.	ARP-23-0238-G	Municipal Authority of the City of Bristow	Creek	\$ 1,000,000.00

7. Northeast Oklahoma Infrastructure (NOI)

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	NOI-23-0001-G	City of Tulsa-Rogers County Port Authority	Rogers	\$ 3,154,654.19*

*Increase from original grant

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

1. Joint Funding Agreement between OWRB and the Office of Management and Enterprise Services (OMES) – PHASE 2 - 2026 Durable Technology Partner Proposal to continue an agency modernization project.
2. A no-cost time extension to the agreement between the OWRB and City of Lawton, originally executed on September 19, 2023, for the FEMA Rehabilitation of High Hazard Potential Dams grant program. The \$925,251 grant covers up to 65% of project costs, with the extension moving the period of performance end date to September 2026.
3. Agreement between OWRB and KISTERS North America for the provision of a data system and data migration services for OWRB's continuous water data.
4. Agreement between OWRB and the Office of the Secretary of Energy and Environment providing funding for the Water Quality Monitoring Program-Monitoring Initiative goals.

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

1. Colin and Nicole McNabb, Dewey County, 2024-575
2. E-F, LLC, Beaver County, 2024-621
3. Paul Knauss and Gayle Knauss, Caddo County, 2025-554
4. Larry Rice and Kim Rice, Muskogee County, 2025-617

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

1. Garfield Co. RWD #6, Grant County, 1985-547
2. Greg Little and Geri Little, Caddo County, 2006-549A

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

1. Jake R. and Lesa C. Slatten, Beaver County, 2024-593
2. A&K Land and Cattle, LLC, Texas County, 2025-525

3. Rodney Meyer, Beaver County, 2025-547
4. MPH Farms, LLC, Texas County, 2025-556
5. Johan Friesen Knelsen, Texas County, 2025-559
6. Seth Christian Nelson and Jodi R. Nelson, Texas County, 2025-592
7. Konner Hood, Texas County, 2025-611

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

None

I. Consideration of and Possible Action on Applications to Amend Prior Right to Use Groundwater:

1. Darren W. & Julie A. Buck, Texas County, 1967-135A

J. Consideration of and Possible Action on Applications to for Term/Seasonal Permits to Use Stream Water:
None

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

1. Genesis Enterprises, LLC, Lincoln County, 2023-006
2. Lighthouse Farm, LLC, LeFlore County, 2023-010
3. Mary Jean Little, Washington County, 2025-013

L. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:

None

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

1. New Licenses, Accompanying Operator Certificates and Activities:

a. Licensee: DPump Co

1. Operator: David Casey

Activities: Groundwater well drilling and pump installation

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

a. Licensee: Knutson Irrigation Design, LLC

1. Operator: Scotty Reed

Activities: Pump Installation

b. Licensee: 3T Drilling

2. Operator: Raymond Teeter

Activities: Pump Installation

c. Licensee: METCO

3. Operator: Austin Banks

Activities: Monitoring wells

N. Consideration of and Possible Action on Dam and Reservoir Construction:

1. Shawnee City Lake No. 1 Dam, Pottawatomie County, OK11039
2. Canadian Low-Head Dam, Oklahoma County, OK30704

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

1. OTA, Oklahoma County, FP-2025-09
2. ODOT, Mayes County, FP-2025-10
3. ODOT, Mayes County, FP-2025-11
4. ODOT, Mayes County, FP-2025-12
5. ODOT, Mayes County, FP-2025-13
6. ODOT, Mayes County, FP-2025-14
7. ODOT, Mayes County, FP-2025-15
8. ODOT, Mayes County, FP-2025-16
9. OTA, Cleveland County, FP-2025-17

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

1. Jacob Coleman, City of Mustang, #FPA-637
2. Jannis DeLisa, City of Crescent, #FPA-178

Q. Consideration of and Possible Action on Cancellation of Groundwater Permits:

1. James S Wallace, Harmon County, 1954-431
2. Friendly Bank, Cleveland County, 1992-504
3. Betty Jo Taylor, Custer County, 1982-908
4. Joe Richard and Gayle Johnson, Jackson County, 1955-1025
5. Sharon B Roles, Canadian County, 1973-032
6. Roy Trout Jr., Roger Mills County, 1971-535
7. Bruce R Jr & Barbara J Bailey, Tillman County, 1953-109
8. Kenneth Chapman Living Trust, Jackson County, 1957-116
9. 3RK LLC, Texas County, 1967-790A
10. 3RK LLC, Texas County, 1993-536A
11. Roy Trout Jr., Roger Mills County, 1981-732
12. Jimmie A & Beverly A Meeks, Tillman County, 1957-184A
13. Jimmie A & Beverly A Meeks, Tillman County, 2015-566A
14. Bernard Harris, Beaver County, 2001-580A
15. Jack A Slatten, Beaver County, 1976-636A
16. George Lenz Jr., Harper County, 1941-012A
17. Doris Jean McLaury Estate, Kiowa County, 1995-610A

R. Consideration of and Possible Action on Cancellation of Stream Water Permits:

1. Charles Merwin Selman Trust, Tulsa County, 2007-031
2. Charles Merwin Selman Trust, Washington County, 2007-032
3. James G Grissom, Oklahoma County, 1972-262B
4. Julie J Grissom, Oklahoma County, 1981-094
5. Clifford L & Bobby V Williams, Roger Mills County, 1955-591
6. Frances M Kerr Berg, Oklahoma County, 2010-004
7. David A Kimbell, Caddo County, 2006-037
8. Byron C Hollenback, Greer County, 1967-357
9. James G Grissom, Oklahoma County, 1972-261C

S. Consideration of and Possible Action on Stream Water Permit Excused Nonuse:

1. Robert M. & Susan E. Reinnauer, Pontotoc County, 2002-004

T. Consideration of and Possible Action on an Informal Disposition Order:

1. Preston and Christina Jones, Major County, 2024-599

Chairman Gorman asked for a motion or further discussion. Mr. Campbell moved to approve, and Mr. Justice seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Stallings, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

04000 4. PUBLIC HEARING ON PROPOSED NEW AND AMENDED PERMANENT RULES OF THE BOARD
Chair Tom Gorman

A. Staff Presentations and Public comment on Amendments to Permanent Rules Proposed for Adoption During 2025

1. a. Summary of Proposed Amendments to Chapter 4 – Rules of Practice and Hearings – Mr. Andrew Price

Subchapter 1. General Provisions

785:4-1-2. Definitions [AMENDED]

Subchapter 3. Board Hearings

785:4-3-4. Hearing Examiners [AMENDED]

Subchapter 5. Pre-Hearing Actions and Proceedings

785:4-5-4. Application protests; comments and objections [AMENDED]

785:4-5-5. Pre-hearing continuances, informal disposition by stipulation, agreed settlement or consent order [AMENDED]

785:4-5-6. Electronic mail notice [AMENDED]

785:4-5-7. Motions, requests and orders [AMENDED]

785:4-5-8. Electronic Filing, Service, and Signature filing, service, and signature [NEW]

785:4-5-9. Documents Filed Electronically filed electronically [NEW]

785:4-5-10. Electronic filing and delivery [NEW]

785:4-5-11. Hearing materials kept and provided, fees and costs [NEW]

b. Questions and Discussion by Board Members

c. Public Comment

2. a. Summary of Proposed Amendments to Chapter 5 – Fees - Mr. Andrew Price

Subchapter 1. General Provisions

785:5-1-9. Dam safety and inspection fees [AMENDED]

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

b. Questions and Discussion by Board Members

c. Public Comment- Marla Peek and Trace Justiss spoke on behalf of Farm Bureau against the fees. They also submitted comments in writing to the Board.

3. a. Summary of Proposed Amendments to Chapter 50 – Financial Assistance- Ms. Lori Johnson

Subchapter 6. Water and Sewer Program Emergency Grants Requirements and Procedures

785:50-6-2. Evaluation procedures for grant applications [AMENDED]

785:50-6-3. Emergency grant priority point system [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-3. Application review and disposition [AMENDED]

785:50-8-5. REAP grant priority point system [AMENDED]

Subchapter 20. Safeguarding Tomorrow Revolving Loan Program Regulations

785:50-20-1. General program description and procedures [AMENDED]

b. Questions and Discussion by Board Members

c. Public Comment

05000 5. SPECIAL CONSIDERATION

Chairman Tom Gorman

A. Consideration of and Possible Action on Application for Temporary Groundwater Right No. 2025-524, Five P AG, LLC, Garfield County, Oklahoma:

1. Summary – **Mr. Chris Neel**
2. Discussion and presentation by parties
3. Possible Executive Session

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.

- (a) Vote on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
- (b) Designation of person to keep written minutes of Executive Session, if authorized.
- (c) Executive Session, if authorized.
4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
5. Vote on whether to approve the Proposed Order as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order.

Five P AG, LLC c/o Hanna Pence of PO Box 6, Lahoma, OK 73754 has filed an application, #2025-524, with the Oklahoma Water Resources Board (Board) for a permit to use 1,584 acre-feet of groundwater per year. The groundwater is proposed to be used for irrigation (wheat, corn, soybeans, sorghum, cotton) and taken from 792 acres located as follows: 160 acres in the SW and 312 acres in the N2 of Section 34; 320 acres in the W2 of Section 27; all in T23N, R8WIM, Garfield County. The water is to be withdrawn from forty-three (43) wells located as follows: five (5) wells in the NE SW SW, four (4) wells each in the SW SW SW and SE SW SW, two (2) wells each in the SW SE SW and SW NE SW, one (1) well each in the SE SE SW, SE NW SW of Section 34; three (3) wells each in the SW SE SW, SE SE SW, NW NW NW, NE NE NW, two (2) wells each in the NW SE SW, SW NW NW, NE NW NW, NW NE NW, one (1) well each in the SE SW SW, SW SE SW, NW SE SW, SW NE SW of Section 27; all in T23N, R8WIM, Garfield County, and use the groundwater in Garfield County. The applicant gave proper Public Notice, the application was protested, and an administrative hearing was held on July 28, 2025. The Board concludes that forty-two (42) wells shall be granted, to withdraw from each well a maximum of sixty percent (60%) of its capacity. The hearing examiner recommends approval of the application.

Board members had a clarification discussion and that is available via audio by request

Presentations were given by both parties. The applicants were represented by an attorney and the Ciliberti's each spoke on their own behalf.

Chairman Gorman asked for a motion, further discussion or a need for an Executive Session. Mr. Stallings moved to approve with the 60% recommended pumping rate as posed by the hearing examiner, and Mr. Cook seconded the motion. Chair Gorman called for the vote.

AYE: Latham, Justice, Stallings, Cook, Campbell, McCall, Stallings, Gorman

NAY: None

ABSTAIN: None

ABSENT: Silk

06000 6. NEW BUSINESS**Chair Tom Gorman**

Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.

07000 7. ADJOURNMENT**Chair Tom Gorman**

Hair Gorman announced that the December 2025 meeting has been canceled. The next regular meeting of the Oklahoma Water Resources Board will be held on Tuesday, January 20, 2026, at 9:30 am. In the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK 73118.

OKLAHOMA WATER RESOURCES BOARD

Thomas Gorman, Chairman

Heather McCall

Bandy Silk

Darren Cook

Ron Justice

Bob. Latham

Robert L. Stallings, Jr.

Jarred Campbell**ATTEST:**

Suzanne Landess, Secretary (SEAL)

1. D. FINANCIAL UPDATE

1. D.1. Monthly Budget Report



DECEMBER 2025 FOR FY2026
FY 2026 Expenses by Fund and Category

By Fund	Fund	General Revenue	Budgeted	Expended	Balance	Percentage Remaining	Spend
	19511	1 FY 25 Carryover	3,203,956	0	3,203,956	100%	
	19303	1 FY 26 Appropriation	9,096,075	3,576,409	5,519,666	61%	
		Total General Revenue	12,300,031	3,576,409	8,723,622	71%	29%
		Revolving Funds					
	21000	2 Drillers Indemnity Fund	50,000	0	50,000	100%	
	21500	3 OWRB Revolving Fund	2,707,028	1,024,229	1,682,799	62%	
	23500	4 Phase II A-S Hydro St Rev Fund	293,192	69,442	223,750	76%	
	24000	5 Revolving Fund	877,906	499,475	378,431	43%	
	24500	6 Drillers Regulation Fund	0	0	0		
	25000	7 Water Infrastructure Dev. Fund (OCWP)	3,599,668	1,095,716	2,503,952	70%	
	42000	8 USGS Cooperative Agreement	345,100	0	345,100	100%	
	44400	9 DW Loan Administration Fund	1,223,740	248,484	975,256	80%	
	44500	10 CW Loan Administration Fund	2,282,227	609,106	1,673,121	73%	
		Total Revolving Funds	11,378,861	3,546,450	7,832,411	69%	31%
		Federal Funds					
	40000	11 Federal Fund - General	1,353,899	267,837	1,086,062	80%	20%
	40700	12 Federal Fund - Engineering and Planning	7,350,914	584,340	6,766,574	92%	8%
	49700	13 Federal Fund - *ARPA	1,842,066	316,210	1,525,856	17%	83%
		Total Federal Funds	10,546,879	1,168,388	9,378,491	89%	11%
		Total Funding	34,225,771	8,291,248	25,934,523	76%	24%
By Category			Budgeted	Expended	Balance	Percentage Remaining	
	510000	14 Salary Expense	8,868,378	3,775,244	5,093,134	57%	43%
	512000	15 Insurance	1,496,419	600,603	895,816	60%	40%
	513000	16 FICA and Retirement	2,098,416	882,021	1,216,395	58%	42%
	515000	17 Professional Services	12,259,100	2,244,013	10,015,087	82%	18%
	519000	18 Flexible Benefits	16,000	7,216	8,784	55%	45%
		Total Personal Services	24,738,313	7,509,096	17,229,217	70%	30%
	520000	19 Travel Expense	653,979	171,127	482,852	74%	26%
	530000	20 Administrative Expense	1,533,958	623,317	910,641	59%	41%
	540000	21 Furniture and Equipment Expense	907,806	25,802	882,004	97%	3%
	550000	22 Intra Inter Agency Payments	5,676,716	0	5,676,716	100%	0%
		Total Operating Expenses	8,772,459	820,246	7,952,213	91%	9%
		Total Expenditures	33,510,772	8,329,342	25,181,430	75%	25%

2. FINANCIAL ASSISTANCE DIVISION

January 20, 2026

LOAN APPLICATION
RECOMMENDED FOR APPROVAL

Applicant: The Choctaw Utilities Authority, Oklahoma County

Loan Application No.: ORF-26-0045-CW
Clean Water SRF Loan (“CWSRF Loan”)

Amount Requested: \$2,500,000.00

Interest Rate: The CWSRF Loan shall bear a fixed interest rate to be determined prior to loan closing plus an administrative fee of 0.5% per annum, all on the outstanding principal balance of the loan.

Payment Term: Interest, administrative fee, and principal payments shall be made on a semi-annual basis. The applicant shall commence principal repayment no later than one (1) year following Project completion and the maturity of the loan shall be no later than two (2) years following the date the Project is completed.

Security Position: The loan shall be secured with a lien on the revenues of the applicant's one cent sales tax and may include a mortgage on the applicant's water and sewer systems and other real property.

Purpose: The applicant will utilize the loan proceeds for: (i) planning and design for the wastewater treatment plant and collection systems (the “Project”), and (ii) pay related costs of issuance.

Sources of Funds (Est.)		Uses of Funds (Est.)	
Loan Proceeds	\$2,500,000.00	Project	\$2,480,750.00
		Bond Counsel	18,750.00
		Trustee	500.00
Total	\$2,500,000.00	Total	\$2,500,000.00

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF LOAN APPLICATION)
NO. ORF-26-0045-CW IN THE NAME OF)
THE CHOCTAW UTILITIES AUTHORITY)
OKLAHOMA COUNTY, OKLAHOMA)

**PROPOSED
ORDER APPROVING LOAN APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board (the "Board") on the 20th day of January, 2026.

WHEREAS, The Choctaw Utilities Authority (the "Applicant") has made its Application for Funding No. ORF-26-0045-CW (the "Application") to the Board for a loan from the Clean Water State Revolving Fund (the "CWSRF") program, pursuant to Title 82 Oklahoma Statutes 2011, Sections 1085.51 *et seq.*, as amended; and

WHEREAS, the Applicant intends to use the loan for wastewater system improvements and/or water quality protection efforts to further compliance with State and Federal standards, and/or to refinance existing indebtedness originally incurred for such purposes; and

WHEREAS, the Board has completed its review of the Application and related information, and finds that the Application should be approved according to the terms and conditions set forth below.

NOW, THEREFORE, LET IT BE RESOLVED AND ORDERED BY THE OKLAHOMA WATER RESOURCES BOARD:

Application for Funding No. ORF-26-0045-CW in the name of The Choctaw Utilities Authority be and the same is hereby approved. Subject to and contingent upon the Board's receipt of sufficient funds, a loan shall be made to the Applicant for the following purpose and subject to the following terms and conditions:

Purpose

The loan proceeds, along with other funds of the Applicant, if any, will be used for (i) planning and design for the wastewater treatment plant and collection systems (the "Project"), and (ii) pay related costs of issuance, all as more specifically set forth in the Application.

Terms and Conditions

1. A loan shall be made to the Applicant to provide funds for the Project described in the Loan Application in an aggregate principal amount not to exceed \$2,500,000.00. The Applicant shall pay interest on the loan at a fixed rate to be determined prior to closing plus an administrative fee at the rate of 0.5% per annum, all on the outstanding balance of disbursed loan proceeds. Interest, administrative fee, and any principal payments shall be made on a semi-annual basis. The Applicant shall commence principal repayment no later than one (1) year following Project completion, and the maturity of the loan shall be no later than two (2) years following the date the Project is completed.

2. The loan shall be secured with a lien on the revenues of the Applicant's one cent sales tax and may include a mortgage on the Applicant's water and sewer systems and other real property.

**ORDER APPROVING LOAN APPLICATION
THE CHOCTAW UTILITIES AUTHORITY
ORF-26-0045-CW**

3. Upon the Applicant's acceptance of the Board's Letter of Binding Commitment, the funds shall be reserved for the Applicant for a period of one (1) year from the date of this Order. In the event the loan is not closed on or before such date, the Board reserves the right to (i) approve, at the Applicant's request, a reasonable extension of time to close the loan, or (ii) de-obligate all or a portion of the loan funds in order to be used by the Board to make other CWSRF loans, as the Board determines shall permit the best use of the funds. Funds shall be provided to the Applicant from the CWSRF in accordance with the CWSRF program regulations as approved by the United States Environmental Protection Agency.

4. The Board's Staff is authorized to determine what additional conditions or requirements shall be necessary in order to assure the soundness of the loan and compliance with applicable financial, legal, CWSRF, and Bond Resolution requirements. In accordance with applicable authority and the United States Environmental Protection Agency ("EPA") guidelines for the implementation of the CWSRF Capitalization Grant, the loan conditions may include principal forgiveness to be used to pay a portion of the costs of the Project as described in the Application or for other purposes authorized by applicable authority and EPA guidelines. The Board's Staff is further authorized to approve future modifications or additions to the project purposes and uses of funds approved herein, provided such modifications or additions will not materially and adversely affect the loan.

5. The loan shall be subject in all respects to the provisions of the Applicant's promissory note(s), loan agreement(s), and other loan documents which shall be executed by proper officials of the Applicant and a Board Member at or prior to loan closing as appropriate.

6. Additional loans may be made at such times, for such projects of the Applicant, at such repayment periods and interest rates, and upon such other terms and conditions as may be agreed to and approved by the Board and the Applicant.

So ordered this 20th day of January, 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary

(SEAL)

**ORDER APPROVING LOAN APPLICATION
THE CHOCTAW UTILITIES AUTHORITY
ORF-26-0045-CW**

Reviewed By:

Lori Johnson

Lori Johnson, Chief
Financial Assistance Division

LOAN APPLICATION
RECOMMENDED FOR APPROVAL

Applicant: The Mustang Improvement Authority, Canadian County

Loan Application No.: ORF-26-0050-CW
Clean Water SRF Loan (“CWSRF Loan”)

Amount Requested: \$6,110,000.00

Interest Rate: The CWSRF Loan shall bear a fixed interest rate to be determined prior to loan closing plus an administrative fee of 0.5% per annum, all on the outstanding principal balance of the loan.

Payment Term: Interest, administrative fee, and principal payments shall be made on a semi-annual basis. The applicant shall commence principal repayment no later than one (1) year following Project completion and the maturity of the loan shall be no later than fifteen 15 years following the date the Project is completed.

Security Position: The loan shall be secured with a lien on the revenues of the applicant's water and sewer systems, a 4 cents sales tax and may include a mortgage on the applicant's water and sewer systems and other real property.

Purpose: The applicant will utilize the loan proceeds to: (i) install an advanced metering infrastructure (AMI) system, all related appurtenances (the “Project”), and (ii) pay related costs of issuance.

Sources of Funds (Est.)	Uses of Funds (Est.)
Loan Proceeds	\$6,110,000.00
	Project \$5,982,300.00
	Bond Counsel 63,600.00
	Financial Advisor 63,600.00
	Trustee Bank 500.00
Total	\$6,110,000.00

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF LOAN APPLICATION)
NO. ORF-26-0050-CW IN THE NAME OF)
THE MUSTANG IMPROVEMENT AUTHORITY)
CANADIAN COUNTY, OKLAHOMA)

**PROPOSED
ORDER APPROVING LOAN APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board (the "Board") on the 20th day of January, 2026.

WHEREAS, The Mustang Improvement Authority (the "Applicant") has made its Application for Funding No. ORF-26-0050-CW (the "Application") to the Board for a loan from the Clean Water State Revolving Fund (the "CWSRF") program, pursuant to Title 82 Oklahoma Statutes 2011, Sections 1085.51 *et seq*, as amended; and

WHEREAS, the Applicant intends to use the loan for wastewater system improvements and/or water quality protection efforts to further compliance with State and Federal standards, and/or to refinance existing indebtedness originally incurred for such purposes; and

WHEREAS, the Board has completed its review of the Application and related information and finds that the Application should be approved according to the terms and conditions set forth below.

NOW, THEREFORE, LET IT BE RESOLVED AND ORDERED BY THE OKLAHOMA WATER RESOURCES BOARD:

Application for Funding No. ORF-26-0050-CW in the name of The Mustang Improvement Authority be and the same is hereby approved. Subject to and contingent upon the Board's receipt of sufficient funds, a loan shall be made to the Applicant for the following purpose and subject to the following terms and conditions:

Purpose

The loan proceeds, along with other funds of the Applicant, if any, will be used to (i) install an advanced metering infrastructure (AMI) system, all related appurtenances (the "Project"), and (ii) pay related costs of issuance, all as more specifically set forth in the Application.

Terms and Conditions

1. A loan shall be made to the Applicant to provide funds for the Project described in the Loan Application in an aggregate principal amount not to exceed \$6,110,000.00. The Applicant shall pay interest on the loan at a fixed rate to be determined prior to closing plus an administrative fee at the rate of 0.5% per annum, all on the outstanding balance of disbursed loan proceeds. Interest, administrative fee, and any principal payments shall be made on a semi-annual basis. The Applicant shall commence principal repayment no later than one (1) year following Project completion, and the maturity of the loan shall be no later than fifteen (15) years following the date the Project is completed.

**ORDER APPROVING LOAN APPLICATION
THE MUSTANG IMPROVEMENT AUTHORITY
ORF-26-0050-CW**

2. The loan shall be secured with a lien on the revenues of the water and sewer systems, a 4 cents sales tax and may include a mortgage on the Applicant's water and sewer systems and other real property.

3. Upon the Applicant's acceptance of the Board's Letter of Binding Commitment, the funds shall be reserved for the Applicant for a period of one (1) year from the date of this Order. In the event the loan is not closed on or before such date, the Board reserves the right to (i) approve, at the Applicant's request, a reasonable extension of time to close the loan, or (ii) de-obligate all or a portion of the loan funds in order to be used by the Board to make other CWSRF loans, as the Board determines shall permit the best use of the funds. Funds shall be provided to the Applicant from the CWSRF in accordance with the CWSRF program regulations as approved by the United States Environmental Protection Agency.

4. The Board's Staff is authorized to determine what additional conditions or requirements shall be necessary in order to assure the soundness of the loan and compliance with applicable financial, legal, CWSRF, and Bond Resolution requirements. In accordance with applicable authority and the United States Environmental Protection Agency ("EPA") guidelines for the implementation of the CWSRF Capitalization Grant, the loan conditions may include principal forgiveness to be used to pay a portion of the costs of the Project as described in the Application or for other purposes authorized by applicable authority and EPA guidelines. The Board's Staff is further authorized to approve future modifications or additions to the project purposes and uses of funds approved herein, provided such modifications or additions will not materially and adversely affect the loan.

5. The loan shall be subject in all respects to the provisions of the Applicant's promissory note(s), loan agreement(s), and other loan documents which shall be executed by proper officials of the Applicant and a Board Member at or prior to loan closing as appropriate.

6. Additional loans may be made at such times, for such projects of the Applicant, at such repayment periods and interest rates, and upon such other terms and conditions as may be agreed to and approved by the Board and the Applicant.

So ordered this 20th day of January, 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary

(SEAL)

**ORDER APPROVING LOAN APPLICATION
THE MUSTANG IMPROVEMENT AUTHORITY
ORF-26-0050-CW**

Reviewed By:

Lori Johnson

Lori Johnson, Chief
Financial Assistance Division

LOAN APPLICATION
RECOMMENDED FOR APPROVAL

Applicant: Tishomingo Municipal Authority, Johnston County

Loan Application No.: ORF-26-0031-CWA
Clean Water SRF Loan (“CWSRF Loan”)

Amount Requested: A \$4,190,000.00 increase to the \$3,300,000.00 approved on October 21, 2025, for a total of \$7,490,000.00.

Interest Rate: The CWSRF Loan shall bear a fixed interest rate to be determined prior to loan closing plus an administrative fee of 0.5% per annum, all on the outstanding principal balance of the loan.

Payment Term: Interest, administrative fee, and principal payments shall be made on a semi-annual basis. The applicant shall commence principal repayment no later than one (1) year following Project completion and the maturity of the loan shall be no later than thirty (30) years following the date the Project is completed.

Security Position: The loan shall be secured with a lien on the revenues of the applicant's water and sewer systems, a 0.75 cents sales tax and may include a mortgage on the applicant's water and sewer systems and other real property.

Purpose: The applicant will utilize the loan proceeds to: (i) provide additional funds needed to construct a new wastewater treatment plant for which a loan was approved on October 21, 2025, all related appurtenances (the “Project”), and (ii) pay related costs of issuance.

Sources of Funds (Est.)	Uses of Funds (Est.)	
Loan Proceeds	\$7,490,000.00	Project \$26,009,481.00
IHS	4,600,000.00	Bond Counsel 80,000.00
OWRB ARPA	4,112,490.50	Financial Advisor 80,000.00
Chickasaw Nation ARPA	4,112,490.50	Trustee Bank 500.00
Chickasaw Nation General Fund	2,200,000.00	
OWRB ARPA Interest Earnings	2,200,000.00	
ORF-26-0031-CW	1,455,000.00	
Total	\$26,169,981.00	\$26,169,981.00

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF LOAN APPLICATION)
NO. ORF-26-0031-CWA IN THE NAME OF)
TISHOMINGO MUNICIPAL AUTHORITY)
JOHNSTON COUNTY, OKLAHOMA)

PROPOSED
ORDER APPROVING INCREASE IN OBLIGATION OF FUNDS

This matter came on for consideration before the Oklahoma Water Resources Board (the "Board") on the 20th day of January, 2026. After consideration of a presentation by staff, the Board finds as follows:

1. On October 21, 2025, the Board approved a loan to Tishomingo Municipal Authority in the amount of \$3,300,000.00. The Board's Order ("Order") approving application as of that date specified various purposes and conditions of the loan.

2. In the Order, the Board specified that the loan funds were to be used for wastewater system improvements in order to achieve full compliance with State and Federal standards.

3. The Authority has requested approval of a \$4,190,000.00 increase made necessary by bids on the project being higher than initially estimated.

4. Good cause for this request has been shown, and the Board is agreeable to approving the Authority's request accordingly, subject to the terms and conditions stated below.

IT IS THEREFORE ORDERED by the Oklahoma Water Resources Board that the requested increase in obligation of funds shall be approved and the terms of the Order shall be amended to provide that the loan amount shall not exceed \$7,490,000.00.

IT IS FURTHER ORDERED that except for the amendment specified herein, all terms, purposes, and conditions specified in the Board's Order shall remain in full force and effect.

IT IS SO ORDERED this 20th day of January, 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

ATTEST:

Thomas A. Gorman, Chairman

Suzanne Landess, Secretary

(SEAL)

Reviewed By:

Lori Johnson

Lori Johnson, Chief
Financial Assistance Division

LOAN APPLICATION
RECOMMENDED FOR APPROVAL

Applicant: The Moore Public Works Authority, Cleveland County

Loan Application No.: ORF-26-0048-CW
Clean Water SRF Loan (“CWSRF Loan”)

Amount Requested: \$24,290,000.00

Interest Rate: The CWSRF Loan shall bear a fixed interest rate to be determined prior to loan closing plus an administrative fee of 0.5% per annum, all on the outstanding principal balance of the loan.

Payment Term: Interest, administrative fee, and principal payments shall be made on a semi-annual basis. The applicant shall commence principal repayment no later than one (1) year following Project completion and the maturity of the loan shall be no later than thirty (30) years following the date the Project is completed.

Security Position: The loan shall be secured with a lien on the revenues of the applicant's water, sewer, and sanitation systems, a 3 cent sales tax and may include a mortgage on the applicant's water and sewer systems and other real property.

Purpose: The applicant will utilize the loan proceeds to: (i) construct structural, mechanical, electrical, and ventilation improvements to the Wastewater Treatment Facility and install a new aeration system for the north storm pond, all related appurtenances (the “Project”), and (ii) pay related costs of issuance.

<u>Sources of Funds (Est.)</u>	<u>Uses of Funds (Est.)</u>
Loan Proceeds	Project \$23,920,150.00
	Bond Counsel 184,675.00
	Financial Advisor 184,675.00
	Trustee Bank 500.00
Total	Total \$24,290,000.00

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF LOAN APPLICATION)
NO. ORF-26-0048-CW IN THE NAME OF)
THE MOORE PUBLIC WORKS AUTHORITY)
CLEVELAND COUNTY, OKLAHOMA)

**PROPOSED
ORDER APPROVING LOAN APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board (the "Board") on the 20th day of January, 2026.

WHEREAS, The Moore Public Works Authority (the "Applicant") has made its Application for Funding No. ORF-26-0048-CW (the "Application") to the Board for a loan from the Clean Water State Revolving Fund (the "CWSRF") program, pursuant to Title 82 Oklahoma Statutes 2011, Sections 1085.51 *et seq*, as amended; and

WHEREAS, the Applicant intends to use the loan for wastewater system improvements and/or water quality protection efforts to further compliance with State and Federal standards, and/or to refinance existing indebtedness originally incurred for such purposes; and

WHEREAS, the Board has completed its review of the Application and related information, and finds that the Application should be approved according to the terms and conditions set forth below.

NOW, THEREFORE, LET IT BE RESOLVED AND ORDERED BY THE OKLAHOMA WATER RESOURCES BOARD:

Application for Funding No. ORF-26-0048-CW in the name of The Moore Public Works Authority be and the same is hereby approved. Subject to and contingent upon the Board's receipt of sufficient funds, a loan shall be made to the Applicant for the following purpose and subject to the following terms and conditions:

Purpose

The loan proceeds, along with other funds of the Applicant, if any, will be used to (i) construct structural, mechanical, electrical, and ventilation improvements to the Wastewater Treatment Facility and install a new aeration system for the north storm pond, all related appurtenances (the "Project"), and (ii) pay related costs of issuance, all as more specifically set forth in the Application.

Terms and Conditions

1. A loan shall be made to the Applicant to provide funds for the Project described in the Loan Application in an aggregate principal amount not to exceed \$24,290,000.00. The Applicant shall pay interest on the loan at a fixed rate to be determined prior to closing plus an administrative fee at the rate of 0.5% per annum, all on the outstanding balance of disbursed loan proceeds. Interest, administrative fee, and any principal payments shall be made on a semi-annual basis. The Applicant shall commence principal repayment no later than one (1) year following Project completion, and the maturity of the loan shall be no later than thirty (30) years following the date the Project is completed.

**ORDER APPROVING LOAN APPLICATION
THE MOORE PUBLIC WORKS AUTHORITY
ORF-26-0048-CW**

2. The loan shall be secured with a lien on the revenues of the Applicant's water, sewer, and sanitation systems, a 3 cent sales tax and may include a mortgage on the Applicant's water and sewer systems and other real property.

3. Upon the Applicant's acceptance of the Board's Letter of Binding Commitment, the funds shall be reserved for the Applicant for a period of one (1) year from the date of this Order. In the event the loan is not closed on or before such date, the Board reserves the right to (i) approve, at the Applicant's request, a reasonable extension of time to close the loan, or (ii) de-obligate all or a portion of the loan funds in order to be used by the Board to make other CWSRF loans, as the Board determines shall permit the best use of the funds. Funds shall be provided to the Applicant from the CWSRF in accordance with the CWSRF program regulations as approved by the United States Environmental Protection Agency.

4. The Board's Staff is authorized to determine what additional conditions or requirements shall be necessary in order to assure the soundness of the loan and compliance with applicable financial, legal, CWSRF, and Bond Resolution requirements. In accordance with applicable authority and the United States Environmental Protection Agency ("EPA") guidelines for the implementation of the CWSRF Capitalization Grant, the loan conditions may include principal forgiveness to be used to pay a portion of the costs of the Project as described in the Application or for other purposes authorized by applicable authority and EPA guidelines. The Board's Staff is further authorized to approve future modifications or additions to the project purposes and uses of funds approved herein, provided such modifications or additions will not materially and adversely affect the loan.

5. The loan shall be subject in all respects to the provisions of the Applicant's promissory note(s), loan agreement(s), and other loan documents which shall be executed by proper officials of the Applicant and a Board Member at or prior to loan closing as appropriate.

6. Additional loans may be made at such times, for such projects of the Applicant, at such repayment periods and interest rates, and upon such other terms and conditions as may be agreed to and approved by the Board and the Applicant.

So ordered this 20th day of January, 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary

(SEAL)

**ORDER APPROVING LOAN APPLICATION
THE MOORE PUBLIC WORKS AUTHORITY
ORF-26-0048-CW**

Reviewed By:

Lori Johnson

Lori Johnson, Chief
Financial Assistance Division

3.C. SUMMARY DISPOSITION AGENDA ITEMS

FINANCIAL ASSISTANCE DIVISION

January 20, 2026

EMERGENCY GRANT APPLICATION
RECOMMENDED FOR APPROVAL

APPLICANT: Town of Jones
COUNTY: Oklahoma

DATE RECEIVED: 11/10/2025
APPLICATION NUMBER: FAP-26-0004-G

Amount Requested: \$58,650.00

Amount Recommended: \$58,650.00

PROJECT DESCRIPTION: The Town of Jones (Town) operates a water distribution system. The Town is currently experiencing a shortage of water supply due to a lightning strike that disabled one of the community's wells. The proposed project is to replace and repair the damaged well pump and motor, plus all appurtenances required to complete the project. The estimated cost of the project is \$69,000.00 which will be funded by the OWRB Emergency grant in the amount of \$58,650.00 and \$10,350.00 from local funds.

Priority Ranking	Priority Points
Emergency Ranking 1 (Maximum: 50 points)	<u>50</u>
WATER AND SEWER RATE STRUCTURE (Maximum: 13 points)	
Water rate per 5,000 gal/month: \$ 19.71 Sewer rate per 5,000 gal/month: <u>19.71</u> Total \$ 39.42 <u>5</u> points	<input type="checkbox"/> Flat rate <u>-3</u> <input type="checkbox"/> Decreasing Block <u>-2</u> <input type="checkbox"/> Uniform <u>0</u> <input checked="" type="checkbox"/> Increasing Block <u>+2</u> <input type="checkbox"/> Sales tax (W/S) <u>+1</u>
INDEBTEDNESS PER CUSTOMER (Maximum: 10 points)	
Total Indebtedness: \$ 0.00 Monthly Debt Payment: \$ 0.00 Number of Customers: 600 Monthly Payment Per Customer: \$ 0.00	<u>0</u>
LOCAL PARTICIPATION (Maximum 10 points)	
From Reserves: \$ 10,350 Contribution from Loan: \$ 0.00 % of Project Local Funded: 15%	<u>1</u>
MEDIAN HOUSEHOLD INCOME \$ 76,058.00	(Maximum: 10 points) <u>0</u>
ABILITY TO FINANCE PROJECT (Maximum: 12 points)	
FP = <u>$\frac{(\\$58,650.00)}{(600)} - \frac{(0.0710)}{(12)} = \\$ 0.58$</u>	<u>0</u>
AMOUNT OF GRANT REQUESTED (Maximum: 10 points)	
AR = \$58,650.00	<u>3</u>
REQUEST NUMBER <u>1</u>	<u>0</u>
BENEFIT OF PROJECT TO OTHER SYSTEMS No	<u>0</u>
	TOTAL PRIORITY POINTS <u>62</u>

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF GRANT APPLICATION)
NO. FAP-26-0004-G IN THE NAME OF THE)
TOWN OF JONES,)
OKLAHOMA COUNTY, OKLAHOMA.)

**PROPOSED
ORDER APPROVING GRANT APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board on the 20th day of January 2026. The Board finds that since the application for this grant has received a priority ranking of 62 points under Chapter 50 of the Board's Rules and that since sufficient funds are available in the Emergency Grant Account of the Water Resources Fund, the grant application for an amount not to exceed \$58,650.00 should be approved to be advanced for the following purpose and subject to the following conditions:

Purpose: The project shall be to replace and repair the damaged well pump and motor as well as other related construction and necessary appurtenances, as more fully described in the engineering report included in applicant's grant application.

Conditions:

1. The amount of the grant will be based on 85% of the actual total eligible cost of the project. The amount of the grant shall not exceed \$58,650.00.
2. Grant funds shall be deposited in a separate account with a federally insured financial institution.
3. Applicants who have raised water and/or sewer rates resulting in an advancement in position of priority for assistance shall not modify those rates after receipt of the grant without the prior written consent of the Board, unless such modification would not result in a change in position of priority.
4. The applicant shall fully document disbursement of grant funds as required by the Board. Further, applicant shall maintain proper books, records, and supporting documentation, and make the same available for inspection by the Board. Disbursement of grant funds without supporting documentation shall be considered unauthorized expenditure of grant funds.
5. The applicant shall return any unexpended grant funds to the Board within thirty (30) days of completion of the project or within thirty (30) days from the applicant's receipt of all invoices, whichever is later.

6. The applicant shall return or otherwise pay to the Board, any grant funds expended for unauthorized or unallowable purposes. Authorized purposes are those which are necessary for the completion of the project described in the grant application, which application is incorporated by reference herein, or which are necessary for the project as approved, if the project is different from that described in the application. Any funds returned by the applicant under this paragraph shall bear interest at the maximum rate allowed by law. The applicant shall direct to the Board any and all questions regarding whether an expenditure is authorized.
7. Furthermore, prior to and during the construction period, Town of Jones is required to comply with the requirements of all applicable federal and state statutory provisions and all Oklahoma Water Resources Board rules, regulations and grant policies.

SO ORDERED this 20th day of January 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess , Secretary

(SEAL)

Reviewed By:



Lori Johnson, Chief
Financial Assistance Division

LOAN APPLICATION
RECOMMENDED FOR APPROVAL

Applicant: Rural Water District No. 8, Mayes County, Oklahoma

Loan Application No.: ORF-25-0044-DW
Drinking Water SRF Loan (“DWSRF Loan”)

Amount Requested: \$169,690.50

Payment Term: The applicant shall be required to comply with all DWSRF loan provisions. If all DWSRF loan provisions are met to the satisfaction of the OWRB, then the funding shall be forgiven in total without fees for administration or interest.

Purpose: The applicant will utilize the loan proceeds to: (i) install an Automated Meter Reading (AMR) system, all related appurtenances (the “Project”), and (ii) pay related costs of issuance.

Sources of Funds (Est.)		Uses of Funds (Est.)	
Loan Proceeds	\$169,690.50	Project	\$192,570.00
RIG Grant	30,606.25	Bond Counsel	14,000.00
Local Funds	22,773.25	Financial Advisor	14,000.00
Total	\$223,070.00	Local Counsel	2,500.00
		Total	\$223,070.00

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF LOAN APPLICATION)
NO. ORF-25-0044-DW IN THE NAME OF)
RURAL WATER DISTRICT NO. 8)
MAYES COUNTY, OKLAHOMA)

**PROPOSED
ORDER APPROVING LOAN APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board (the "Board") on the 20th day of January, 2026.

WHEREAS, Rural Water District No. 8, Mayes County, Oklahoma (the "Applicant") has made its Application for Funding No. ORF-25-0044-DW (the "Loan Application") to the Board and to the Oklahoma Department of Environmental Quality (the "DEQ") for a loan from the Drinking Water Treatment Revolving Loan Account (the "DWSRF"), pursuant to Title 82 Oklahoma Statutes 2021, Sections 1085.71 *et seq.*, as amended; and

WHEREAS, the Applicant intends to use the loan for drinking water system improvements, to further compliance with State and Federal standards and/or to refinance existing indebtedness originally incurred for such purposes; and

WHEREAS, the DEQ has certified the Loan Application with regards to compliance with applicable technical program requirements and forwarded it to the Board with a recommendation that the Loan Application be considered and approved for a DWSRF Loan; and

WHEREAS, the Board has completed its review of the Loan Application and related information and finds that the Loan Application should be approved according to the terms and conditions set forth below.

NOW, THEREFORE, LET IT BE RESOLVED AND ORDERED BY THE OKLAHOMA WATER RESOURCES BOARD:

Application for Funding No. ORF-25-0044-DW in the name of Rural Water District No. 8, Mayes County, Oklahoma be and the same is hereby approved. Subject to and contingent upon the Board's receipt of sufficient funds, a loan shall be made to the Applicant for the following purpose and subject to the following terms and conditions:

Purpose

The loan proceeds, along with other funds of the Applicant, if any, will be used to (i) install an Automated Meter Reading (AMR) system, all related appurtenances (the "Project"), and (ii) pay related costs of issuance, all as more specifically set forth in the Application.

Terms and Conditions

1. Funding shall be made to the Applicant to provide funds for the Project described in the Loan Application in an aggregate principal amount not to exceed \$169,690.50.

2. Upon the Applicant's acceptance of the DEQ's Letter of Binding Commitment, the funds shall be reserved for the Applicant for a period of one (1) year from the date of this Order. In the event the loan is not closed on or before such date, the Board reserves the right to (i) approve, at the Applicant's request, a reasonable extension of time to close the loan, or (ii) de-obligate all or a portion of the loan funds in order to be used by the Board to make other DWSRF

**ORDER APPROVING LOAN APPLICATION
RURAL WATER DISTRICT NO. 8
ORF-25-0044-DW**

loans, as the Board determines shall permit the best use of the funds. Funds shall be provided to the Applicant from the DWSRF in accordance with the DWSRF program regulations as approved by the United States Environmental Protection Agency.

3. The Board's Staff is authorized to determine what additional conditions or requirements shall be necessary in order to assure the soundness of the loan and compliance with applicable financial, legal, DWSRF, and Bond Resolution requirements. In accordance with applicable authority and the United States Environmental Protection Agency ("EPA") guidelines for the implementation of the DWSRF Capitalization Grant, the loan conditions may include principal forgiveness to be used to pay a portion of the costs of the Project as described in the Application or for other purposes authorized by applicable authority and EPA guidelines. The Board's Staff is further authorized to approve future modifications or additions to the project purposes and uses of funds approved herein, provided such modifications or additions will not materially and adversely affect the loan.

4. The loan shall be subject in all respects to the provisions of the Applicant's promissory note(s), loan agreement(s), and other funding documents which shall be executed by proper officials of the Applicant and a Board Member at or prior to loan closing as appropriate.

5. Additional loans may be made at such times, for such projects of the Applicant, at such repayment periods and interest rates, and upon such other terms and conditions as may be agreed to and approved by the Board and the Applicant.

So ordered this 20th day of January, 2026 in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary

(SEAL)

**ORDER APPROVING LOAN APPLICATION
RURAL WATER DISTRICT NO. 8
ORF-25-0044-DW**

Reviewed By:



Lori Johnson, Chief
Financial Assistance Division

LOAN APPLICATION
RECOMMENDED FOR APPROVAL

Applicant: Ringling Municipal Authority, Jefferson County

Loan Application No.: ORF-24-0022-DW
Drinking Water SRF Loan (“DWSRF Loan”)

Amount Requested: \$531,050.00

Payment Term: The applicant shall be required to comply with all DWSRF loan provisions. If all DWSRF loan provisions are met to the satisfaction of the OWRB, then the funding shall be forgiven in total without fees for administration or interest.

Purpose: The applicant will utilize the loan proceeds to: (i) rehabilitate a water storage tank, all related appurtenances (the “Project”), and (ii) pay related costs of issuance.

<u>Sources of Funds (Est.)</u>	<u>Uses of Funds (Est.)</u>
Loan Proceeds	\$531,050.00
Total	<u>\$531,050.00</u>

Project	\$521,800.00
Bond Counsel	6,750.00
Local Counsel	2,500.00
Total	<u>\$531,050.00</u>

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF LOAN APPLICATION)
NO. ORF-24-0022-DW IN THE NAME OF)
RINGLING MUNICIPAL AUTHORITY)
JEFFERSON COUNTY, OKLAHOMA)

**PROPOSED
ORDER APPROVING LOAN APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board (the "Board") on the 20th day of January, 2026.

WHEREAS, Ringling Municipal Authority (the "Applicant") has made its Application for Funding No. ORF-24-0022-DW (the "Loan Application") to the Board and to the Oklahoma Department of Environmental Quality (the "DEQ") for a loan from the Drinking Water Treatment Revolving Loan Account (the "DWSRF"), pursuant to Title 82 Oklahoma Statutes 2021, Sections 1085.71 *et seq*, as amended; and

WHEREAS, the Applicant intends to use the loan for drinking water system improvements, to further compliance with State and Federal standards and/or to refinance existing indebtedness originally incurred for such purposes; and

WHEREAS, the DEQ has certified the Loan Application with regards to compliance with applicable technical program requirements and forwarded it to the Board with a recommendation that the Loan Application be considered and approved for a DWSRF Loan; and

WHEREAS, the Board has completed its review of the Loan Application and related information, and finds that the Loan Application should be approved according to the terms and conditions set forth below.

NOW, THEREFORE, LET IT BE RESOLVED AND ORDERED BY THE OKLAHOMA WATER RESOURCES BOARD:

Application for Funding No. ORF-24-0022-DW in the name of Ringling Municipal Authority be and the same is hereby approved. Subject to and contingent upon the Board's receipt of sufficient funds, a loan shall be made to the Applicant for the following purpose and subject to the following terms and conditions:

Purpose

The loan proceeds, along with other funds of the Applicant, if any, will be used to (i) rehabilitate a water storage tank, all related appurtenances (the "Project"), and (ii) pay related costs of issuance, all as more specifically set forth in the Application.

Terms and Conditions

1. Funding shall be made to the Applicant to provide funds for the Project described in the Loan Application in an aggregate principal amount not to exceed \$531,050.00.

2. Upon the Applicant's acceptance of the DEQ's Letter of Binding Commitment, the funds shall be reserved for the Applicant for a period of one (1) year from the date of this Order. In the event the loan is not closed on or before such date, the Board reserves the right to (i) approve, at the Applicant's request, a reasonable extension of time to close the loan, or (ii) de-obligate all or a portion of the loan funds in order to be used by the Board to make other DWSRF

**ORDER APPROVING LOAN APPLICATION
RINGLING MUNICIPAL AUTHORITY
ORF-24-0022-DW**

loans, as the Board determines shall permit the best use of the funds. Funds shall be provided to the Applicant from the DWSRF in accordance with the DWSRF program regulations as approved by the United States Environmental Protection Agency.

3. The Board's Staff is authorized to determine what additional conditions or requirements shall be necessary in order to assure the soundness of the loan and compliance with applicable financial, legal, DWSRF, and Bond Resolution requirements. In accordance with applicable authority and the United States Environmental Protection Agency ("EPA") guidelines for the implementation of the DWSRF Capitalization Grant, the loan conditions may include principal forgiveness to be used to pay a portion of the costs of the Project as described in the Application or for other purposes authorized by applicable authority and EPA guidelines. The Board's Staff is further authorized to approve future modifications or additions to the project purposes and uses of funds approved herein, provided such modifications or additions will not materially and adversely affect the loan.

4. The loan shall be subject in all respects to the provisions of the Applicant's promissory note(s), loan agreement(s), and other funding documents which shall be executed by proper officials of the Applicant and a Board Member at or prior to loan closing as appropriate.

5. Additional loans may be made at such times, for such projects of the Applicant, at such repayment periods and interest rates, and upon such other terms and conditions as may be agreed to and approved by the Board and the Applicant.

So ordered this 20th day of January, 2026 in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary

(SEAL)

**ORDER APPROVING LOAN APPLICATION
RINGLING MUNICIPAL AUTHORITY
ORF-24-0022-DW**

Reviewed By:

Lori Johnson

Lori Johnson, Chief
Financial Assistance Division

LOAN APPLICATION
RECOMMENDED FOR APPROVAL

Applicant: Rural Water and/or Sewer and/or Gas and/or Solid Waste Management District Number 7, Sequoyah County, Oklahoma

Loan Application No.: ORF-25-0056-DW
Drinking Water SRF Loan (“DWSRF Loan”)

Amount Requested: \$1,000,000.00

Payment Term: The applicant shall be required to comply with all DWSRF loan provisions. If all DWSRF loan provisions are met to the satisfaction of the OWRB, then the funding shall be forgiven in total without fees for administration or interest.

Purpose: The applicant will utilize the loan proceeds to: (i) construct a new 240,000-gallon water storage tank and rehabilitate an existing 200,000-gallon water storage tank, all related appurtenances (the “Project”), and (ii) pay related costs of issuance.

<u>Sources of Funds (Est.)</u>		<u>Uses of Funds (Est.)</u>	
Loan Proceeds	\$1,000,000.00	Project	\$1,632,739.33
Local Funds	665,239.33	Bond Counsel	32,500.00
Total	\$1,665,239.33	Total	\$1,665,239.33

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF LOAN APPLICATION)
NO. ORF-25-0056-DW IN THE NAME OF)
RWSG & SWMD No. 7)
SEQUOYAH COUNTY, OKLAHOMA)

**PROPOSED
ORDER APPROVING LOAN APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board (the "Board") on the 20th day of January, 2026.

WHEREAS, Rural Water and/or Sewer and/or Gas and/or Solid Waste Management District Number 7, Sequoyah County, Oklahoma (the "Applicant") has made its Application for Funding No. ORF-25-0056-DW (the "Loan Application") to the Board and to the Oklahoma Department of Environmental Quality (the "DEQ") for a loan from the Drinking Water Treatment Revolving Loan Account (the "DWSRF"), pursuant to Title 82 Oklahoma Statutes 2021, Sections 1085.71 *et seq*, as amended; and

WHEREAS, the Applicant intends to use the loan for drinking water system improvements, to further compliance with State and Federal standards and/or to refinance existing indebtedness originally incurred for such purposes; and

WHEREAS, the DEQ has certified the Loan Application with regards to compliance with applicable technical program requirements and forwarded it to the Board with a recommendation that the Loan Application be considered and approved for a DWSRF Loan; and

WHEREAS, the Board has completed its review of the Loan Application and related information, and finds that the Loan Application should be approved according to the terms and conditions set forth below.

**NOW, THEREFORE, LET IT BE RESOLVED AND ORDERED BY THE
OKLAHOMA WATER RESOURCES BOARD:**

Application for Funding No. ORF-25-0056-DW in the name of Rural Water and/or Sewer and/or Gas and/or Solid Waste Management District Number 7, Sequoyah County, Oklahoma be and the same is hereby approved. Subject to and contingent upon the Board's receipt of sufficient funds, a loan shall be made to the Applicant for the following purpose and subject to the following terms and conditions:

Purpose

The loan proceeds, along with other funds of the Applicant, if any, will be used to (i) construct a new 240,000-gallon water storage tank and rehabilitate an existing 200,000-gallon water storage tank, all related appurtenances (the "Project"), and (ii) pay related costs of issuance, all as more specifically set forth in the Application.

Terms and Conditions

1. Funding shall be made to the Applicant to provide funds for the Project described in the Loan Application in an aggregate principal amount not to exceed \$1,000,000.00.
2. Upon the Applicant's acceptance of the DEQ's Letter of Binding Commitment, the funds shall be reserved for the Applicant for a period of one (1) year from the date of this Order.

**ORDER APPROVING LOAN APPLICATION
RWSG & SWMD #7, SEQUOYAH COUNTY
ORF-25-0056-DW**

In the event the loan is not closed on or before such date, the Board reserves the right to (i) approve, at the Applicant's request, a reasonable extension of time to close the loan, or (ii) de-obligate all or a portion of the loan funds in order to be used by the Board to make other DWSRF loans, as the Board determines shall permit the best use of the funds. Funds shall be provided to the Applicant from the DWSRF in accordance with the DWSRF program regulations as approved by the United States Environmental Protection Agency.

3. The Board's Staff is authorized to determine what additional conditions or requirements shall be necessary in order to assure the soundness of the loan and compliance with applicable financial, legal, DWSRF, and Bond Resolution requirements. In accordance with applicable authority and the United States Environmental Protection Agency ("EPA") guidelines for the implementation of the DWSRF Capitalization Grant, the loan conditions may include principal forgiveness to be used to pay a portion of the costs of the Project as described in the Application or for other purposes authorized by applicable authority and EPA guidelines. The Board's Staff is further authorized to approve future modifications or additions to the project purposes and uses of funds approved herein, provided such modifications or additions will not materially and adversely affect the loan.

4. The loan shall be subject in all respects to the provisions of the Applicant's promissory note(s), loan agreement(s), and other funding documents which shall be executed by proper officials of the Applicant and a Board Member at or prior to loan closing as appropriate.

5. Additional loans may be made at such times, for such projects of the Applicant, at such repayment periods and interest rates, and upon such other terms and conditions as may be agreed to and approved by the Board and the Applicant.

So ordered this 20th day of January, 2026 in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary

(SEAL)

**ORDER APPROVING LOAN APPLICATION
RWSG & SWMD #7, SEQUOYAH COUNTY
ORF-25-0056-DW**

Reviewed By:

Lori Johnson

Lori Johnson, Chief
Financial Assistance Division

OSG GRANT
RECOMMENDED FOR APPROVAL

Applicant: Ochelata Utilities Authority, Washington County, Oklahoma

Grant No.: OSG-26-0001-G
Sewer Overflow and Stormwater Reuse Municipal Grant (“OSG”)

Amount Requested: \$675,125.00

Purpose: Ochelata Utilities Authority (Authority) operates a wastewater system. The Authority is under a consent order from the Oklahoma Department of Environmental Quality (ODEQ) for inflow and infiltration within the system. The proposed project is for a sanitary sewer evaluation study, which includes topographical survey of the sanitary sewer collection system, smoke testing, flow monitoring, and all other appurtenances required to complete the project.

<u>Sources of Funds (Est.)</u>		<u>Uses of Funds (Est.)</u>	
Grant Proceeds	\$675,125.00	Engineering	\$181,125.00
		Testing	\$154,000.00
		Surveying	\$45,000.00
		Other Uses	\$295,000.00
Total	<u>\$675,125.00</u>	Total	<u>\$675,125.00</u>

BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA

IN THE MATTER OF OSG GRANT)
NO. OSG-26-0001-G IN THE NAME OF THE)
OCHELATA UTILITIES AUTHORITY,)
WASHINGTON COUNTY, OKLAHOMA.)

PROPOSED
ORDER APPROVING OSG GRANT

This matter came on for consideration before the Oklahoma Water Resources Board on the 20th day of January 2026. The Board finds that since the Ochelata Utilities Authority has met the eligibility requirements of the Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) program and that subject to and contingent upon the Board's receipt of sufficient funds for an amount not to exceed \$675,125.00 should be approved to be advanced for the following purpose and subject to the following conditions:

Conditions:

1. The amount of the OSG grant shall not exceed \$675,125.00.
2. OSG Grant funds shall be accounted for separately with a federally insured financial institution.
3. The project shall be to complete a sanitary sewer evaluation study, which includes topographical survey of the sanitary sewer collection system, smoke testing, flow monitoring, and all other appurtenances required to complete the project. Applicant is authorized to expend the OSG grant funds only for purposes of completing such project.
4. Furthermore, Ochelata Utilities Authority is required to comply with the requirements of all applicable federal and state statutory provisions and all Oklahoma Water Resources Board rules, regulations and grant policies as applicable.

SO ORDERED this 20th day of January 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary

(SEAL)

Reviewed By:

A handwritten signature in black ink that appears to read "Lori Johnson".

Lori Johnson, Chief
Financial Assistance Division

ARPA GRANT APPLICATION
RECOMMENDED FOR APPROVAL

APPLICANT: The Weleetka Public Works Authority

DATE RECEIVED: 11/28/2022

COUNTY: Okfuskee

APPLICATION NUMBER: ARP-23-0129-G

Amount Requested: \$10,000.00

ARPA NUMBER: ARPA-YY002306

Amount Recommended: \$10,000.00

PROJECT DESCRIPTION: The Weleetka Public Works Authority (Authority) operates a sanitary sewer system. The Authority has completed a new manhole in the town as part of ongoing reliability efforts. The proposed project is to reimburse for the installation and materials for the new manhole. The project cost was \$10,000.00, which will be reimbursed from an OWRB ARPA Grant in the amount of \$10,000.00.

Priority Ranking		Priority Points
<u>Population 953</u>		
WATER AND SEWER RATE STRUCTURE (Maximum: 13 points)		
Water rate per 5,000 gal/month:	\$ 53.48	(<input type="checkbox"/> Flat rate <u>-3</u>)
Sewer rate per 5,000 gal/month:	\$ <u>23.78</u>	(<input type="checkbox"/> Decreasing Block <u>-2</u>)
Total	\$ 77.26	(<input type="checkbox"/> Uniform <u>0</u>)
		(<input checked="" type="checkbox"/> Increasing Block <u>+2</u>)
	10 points	(<input type="checkbox"/> Sales tax (W/S) <u>+1</u>)
INDEBTEDNESS PER CUSTOMER (Maximum: 10 points)		
Total Indebtedness:	\$ 1,340,000.00	
Monthly Debt Payment:	\$ 4,470.00	<u>5</u>
Number of Customers:	360	
Monthly Payment Per Customer:	\$ 12.41	
APCI Tier	Tier	1.00 (Maximum: 24 points) <u>24</u>
LEGISLATIVE PORTAL REQUEST (Maximum: 5 points)		<u>5</u>
PREVIOUS GRANTS	1	<u>(8)</u>
ENFORCMENT ORDER	No	0 (Maximum: 5 points)
BENEFIT OF PROJECT TO OTHER SYSTEMS	No	<u>0</u>
FISCAL SUSTAINABILITY		<u>10</u>
TOTAL PRIORITY POINTS		48

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF THE AMERICAN RESCUE PLAN)
ACT (ARPA) GRANT APPLICATION)
NO. ARP-23-0129-G IN THE NAME OF)
THE WELEETKA PUBLIC WORKS AUTHORITY,)
OKFUSKEE COUNTY, OKLAHOMA.)

**PROPOSED
ORDER APPROVING ARPA GRANT APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board on the 20th day of January 2026. The Board finds that since the application for this grant has received a priority ranking of 48 points under Chapter 50 of the Board's Rules and that since sufficient funds are available, the grant application for an amount not to exceed \$10,000.00 should be approved for the following purpose and subject to the following conditions:

Conditions:

1. The amount of the ARPA grant shall not exceed \$10,000.00.
2. ARPA grant funds shall be accounted for separately with a federally insured financial institution.
3. The project shall be to reimburse the installation and materials for a new manhole. Applicant is authorized to request the ARPA grant funds only for costs incurred for eligible expenses for the purposes of completing such project.
4. The Weleetka Public Works Authority is required to comply with the requirements of all applicable federal and state statutory provisions, all applicable ARPA rules, and the Oklahoma Water Resources Board ARPA Grant Agreement, Board rules, regulations, and grant policies. The Board Staff is authorized to determine what additional conditions may be necessary in order to assure compliance with the applicable requirements.
5. The Board's Staff is authorized to approve future modifications or additions to the project purposes and uses of funds approved herein, provided such modifications or additions will not materially or adversely affect the grant.

SO ORDERED this 20th day of January 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary
(SEAL)

Reviewed By:

A handwritten signature in black ink that reads "Lori Johnson".

Lori Johnson, Chief
Financial Assistance Division

ARPA GRANT APPLICATION
RECOMMENDED FOR APPROVAL

APPLICANT: Town of Allen

DATE RECEIVED: 11/29/2022

COUNTY: Pontotoc

APPLICATION NUMBER: ARP-23-0159-G

Amount Requested: \$89,443.37

ARPA NUMBER: ARPA-YY002306

Amount Recommended: \$89,443.37

PROJECT DESCRIPTION: Town of Allen operates a water and wastewater system. The Town has completed multiple projects in an effort to keep its water and wastewater infrastructure up to date and operating reliably. The proposed project is to reimburse for water meters, water well pumps, a sewer pump at the main lift station, a new fire hydrant, and all appurtenances required to complete the projects. The total cost of the project was \$89,443.37, which is eligible for reimbursement from an OWRB ARPA Grant in the amount of \$89,443.37.

Priority Ranking		Priority Points
Population <u>969</u>		
WATER AND SEWER RATE STRUCTURE (Maximum: 13 points)		
Water rate per 5,000 gal/month:	\$ 33.35	(<input type="checkbox"/> Flat rate <u>-3</u>)
Sewer rate per 5,000 gal/month:	<u>20.90</u>	(<input type="checkbox"/> Decreasing Block <u>-2</u>)
Total	\$ 54.25	(<input type="checkbox"/> Uniform <u>0</u>)
		(<input checked="" type="checkbox"/> Increasing Block <u>+2</u>)
	9 points	(<input type="checkbox"/> Sales tax (W/S) <u>+1</u>)
INDEBTEDNESS PER CUSTOMER (Maximum: 10 points)		
Total Indebtedness:	\$ 0.00	
Monthly Debt Payment:	\$ 0.00	<u>0</u>
Number of Customers:	659	
Monthly Payment Per Customer:	\$ 0.00	
APCI Tier	Tier 1.00	(Maximum: 24 points) <u>24</u>
LEGISLATIVE PORTAL REQUEST (Maximum: 5 points)		<u>5</u>
PREVIOUS GRANTS	<u>0</u>	<u>0</u>
ENFORCMENT ORDER	<u>No</u>	(Maximum: 5 points) <u>0</u>
BENEFIT OF PROJECT TO OTHER SYSTEMS	<u>No</u>	<u>0</u>
FISCAL SUSTAINABILITY		<u>10</u>
TOTAL PRIORITY POINTS		<u>50</u>

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF THE AMERICAN RESCUE PLAN ACT)
(ARPA) GRANT APPLICATION)
NO. ARP-23-0159-G IN THE NAME OF THE)
TOWN OF ALLEN,)
PONTOTOC COUNTY, OKLAHOMA.)

**PROPOSED
ORDER APPROVING ARPA GRANT APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board on the 20th day of January 2026. The Board finds that since the application for this grant has received a priority ranking of 50 points under Chapter 50 of the Board's Rules and that since sufficient funds are available, the grant application for an amount not to exceed \$89,443.37 should be approved for the following purpose and subject to the following conditions:

Conditions:

1. The amount of the ARPA grant shall not exceed \$89,443.37.
2. ARPA grant funds shall be accounted for separately with a federally insured financial institution.
3. The project shall be to reimburse for water meters, water well pumps, a sewer pump at the main lift station, and a new fire hydrant. Applicant is authorized to request the ARPA grant funds only for costs incurred for eligible expenses for the purposes of completing such project.
4. Town of Allen is required to comply with the requirements of all applicable federal and state statutory provisions, all applicable ARPA rules, and the Oklahoma Water Resources Board ARPA Grant Agreement, Board rules, regulations, and grant policies. The Board Staff is authorized to determine what additional conditions may be necessary in order to assure compliance with the applicable requirements.
5. The Board's Staff is authorized to approve future modifications or additions to the project purposes and uses of funds approved herein, provided such modifications or additions will not materially or adversely affect the grant.

SO ORDERED this 20th day of January 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary

(SEAL)

Reviewed By:



Lori Johnson, Chief
Financial Assistance Division

ARPA GRANT APPLICATION
RECOMMENDED FOR APPROVAL

APPLICANT: Wellston Public Works Authority

DATE RECEIVED: 11/30/2022

COUNTY: Lincoln

APPLICATION NUMBER: ARP-23-0226-G

Amount Requested: \$208,217.94

ARPA NUMBER: ARPA-YY002306

Amount Recommended: \$208,217.94

PROJECT DESCRIPTION: Wellston Public Works Authority (Authority) runs a water and wastewater system. The Authority completed a lift station relocation and associated sewer and water line improvements and extensions necessary to support system operation and service needs. The proposed project is to reimburse the Authority for eligible costs related to the lift station relocation and sewer and water line improvements, in an amount not to exceed \$208,217.94, funded by an OWRB ARPA Grant of \$208,217.94.

Priority Ranking		Priority Points
Population <u>858</u>		
WATER AND SEWER RATE STRUCTURE (Maximum: 13 points)		
Water rate per 5,000 gal/month:	\$ 66.95	() Flat rate <u>-3</u>
Sewer rate per 5,000 gal/month:	<u>27.81</u>	() Decreasing Block <u>-2</u>
Total	\$ 94.76	() Uniform <u>0</u>
		(x) Increasing Block <u>+2</u>
	10 points	() Sales tax (W/S) <u>+1</u>
INDEBTEDNESS PER CUSTOMER (Maximum: 10 points)		
Total Indebtedness:	\$ 2,000,000.00	
Monthly Debt Payment:	\$ 10,668.25	<u>10</u>
Number of Customers:	392	
Monthly Payment Per Customer:	\$ 27.27	
APCI Tier	Tier 2.00	(Maximum: 24 points) <u>18</u>
LEGISLATIVE PORTAL REQUEST (Maximum: 5 points)		<u>0</u>
PREVIOUS GRANTS	<u>0</u>	<u>0</u>
ENFORCMENT ORDER	<u>No</u>	(Maximum: 5 points) <u>0</u>
BENEFIT OF PROJECT TO OTHER SYSTEMS	<u>No</u>	<u>0</u>
FISCAL SUSTAINABILITY		<u>10</u>
TOTAL PRIORITY POINTS		<u>50</u>

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF THE AMERICAN RESCUE PLAN)
ACT (ARPA) GRANT APPLICATION)
NO. ARP-23-0226-G IN THE NAME OF THE)
WELLSTON PUBLIC WORKS AUTHORITY,)
LINCOLN COUNTY, OKLAHOMA.)

**PROPOSED
ORDER APPROVING ARPA GRANT APPLICATION**

This matter came on for consideration before the Oklahoma Water Resources Board on the 20th day of January 2026. The Board finds that since the application for this grant has received a priority ranking of 50 points under Chapter 50 of the Board's Rules and that since sufficient funds are available, the grant application for an amount not to exceed \$208,217.94 should be approved for the following purpose and subject to the following conditions:

Conditions:

1. The amount of the ARPA grant shall not exceed \$208,217.94.
2. ARPA grant funds shall be accounted for separately with a federally insured financial institution.
3. The project shall be to reimburse the Authority for eligible costs related to the lift station relocation and sewer and water line improvements. Applicant is authorized to request the ARPA grant funds only for costs incurred for eligible expenses for the purposes of completing such project.
4. Wellston Public Works Authority is required to comply with the requirements of all applicable federal and state statutory provisions, all applicable ARPA rules, and the Oklahoma Water Resources Board ARPA Grant Agreement, Board rules, regulations, and grant policies. The Board Staff is authorized to determine what additional conditions may be necessary in order to assure compliance with the applicable requirements.
5. The Board's Staff is authorized to approve future modifications or additions to the project purposes and uses of funds approved herein, provided such modifications or additions will not materially or adversely affect the grant.

SO ORDERED this 20th day of January 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary
(SEAL)

Reviewed By:



Lori Johnson, Chief
Financial Assistance Division

AMERICAN RESCUE PLAN ACT (ARPA) APPLICATION
RECOMMENDED FOR APPROVAL

Applicant: City of Tishomingo, Johnston County

Grant Application No.: ARP-23-0008-DTG
American Rescue Plan Act Grant (“ARPA Grant”)

Amount Requested: Additional \$2,200,000.00 from ARPA Tribal Interest Earnings

Designated Grant

Information: Name and/or number of the ARPA Grant account under which designated: ARPA Tribal Interest Earnings

Purpose: The City of Tishomingo owns and operates a wastewater treatment plant (WWTP) that serves 3,041 customers. The key mechanical equipment and systems at the WWTP have reached the end of their service life, resulting in excessive operational and maintenance requirements. The proposed project is for a new Alternating-Zone Extended-Air Activated Sludge Advanced Biological Nutrient Removal Facility (Aeromod), plus all appurtenances required to complete the project.

<u>Sources of Funds (Est.)</u>		<u>Uses of Funds (Est.)</u>	
OWRB ARPA Grant:	\$4,112,490.50	Project:	\$26,169,981.00
Chickasaw Tribal Matching Funds:	6,312,490.50		
ARPA Interest Earnings:	2,200,000.00		
IHS Funds:	4,600,000.00		
CWSRF Loans:	8,945,000.00		
Total	<u>\$26,169,981.00</u>	Total	<u>\$26,169,981.00</u>

**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

IN THE MATTER OF AMERICAN RESCUE PLAN ACT)
(ARPA) GRANT APPLICATION NO. ARP-23-0008-DTG)
IN THE NAME OF THE CITY OF TISHOMINGO,)
JOHNSTON COUNTY, OKLAHOMA.)

PROPOSED
ORDER APPROVING ARPA INTEREST EARNINGS INCREASE APPLICATION

This matter came on for consideration before the Oklahoma Water Resources Board on the 20th day of January 2026. The Board finds that the application for this increase using ARPA Interest Earnings has met the eligibility requirements for this grant, and that since sufficient funds are available, the grant application for an amount not to exceed \$2,200,000.00 should be approved for the following purpose and subject to the following conditions:

Conditions:

1. On December 19th, 2023, the Board approved an ARPA Grant to the City of Tishomingo in the amount of \$4,112,490.50. The Board's Order ("Order") approving application as of that date specified various purposes and conditions of the grant.
2. In the Order, the Board Specified that grant funds were for a new Alternating-Zone Extended-Air Activated Sludge Advanced Biological Nutrient Removal Facility (Aeromod).
3. The City has requested approval of an additional amount of \$2,200,000.00 using ARPA Interest Earnings, made necessary by bids on the project being higher than initially estimated.
4. Good cause for this request has been shown, and the Board is agreeable to approving the District's request accordingly, subject to the terms and conditions stated below.

IT IS THEREFORE ORDERED by the Oklahoma Water Resources Board that the requested increase using ARPA Interest Funds shall be approved and the terms of the Order shall be amended to provide that the grant amount shall not exceed \$6,312,490.50.

IT IS FURTHER ORDERED that except for the amendment specified herein, all terms, purposes, and conditions specified in the Board's Order shall remain in full force and effect.

IT IS SO ORDERED this 20th day of January, 2026, in regular and open meeting of the Oklahoma Water Resources Board.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Chairman

ATTEST:

Suzanne Landess, Secretary
(SEAL)

Reviewed By:

A handwritten signature in black ink that reads "Lori Johnson".

Lori Johnson, Chief
Financial Assistance Division

3. SUMMARY DISPOSITION AGENDA ITEMS

D. Contracts and Agreements Recommended for Approval

January 20, 2026



January 5, 2026

Honorable Chairman and Members of the Board
Oklahoma Water Resources Board
3800 N Classen Blvd.
OKC, OK 73118

To the Honorable Chairman and Members of the Board:

Crawford & Associates, P.C. is pleased that the Oklahoma Water Resources Board (OWRB) continues to express its confidence in our firm and our state and local government expertise. We look forward to a continued long and successful relationship as an integral financial management resource to the OWRB's management and governing body.

We are prepared to provide a full range of accounting and consulting services to the OWRB contingent upon approval of your management and/or governing body. The purpose of this engagement letter is to identify the scope of available services from Crawford & Associates, the specific initial services requested at this time, and to confirm the terms, objectives, and limitations of our engagement services.

Scope of Services

The scope of professional services that are available and can be provided to the OWRB are outlined below under the heading *Scope of Available Services*. While this listing includes a range of services available from Crawford & Associates, the specific initial services requested to be provided at the current time are separately identified under the heading *Initial Services Requested*. Any additional services that are available from Crawford & Associates beyond these initially requested services can be provided upon subsequent specific request and agreement.

Scope of Available Services

- Preparation of Annual Financial Statements
- General Accounting and Advisory Assistance
- Budget Preparation and Amendment Assistance
- Capital Asset Records and Accounting Assistance
- Information Technology System Assistance
- Internal Control Policies and Procedures Assistance
- Labor Relations Consulting
- Laws and Regulations Compliance Assistance
- Investigation of Allegations or Concerns
- Tax and Other Regulatory Report Assistance
- Other Specific Services Upon Request

Initial Services Requested

Other Specific Services Upon Request:

- Initial research and development of parameters for OWRB's new "CFO to Go" program including, but not limited to, development of initial application template, evaluation and ranking of applications template, services to be performed template, and deliverables and expectations from service providers, along with any other parameters that the OWRB desires to place within the program
- If time allows and the OWRB concurs, we will provide services within the CFO to Go program to few cities and towns that the OWRB selects from its application process

Initial Services Requested

In conjunction with the initial services requested as identified in the Scope of Services section of this letter, Crawford & Associates will be responsible for providing such services upon request in accordance with the applicable professional standards of the AICPA. It is anticipated that all of these services will be performed in accordance with the standards applicable to consulting services as prescribed by the AICPA.

Crawford & Associates, is not obligated to, but may report or otherwise communicate to management any recommendations, it determines necessary, resulting from the professional services provided.

Management and the governing body will be responsible for establishing the scope of the professional services to be provided and for providing the necessary resources allocated to the work; such responsibility includes determining the nature, scope, and extent of the services to be performed, providing sufficient appropriation for the estimated cost of these services, providing overall direction and oversight for each service, and reviewing and accepting the results of the work.

Fees and Costs

Fees and out-of-pocket expenses for this engagement will be billed as the work progresses and payable upon receipt of our invoices. Out-of-pocket expenses, if any, include such costs incurred by Crawford & Associates in providing the services including travel, lodging, telecommunications, printing, document reproduction, and the like.

Our fees for these services will be billed at our standard hourly rates, as follows, for the individual performing such services based on the actual number of hours of work, including travel time, performed by that individual.

Standard Hourly Rates:

- Firm President \$275
- Shareholders \$190
- Senior Managers \$170
- Managers \$150
- Senior Professional Staff \$130
- Professional Staff \$90
- Clerical Staff \$60

Because Crawford & Associates has no direct control over the type and amount of services requested by the management or the governing body during the term of this engagement, it is impractical for us to provide an accurate amount of hours that will be required for the services requested or a not-to-exceed limit on fees and expenses charged.

We will rely on you to provide us with a copy of approved purchase orders, containing estimated fees and expenses, monitor the cumulative fees and expenses charged, and notify us if and when the cumulative amount approaches the total appropriated level estimated. You also agree to provide sufficient appropriation for all services requested prior to the services being performed. For purposes of your purchase order preparation, we estimate that the fees for the services anticipated at this time, as defined in the Scope of Services section of this letter, will not exceed \$500,000. However, we will only bill for actual time and material costs incurred.

The term of this engagement is a period from January 21, 2026, through June 30, 2026. Crawford & Associates may perform additional services upon receipt of a formal request from management or the governing body with terms and conditions that are acceptable to both parties.

The agreements and undertakings contained in this engagement letter, shall survive the completion or termination of this engagement.

Acceptance

Please indicate your acceptance of this agreement by signing in the space provided below and returning this engagement letter to us. A duplicate copy of this engagement letter is provided for your records. We look forward to continuing our professional relationship with the OWRB.

Respectfully submitted and agreed to by,



Frank Crawford
Crawford and Associates, P.C.

Accepted and agreed to for the OWRB:

By: _____

Title: _____

Date: _____

Amendment of Contract

This Amendment of Contract is made for the contract of **OU FY25-24-0457 Phase 4: Modernization and Migration of OWRB Geospatial Resources**. The **Board of Regents of the University of Oklahoma, a constitutional entity of the State of Oklahoma** (hereinafter referred to as “University”) and the State of Oklahoma, **Water Resources Board** with principal offices at 3800 N. Classen Blvd., Oklahoma City, Oklahoma 73118 (hereinafter referred to as “Sponsor”). In consideration of the provisions set forth herein; the parties mutually agree to the following contracting parties to amend the following that was previously executed. The amendments are as follows:

The current contract term ends December 31st, 2025. This is a no cost contract renewal for the term January 1st, 2026, through June 30th, 2026.

All other terms and conditions that are not hereby amended are to remain in full force and effect.

In witness whereof, this Contract and Amendments is now consisting of 13 pages has been executed and delivered effective as of the date first above written.

Electronic Signature page will replace this page if applicable.

State of Oklahoma

Oklahoma Water Resources Board

Signature of Authorized Representative

Printed Name of Authorized Representative

Title

Date

Oklahoma Water Resources Board Secretary

The Board of Regents of the University of Oklahoma

Leslie Flenniken Kelly

Signature of Authorized Representative

Leslie Flenniken Kelly

Printed Name of Authorized Representative

Associate Director, Office of Research Services

Title

January 6, 2026

Date

Read and Understood:

By: _____

Date: _____

AGREEMENT
for OKLAHOMA'S FY 25 WATER MANAGEMENT PLANNING PROGRAM &
INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021 (IIJA) - BIPARTISAN INFRASTRUCTURE
LAW (BIL)
CA# C6-40000063
between
OFFICE OF THE SECRETARY OF ENERGY & ENVIRONMENT
and **OKLAHOMA WATER RESOURCES BOARD**

This Agreement for **FY 2025 WATER MANAGEMENT PLANNING PROGRAM** ("Agreement"), for convenience of reference dated as of the _____ day of _____, 2026, by and between OKLAHOMA WATER RESOURCES BOARD ("AGENCY"), an agency of the State of Oklahoma, and the OFFICE OF THE SECRETARY OF ENERGY & ENVIRONMENT ("OSEE"), an office within the Cabinet of the Governor of the State of Oklahoma.

WITNESSETH:

WHEREAS, OSEE has been given certain duties and responsibilities by law (See 27A O.S. §1-2-101) pertaining to receipt and disbursement of certain funds for state environmental agencies and coordination of pollution control activities of state agencies; and

WHEREAS, the U. S. Environmental Protection Agency ("EPA") will make available \$347,000.00 to OSEE to be used for the FY 25 WATER MANAGEMENT PLANNING PROGRAM and INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021 (IIJA) - Bipartisan Infrastructure Law (BIL) pursuant to Section 604(b) of the Federal Water Pollution Control Act as amended (commonly known as the Clean Water Act) and a Cooperative Agreement bearing an Assistance ID No. C6-40000063 (hereinafter referred to as the "Cooperative Agreement"); and

WHEREAS, the terms of the Cooperative Agreement require OSEE to make \$208,200.00 available to the AGENCY in accordance with the terms of this Agreement.

NOW THEREFORE, in consideration of the foregoing premises, the AGENCY and OSEE mutually agree as follows:

1. DUTIES TO BE PERFORMED BY AGENCY:

a. AGENCY shall perform the work and deliver the products as provided in this Agreement and "Appendix" attached hereto and incorporated by reference as a part of this Agreement. The terms and conditions of the Cooperative Agreement as it may be amended, which are applicable to OSEE as the grant recipient, shall likewise be applicable to AGENCY, and AGENCY shall perform in accordance with such terms and conditions as well as in accordance with all EPA and Federal regulations applicable to Section 604(b) grant recipients.

b. On or before the date for such task identified in the workplan included in the Appendix hereof, AGENCY shall where required prepare and submit to OSEE for review and approval a draft Quality Assurance Project Plan ("QAPP") that describes how AGENCY will perform the environmental measurements or data generation described in the Appendix hereof. After the review period, OSEE will submit the QAPP to EPA for their review. AGENCY shall make any changes in the draft QAPP specified by OSEE and EPA and shall obtain OSEE and EPA approval of the QAPP before commencing the environmental measurements or data generation. All environmental measurements or data generation shall be performed by AGENCY in accordance with the EPA-approved QAPP.

c. AGENCY shall provide to OSEE (i) semi-annual reports of AGENCY's performance under this Agreement. The reports shall be in electronic format and shall be provided on or before January 15, and July 15 of each year during the period this Agreement is in effect.

d. AGENCY shall provide to OSEE for review and approval an electronic draft of each deliverable required by this Agreement. AGENCY shall make any changes in the draft deliverable specified by OSEE before providing one (1) copy of the deliverable in final form to OSEE. After the review period, OSEE will submit the deliverable to EPA for their review and approval.

e. In accordance with 2 CFR §1500.9, the AGENCY payment of salary (excluding overhead) to individual consultants is limited to the maximum hourly rate for a level 4 of the Executive Schedule.

f. On or before sixty (60) days after the end-date for such project identified in the workplan included in the Appendix hereof, AGENCY shall provide to OSEE final deliverables and a financial report based upon information certified by AGENCY's financial officer.

g. AGENCY shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §6962). Regulations issued under RCRA Section 6002 apply, among other things, to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines development by EPA. These guidelines are listed in 40 CFR §247.

h. AGENCY shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532 entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." AGENCY is responsibility for ensuring that any transaction as described in Subpart B of 2 CFR 180 and 2 CFR Part 1532 entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. AGENCY acknowledges that failing to disclose the information as required at 2 CFR §180.335 may result in the delay or negation of this agreement.

i. AGENCY agrees to:

- 1) Establish all subaward agreements in writing;
- 2) Maintain responsibility for ensuring successful completion of the approved project;
- 3) Ensure that any subawards comply with the standards in Section 210(a) – (d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
- 4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable and allocable;
- 5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
- 6) Monitor the performance of the subawards and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;
- 7) Obtain approval from OSEE for any new subaward work that is not outlined in the approved workplan.

2. DUTIES TO BE PERFORMED BY OSEE:

a. If the Cooperative Agreement is amended during the period of this Agreement, OSEE shall provide to AGENCY one (1) copy of each such amendment within thirty (30) days after such amendment becomes effective.

b. OSEE shall review all deliverables submitted by AGENCY within thirty (30) days for acceptability under the terms of the Cooperative Agreement. Upon concurrence by OSEE, OSEE shall transmit the deliverable to EPA within ten (10) days.

3. OTHER AGREEMENTS OF THE PARTIES:

a. PAYMENT. For and in consideration of performance by the AGENCY, OSEE will pay the AGENCY a total amount not to exceed Two Hundred and Eight Thousand and Two Hundred Dollars (\$208,200.00) as such services are performed and as money is made available to OSEE by EPA. AGENCY shall submit to OSEE invoices in form and content mutually agreed upon by the parties on or before the 15th day of the month in which payment is desired. Invoices shall be submitted only for work that has already been performed and costs that have already been incurred by AGENCY. AGENCY shall submit such records or other evidence of performance as may be required by the OSEE for processing such invoices. Invoices that do not reference the correct Assistance ID Number and Project Number will be returned to AGENCY without payment. Payment will be withheld if documentation or evidence of performance is inadequate, if costs are incurred outside the scope and terms of the Cooperative Agreement, or if the terms and conditions of this Agreement or the Cooperative Agreement are not satisfied. At the discretion of OSEE, up to ten percent (10%) of the amount allocated to each workplan task subject to this Agreement may be withheld until the AGENCY completes its performance for such task and such performance is approved by the EPA project officer. Upon approval by OSEE of an invoice, OSEE shall process the invoice and pay AGENCY within thirty (30) days of receipt of funding from EPA.

b. TERM OF AGREEMENT. The provisions of this Agreement shall be effective for the period from **January 1, 2026, through December 31, 2029**.

c. AMENDMENT. Subject to and upon the mutual written consent and approval of both parties, this Agreement may be amended or modified at any time. Provided, if AGENCY desires any revision or modification of the Appendix hereof, including but not limited to the workplan or budget therein, then AGENCY shall give OSEE written notice as soon as the need is identified, and when possible within sixty (60) days in advance of the proposed effective date thereof, and no such revision or modification shall be effective or authorized unless and until it is approved by EPA. Provided further, if AGENCY desires any extension of AGENCY's time to perform any portion of this Agreement, then AGENCY shall give OSEE written notice as soon as the need is identified, and when possible within ninety (90) days in advance of the scheduled deadline for performance, and no extension shall be effective or authorized unless and until it is approved by EPA.

d. CLOSEOUT OF PROJECTS. All deliverables and final financial reports associated with the project shall be submitted by the AGENCY to OSEE on or before sixty (60) days after the end date for the Cooperative Agreement. If final deliverables are not submitted within the sixty (60) days OSEE may disallow project costs directly related to the noncompliance and request reimbursement or void the agreement and seek repayment of part or all of the funds.

e. TERMINATION. This Agreement may be terminated upon thirty (30) days advance written notice of termination by either party to the other party.

f. AUDITS. Books, records, accounting procedures, or any other documents or practices of AGENCY relevant to this Agreement are subject to examination by OSEE and the State Auditor and Inspector. It is further understood and agreed that financial records, supporting documents, statistical records, and all other records pertinent to this Agreement shall be retained for a period of no less than three (3) years from the termination date of this Agreement. In accordance with OMB Circular A-133, AGENCY shall obtain a single audit if it expends \$500,000 or more a year in federal awards. The recipient shall submit a copy of the audit report to OSEE and:

Grants Team (6MD-RX)
U.S. Environmental Protection Agency
Region 6, WDAS
1201 Elm Street, Suite 500
Dallas, Texas 75270

g. DISPUTE RESOLUTION. In the event that a dispute between the parties as to the interpretation or performance of this Agreement occurs, if the dispute cannot be resolved by mutual agreement between the parties' representatives, then the dispute shall be submitted to the Secretary of Energy & Environment and the Executive Director of the AGENCY. If the dispute is not resolved by their mutual agreement, then the aggrieved party may resort to other remedies available.

h. AGREEMENT SUBJECT TO LAWS AND GRANT. The parties mutually agree and acknowledge that this Agreement is subject, in all respects, to the applicable laws of the State of Oklahoma. It is further agreed and acknowledged that payments to AGENCY by OSEE are subject to and contingent upon OSEE receiving the funds available under the Cooperative Agreement, for this purpose, and that said federal funds are the sole and exclusive funding source for payments to be made hereunder.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the dates indicated below.

AGENCY

Title: _____

OFFICE OF THE SECRETARY OF ENERGY & ENVIRONMENT

Deputy Secretary of Environment

STATE OF OKLAHOMA)
COUNTY OF OKLAHOMA)
ss)

The foregoing instrument was acknowledged before me this ____ day of _____, 2026, by _____, the duly authorized _____ on behalf of the AGENCY identified in the above instrument.

Notary Public

(SEAL)

My commission expires:

STATE OF OKLAHOMA)
COUNTY OF OKLAHOMA)
ss)

The foregoing instrument was acknowledged before me this _____ day of _____, 2026, by the duly authorized Deputy Secretary of Environment, on behalf of the OSEE.

Notary Public

(SEAL)

My commission expires:

Appendix

Cooperative Agreement CA# C6-40000063	Tab 1
“Detail of Other and Individual Budget Category Lists”	Tab 2
Workplan.....	Tab 3
Invoice Form.....	Tab 4
Performance Report Form	Tab 5
Applicable Regulations and OMB Circulars	Tab 6
EPA Form 6600-06 (Rev. 06/2014), “Certification Regarding Lobbying”	Tab 7
Standard Form-LLL “Disclosure Form to Report Lobbying”	Tab 8

C O N T R A C T

This CONTRACT made and entered into this _____ day of _____, 2026, by and between Oklahoma Water Resources Board as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

W I T N E S S E T H

WHEREAS, the CITY intends to conduct water quality monitoring at approximately ten (10) permanent monitoring locations and sixteen (16) stormwater outfalls within the Lake Thunderbird watershed for the parameters and at the frequencies specified in the City's Lake Thunderbird Total Maximum Daily Load (TMDL) Monitoring Plan and to support compliance with the City's OKR10 permit. The purpose of this Contract is to obtain and detail the water monitoring services that will be provided by the CONTRACTOR for the success of this Project:

MONITORING SERVICES FOR THE LAKE THUNDERBIRD TMDL, YEARS 2026-2030

as outlined and set out in the Request for Proposals and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS, the CONTRACTOR in response to said Request for Proposals, has submitted to the CITY on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and,

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the selected Bidder on the above prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit:

Two hundred thirty-seven thousand seven hundred eleven dollars and 86/00 Dollars (\$237,711.86);

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants herein contained, the parties to this CONTRACT have agreed, and hereby agree, as follows:

1. This CONTRACT shall be for a term of one year; however, the CONTRACT shall automatically renew for four (4) successive one- year terms, subject to appropriation of funds by the City Council.
2. The above agreed upon amount may be subject to change, with approval from both the CONTRACTOR and the CITY, for the following:
 - a. Replacement of equipment that has been vandalized, tampered with, damaged, or malfunctioned to where said equipment can no longer function properly.
 - b. Addition of a new permanent monitoring location or stormwater outfall shall be added to the current list of locations.

3. It may be deemed necessary to move the location of a permanent monitoring location to another pre-determined location within the Lake Thunderbird watershed, as agreed upon by both the CITY and the CONTRACTOR.

The CONTRACTOR shall at his own expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and the following CONTRACT Documents: Attachment A, Summary of Work, The Public Notice published in the Norman Transcript, the Request for Proposal, the Contractor's Proposal, the maps and drawings, Specifications, and Provisions thereto, all of which documents are on file in the Office of the Purchasing Agent of the City of Norman, and are made a part of this CONTRACT as fully as if the same were set out at length.

4. The CITY shall make payments to the CONTRACTOR in accordance with Attachment B, Compensation, in the following manner: On a quarterly basis. Invoices shall be due and payable upon receipt. The CITY shall give prompt written notice of any disputed amount and shall pay the remaining amount. The CONTRACTOR shall furnish to the project engineer, or other appropriate person, such detailed information as requested to aid as a guide in the preparation of the quarterly estimates.

Each quarterly estimate for payment must contain or have attached an affidavit in accordance with the Constitution of the State of Oklahoma, Title 74, Section 3109-3110, and Title 62, Section 310.9.

5. That the CITY shall pay the CONTRACTOR for the work performed and expenses incurred as submitted on the quarterly invoices, provided that those invoices do not exceed the total amount of the contract agreed upon by both parties for the contract year. Any costs above the contract amount must be agreed upon by both parties prior to procurement of such costs, or they will be the responsibility of the CONTRACTOR.
6. The CONTRACTOR agrees that all final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data and photographs expressly required to be prepared by CONTRACTOR as part of the scope of services ("documents and materials") shall be the exclusive property of the CITY and shall, upon completion of the services or termination of this Agreement, be delivered to the CITY.

At CITY's request, the CITY shall be entitled to immediate possession of, and CONTRACTOR shall furnish to the CITY within ten days, all of the documents and materials. CONTRACTOR may retain copies of these documents and materials.

7. The CITY and CONTRACTOR mutually recognize that each party is a governmental entity subject to the provisions of the Governmental Tort Claims Act (51 O.S. § 151 et seq.). The CITY and CONTRACTOR hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or contractors which may occur during the prosecution or performance of this Agreement to the extent provided in the Governmental Tort Claims Act. Each party agrees to severally bear all costs of investigation and defense of claims arising under the Governmental Tort Claims Act and any judgments which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which

may be available to a party or any exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.

8. Any notice required by this CONTRACT shall be made in writing to the address specified below:

OWNER:

Jason Murphy CFM
Stormwater Program Manager
City of Norman
P.O. Box 370
Norman, OK 73070

CONTRACTOR:

Sarah Dexter
Streams/Rivers Project Coordinator
3800 North Classen Boulevard
Oklahoma City, OK 73118

9. Termination for Funding Insufficiency

(a) Notwithstanding anything to the contrary in any contract document, the CONTRACTOR may terminate the contract in whole or in part if funds sufficient to pay obligations under the contract are not appropriated or received from an intended third-party funding source. In the event of such insufficiency, supplier will be provided at least 15-day written notice of termination. Any partial termination of the contract under this section shall not be construed as a waiver of, and shall not affect, the rights and obligations of any party regarding portions of the contract that are not terminated. The determination by the state of insufficient funding shall be final and binding on, the supplier.

(b) Upon receipt of notice of a termination, CITY shall immediately comply with the notice terms and take all necessary steps to minimize the incurrence of costs allocable to the work affected by the notice. If a purchase order or other payment mechanism has been issued and a product or service has been accepted as satisfactory prior to the effective date of termination, the termination does not relieve an obligation to pay for the product or service but there shall not be any liability for further payments ordinarily due under the contract or for any damages or other amounts caused by or associated with such termination. Any amount paid to CITY in the form of prepaid fees that are unused when the contract or certain obligations are terminated shall be refunded.

(c) The CONTRACTOR'S exercise of its right to terminate the contract under this section shall not be considered a default or breach under the contract or relieve the supplier of any liability for claims arising under the contract.

10. Termination for Convenience

(a) Either Party may terminate the contract, in whole or in part, for convenience if it is determined that termination is in the party's best interest. In the event of a termination for convenience, the other party will be provided at least a 30-day written notice of termination. Any partial termination of the contract shall not be construed as a waiver of, and shall not affect, the rights and obligations of any party regarding portions of the contract that remain in effect.

(b) Upon receipt of notice of such termination, the other party shall immediately comply with the notice

terms and take all necessary steps to minimize the incurrence of costs allocable to the work affected by the notice. If a purchase order or other payment mechanism has been issued and a product or service has been accepted as satisfactory nor to the effective date of termination, the termination does not relieve an obligation to pay for the product or service but there shall not be any liability for further payments ordinarily due under the contract or for any damages or other amounts caused by or associated with such termination. Such termination shall not be an exclusive remedy but shall be in addition to any other rights and remedies provided for by law. Any amount paid to CITY in the form of prepaid fees that are unused when the contract or certain obligations are terminated shall be refunded. Termination of the contract under this section, in whole or in part, shall not relieve the supplier of liability for claims arising under the contract.

11. Any claims, disputes or litigation relating to the solicitation, execution, interpretation, performance, or enforcement of this Agreement shall be governed by the laws of the State of Oklahoma and the applicable rules, regulations, policies and procedures relating to the program under which the parties' operate hereunder. Venue for any action, claim, dispute or litigation, mediation or arbitration shall be in the situs, which is Cleveland County, Oklahoma.
12. No changes, revisions, amendments or alterations in the manner, scope or type of work or compensation set forth in this Agreement shall be effective unless reduced to writing and executed by the parties with the same formalities as are observed in the execution of this Agreement.
13. This Agreement shall be binding upon and inure to the benefit of the CITY and CONTRACTOR and shall be binding upon their successors and assigns subject to the limitations of Oklahoma law.
14. If any provision, clause or paragraph of this Agreement or any document incorporated by reference shall be determined invalid by a court of competent jurisdiction, such determination shall not affect the other provisions, clauses or paragraphs of this Agreement which are not affected by the determination. The provisions, clauses or paragraphs of this Agreement and any documents incorporated by reference are declared severable.
15. To that end, no provision of this CONTRACT or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the CITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of the CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the CONTRACTOR.

To that end, no provision of this CONTRACT or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the CITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of the CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the CONTRACTOR

The attached sworn, notarized contract affidavit must be signed and notarized before this Contract will become effective.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates shown below.

CITY OF NORMAN

Stephen Tyler Holman, Mayor Date

Date

ATTEST:

Brenda Hall, City Clerk Date

Date

OKLAHOMA WATER RESOURCES BOARD

Date

ATTEST:

Date

(SEAL)

CONTRACT AFFIDAVIT

STATE OF _____

COUNTY OF _____

_____, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the State of Oklahoma Water Resources Board (OWRB) to submit the above Contract to the City of Norman, Oklahoma.

Affidavit further states that the OWRB has not paid, given, donated, or agreed to pay, give, or donate to any officer or employee of the City of Norman, Oklahoma, any money or other thing of value, either directly or indirectly, in the procuring of the Contract.

DATED this _____ day of _____, 2026

CONTRACTOR

SWORN and subscribed to before me this _____ day of _____, 2026

NOTARY PUBLIC

My Commission Expires:

ATTACHMENT A

GENERAL REQUIREMENTS SUMMARY OF WORK

PART 1 GENERAL

15.1 WORK COVERED BY CONTRACT DOCUMENTS

- 15.1.1 Project Description
- 15.1.2 Location
- 15.1.3 Work
- 15.1.4 Deviations to the Accepted Plan
- 15.1.5 Substitutions

15.2 SUBMITTALS

- 15.2.1 Submittal Descriptions (SD)
- 15.2.2 Approving Authority
- 15.2.3 Disapproved Submittals
- 15.2.4 Delivery Schedule and Location

1.1 WORK COVERED BY CONTRACT DOCUMENTS

1.1.1 Project Description

The work includes stormwater sampling, analysis, and monitoring as outlined in the Lake Thunderbird TMDL Monitoring Plan approved by the DEQ and adopted by the City of Norman.

1.1.2 Location

The work is located at the sampling locations outlined in the Lake Thunderbird TMDL Monitoring Plan approved by the DEQ and adopted by the City of Norman.

1.1.3 Work

Work shall consist of the following:

- a. The purchase, installation, maintenance, security, monitoring, and data gathering from flow monitoring and level measuring gauges, rain gauges, autosamplers, and other equipment as necessary to maintain permanent monitoring locations and stormwater outfalls as described in the Lake Thunderbird TMDL Monitoring Plan approved by the Oklahoma Department of Environmental Quality (DEQ) and adopted by the City of Norman.
- b. The monthly sampling and analysis of stormwater from permanent monitoring locations in accordance with procedures, frequencies, and methods described in the Lake Thunderbird TMDL Monitoring Plan and at the locations defined in that document and its accompanied Quality Assurance Project Plan (QAPP). Sampling shall be done per standards provided in the EPA technical document “NPDES Storm Water Sampling Guidance Document” (EPA 833-8-92-001).

- c. Monthly reporting of results of flow monitoring, sampling, and analysis of stormwater to the CITY in a format approved by the CITY.
- d. Stormwater outfall discharge sampling and analysis from stormwater outfalls, as described in the Lake Thunderbird TMDL Monitoring Plan, and at the locations set forth in that document, unless the CITY chooses to replace monitoring locations with other locations within the limits of the City of Norman.
- e. The production of an annual report that will include a compilation of all gathered data from sampling, analysis, and field tests, and will provide a conclusion from the data analysis in a format that is determined by the CITY.

1.1.4 Deviations to the Accepted Plan

No deviations to the approved monitoring plan adopted by the City of Norman will be allowed without written approval by the CITY.

1.1.5 Substitutions

Substitution of equipment for monitoring and sampling will only be allowed by written permission by the CITY.

1.2 SUBMITTALS

All submittals shall meet the City of Norman requirements and shall meet requirements stated in the Lake Thunderbird TMDL Monitoring Plan and its associated QAPP as approved by the Oklahoma Department of Environmental Quality (DEQ) and adopted by the City of Norman.

Submittals shall include:

- a. Monthly reports that will include a description of sampling, field tests, lab analysis, data handling, and Quality Control for sampling and data gathering in ten designated sampling sites and seven stormwater outfalls in a format determined by the CITY. The submittal shall include one copy in electronic format, including the supporting data.
- b. Annual report of all findings stated in the monthly reports with the conclusion of results in a format determined by the CITY. The submittal shall include one copy in electronic format, including the supporting data.
- c. The custody of all equipment and material purchased for performing the WORK in functional conditions acceptable by the CITY.

The CITY may request submittals in addition to those specified when deemed necessary to adequately describe the work covered in the respective sections.

Each submittal is to be complete and in sufficient detail to readily allow the determination of compliance with contract requirements.

Prior to submittal, the CONTRACTOR's Quality Assurance/Quality Control (QA/QC) processes will be followed, as outlined in the Project Plan and the CONTRACTOR's Standard Operating Procedures (SOPs). Proposed deviations from the contract requirements are to be clearly identified. Included with submittals are items such as: descriptive literature including, but not limited to, diagrams, operating charts or curves, test reports, samples, operation and maintenance manuals, parts lists, certifications, warranties, and other such required submittals.

Submittals requiring CITY approval are to be scheduled and made prior to the acquisition of the material or equipment covered thereby and pick up and dispose of samples not incorporated into the work in accordance with manufacturer's Material Safety Data Sheets (MSDS) and/or in compliance with existing laws and regulations.

A register tracking submittal requests of equipment and materials required by the specifications shall be provided by the CONTRACTOR. This register will keep track of submittal requests and completed submittals.

1.2.1 Submittal Descriptions (SD)

Submittal requirements are specified in the QAPP section of the Lake Thunderbird TMDL Monitoring Plan approved by the Oklahoma Department of Environmental Quality (DEQ) and adopted by the City of Norman. Submittals are identified by Submittal Description (SD) numbers and titles as follows:

SD-01 Samples

Field samples and mock-ups constructed on the project site establish standards by which the ensuring work can be judged. Includes assemblies or portions of assemblies which are to be incorporated into the project and those which will be removed at the conclusion of the work.

SD-02 Outfall Data

Field data, calculations results, analyses results, or other data pertaining to stormwater sampling at the outfall sampling locations.

SD-03 Monitoring Data

Field data, calculations results, analyses results, or other data pertaining to stormwater sampling at the monitoring locations.

Design submittals, design substantiation submittals, and extensions of design submittals.

SD-04 Monthly Reports

Report signed by an authorized official of the testing laboratory and the CONTRACTOR stating that the samples provided have been tested in accord with the specified requirements in the Lake Thunderbird TMDL Monitoring Plan. The resulting data shall

be provided to the CITY for approval in a format previously approved by the CITY and in accordance with the Lake Thunderbird Monitoring Plan.

SD-05 Annual Report

Report signed by an authorized official of the testing laboratory and the CONTRACTOR stating that the samples provided have been tested in accord with the specified requirements in the Lake Thunderbird TMDL Monitoring Plan. The resulting data shall be provided to the CITY for approval in a format previously approved by the CITY and in accordance with Lake Thunderbird Monitoring Plan.

SD-06 Installation, Operation and Maintenance

Installation, operation, maintenance, security, and all other items regarding the required equipment shall be the responsibility of the CONTRACTOR.

1.2.2 Approving Authority

All submittals that are not for information only shall be approved by an authorized representative for the CITY.

1.2.3 Disapproved Submittals

The CONTRACTOR shall make corrections required by the CITY. If the CONTRACTOR considers any correction or notation on the returned submittals to constitute a change to the contract, notice is to be given to the CITY. Failure to point out deviations may result in the CITY requiring rejection and removal of such work at the CONTRACTOR's expense.

1.2.4 Delivery Schedule and Location

Record of monthly findings from each site shall be submitted in a timely manner to the City of Norman via email. Report delivery shall conform to the requirements of the Lake Thunderbird TMDL Monitoring Plan approved by the Oklahoma Department of Environmental Quality (DEQ) and adopted by the City of Norman. An annual report shall be submitted to the CITY for approval.

ATTACHMENT B

Fee Schedule

- 2.1 REFERENCES
- 2.2 FEE SCHEDULE
- 2.3 PAYMENTS TO THE CONTRACTOR
 - 2.3.1 Obligation of CITY Payments
 - 2.3.2 Withholding of Payments

2.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to within the text by the basic designation only.

Lake Thunderbird TMDL Monitoring Plan (“The Monitoring Plan”)

2.2 FEE SCHEDULE

The following tables outline the anticipated costs associated with implementing and maintaining the stormwater monitoring program in FY-2026. Costs are broken down by task type, with some items, such as equipment installation, occurring only in Year 1.

Routine Monitoring

This includes personnel costs for monthly and storm event sampling, equipment maintenance, laboratory analysis by ODEQ, and cellular plans for telemetry. A \$20,000 contingency fund is included to replace one station in case of flooding or vandalism. Use of contingency funds will require joint approval from the City of Norman and OWRB.

Item	Cost per Year
Personnel	\$144,163.83
ODEQ Lab	\$24,785.20
Data Plans	\$3,600.00
Equipment/Supplies	\$7,500.00
Equipment Contingency	\$20,000.00
Total	\$200,049.03

Table 1 Budget for Monitoring and Maintaining 10 Permanent Stations

Biological Monitoring

This includes costs for collecting and processing macroinvertebrate samples and conducting fish and habitat surveys. Samples will be sent to Rithron Associates, Inc. for analysis. Certain activities, such as scouting, are only required in the first year.

Item	Cost (Year 1)	Cost (Year 2)
Rithron	\$7,000.00	\$7,000.00
Bug Sampling	\$1,554.91	\$1,554.91
Fish & Habitat	\$2,831.41	\$2,831.41
Misc Tasks	\$4,798.89	\$3,199.26
Equipment	\$615.00	\$615.00
Total	\$16,800.20	\$15,200.58

Table 2 Budget for Biological Sampling

Turbidity Monitoring

This includes the cost of installing and maintaining two turbidity meters and associated cameras at two locations designated by the City of Norman. Installation costs are included in Year 1 only. Personnel costs cover monthly maintenance, data download and correction, equipment calibration, and the collection of water samples during baseflow and storm events.

Item	Cost (Year 1)	Cost (Year 2)
Equipment (x2)	\$12,700.00	\$250.00
Personnel	\$6,360.07	\$5,243.21
ODEQ Lab	\$1,802.56	\$1,982.82
Total	\$20,862.63	\$7,476.03

Table 3 Budget for Turbidity Monitoring

Total Budget Summary

The table below provides a consolidated summary of the anticipated costs for the FY-2026 Norman Stormwater Monitoring Program. This total includes all major project components, including routine monitoring, biological assessments, and turbidity monitoring. Equipment and installation costs are included in Year 1 only, while ongoing maintenance, data collection, and analysis costs are reflected in both Year 1 and Year 2 where applicable. The total budget also accounts for laboratory analysis, personnel, data management, and a contingency fund for unforeseen equipment replacement needs.

Item	Cost (Year 1)	Cost (Year 2)
Routine Monitoring	\$200,049.03	\$200,049.03
Biological Monitoring	\$16,800.20	\$15,200.58
Turbidity Monitoring	\$20,862.63	\$7,476.03
Total	\$237,711.86	\$222,725.64

Table 4 Total Budget for Norman Monitoring Programs

2.3 PAYMENTS TO THE CONTRACTOR

Payments will be made on submission of itemized requests by the CONTRACTOR, which comply with the requirements of this section and will be subject to reduction for overpayments or increase for underpayments made on previous payments to the CONTRACTOR.

2.3.1 Obligation of CITY Payments

The obligation of the CITY to make payments required under the provisions of this contract will, at the discretion of the CITY, be subject to reductions and/or suspensions because of the following:

- a. Reasonable deductions due to defects in materials or workmanship.
- b. Claims which the CITY may have against the CONTRACTOR under, or in connection with this contract.
- c. Unless otherwise adjusted, repayment to the CITY upon demand for overpayments made to the CONTRACTOR.
- d. Failure to provide up-to-date records of data and satisfactory reports.

2.3.2 Withholding of Payments

Payment for materials incorporated in the work will not be made if required approvals have not been obtained. No payment for materials incorporated in the work will be made if all required approvals have not been obtained. No payment will be made for any materials incorporated into the work for any conformance review submittals or information, only submittals found to contain errors or deviations from the Solicitation will be accepted.

Norman Stormwater Monitoring Workplan FY-2026

Prepared by: Oklahoma Water Resources Board (OWRB)

Date: November 2025

Project Background

In 2013, the City of Norman received a Total Maximum Daily Load (TMDL) final report for Lake Thunderbird from the Oklahoma Department of Environmental Quality (ODEQ). The TMDL aims to reduce nutrient and sediment loads to restore water quality, thereby achieving designated beneficial uses and removing Lake Thunderbird from Oklahoma's 303(d) list of impaired waters.

Lake Thunderbird is currently not meeting the designated uses for:

- Fish and Wildlife Propagation for Warm Water Aquatic Community due to dissolved oxygen and turbidity
- Public and Private Water Supply due to chlorophyll-a

A Wasteload Allocation (WLA) was established for the City of Norman's MS4 (Municipal Separate Storm Sewer System) area. In response, the City developed a TMDL Compliance Plan to reduce sediment and nutrient loads.

To support the Compliance Plan, the City of Norman contracted the Oklahoma Water Resources Board (OWRB) to implement and maintain a comprehensive stormwater monitoring program beginning in 2015. In FY-2026, the program will expand to include new monitoring locations and data collection efforts.

Objectives

The primary objectives of the stormwater monitoring program are to:

- Track and assess compliance with the Lake Thunderbird TMDL WLA
- Measure and analyze pollutant loads, including sediment, nitrogen, and phosphorus
- Evaluate long-term trends using statistical analysis
- Support the adaptive implementation of the City's TMDL Compliance Plan
- Provide data for public reporting and regulatory submissions

Routine Monitoring

Sampling Locations and Frequency

- 10 primary monitoring stations sampled monthly during baseflow conditions and at least 4 times during storm events. A storm event collection may substitute as a monthly collection if all sites are sampled.
 - Storm sampling can require 2-6 personnel, depending on event intensity.
- 14 major stormwater outfalls sampled 4 times during storm events.
- Rainfall amounts will be recorded from the Norman Mesonet station.

Sampling Procedures

- Water samples are collected as grab samples and sent to ODEQ for analysis. Storm samples may be collected via automated refrigerated samplers (autosamplers) and will collect at 15-minute intervals over the course of the stream hydrograph.
- Parameters analyzed:
 - Nitrate-Nitrite (NO₂-NO₃)
 - Total Kjeldahl Nitrogen (TKN)
 - Total Phosphorus (TP)
 - Total Suspended Solids (TSS)
- In-situ field measurements using a multiparameter sonde will measure:
 - Water temperature
 - Dissolved oxygen
 - Specific conductivity
 - pH
- Water samples collected via autosampler will not include in-situ parameters such as water temperature or dissolved oxygen.
- Turbidity will be measured in the field using a portable turbidimeter.
- A field blank will be collected during each monthly sampling trip, and during some storm events to monitor sample contamination.
- A replicate sample will be collected during each monthly sampling trip, and during some storm events to monitor consistency with sampling procedures.
- Flow measurements will be collected at the 10 permanent monitoring stations, as channel conditions allow, and as sampling personnel deem appropriate. Flow will be collected at both baseflow and high flow conditions.
 - FlowTracker or ADCP will be used based on channel conditions.

- Dataloggers will record stream stage and precipitation data at 15-minute intervals and transmit the data in real-time. Stage data will be adjusted by OWRB personnel as necessary.
- Monthly reports will be submitted to the City of Norman, summarizing sampling activities, field measurements, laboratory results, flow data (if applicable), hydrographs, and rainfall totals. Additional deliverables can be requested by the City of Norman.

Biological Monitoring

All biological sampling will be performed according to OWRB Standard Operating Procedures (SOPs).

Macroinvertebrate Sampling

- Conducted at all 10 permanent monitoring stations once per sampling season (May 15th-September 15th).
- Macroinvertebrate samples will be sent to Rithron Associates, Inc. for analysis.

Fish and Habitat Surveys

- Performed at 2 permanent stations per year, such that all 10 locations will be surveyed once over a 5-year period.

Turbidity Monitoring

- Turbidity meters will be installed by the OWRB at locations designated by the City of Norman.
- Cameras will be installed in tandem at these locations for visual stream monitoring.
- Equipment will be maintained monthly by the OWRB, with cleaning occurring monthly and calibration occurring as needed.
- Data will be logged at 15-minute intervals and will be housed in a cloud-based real-time database that is maintained by the OWRB.
- Turbidity data will be downloaded, and the data will be corrected to account for drift from fouling and calibration, per OWRB SOPs.
- Quarterly baseflow and 4 storm event samples will be collected by OWRB personnel
 - Water samples will be collected as grab samples and will be sent to ODEQ for analysis. Samples will be tested for:

- Nitrate-Nitrite (NO₂-NO₃)
- Total Kjeldahl Nitrogen (TKN)
- Total Phosphorus (TP)
- Total Suspended Solids (TSS)
- In-situ field measurements using a multiparameter sonde will measure:
 - Water temperature
 - Dissolved oxygen
 - Specific conductivity
 - pH
- Turbidity will be collected and measured using a portable turbidimeter.

Site Modifications and Adjustments

- Monitoring locations may be added, removed, or relocated as needed and as determined by the City of Norman.
- Equipment may be added, removed, or relocated from any monitoring location as needed and as determined by the City of Norman.
- Water quality and water quantity measurements may be added or removed from monitoring locations as needed and as determined by the City of Norman.
- Any changes to sampling locations must be agreed upon by both the City of Norman and the OWRB with the understanding that additional costs, such as personnel or equipment, may be needed to perform additional monitoring. These costs must be discussed and approved by both parties before additional work can be implemented.

Budget Overview

The following tables outline the anticipated costs associated with implementing and maintaining the stormwater monitoring program in FY-2026. Costs are broken down by task type, with some items, such as equipment installation, occurring only in Year 1.

Routine Monitoring

This includes personnel costs for monthly and storm event sampling, equipment maintenance, laboratory analysis by ODEQ, and cellular plans for telemetry. A \$20,000 contingency fund is included to replace one station in case of flooding or vandalism. Use of contingency funds will require joint approval from the City of Norman and OWRB.

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Total	\$237,711.86	\$222,725.64

Table 4 Total Budget for Norman Monitoring Programs

3. SUMMARY DISPOSITION AGENDA ITEMS

WATER RIGHTS ADMINISTRATION DIVISION

January 20, 2026

WATER RIGHTS ADMINISTRATION DIVISION
Applications for Temporary Permits to Use Groundwater

January 20, 2026

APP. NO. & DATE FILED	NAME OF APPLICANT	NUMBER OF WELLS	COUNTY & BASIN	LAND DEDICATED	PURPOSE & AMOUNT RECOMMENDED
2023-630 9/14/2023	KKLK Grow, LLC	2	Comanche County, Rush Springs Sandstone	10 acres Section 7, T4N, R9WIM	Irrigation 15 a.f.
2023-649 10/9/2023	H & H Equipment and Sales, LLC	6	Kingfisher County, Cimarron River Alluvium and Terrace	160 acres Section 36, T19N, R8WIM	Irrigation 320 a.f.
2025-535 2/28/2025	Braden Cunningham and Raegan Cunningham	1	Harmon County, Blaine	480 acres Section 31, T2N, R25WIM	Irrigation 668 a.f.
2025-549 3/26/2025	Western Ranches, Inc.	2	Caddo County, Rush Springs Sandstone	267.5 acres Section 30, T9N, R11WIM	Irrigation 92 a.f.
2025-564 4/25/2025	Braden Cunningham and Raegan Cunningham	2	Harmon County, Blaine	320 acres Section 11, T1N, R25WIM	Irrigation 352 a.f.
2025-576 5/14/2025	Lisa Sanders	2	Harmon County, Blaine	160 acres Section 8, T1N, R25WIM	Agriculture and Irrigation 320 a.f.
2025-577 5/14/2025	Lisa Sanders	2	Harmon County, Blaine	640 acres Section 34, T1N, R25WIM	Irrigation and Agriculture 1,147 a.f.
2025-581 5/19/2025	Kanyon Cox Cunningham and Kristina Mingos Cunningham	3	Harmon County, Blaine	320 acres Section 2, T1N, R25WIM	Agriculture and Irrigation 640 a.f.

2025-607 7/24/2025	David Rigg	1	Beaver County, Permian System	317.50 acres Sections 7, 18, T4N, R28ECM	Irrigation 635 a.f.
2025-609 7/28/2025	Payne Family 2022 Revocable Trust	1	Beaver County, Ogallala Formation/Cloud Chief Formation	150 acres Section 6, T3N, Section 31, T4N, R24ECM	Irrigation 300 a.f.

WATER RIGHTS ADMINISTRATION DIVISION
Applications to Amend Temporary Permits to Use Groundwater

January 20, 2026

APP. NO. & DATE FILED	NAME OF APPLICANT	NUMBER OF WELLS	COUNTY & BASIN	LAND DEDICATED	PURPOSE & AMOUNT RECOMMENDED
1980-585A 2/21/2025	Micah Dominic Graf	2	Washita County, Rush Springs Sandstone	160 acres Section 24, T9N, R14WIM	Irrigation 320 a.f.
1982-716 9/2/2022	John and Sandy Wyatt Living Trust	1	Caddo County, Rush Springs Sandstone	160 acres Sections 24, T11N, R13WIM	Irrigation 320 a.f.
1982-878 2/3/2025	Garfield County Rural Water District No. 5	6	Kingfisher County, Alluvium and Terrace Deposits of the Cimarron River	535 acres Section 32, T20N, R8WIM	Public Water Supply 1,070 a.f.
2023-587 5/7/2025	Theodore Calvin and Amy Nicole Koehn	2	Dewey County, Rush Springs Sandstone	155 acres Section 36, T16N, R14WIM	Irrigation 310.8 a.f.

WATER RIGHTS ADMINISTRATION DIVISION
Applications for Regular Permits to Use Groundwater

January 20, 2026

APP. NO. & DATE FILED	NAME OF APPLICANT	NUMBER OF WELLS	COUNTY & BASIN	LAND DEDICATED	PURPOSE & AMOUNT RECOMMENDED
2024-605 6/24/2024	Payne Family 2022 Revocable Trust	1	Beaver County, Ogallala Panhandle	720 acres Sections 6, 20, 31, T3N, T4N, R24ECM, R25ECM	Irrigation & Agriculture 1,440 a.f.
2024-606 6/24/2024	Gary Will Payne and Whitney Blair Payne	1	Beaver County, Ogallala Panhandle	640 acres Sections 5, 32, T3N, T4N, R26ECM	Irrigation 1,280 a.f.
2024-632 9/5/2024	David Rigg	1	Beaver County, Ogallala Panhandle	425.5 acres Section 7, 18, T4N, R28ECM	Irrigation 851a.f.
2025-534 2/26/2025	Damon A. Doye and Georgia F. Doye	1	Comanche County, Arbuckle-Timbered Hills, Hennessey-Garber, and Cache Creek Alluvium and Terrace	47 acres Section 32, T1N, R11WIM	Irrigation 75 a.f.
2025-555 4/7/2025	MPH Farms, LLC	4	Texas County, Ogallala Panhandle	640 acres Sections 15, 16, 21, T4N, R17ECM	Irrigation 600 a.f.
2025-598 7/11/2025	Ryan Jerald Radcliff and Tatum Jo Radcliff	1	Beaver County, Ogallala Panhandle	160 acres Section 9, T5N, R23ECM	Irrigation 320 a.f.
2025-600 7/14/2025	Richard Radcliff	2	Beaver County, Ogallala Panhandle	160 acres Section 9, T5N, R23ECM	Irrigation 320 a.f.

2025-601 7/14/2025	Jerald and Deborah Radcliff Revocable Family Trust	1	Beaver County, Ogallala Panhandle	160 acres Section 27, T6N, R23ECM	Irrigation 160 a.f.
2025-608 7/25/2025	Harvest Acres, LLC	4	Oklahoma County, Garber Wellington	134.89 acres Section 7, T14N, R4WIM	Irrigation 200 a.f.
2025-612 8/20/2025	Dolese Bros. Co.	1	Pottawatomie County, Garber Wellington	5.59 acres Section 6, T10N, R4EIM	Industrial Use 11.18 a.f.

WATER RIGHTS ADMINISTRATION DIVISION
Applications to Amend Regular Permits to Use Groundwater

January 20, 2026

APP. NO. & DATE FILED	NAME OF APPLICANT	NUMBER OF WELLS	COUNTY & BASIN	LAND DEDICATED	PURPOSE & AMOUNT RECOMMENDED
1975-584 10/18/2024	Isaacs Land, LLC	2	Beaver County, Ogallala Panhandle	472 acres Sections 30, 31, T6N, R21ECM	Irrigation 944 a.f.
1979-568A 11/8/2024	City of Elk City	27	Beckham County, Alluvium and Terrace Deposits of North Fork of the Red River	3,428.1 acres Sections 1, 11, 21, 22, 25, 27, 30, 32, 34, 36, T9N, R23WIM, Sections 23, 25, T9N, R24WIM	Municipal Use 3,428.1 a.f.
1981-743 7/16/2025	Joni Kay Sanderford	2	Roger Mills County, Washita River Reach 1	374 acres Section 6, T13N, R24WIM	Drilling Oil and Gas 590 a.f.
1997-683 8/25/2025	Dewey County RWD + SWD District #3	3	Woodward County, Beaver North Canadian River Alluvium and Terrace Reach 1	305.25 acres Sections 25, 30, T21N, R19WIM, R18WIM	Municipal and Rural Water District Supply 305 a.f.

WATER RIGHTS ADMINISTRATION DIVISION
Applications to Amend Prior Rights to Use Groundwater

January 20, 2026

APP. NO. & DATE FILED	NAME OF APPLICANT	NUMBER OF WELLS	COUNTY & BASIN	LAND DEDICATED	PURPOSE & AMOUNT RECOMMENDED
1961-160B 5/22/2025	Brett and Jennifer Foster	1	Pontotoc County, Undifferentiated Alluvial Deposits	10.15 acres Section 1, T3N, R5EIM	Industrial Use 110.55 a.f.
1973-364 4/28/2025	Kim P. and Donna K. Sokolosky	2	Caddo County, Rush Springs Sandstone	70 acres Section 3, T7N, R12WIM	Irrigation 140 a.f.

WATER RIGHTS ADMINISTRATION DIVISION
Applications for Term Permits to Use Stream Water

January 20, 2026

APP. NO. & DATE FILED	NAME OF APPLICANT	POINTS OF DIVERSION	COUNTY & STREAM SYSTEM	PURPOSE & AMOUNT RECOMMENDED
2025-009 4/30/2025	BNSF Railway Company	Four points of diversion on Canadian River in Section 15, T5N, R7EIM	Pontotoc and Seminole Counties SS 2-6-1	Industrial Use 3.6 a.f.

WATER RIGHTS ADMINISTRATION DIVISION
Applications for Regular Permits to Use Stream Water

January 20, 2026

APP. NO. & DATE FILED	NAME OF APPLICANT	POINTS OF DIVERSION	COUNTY & STREAM SYSTEM	PURPOSE & AMOUNT RECOMMENDED
2024-019 12/3/2024	Alvin O. Parr Living Trust	One point of diversion on Little Washita River in Section 30, T6N, R6WIM	Grady County SS 1-8-2	Irrigation 200 a.f.
2025-014 6/2/2025	Redbird Ranches, LLC	One point of diversion on Caney River in Section 30, T24N, R14EIM	Washington County SS 2-14	Irrigation and Recreation Fish and Wildlife 500 a.f.

3.M.

WATER RIGHTS ADMINISTRATION DIVISION
Well Driller and Pump Installer Licensing

January 20, 2026

DPC NUMBER	NAME OF FIRM	CERTIFIED ACTIVITIES	OPERATORS
New Licenses, Accompanying Operator Certificates and Activities:			
	Pipeline Integrity	Cathodic Protection	Terry McLean
	Aqua Search Drilling and Pump	Groundwater wells drilling And pump installation	Patrick Way
	Water Hole Outfitters, LLC	Groundwater wells drilling And pump installation	Keegan Dobbs
	Crux Subsurface	Monitoring Wells	Timothy Burrow
	R&O Well Service, LLC	Pump Installation	Denton Higgins

New Operators, License Name Change, and/or Activities for Existing Licenses:

Pipeline Integrity Resources	Cathodic Protection	Kenny Keen
Martin Marietta Materials	Monitoring Wells	Tate Stovall
Whiterock Resources,LLC	Monitoring Wells	Bryant Petty
Vannoy & Son Drilling	Groundwater Wells and Pump Installation	Zakiry Harrison
Betts Drilling, Inc.	Monitoring Wells	Blake Cabit

3.Q.**WATER RIGHTS ADMINISTRATION DIVISION**
Cancellation of Groundwater Permits**January 20, 2026**

1994-520	Walter W. Rickey Jr.	Pottawatomie County
1973-301A	George Lenz Jr.	Harper County
1954-1096H	Glenn Shuman	Harper County
1954-609A	M&K Horn Farms, LLC	Caddo County
1981-954	Allan Winham	Grady County
1972-440	Maurice E. Thompson	Canadian County
2002-506	Dan E. Thomas	Love County
1967-874	Ruth Ann Simmons	Texas County
2011-546A	M&K Horn Farms, LLC	Caddo County
1949-041D	Macy Lewis	Beaver County
1956-641	Welch Land and Cattle, LLC	Harmon County
1977-541	Welch Land and Cattle, LLC	Harmon County
1959-104	Mrs. Herman Scott	Roger Mills County
1972-384	John Logan	Dewey County
1981-794	Densal Clark Willis	Dewey County
1983-519	A J Brungardt	Garvin County
1991-588	Robert E. Barney	Blaine County
1997-678	Land O'Lakes Inc.	Beaver County
2001-568	Bill and Ray Meade	Canadian County
2003-547	Tyler Enterprises Inc.	Wagoner County
1953-218B	Donald and Beverly Wefer	Jackson County
1979-535C	Earl C. Wingard	Custer County
1991-587	Robert Kyle Barney	Blaine County
1951-034	Melton L. Hill	Beaver County
1979-828A	Alva A Jones	Kingfisher County
2022-542	Ted and Janye Morse	Choctaw County
1953-124	Quintine Rowland	Canadian County
1953-219	Willa B. Edsall	Blaine County
1955-413	James L. Westfahl Jr.	Blaine County
1956-706	N C Corff Estate	Canadian County
1971-203	C J Hansen Jr.	Canadian County
1972-455	Bill Meade	Canadian County
1970-179B	Coughlin Living Trust	Canadian County
1953-074	Stephen W. Smith	Blaine County

1977-862	Ernest Schein	Canadian County
1978-629	Canadian River Land and Cattle Co	Canadian County
1980-657	Fred A Biehler	Canadian County
1984-575	Robert R. and Shirley L Haigler	Blaine County
1990-511A	Scott T. and Ellen A. Crouch	Canadian County
1991-613	Charles A. and Diana Snyder	Canadian County
2001-571	Coughlin Living Trust	Canadian County
2010-548	Clarence Lowe Hodges Revocable Trust	Blaine County
1971-568A	Thomas J. and Betty M. Evans	Canadian County
1980-701	Mary A. Reding	Canadian County
1964-873	Kenneth Strack	Blaine County
1972-352	Eleanor Clark	Canadian County
2012-628	Kenneth P. Haley	Canadian County
1947-024	Jim and Juanita Bradford	Jackson County
1952-292	Jay Dee Wedel	Major County
1982-831	R D Burrows	Roger Mills County
1949-094	Nancy Cates	Beaver County
1976-559	Freeman Construction	Comanche County
2013-556A	Edwin Glynn and Karen Scott Stringer	Beckham County
1999-550	Seaboard Foods LP	Texas County
1975-760	George R. Cerny	Kingfisher County
1976-682	Cecelia Mulbery	Harper County
1967-584A	Inez L Fergason	Harper County
1977-504C	Derrick and Michelle McBride	Major County
1974-425	Carl and Barbara Dieterle	Major County
1955-1202	Marti, Kennedy, and Long Lee	Blaine County
1955-806	Wilbur and Bobby Bryant	Harper County
1955-816	Wilbur and Bobby Bryant	Harper County
1979-708	Wilbur and Bobby Bryant	Harper County
1954-1198A	Joy Ann Miller	Caddo County
1984-609	Leroy Sanders	Beckham County
2018-574	Superior Silica Sand LLC	Kingfisher County
1977-840A	Tate and Sons Inc.	Canadian County
1980-564A	Donald H. Parker	Major County

**WATER RIGHTS ADMINISTRATION DIVISION
Stream Water Permit Excused Nonuse**

January 20, 2026

1995-028	Rhodes Ranching Company, LLC	Carter County
1995-029	Rhodes Ranching Company, LLC	Carter County
1995-030	Rhodes Ranching Company, LLC	Carter County
2006-050	Chester Bench	Choctaw County

WATER RIGHTS ADMINISTRATION DIVISION
Informal Disposition Board Orders

January 20, 2026

BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA

**In the Matter of the)
Application of the)
Debra A. Borders Living Trust) Application No. 2025-0004
For a Stream Water Permit)
Located in Jackson County, Oklahoma)**

PROPOSED ORDER WITH STIPULATED AGREEMENT

This matter arises out of the Application No. 2025-0004 (“Application”) filed by Debra A. Borders Living Trust (“Applicant”). The Application seeks a Regular Stream Water permit in Jackson County to use no more than 161 acre-feet of stream water per year at a diversion rate not to exceed 800 gallons per minute from Turkey Creek located in the NW/4 NE/4 NE/4 of Section 21, Township 1 North, West of the Indian Meridian in Jackson County, Oklahoma.

All applicable legal issues, including those set forth in the Notice of Hearing are deemed to have been met by the Applicant for Stream Water Application No. 2025-0004. The Board recognizes the Stipulated Agreement between the parties that was made on record in the hearing held on November 13, 2025, and agrees that it resolves all issues related to this permit application. The parties, Applicant Debra Borders on behalf of the Debra A. Boarders Living Trust, and Protestant Jo Leverett (“Protestant”) by her legal counsel Dale Cottingham, have agreed to approval of the permit with the following condition:

The parties agreed that in the event there is insufficient water from Turkey Creek, Protestant Jo Leverett, or her authorized agent or representative, will contact Applicant Debra Borders, or her authorized agent or representative, and communicate that the Leverett property has experienced an insufficient supply of water from Turkey Creek. Applicant Debra A. Borders Living Trust upon that information shall cease using the stream water for 7 days thereafter. Further reports after the initial 7-day period by Protestant to the Applicant of insufficient water from Turkey Creek shall be subject to the same time-period of a 7-day reporting by Protestant and the cessation of stream water use by the Applicant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Application No. 2025-0004 is hereby approved with the agreed condition set forth herein.

IT IS SO ORDERED by the Oklahoma Water Resource Board in regular and open meeting this _____
day of _____, 2025.

OKLAHOMA WATER RESOURCES BOARD

Thomas A. Gorman, Vice-Chairman

ATTEST:

Suzanne Landess, Secretary
(SEAL)

January 2026 Dam Safety Board items

N. Consideration of and Possible Action on Dams and Reservoir Construction:

1. Burns Lake Dam, OK30683

NID. NO. & COUNTY	NAME OF APPLICANT & NAME OF PROJECT	PLANS & SPECS PREPARED BY	HAZARD CLASSIFICATION	LEGAL DESCRIPTION
OK30683	Stanley Burns	John Bolte, P.E.	Low	Sec. 05, T06N, R03WI
McClain County	Burns Lake Dam	Small Arrow Engineering, LLC		

The applicant requests approval for the construction of a small, low hazard potential dam. The embankment originally consisted of three small, non-jurisdictional impoundments constructed between 1981 and 2003. In 2020, these impoundments were combined to create the current jurisdictional-sized dam without approval by the Board, and it is unknown whether the embankment was designed by a Registered Professional Engineer at that time. The proposed work includes raising the dam height and widening the emergency spillway. The purposes of the dam and reservoir are fish & wildlife and recreation. The dam will be 16 feet tall, with a normal storage capacity of 57.5 acre-feet and a maximum storage capacity of 148 acre-feet.

2. Marsh Dam, OK30684

NID. NO. & COUNTY	NAME OF APPLICANT & NAME OF PROJECT	PLANS & SPECS PREPARED BY	HAZARD CLASSIFICATION	LEGAL DESCRIPTION
OK30684	Jarred and Jacob Marsh	J. Steven Fox, P.E.	Low	Sec. 24, T05S, R02WI
Carter County	Marsh Dam	Fox Engineering Inc.		

The applicant requests approval for the modification of a small, low hazard potential dam to remove it from jurisdiction. The dam was originally constructed in 2021 without approval by the Board, and it is unknown whether the embankment was designed by a Registered Professional

Engineer at that time. The proposed work includes lowering the dam height so that it no longer meets jurisdictional criteria. The purpose of the dam and reservoir is fish and wildlife. The dam will be 8.2 feet tall, with a normal storage capacity of 42 acre-feet and a maximum storage capacity of 47.1 acre-feet.

3.O.

ENGINEERING & PLANNING DIVISION
Permit Applications for Proposed Development on
State Owned or Operated Property with Floodplain Areas

January 1st, 2026

APPLICATION NO.	NAME OF APPLICANT	LOCATION
FP-2025-18	OTA	Oklahoma County, Oklahoma Project No. JKT-30703A will include widening to the south of the existing three-span westbound West Memorial Road bridge over Walnut Creek, Westbound Memorial Road to the South and the full depth concrete reconstruction of a portion of the existing JKT westbound on ramp between Council Road and Rockwell Ave.

3.P.

PLANNING AND MANAGEMENT DIVISION
Floodplain Administrator Accreditation Applications

January 1st, 2026

NUMBER	NAME OF COMMUNITY/CID	FLOODPLAIN ADMINISTRATOR
849	Town of Bethany	Brett Crecelius
850	Custer County	Hardy Sperle

**4. PROPOSED NEW AND AMENDED
PERMANENT RULES OF THE BOARD**

January 20, 2026

**Staff Response to Public Comments on Proposed Amendments of
Oklahoma Water Resources Board Rules**
OAC: 785 Chapter 4 Rules of Practice and Hearings & OAC: 785 Chapter 5 Fees
12/10/2025

Summary of Comments from Oklahoma Farm Bureau – Marla Peek & Trace Justiss

The Farm Bureau would like the Board to remove the new \$1,750 fee from the proposed rules before adopting them and sending them to the legislature. They are disappointed with the proposal to levy a fee on permit applicants whose application is the subject of an individual proceeding. They claim that the fee is a burden on water permit applicants who “through no fault of their own” have a protested permit, whether a protestant even shows up at a hearing. They state that this proposed fee provides encouragement to those “interested person” who just wish to hassle water permit applicants and make them spend money for attorney fees.

Response:

The new proposed fee is calculated based on the minimum cost of conducting a hearing required for the approval of an application that receives protests. The number of applicants required to pay this fee will be minimal, with less than 20% of applications requiring a hearing. With new rules that allow for the dismissal of protests before a hearing based on unsubstantiated or legally deficient claims, concerns that protesters using this fee as a barrier to commerce will be mitigated. Only legitimate, legally protected interests, properly articulated in a letter of protest, will result in a hearing. Additionally, the fee will only apply if the hearing actually takes place, allowing time in advance of a hearing for proper discovery and compromise between parties.

It is the Board’s goal that the new rules will reduce the inconvenience to applicants posed by protests based on issues over which the Board has no power to adjudicate; eliminating such protests as without standing prior to ever needing a hearing. This should allow for faster resolution of erroneous issues, but those issues remaining are likely to be more substantial and thus more costly to adjudicate, thereby warranting a fee.

In response to public comments received, the Board is considering adopting one of the following paths forward. Board Staff recommends proceeding with option two (2), below, to strike the Hearing Fee and seek additional funding from the legislature to offset rising hearing costs.

- (1) Adopting all rule changes as proposed.
- (2) Adopting the chapter 4 language as proposed and striking the addition of section 4-5-4(f) “the Hearing Fee”, and striking the corresponding language in chapter 5-1-16(g)
- (3) Adopting the language as proposed and directing staff to withhold enforcement of the Hearing Fee for one year, until the effects of procedural changes are known.
- (4) Adopting amended language to split the cost of a hearing between the applicant and the protesters. The new language would ensure that all stakeholders in a hearing are charged equitably for the Board’s adjudicative services. The new proposed language may be similar to that below.

(f) Hearing Fees. When an individual proceeding is required in response to protests received to an application, all parties to the proceeding shall be required to share in the cost of the Hearing Fee set forth in 5-1-16(g) of these rules, and as authorized by 82 O.S. 1085.2 (9)(m).

- (1) The cost of the Hearing Fee shall be divided equally among the applicant and protestants, with the applicant(s) sharing in fifty percent (50%) of the cost, and the protestants, together sharing in fifty percent (50%) of the cost.
- (2) The Administrative Hearings Clerk shall be responsible for calculating the Hearing Fee owed by each party and shall provide an invoice for Hearing Fees contemporaneously with Notice of the Proposed Order resulting from the individual proceeding.
- (3) Hearing Fees owed under this section must be paid by the parties within fifteen (15) days of the mailing of the resulting invoice and Proposed Order. A Party failing to pay Hearing Fees owed under this section before the Proposed Order is presented to the Board for consideration shall be dismissed as a party. A party dismissed under this section will be considered to have been dismissed for lack of standing. Each party shall be individually responsible for only that portion of the Hearing Fee as invoiced by the Administrative Hearings Clerk. Failure of one protestant to pay their assessed portion of the Hearing Fee shall not affect the standing of other protestants who pay their assessed portion of the Hearing Fee.
- (4) No fee shall be charged to any person wishing to submit evidence, views or arguments at any public hearing (as differentiated from an individual proceeding) authorized by the Oklahoma Administrative Procedures Act concerning rules, regulations, licenses, permits, orders or any other proposed agency action.
[75.315.1]

Summary of Comments from The Environmental Federation of Oklahoma – Howard “Bud” Ground

In Chapter 4 Rules of Practice and Hearings, EFO agrees to the premise that existing hearing procedures can always be clarified, and new procedures may be in order. EFO suggests further clarification and definition of “individual proceeding” and qualifications for Hearing Examiners is required. Additionally EFO would like to add clarifying language to place the burden of proof entirely on the protestant. EFO also opposes the new hearing fees and raises concerns that the fees will “incentivize a party to protest an application to not only slow down the process but also to put greater financial burden on the applicant.” The applicant has already paid their permit fee

and in many cases has hired professionals to develop the permit application and the science behind the application. Future financial burden should be possessed by the protestant if not in a fee, then in a bond pending the outcome of the hearing.

EFO asks that OWRB continue improving the hearing process by placing a requirement on the Hearing Examiners that they have a level of competence in the subject that they are presiding over and that protestants be required to provide evidence in support of their claims prior to a hearing. EFO also asks that OWRB remove the Hearing Fee in 785:4-5-4(f) and in 785:5-1-16(g).

Response:

OWRB continues to strive to improve its hearing processes by clarifying ambiguities and removing procedural inefficiencies. OWRB appreciates EFO's support in its measures. EFO's suggestions for further clarity are unnecessary at this time. The term "Individual Proceeding" is defined clearly in the Oklahoma Administrative Procedures Act 75 O.S. 300 Et Seq., while it may be convenient to restate the definition in the Rules, it can have no legal effect to change or modify the definition beyond the statutory meaning and is thus, unnecessary. Hearing Examiner qualifications are likewise already defined in Board Rules, 785: 4-3-4 (a) "Who may be Hearing Examiners".

The new proposed fee is calculated based on the minimum cost of conducting a hearing required for the approval of an application that receives protests. The number of applicants required to pay this fee will be minimal, with less than 20% of applications requiring a hearing. With new rules that allow for the dismissal of protests before a hearing based on unsubstantiated or legally deficient claims, concerns that protesters using this fee as a barrier to commerce will be mitigated. Only legitimate, legally protected interests, properly articulated in a letter of protest, will result in a hearing. Additionally, the fee will only apply if the hearing actually takes place, allowing time in advance of a hearing for proper discovery and compromise between parties.

It is the Board's goal that the new rules will reduce the inconvenience to applicants posed by protests based on issues over which the Board has no power to adjudicate; eliminating such protests as without standing prior to ever needing a hearing. This should allow for faster resolution of erroneous issues, but those issues remaining are likely to be more substantial and thus more costly to adjudicate, thereby warranting a fee.

In response to public comments received, the Board is considering adopting one of the following paths forward. Board Staff recommends proceeding with option two (2), below, to strike the Hearing Fee and seek additional funding from the legislature to offset rising hearing costs.

- (1) Adopting all rule changes as proposed.
- (2) Adopting the chapter 4 language as proposed and striking the addition of section 4-5-4(f) "the Hearing Fee", and striking the corresponding language in chapter 5-1-16(g)
- (3) Adopting the language as proposed and directing staff to withhold enforcement of the Hearing Fee for one year, until the effects of procedural changes are known.

(4) Adopting amended language to split the cost of a hearing between the applicant and the protesters. The new language would ensure that all stakeholders in a hearing are charged equitably for the Board's adjudicative services. The new proposed language may be similar to that below.

OAC: 785:4-5-4

(f) Hearing Fees. When an individual proceeding is required in response to protests received to an application, all parties to the proceeding shall be required to share in the cost of the Hearing Fee set forth in 5-1-16(g) of these rules, and as authorized by 82 O.S. 1085.2 (9)(m).

(1) The cost of the Hearing Fee shall be divided equally among the applicant and protestants, with the applicant(s) sharing in fifty percent (50%) of the cost, and the protestants, together sharing in fifty percent (50%) of the cost.

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(4) No fee shall be charged to any person wishing to submit evidence, views or arguments at any public hearing (as differentiated from an individual proceeding) authorized by the Oklahoma Administrative Procedures Act concerning rules, regulations, licenses, permits, orders or any other proposed agency action.

[75.315.1]

Summary of Comments from the Oklahoma Irrigators' Alliance – Matt Steinert & Shawn Lepard

The Oklahoma Irrigators' Alliance believes the proposed hearing fee of \$1,750 is excessive and unjustly places the entire cost burden on individual applicants. They suggest varied alternatives to the fee structure including: Request legislative appropriations to cover hearing costs, placing

the cost burden on the entity requesting the hearing, and holding off on the new fee to evaluate hearing costs after implementing the new streamlined hearing rules, and/or to allow the hearing examiner to assign costs.

Response:

The new proposed fee is calculated based on the minimum cost of conducting a hearing required for the approval of an application that receives protests. The number of applicants required to pay this fee will be minimal, with less than 20% of applications requiring a hearing. With new rules that allow for the dismissal of protests before a hearing based on unsubstantiated or legally deficient claims, concerns that protesters using this fee as a barrier to commerce will be mitigated. Only legitimate, legally protected interests, properly articulated in a letter of protest, will result in a hearing. Additionally, the fee will only apply if the hearing actually takes place, allowing time in advance of a hearing for proper discovery and compromise between parties.

It is the Board's goal that the new rules will reduce the inconvenience to applicants posed by protests based on issues over which the Board has no power to adjudicate; eliminating such protests as without standing prior to ever needing a hearing. This should allow for faster resolution of erroneous issues, but those issues remaining are likely to be more substantial and thus more costly to adjudicate, thereby warranting a fee.

In response to public comments received, the Board is considering adopting one of the following paths forward. Board Staff recommends proceeding with option two (2), below, to strike the Hearing Fee and seek additional funding from the legislature to offset rising hearing costs.

- (1) Adopting all rule changes as proposed.
- (2) Adopting the chapter 4 language as proposed and striking the addition of section 4-5-4(f) "the Hearing Fee", and striking the corresponding language in chapter 5-1-16(g)
- (3) Adopting the language as proposed and directing staff to withhold enforcement of the Hearing Fee for one year, until the effects of procedural changes are known.
- (4) Adopting amended language to split the cost of a hearing between the applicant and the protesters. The new language would ensure that all stakeholders in a hearing are charged equitably for the Board's adjudicative services. The new proposed language may be similar to that below.

OAC: 785:4-5-4

(f) Hearing Fees. When an individual proceeding is required in response to protests received to an application, all parties to the proceeding shall be required to share in the cost of the Hearing Fee set forth in 5-1-16(g) of these rules, and as authorized by 82 O.S. 1085.2 (9)(m).

(1) The cost of the Hearing Fee shall be divided equally among the applicant and protestants, with the applicant(s) sharing in fifty percent (50%) of the cost, and the protestants, together sharing in fifty percent (50%) of the cost.

(2) The Administrative Hearings Clerk shall be responsible for calculating the Hearing Fee owed by each party and shall provide an invoice for Hearing Fees contemporaneously with Notice of the Proposed Order resulting from the individual proceeding.

(3) Hearing Fees owed under this section must be paid by the parties within fifteen (15) days of the mailing of the resulting invoice and Proposed Order. A Party failing to pay Hearing Fees owed under this section before the Proposed Order is presented to the Board for consideration shall be dismissed as a party. A party dismissed under this section will be considered to have been dismissed for lack of standing. Each party shall be individually responsible for only that portion of the Hearing Fee as invoiced by the Administrative Hearings Clerk. Failure of one protestant to pay their assessed portion of the Hearing Fee shall not affect the standing of other protestants who pay their assessed portion of the Hearing Fee.

(4) No fee shall be charged to any person wishing to submit evidence, views or arguments at any public hearing (as differentiated from an individual proceeding) authorized by the Oklahoma Administrative Procedures Act concerning rules, regulations, licenses, permits, orders or any other proposed agency action.
[75.315.1]

CHAPTER 4. RULES OF PRACTICE AND HEARINGS

SUBCHAPTER 1. GENERAL PROVISIONS

785:4-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"APA" means and refers to the Oklahoma Administrative Procedures Act set forth in 75 O.S. 1981, §§301 et seq., as amended.

"Application" means a formal request to the Board and the first step required by law to acquire the right to perform or engage in activities regulated by the Board.

"Board" means the Oklahoma Water Resources Board or any employee or agent or staff member thereof.

"Board Order" means an order issued by the Oklahoma Water Resources Board.

"Document" means a collection of text or other data that is maintained as unique and separate from others, including, but not limited to, any opinion, order, judgment, decree, petition, motion, pleading, form, instrument, record, exhibit, writ, transcript, or other item.

"Designated Case-Specific Email-Address" is the primary email address provided by a Person or Party in a specific case, matter, or application. Persons submitting an Application, Interested Persons, and all other Parties or Persons with Business before the Board, including permit holders and license holders or their attorneys or legal representatives, must provide a Designated Case-Specific Email Address at the time of making their initial filing or entry of appearance, or at the time of their next required report, renewal, or application, whichever is first.

"Electronic Filing (E-Filing, E-File, or E-Filed)" means the transmission by an Approved Electronic Method of any Document to or by the Board. This will include notices and orders created by the Board as well as pleadings, letters or protest, other Documents and attachments created by practitioners or parties.

"Executive Director" means the Executive Director of the Oklahoma Water Resources Board.

"Filer" means the interested person or interested party filing a Document with the Board.

"Hearing Examiner" means a person qualified, designated, and authorized to act in that capacity to preside in a hearing and otherwise exercise the authority of a Hearing Examiner as set forth in these rules.

"Interested party" means party.

"Interested person" means one whose interests could be adversely affected by any proceeding.

"Party" means a person or agency named and participating, or properly seeking and entitled by law to participate, in hearings other than hearings on Board rules, regulations and standards.

"Person" means any individual, firm, partnership, association, corporation, business or public trusts, federal agency, state agency, the State or any political subdivision thereof, municipalities, and any other duly constituted legal entity.

SUBCHAPTER 3. BOARD HEARINGS

785:4-3-4. Hearing Examiners

(a) **Who may be Hearing Examiners.** Hearings may be conducted by authorized and designated Hearing Examiners. Any Board member, the Board Executive Director or Assistant Director, any authorized Board staff member, staff attorneys, the Attorney General or Assistant Attorney General or any other Board authorized person may serve as Hearing Examiner.

(b) **General authority of Hearing Examiners.** Hearing Examiners are authorized to supervise, direct, preside over and conduct the hearing proceedings; to make and enter interlocutory rulings; to make and enter rulings on procedural or evidentiary questions or objections; to make and enter rulings on any other motions or objections arising during the course of the hearing; and, generally, to do all things necessary and incidental to conducting and completing the hearing and all other acts authorized under this Chapter.

(c) **Assistance.** Where deemed necessary, the Hearing Examiner may designate any Board staff member to assist the Hearing Examiner in the conduct of the proceedings or to aid the Hearing Examiner in an advisory capacity.

(d) **Discovery by Hearing Examiner.** The Hearing Examiner may request parties to an individual proceeding to produce evidence in support of their claims or defenses. The request may be made in advance, during, or after the hearing, and prior to the closing of the record.

SUBCHAPTER 5. PRE-HEARING ACTIONS AND PROCEEDINGS

785:4-5-4. Application protests; comments and objections

(a) **Who may file.** Any interested person may file a written protest, objection or comment to any permit application, petition or other matter subject of a hearing. Persons signing form letters, multiple letters containing substantially similar or duplicate text or information, or persons signing written submittals in petition format containing multiple signatures, may not be considered parties to a proceeding unless all requirements specified in subsection b are set forth for each person signing such letters or petitions.

(b) Requirements for protests; standing. Protests must be filed with the Board in writing and must contain the following information:

- (1) Name, telephone number, designated case-specific e-mail (if available), and postal address of the interested person;
- (2) The application to which the protest relates;
- (3) Specific information to show how approval of the application, petition or action proposed may directly and adversely affect legally protected interests of the person filing the protest; and
- (4) A statement of the relief sought by the interested person.

(c) Protest required for party status. To become a party and to facilitate reasonable notice to the applicant or petitioner, all protests must contain the information as set forth in paragraphs (1) through (4) of subsection (b) and be filed with the Board, and a copy must be provided to the applicant or petitioner via certified mail, return receipt requested, within the time period stated in the notice. Return receipts showing compliance with this requirement must be provided to Board Staff within (30) days of the end of the time period stated. In enforcement actions initiated by Board staff, all respondents named in the notice of hearing shall be deemed parties for purposes of participation in the proceedings. A person who fails to provide a copy of the protest with the applicant or petitioner within the time period stated may not be considered a party unless otherwise determined by the Hearing Examiner.

(d) Hearing examiner discretion on allowing presentation of protest. If an interested person appears at the hearing for purposes of presenting a protest to the application without first meeting the requirements set forth above, the Hearing Examiner may at the Examiner's discretion, reject the protest, receive the protest, orally or in writing, and proceed with the hearing, or may defer receiving such protest and direct a continuance of the hearing in order to allow the interested person an opportunity to file the protest in compliance with the requirements set forth above. In the last described instance, the Examiner may take into consideration the wishes of the applicant or petitioner with respect to proceeding with or continuing the hearing. The Hearing Examiner may allow any interested person to make a statement in support of or in opposition to an application or petition without cross examination if the statement is not intended as evidence, provided the Hearing Examiner may limit such presentations to avoid duplication. **Insufficient Protests Dismissed.** Any protest, comment, or objection failing to meet the requirements set forth in this section 4-5-4, may be dismissed by the Hearing Examiner on their own motion or upon motion from a Party.

(e) Record of protests, comments and objections.

- (1) All correspondence relating to an application, including all protest, objection and comment letters, shall be retained in the permanent application file.
- (2) Persons who submit objections or comments to an application or petition will not be deemed to be parties, but, as described in subsection (d), may be allowed to make statements at a hearing.
- (3) Abbreviated notice, including but not limited to notice by electronic mail, of further proceedings or of the availability of proposed findings, conclusions and order prepared after a hearing may be given to a person who files objections and comments or who makes a statement at a hearing.

(f) Hearing Fees. When an individual proceeding is required in response to protests received to an application, the applicant shall be required to pay a Hearing Fee as described in 785:5-1-16.

(1) Hearing Fees owed under this section must be paid by the party within fifteen (15) days of the mailing of the resulting invoice and Hearing Order.

(2) A Party failing to pay Hearing Fees owed under this section before the Proposed Order is presented to the Board for consideration shall be dismissed as a party. A party dismissed under this section will be considered to have been dismissed for lack of standing.

(3) No fee shall be charged to any person wishing to submit evidence, views or arguments at any public hearing (as differentiated from an individual proceeding) authorized by the Oklahoma Administrative Procedures Act concerning rules, regulations, licenses, permits, orders or any other proposed agency action. [75.315.1]

785:4-5-5. Pre-hearing continuances, informal disposition by stipulation, agreed settlement or consent order

(a) Continuances maymust be requested not more thanat least five (5) days prior to the hearing by telephone, followed by a written request to the Board and all parties, and may be granted by the Hearing Examiner if all parties of record agree or otherwise at the discretion of the Hearing Examiner.

(b) In enforcement actions initiated by Board staff, informal disposition of the matter subject of the hearing may be made by stipulation, agreed settlement or consent order. A proposed stipulation, agreed settlement or consent order, acceptable to Board staff and respondent, shall be presented to the Hearing Examiner for recommendation to the Board. The recommendation of the Hearing Examiner, along with the proposed stipulation, agreed settlement or consent order, shall be forwarded to the Board for consideration without further hearing or findings of fact and conclusions of law (see also 785:4-9-1).

785:4-5-6. Electronic mail notice

(a) The Board may allow protests, comments and objections to applications to be submitted through electronic mail to an e-mail address specified in the notice of application.

(b) Unless a request is made to provide notice to a U.S. Postal Service address, persons who submit protests, comments or objections by electronic mail will be given notice to the electronic mail address from which the protest, comment or objection was received, unless another electronic mail address is provided.

(c) Hard copies of electronic mail messages and attachments sent or received by the Board relating to applications, protests, comments and objections and will be made and placed in the application file.

785:4-5-7. Motions, requests and orders

(a) Except for oral motions made in proceedings on the record, or where the Hearing Examiner otherwise direct, each motion shall:

- (1) Be in writing; and
- (2) Contain a concise statement of supporting grounds.

(b) Unless the Hearing Examiner orders otherwise, any party to a proceeding in which a motion is filed under (a) of this section shall have 15 days from service of the motion to file a statement in response.

(c) Failure to make a timely motion or to file a statement in response may be construed as a waiver of objection.

(d) The Hearing Examiner shall rule on all motions as expeditiously as possible.

(e) Any person filing a motion or other request to the Board shall mail a copy of the motion or request to all parties of record. A certificate of such mailing shall be filed with the motion or request.

(f) Unless otherwise directed within the interlocutory order, a copy of the interlocutory order relating to the motion or request shall be provided by the Board to the person filing the motion or request. That person shall mail a copy of the interlocutory order to all parties of record and file with the Board a Certificate of Mailing.

(g) A written copy of the proposed final order of the Board prepared by the Hearing Examiner after the conclusion of any hearing shall be provided to the applicant, and the applicant shall be required to serve all other parties at least fifteen (15) days prior to Board meeting at which the proposed final order is scheduled to be considered.

785:4-5-8. Electronic Filing, Service, and Signature

(a) Electronic Filing. Whenever these rules require a pleading, application, motion, document, notice, or other instrument to be filed or delivered to the Board, such requirement may be satisfied by electronic filing as authorized by these rules.

(b) Electronic Service. Whenever these rules require a pleading, application, motion, document, notice, or other instrument to be served, mailed, transmitted, or issued, such requirement may be satisfied by electronic methods as authorized by these rules, and any other applicable statute or rule. As used in these rules, the term "mail" "mailing" or "mailed" shall include transmission by electronic mail, unless otherwise specified in applicable statute, rule, notice, order, or form provided by the Board.

(c) Electronic Signature.

- (1) Whenever these rules require a pleading, application, motion, document, notice, or other instrument to be signed, verified, certified, or otherwise authenticated, such requirement may be satisfied by electronic methods as authorized by these rules, applicable statute, or Board Order.
- (2) Pleadings, motions, affidavits, waivers, or other instruments that are signed under the penalty of perjury or notarized may be filed electronically, pursuant to these rules. Waivers or other instruments which are signed and witnessed may be electronically filed in the same manner as notarized documents.
- (3) Originals Retained. The filer of any document shall retain the original document(s) or other evidence of the original signature(s) for future production.

785:4-5-9. Documents Filed Electronically

(a) Signature Block. All E-Filed Documents must include a signature block and must set forth the user's name, bar number (where applicable), address, telephone number, and Designated Case-Specific Email Address. The name of the party submitting the Document must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

(b) Multiple Signatures. The Filer of any Document requiring two or more signatures (e.g., stipulations, joint status reports) must list thereon all the other signatories' names by means of an "/s/" signature block for each signatory. By submitting such a Document, the Filer certifies that each of the other signatories has expressly agreed to the form and substance of the Document and that the Filer has their actual authority to submit the Document electronically. It shall be the responsibility of the Filer to retain records evidencing this concurrence for future production. Unless a longer time is prescribed by court rule or statute, a non-filing signatory or party who disputes the authenticity of an electronically filed Document containing multiple signatures must file an objection to the Document within ten (10) days of the date the signatory or party knows, or should know, the Document is filed.

(c) Documents signed under penalty of perjury or requiring a notary public's signature. Documents required by law to include a signature under penalty of perjury, or the signature of a notary public, may be E-Filed in place of the original Document. The declarant and/or notary public must sign the original Document. The original Document shall be converted into an E-Document, if necessary, and E-Filed in a format that accurately reproduces the original signatures and contents of the Document. The Filer shall retain the original Document, or other evidence of the original signature(s), for future production.

(d) When an E-Filed Document is Deemed Filed. A Document submitted to the Board shall be deemed filed upon the date it is accepted by the Board, as evidenced by a confirmation email containing the date of acceptance sent to the Filer.

785:4-5-10. Electronic filing and delivery

(a) All Parties or Persons with business before the Board, including applicants, permit holders, or license holders, and protestants, are required to designate at the time of their initial filing or at the time of their next filing or report to the Board, whichever is first, a Designated Case-Specific E-mail Address. The Board shall keep a record of the Designated Case-Specific E-

mail Address. Except for initial filings and as otherwise provided by rule, statute, or order, the Designated Case-Specific Email shall be the primary method of contact for official notices and communications from the Board.

(b) Any Party or Person may decline to receive communications via Electronic Mail, either formally in writing or by failing to provide a Designated Case-Specific Email-Address. Persons declining to receive communications via Electronic Mail may be charged a fee for the postage required as a result of their failing to consent to Electronic Mail communication; provided that no fee shall be charged for postage if the cost is less than five dollars (\$5.00) for any individual letter.

785:4-5-11. Hearing materials kept and provided, fees and costs

(a) Hearing Materials, including but not limited to application files, exhibits, notices, and all other records, documents, or materials part of the hearing record, shall be kept electronically by the OWRB hearings clerk. Digital copies of hearing materials, in their native file format, shall be provided upon written request.

(b) Hard copies of the hearing materials shall only be provided on written request and shall require the advance payment of a copy and postage fees as follows:

(1) Certified copies. A fee of \$1.00 per copied page is charged for each copy of an order, application, or other document on file with the Board certified by the Secretary, in addition to the other fees applicable in this and other sections.

(2) Non-Certified copies - \$0.25 per page.

(3) Postage -actual cost.

(4) Hearing Binder – containing certified copies of all board exhibits to a hearing, application file, and other records and Documents bound in a three-ring binder with dividers - \$50.00 plus \$1.00 per page after the first 20 pages.

CHAPTER 5. FEES

SUBCHAPTER 1. GENERAL PROVISIONS

785:5-1-9. Dam safety and inspection fees

(a) Filing fees which must be submitted with each application to construct, enlarge, alter, or repair a dam (based on estimated cost of construction, enlargement, etc.) are as follows:

- (1) \$199,999 or less estimated cost - \$1,000.00
- (2) \$200,000 through \$11,999,999 estimated cost - One-half of one percent (0.5%) of estimated cost; not to exceed \$6,000.00.
- (3) \$12,000.00 or greater estimated cost - Five hundredths of one percent (0.05%) of estimated cost.

(b) Fees for inspections of dams classified as low or significant hazard potential made at request of a person who is not an owner of the dam or other routine or periodic inspections conducted by Board personnel are as follows:

- (1) Small (see 785:25-3-3) - \$250.00 for each inspection visit.
- (2) Intermediate (see 785:25-3-3) - \$500.00 for each inspection visit.
- (3) Large (see 785:25-3-3) - \$1000.00 for each inspection visit.

(c) Fees for inspections of dams classified as high hazard potential made at request of a person who is not an owner of the dam or other routine or periodic inspections conducted by Board personnel shall be the actual cost of such inspection.

(d) The fee required for issuance of a certificate of completion is \$25.00 plus if applicable, the inspection fee set out in subsection (b) or (c) of this Section.

(e) Inspection report review and administration fees are due with submittal of the inspection reports as follows:

- (1) Significant hazard dams - \$300 once every three (3) years
- (2) High hazard dams - \$350 each year; provided that if the inspection report and fee is not submitted by the date specified, an additional fee of \$50.00 will be due.

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

(a) The fee for computer services shall be as follows:

- (1) Copying documents to electronic media - \$1.00 per document or file plus actual cost of Board provided electronic media.
- (2) Direct labor cost to convert raw data in data bases to machine-readable format, including but not limited to preparation of table and field descriptions.
- (3) Actual cost of medium supplied by Board used in copying data from data base.

(b) The fee for a document search shall be \$10.00 per hour.

(c) ~~The filing fee for Information Sheets regarding domestic use of stream water from federal reservoirs shall be \$50.00.~~

(d) For transcripts prepared by certified court reporter, stenographer or Board staff under the provisions of 785:4-3-6, the fee shall be the actual cost of the transcription. Prior to such transcription being made, the person requesting the transcription (or appealing the Board's order) shall pre-pay to the Board the estimated cost of the transcribing the audio, with such estimate to be prepared by the Board. Upon completion of the transcription, the person requesting the same shall deposit the balance, if any, necessary for full payment of the transcription. The Board shall refund or credit any excess amount previously deposited.

(e) If unavailable from local floodplain administrators, flood zone and flood map information on file with the Board for each tract or description of land requested will be provided for a fee of \$25.00.

(f) The fee for preparation and compilation of the administrative record for transmittal to a court pursuant to the Administrative Procedures Act shall be \$1.00 per page for written documents, plus the cost of copying the audio recording and the electronic media as provided in this Chapter, plus actual cost of duplication of other exhibits, all payable prior to the transmittal of the record in the court. If the party appealing an order of the Board requests a written transcription of the hearing, or if the district court orders a written transcription as authorized by 75 O.S. § 309, the provisions in subsection (f) above, including prepayment of the cost of transcribing cassette tapes of the hearing, shall apply to the party appealing the Board's order. The full cost of transcribing the tapes must be paid before the Board shall transmit the transcription to the court. The Board shall review any such transcription for accuracy before transmitting the same to court.

(g) In addition to any other applicable fee, and subject to review by the State Governmental Internet Applications Review Board and approval by the Office of Management and Enterprise Services ("OMES"), unless otherwise waived by the Board a person who undertakes an electronic/on-line transaction with the Board shall pay a convenience fee approved by OMES which includes, but is not necessarily limited to, the transaction fee levied by OMES, the credit card or other financial institution charge, and a prorated share of the reasonable costs of development and implementation of, sustaining and upgrading, and future expansion of, the electronic/on-line application. Such transactions may include, but shall not be limited to, filing applications for permits or loans, filing reports of well drilling activities, and renewing licenses or certifications.

(g) A hearing fee of \$1,750.00 must be submitted by the applicant for a permit when an individual proceeding is required on matters related to the application in response to protests received to an application in accordance with 785:4-5-4.

CHAPTER 50. FINANCIAL ASSISTANCE

SUBCHAPTER 6. WATER AND SEWER PROGRAM EMERGENCY GRANTS REQUIREMENTS AND PROCEDURES

785:50-6-2. Evaluation procedures for grant applications

(a) In evaluating a grant request under the water and sewer program, a determination shall be made as to whether an emergency situation exists. For the purposes of this determination, an emergency situation shall be a situation where the life, health or property of the persons served by the entity are endangered. An emergency will be deemed no longer to exist, and a grant application based thereon will not be approved nor funded, after the passage of 180 days following the date the emergency last occurred, unless the Board finds, upon evidence satisfactory to the Board, that the emergency continues to exist as the date of approval and the date of funding.

(b) No emergency may be determined by the Board to exist absent an official declaration of emergency by the entity requesting the grant. The entity's declaration of emergency must be furnished to the Board and must set forth and described, among other matters, the nature and circumstances of the emergency.

(c) In addition to determining whether an emergency situation exists, the Board shall, in evaluating a grant request, take into consideration the following:

- (1) The needs of the area to be served by the project and the benefit of the project to the area in relation to the needs of other areas requiring state assistance;
- (2) Whether the political subdivision can reasonably finance the project without assistance from the state;
- (3) The relationship of the project to the overall statewide water and sewage treatment needs; and
- (4) Whether or not the applicant has taken all reasonable measure to limit waste and conserve water.

(d) Upon a determination that an emergency situation does exist, the priority point system set forth in ~~785:50-7-5~~ 785:50-6-3 shall be utilized to review pending grant applications and grant applications filed after the effective date of these rules.

(e) For purposes of evaluating, approving and funding an application for a grant, eligible project costs shall include, in addition to those project costs described in 785:50-3-1:

- (1) Architecture and/or engineer fees related to the project.
- (2) Fees for soil testing.
- (3) Fees for surveying.
- (4) Payments to contractor(s) for construction of the improvements.
- (5) Legal fees and expenses of counsel for the applicant which are related to the project.
- (6) Services of full-time or part-time inspector.
- (7) Administrative expenses shall not be eligible project costs.

(f) Grant application must be fully completed including the verification form signed and notarized by the applicant representative, and must have ~~or~~ the signature of an attorney representing applicant.

785:50-6-3. Emergency grant priority point system

(a) Basis of priority system and formula.

(1) **General description.** The priority system consists of a mathematical equation rating the applicants and the proposed project in accordance with the requirements of the statutes by means of a formula awarding points for each criteria used in the evaluation. The maximum point total under the system is ~~one hundred twenty (120)~~ one hundred and five (105). The Board may consider each month, and in order from the highest rating, those applications awarded point ratings of 60 or more priority points. If the Board determines that the applicant with the highest point rating cannot promptly proceed with the project due to delays, including but not limited to those caused by legal problems, engineering problems, feasibility problems or availability of other funding sources, the Board may pass over consideration of such application then proceed to consider in order the next highest rated application. Applications which are bypassed shall retain their ratings and thus remain eligible for further consideration. Applications preliminarily determined by Board staff to have point ratings of 59 or fewer shall be deemed denied; provided, such applications may be reevaluated if the applicant submits additional information showing changed circumstances within 120 days after the date of staff's determination, and such information improves the applicant's preliminary point rating.

(2) **Statutory criteria.** The basis of the priority formula has been developed from the enacting legislation. The two primary statutory criteria are:

- (A) The emergency situation of the applicant.
- (B) Whether or not the applicant can reasonably finance the project without assistance from the state.

(3) **Total priority points.** Total priority points will be calculated and awarded for individual projects; therefore, eligible entities will be required to complete separate applications for each project for which grant funds are requested. Priority lists compiled and published by other Oklahoma State agencies and/or seniority dates of applications submitted shall be utilized to decide ties in point totals among applicants.

(b) Priority formula for eligible entities other than school districts.

(1) Formula. The following formula has been devised to rank grant applications: ~~P E + WR + I + L + MHI + FP~~ T=ER + RS + OCR + LP + ACPI + AR + BP - AN, where:

- (A) P = Priority ranking T= Total priority points (105)
- (B) E = Emergency ranking (50)
- (C) WR = Water and sewer rate RS= Rates and Study (10)
- (D) I= Indebtedness per customerOCR - Operational cost ratio (13)
- (E) LP = Amount of local contribution toward projectLocal Participation (10)
- (F) MHI = Median Household IncomeACPI = Adjusted per capita income (10)
- (G) FP = Applicant's ability to finance projectAR = Amount of grant requested (7)
- (H) AR = Amount of grant requestedBP = Benefit of project to other systems (5)
- (I) BP= Benefit of project to other systemsAN = Application number (0)
- (J) AN = Application number

(2) Explanation. Each of these criteria are explained below:

(A) **Emergency rankings (E).** Emergencies are ranked by severity with Category 1 being the most severe and Category 2 being the least severe. Points awarded range from a maximum of 50 points for Category 1 and a minimum of 40 points for Category 2. If an applicant requests funds to correct more than one emergency category need, only the amount of assistance needed to correct the most severe need will be considered in the calculation for the application ranking. The applicant will be informed that separate and additional applications must be filed for other needs and projects. An applicant who receives funding for a project under any of the listed emergencies may not reapply under the same emergency. The two (2) emergency ranking categories are as follows:

(i) **Category 1.** Total loss of a water supply or sewage system or loss of a major component of a system due to a natural or unforeseen disaster which could not have been prevented by the exercise of reasonable care by the applicant. Examples of such disasters may include but are not necessarily limited to: tornado; flood; fire; severe weather; landslide; sudden loss of a water supply system; sudden collapse of a major structural portion of a system; signs of imminent failure of a public water supply lake dam, spillway or outlet structure such as settlement or slumping of the crest, excessive seepage, slides, cracks or sloughs along the upstream and downstream slopes of the dam. Also included under this category is the construction of a new water system to serve areas where residents are supplied by domestic sources or domestic systems whose quantity does not supply the basic needs of the residents. In such cases where new or extended systems are proposed, the Board shall consider and determine whether an adequate population density is available to utilize the proposed system. Notwithstanding any other provisions of this Chapter, if the density is preliminarily determined by Board staff to be inadequate for the applicant to feasibly provide operation and maintenance of the new or extended system, then the application will not be recommended for approval until the proper density, which will make the extension feasible, is achieved. Category 1 emergencies receive 50 points.

(ii) **Category 2.** Water or sewer emergencies which could not have been prevented by the exercise of reasonable care by the applicant and which cause immediate danger or an imminent health hazard to the community or other nearby citizens. Such emergencies may include but are not necessarily limited to: users or systems whose water supply is deemed to be dangerous or unhealthy; systems whose supply source becomes contaminated by man-made pollution caused by a person other than the applicant; overflow of raw sewage into homes or streets due to structural failure in the collection mains and/or structural, mechanical, or electrical failure at a lift station due to disasters which could not have been prevented by the exercise of reasonable care by the applicant, including but not limited to tornado, flooding, fire, or landslides; sewage treatment systems which discharge raw or inadequately treated sewage effluent whose quality and/or quantity causes an immediate and imminent health or safety danger to a public water supply due to a structural, mechanical or electrical failure of a process unit(s) caused by disasters which could not have been prevented by the exercise of reasonable care by the applicant, including but not limited to tornado, flooding, fire, or landslides. Also included under this category is the construction of a new water system to serve areas where residents are supplied by domestic sources or domestic systems whose quality is dangerous or unhealthy as a consequence of circumstances that could not have been prevented by the exercise of reasonable care by the applicant. In such cases where new or extended systems are proposed, the Board shall consider and determine whether an adequate population density is available to utilize the proposed system. Notwithstanding any other provision of this Chapter, if the density is preliminarily determined by Board staff to be inadequate for the applicant to feasibly provide operation and maintenance of the new or extended system, then the application will not be recommended for approval until the proper density, which will make the extension feasible, is achieved. Category 2 emergencies receive 40 points.

(B) **Water and sewer rate structure (WR)Rates and Study (RS).** A recent rate study will help ensure an applicant has current rates that will benefit the system in the long run. A study must be conducted frequently to stay current with aging infrastructure needs. The rate study is to be conducted independently by a third-party

entity that does not stand to gain from the transaction. The maximum points possible under this criterion is 10 points.

(i) For systems providing water service only: If a rate study has been conducted and implemented within two (2) years of the application date, the applicant receives 5 points.

(I) If the cost per 5000 gallons is \$50.00 or greater, the applicant receives 10 points.
(II) If the cost per 5000 gallons is \$45.00 to \$49.99, the applicant receives 9 points.
(III) If the cost per 5000 gallons is \$40.00 to \$44.99, the applicant receives 8 points.
(IV) If the cost per 5000 gallons is \$35.00 to \$39.99, the applicant receives 7 points.
(V) If the cost per 5000 gallons is \$30.00 to \$34.99, the applicant receives 6 points.
(VI) If the cost per 5000 gallons is \$25.00 to \$29.99, the applicant receives 5 points.
(VII) If the cost per 5000 gallons is \$23.00 to \$24.99, the applicant receives 4 points.
(VIII) If the cost per 5000 gallons is \$21.00 to \$22.99, the applicant receives 3 points.
(IX) If the cost per 5000 gallons is \$19.00 to \$20.99, the applicant receives 2 points.
(X) If the cost per 5000 gallons is \$18.00 to \$18.99, the applicant receives 1 point.
(XI) If the cost per 5000 gallons is less than \$18.00, the applicant receives 0 points.

(ii) For systems providing water and sewer services: If a rate study was conducted and implemented more than two (2) years but less than five (5) years prior to the application date, the applicant receives zero (0) points.

(I) If the cost per 5000 gallons is \$56.00 or greater, the applicant receives 10 points.
(II) If the cost per 5000 gallons is \$53.00 to \$55.99, the applicant receives 9 points.
(III) If the cost per 5000 gallons is \$49.00 to \$52.99, the applicant receives 8 points.
(IV) If the cost per 5000 gallons is \$45.00 to \$48.99, the applicant receives 7 points.
(V) If the cost per 5000 gallons is \$41.00 to \$44.99, the applicant receives 6 points.
(VI) If the cost per 5000 gallons is \$37.00 to \$40.99, the applicant receives 5 points.
(VII) If the cost per 5000 gallons is \$34.00 to \$36.99, the applicant receives 4 points.
(VIII) If the cost per 5000 gallons is \$32.00 to \$33.99, the applicant receives 3 points.
(IX) If the cost per 5000 gallons is \$31.00 to \$31.99, the applicant receives 2 points.
(X) If the cost per 5000 gallons is \$30.00 to \$30.99, the applicant receives 1 point.
(XI) If the cost per 5000 gallons is less than \$30.00, the applicant receives 0 points.

(iii) For systems providing sewer service only: If a rate study has not been conducted and implemented within five (5) years of the application date, the applicant receives negative five (-5) points.

(I) If the cost per connection per month is \$34.00 or greater, the applicant receives 10 points.
(II) If the cost of connection per month is \$32.00 to \$33.99, the applicant receives 9 points.
(III) If the cost of connection per month is \$30.00 to \$31.99, the applicant receives 8 points.
(IV) If the cost of connection per month is \$28.00 to \$29.99, the applicant receives 7 points.
(V) If the cost of connection per month is \$26.00 to \$27.99, the applicant receives 6 points.
(VI) If the cost of connection per month is \$24.00 to \$25.99, the applicant receives 5 points.
(VII) If the cost of connection per month is \$22.00 to \$23.99, the applicant receives 4 points.
(VIII) If the cost of connection per month is \$20.00 to \$21.99, the applicant receives 3 points.
(IX) If the cost of connection per month is \$18.00 to \$19.99, the applicant receives 2 points.
(X) If the cost of connection per month is \$16.00 to \$17.99, the applicant receives 1 point.
(XI) If the cost of connection per month is less than \$16.00, the applicant receives 0 points.

(iv) The Board will deduct 3 points from the total of the Water and Sewer Rate Structure ranking for any system which charges a flat water or sewer rate (unmetered) without regard to the amount of water or sewer used, and 2 points for a decreasing block rate which lowers the cost per 1000 gallons for customers using larger amounts of water. No points will be added or subtracted for systems using a fixed rate per 1,000 gallons above the minimum. Two points will be added for systems using an increasing block rate. Entities who dedicate sales tax for water and/or sewer improvements will be awarded 1 additional point. Under the category the maximum number of points is 13 and the minimum is -3 points: Billing rate structure:

(I) The Board will deduct three (3) points from the total for any system which charges a flat-water rate or sewer rate (unmetered) without regard to the amount of water or sewer used.

(II) The Board will deduct two (2) points for a decreasing block rate which lowers the cost per 1000 gallons for customers using larger amounts of water.

(III) No points will be added or subtracted for systems using a fixed rate per 1,000 gallons above the minimum.

(IV) Two (2) points will be added for systems using an increasing block rate.

(V) Entities who dedicate sales tax for water and/or sewer improvements will be awarded one (1) additional point.

(VI) Entities who have implemented an automatic rate increase will be awarded two (2) additional points.

(C) **Indebtedness per customer (I).** The indebtedness per customer ranking is calculated by taking the applicant's monthly requirements for debt service on debt incurred for water and/or sewer system purposes and dividing it by the number of customers served. **Operational Cost Ratio (OCR).** The operational cost ratio will look at the applicant's total operating revenues and compare them against the operating expenses and debt to gauge ability to finance debt based off of their most recent audit not more than two (2) fiscal years behind. An Agreed Upon Procedure not more than two (2) fiscal years behind will be accepted to be reviewed. Operating revenues shall include interest income as well as membership fees, along with all revenues listed under the revenues category. If sales tax is dedicated towards water and/or sewer improvements as indicated in the Rate Study, sales tax revenue will also be included in operating revenues. Operating expenses shall include everything in the expenses category except depreciation. Debt shall mean any outstanding obligations related to water and/or sewer infrastructure and will include the amount of grant requested. The maximum points possible under this criterion is thirteen (13) points. The formula is as follows: Operational Cost Ratio = (Operating Revenues - Operating Expenses + Depreciation)/(Debt + Amount of grant requested). If the applicant does not have any debt, the grant amount requested will be taken into consideration to determine OCR.

- (i) If the indebtedness per customer is \$20.00 or greater, the applicant receives 10 points. If operational cost ratio is less than 1.0 times, the applicant receives 0 points.
- (ii) If the indebtedness per customer is \$17.50 to \$19.99, the applicant receives 9 points. If operational cost ratio is 1.0 times, the applicant receives 5 points.
- (iii) If the indebtedness per customer is \$16.00 to \$17.49, the applicant receives 8 points. If operational cost ratio is more than 1.0 times but less than 1.25 times, the applicant receives 10 points.
- (iv) If the indebtedness per customer is \$14.50 to \$15.99, the applicant receives 7 points. If operational cost ratio is more than 1.25 times, the applicant receives 13 points.
- (v) If the indebtedness per customer is \$13.00 to \$14.49, the applicant receives 6 points.
- (vi) If the indebtedness per customer is \$11.50 to \$12.99, the applicant receives 5 points.
- (vii) If the indebtedness per customer is \$10.00 to \$11.49, the applicant receives 4 points.
- (viii) If the indebtedness per customer is \$8.50 to \$9.99, the applicant receives 3 points.
- (ix) If the indebtedness per customer is \$7.00 to \$8.49, the applicant receives 2 points.
- (x) If the indebtedness per customer is \$5.50 to \$6.99, the applicant receives 1 point.
- (xi) If the indebtedness per customer is less than \$5.50, the applicant receives 0 points.

(D) **Local participation (L).** The local participation ranking is based on the percentage of the total project cost which is locally funded through cash contributions, or incurrence of additional debt through a loan. Grant funds received through other agencies will be counted as local funding. The maximum points possible under this criterion is ten (10) points. Points awarded for participation are as follows:

- (i) The Board will not approve nor fund any grant application unless the applicant contributes at least fifteen percent (15%) of the total cost of the proposed project. If the percentage of the project cost locally funded is less than 15%, the applicant receives 0 points.
- (ii) The local participation ranking is based on the percent of the total project cost which is locally funded through cash contributions, or incurrence of additional debt through a loan. Grant funds received through other agencies will not be counted as local funding. Points awarded for participation are as follows: If the percentage of the project cost locally funded is 15% or more but less than 20%, the applicant receives 5 points.
 - (I) If the percentage of the project cost locally funded is 90% or greater, the applicant shall be given 10 points.
 - (II) If the percentage of the project cost locally funded is at least 80% but less than 90%, the applicant receives 9 points.
 - (III) If the percentage of the project cost locally funded is at least 70% but less than 80%, the applicant receives 8 points.
 - (IV) If the percentage of the project cost locally funded is at least 60% but less than 70%, the applicant receives 7 points.
 - (V) If the percentage of the project cost locally funded is at least 50% but less than 60%, the applicant receives 6 points.
 - (VI) If the percentage of the project cost locally funded is at least 40% but less than 50%, the applicant receives 5 points.
 - (VII) If the percentage of the project cost locally funded is at least 30% but less than 40%, the applicant receives 4 points.
 - (VIII) If the percentage of the project cost locally funded is at least 25% but less than 30%, the applicant receives 3 points.
 - (IX) If the percentage of the project cost locally funded is at least 20% but less than 25%, the applicant receives 2 points.
 - (X) If the percentage of the project cost locally funded is at least 15% but less than 20%, the applicant givenreceives 1 point.

(XI) If the percentage of the project cost locally funded is less than 15%, the application shall not be approved nor funded.

(iii) If the percentage of the project cost locally funded is more than 20%, the applicant receives 10 points.

(E) **Median Household Income (MHI)**. The median household income is calculated according to the most current federal decennial census or American Community Survey data available. **Adjusted Per Capita Income (APCI)**. The Adjusted Per Capita Income (APCI) is a formula that takes into account the affordability criteria of the applicant and is measured against the United States' APCI to determine tier ranking based off of what percentage applicant receives. Data from the census website is used to determine per capita income, unemployment rate, and population trend. The maximum points possible under this criterion is 10 points.

(i) The county median figure for median household income will be used in cases where data for the applicant's service area is not available. The formula is as follows: $APCI = \text{Per Capita Income} * \text{Employment Rate} * \text{Population Trend}$.

(I) $\text{Employment Rate} = 1 - \text{unemployment rate}$.

(II) $\text{Population Trend} = 10\text{-year difference in population from most recent Census}$

(III) $\text{Tier Ranking} = \text{Percentage of APCI} = \text{APCI/US APCI}$

(ii) Points are awarded as follows: Rural Water and Sewer systems are requested to contact OWRB for additional information needed to determine percentage ranking. Required data of at least two of the largest communities served by the RW&S system will be averaged to determine RW&S percentage ranking and tier determination or data presented to OWRB that more accurately reflects the entity's current or proposed service area, that will be evaluated on a case-by-case basis. If a system serves only one community, the sole community's data will be used to determine RW&S percentage ranking and tier determination.

(I) If the median household income is less than \$17,000, the applicant receives 10 points.

(II) If the median household income is \$17,000 to \$20,999, the applicant receives 9 points.

(III) If the median household income is \$21,000 to \$23,999, the applicant receives 8 points.

(IV) If the median household income is \$24,000 to \$28,999, the applicant receives 7 points.

(V) If the median household income is \$29,000 to \$31,999, the applicant receives 6 points.

(VI) If the median household income is \$32,000 to \$36,999, the applicant receives 5 points.

(VII) If the median household income is \$37,000 to \$39,999, the applicant receives 4 points.

(VIII) If the median household income is \$40,000 to \$44,999, the applicant receives 3 points.

(IX) If the median household income is \$45,000 to \$47,999, the applicant receives 2 points.

(X) If the median household income is \$48,000 to \$51,999, the applicant receives 1 point.

(XI) If the median household income is \$52,000 or greater, the applicant receives 0 points.

(iii) Tier ranking:

(I) If percentage of APCI is equal to 81% or more of U.S. APCI, applicant will be considered a Tier 4 and receives 4 points.

(II) If percentage of APCI is more than or equal to 71% but less than 81% of U.S. APCI, applicant will be considered Tier 3 and receives 6

(III) If percentage of APCI is more than or equal to 56% but less than 71% of U.S. APCI, applicant will be considered a Tier 2 and receives 8 points.

(IV) If percentage of APCI is equal to 55% or less of U.S. APCI, applicant will be considered a Tier 1 and receives 10 points.

(F) **Ability to finance project (FP): Amount of grant requested (AR)**. The maximum number of points under this criterion is seven (7) and the minimum is negative five (-5) points.

(i) The maximum points possible under this criterion for the ability of the applicant to finance the project without assistance from the state is 12. Points under this category for the amount of grant requested are distributed as follows:

(I) If the grant amount requested is \$275,000 to \$300,000, the applicant receives -5 points.

(II) If the grant amount requested is \$250,000 to \$274,999.99, the applicant receives -4 points.

(III) If the grant amount request is \$225,000 to \$249,999.99, the applicant receives -3 points.

(IV) If the grant amount requested is \$200,000 to \$249,999.99, the applicant receives -2 points.

(V) If the grant amount requested is \$175,000.01 to \$199,999.99, the applicant receives -1 point.

(VI) If the grant amount requested is \$175,000.00, the applicant receives 0 points.

(VII) If the grant amount requested is \$150,000 to \$174,999.99, the applicant receives 1 point.

(VIII) If the grant amount requested is \$125,000 to \$149,999.99, the applicant receives 2 points.

(IX) If the grant amount requested is \$100,000 to \$124,999.99, the applicant receives 3 points.

(X) If the grant amount requested is \$75,000 to \$99,999.99, the applicant receives 4 points.

(XI) If the grant amount requested is \$50,000 to \$74,999.99, the applicant receives 5 points.

(XII) If the grant amount requested is \$25,000 to \$49,999.99, the applicant receives 6 points.

(XIII) If the grant amount requested is \$24,999.99 and below, the applicant receives 7 points.

(ii) The FP ranking gives a standardized account of the amount the existing water/sewer rates would have to be raised in order for the applicant to finance the project through a loan. A standard interest rate and term of 5% for 25 years is assumed. The cost per customer per month is calculated using the following formula: FP equals the product of AR multiplied by (0.0710), divided by the product of (12) multiplied by (C), where If a project exceeds \$175,000 and the amount of funds needed over and above the OWRB grant request are being secured through a loan from OWRB, then there will be no deduction of points under this category.

- (I) FP = Estimate of the amount monthly water/sewer rates would have to be raised to finance the amount of grant request for the project.
- (II) AR = Amount of grant request. For this calculation, the amount of available reserve not dedicated to the project will be deducted from the amount requested.
- (III) (0.0710) = Annual rate factor for a 25 year loan at 5%
- (IV) (12) = Number of months per year.
- (V) (C) = Number of customers

(iii) In cases where the applicant's current revenues exceed expenses by a large margin, the Board will appropriately adjust the (AR) figure to accurately represent the applicant's ability to finance the project. No grant shall be made to any single eligible entity during any fiscal year in an amount exceeding twenty percent (20%) of the funds available for grants to eligible entities during that fiscal year nor shall such grant exceed Three Hundred Thousand Dollars (\$300,000.00).

(iv) Points in the FP ranking are awarded as follows:

- (I) If the ability to finance the project is \$10.00 or greater, the applicant receives 12 points.
- (II) If the ability to finance the project is \$8.00 to \$9.99, the applicant receives 11 points.
- (III) If the ability to finance the project is \$6.00 to \$7.99, the applicant receives 10 points.
- (IV) If the ability to finance the project is \$5.00 to \$5.99, the applicant receives 9 points.
- (V) If the ability to finance the project is \$4.00 to \$4.99, the applicant receives 8 points.
- (VI) If the ability to finance the project is \$3.00 to \$3.99, the applicant receives 7 points.
- (VII) If the ability to finance the project is \$2.00 to \$2.99, the applicant receives 6 points.
- (VIII) If the ability to finance the project is \$1.75 to \$1.99, the applicant receives 5 points.
- (IX) If the ability to finance the project is \$1.50 to \$1.74, the applicant receives 4 points.
- (X) If the ability to finance the project is \$1.25 to \$1.49, the applicant receives 3 points.
- (XI) If the ability to finance the project is \$1.00 to \$1.24, the applicant receives 2 points.
- (XII) If the ability to finance the project is \$0.75 to \$0.99, the applicant receives 1 point.
- (XIII) If the ability to finance the project is less than \$0.75, the applicant receives 0 points.

(G) Amount of grant requested (AR): Project benefit to other systems (BP). If the applicant's project will benefit other adjacent systems as well as applicants, or result in or lead to consolidation of systems, an additional five (5) priority points will be included in the total of priority points assigned to the application.

(i) Points under this category for amount of grant requested are distributed as follows:

- (I) If the grant amount requested is \$95,001 to \$100,000, the applicant receives -5 points.
- (II) If the grant amount requested is \$90,001 to \$95,000, the applicant receives -4 points.
- (III) If the grant amount request is \$85,001 to \$90,000, the applicant receives -3 points.
- (IV) If the grant smount requested is \$80,001 to \$85,000, the applicant receives -2 points.
- (V) If the grant amount requested is \$75,001 to \$80,000, the applicant receives -1 point.
- (VI) If the grant amount requested is \$70,001 to \$75,000, the applicant receives 0 points.
- (VII) If the grant amount requested is \$65,001 to \$70,000, the applicant receives 1 point.
- (VIII) If the grant amount requested is \$60,001 to \$65,000, the applicant receives 2 points.
- (IX) If the grant amount requested is \$55,001 to \$60,000, the applicant receives 3 points.
- (X) If the grant amount requested is \$50,000 to \$55,000, the applicant receives 4 points.
- (XI) If the grant amount requested is \$45,001 to \$50,000, the applicant receives 5 points.
- (XII) If the grant amount requested is \$40,001 to \$45,000 the applicant receives 6 points.
- (XIII) If the grant amount requested is \$35,001 to \$40,000, the applicant receives 7 points.
- (XIV) If the grant amount requested is \$30,001 to \$35,000, the applicant received 8 points.
- (XV) If the grant amount requested is \$25,001 to \$30,000, the applicant receives 9 points.
- (XVI) If the grant amount requested is \$25,000 or less, the applicant receives 10 points.

(ii) If a project exceeds \$75,000 and the amount of funds needed over and above the OW RB grant request are being secured through a loan from OWRB, then there will be no deduction of points under this category.

(H) Project benefit to other systems (BP). If the applicant's project will benefit other adjacent systems as well as applicant's, or result in or lead to consolidation of systems, an additional five (5) priority points will be included in the total of priority points assigned to the application. Number of grants. Since it is anticipated that entities who have received emergency grants might submit additional grant applications for approval, points will be deducted from such applications according to the following schedule; provided, points shall not be deducted from

such any emergency grant which was funded 10 or more years prior to the date of Board action on the pending application and which has been subjected to a Board audit:

- (i) If the qualified entity has received one (1) prior grant, the applicant receives -5
- (ii) If the qualified entity has received two (2) prior grants, the applicant receives -8
- (iii) If the qualified entity has received three (3) prior grants, the applicant receives -10 points.
- (iv) If the qualified entity has received four (4) prior grants, the applicant receives -12 points.
- (v) If the qualified entity has received five (5) or more prior grants, the applicant receives -14 points.

(f) **Number of grants.** Since it is anticipated that entities who have received emergency grants might submit additional grant applications for approval, points will be deducted from such applications according to the following schedule; provided, points shall not be deducted from such any emergency grant which was funded 10 or more years prior to the date of Board action on the pending application and which has been subjected to a Board audit:

- (i) If the qualified entity has received one (1) prior grant, the application receives -5 points.
- (ii) If the qualified entity has received two (2) prior grants, the application receives -8 points.
- (iii) If the qualified entity has received three (3) prior grants, the application receives -10 points.
- (iv) If the qualified entity has received four (4) prior grants, the application receives -12 points.
- (v) If the qualified entity has received five (5) or more prior grants, the application receives -14 points.

(c) **Priority formula for school districts.**

(1) School districts, created under Article V of the 1971 School Code, 70 O.S. 1981, §§5-101 et seq., are political subdivisions of the State, and therefore are eligible for financial assistance under the Board's program.

(2) In evaluating and prioritizing grant applications from school districts similar criteria to those applied to municipalities, towns and rural water districts will be utilized.

(3) In developing a priority formula for school district applicants, again, the two primary statutory criteria are:

- (A) The emergency situation of the school district.
- (B) Whether the school district can reasonably finance the emergency project without the Board's assistance.

(4) The emergency aspect of each project is ranked with a maximum of 50 points being given to the most serious situations and a minimum of 30 points to the least serious. The emergency categories and points given for each are the same as those listed in (b)(2) of this Section.

(5) The school district's financial situation is given a maximum of 66 points and is derived by analyzing the following:

- (A) Local tax levies
- (B) Bonded indebtedness
- (C) Local contribution
- (D) Median household income within the school district's geographical area
- (E) Applicant's ability to finance project
- (F) Amount of grant requested
- (G) Application number

(6) Priority lists compiled and published by other Oklahoma state agencies shall be utilized to assess the seriousness of the emergency.

(7) Using the previously mentioned analysis, the following formula has been devised to rank school districts' grant applications: $P = E + LT + BI + L + MHI + FP + AR - AN$, where:

- (A) P = Priority ranking total points
- (B) E = Emergency ranking
- (C) LT = Local tax levies
- (D) BI - Bonded indebtedness
- (E) L = School's contribution toward the project
- (F) MHI = Median household income of population within a school district
- (G) FP = Applicant's ability to finance project
- (H) AR = Amount of grant requested
- (I) AN = Application number

(8) The criteria E, MHI, FP, AR and AN are the same as that set forth in (b) of this section. LT, BI and L are explained as follows:

(A) **Local tax levies (LT).** Points awarded under this category for local tax levies are based on the total amount of mills levied, as follows:

- (i) If the mills are 95 to 100, the applicant receives 13 points.
- (ii) If the mills are 90 to 94.99 the applicant receives 11 points.
- (iii) If the mills are 85 to 89.99, the applicant receives 10 points.
- (iv) If the mills are 80 to 84.99, the applicant receives 8 points.
- (v) If the mills are 70 to 79.99, the applicant receives 6 points.
- (vi) If the mills are 60 to 69.99, the applicant receives 4 points.
- (vii) If the mills are 55 to 59.99, the applicant receives 2 points.
- (viii) If the mills are 50 to 54.99, the applicant receives 1 point.

- (ix) If the mills are 45 to 59.99, the applicant receives 0 points.
- (x) if the mills are 40 to 44.99, the applicant receives -1 point.
- (xi) If the mills are less than 40, the applicant receives -2 points.

(B) Bonded indebtedness (BI).

- (i) Priority points for Bonded Indebtedness are as follows:

- (I) If the percentage is 95% to 100%, the applicant receives 10 points
- (II) If the percentage is 90% to 94.99%, the applicant receives 8 points.
- (III) If the percentage is 80% to 89.99%, the applicant receives 7 points.
- (IV) If the percentage is 75% to 79.99%, the applicant receives 6 points.
- (V) If the percentage is 70% to 74.99%, the applicant receives 5 points.
- (VI) If the percentage is 65% to 69.99%, the applicant receives 4 points
- (VII) If the percentage is 60% to 64.99%, the applicant receives 3 points.
- (VIII) If the percentage is 55% to 59.99%, the applicant receives 2 points.
- (IX) If the percentage is 50% to 54.99%, the applicant receives 1 point.
- (X) If the percentage is 45% to 44.99%, the applicant receives 0 points.
- (XI) If the percentage is 40% to 44.99%, the applicant receives -1 point.
- (XII) If the percentage is 30% to 39.99%, the applicant receives -2 points.
- (XIII) If the percentage is less than 30%, the applicant receives -3 points.

- (ii) A deduction of one (1) point from the indebtedness ranking total will be made for applicants with 75% of existing debts financed at rates of 5% or less, and one (1) point will be added if 75% of existing debts are financed at rates greater than 10%.

(C) Local participation (L).

- (i) In order to achieve the maximum benefit from available grant funds, the Board will not approve nor fund any grant application unless the applicant contributes at least fifteen percent (15%) of the total cost of the proposed project.
- (ii) The local participation ranking is based on the percent of the total project cost which is locally funded through cash contributions or incurrence of additional debt through a loan. Points awarded are as follows:

- (I) If the percentage of the project cost locally funded is 90% or greater, the applicant receives 10 points.
- (II) If the percentage of the project cost locally funded is at least 80% but less than 90%, the applicant receives 9 points.
- (III) If the percentage of the project cost locally funded at least 70% but less than 80%, the applicant receives 8 points.
- (IV) If the percentage of the project cost locally funded at least 60% but less than 70%, the applicant receives 7 points.
- (V) If the percentage of the project cost locally funded at least 50% but less than 60%, the applicant receives 6 points.
- (VI) If the percentage of the project cost locally funded is at least 50% but less than 60%, the applicant receives 5 points.
- (VII) If the percentage of the project cost locally funded is at least 40% but less than 50%, the applicant receives 4 points.
- (VIII) If the percentage of the project cost locally funded is at least 25% but less than 30%, the applicant receives 3 points.
- (IX) If the percentage of the project cost locally funded is at least 20% but less than 25%, the applicant receives 2 points.
- (X) If the percentage of the project cost locally funded is at least 15% but less than 20%, the applicant receives 1 point.
- (XI) If the percentage of the project cost locally funded is less than 15%, the application shall not be approved nor funded.

- (iii) Under the Ability to Finance Project (FP) category the Number of Customers (C) as previously discussed will be replaced by the Number of Families within a school district. Points awarded under the FP category are the same as discussed and shown in (b) of this Section.

**SUBCHAPTER 8. RURAL ECONOMIC ACTION PLAN (REAP) GRANT PROGRAM
REQUIREMENTS AND PROCEDURES**

785:50-8-3. Application review and disposition

- (a) **General procedures.** The general procedure to be followed in the financial assistance application, review and consideration process for financial assistance under the REAP grant program shall be as follows:

(1) Pre-application workshop.

(A) While not specifically required, all potential applicants are encouraged to participate in the pre-application workshop between Board staff, potential applicants (or representative), applicant's legal, financial and engineering advisors and such other persons whose attendance and participation may be deemed appropriate and beneficial. Applicants who attend the workshop shall receive additional points.

(B) At the pre-application workshop, preliminary matters respecting the applicant, the proposed project and the application for assistance may be generally discussed in an effort to familiarize all concerned parties with the financial assistance program and applicable application requirements and procedures.

(2) Application.

(A) Applicant shall initiate application review and consideration by submission to the Board of applicant's application for financial assistance. An application may be submitted directly by the qualified entity or, at the qualified entity's discretion, may be submitted by a COG for the benefit or on behalf of a qualified entity. A COG may assist a qualified entity in filling out or filing an application, but a COG may not exercise any power of review, approval or disapproval over an application. All applications filed with any COG shall be submitted by the COG to the Board. If an application submitted by a COG is approved, the money shall be disbursed directly to the qualified entity.

(B) In all instances, applications must be submitted in a form which meets the requirements of Subchapter 5.

(C) All applicants must have the verification form signed and notarized by the applicant representative, and must have the signature of an attorney representing applicant.

(3) Submittal to Board. Upon completion of staff review, the submitted application (with staff recommendations, if any) shall be placed upon the Board's agenda for the next regular (or special) Board meeting and shall be thereby submitted to the Board for action as described in (e) below.

(b) General approval standards and criteria. In the review and consideration of applications for financial assistance under the REAP grant program, the Board shall follow the priority point system set forth in 785:50-8-5. The Board shall also give consideration to the following general and non-exclusive criteria for application approval:

(1) Compliance with laws. The application and proposed project must be found to be in compliance with all applicable and relevant federal, state and local laws and regulations, and applicant must possess all necessary and incidental legal rights and privileges necessary to project commencement and operation.

(2) Eligibility. The applicant must be a qualified entity (or a COG applying on behalf of a qualified entity) and the proposed project must be for a qualified purpose as defined in 785:50-3-1 or 785:50-8-2.

(3) Local need, support and priority. The project must be found to be needed in the area to be served and must be found to be sufficient, as proposed, to serve such needs. The Board shall additionally consider the project's relative benefit and priority in relation to the needs of other proposed projects and applicants.

(4) Availability of other assistance. The Board shall consider the feasibility and availability of alternative sources of revenue which could be obtained and utilized by applicant for project financing.

(5) Economic feasibility. The Board shall consider the overall apparent economic viability and feasibility of the project as a whole.

(6) Project feasibility. The Board shall consider from the engineering data submitted and otherwise available whether the proposed project appears to be feasible, and must determine as a prerequisite to application approval and funding that the project is cost effective.

(7) Statewide needs and public interest. The Board shall give consideration to the relationship between the proposed project and the overall water resource development needs within the State of Oklahoma as well as to whether the proposed project, if constructed, will serve the public interest and welfare.

(8) REAP grant amount; availability of funds. In sizing a REAP grant, the Board shall take into consideration the current and anticipated availability of REAP program funds. Appropriations for the year will determine the highest amount allowable to be requested by the applicant.

(9) Conservation Measures. The Board shall consider whether or not the applicant has taken all reasonable measures to limit waste and conserve water.

(c) Criteria applicability.

(1) The general criteria set forth in (b) and (d) of this Section are intended to constitute and shall constitute general guidelines and standards for application review and consideration by the Board.

(2) Such criteria shall not be deemed exclusive.

(3) In all instances, each individual application and project must be reviewed and considered on its own individual merits.

(4) The criteria and standards set forth in (b) and (d) of this Section shall accordingly be interpreted and applied so as to allow sufficient flexibility in the ultimate exercise of Board's judgment and discretion.

(d) Criteria for denying an application. The Board may deny an application for a REAP grant for any of the following reasons:

(1) The applicant or the entity which stands to receive the benefit of the grant assistance is not an eligible entity.

(2) Any other reason based upon applicable law or the Board's judgment and discretion.

(e) Board action.

(1) After reviewing and considering the submitted application, the Board may proceed to take one of the following alternative forms of Board action on the application:

- (A) The Board may approve and grant the application as submitted, in whole or in part, and thereby authorize such further action as may be necessary to effectuate the disbursement of funds.
- (B) The Board may retain the application under advisement for further consideration or continue hearing on same for later ruling and disposition, and, the Board may withhold ruling on the application pending further hearing and/or submission to the Board of such further or additional information as the Board may require for application consideration purposes.
- (C) The Board may reject and deny the application, in whole or in part, based upon any criteria described in (d) of this Section which may be applicable.
- (D) The Board may approve and grant the application, in whole or in part, such approval being conditioned and contingent upon the existence of adequate and available grant funds or conditioned and contingent upon receipt and approval by Board staff of any outstanding and necessary material, information, documents, verifications or other authorization.

(2) Upon approval of an application, the Board may authorize the execution of all necessary grant documents and instruments by the Chairman of the Board, or other designated Board member, and may accordingly authorize and provide for disbursements and may authorize such further or additional action as may be necessary to complete and implement the approved transaction.

785:50-8-5. REAP grant priority point system

(a) Basis of priority system and formula.

(1) General description. The priority system consists of a mathematical equation rating the qualified entities and the proposed project in accordance with the requirements of state law by means of a formula awarding points for each criterion used in the evaluation. The maximum point total under the system is one hundred thirty (130). The Board may consider each month, and in order from the highest rating, those applications awarded point ratings of 40 or more priority points. If the Board determines that the qualified entity with the highest point rating cannot promptly proceed with the project due to delays, including but not limited to those caused by legal problems, engineering problems, feasibility problems or availability of other funding sources, the Board may pass over consideration of such application then proceed to consider in order the next highest rated application. Applications which are bypassed shall retain their ratings and thus remain eligible for further consideration. Applications preliminarily determined by Board staff to have point ratings of applicant submits additional information showing changed circumstances within 120 days after the date of staff's determination, and such information improves the applicant's preliminary point rating.

(2) Statutory criteria. The basis of the priority formula has been developed from the enacting legislation. The primary statutory criteria are:

- (A) There shall be a higher priority for any city or town with a population less than one thousand seven hundred fifty (1,750) according to the Census Population than for any jurisdiction with a greater population; and rural water or sewer districts which have less than 525 non-pasture customers; and
- (B) *Among other cities or towns, those municipalities having relatively weaker fiscal capacity shall have a priority for project funding in preference to other municipalities* [62:2003]. In order to give a priority evaluation to each applicant, the Board shall evaluate all applications according to the fiscal capacity criteria set forth in this Section.

(3) Total priority points. Total priority points will be calculated and awarded for individual projects. Therefore, qualified entities will be required to complete separate applications for each project for which grant funds are requested. Priority lists compiled and published by other Oklahoma State agencies and/or seniority dates of applications submitted shall be utilized to decide ties in point totals among qualified entities.

(b) Priority formula for eligible entities other than school districts and counties.

(1) Formula. The following formula has been devised to rank grant applications: $T = P + \underline{WR} + \underline{RS} + \underline{OCR} + \underline{MHI} + \underline{APCI} + N + AR + BP + PG + S + WA$, Where:

- (A) T = Total of priority points (130)
- (B) P = Population (55)
- (C) WR = Water and sewer rate structure RS = Rates and Study (10)
- (D) I = Indebtedness per customer OCR = Operational cost ratio (13)
- (E) MHI = Median household income LP = Local participation (10)
- (F) FP = Applicant's ability to finance project APCI = Adjusted per capita income (10)
- (G) N = Need (5)
- (H) AR = Amount of grant requested (7)
- (I) BP = Project benefit to other systems (5)
- (J) PG = Previous grant assistance (0)
- (K) S = Sustainability (10)
- (L) WA = Workshop attended (5)

(2) Explanation. Each of these criteria are explained below:

- (A) **Population (P).** Municipalities which have a population of less than 1,750 according to the latest Census Population will receive 55 priority points. Rural water or sewer districts which have less than 525 non-pasture

customers will receive 55 points. The maximum points under this criterion is fifty-five (55) points.

(B) **Water and Sewer rate structure (WR). Rates and study (RS.)** A recent rate study will help ensure an applicant has current rates that will benefit the system in the long run. A study must be conducted frequently to stay current rates that will benefit the system in the long run. A study must be conducted frequently to stay current with aging infrastructure needs. The study is to be conducted independently by a third-party entity that does not stand to gain from the transaction. The maximum points possible points under this criterion is ten (10) points and the minimum intsis negative (-8).

(i) For systems providing water service only If a rate study has been conducted and implemented within two (2) years of the application date, the application receives five (5) points.

- (I) If the cost per 5000 gallons is \$50.00 or greater, the applicant receives 10 points.
- (II) If the cost per 5000 gallons is \$45.00 to \$49.99, the applicant receives 9 points.
- (III) If the cost per 5000 gallons is \$40.00 to \$44.99, the applicant receives 8 points.
- (IV) If the cost per 5000 gallons is \$35.00 to \$39.99, the applicant receives 7 points.
- (V) If the cost per 5000 gallons is \$30.00 to \$34.99, the applicant receives 6 points.
- (VI) If the cost per 5000 gallons is \$25.00 to \$29.99, the applicant receives 5 points.
- (VII) If the cost per 5000 gallons is \$23.00 to \$24.99, the applicant receives 4 points.
- (VIII) If the cost per 5000 gallons is \$21.00 to \$22.99, the applicant receives 3 points.
- (IX) If the cost per 5000 gallons is \$19.00 to \$20.99, the applicant receives 2 points.
- (X) If the cost per 5000 gallons is \$18.00 to \$18.99, the applicant receives 1 point.
- (XI) If the cost per 5000 gallons is less than \$18.00, the applicant receives 0 points.

(ii) For systems providing water and sewer services; If a rate study was conducted and implemented more than two (2) years of the application date but less than five (5) years from the application date, the applicant receives zero (0) points.

- (I) If the cost per 5000 gallons is \$56.00 or greater, the applicant receives 10 points.
- (II) If the cost per 5000 gallons is \$53.00 to \$55.99, the applicant receives 9 points.
- (III) If the cost per 5000 gallons is \$49.00 to \$52.99, the applicant receives 8 points.
- (IV) If the cost per 5000 gallons is \$45.00 to \$48.99, the applicant receives 7 points.
- (V) If the cost per 5000 gallons is \$41.00 to \$44.99, the applicant receives 6 points.
- (VI) If the cost per 5000 gallons is \$37.00 to \$40.99, the applicant receives 5 points.
- (VII) If the cost per 5000 gallons is \$34.00 to \$36.99, the applicant receives 4 points.
- (VIII) If the cost per 5000 gallons is \$32.00 to \$33.99, the applicant receives 3 points.
- (IX) If the cost per 5000 gallons is \$31.00 to \$31.99, the applicant receives 2 points.
- (X) If the cost per 5000 gallons is \$30.00 to \$30.99, the applicant receives 1 point.
- (XI) If the cost per 5000 gallons is less than \$30.00, the applicant receives 0 points.

(iii) For systems providing sewer service only; If a rate study has not been conducted or implemented within 5 years of the application date, the applicant receives negative five (-5) points.

- (I) If the cost per connection per month is \$34.00 or greater, the applicant receives 10 points.
- (II) If the cost of connection per month is \$32.00 to \$33.99, the applicant receives 9 points.
- (III) If the cost of the connection per month is \$30.00 to \$31.99, the applicant receives 8 points.
- (IV) If the cost of connection per month is \$28.00 to \$29.99, the applicant receives 7 points.
- (V) If the cost of connection per month is \$26.00 to \$27.99, the applicant receives 6 points.
- (VI) If the cost of connection per month is \$24.00 to \$25.99, the applicant receives 5 points.
- (VII) If the cost per connection per month is \$22.00 to \$23.99, the applicant receives 4 points.
- (VIII) If the cost per connection per month is \$20.00 to \$21.99, the applicant receives 3 points.
- (IX) If the cost per connection per month is \$18.00 to \$19.99, the applicant receives 2 points.
- (X) If the cost per connection per month is \$16.00 to \$17.99, the applicant receives 1 point.
- (XI) If the cost per connection per month is less than \$16.00, the applicant receives 0 points.

(iv) The Board will deduct 3 points from the total of the Water and Sewer Rate Structure ranking for any system which charges a flat water rate or sewer rate (unmetered) without regard to the amount of water or sewer used, and 2 points for a decreasing block rate which lowers the cost per 1000 gallons for customers using larger amounts of water. No points will be added or subtracted for systems using a fixed rate per 1,000 gallons above the minimum. Two points will be added for systems using an increasing block rate. Entities who dedicate sales tax for water and/or sewer improvements will be awarded 1 additional point. Under this category the maximum number of points is 13 and the minimum is -3 points. Billing Rate Structure:

- (I) The Board will deduct three (3) points from the total for any system which charges a flat-water rate or sewer rate (unmetered) without regard to the amount of water or sewer used.
- (II) The Board will deduct two (2) points for a decreasing block rate which lowers the cost per 1,000 gallons for customers using larger amounts of water.

(III) No points will be added or subtracted for systems using a fixed rate per 1,000 gallons above the minimum.

(IV) Two (2) points will be added or subtracted for systems using an increasing block rate.

(V) Entities who dedicate sales tax for water and/or sewer improvements will be awarded one (1) additional point.

(VI) Entities who have implemented an automatic rate increase will be awarded two (2) additional points.

(C) **Indebtedness per customer (I): Operational Cost Ratio (OCR).** The operational cost ratio will look at the applicant's total operating revenues and compare them against the operating expenses and debt to gauge ability to finance debt based off of their most recent audit not more than two (2) fiscal years behind. An Agreed Upon Procedure not more than two (2) fiscal years behind will be accepted to be reviewed. Operating revenues shall include interest income as well as membership fees, along with all revenues listed under the revenues category. If sales tax is dedicated towards water and/or sewer improvements as indicated in the Rate Study, sales tax revenue will also be included in the operating revenues. Operating expenses shall include everything in the expenses category except depreciation. Debt shall mean any outstanding obligations related to water and/or sewer infrastructure and will include the amount of grant requested. The maximum points possible under this criterion is thirteen (13) points. The formula is as follows:

Operational Cost Ratio = $(\text{Operating Revenues} - (\text{Operating Expenses} + \text{Depreciation})) / (\text{Debt} + \text{Amount of grant requested})$. If the applicant does not have any debt, the grant amount will be taken into consideration to determine OCR. The indebtedness per customer ranking is calculated by taking the applicant's monthly requirements for debt service on debt incurred for water and/or sewer system purposes and dividing it by the number of customers served. When the applicant is a provider of wholesale water to other systems, the number of customers served is the sum total of the customers served by the systems to whom they sell water.

(i) If the indebtedness per customer is \$20.00 or greater, the applicant receives 10 points. If the operational cost ratio is less than 1.0 times, the applicant receives 0 points.

(ii) If the indebtedness per customer is \$17.50 to \$19.99, the applicant receives 9 points. If the operational cost ratio is over than 1.0 times, the applicant receives 5 points.

(iii) If the indebtedness per customer is \$16.00 to \$17.49, the applicant receives 8 points. If the operational cost ratio is over 1.0 times but less than 1.25 times, the applicant receives 10 points.

(iv) If the indebtedness per customer is \$14.50 to \$15.99, the applicant receives 7 points. If the operational cost ratio is over 1.25 times, the applicant receives 13 points.

(v) If the indebtedness per customer is \$13.00 to \$14.49, the applicant receives 6 points.

(vi) If the indebtedness per customer is \$11.50 to \$12.99, the applicant receives 5 points.

(vii) If the indebtedness per customer is \$10.00 to \$11.49, the applicant receives 4 points.

(viii) If the indebtedness per customer is \$8.50 to \$9.99, the applicant receives 3 points.

(ix) If the indebtedness per customer is \$7.00 to \$8.49, the applicant receives 2 points.

(x) If the indebtedness per customer is \$5.50 to \$6.99, the applicant receives 1 point.

(xi) If the indebtedness per customer is less than \$5.50, the applicant receives 0 points.

(D) **Median household income (MHI): Local Participation (LP).** The local participation ranking is based on the percentage of the total project cost which is locally funded through cash contributions or incurrence of additional debt through a loan. Grant Funds received through other agencies will be counted as local funding. The maximum points possible under this criterion is 10 points. Points awarded for participation as follows: The median household income is calculated according to the most current United States Decennial Census or American Community Survey data available.

(i) The county median figure for median household income will be used in cases where data for the applicant's service area is not available.

If the percentage of project cost locally funded is less than 15%, the applicant receives 0 points.

(ii) Points for this MHI criterion are awarded according to the decennial census or American Community Survey data available. Points are awarded as follows:

If the percentage of project cost locally funded is 15% or more but less than 20%, the applicant receives 5 points.

(iii) If the percentage of project cost locally funded is more than 20%, the applicant receives 10 points.

(I) If the median household income is less than \$17,000, the applicant receives 10 points.

(II) If the median household income is \$17,000 to \$20,999, the applicant receives 9 points.

(III) If the median household income is \$21,000 to \$23,999, the applicant receives 8 points.

(IV) If the median household income is \$24,000 to \$28,999, the applicant receives 7 points.

- (V) If the median household income is \$29,000 to \$31,999, the applicant receives 6 points.
- (VI) If the median household income is \$32,000 to \$36,999, the applicant receives 5 points.
- (VII) If the median household income is \$37,000 to \$39,999, the applicant receives 4 points.
- (VIII) If the median household income is \$40,000 to \$44,999, the applicant receives 3 points.
- (IX) If the median household income is \$45,000 to \$47,999, the applicant receives 2 points.
- (X) If the median household income is \$48,000 to \$51,999, the applicant receives 1 point.
- (XI) If the median household income is \$52,000 or greater, the applicant receives 0 points.

(E) Ability to finance project (FP): Adjusted Per Capita Income (APCI). The Adjusted Per Capita Income (APCI) is a formula that takes into account the affordability criteria of the applicant and is measured against the United States' APCI to determine tier ranking based off of what percentage applicant receives. Data from the census ebsite is used to determine per capita income, unemployment rate, and population trend. The maximum points possible under the criterion us 10 points.

(i) The maximum points possible under this criterion for the ability of the applicant to finance the project without assistance from the state is 12. The formula is as follows: $APCI = \frac{Per\ Capital\ Income}{Employment\ Rate} \times Population\ Trend$

- (I) Employment Rate = 1 - unemployment rate.
- (II) Population Trend = 10-year difference in population from most recent Census
- (III) Tier Ranking = Percentage of APCI = $APCI / US.APCI$

(ii) The FP ranking gives a standardized account of the amount the existing water/sewer rates would have to be raised in order for the applicant to finance the project through a loan. A standard interest rate and term of 5% for 25 years is assumed. The cost per customer per month is calculated using the following formula: $FP = AR \times (0.0710) / (12)(C)$, Where: Rural Water and Sewer systems are requested to contact OWRB for additional information needed to determine percentage ranking. Required data of at least two of the largest communities served by the RW&S system will be averaged to determine RW&S percentage ranking and tier determination or data presented to OWRB that more accurately reflects the entity's current or proposed service area, that will be evaluated on a case-by-case basis. If a system serves only one community, the sole community's data will be used to determine RW&S percentage ranking and tier determination.

- (I) FP = Estimate of the amount monthly water/sewer rates would have to be raised to finance the amount of grant requested for the project.
- (II) AR = Amount of grant requested.
- (III) 0.0710 = Annual rate factor for a 25 year loan at 5%.
- (IV) 12 = Number of months per year.
- (V) C = Number of customers.

(iii) In cases where the applicant's current revenues exceed expenses by a large margin, the Board will appropriately adjust the (AR) figure to accurately represent the applicant's ability to finance the project. Tier ranking:

- (I) If percentage of APCI is equal to 81% or more of the U.S. APCI, applicant will be considered a Tier 4 and receives 4 points.
- (II) If percentage of APCI is more than or equal to 71% but less than 81% of U.S. APCI, applicant will be considered Tier 3 and receives 6 points.
- (III) If percentage of APCI is more than or equal to 56% or less than 71% of U.S. APCI, applicant will be considered a Tier 2 and receives 8 points.
- (IV) If percentage of APCI is equal to 55% or less of U.S. APCI, applicant will be considered a Tier 1 and receives 10 points.

(iv) Points in the FP ranking, based upon the cost per customer per month calculated as set forth in (ii) of this subparagraph, are awarded as follows:

- (I) If the ability to finance the project is \$10.00 or greater, the applicant receives 12 points.
- (II) If the ability to finance the project is \$8.00 to \$9.99, the applicant receives 11 points.
- (III) If the ability to finance the project is \$6.00 to \$7.99, the applicant receives 10 points.
- (IV) If the ability to finance the project is \$5.00 to \$5.99, the applicant receives 9 points.
- (V) If the ability to finance the project is \$4.00 to \$4.99, the applicant receives 8 points.
- (VI) If the ability to finance the project is \$3.00 to \$3.99, the applicant receives 7 points.
- (VII) If the ability to finance the project is \$2.00 to \$2.99, the applicant receives 6 points.
- (VIII) If the ability to finance the project is \$1.75 to \$1.99, the applicant receives 5 points.
- (IX) If the ability to finance the project is \$1.50 to \$1.74, the applicant receives 4 points.
- (X) If the ability to finance the project is \$1.25 to \$1.49, the applicant receives 3 points.
- (XI) If the ability to finance the project is \$1.00 to \$1.24, the applicant receives 2 points.
- (XII) If the ability to finance the project is \$0.75 to \$0.99, the applicant receives 1 point.
- (XIII) If the ability to finance the project is less than \$0.75, the applicant receives 0 points.

(F) Need (N). An applicant who is subject to an enforcement order (i.e. consent order or administrative consent order) issued by a governmental agency with environmental jurisdiction receives 5 priority points for a proposed project which will remedy the violation out of which the order arose if the order specifies a project construction start date which is on or before June 30 of the Board's current fiscal year for funding REAP grants.

(G) Amount of grant requested (AR). Under this criteron the maximum number of points is seven (7) and the minimum is negative seven (-7) points. Appropriations for the year will determine the highest amount allowable to be requested by the applicant. Points under this category for amount of grant requested are determined as follows:

- (i) If the grant amount requested is \$140,001 to \$150,000, the applicant receives -5 points. If the grant amount requested is \$325,000 to \$350,000, the applicant receives -7 points.
- (ii) If the grant amount requested is \$130,001 to \$140,000, the applicant receives -4 points. If the grant amount requested is \$300,000 to \$324,999.99, the applicant receives -6 points.
- (iii) If the grant amount requested is \$120,001 to \$130,000, the applicant receives -3 points. If the grant amount requested is \$275,000 to \$299,999.99, the applicant receives -5 points.
- (iv) If the grant amount requested is \$110,001 to \$120,000, the applicant receives -2 points. If the grant amount requested is \$250,000 to \$274,999.99, the applicant receives -4 points.
- (v) If the grant amount requested is \$100,001 to \$110,000, the applicant receives -1 points. If the grant amount requested is \$225,000 to \$249,999.99, the applicant receives -3 points.
- (vi) If the grant amount requested is \$100,000, the applicant receives 0 points. If the grant amount requested is \$200,000 to \$224,999.99, the applicant receives -2 points.
- (vii) If the grant amount requested is \$80,000 to \$99,999, the applicant receives 1 point. If the grant amount requested is \$175,000.01 to \$199,999.99, the applicant receives -1 point.
- (viii) If the grant amount requested is \$60,000 to \$79,999, the applicant receives 2 points. If the grant amount requested is \$175,000 the applicant receives 0 points.
- (ix) If the grant amount requested is \$40,000 to \$59,999, the applicant receives 3 points. If the grant amount requested is \$150,000 to \$174,999.99, the applicant receives 1 point.
- (x) If the grant amount requested is \$20,000 to \$39,999, the applicant receives 5 points. If the grant amount requested is \$125,000 to \$149,999.99, the applicant receives 2 points.
- (xi) Any portion of a grant amount requested that is more than \$150,000 shall be denied. If the grant amount requested is \$100,000 to \$124,999.99, the applicant receives 3 points.
- (xii) If the grant amount requested is \$75,000 to \$99,999.9, the applicant receives 4 points.
- (xiii) If the grant amount requested is \$50,000 to \$74,999.99, the applicant receives 5 points.
- (xiv) If the grant amount requested is \$25,000 to \$49,999.99, the applicant receives 6 points.
- (xv) If the grant amount requested is \$25,999.99 and below, the applicant receives 7 points.
- (xvi) Any portion of grant amount requested that is more than the allowable amount for that fiscal year will be denied.

(H) Project benefit to other systems (BP). If the applicant's project will benefit other adjacent systems as well as applicant's or result in or lead to consolidation of systems, an additional five (5) priority points will be included in the total of priority points assigned to the application.

(I) Previous grant assistance (PG). No qualified entity shall receive more than \$150,000 in REAP grant assistance in any twelve (12) month period. For purposes of this subparagraph a political subdivision and all its public trusts and similar subordinate entities together shall be treated as one and the same qualified entity; provided, rural water or sewer districts shall not be construed to be subordinate entities of counties unless the effect would be to make multiple grants to substantially the same entity and/or service area. If a qualified entity has received one (1) or more REAP grants from the Board in the past, points shall be deducted from the application according to all of the following provisions that apply, provided points shall not be deducted from any such REAP grant which was funded 10 or more years prior to the date of Board action on the pending application, and has been subject to Board audit:

- (i) If the qualified entity has received one (1) REAP grant in the preceding twelve (12) month period, the application receives -8 points.
- (ii) If the qualified entity has received more than one (1) REAP grant in the preceding twelve (12) month period, the application receives -10 points for each REAP grant received.
- (iii) If the qualified entity has received one (1) REAP grant more than twelve (12) months in the past, the application receives -5 points.
- (iv) If the qualified entity has received two (2) REAP grants more than twelve (12) months in the past, the application receives -8 points.
- (v) If the qualified entity has received three (3) REAP grants more than twelve (12) months in the past, the application receives -10 points.
- (vi) If the qualified entity has received four (4) REAP grants more than twelve (12) months in the past, the application receives -12 points.

(vii) If the qualified entity has received five (5) or more REAP grants more than twelve (12) months in the past, the application receives -14 points.

(J) **Sustainability (S).** The maximum possible points under this criterion is ten (10) points. Points will be awarded for an applicant's sustainability and long range planning as follows:

(i) Have and have implemented a Fiscal Sustainability Plan that meets the requirements of the Board Staff the applicant receives 10 points If an applicant has a fiscal sustainability and long-range plan that is in place and working to meet all the system needs, the plan will be ranked as Good and awarded 10 points.

(ii) Have but have not implemented a Fiscal Sustainability Plan that meets the requirements of the Board Staff the applicant receives 6 points If an applicant has a fiscal sustainability and long-range plan that is in place but meeting only half the system needs, the plan will be ranked as Fair and awarded 6 points.

(iii) Applicant is willing to develop and implement a Fiscal Sustainability Plan prior to funding that meets the requirements of the Board Staff receives 3 points. If an applicant has a fiscal sustainability and long-range plan but is not in place or not working to meet the system needs, the plan will be ranked as Poor and awarded 3 points.

(iv) If an applicant does not have a fiscal sustainability and long-range plan in place, the application will be deemed denied.

(K) **Workshop attended (WA).** 5 points will be awarded to any applicant who attends, or has a representative attend the pre-application workshop presented by Board staff. Attendance will be verified during the course of the training.

(c) **Priority formula for school districts and counties.**

(1) School districts created under Article V of the School Code, 70 O.S. 1991, §5-101 et seq., and counties are political subdivisions of the State, and therefore are eligible for financial assistance under the Board's REAP grant program.

(2) In evaluating and prioritizing grant applications from school districts and counties, similar criteria to those applied to municipalities and rural water districts will be utilized.

(3) In developing a priority formula for school district and county applicants, the primary criteria are average daily membership (for schools only), fiscal capacity, need, amount requested, and previous grant assistance.

(4) The following formula has been devised to rank REAP grant applications by counties and school districts: $T = ADM + LT + BI + MHI + FP + N + AR + PG + WA$, Where:

(A) T = Total of priority points

(B) ADM = Average daily membership

(C) Lt = Local tax levies

(D) BI = Bonded indebtedness

(E) MHI = Median household income of population within the school district or area of county to be served

(F) FP = Applicant's ability to finance project

(G) N = Need

(H) AR = Amount of grant requested

(I) PG = Previous grant assistance

(J) WA = Workshop attended

(5) The criteria MHI, FP, N, AR and PG are the same as that set forth in (b) of this Section. The criteria ADM, LT and BI are explained as follows:

(A) **Average daily membership (ADM).** School districts with an average daily membership of less than 525 students will receive 55 priority points.

(B) **Local tax levies (LT).** Points awarded under this category for local tax levies are based on the total amount of mills levied, as follows:

(i) If the mills are 95 to 100; the applicant receives 13 points.

(ii) If the mills are 90 to 94.99, the applicant receives 11 points.

(iii) If the mills are 85 to 89.99, the applicant receives 10 points.

(iv) If the mills are 80 to 84.99, the applicant receives 8 points.

(v) If the mills are 70 to 79.99, the applicant receives 6 points.

(vi) If the mills are 60 to 69.99, the applicant receives 4 points.

(vii) If the mills are 55 to 59.99, the applicant receives 2 points.

(viii) If the mills are 50 to 54.99, the applicant receives 1 point.

(ix) If the mills are 45 to 49.99, the applicant receives 0 points.

(x) If the mills are 40 to 44.99, the applicant receives -1 point.

(xi) If the mills are less than 40, the applicant receives -2 points.

(C) **Bonded indebtedness (BI).**

(i) Priority points for Bonded Indebtedness are as follows:

(I) If the percentage is 95% to 100%, the applicant receives 10 points.

(II) If the percentage is 90% to 94.99%, the applicant receives 8 points.

(III) If the percentage is 80% to 89.99%, the applicant receives 7 points.

- (IV) If the percentage is 75% to 79.99%, the applicant receives 6 points.
- (V) If the percentage is 70% to 74.99%, the applicant receives 5 points.
- (VI) If the percentage is 65% to 69.99%, the applicant receives 4 points.
- (VII) If the percentage is 60% to 64.99%, the applicant receives 3 points.
- (VIII) If the percentage is 55% to 59.99%, the applicant receives 2 points.
- (IX) If the percentage is 50% to 54.99%, the applicant receives 1 point.
- (X) If the percentage is 45% to 49.99%, the applicant receives 0 points.
- (XI) If the percentage is 40% to 44.99%, the application receives -1 point.
- (XII) If the percentage is 30% to 39.99%, the applicant receives -2 points.
- (XIII) If the percentage is less than 30%, the applicant receives -3 points.

(ii) A deduction of one (1) point from the indebtedness ranking total will be made for applicants with 75% of existing debts financed at rates of 5% or less, and one (1) point will be added if 75% of existing debts are financed at rates greater than 10%.

SUBCHAPTER 20. SAFEGUARDING TOMORROW REVOLVING LOAN PROGRAM REGULATIONS

785:50-20-1. General program description and procedures

(a) Safeguarding Tomorrow Revolving Loan Program Description.

- (1) Pursuant to 82 O.S., §§1085.91 through 1085.96, an additional financial assistance program was created to be administered by the Board and Oklahoma Department of Emergency Management (Department) to provide loan and grant funds for hazard mitigation projects and implement provisions of the federal Safeguarding Tomorrow Revolving Loan program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
- (2) Under Oklahoma's program, the Department is to generally carry out the role of prioritizing hazard mitigation projects and conducting technical analysis and review of eligible entities and hazard mitigation projects. The Board is to generally carry out the role of conducting financial evaluations and analyses of eligible entities, reviewing documents for loan closings, and managing and administering monies in the Hazard Mitigation Financial Assistance Program Fund to make monies available for financial assistance through the Safeguarding Tomorrow Revolving Load Program and other authorized state programs.
- (3) The Safeguarding Tomorrow Revolving Loan Program shall be administered as a separate program from the Board's previously existing Financial Assistance Programs. The rules in this Subchapter are intended to recognize the distinction between the programs where necessary.

(b) General procedures. The general procedures to be followed in the hazard mitigation project review and financial assistance application process for financial review under the program authorized in 82 O.S.,§1085.91 through 1085.96 shall be as follows:

- (1) The applicant shall follow the procedures, rules and regulations administered by the Oklahoma Department of Emergency Management, which shall include placement on the priority list of a eligible entities projects established by the Department and the filing of an application with the Board for hazard mitigation project review and financial assistance.
- (2) The Board shall make an initial determination of whether an entity meets the legal and managerial criteria to receive funding.
- (3) The Board shall prepare an initial financial review of the entity based on documents provided to the Board and proposed loan amount and interest rate for which the entity qualifies. Consultations among Board staff, the Department, and the applicant's representatives may be held where deemed appropriate and beneficial.
- (4) The Board staff shall consider the initial financial review and application. It shall then forward its preliminary recommendation for approval or rejection of the loan application to the applicant, based on applicable criteria set forth in 785:50-20-2.
 - (A) If the recommendation is for rejection, the Board shall provide a written recommendation including the reasons for rejection. The entity may then be allowed to modify or supplement any documents in order to comply with the Board requirements and resubmit the same to the Board.
 - (B) If the Board recommends approval, it shall notify the applicant and the Department.
- (5) After initial financial review approval by the Board, the Board shall follow its established procedures and rules to conduct an in-depth financial review and evaluation of the hazard mitigation project to determine whether it complies with applicable state and federal laws.
- (6) After a secondary application and necessary documents are submitted to the Board, the matter will be reviewed by staff who may request additional information from the applicant or the Department and have further conferences as deemed necessary and beneficial to complete the financial review. The matter will then be placed on the Board's agenda for consideration. The Board may approve the application, reject the application, or request additional information.
- (7) If the application and loan receives final approval, the Board, Department and applicant will coordinate the setting of the date, time and place for the closing of the loan.
- (8) At the loan closing, the Department shall have authority to grant approval for disbursement of loan proceeds and to present the same.

(9) The Board shall administer the loans until paid by the recipient and a final accounting is completed.