January -February 2003

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KLAHOMA

Bimonthly Newsletter of the Oklahoma Water Resources Board



From the Director

Another legislative session is upon us, and although the total number of introduced bills is lower than in recent years, the number of bills dealing with water and environmental issues has increased. Some of the proposed legislation could have a substantial impact on future Water Board activities.

Probably the most significant and ambitious proposal, although not yet included in any specific legislation, would institute a 50-cent per month per

Duane A. Smith

OWRB Executive Director connection/household tap fee on users of water systems. Generating approximately \$9 million/year, the tap fee's primary purpose is to recapitalize the dwindling Statewide Water

Development Revolving Fund so that it can meet the anticipated 20-year, minimum \$3.4 billion water/wastewater system demand in Oklahoma. As you See From the Director, Page 2

OWRB Attends to 'All Things Water' in 2002

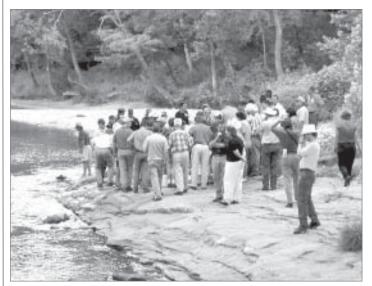
Consistent with mounting public interest in Oklahoma's water resources, the OWRB dealt with numerous difficult issues related to water management and protection during 2002, appropriately designated as the Year of Clean Water by the U.S. Environmental Protection Agency.

The agency's high-water mark for the year occurred at the State Capitol in November as the OWRB hosted a very special event to mark the billion-dollar milestone and 20year anniversary of the Board's Financial Assistance Program. Attending the "Billion Dollar Celebration were numerous dignitaries, including past agency directors, Board members, Governors, and other officials responsible for the program, which has generated an eightfold return on investment.

Phosphorus was on everyone's mind as the Water Board developed, and then approved in March, a controversial new rule to combat nutrient pollution in the Illinois River and other legislatively protected Scenic Rivers. For months, municipalities, poultry producers, recreational interests, legislators, the media, and countless others debated the merits and feasibility of the Board's 0.037 milligram per liter water quality standard for phosphorus. Officials from

Oklahoma were dispatched to Arkansas, which makes up almost one-half of the Illinois River's watershed, to formally discuss implementation of the standard and the Board hosted a well-attended, day-long tour of the basin to educate interested parties on all aspects of the issue. The phosphorus rule survived scrutiny by the Oklahoma State Legisla-

See All Things Water, Page 2



Tour of Illinois River basin at the Flint Creek BUMP site

From the Director . . . Continued from page 1

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know, from \$39 million in investments, the Board's Financial Assistance Program has generated more than \$1 billion in loans and grants for water/wastewater system improvements. The tap fee would also fund the 2005 update of the *Oklahoma Comprehensive Water Plan*. Although nobody likes new fees, most agree that this issue must be addressed to provide these much-needed services to our citizens and industry in future years.

Several bills addressing protection of the Arbuckle-Simpson Aquifer, especially concerning its potential use in central Oklahoma, would impact how we administer groundwater rights statewide. In particular, HB 1083 would revise the current "mining" concept of the state's groundwater law, and subsequently, have a profound effect on how we utilize our groundwater resources in the future. Another legislative proposal would place a moratorium on the issuance of temporary groundwater permits until the OWRB promulgates rules to assure the use of water sufficiently protects surface and groundwater quality. The issuance of temporary and provisional temporary (90-day) permits comprises most of the Board's permitting activities. This abundance of proposed legislation may hint at the need to revisit Oklahoma's current water law, especially concerning the relationships between surface and groundwaters, from both a quantity and quality perspective.

HB 1146 would allow the OWRB and other state environmental agencies and public utilities to keep certain sensitive information confidential to reduce the potential for attacks by terrorists on the state's water systems. HB 1660 amends the definition of "waters of the state" to exempt farm ponds, converted croplands, state wetlands, and waste treatment lagoons from applicability under water quality standards; SB 222 also modifies that definition. HB 1679 changes the membership of the State Legislature's water planning committee, created last year though SB 1410, to provide better representation and input from the public in its study of issues related to the Water Plan update. Other bills of note would create local lake conservancy districts, establish nonpoint source discharge compliance with water quality standards, link groundwater quality standards to public drinking water requirements, and create a new trust fund to administer the state's financial assistance for water/wastewater and related projects. Legislation has also been introduced that would designate the Blue River in southeast Oklahoma and Honey Creek in the northeast as protected "Scenic Rivers," and HB 1012 would change the name of the North Canadian River to the "Oklahoma River."

I am happy to report that Governor Henry's executive budget advocates \$1.2 million this year and future base funding to solidify the future of the Beneficial Use Monitoring Program. He also supports the 50-cent tap fee, including funding for the Revolving Fund and Water Plan update. His budget recommendation for the agency amounts to a 3.5 percent cut, which is well within our anticipated reduction for this fiscal year.

Finally, I bid a fond farewell to our outgoing Secretary of Environment, Brian Griffin, whose leadership facilitated great strides for Oklahoma's environment. I am pleased to welcome our new Secretary, Miles Tolbert, who promises to tackle water and environmental issues with the same commitment and enthusiasm. I sincerely look forward to working with Miles and the State Legislature to advance Governor Henry's environmental agenda.

Governor Henry Appoints Tolbert to Environment Post



Miles Tolbert, Oklahoma Secretary of Environment

Longtime Oklahoma attorney Miles Tolbert has been appointed by Governor Brad Henry to the state's top environmental post. Tolbert, former chief of the environmental protection unit for the Oklahoma Attorney General's Office, will fill the Oklahoma Secretary of Environment position vacated by Brian Griffin in January.

"In order for Oklahoma to be both prosperous and

healthy, we have to do a good job of protecting the environment, not just for this generation, but for future generations as well. Miles has spent many years carrying out that mission in both the state and federal government. His extensive knowledge of environmental issues and law will be a great help to my administration," said Gov. Henry in making the announcement.

Tolbert joins the Governor's cabinet following a stint with the Oklahoma City law firm of Crowe and Dunlevy. He also practiced in Washington, DC as an attorney for the environmental and natural resources division of the U.S. Department of Justice. He is president-elect of the Oklahoma Bar Association's environmental law section. Tolbert obtained his Bachelor degree from Stanford and law degree from Harvard University. ture and Governor, and then was forwarded to EPA for approval.

Also generating a lot of controversy during 2002 was a potential water transfer project that would move some 60,000 acre-feet per year of water from the Arbuckle-Simpson Aquifer to communities in central Oklahoma. A private development company, PESA LLC, approached landowners overlying the prolific water source in south central and southeast Oklahoma to secure contracts for land/water rights sufficient to meet the future needs of several Canadian County communities and surrounding areas. After receiving several groundwater permit applications from the Arbuckle-Simpson stating commercial water sale as the intended use, the Board initiated the development of a strategy to address those out-of-basin uses and concerns related to protection of the aquifer. Staff also began working with members of Oklahoma's Congressional delegation to secure funding that would allow comprehensive study of the prolific groundwater supply.

On the heels of the release of a monumental draft water compact that would have paved the way for future administration of water rights and related economic development goals in southeast Oklahoma's tribal regions, state officials terminated water transfer talks with north Texas water suppliers in January. Texas representatives failed to adequately recognize Oklahoma demands for specific drought protection measures and assurances for future supply.

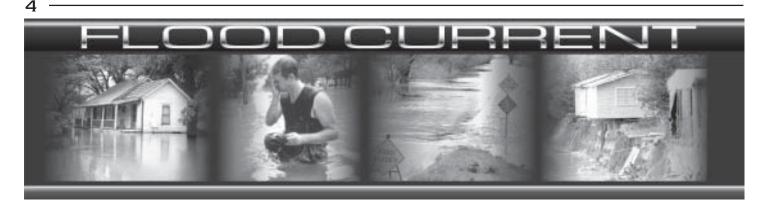
Reacting to a localized drought event in northern Oklahoma, the conservation storage at Hulah Lake on the Caney River in Osage County dwindled to a meager 18 percent. As Bartlesville citizens struggled to cope with drastic restrictions on water use, extraordinary downpours filled the lake. However, the incident awoke local officials to the inadequacies of their water system and they continue to pursue plans to secure additional supply.

Residents in the Sardis Lake area, many of whom have been forced to haul water for years, viewed light at the end of their tunnel with the commencement of a local water system. Soon, almost 1,300 homes will be served through the \$9.6 million project. In addition, the Sardis Lake Water Authority system has been designed to accommodate future customers in Clayton, Talihina, and other surrounding areas.

The Governor's Water Conference, held last year in Tulsa, was another smashing success as state and national water experts wrestled with current and impending water issues. The Water Board also gained a new member, Glenn Sharp, a marketing specialist from Grove, to represent recreational water interests. Sharp replaced longtime member Dick Seybolt.

FY 2002 EXPENDITURES Oklahoma Water Resources Board

	FY-99	FY-00	FY-01	FY-02
Fund Description	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>
Constitutional Reserve	731,381	1,232,460	49,809	
State Appropriations	3,631,241	3,993,762	3,818,700	3,655,872
205 Weather Modification	263,819	1,139,977	1,087,787	0
210 Drillers & Pump Installers	818	34,374	23,711	8,282
225 Rural Economic Action Plan		24,022	1,055,503	1,177,606
240 OWR Revolving Fund	352,704	272,120	282,896	278,353
245 Drillers & Installers Regulation Fund				8,799
420 USGS Cooperators	293,575	187,850	129,680	118,435
443 Reimbursement	1,111,483	1,273,621	1,141,932	1,289,555
444 Drinking Water Loan Administration Fund		58	353	12,369
445 Wastewater Facility Construction Fund		446,834	490,343	464,641
472 State Revolving Fund - Operations	20,008	2,403	220,546	141,035
Total Revolving Funds	2,042,407	3,381,258	4,432,751	3,499,075
400 Federal Funds	569,374	895,722	476,126	1,064,723
410 Federal Water Quality Management	3,465,128	4,768,211	3,756,478	3,343,020
Expenditure Totals	10,439,532	14,271,414	12,533,864	11,562,690
Activity				
Administration	1,802,566	2,167,943	1,991,875	2,398,540
Water Quality	863,659	2,030,039	1,827,910	2,027,235
Financial Assistance	871,784	1,153,636	1,358,849	1,298,484
Planning & Management	3,121,054	2,698,435	2,136,693	2,328,164
Weather Modification		1,100,327	1,087,787	0
Secretary of Environment	3,780,469	5,121,035	4,130,750	3,510,267
TOTAL	10,439,532	14,271,414	12,533,864	11,562,690



Training Opportunities Abound During Spring Flood Season



W. Kenneth Morris, CFM State Floodplain Manager, OWRB

On February 12, the Oklahoma Floodplain Managers Association (OFMA), in conjunction with the Oklahoma Chapter of the American Planning Association, held its seventh annual legislative reception at

the State Capitol. Each year, this event provides an opportunity for Oklahoma's floodplain managers and planners to educate more than 200 members of the State Legislature and their staff on mutual goals related to wise land/floodplain development and the importance of long-range planning. OFMA's primary legislative objective for 2003 is annual mandatory training for local floodplain managers. Of the seven one-day training sessions offered last year, only 63 of the state's 369 floodplain managers took advantage of these very important opportunities to learn about new and constantly evolving rules and regulations and related techniques to reduce community flood risks. I urge all floodplain officials to take advantage of the many educational opportunities offered each year, especially upcoming OWRB-sponsored workshops in May, Flood Awareness Month in Oklahoma. Please review the B.F.E., the bimonthly OFMA newsletter, or the OFMA web site (<u>www.okflood.org</u>) for a training session near you that fits your busy schedule.

Training in 2003 kicks off in high gear at the OFMA Spring Conference workshop on March 11 at the Moore Norman Technology Center. This year's theme is "The Planning Process: Achieving Our Goals." Those attending the full day of OFMA-developed training will earn eight continuing education credits and gain valuable instruction in the flood map revision process. This year's meeting will include more time between sessions to allow Oklahoma's floodplain management officials additional time to share experiences and lessons learned. A special one-day "Floodplain Management 101" workshop was held February 13 at the Payne County Expo Center east of Stillwater. Thanks to Payne County officials for making this excellent facility available at no cost. Instructors from the OWRB and Federal Emergency Management Agency trained 23 newly appointed floodplain board members and officials who now have the tools to protect property and lives from the ravages of floods.

I want to take this opportunity to hand out a special "thanks" to Janet Meshek, OFMA Chair, for her dedication to floodplain management and the expenditure of much of her spare time as the organization's leader and newsletter editor. Thanks again, Janet.

NFIP Facts for Oklahoma, 2002

Policies in Force	= 14,476			
Total Coverage	= \$1,447,127,800			
Loss Payments in FY-02	= \$596,625			
Loss Payments Since 1978	= \$97,472,661			
 Total Repetitive Loss Properties 	= 753			
Repetitive Loss Properties Insured	= 252			
 Structures in Identified Floodplains 	= 76,701			
 Policies in Identified Floodplains 	= 9,673			
Percent of SFHA Structures Insured	= 12.61%			
(Data provided by Federal Emergency Management Agency)				

January-February 2003

Governor Henry Designates Flood Months

As part of the Water Board's continuing effort to educate the public on how to avoid potential flood disasters, especially during the spring flood period, Governor Brad Henry has designated March 2003 as "Flood Insurance Month" and May 2003 as "Flood Awareness Month" in Oklahoma. During those months, the OWRB, Oklahoma Floodplain Managers Association, and others will spread

OWRB Floodplain Management Workshops

May 6, 2003 Midwest City, Community Center NE Corner of Midwest & Reno Titan Room

May 8, 2003 Bartlesville, Tri County Technology Center (Cherokee-Delaware Room) 6101 SE Nowata Road

May 20, 2003 Woodward, High Plains Technology Center 3921 34th Street

May 22, 2003 Lawton, Public Library 110 SW 4th

May 28, 2003 McAlester, Eastern Oklahoma College the word about the availability of affordable flood insurance, floodplain management techniques and flood safety procedures.

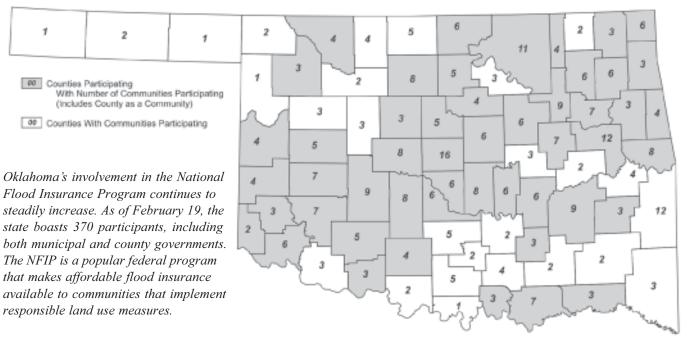
The OWRB is the state coordinating agency for the National Flood Insurance Program (NFIP). The NFIP assists Oklahomans by making flood insurance available at affordable rates and helping communities to make wise decisions concerning floodplain management and related land use.

In conjunction with Flood Awareness Month, the OWRB will host five floodplain management workshops throughout Oklahoma.



Especially during this spring flood season in Oklahoma, the OWRB reminds citizens of the dangers of driving into flooded roadways. Almost one-half of flood-related fatalities occur in vehicles.

Oklahoma's Participation in the National Flood Insurance Program



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Board Sets Rule Implementation

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A new rule that allows 10 years for municipalities, industries and nonpoint source pollution dischargers to comply with Oklahoma's new water quality standard for phosphorus was passed by the Water Board in February.

The 10-year implementation rule, passed unanimously by the Board, requires dischargers to the Illinois River, as well as other state Scenic Rivers, to implement measures that reduce phosphorus to 0.037 milligram per liter (mg/L) by July 2012. The action makes permanent an emer-gency rule passed by the Board last year.

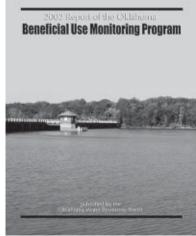
Recent data from the OWRB's **Beneficial Use Monitoring Program** indicate that the average phosphorus level of the Illinois River at Watts, Oklahoma (at the Arkansas border) is 0.271 parts per million, more than seven times the new standard. Dischargers in Arkansas must comply with Oklahoma's Water Quality Standards due to a 1992 U.S. Supreme Court opinion that requires upstream states to meet the standards of downstream states. In recent years, voluntary measures to reduce phosphorus and other nutrient levels in the Illinois River Basin have failed to sufficiently improve water quality. Phosphorus from sewage, animal waste and fertilizer impairs quality and aquatic life by reducing oxygen levels in the water, particularly impacting the high aesthetic values of Oklahoma's Scenic Rivers.

The Board's original 0.037 mg/L phosphorus standard, signed into law last May, awaits approval by the U.S. Environmental Protection Agency.

2002 BUMP Report Available

A comprehensive report of 2002 water quality data for Oklahoma is now available from the OWRB. The report, an annual disclosure of detailed physical, chemical, and biological information from 155 lakes and streams collected at approximately 600 sites, is a compilation of data obtained by Water Board staff through the agency's Beneficial Use Monitoring Program (BUMP).

Created in 1998 and directed by the Board's Water Quality Division, the BUMP is Oklahoma's first truly comprehensive water quality monitoring effort. Data provided by the program plays an essential role in the state's water quality management decision-making process by helping to identify waters experienc-



ing impairments as well as the cause of declining water quality. The BUMP is also invaluable to the development and refinement of Oklahoma's Water Quality Standards (also available on the OWRB Web site). Beneficial uses, the backbone of the Water Quality Standards, are assigned to individual lakes, streams, and stream segments based upon the primary benefits derived from those waters by the public.

Water Board monitoring staff sample 99 rivers in the ambient site network annually and all lakes biannually. Each year, 30 to 60 additional sites are monitored specifically to assist other state agencies, providing water use and protection data that is invaluable to decision-makers.

According to Bill Cauthron, manager of the Board's Monitoring Section, BUMP data gathered during 2002 indicate that the major water quality concerns of Oklahoma lakes are dissolved oxygen, pH, and turbidity. Data also indicate that 16 percent of sampled lakes were "hyper-eutrophic," which means they contain an excessive amount of nutrients that could lead to taste and odor problems. In improving order of quality, about 50 percent of sampled lakes were considered eutrophic, 32 percent were mesotrophic, and two percent were oligotrophic (waters relatively low in nutrients). Cauthron adds that all streams sampled within the past two years were suitable for uses related to public and private water supply. Inorganic turbidity, through sediments from runoff, was the primary detriment to fish and wildlife propagation, and bacteria were the major concern for recreation that involves primary body contact with the water. A small number of sampled streams had minor problems associated with dissolved solids and chlorides, thereby limiting irrigation uses.

Interested citizens may obtain a copy of the BUMP report on compact disc, including sampling results for each lake and stream, by contacting the OWRB at 405-530-8800. The report is also available on the Water Board's Web site at www.owrb.state.ok.us.



Brian Griffin Bids Farewell

On January 31, OSE and OWRB staff hosted a farewell reception for outgoing Secretary of Environment, Brian Griffin, at the Board's office in Oklahoma City. The come-and-go event was attended by numerous friends and colleagues from Oklahoma's environmental agencies.

In the photo at left, Griffin (second from right) is flanked by his loyal staff, (from left) Jennifer Wassinger, J.D. Strong, and Joyce Boyd. All three will now provide support for new Secretary of Environment, Miles Tolbert.

We salute Brian for his years of service to Oklahoma and wish him the best of luck in the future.

January-February 2003

Oklahoma Drought Monitor

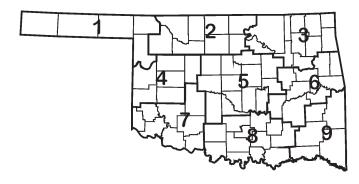
Reservoir Storage

Reservoir storage levels in Oklahoma remain in generally good condition. As of February 10, the combined normal conservation pools of 31 selected major federal reservoirs across Oklahoma (see below) are approximately 92.4 percent full, a 3.7 percent decrease from that recorded on January 6, according to information from the U.S. Army Corps of Engineers (Tulsa District). Twenty-three reservoirs have experienced lake level decreases since that time. Seventeen reservoirs are currently operating at less than full capacity (compared to 16 one month ago). Three reservoirs (including **Lugert-Altus, only 35.6 percent**; and Tom Steed, 58 percent) remain below 80 percent capacity.

Storage in Selected Oklahoma Lakes & Reservoirs As of February 10, 2003					
Climate Division	Conservation Storage (acre-feet)	Present Storage (acre-feet)	Percent of Conservation Storage		
North Central	436,170	433,219	99.3		
Northeast	3,710,194	3,446,203	92.9		
West Central	276,790	270,644	97.8		
Central	154,225	146,060	94.7		
East Central	2,968,683	2,637,260	88.8		
Southwest	301,810	178,907	59.3		
South Central	2,811,332	2,712,722	96.5		
Southeast	1,464,929	1,378,205	94.1		
State Totals	12,124,133	11,203,220	92.4		

Drought Indices

According to the latest Palmer Drought Severity Index (February 8, below), 'mild' drought conditions have arisen in northeast Oklahoma, but no other climate divisions are currently classified in drought. However, all of Oklahoma's nine climate divisions have undergone PDSI moisture decreases since January 4. The greatest decreases occurred in the Northwest and Southeast climate divisions.



The latest monthly Standardized Precipitation Index (through January, below) indicates some long-term dryness in eastern Oklahoma. Among the *selected* time periods (3-, 6-, 9- and 12-month SPIs), "moderately dry" conditions are indicated in the East Central climate division throughout the last 6- and 9-month periods and in the Northeast over the past 3- and 6-month periods. Also, the North Central region is dry throughout the last 3 months. Considering longer periods (through six years), the Northeast and Northwest climate divisions exhibit dryness at various periods over the past 18, 24, and 30 months.

Palmer Drought Severity Index

Standardized Precipitation Index Through January 2003

Climate Division (#)	<i>Current Status</i> 2/8/2002	Valu 2/8	re 1/4	Change In Value	3-Month	6-Month	9-Month	12-Month
NORTHWEST(1)	INCIPIENT MOIST SPELL	0.62	1.73	-1.11	NEAR NORMAL	VERY WET	NEAR NORMAL	NEAR NORMAL
NORTH CENTRAL (2)	UNUSUAL MOIST SPELL	2.01	2.71	-0.70	MODERATELY DRY	MODERATELY WET	MODERATELY WET	NEAR NORMAL
NORTHEAST (3)	MILD DROUGHT	-1.55	-0.75	-0.80	MODERATELY DRY	MODERATELY DRY	NEAR NORMAL	NEAR NORMAL
WEST CENTRAL (4)	MOIST SPELL	1.17	1.77	-0.60	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL
CENTRAL (5)	INCIPIENT MOIST SPELL	0.85	1.51	-0.66	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL
EAST CENTRAL (6)	NEAR NORMAL	-0.47	0.21	-0.68	NEAR NORMAL	MODERATELY DRY	MODERATELY DRY	NEAR NORMAL
SOUTHWEST (7)	MOIST SPELL	1.40	1.77	-0.37	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL
SOUTH CENTRAL (8)	MOIST SPELL	1.34	2.31	-0.97	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL
SOUTHEAST (9)	NEAR NORMAL	-0.43	0.66	-1.09	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL	NEAR NORMAL

Financial Assistance Program Update

Loans/Grants Approved as of February 11, 2003

FAP Loans—276 totaling \$443,240,000

The OWRB's Financial Assistance Program (FAP), created by the State Legislature in 1979, provides loans for water and wastewater system improvements in Oklahoma. The tremendous popularity of the bond loan program is due, in part, to extended payoff periods of up to 30 years at extremely competitive low-interest rates, averaging approximately 4.762 percent since 1986.

CWSRF Loans-140 totaling \$463,832,933

The Clean Water State Revolving Fund (CWSRF) loan program was created in 1988 to provide a renewable financing source for communities to draw upon for their wastewater infrastructure needs. The CWSRF program is Oklahoma's largest self-supporting wastewater financing effort, providing low-interest loans to communities in need.

DWSRF Loans-28 totaling \$82,903,174

The Drinking Water State Revolving Fund (DWSRF) loan program is an initiative of the OWRB and Oklahoma Department of Environmental Quality to assist municipalities and rural water districts in the construction and improvement of drinking water systems. These projects are often mandated for communities to obtain compliance with increasingly stringent federal standards related to the treatment of drinking water.

REAP Grants-357 totaling \$30,514,256

The Rural Economic Action Plan (REAP) Program was created by the State Legislature in 1996. REAP grants, used for water/wastewater system improvements, target primarily rural communities with populations of 7,000 or less, but priority is afforded to those with fewer than 1,750 inhabitants.

Emergency Grants-493 totaling \$28,892,005

OWRB emergency grants, limited to \$100,000, are awarded to correct situations constituting a threat to life, health, and/or property and are an indispensable component of the agency's financial assistance strategy.

Total Loans/Grants-1,294 totaling \$1,049,382,367

Applicants eligible for water/wastewater project financial assistance vary according to the specific program's purpose and requirements, but include towns and other municipalities with proper legal authority, various districts established under Title 82 of Oklahoma Statutes (rural water, master/water conservancy, rural sewage, and irrigation districts), counties, public works authorities, and/or school districts. Applications for agency financial assistance programs are evaluated individually by agency staff. Those meeting specific program requirements are recommended by staff for approval at monthly meetings of the nine-member Water Board.

More information about the OWRB's Financial Assistance Program can be obtained by calling the OWRB at (405) 530-8800.

Grady Grandstaff, *Chairman*; Richard C. Sevenoaks, *Vice Chairman*; Ervin Mitchell, *Secretary* Lonnie L. Farmer, Richard McDonald, Bill Secrest, Wendell Thomasson, Harry Currie, Glenn A. Sharp

Brian Vance, Writer/Editor • Darla Whitley, Writer/Layout • Barry Fogerty, Photography

This bimonthly newsletter, printed by Oklahoma University Printing Services, Norman, Oklahoma, is published by the Oklahoma Water Resources Board as authorized by Duane A. Smith, Executive Director. Eighty-eight hundred copies have been printed and mailed bimonthly at an approximate cost of 29 cents each. Copies have been deposited at the Publications Clearinghouse of the Oklahoma Department of Libraries.

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