

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

March 9, 2011

1:30 p.m.

Oklahoma Water Resources Board  
3800 N. Classen Boulevard  
Oklahoma City, OK 73118

The members of the Oklahoma Water Resources Board will gather at the State Capitol to attend a portion of the activities associated with "Water Day at the Capitol" on March 9, 2011. Activities will begin on the Fourth Floor Rotunda from 9:00 a.m. through 2:00 p.m. Members may attend a Legislative Briefing on the Oklahoma Comprehensive Water Plan in the Governor's Large Conference Room at 12:00 noon (Room 212). No discussion or action will be taken by a quorum of the members during those gatherings.

Prior to 1:30 p.m. the members of the Board will move from the State Capitol to the agency office at 3800 North Classen Boulevard, Oklahoma City, Oklahoma, and at 1:30 p.m. the members of the Board will commence their regular meeting on the agenda items below.

A copy of this notice of meeting and agenda has been posted in a prominent location at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City, Oklahoma, on March 2, 2011 at 4:30 p.m. A copy of this agenda is available on the OWRB website at [www.owrb.ok.gov](http://www.owrb.ok.gov). Revised items are indicated by "•" and italics.

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- 01000 1. CALL TO ORDER** **Chairman Rudy Herrmann**
- A. Invocation
  - B. Roll Call
  - C. Discussion, Amendments, and Vote to Approve Official Minutes of the February 8, 2011, Regular Meeting.
  - D. Executive Director's Report. **Mr. J.D. Strong**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Yale Water and Sewage Trust, Payne County. Recommended for Approval.

- B. Consideration of and Possible Action on a Proposed Order Approving Contract Financial Assistance for Pawnee Public Works Authority, Pawnee County. Recommended for Approval.
- C. Consideration of and Possible Action on a Proposed Order Approving Contract Financial Assistance for Guthrie Public Works Authority, Logan County. Recommended for Approval

**03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Herrmann**

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 3. C through 3.O., Recommended for Approval.

C. Financial Assistance Division Items:

- 1. Rural Economic Action Plan (REAP) Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
None				

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

- 1. Interagency Agreement with Grand River Dam Authority for dissolved oxygen monitoring at Kerr Dam.
- 2. Interagency Agreement with Grand River Dam Authority for dissolved oxygen monitoring at Pensacola Dam.
- 3. Agreement with Meshek & Associates, PLC to assist OWRB in implementing the CPT Program in Oklahoma to create and maintain accurate flood hazard data for OWRB.
- 4. Memorandum Agreement with Meridian Aggregates Company, A Limited Partnership, and USGS for water monitoring and data collection.

- 5. *Agreement between OWRB and Oklahoma City Water Utilities Trust for the Vegetated Wetland Project at Atoka Lake.* *Item added*

E. Applications for Temporary Permits to Use Groundwater:

1. Deer Creek Water Corporation, Oklahoma County, #2010-563
2. Dewayne & Dayna Coker, Roger Mills County, #2010-573

F. Applications to Amend Temporary Permits to Use Groundwater:

1. City of Weatherford Industrial Development Trust, Custer County, #1989-564

G. Applications for Regular Permits to Use Groundwater:

1. Town of Seiling/Seiling PWA, Dewey & Major Counties, #2010-565
2. Cotton County RWD #2, Comanche County, #2010-571
3. Justin & Andrea Miller, Beckham County, #2010-572

H. Applications to Amend Regular Permits to Use Groundwater:

None

I. Applications to Amend Prior Rights to Use Groundwater:

None

J. Forfeitures (Defaults) of Stream Water Rights:

1. Darryl Lockard, Adair County, #1981-121A
2. Raymond Briggs, Adair County, #1985-027
3. Ruth & Floyd Simmons, Adair County, #1952-431

K. Forfeitures (Reductions) of Stream Water Rights:

1. Oklahoma Gas and Electric Company, Pawnee County, #1973-235

L. Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:  
None.

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

- |              |   |          |
|--------------|---|----------|
| a. Licensee: | Sahara Water Services, LLC  | DPC-0781 |
| 1. Operator: | Thomas J. Fulgham   | OP-1812  |
| Activities:  | Groundwater wells, test holes and observation wells<br>Installation of water well pumps   |          |
| b. Licensee: | Pratt Well Service, Inc.  | DPC-0621 |
| 1. Operator: | Obe L. Brant  | OP-1813  |
| Activities:  | Groundwater wells, test holes and observation wells<br>Monitoring wells and geotechnical borings<br>Installation of water well pumps<br>Heat exchange wells |          |
| 2. Operator: | Jonathan Morgan   | OP-1814  |

- Activities: Groundwater wells, test holes and observation wells  
Monitoring wells and geotechnical borings  
Installation of water well pumps  
Heat exchange wells
- c. Licensee: Hockaday Hardware DPC-0346  
Operator: Jimmie Litsch OP-1683  
Activities: Groundwater wells, test holes and observation wells  
Installation of water well pumps
- d. Licensee: Ewbank & Associates DPC-0414  
Operator: Kiley Ewbank OP-1811  
Activities: Groundwater wells, test holes and observation wells  
Heat exchange wells

M. Dam and Reservoir Construction:

1. Kirkpatrick Dam, Blaine County, #OK30384
2. K-4 Ranch, Dewey County, #OK30385

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

1. Oklahoma Department of Transportation, Roger Mills County, #FP-11-02
2. Oklahoma Department of Transportation, Creek County, #FP-11-06
3. Oklahoma Department of Transportation, Coal County, #FP-11-09
- 4. *Oklahoma Department of Transportation, Ottawa County, #FP-11-14* Item added

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the March 9, 2011 packet of Board materials.

**04000 4. QUESTIONS AND DISCUSSION ABOUT AGENCY WORK AND OTHER ITEMS OF INTEREST.**

- A. Update on Oklahoma Comprehensive Water Plan Activities and Discussion of and Possible Vote on Proposed Timeline for Consideration and Approval of Final Draft Oklahoma Comprehensive Water Plan. **Mr. Kyle Arthur**

**05000 5. SPECIAL CONSIDERATION Chairman Herrmann**

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); Proposed Findings, Conclusions and Order are Recommended for Approval in the following matters:

- A. Consideration, Discussion and Possible Approval of Draft Congressional Briefing Document
  - 1. Summary – **Mr. Josh McClintock**
  - 2. Questions and Discussion by Board Members
  - 3. Vote on whether to approve proposed briefing document as presented or as may be revised
- B. Items transferred from Summary Disposition Agenda, if any.

**06000 6. AGENCY BUDGET REPORT Ms. Amanda Storck**

**07000 7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY  
Chairman Herrmann**

**8. PROPOSED EXECUTIVE SESSION**

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(4) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of confidential communications between a public body and its attorneys 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 a pending investigation, litigation or proceeding in the public interest. Pursuant to these provisions, the Board proposes to hold an executive session for the purpose of:

*Discussing the cases of Tarrant Regional Water District v Herrmann, City of Hugo and City of Irving v. Nichols, and Apache Tribe of Oklahoma v. Herrmann*

- A. Vote on whether to hold Executive Session – before an executive session can be convened, it 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

**9. VOTE ON MATTER DISCUSSED IN EXECUTIVE SESSION** - Return to open meeting and possible vote on any matters discussed in the Executive Session

**10. NEW BUSINESS** **Chairman Herrmann**

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.

**11. ADJOURNMENT** **Chairman Herrmann**

The next meeting of the Oklahoma Water Resources Board will be on Tuesday, April 12, 2011, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK.

3/2/2011