

# OKLAHOMA WATER RESOURCES BOARD

## OFFICIAL MINUTES

October 13, 2009

### 1. Call to Order

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Rudolf J. Herrmann at 9:30 a.m., on October 13, 2009, in the Board Room of the Oklahoma Water Resources Board, 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

The October 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 October 6, 2009, at 5:00 p.m. at the Oklahoma Water Resources Board's offices.

#### A. Invocation

Chairman Rudy Herrmann asked Ed Fite to provide the invocation. In the absence of Secretary Linda Lambert, Chairman Herrmann asked Dr. Joe Taron to serve as Acting Secretary.

#### B. Roll Call

##### **Board Members Present**

Rudy Herrmann, Chairman  
Mark Nichols, Vice Chairman  
Ford Drummond  
Ed Fite  
Jack Keeley  
Kenneth Knowles  
Richard Sevenoaks  
Joe Taron

##### **Board Members Absent**

Linda Lambert, Secretary

##### **Staff Members Present**

Duane A. Smith, Executive Director  
David Dillon, Assistant Director  
Dean Couch, General Counsel  
Joe Freeman, Chief, Financial Assistance Division  
Monte Boyce, Comptroller  
Julie Cunningham, Chief, Planning and Management Division  
Derek Smithee, Chief, Water Quality Programs Division  
Mary Lane Schooley, Executive Secretary

Mike Melton, Executive Administration Division  
Kyle Arthur, Director of Planning

**Others Present**

Warren Duvall, Muldrow, OK  
Steve McCammon, Walters, OK  
Cheryl Dorrance, Oklahoma Municipal League/Oklahoma Municipal Utility Providers,  
Oklahoma City, OK  
Mike Thralls, Oklahoma Conservation Commission, Oklahoma City, OK  
Shanon Phillips, Oklahoma Conservation Commission, Oklahoma City, OK  
Amy Ford, Citizens for the Protection of the Arbuckle Simpson Aquifer, Durant, OK  
Whitney Weingartner, Assistant Attorney General, Oklahoma City, OK  
Lynn Dobbs, Dobbs Water Well Service, Rocky, OK  
Raymond Eldridge, City of Henryetta, OK  
Robert Vaughan, City of Henryetta, OK  
Tony Rivera, City of El Reno, OK  
Chris Gander, BOXC, Oklahoma City, OK  
Jim Barnett, KIRA, Oklahoma City, OK  
Ron Goode, City of Guymon, OK  
Hayley Buck, City of Guymon, OK  
Bryan Kroeker; Wesley Kroeker, Enid, OK  
Jeani Reiman, Stratford, OK  
John Sheppard, City of Walters, OK  
F.J. Lashley, City of Walters, OK  
Frankie Valdez, City of Walters, OK  
Ted Graham, City of Guymon, OK  
Jim Norris, City of Guymon, OK  
Tiffany Tillman, Town of Hennessey, OK  
Raymond Kerley, Town of Hennessey, OK  
Curtis Turner, Town of Hennessey, OK  
Wes Hardin, Town of Hennessey, OK  
Keith E. Nettle, McIntosh County Rural Water District #13, Dustin, OK  
Matthew White, City of El Reno, OK  
Josh Caywood, C.H. Guernsey & Co., Oklahoma City, OK  
Ted Fisher, City of Sapulpa, OK  
David Widdoes, City of Sapulpa, OK  
Jim Lockett, Jr., City of El Reno, OK

C. APPROVAL OF MINUTES

Chairman Herrmann stated the draft minutes of the September 8, 2009, Regular Meeting had been distributed. He stated he would accept a motion to approve the minutes. Mr. Nichols moved to approve the minutes, and Mr. Drummond seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None

ABSTAIN: None  
ABSENT: Linda Lambert

Chairman Herrmann stated the draft minutes of the September 29, 2009, Special Meeting had been distributed. He stated he would accept a motion to approve the minutes. Dr. Taron moved to approve the minutes, and Mr. Keeley seconded.

AYE: Nichols, Taron, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: Drummond, Knowles  
ABSENT: Linda Lambert

#### **D. EXECUTIVE DIRECTOR'S REPORT**

Mr. Duane Smith, Executive Director, greeted the members and introduced Senator Fisher, former member of the Legislative Bond Oversight Committee, and who has worked with the Board for years on water projects and truly a great Oklahoman!

Mr. Smith said there was a settlement conference on the Hugo Case, and he is not at liberty to talk about the settlement options, but there is not an agreement in that case, so it will move forward. On October 22 there will be oral argument on the Tarrant Case on the dismissal, and Mr. Charles Dumars will be here to lead the oral argument on behalf of the State of Oklahoma.

The Water Plan activities are moving forward, and he invited Mr. Josh McClintock to come forward and speak to the Board about federal appropriations activities. Mr. McClintock addressed the members and noted the report which had been distributed. He spoke primarily regarding the Energy and Water Appropriations Bill for FY2010, the conference report is out and approved, and will be considered by the Senate this week. Included in that legislation is a number of items: \$5.4 billion for the Corps of Engineers and included \$900,000 for the water plan projects (list included), Planning Assistance to States of \$500,000, \$233,000 for the Southeast Study, \$171,000 for the Washita Study, and two separate earmarks for the Red River Chloride project-\$388,000 for construction for the area VI site, and \$1.3 million for all thirteen sites for that project. Additionally, Mr. McClintock stated there is \$142,000 for the South Central Regional Assessment, making \$2.7 million available for the OCWP projects. He said the Oklahoma Delegation had been wonderful to work with and each member had made requests for one or two projects. He added that Senator Coburn had placed a hold on the conference report in the Senate, not because of the projects but because conference reports are privileged on the floor and can be passed with 60 votes, which is expected to happen within the next day or two and on its way to the White House. There were other items in the report which he said he would not elaborate at this time, but would invite questions. There was brief discussion clarifying the appropriations is match money through the state Gross Productions Tax REAP Account Water Projects Fund, and the impact to communities, and additional components of the work plan that will be put in place.

Mr. Smith updated the members on the Southwest Water Tour that occurred September 17-18, the Arkansas-Oklahoma Arkansas River Compact commission meeting scheduled for October 29 at Grove, Oklahoma, the Lake Texoma Advisory Committee meeting in Shreveport,

Louisiana, and the Governor's Water Conference November 3-5, at the Reed Conference Center, Midwest City.

## 2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Hennessey Utilities Authority, Kingfisher County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members this \$85,680.00 emergency grant request is from the Hennessey Utilities Authority. The screen and casing on one of Hennessey's water wells failed and as a result sand is entering the water treatment system and distribution pumps. The grant funds will be used to repair the pump and failed casing, as well as the reverse osmosis membrane pre-filters. Estimated project cost is \$100,800.00 with \$15,120.00 provided by local funds and the remaining \$85,680 OWRB grant. Staff recommended approval.

Mr. Wes Hardin, Chairman; Ms. Tiffany Tillman, Town Administrator; Mr. Curtis Turner and Mr. Raymond Kerley were present in support of the request.

Dr. Taron moved to approve the emergency grant to the Hennessey Utilities Authority, and Mr. Fite seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for El Reno Municipal Authority, Canadian County. Recommended for Approval. Mr. Freeman stated that this \$228,959.00 Clean Water State Revolving Loan Fund (SRF) Funding request is from the El Reno Municipal Authority and requesting funds in order to address inflow and infiltration problems by replacing approximately 2,400 feet of sewer line and seven manholes. Mr. Freeman said the project will be funded with Clean Water SRF loan funds and American Recovery and Reimbursement Act (ARRA) funds, and he noted provisions of the loan agreement. The debt coverage ratio stands at approximately 2.3-times. Staff recommended approval.

Representing El Reno Municipal Authority was Mayor Matt White, City Manager Tony Rivera, and Mr. Jim Luckett as well as Chris Gander, financial advisor.

Mr. Sevenoaks moved to approve the Clean Water SRF funding to the El Reno Municipal Authority, and Mr. Drummond seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

Mr. Drummond stated the Board's Finance Committee met on Monday, and discussed a number of issues and one item looked at was the fees paid to financial advisors and bond counsels. He said the Financial Assistance Division couldn't work without good financial

advisors and counsels on many of these projects brought to the Board. He said the Board does look at these things, but the relationship between the cities and their counsels and advisors is their decision. This item raised a "red flag" because looking at the amount of the fee is about 15% of the project and the loan amount is small. Mr. Drummond asked if that was taken into account.

Mr. Rivera explained that the amount included is an "amount not to exceed" and he expected the actual cost to be one-half to one-third of what is stated.

There being no further questions, Chairman Herrmann called for the vote.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

C. Consideration of and Possible Action on a Proposed Order Approving FAP Funding Application for Rural Water District #13, McIntosh County. Recommended for Approval. Mr. Freeman said the request from McIntosh County Rural Water District #13 is for an \$845,000.00 State Revenue Bond loan to refinance an existing variable rate loan with the Board into a fixed rate of interest. He said the original variable rate loan was obtained by the District from the Board in 2005 and was to replace existing water lines with larger PVC lines, pump station work, and to refinancing three Rural Development loans. Mr. Freeman noted provisions of the loan agreement, and said the debt coverage ratio stands at approximately 1.5-times. Staff recommended approval.

Chairman Keith Nettle was present in support of the loan application.

Mr. Fite moved to approve the loan to the McIntosh RWD #13, and Mr. Sevenoaks seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

D. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Guymon Utilities Authority, Texas County. Recommended for Approval. Mr. Freeman stated that this \$1,335,000.00 request by the Guymon Utilities Authority is to construct an ultraviolet disinfection system, a 20-inch diameter outfall line with manholes, and a cascade aerator. The project will be funded with Clean Water SRF funds and ARRA funds in an amount not less than 20% of the project's cost. Mr. Freeman noted provisions of the loan agreement, said the debt coverage ratio is 1.9-times, and the ARRA funds will be in the form of principal forgiveness. Staff recommended approval.

Townsmen Jim Norris, City Manager Ted Graham, and their financial advisors were present in support of the loan application.

Mr. Drummond asked, because the ARRA funding is subject to the Davis Bacon Act and other requirements, had any changes in the bids been seen as opposed to non-ARRA projects. Mr. Graham answered there had been a change of approximately 5%, but the project had been under-bid.

Mr. Sevenoaks moved to approve the CWSRF funding to the Guymon Utilities Authority, and Dr. Taron seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

Chairman Herrmann commented that it appeared that "timing is everything," and because project bids are coming in lower than expected, entities are able to do more than originally planned.

E. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Walters Public Works Authority, Cotton County. Recommended for Approval. Mr. Freeman said this request by the Walters Public Works Authority is for the construction of 6,800 feet of 15" sewer interceptor line and 25 manholes, and upgrades at the wastewater treatment plant. The \$2,000,000.00 funding will be in the form of a Clean Water SRF loan and ARRA funds, in the form of principal forgiveness. Mr. Freeman noted provisions of the loan agreement. The debt coverage ratio stands at approximately 3.2-times. Staff recommended approval.

Mayor Frankie Valdez, Councilmember Steve McCammon, Councilmember Dr. F. J. Lashley, and City Manager John Sheppard were present in support of the funding request.

Chairman Herrmann asked what impact, if any, the ARRA funds had on the project. Mr. Sheppard answered he didn't know, the city's problems are with the sewer bypass and is on a 10-year schedule with the Department of Environmental Quality.

Mr. Nichols moved to approve the CWSRF loan to the Walters PWA, and Mr. Knowles seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

F. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Henryetta Municipal Authority, Okmulgee County. Recommended for Approval. Mr. Freeman said this \$3,650,000.00 funding request from the Henryetta Municipal Authority is to reduce infiltration and inflow to the wastewater system by replacing approximately 40,500 feet of sewer line, replacing 137 manholes, reconnection 548 service connections, 3,900 feet of road repairs and approximately 99 sewer main spot repairs. The funding will be from Clean Water SRF funds and ARRA funds in the form of principal forgiveness. Mr. Freeman noted provisions of the loan agreement; he said the debt coverage ratio stands at approximately 2.3-times. Staff recommended approval.

City Manager Raymond Eldridge; Robert Vaughn, consulting engineer; Dale Burk, City Engineer; and financial advisors were present in support of the funding request.

Mr. Eldridge said the city had benefited from the ARRA funds by being able to consolidate the amount of projects needed.

Mr. Fite moved to approve the CWSRF funding to the Henryetta Municipal Authority, and Mr. Knowles seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

G. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Sapulpa Municipal Authority, Creek County. Recommended for Approval. Mr. Freeman said this item is a \$3,969,114.00 funding request from the Sapulpa Municipal Authority. Sapulpa is requesting the funding to construct 7,700 feet of PVC line to eliminate sewer overflows in a portion of the City. The funding will be in the form of Clean Water SRF funds, and ARRA funds. Mr. Freeman noted provisions of the loan agreement; the debt coverage ratio stands at approximately 1.38-times. Staff recommended approval.

Senator Ted Fisher, City Attorney Dave Widdoes, and Greg Nito, financial advisor were present in support of the request.

Mr. Drummond asked if the debt coverage ratio was within the Board's range, and Mr. Freeman said that it is, the Board's minimum is 1.25-times. He said the City's rate is somewhat low, but it is a growing community and he was confident it would be fine. Chairman Herrmann asked the impact of the ARRA fund; and Senator Fisher responded that hadn't been sorted out yet, the Davis Bacon and "buy America" provisions needed to be examined.

Mr. Drummond moved to approve the CWSRF funding to the Sapulpa Municipal Authority, and Dr. Taron seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

H. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Oklahoma Conservation Commission in Partnership with the University of Oklahoma. Recommended for Approval. Mr. Freeman said this is a continuation of the Green Projects that were started at the October Board meeting. He said this is an \$86,500.00 ARRA Green Reserve Project from the University of Oklahoma. The project will be for the construction of an 1,500 square foot experimental green roof at the National Weather Center at Norman. The project will be split between the service roof and the classroom roof; the service roof will be for long-term examination and study, and the classroom roof will be for study, teaching and as an exhibit for visitors. The project funding will flow through the established funding procedures with the Oklahoma Conservation Commission. The funding will be Clean Water ARRA funds in the form of principal forgiveness. Staff recommended approval.

Mr. Mike Thralls, Executive Director, and Shanon Phillips, Director of Water Quality, at the Oklahoma Conservation Commission, were present in support of the request.

Mr. Sevenoaks asked if this is totally green ARRA funding, and is there share required. Chairman Herrmann answered it is a total grant, and an extension of the thorough presentation of last meeting, with the responsibility to do 20% specifically designated at green projects.

Mr. Fite moved to approve the CWSRF funding, and Mr. Knowles seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

I. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Oklahoma Conservation Commission in Partnership with Oklahoma State University. Recommended for Approval. Mr. Freeman said this funding request from the ARRA Green Reserve is for \$2,000,000.00 from Oklahoma State University. He said that Cow Creek on the west side of Stillwater is becoming a degrading stream as a result of the water quality issues due to a downstream meander migration pattern and the widening of the channel has threatened land and infrastructure on both sides of the creek. The funding will restore and stabilize the creek's stream bank between Highway 51 and West Virginia Avenue with riprap construction, resloping the stream bank and re-establishing vegetation. This project funding will flow through the established funding procedures established by the Oklahoma Conservation Commission. Funding will be Clean Water ARRA funds in the form of principal forgiveness. Staff recommended approval.

Mr. Mike Thralls and Ms. Shanon Phillips were present in support of the funding request.

Mr. Drummond asked the distance between the highway and West Virginia Ave, and Mr. Thralls said it is less than one mile, and the University is the landowner. Mr. Drummond wanted to ensure the landowners in these type projects are voluntarily involved; and Mr. Thralls said in this project the OCC has been working with the University on the project. Chairman Herrmann asked if the City of Stillwater is a participant or beneficiary, and Mr. Thralls answered this project is on the west side of the OSU campus. Ms. Phillips said the project will benefit roads in the area, and that is a benefit to the city.

Mr. Nichols moved to approve the Clean Water SRF Green Reserve Funding and Dr. Taron seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

J. Consideration of and Possible Action on a Resolution Authorizing the Transfer of Funds Between the Clean Water and Drinking Water State Revolving Fund Loan Programs. Mr. Freeman said this resolution will authorize transfer of not to exceed \$12 million between the Clean Water State Revolving Loan Fund account and the Drinking Water State Revolving Loan Fund account. The transfer will sustain the DWSRF through close of the upcoming SRF bond issue, and is subject to EPA limitations. Staff recommended approval.

Chairman Herrmann said a presentation had been made at the Board's Finance Committee meeting, and he asked Mr. Freeman to explain in more detail. Mr. Freeman said the DWSRF loans the Board has approved have been closing and being drawn a bit faster than originally planned. Under EPA regulations, up to 33% of the cumulative capitalization grants can be transferred from one fund to the other fund. He said there might not be a need to actually draw upon the money, but if there are DWSRF draws coming in faster, the CWSRF dollars can be used. Once the bond issue is closed, that amount will be reimbursed to the fund. Chairman

Herrmann stated it goes with the cross collateralization mechanism the Board implemented five years or so ago to facilitate this particular process. Mr. Freeman said it allowed the Board to use cash that can be moved from one fund to the other, and not cause the Board to pay fees associated with closing the bond issue sooner.

Mr. Drummond said the Finance Committee discussed the matter, and he moved the resolution be approved. Mr. Fite seconded the motion.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

K. Consideration of and Possible Action on a Proposed Resolution Expressing Official Intent to Reimburse Costs of Loans for Clean Water SRF Projects. Recommended for Approval. Mr. Freeman explained that as a result of Congress enacting the Tax Act of 2005, the Board changed the SRF loan financing strategy, and have gone from a blind pool nature to a process of closing loans with cash, and once 30% of the loan amount is drawn, to issue bonds and reimburse the cash funds with bond proceeds. This keeps the Board in compliance with the first hurdle of meeting the Tax Act requirements, and avoid having to issue bonds with call provisions that have premiums associated with them. The U.S. Treasury regulation requires the governing body of bond issuers declare the reimbursement intentions such as the resolution proposed. Exhibit A of the resolution notes the potential Clean Water SRF borrowers who may have loans closed with the Board at the time of bond debt issuance, and which would have drawn 30% of loan proceeds, which would have been eligible for reimbursement from the bond issue. As noted in the resolution and the exhibit, these CWSRF loans total approximately \$345,000,000.00. Staff recommended approval of the resolution.

Mr. Drummond noted that staff presented the issue at the Finance Committee, and he moved to approve the proposed resolution. Mr. Knowles seconded.

Chairman Herrmann asked the expected amount of the bond issue, and Mr. Freeman answered He said the total bond issue will probably be \$100-\$145 million. Mr. Sevenoaks asked if the issue will be in total compliance with all the IRS regulation; and Mr. Freeman said the matter had been reviewed by staff and counsel, and is in compliance. Mr. Sevenoaks asked if other issuers are doing their issues in this manner, and Mr. Freeman answered that most are because of not being able to do blind pool or identified issues. Mr. Sevenoaks asked if the exact structure is that which has been already been approved by the agencies; Mr. Freeman said the actual structure of the OWRB issue goes to the Board's 2003 General Resolution. Mr. Tom Lui commented about the structure of the issue and the resolution.

There being no other questions, Chairman Herrmann called for the vote.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann  
NAY: None  
ABSTAIN: None  
ABSENT: Lambert

L. Consideration of and Possible Action on a Proposed Resolution Expressing Official Intent to Reimburse Costs of Loans for Drinking Water SRF Projects. Recommended for Approval. Mr. Freeman said this resolution is to authorize reimbursement costs of DWSRF

loans that may have loans closed with the Board at the time of loan debt issuance, and have drawn 30% of loan proceeds and are eligible for reimbursement. These DWSRF loans total approximately \$446 million. Staff recommended approval.

Mr. Drummond moved to approve the resolution, and Mr. Keeley seconded.

Mr. Sevenoaks asked why the Board would show \$446 million knowing there will only be a \$100 million bond issue. Mr. Freeman said in case one closes before another there will easily be \$100 million available, and everyone is listed not knowing who could be reimbursed. He said the reimbursement resolution is effective for 18 months, so if another bond issue is necessary, potentially another resolution would not.

There being no further questions, Chairman Herrmann called for the vote.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

Mr. Freeman distributed the update report on the ARRA projects regarding the status of closings and draws. Chairman Herrmann asked if there is an estimate whether it will be 20% or 30%. Mr. Freeman said that right now the DWSRF is 28.38%; the CWSRF funding is targeted to as many communities as possible. The total number of loans made to date totals 23 DWSRF loans with an estimated savings to communities of approximately \$95.2 million over the life of the loans, and 32 CWSRF loans with an estimated savings to the communities of approximately \$74.6 million over the life of the loans. Mr. Freeman discussed the report with the members

### **3. SUMMARY DISPOSITION AGENDA ITEMS**

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

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

There were no requests to transfer items to the Special Consideration Agenda.

#### **B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Action on Items and Approval of Items 3.C. through 3.O.**

There being no further questions or discussion regarding items on the Summary Disposition Agenda, Chairman Herrmann asked for a motion.

Mr. Keeley moved to approve the Summary Disposition Agenda, and Dr. Taron seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None  
ABSENT: Lambert

**The following items were approved:**

C. Consideration of Approval of the Following Application for Change of Scope of Project for REAP Grant in Accordance with the Proposed Order Approving the Grant:

<b>REAP</b>				<b>Amount</b>
<b><u>Item No.</u></b>	<b><u>Application No.</u></b>	<b><u>Entity Name</u></b>	<b><u>County</u></b>	<b><u>Recommended</u></b>
ASCOG				
1.	FAP-07-0054-R	Town of Hydro	Caddo	\$99,900.00

D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:

1. Grant Contract with The Kerr Foundation for support of the 30<sup>th</sup> Annual Oklahoma Governor's Water Conference and 7<sup>th</sup> Annual OWRI Water Research Symposium.
2. Professional Services Contract with Robert Glennon.

E. Applications for Temporary Permits to Use Groundwater:

1. Leo & Arleta Whitmore, Payne County, #2009-503
2. Lou Ann White, Harmon County, #2009-528
3. Vivian Rural Water District No. 6, McIntosh County, #2009-531
4. Town of Maysville, Garvin County, #2009-534
5. Arysta Life Science Technology, L.L.C., Woods County, #2009-538
6. Dolese Bros. Co., Kingfisher County, #2009-540
7. Town of Hennessey, Kingfisher County, #2009-541

F. Applications to Amend Temporary Permits to Use Groundwater:

1. Marge Propps, Blaine County, #1979-571B
2. Casady School, Oklahoma County, #2000-593

G. Applications for Regular Permits to Use Groundwater:

1. Howard & Edith Reimer, Major County, #2009-511
2. Alan J. Yoak dba Yoak Properties, L.L.C., Pawnee County, #2009-527
3. Clyde Jerry & Carol Jean Greco, Love County, #2009-542

H. Applications to Amend Regular Permits to Use Groundwater:

1. Tommy & Cathy Mitchell, Texas County, #1978-564
2. Cassidy Limited Partnership, Tillman County, #1981-768A
3. The Nelson Everly King and Doris King Baker Living Trusts, Washita County, #1983-662
4. The Lynn D. Wilds Trust, Canadian County, #2003-605

- I. Applications for Term Permits to Use Stream Water:
  - 1. Hat Mc Inc., Jackson County, #2009-018
  
- J. Applications for Regular Permits to Use Stream Water:
  - 1. Baptist General Convention of Oklahoma, Murray County, #2009-017
  
- K. Forfeitures of Stream Water Rights:
  - 1. Poteau River Farms, Inc., LeFlore County, #1975-006
  - 2. Robert Butzer, Latimer County, #1970-295
  - 3. Robert Butzer, Latimer County, #1981-090
  - 4. Robert Butzer, Latimer County, #1981-102
  - 5. Elton Willoughby, LeFlore County, #1981-034
  - 6. Cherokee Nation of Oklahoma, Adair County, #1964-119A
  - 7. Town of Muldrow, Sequoyah County, #1954-850
  
- L. Well Driller and Pump Installer Licensing:
  - 1. New Licenses, Accompanying Operator Certificates and Activities:
    - a. Licensee: Shannon Laverty Water Well DPC-0789  
Operator: Shannon Laverty OP-1719  
Activities: Groundwater wells, test holes and observation wells
    - b. Licensee: Aikin & Aikin Drilling DPC-0791  
Operator: Brant Akin OP-1720  
Activities: Groundwater wells, test holes and observation wells  
Pump installation
    - c. Licensee: Charles Rollin Ewbank DPC-0793  
Operator: Charles R. Ewbank OP-1721  
Activities: Groundwater wells, test holes and observation wells  
Pump installation  
Heat exchange wells
    - d. Licensee: US EPA- R.S. Kerr Environmental Research Center DPC-9003  
Operator: Russell Neill OP-1711  
Activities: Monitoring wells and geotechnical borings
  - 2. New Operators for Existing Licenses:
    - a. Licensee: Boart Longyear Company DPC-0671  
Operator: Curtis Wayne Wright OP-1722  
Activities: Monitoring wells and geotechnical borings
  - 3. New Activity - Operator for Existing License:
    - a. Licensee: Sahara Water Services, LLC DPC-0781  
Operator: Jeffery D. Schulz OP-1707  
Activities: Groundwater wells, test holes and observation wells
  
- M. Dam and Reservoir Construction:
  - 1. City of Owasso, Tulsa County, #DS-09-15

N. Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:

None

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the October 13, 2009 packet of Board materials.

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

A. Update Report on Oklahoma Comprehensive Water Plan Activities. Mr. Kyle Arthur, Director of Planning, provided an update to the members on recent activities of the planning group, pending a detailed update at the Governor's Water Conference. He said we are well over halfway through on the technical work--demand projections, supply availability analysis and the gap analysis are proceeding. Next will be work on provider level plans, both by basin and region; soliciting the DEQ in this phase of the process with its public water supply permitting program and enforcement program and involving the district engineers who have a great deal of expertise with the individual providers and those systems as well as a great working knowledge of the issues each of those systems face. He said it looked to be an outstanding year for the water plan process in regard to appropriation of money for the OCWP under various authorities.

Mr. Arthur introduced Ms. Jeri Fleming, Oklahoma Water Resources Research Institute, who updated the members on the public participation activities, completion of the workshop process, and the planning effort regarding the Academy Town Hall in May 2010.

Mr. Smith complimented the OWRRI on its effort in the public participation process. He said he had received very positive comments from the participants; from organizations there is concern that the participants may not have the necessary level of knowledge, but its often those groups that have set their way on what the plan should be and not the participants. He said he is very confident through the proper facilitation with the Oklahoma Academy that organizational and lobbyist presence will be removed and receive good input from citizens of Oklahoma, which is what is sought.

**5. SPECIAL CONSIDERATION**

For INDIVIDUAL PROCEEDINGS, a majority of a quorum of Board members, in a recorded vote, may call for closed deliberations for the purpose of engaging in formal deliberations leading to an intermediate or final decision in an individual proceeding under the legal authority of the Oklahoma Open Meeting Act, 25 O.S. 2001, Section 307 (B)(8) and the Administrative Procedures Act, 75 O.S. 2001, Section 309 and following.

A majority vote of a quorum of Board members present, in a recorded vote, may authorize an executive session for the purposes of CONFIDENTIAL COMMUNICATIONS between the public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability

of the public body to process the claim or conduct the pending investigation, litigation, or proceeding in the public interest, under the legal authority of the Oklahoma Open Meetings Act, 25 O.S. 2001, Section 307(B)(4).

A. In the Matter of Stream Water Right No. 1953-824 of Del Brownback, Stream System 1-8-3, Caddo County, Oklahoma:

1. Summary – Ms. Julie Cunningham, Chief, Planning and Management Division, stated to the members this matter is the consideration of a cancellation of a stream water right in the Washita River basin, and will complete the analysis of the Washita. The record showed that this right had not been used by Mr. Del Brownback since 1995 and a show cause hearing was held, which was not attended by the permit holder. A written response was received Mr. Brownback; however, the hearing examiner determined stated the claimant had not established acceptable cause to prevent forfeiture, and recommended cancellation of the water right. Ms. Cunningham stated staff recommended approval of the proposed finding of fact, conclusions of law, and Board order; however, that does not bar the filing of an application for additional water rights based on further need and in accordance with regular procedure.

2. Discussion and presentation by parties. Mr. Brownback was not present.

3. Possible executive session. The Board did not vote to enter executive session.

4. 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.

Mr. Sevenoaks moved to approve the cancellation of water right #1953-824, and Dr. Taron seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

B. In the Matter of Stream Water Right No. 1963-103 of Elva T. Duvall, Stream System 2-2, Sequoyah County, Oklahoma:

1. Summary – Ms. Cunningham stated to the members the record showed that no water use has been recorded since 1998. A letter was received by the son of the permit holder stating his mother Elva Duvall was deceased and he now resides on the farm. He stated the farm has been leased and farmed since 1973. Correspondence received from the lease holder indicated an amount equal to 2.5 acre feet per year was used for irrigation, and stated irrigation is planned for the future. A hearing was scheduled; however, no one attended. Staff recommended that based on the evidence received, the vested right should not be cancelled, but remain in effect for 2.5 acre-feet per year for irrigation purposes, and that should also be amended to reflect that Claimant's successor in interest, Warren Duvall, is not the current holder of the vested right.

2. Discussion and presentation by parties. Mr. Warren Duvall spoke to the members and stated he intended to install a pivot irrigation system in the future, within the next year, and requested the water right not be reduced.

Chairman Herrmann reiterated there would not be any bar to filing an application for additional water rights based on further need. Mr. Nichols asked if additional time could be granted to install the irrigation system. Mr. Sevenoaks said once it's done, then he can come back to re-apply. Mr. Smith said the issue is a matter of law--the law states if you don't use the

water in that period, then you lose the right, doesn't matter what the future plans might be. The ultimate end is that he will reapply, pay another fee and get the right back. He said you could argue that it is an administrative burden, but it is the statute and staff is recommending reducing the right because that's what the law says, and then work with Mr. Duvall to get the water right to enable him to do what he needs to do on his farm. He said the reason the process is this way is because in some cases there are people in line to get a water right and are waiting for a reduction, and if we start making exceptions on the law because of that then the Board will be in a bind when it has to be done, even when the excuse seems well-reasoned. Mr. Sevenoaks agreed. Mr. Smith reiterated to Mr. Duvall the staff would assist him in obtaining the water right, and should be able to do that before irrigation season.

3. Possible executive session. The Board did not vote to enter executive session.

4. Vote on whether to approve the proposed order as presented or as may be amended or vote on any other action or decision relating to the proposed order.

Chairman Herrmann stated staff recommended approval of the reduction of water right #1963-103 as stated in the proposed order.

Mr. Sevenoaks moved to approve the proposed order, and Mr. Keeley seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

C. Application for Regular Permit to Use Groundwater No. 2008-591, Matthew L. & Jeani M. Reiman, Garvin County:

1. Summary – Ms. Julie Cunningham said this application in the name of Matthew and Jeani Reiman is for a regular permit to withdraw a total of 78 acre-feet of water per year for irrigation purposes from two wells located on 120 acres of dedicated land in Garvin County; one well is existing, the second well would be a new well on the east side of the land dedicated. The record showed the applicants met the four points of law, and in this basin--the Gerty Sand Isolated Terrace--the maximum annual yield has been set at .65 acre-feet of water per acre of land. Irrigation is a beneficial use, and waste will not occur. Both of the proposed wells will be located at a distance greater than 1,320 feet from the Protestants' domestic well. Therefore, staff recommended the application be approved in accordance with the terms of the order.

2. Discussion and presentation by parties. Ms. Reiman was present and said staff was very helpful and expressed her appreciation to the Board. There were no protestants in attendance.

3. Possible executive session. The Board did not vote to enter executive session.

4. 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.

Mr. Nichols moved to approve the regular permit to use groundwater #2008-591, and Mr. Sevenoaks seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

Mr. Smith commented to the Board about permits in a studied basin that include well spacing. Once the study is complete, well spacing can be set; however, it is the applicant's responsibility to place the well more than 1,320 from a protestant's well. If they do that, then the burden of proof of impact shifts to the protestant. This is a very important piece in this particular case--the protestant is concerned the domestic well will go dry, once the applicant goes 1,320 feet then the domestic well owner (protestant) must show through technical evidence in the record there will be an impact, not just worried there might be an impact. If they don't go 1,320, the burden is on the applicant to show there will not be a significant impact on the well being closer. A variance is possible, but there will have to be test drilling, evaluation, hydrologic investigation, to make sure the well next to them will not be impacted.

Mr. Sevenoaks said he understood that if they went 1,320, it didn't matter what happened to the other well; and Mr. Smith said it could matter, it is so difficult to prove negative impact over a period of time, but the evidence would be allowed into the record.

Mr. Nichols asked about an unstudied basin. Mr. Smith answered that if it is not a studied basin there is an attorney general's opinion that says we cannot set well spacing when the basin hasn't been studied.

There was discussion among the members of a review of the attorney general's opinion that is 30 years old. Mr. Smith said he would investigate the process to ask about a review, and Mr. Sevenoaks and Chairman Herrmann stated it could be a matter of review recommended by the Comprehensive Water Plan.

D. Application for Temporary Permit to Use Groundwater No. 2008-594, Wesley Kroeker Revocable Trust, Garfield County:

1. Summary – Ms. Julie Cunningham said this application by Wesley Kroeker for a temporary groundwater permit is to take a total of 230 acre-feet of water per year for irrigation on 115 acres of land from seven wells. She said there is a related application, which is item 5.E. on the agenda, the applications were received at nearly the same time and notices were published at the same time. Comment and protest letters were received from the same persons concerning both applications, therefore one hearing was held on both applications due to the common issues.

Ms. Cunningham said the record showed the applicant met the four point of law. The land overlies the Cedar Hills Sandstone groundwater basin, which is a minor basin and a maximum annual yield has not been determined; irrigation is a beneficial use, and waste will not occur.

The protestants were concerned with waste issues; however, they are not in attendance today, Ms. Cunningham stated. Ultimately, the hearing examiner recognized that while past instances of waste by depletion in 2008 did not necessarily establish they will commit waste in the future, and recognized the applicant is attempting to obtain the proper authorization. Conditions were placed in the order that if waste occurs, the Board shall take steps in accordance with the applicable law, including pursuing voluntary compliance, obtaining the issuance of a cease and desist order, instituting action in court to enjoin waste, and suspension of permit or other administrative remedies. Staff recommended approval of the findings of fact, conclusions of law, and Board order as proposed.

2. Discussion and presentation by parties. The applicant was in attendance; however, the protestants were not at the meeting. Mr. Brian Kroeker stated he was in attendance on behalf of his father, Wesley Kroeker, and he stated his appreciation for the Board's process.

He said his father is 89 years old and thought he had a permit and he is working to get him into compliance. He said the center pivot was turned the wrong way and the protestants never notified him and had they done so, it would've been fixed.

3. Possible executive session. The Board did not vote to enter executive session.

4. 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.

Mr. Sevenoaks moved to approve temporary groundwater permit #2008-594, and Mr. Keeley seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

Mr. Drummond asked if this is the same basin where Enid gets its water, and Mr. Smith answered Enid gets its water from the Alluvium and Terrace of the Cimarron River, near Dover; the largest groundwater user in Oklahoma.

E. Application to Amend Regular Permit to Use Groundwater No. 2004-565B, Wesley Kroeker, Garfield County:

1. Summary – Ms. Julie Cunningham said this related request is for a regular permit to use groundwater in the name of Wesley Kroeker. The existing water right on this permit authorizes 22.5 acre-feet for multiple purposes on 45 acres of dedicated land. The water right was amended authorizing the 22.5 acre-feet, but there were no wells. This application requests to amend this permit by adding two wells on the dedicated land and re-distribute the uses, removing two uses--irrigation and recreation, fish and wildlife, and rural water use, to all irrigation use. She said there was a shared hearing, shared protest and same conditions as the last order considered.

Ms. Cunningham said the land overlies the Enid Isolated Terrace Groundwater Basin and the equal proportionate share has been set at 0.5 acre. Staff recommended approval of the proposed findings of fact, conclusion of law and Board order.

2. Discussion and presentation by parties. There were no comments.

3. Possible executive session. The Board did not vote to enter executive session.

4. 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.

Mr. Nichols moved to approve regular groundwater permit #2004-565B, and Mr. Fite seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

F. Consideration of Agreed Settlement and Consent Order in the matter of Commercial Installation of Water Well Pump by Linn's Plumbing, LLC, and Larry Linn, Chandler, Oklahoma.

1. Summary – Ms. Julie Cunningham stated this item is for the consideration of an agreed settlement and consent order in the matter of commercial installation of water well pump by Linn's Plumbing L.L.C., and Larry Linn of Chandler. A complaint was received and investigation found the Mr. Linn had installed a water well pump without a license or operator certificate. A hearing was held for Mr. Linn to either contest the allegation or pay the fine of \$1,000.00. Mr. Linn experienced car trouble and missed the hearing but did appear at the Board offices and paid the fine and executed the agreement and consent order. Ms. Cunningham said that staff recommended approval. She recognized Mr. Kent Wilkins, Administrator of the Board's Well Driller's Licensing Program. This is the first fine and consent order since the Board passed the rule in 2007 and recommended by the Driller's Council.

2. Discussion and presentation by parties. There was no discussion.

3. 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.

Mr. Sevenoaks moved to approve the agreed settlement and consent order, and Mr. Knowles seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

G. Items transferred from Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition Agenda for further consideration.

## **6. PRESENTATION OF AGENCY BUDGET REPORT.**

Mr. Monte Boyce, OWRB Comptroller, addressed the members and stated he checked the OWRB General Ledger and the agency received the continuing 5% reduction. He said he wasn't sure how far below the estimate the state is, but for agency operations it is an \$18-\$19,000 reduction. The total reduction so far is about \$54,000.00 or 7%; the 5% reduction is continued, not added to previous reductions. The total allocation is divided by 12, and each monthly allocation has been reduced by 5%. He said the budget report through September; 25% of the fiscal year has been completed, 68% of the budget has been expended and obligated, and 26% collected. There was no Gross Production account funds received in October, but the full allocated amount is expected by the end of the year.

Mr. Drummond asked how the agency was making up the 5% reduction. Mr. Boyce said that reduction had been passed on to the two line item appropriations--the REAP account, and Oklahoma Rural Water Association--and the DEQ for lab analysis. Regarding operations, Mr. Boyce said the agency obligates a large amount of the money first, then expended slowly throughout the year; and reductions in travel had assisted in making up the 5%.

Mr. Smith added that at the beginning of the year, the agency anticipated cuts, and reduced the appropriation to the divisions by 10% and Mr. Boyce has done an excellent job of managing the 5% through that approach. Also, each Division has developed a tier 1, 2, and 3, priorities for further cuts if necessary, and so plans are in place to handle greater cuts. Travel, large purchases and open positions are the "low-hanging fruit;" Mr. Boyce has the authority to say "no" to purchases, and the Financial Assistance Division does not receive state dollars and its important as we go into the next bond issue that

its explained to the rating agencies as we have budget issues in the agency programs, we can still maintain the quality of administration that we have now in our Financial Assistance program.

There were no other questions.

## 7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY

Chairman Herrmann stated there is a Supplemental Agenda for the Board's consideration.

### A. Well Driller and Pump Installer Licensing:

#### 1. Consideration of Time Extension for Payment of Administrative Penalty under Agreed Settlement and Consent Order Previously Entered in the Matter of Water Well Driller License No. DPC-0723 in the Name of Lynn Dobbs and Dobbs Water Well Service, Rocky, Oklahoma.

Ms. Cunningham said this item is the consideration of a time extension and for payment of administrative penalty under an agreed settlement and consent order that was previously entered by February 2009 approved by the Board. The well driller, Mr. Lynn Dobbs, was found to have 19 well drilling violations and he was provided opportunity for hearing, and a consent order was agreed upon that the corrections would be made, and a fine paid. Ms. Cunningham asked Mr. Wilkins to comment.

Mr. Wilkins stated to the members that Mr. Dobbs has corrected all the deficiencies that were associated with the agreed settlement and consent order, except for paying the \$5,000 penalty. Initially, there was a two-month suspension and a six-month probationary period. During the first period the violations were corrected, and during the second period OWRB staff has been going out with Mr. Dobbs when he drills a well to review the construction and he is comfortable with what has occurred so far. He said he would not be opposed to a time extension; he had contacted the Well Driller's Advisory Council members and informed them of the decision, and 85% were agreeable to an extension and the time frame, and 15% were agreeable to revoke the license at this time.

Mr. Wilkins said the prepared order allows for a 60-day extension for the payment of the penalty, and allows for an additional 6-month probationary period after the first 60 days, and during the period Mr. Dobbs would be required to contact staff and allow opportunity to review construction. Staff recommended approval of the proposed order.

Mr. Dobbs addressed the members and stated he had a hard time last year, and this year the jobs come and go, and he asked for an extension because the money wasn't available. He said he appreciated Mr. Wilkins and his effort to work with him. Chairman Herrmann stated this was a great example of industry self-regulation at work and at the Council's suggestion, he felt it behooved to Board to follow its recommendation. Mr. Wilkins noted that if the payment is not received after the 60-day period, the license would be immediately revoked and possible action filed in District Court.

Mr. Knowles moved to approve the agreed settlement and consent order as presented, and Mr. Drummond seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

B. Planning and Management Division:

1. Consideration of Oklahoma City Water Utilities Trust, Atoka Pump Station Rehabilitation, Atoka County, Oklahoma, DS-09-16, OK00092.

Ms. Cunningham stated this item is an application to alter the Oklahoma City pump station for rehabilitation for a dam, which requires Board approval. The piping and pump station work will affect the toe of the dam and requires approval. The OWRB engineer is present for questions.

Chairman Herrmann said this item would have normally been under the Summary Disposition Agenda, but the matter came in after the agenda was posted. Staff recommended approval.

Mr. Nichols moved to approve the application, and Dr. Taron seconded.

AYE: Nichols, Drummond, Taron, Knowles, Sevenoaks, Keeley, Fite, Herrmann

NAY: None

ABSTAIN: None

ABSENT: Lambert

8. **NEW BUSINESS**

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

There were no New Business items for the Board's consideration. However, Mr. Keeley commented about the effort to reduce the number of protested matters that come before the Board and he noted there has not been the same amount of protested matters as when he first became a Board member. Ms. Cunningham stated the permitting staff has made a large effort to better educate the public, and to also work toward mediation among the parties. Mr. Smith added he has spoken with a judge recently regarding an issue between a protestant and applicant in litigation on water and asked the Board to help negotiate. He said staff is more confident about speaking to the applicant and protestants about what to expect to happen, and have also made a conscious effort to resolve issues before coming to the Board. He also expressed his appreciation to the Board for its support.

Dr. Taron asked the status of Sardis Reservoir, and Mr. Smith stated staff would have an agenda for the discussion of Sardis at a future meeting.

9. **ADJOURNMENT**

There being no further business, Chairman Herrmann adjourned the meeting of the Oklahoma Water Resources Board at 11:30 a.m. on Tuesday, October 13, 2009.

**OKLAHOMA WATER RESOURCES BOARD**

\_\_\_\_\_/s/\_\_\_\_\_  
Rudolf J. Herrmann, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Jess Mark Nichols, Vice Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Edward H. Fite

\_\_\_\_\_/s/\_\_\_\_\_  
Richard Sevenoaks

\_\_\_\_\_/Absent\_\_\_\_\_  
Jack W. Keeley

\_\_\_\_\_/s/\_\_\_\_\_  
Kenneth K. Knowles

\_\_\_\_\_/s/\_\_\_\_\_  
F. Ford Drummond

\_\_\_\_\_/s/\_\_\_\_\_  
Joseph E. Taron

***ATTEST:***

\_\_\_\_\_/s/\_\_\_\_\_  
Linda P. Lambert, Secretary  
(SEAL)