

OKLAHOMA WATER RESOURCES BOARD
OFFICIAL MINUTES
September 13, 2011

1. Call to Order

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Linda Lambert at 8:35 a.m., on September 13, 2011, at the Oklahoma Water Resources Board, 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

The meeting was conducted pursuant to the Oklahoma Open Meeting Law with due and proper notice provided pursuant to Sections 303 and 311 thereof. The agenda was posted on September 9, 2011 at 3:30 p.m. at the Oklahoma Water Resources Board's offices.

A. Invocation

Chairman Lambert asked Mr. Ed Fite to provide the invocation.

B. Roll Call

Board Members Present

Linda Lambert, Chairman
Ford Drummond, Vice Chairman
Joe Taron, Secretary
Marilyn Feaver
Ed Fite
Kenneth Knowles
Rudy Herrmann
Richard Sevenoaks
Tom Buchanan

Board Members Absent

None

Staff Members Present

J.D. Strong, Executive Director
Dean Couch, General Counsel
Joe Freeman, Chief, Financial Assistance Division
Julie Cunningham, Chief, Planning and Management Division
Derek Smithee, Chief, Water Quality Programs Division

Amanda Storck, Chief, Administrative Services Division
Kyle Arthur, Director of Planning
Josh McClintock, Director of Government and Public Affairs
Mary Schooley, Executive Secretary

Others Present

Tom Caldwell, Broken Arrow, OK
Ed Tinker, City of Glenpool, OK
Lynn Burrow, City of Glenpool, OK
Robert J. Morgan, Jr., City of Glenpool, OK
Kenneth Schwab, Broken Arrow, OK
Darrin Clift, FCRMCD, Ft. Cobb, OK
Catherine Jones, Town of Muldrow, OK
David Taylor, Town of Muldrow, OK
Svini Sundaramorthy, Tetra Tech, Tulsa, OK
Leslie Smith, Department of Environmental Quality, Oklahoma City, OK
Stan Paxton, USGS, Oklahoma City, OK
Ben Oglesby, Municipal Finance Service, Edmond, OK
Deene Suddath, BancFirst, Oklahoma City, OK
Mike Hubbard, Broken Bow, OK
Vicki Reed, Oklahoma Department of Environmental Quality, Oklahoma City, OK
Bert S. Ahhard, Texhoma, OK
John Henry Ward, TPF, Oklahoma City, OK
John Harrington, Association of Central Oklahoma Governments, Oklahoma City, OK
Ken Senour, Guernsey Inc., Oklahoma City, OK
Charles de Coune, Oklahoma City, OK
Sara Hill, Cherokee Nation, Tahlequah, OK
Duane Smith, Oklahoma City, OK
Dale Moore, Guymon, OK
Senator Frank Simpson, Oklahoma State Senate, Ardmore, OK
Mike Mathis, Chesapeake Energy, Oklahoma City, OK
Fred Rice, City of Edmond, OK
Jason Lewis, USGS, Oklahoma City, OK
Rodney Ray, City of Owasso, OK
Sherry Bishop, City of Owasso, OK
Allen Brooks, Oklahoma City, OK
Jeri Fleming, Stillwater, OK
Jean Anne Casey, Hennessey, OK
Chris Phillips, Chickasaw Nation, Ada, OK
Randy Warden, Central Oklahoma Master Conservancy District, Norman, OK
Meredith Gum, Lepard Consulting, LLC., Butler, OK
Tom Lay, Kerr Irvine Rhodes Ables, Oklahoma City, OK
Elauder Summer, MCN, Okmulgee, OK
Mike Fuhr, The Nature Conservancy, Tulsa, OK

Nathan Kuhnert, Devon Energy, Oklahoma City, OK
Krystina Hollarn, Citizens for Protection of Arbuckle Simpson Aquifer, Tulsa, OK

Those signed in to speak during public comment:

Bob Jackman, Tulsa, OK
Jim George, Broken Bow, OK
Chuck Darby, Broken Bow, OK
Amy Ford, Citizens for Protection of Arbuckle Simpson Aquifer, Durant, OK
Shannon Shirley, Citizens for Protection of Arbuckle Simpson Aquifer, Mill Creek, OK
Reggie Robins, Citizens for Protection of Arbuckle Simpson Aquifer, Mill Creek, OK
Vicki Ayers-McCune, PREDCI/City of Guymon, Guymon, OK
Pennie Emery, Save Our Water, Eufaula, OK
Charlette Hearne, Oklahomans for Responsible Water Policy, Broken bow, OK
Tinecia Hearne, Oklahomans for Responsible Water Policy
Carolyn Grigory Oklahomans for Responsible Water Policy, Broken Bow, OK
Angie Burckhalter, Oklahoma Independent Petroleum Association, Oklahoma City, OK
Marty Smith, Bokchita, OK
Fred Fischer, Hooker, OK
Leland Arthand, Keye, OK
Louis Long, Jr., Long Family Farms, Optima, OK
Jerry Wiebe, Wiebe Farms, Hooker, OK
Larry D. Moore, B&B Sales & Moore Farms, Guymon, OK
Tom Stephens, Guymon, OK
Kim L. Peterson, City of Guymon, Guymon, OK
Lucia Perre, Guthrie, OK
Dave Taylor, Waurika Master Conservancy District, Oklahoma Association of
Reclamation Projects, Waurika, OK
Laurie Anne Williams, Ardmore, OK
Barry Bolton, Oklahoma Department of Wildlife Conservation, Oklahoma City, OK
Dr. Edwin Kessler, Norman, OK
Kinsey Money, Oklahoma Farm Bureau, Oklahoma City, OK
Lucia Perre, Guthrie, OK

Chairman Lambert recognized Senator Frank Simpson in attendance.

C. APPROVAL OF MINUTES

Chairman Lambert asked if there were any amendments to the draft minutes of the August 9, 2011, Regular Meeting. She noted four suggested amendments as listed under the appropriate notebook tab: the first regards "billions," not millions; the second amendment regards intent and adds the word "not" which had been omitted; the third amendment adds the words "management decisions;" and the fourth amendment, a typographical correction of "depth," not "debt."

Chairman Lambert stated if there were no other amendments, she would accept a motion to approve the minutes as amended. Mr. Buchanan moved to approve the minutes as amended, and Dr. Taron seconded.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert
NAY: None
ABSTAIN: None
ABSENT: None

Prior to the Executive Director's report, Chairman Lambert commented about the rules of order for the meeting. She thanked everyone for their attendance, and said it would be a unique meeting in content and length. She noted the planned breaks, and said that the Board had offered food to everyone throughout the day.

D. EXECUTIVE DIRECTOR'S REPORT

Mr. J.D. Strong, Executive Director, said that he would be brief. There is not much to report on the state and congressional legislative front. The Joint Committee on Water has met on several dates, and the next being September 21 and will begin review of the public policy recommendations. The next meeting will be October 5, the next following the adjournment of the Water Conference on October 19 in Norman, and there may also be meetings November 2 and November 16.

Mr. Strong said he met with environmental agencies and received good feedback, which Mr. Arthur will review along with other revisions made in the draft executive report. He met with Oklahoma and Arkansas state agencies to talk about efforts to reduce nutrient reduction in the Illinois River Watershed. Mr. Strong met in Guymon and Beaver with the Regional Economic Development Council, landowners, farmers, and irrigators; met with Secretary Ming on September 9 to review the OCWP and the state energy plan and water related issues; Dean Couch represented the agency at the WSWC NARF conference in Billings, MT on August 23-25; and Kent Wilkins represented the agency at the Red River Valley Association in Durant August 25. The Arkansas-Oklahoma Arkansas River Compact Commission meeting will be held September 22, at Grand Lake; Mr. Strong will be speaking to the Northwest Alliance September 26, and as chairman of the Water Quality Committee of the Western States Water Council, he will be attending the next quarterly meeting on October 5-7, 2011.

E. Monthly Budget Report

Ms. Amanda Storck

Ms. Amanda Storck addressed the members and stated the agency budget report is provided and she would address questions, if any. There were no questions.

Additionally, Ms. Storck informed the members the Chairman had requested appropriations by fiscal year report which has been provided and the agency's tentative budget request for FY 2013 that was due at the Office of State Finance and the Governor by October 1.

She said if the request were to include all the items in the OCWP, the report showed what the request would look like for 2013. Chairman Lambert asked for a summary of the additional increase in the amount and the percentage increase in the budget and why.

Ms. Storck explained that the budget for FY 2008 had been included because that is when the agency began experiencing budget cuts and the Legislature began reducing appropriations and is the last year the budget remained somewhat stable since 2002. Between 2008 and 2013, there is a 15% reduction in appropriations and the total of agency expenditures has not been included, neither has revolving funds or federal funds, and she did not anticipate any changes in those funds through the budget request. Regarding pass-through items, Secretary of Environment, Oklahoma Rural Water Association, and REAP grants are directed by the Legislature to pass through to those entities. The 2013 tentative budget request would be the items that are listed in the Comprehensive Water Plan: \$2 million for Regional Planning Groups, \$350,000.00 for the first year of the Instream Flow Workgroup, \$1.1 million for hydrologic studies, and \$2.2 million for water quality/quantity monitoring increases; also the supplemental request not included in the budget request is dam breach mapping and contingency planning for high hazard dams equaling \$250,000.00, bringing the total to approximately \$6 million or 128% increase over the FY 2008 budget.

Chairman Lambert noted that all of these items are listed as a result of being listed in the Oklahoma Comprehensive Water Plan. She said the budget is due September 31, and if there are no comments, she would suggest the budget be submitted as presented and that the Board ratify the budget at the October Board meeting. Mr. Strong added that if there are any changes the Board would like to see, while challenging, it can be made.

Ms. Storck added the Chairman asked her to look at the dollars spent on the OCWP since 2007, and she said of the \$12 million number, a little over \$6 million has been appropriated to the agency for expenditure, and the remainder spent on the agency's behalf by other federal agencies and does not show up in the agency's expense record or financials.

There were no questions by members, and Chairman Lambert instructed the budget to be submitted, with ratification to be considered at the October Board meeting.

2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Owasso Public Works Authority, Tulsa County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this first item is for the consideration of a \$3,540,000.00 Clean Water SRF loan request by the Owasso Public Works Authority located in Tulsa County. The Authority is requesting the loan for the construction of a new lift station, installing three submersible, 3-gallon per day pumps, and 4,800 feet of 20-inch force main. The loan will be funded through the OWRB Clean Water SRF loan program, and Mr. Freeman noted provisions of the loan agreement. Mr. Freeman said that over the past ten years, the water connections have increased by over 20% and sewer connections by over 53%. Owasso currently has 12 loans outstanding with the OWRB, with a current principal balance of approximately \$16 million; the debt ratio stands at approximately 1.93-times. Staff recommended approval of the loan application.

City Manager Rodney Ray, and Assistant City Manager Sherry Bishop were present in support of the loan application. Mr. Ray was highly complementary about the assistance the OWRB Financial Assistance Program has been to the citizens and communities of Oklahoma.

Chairman Lambert noted the increased amount from \$2.9 million to \$3.5 million and asked the reason for the increase. Mr. Freeman and Mr. Ray answered the engineer estimates came in higher, and were provided to the staff after the time the initial Board order had been prepared.

There were no further questions, and Mr. Ed Fite moved to approve the Clean Water SRF loan to the Owasso Public Works Authority, and Mr. Herrmann seconded.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan, Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Muldrow Public Works Authority, Sequoyah County. Recommended for Approval. Mr. Freeman stated this item is for consideration of a \$3,705,000.00 Clean Water SRF loan request from the Muldrow Public Works Authority located in Sequoyah County. Muldrow is requesting the loan to expand its wastewater treatment plant from 0.45 MGD to 0.595 MGD and will include an additional aeration basin, a final clarifier, a chlorine contact basin, effluent aeration unit, aerobic digestion system, a cascade aerator, and to also install a standby generator. Mr. Freeman noted provisions of the loan agreement, and particularly that this is Muldrow's first loan with the Board; the debt coverage ratio stands at approximately 1.7-times. Staff recommended approval.

Mayor Katherine Jones, David Taylor, Town Administrator, and representatives of Municipal Finance Services were present.

Mr. Drummond asked if the sales tax had already been approved, and Mr. Taylor responded that it had.

Mr. Fite moved to approve the CWSRF loan to the Muldrow PWA, and Mr. Drummond seconded.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan, Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Glenpool Utility Services Authority, Tulsa, County. Recommended for Approval. Mr. Freeman stated this item is for a \$3,740,625.00 Clean Water SRF loan application by the Glenpool Utility Services Authority in Tulsa County. The Authority has requested the loan to construct a dual purpose chlorine injection facility, an enclosed chlorine contact facility, a de-chlorination facility, a wet well with three submersible pumps, install a mechanical auger screen, install 1,200 feet of gravity line, 850 feet of force main, a pump to both

the influent and effluent stations, and rehabilitate the discharge structure at the Arkansas River. Mr. Freeman noted provisions of the loan agreement. Glenpool's water and sewer connections have increased by approximately 15% over the past ten years, and the debt coverage ratio stands at approximately 2.1-times. Staff recommended approval of the loan request.

Representing the Glenpool Utility Services Authority were City Manager Ed Tinker, Community Development Director Lynn Burrow, Senior Project Manager Svini Sundaramorthy, and Project Manager Robert J. Morgan.

There being no further questions, Chairman Lambert stated she would accept a motion. Mr. Herrmann moved to approve the CWSRF loan to the Glenpool Utility Services Authority, and Mr. Knowles seconded.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert
NAY: None
ABSTAIN: None
ABSENT: None

Mr. Sevenoaks complimented the Authority for keeping the fees down.

D. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application and State Loan Program Revenue Bond Loan Funding for Broken Arrow Municipal Authority, Tulsa County. Recommended for Approval. Mr. Freeman said this item is a \$74 million dollar funding request for the Broken Arrow Municipal Authority that is requesting financing to construct at 20 MGD water treatment plant, construct a new raw water intake facility, a 42-inch raw water transmission line, and a new pre-sedimentation basin. In addition, loan funds will be used to renovate an existing sedimentation basin, and demolish portions of their existing water treatment plant. Mr. Freeman said the project will be financed using a \$35 million dollar Drinking Water SRF loan and \$39 million dollar State Loan Program Revenue Bond Loan (FAP). He noted provisions of the loan agreements. Over the last ten years, the sewer connections have increased over 27% and the sewer connections increased over 21%. Broken Arrow currently has nine loans with the Board, with an outstanding principal balance of approximately \$32 million dollars, and the debt-coverage ratio stands at approximately 2.23-times. Staff recommended approval.

Representing Broken Arrow was Mr. Kenneth Schwab, Engineering Director.

Mr. Sevenoaks asked about the size of the membrane plant, the timeframe of the BA contract with OOWA, and Mr. Schwab answered the plant is a state-of-the-art, 20 MGD plant, and the contract has been extended through time of construction, December 2013. Mr. Herrmann asked the expected useful life of the plant, and Mr. Schwab said about 40 years, with a 20-year planning period with a Phase 1 to get to 2030, and a potential Phase 2 to get to 2050.

There being no further questions, Chairman Lambert asked for a motion to approve the proposal. Mr. Sevenoaks moved to approve the Drinking Water and FAP loans to the Broken Arrow Municipal Authority, and Dr. Taron seconded.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert
NAY: None

ABSTAIN: None
ABSENT: None

Mr. Tom Buchanan asked for clarification regarding the financial assistance recommendations, is staff internal policy, when an item is presented that includes a sales tax, that sales tax has already been approved by the voters. Mr. Freeman answered that is correct.

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.

Chairman Lambert asked if there were requests to move any items to the Special Consideration agenda.

There were no requests to transfer items from the Summary Disposition Agenda 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.P.

Chairman Lambert said if there were no changes to the Summary Disposition Agenda, she would entertain a motion to approve the agenda as stated.

There were no changes, and no discussion.

Mr. Buchanan moved to approve the Summary Disposition Agenda, and Mr. Drummond seconded.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

The following items were approved:

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. Memorandum Agreement with Foss Reservoir Master Conservancy District and USGS for water monitoring and data collection.
 2. Joint Funding Agreement with the USGS for the Update of the Hydrologic Surveys and Groundwater Flow Models of the Beaver-North Canadian River Alluvial Aquifer.
 3. Professional Services Contract with James D. Leewright for drafting services related to the update of the Oklahoma Comprehensive Water Plan, and graphic media as well as the planning, design, layout, and publishing coordination of related in-house and contracted publications.
 4. Resolution Authorizing a Grant Agreement with U.S. Department Of Homeland Security, Federal Emergency Management Agency for Funding for Dam Safety Program including but not limited to Dam Inspections and Development of Emergency Action Plans for Dams; Authorizing Approval and Execution of Final Agreement and Such Other and Further Documents as May Be Required for the Funding; and Containing Other Provisions Relating Thereto.
 5. No-Cost Extension of Agreement with Camp Dresser & McKee, Inc. titled “Practitioner Tools to Predict Runoff and Reservoir Yield Under Climate Change Conditions” in support of the update to the Oklahoma Comprehensive Water Plan.
 6. Intergovernmental Agreement between the Oklahoma Water Resources Board and The Board of Regents of the University of Oklahoma by and through University Outreach/College of Continuing Education’s Forum & Conference Services for Hosting FY2012 Floodplain Management Course and Workshops.
- E. Applications for Temporary Permits to Use Groundwater:
1. Wayne & Dona Caulder, Major County, #2011-570
 2. Garland & Alma Dene Jones, Harmon County, #2011-573
 - 3. *Gerald R. Garrett Revocable Trust, Blaine County, #2011-574 Item withdrawn*
 - 4. *Gerald R. Garrett Revocable Trust, Blaine County, #2011-575 Item withdrawn*
 5. Gary & Mitzie Mol, Caddo County, #2011-576
 6. Larry & Annys Brantley, Grady County, #2011-581
- F. Applications to Amend Temporary Permits to Use Groundwater:
1. Werner & Verena Buchmann Revocable Living Trust, Kingfisher County, #1974-362
 2. Brent Mefford & Carrie Boothby, Jackson County, #1984-536
- G. Applications for Regular Permits to Use Groundwater:

- 1. *Tillman County RWD No. 1, Tillman County, #2011-520* *Item withdrawn*
 - 2. John Brent Cassidy Trust, Tillman County, #2011-545
 - 3. Karl & Ryan Jett, Beaver County, #2011-563
 - 4. Tommy & Ramona Schilling Revocable Trust, Beaver County, #2011-569
 - 5. Hal Nine, Beaver County, #2011-578
- H. Applications to Amend Regular Permits to Use Groundwater:
1. Joe Carroll & Mary Leonene Gribble, Texas County, #1976-680
 2. Barbara F. Kenney, Cimarron County, #2009-526
- I. Applications for Regular Permits to Use Stream Water:
1. Phillips Farms, L.L.C., Muskogee County, #2011-032
 2. Larry & Judy Dyson, Bryan County, #2011-034
 3. James Hahn & Nancy Webster, Greer County, #2011-035
- J. Applications to Amend Regular Permits to Use Stream Water:
None
- K. Applications for Term Permits to Use Stream Water:
None
- L. Reductions/Cancellations of Stream Water Rights:
None
- M. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: Cody's Pump Service DPC-0835
 - 1. Operator: Cody Mooter OP-1852
 - Activities: Pump installation *corrected*
 - b. Licensee: Dylan Frizzell DPC-0833
 - 1. Operator: Dylan Frizzell OP-1850
 - Activities: Pump installation
 - c. Licensee: Jared Sisk Inc. dba JSI Drilling DPC-0837
 - Operator: Jared Sisk OP-1854
 - Activities: Groundwater wells, test holes and observation wells
 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - a. Licensee: Steve Harrison Water Well Drilling DPC-0818
 - 1. Operator: Brady Harrison OP-1853
 - Activities: Groundwater wells, test holes and observation wells
 - b. Licensee: Cope's Irrigation DPC-0039
 - Operator: Ricky Jett OP-1855
 - Activities: Pump installation
- N. Dam and Reservoir Construction:

1. Esperanza Owners Association, Oklahoma County, #OK02409

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

1. Oklahoma Department of Transportation, Tulsa County, #FP-11-28
2. Oklahoma Department of Transportation, Comanche County, #FP-11-29
3. Oklahoma Department of Transportation, Beckham County, #FP-11-30

P. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the September 13, 2011 packet of Board materials.

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

A. Overview of Public Discussion Draft of Executive Report of 2012 Update of Oklahoma Comprehensive Water Plan, and Summary of Revisions of Priority Recommendations and Supporting Recommendations and Initiatives. Chairman Lambert asked Mr. Kyle Arthur to present the Public Discussion Draft of the Executive Report, and review the summary of revisions of priority recommendations.

Mr. Kyle Arthur, Director of Planning, addressed the members and stated this item is for the review the changes that have occurred to, primarily, the priority recommendations since the August Board meeting. He reminded the members that on August 26 the final draft of the executive report was uploaded to the website, including the changes at the August 9 Board meeting and preceding Board meetings during discussions regarding the priority recommendations. He said that also on September 12 there was a Board Planning Committee meeting that made three additional recommended changes. He said that generally what has transpired since the August Board meeting is considerable "word-smithing," but non-substantive and to clean up the language; any changes made post August Board meeting were a part of the vast majority of the comments, and what has been available since August 26th.

Mr. Arthur said staff wanted to better communicate the original intent, he will present the substantive changes that regard the Supporting and Priority Recommendations, the categories were re-ordered in a more logical fashion, such as discussion of Excess and Surplus Water prior to discussion of instream flow and Tribal water rights; others were re-grouped, others lifted as a unique recommendation, for example, dam safety and floodplain management taken from the Supporting Recommendations and the Priority Recommendations to create a discreet recommendation on that matter; and, some were re-titled, such as adding "recycling" to Water Efficiency and Water Reuse, and some eliminated altogether such as the "Other Recommendations. Thirdly, regarding minor changes as to who should do what, by developing the implementation strategies in the August draft, and adding costs and identifying other agencies and workgroups that would be instrumental in assisting in the implementation of the priority recommendations. Mr. Strong added that the reordering of the listing of the priority

recommendations was not to put them in a "1-8 priority order" but so that they would flow in a more logical fashion as some recommendations were key to others.

Mr. Arthur reviewed the changes to the Priority Recommendations: (1) Water project and infrastructure financing--assigned to OWRB, not a team of professionals; (2) Regional planning groups--OWRB will work with state legislature with input from the workgroup; (3) Excess/surplus water--removing the two Grand Region Planning Basins, 80 & 81 due to jurisdictional issues; (4) Instream/environmental flow--no change; (5) State/Tribal water resolution--no change; (6) Water efficiency--no change; (7) Water supply reliability--specifying funding through the state legislature, adding timeline for maximum annual yield studies, and including reservoir yield protection, added transitioning to a more conservation-oriented approach in calculation of groundwater basin yields; and (8) Water quantity monitoring--addition of state and federal monitoring programs.

Specifically, Mr. Arthur said the Water Planning Ad Hoc Committee of the Board met and the following suggested changes were recommended, and will be discussed more fully later in the meeting: (1) Regional planning groups: adding language, "non-regulatory" (2) Excess/surplus water: clarifying new definition applies only to new out-of-basin permits; and (3) Water supply reliability: replacing "implementation" at each bullet with "consideration", and clarifying makeup of the input group that would assist in determining water supply reliability considerations.

Regarding the Supporting Recommendations, Mr. Arthur noted the changes: (1) Nonpoint Source Pollution--no change; (2) Dam safety and floodplain management-- placed together a portion from Water Supply/Reliability and a portion in Supporting Recommendations, as well as staff input and the Oklahoma Conservation Commission; (3) Interstate water issues-- removed recommendation for development of groundwater compact on Ogallala and added language recommending states should explore creation of standing planning committees through current federal forums to proactively bring states together on shared water management issues and limit potential conflicts; and (4) regarding the remaining additional issues, those would be removed from the Executive Report and remain in catalogued in the plan.

There were no comments or suggestions by members regarding the changes made to the priority and supporting recommendations.

B. Summary and Discussion of Written Comments to Public Discussion Draft of Executive Report and draft Watershed Planning Region Reports. Chairman Lambert provided a brief overview of the comments that had been received regarding the OCWP: there were 38 individual comments, 11 agencies/group comments, 8 form letters that contained over 400 signatures, and an additional 200 signatures that were not legible. Ms. Lambert noted the common themes:

(1) Of the eight Priority Recommendations, three received strong consensus and very little comment: Water project/infrastructure financing, Water efficiency, and Water quality/quantity monitoring.

(2) Of the remaining five recommendations--some issues have already been dealt with through the changes presented--Regional planning groups:

(a) strong endorsement from southeast Oklahoma, the Panhandle, and Arbuckle-Simpson with suggestions it be one region rather than several, that the Panhandle group be only three counties;

(b) there was concern the Regional planning groups might have management and regulatory authority, decentralization of water, and perhaps create inconsistencies between the states and the regions and called for further study;

(c) concern that until nonconsumptive uses are quantified that excess and surplus is not definable, creates a highly intensive management system, creates artificial shortages, and creates priority for instream/recreation uses and tribal rights above all other uses, restricts larger volumes of water from being taken from a given diversion point, and concern that existing out-of-basin water transfers would be effected, should not be considered for ISF or other water claims other than pursuant to a compact or contract and calls for further study;

(d) instream/environmental flows was strongly supported by the southeastern part of the State, but disappointed the program was not being formally established, and there was strong opposition to the ISF in the Panhandle, concern how such a policy would affect existing the appropriation system, and two groups did support following the workgroup recommendations;

(e) several groups believed the recommendation for State/Tribal consultation/resolution was developed outside the public input process and judicial resolution should occur before enacting any of the components of the recommendation;

(f) under the water supply reliability, large user organizations were concerned about the fundamental changes in water law and policy and felt further evaluation was needed;

(g) regarding maximum annual yield studies, several groups believed groundwater and stream water interaction is invalid,

(h) regarding stream water (allocation models) believed it an additional management program as current law provides an effective management plan;

(i) under seasonal permitting, some felt it ignores the appropriation system currently in place and such restrictions on timing and rate of diversions could put additional costs on municipalities and proposed better management rather than seasonal limitations is preferred; and that the "implementation" word is too strong;

(j) under conjunctive management there was strong support in the Arbuckle-Simpson but not in the Panhandle due to concerns the State desires to "own" groundwater, concern for the possible creation of a priority of stream water over groundwater, and "implementation" is too strong;

(k) regarding conditioning of permits, limits should not be limited for the protection of reservoir yields only but also prevent interference between jr/sr appropriators, one group believed the need to enforce current appropriation law is better, and

(l) under conservation, some were concerned the "conservation oriented approach" would be a future limitation of withdrawals statewide to the rate of recharge, and one group supported limiting future withdrawals statewide to the rate of recharge.

Chairman Lambert summarized these were some but not all comments received, and the Board appreciated the comments submitted.

Prior to receiving public comment, Chairman Lambert stated that the Board would take a short break. She outlined the procedure for accepting public comment by stating the goal of the

presentation of public comment is three-fold: (1) to hear all the comments, (2) to hear all the comments timely, and (3) to hear all the comments and minimize repetition. To that end, she said the process will be closed at this time, each individual will be allowed six minutes to make comments, and the order in which they will present is the order in which they had signed in. Once each individual has spoken 5.5 minutes, they will be alerted to close comments, at six minutes, time is up; if there are several here to speak to several issues, one person may be designated to speak on behalf of an organization (by three persons designating their time) and they will be allowed 15 minutes; and those who have chosen not to speak may submit their names and be recognized in the record. Chairman Lambert asked that for those speaking as an individual and not representing a group or organization, if someone has already voiced your same concern, please approach the podium and state your support and you will be recognized in the record; for those who have submitted written comments, please do not repeat the written comments but a summary is accepted; all comments will be given the same weight.

Chairman Lambert called for a break from 9:15 a.m. - 9:45 a.m.

C. Public Comments - time allotment for speakers to be determined.

Upon reconvening, Chairman Lambert reviewed the rules of order, and called upon the following persons to present their comments to the OWRB Board members:

1. Bob Jackman, Tulsa, representing himself, volunteer participant in the public input process and other water issues stated the Plan should give strong strategic guidelines to the legislators for sustainable drought proof plans for the entire state; he voiced concern about the lack of proper technical and peer review under federal contract regulations (supply side); omissions and errors in the study regarding the use of tree ring studies and lack of hydro-science which had been done in other states, the Plan failed to meet its objectives.
2. Jim George, Beavers' Bend River Floats, Broken Bow, provided a history of tourism in the southeast section of the state; southeast Oklahoma formerly known as the poorest area of the state, and with a loss of water that status will be re-gained; OCWP did not consider impact of tourism as it was not mentioned in the Plan; transfer of water will bring about the ruin of local economy; asked the Board to consider impact to tourism, peace and serenity is a way of life for people and children of the area.
3. Chuck Darby, private citizen and former Broken Bow City Council member, expressed appreciation for the Board's responsibility and work, but said the Plan appeared inconclusive because water recreation and tourism is not included in the decision making process especially considering excess and surplus; tourism is multi-million dollar industry and dependent upon the attraction of water, and should be considered is the same as livestock, and oil/gas industry; and suggested an independent study of the impact of water on the economics of the area, sustainability and future growth, and the definition of tourism as regarding supply and demand.
4. Amy Ford, Citizens for the Protection of Arbuckle Simpson Aquifer (CPASA), Durant, also speaking for Shannon Shirley and Reggie Robins. CPASA submitted written comments,

Arbuckle aquifer is a unique, principal source of water, a sole source aquifer as designated by EPA and is protected as sensitive sole source aquifer by 2003 SB 288 recognizing interconnection of groundwater and streamwater; study completed in 2009 designed to determine the Maximum Annual Yield; current draft OCWP is programmatic for the ABS, and left unresolved could be devastating to the 150,000 people that rely upon it; the Plan identified three management areas; technical studies are not valid considering the published study as to 2-acre foot versus EPS of two inches; the Plan doesn't consider conjunctive use and interaction between streamwater and groundwater; doesn't consider bedrock and the group recommends reshaping the basin area into a fourth separate region, reworking the technical assumptions based on the study, include demand projects on 150,000 people, and the management of ASA should be governed by SB 288.

5. Vicki Ayers McCune, Panhandle Regional Economic Development Coalition, Inc., (PREDCI), Guymon, representing economic development and the agriculture based economy of the Panhandle; tourism is huge factor in other parts of the state, with agri-tourism in their area; concern over conjunctive use and instream flow, which are the needs for the Arbuckle Simpson but not beneficial in Panhandle Region; the area is the top 1, 2, 4 top crop and animal production Counties of the region and top 10 of the U.S.; the Panhandle has its own needs; but not the same as Arbuckle-Simpson; regarding regional planning groups, wants to have its own region as their sole source is the Ogallala Aquifer.

6. Penny Embry, Save Our Water Association, Eufaula, concerned with the method of determining excess and surplus water, that the formula is flawed because we have to know how much water is available, decreased streamgage monitoring and data gaps is critical to knowing how much water is actually in a basin; areas of the state that depend upon recreation is jeopardized and their economies marginalized; the formula is weighted in benefit to those who want water for consumptive uses; water from the area will be permitted away while investigating instream flows; any available excess and surplus water be considered nonexistent until instream flow and Tribal issues are resolved; support Regional Planning Groups but must give them teeth, and that SOWA needs to have a seat at the table to make recommendations to the Legislature.

7. Charlette Hearne, Oklahomans for Responsible Water Policy, stated concerns of the 9,000 members; she has been active in a number of water efforts over the years; excess and surplus methodology doesn't consider (seasonal) permits and claims the 10% basin reserve has no scientific credibility; the Plan contemplates nonconsumptive uses; permits are issued for life that will result in the evaporation of T&R water; other industries have defined uses and allotments, but tourism is excluded-an industry of 6.1 million dollars has been ignored and needs to have a "place at the table;" availability of excess and surplus is nonexistent until studied and validated, and instream and tribal rights resolved; the Plan should follow federal policy as in NEPA; regarding regional planning groups, every basin has different needs, members should be elected not appointed, and an OWRB member needs to be appointed from southeast Oklahoma; there should consideration of paradigm shift in rural growth; municipalities should be mandated to conserve, sustainability should be the goal, modern technology should be used to increase within the basin (reuse, recharge, etc); no interbasin transfers until the goals are met; and she

asked the OCWP be put on hold until the completion of science to determine effect of interbasin transfer (environmental degradation).

8. Angie Burkhalter, Oklahoma Independent Petroleum Association, the organization has submitted written comments and some concerns have been addressed but still have concern until seen in writing; concerns regard about conjunctive use, seasonal streams permits, and excess and surplus water, these are incomplete concepts that require more evaluation; OIPA members operate statewide and have concerns the regional planning group members would address issues consistently; regional planning group concepts woven into each recommendation and should not be until that issue is fleshed out; OWRB should have detailed information on concepts and how they fit together for informed decision making.

9. Marty Smith, private citizen, Hugo, had attended the public input meetings and observed the Plan is not balanced, has limited remedies, and current drought shows its weakness; the Plan is consumptive rural users (domestic) are ignored; disagrees with CDM management tool for estimation and he supports metering; the permitting process is flawed, and over the past five years violations to the Red River Boundary have occurred and needs verification of deeds/permits; concern for sale of water from Sardis.

10. Leland Arthand (deferred time to Fred Fischer)

11. Fred Fischer, Fischer Farms, Hooker, endorsed comments by Vicki McCune; described his farming operations using conservation measures and new technology; he asked that the regional planning group consist of the three Panhandle Counties due to diversity and uniqueness; meters are not necessary; groundwater is property right and should be protected, conjunctive use is not viable, feasible or lawful in the panhandle; consider eradication of the Salt Cedar trees; reservoir capacity should be increased; Oklahoma law is different than other states using the Ogallala; two acre-feet per acre should be untouched and would last 240 years; less government intrusion would be helpful.

12. Louis Long, Long Family Farms, Optima, described farming operation and stated there are many issues, but everyone wants safe drinkable water; Texas County is number two in U.S. for agriculture revenue and made possible because of irrigating from the Ogallala but they continue to look for ways for more efficient use (i.e. underground pipe, center pivot, improved nozzles); conjunctive use is said to result in less pumpage of the Beaver River and more flows, but he believed employing conservation measures has prevented flow.

13. Jerry Weibe, Weibe Farms, Hooker, agreed with comments by Ms. McCune, Mr. Fischer, Mr. Long; there are as many opinions as there are water users and uses; water is important and should be used wisely for all uses, and the Plan should be beneficial for all uses; so dry now there is little stream flow; conservation- minded people prevents runoff and soil erosion; doesn't agree there is interaction between stream water and groundwater in the Panhandle; and the three counties should comprise the regional planning group.

14. Larry Moore, B&B Sales & Moore Farms, Guymon, agreed with Mr. Fischer, Mr. Long and Mr. Wiebe, and did not make any further comments.
15. Tom Stevens, private citizens, Guymon, agreed with the gentlemen who spoke prior, and added support that the three Panhandle Counties form the regional planning group.
16. Kim Peterson, Vice Mayor of City of Guymon, businessman, attended public input meetings, noted economic development of the Panhandle and the rankings of the counties in production; Ogallala Aquifer is the economic lifeblood of the Panhandle, and the reason people live in the area; the OCWP stresses water reuse and Guymon has used reuse-reapply, land apply methods, and now there is a new state of the art treatment system funded by the OWRB and it wants to reapply or discharge to the Beaver River for flow to tributaries that could be rerouted to create a wetlands, for the golf course but DEQ hasn't approved; concerned with conjunctive flow concept; disputed the population projections in the plan; supported three county planning group.
17. Barry Bolton, Oklahoma Department of Wildlife Conservation, Oklahoma City, stated involvement with the instream flow workgroup, and expressed support from the instream flow concept and its importance to the wildlife of the state; many streams are not fully appropriated so an opportunity to protect Oklahoma rivers with little impact to existing water users, urged to act quickly; pledge ODWC funding and personnel and assistance with public outreach support for implementation of OCWP.
18. Dr. Edwin Kessler, Norman, accept previous comments but wanted to address concern about increased physical growth of state and population and resulting detrimental effects; need to restrain growth but the Plan accepts growth as a "given" and is a serious mistake; sustainable cultural growth is needed; leave well enough alone; concerned about the sale of water to Texas and violations to the Red River Compact which calls for the reduction of pollution to the Red River; concerned about climate impact, considerable intelligence should be applied to improve politics; and conservation is an important theme.
19. Kinsey Money, Oklahoma Farm Bureau, submitted written comments; as for evaluation of the Plan need to consider implications on legal appropriators as well as financial impact to Oklahoma's economy; opposed to modeling Oklahoma law on Western States' law as Oklahoma, water supply and laws are not the same as western states.
20. Lucia Perre, student, Guthrie, has studied the OCWP and commented about excess water computation and said different evaporation rates need a multiplier to build in 2060 needs; life of a river needed to be considered (i.e., Guadalupe River in Texas), set aside to release to save the life of the river, causing subsequent problems by the EPA endangered species Act,.
21. Dave Taylor, Oklahoma Association of Reclamation Projects, Waurika, represents irrigation, municipal and industrial water supply; one million people served by Reclamation projects; requested the project sponsors received the water promised when the projects were

initiated--set aside for reservoir yield and not available for appropriation; need to stop practice of appropriating in the basin.

22. Laurie Williams, landowner and business manager, Ardmore, appreciated the opportunity to be involved in the OCWP and involved across the state to hear other area concerns, but the Plan is not the ultimate answer, but feel those who have been involved have been "dropped;" described her rural view of water i.e., instream flows, surface and groundwater connections should be recognized; before giving away water it has to be determined how much there is; know what we want Oklahoma to look like (comments about a concrete tree); asked for consideration of reliability of water supply and mining of water, and supported CPASA comments regarding the Arbuckle Simpson Aquifer (single planning group).

Chairman Lambert asked if prior to the break for lunch if there were questions by the Board. Chairman Herrmann asked for response to some of the technical comments, and Ms. Lambert said staff would respond under item 4.D. She said following the break the Board would consider action to revise the public discussion draft of the executive report.

The Board took a lunch break from 11:37 p.m. to 12:10 p.m.

Upon reconvening, Chairman Lambert stated that staff wished to address some of the public comments made.

Mr. J.D. Strong began by stating the subject of determining excess and surplus water comes from the law of updating the Comprehensive Water Plan every 10 years, and within that same body of law it is stated that in order to protect that same area of origin and to make sure it is never water deficient, the Board will define and develop a procedure to calculate excess and surplus water ensuring the basins of origin are protected making sure of the long term needs, and if they are protected and there is still water available that it be used for the benefit of all Oklahomans. This regards surface water only; groundwater is a private property right. He described the scenario if there were an application today for an out of basin transfer including the 10% reserve, above and beyond what is needed; if there is a compact or agreement with the Tribes and if instream flow protections are calculated, that would be subtracted from the excess and surplus equation. Those numbers are not a subject today because there is no agreement with the Tribes or an instream flow program in Oklahoma that we know what is to be held back from stream or reservoirs. We do have to build into those calculations the water that is necessary to maintain reservoir yield based upon how the OWRB calculates that--which creates some contention among the Reclamation projects--but in the global sense does afford lake level protection. He said there is a proposed definition and procedure and bar charts in the Executive Report that illustrate the amounts calculated including caveats for the things that might be subtracted someday, but is just a cursory cut. Once there is an application for transfer out of basin, there would then be opportunity for notice, hearing, and the process is then brought before the Board for consideration before it would ever be granted.

Mr. Herrmann said the Plan is intended to be a planning tool to identify issues, challenges and opportunities, not a hydrological study for every part of the state--to issue a permit would

require a higher burden of proof by the applicant; he added the 10% is substantially more protective than starting this process.

Mr. Arthur stated the definition and procedure is the first cut, and the amount determined as excess and surplus is the maximum amount at the downstream gage of any basin and any permit application will undergo the same scrutiny as any other application procedure; the definition is to say before going through the process, is the request reasonable.

Mr. Sevenoaks asked about the situation in 2006 regarding levels at Eufaula that generated interest, and Mr. Arthur stated that resulted from hydropower leases during a drought time, which is an arrangement by the Corps of Engineers, and not the States, but regarding excess and surplus water, the definition is based on permit availability and would not consider water available for hydropower, so water would not be "over promised." Mr. Sevenoaks asked if there was a beneficial use for recreation from Eufaula, and Mr. Strong answered there is no storage for recreation, but it was added as a purpose.

Mr. Couch explained--same as with Lake Texoma--that recreation as a designated, authorized use was recognized, but no storage was allocated for that purpose, but recognized as a possible use for the water there is--you can recreate, it is recognized as an authorized use, but there is no physical storage to set aside and hold back water at a certain elevation and guarantee that level. Mr. Sevenoaks asked about lakes Sardis and Broken Bow and a set aside for wildlife; and Mr. Arthur stated that is not a part of what we (the Plan) evaluated. Mr. Sevenoaks commented then that there were several pools of water set aside for certain uses and the OWRB only has a certain amount for appropriation so the lake would never be drained for the allocation of drinking water. Mr. Arthur responded that yes he believed it is being protected for future consumptive demand with a 10% set aside if demands were to increase or supply to go down.

Mr. Buchanan stated that federal reservoirs were built for certain purposes and in order to spend federal taxpayer dollars, beneficial uses were assigned but in exchange a portion of the debt along with operation and maintenance was to be paid. He used Texoma as an example, which is maintained for everyone to use. Mr. Arthur added that for recreational purposes then, there is no federal storage for recreation in any federal reservoir in Oklahoma; Mr. Couch confirmed that as correct. Mr. Sevenoaks spoke to the concern of residents in southeast Oklahoma and their concern about Sardis Reservoir being dispersed without there being any benefit to them; he said at the time the lake was built the federal government handed the state a bill for construction and because there was no use, the state was to pay, which the Legislature did not provide and once defaulted the federal government demanded payment, which the OWRB then sold the storage. Dr. Taron informed the members about a situation he was personally familiar with the NRCS as a partner. Mr. Buchanan commented about the challenge of being able to provide and protect water for the citizens.

Continuing the response to public comments, Mr. Strong addressed instream flow comments. He said there are a number of western states that have addressed instream flows and each have done it differently and we are not certain at this point what would work for Oklahoma, and the workgroup for the OCWP proposed a four-year process to wait until instream numbers are in place would basically result in a moratorium for any out of basin transfer which people think of on a macro-scale with water going out of state or from one region of the state to another. What happens more often are smaller scale transfers, and regarding 82 planning basins, within southwestern or within southeastern Oklahoma, there would be no transfers of water until

instream numbers are in place. Many folks depend on out of basin transfers today, Tulsa to Oklahoma, and for example Foss Lake to Hobart. Current law, he said we believe, is to make sure the basin of origin water needs are protected and above and beyond that, the water is available to be permitted out of basin. The proposal of excess and surplus water definition, that an addition 10% be added to the reserve of the permitted use and water available, recognizing any federal Indian reserve rights and instream flow numbers that may be calculated should be subtracted, and taking 50 years of need for water in that basin off the table, so that is a change from existing law.

Mr. Drummond asked about streamgages. Mr. Strong said the 82 basins were delineated based on the presence of long term streamgaging data, and depending on what decision needs to be made depends on what level of accuracy is needed. He said he believed that the existing gaging framework and data enables us to get a handle on average annual flows within each of the 82 basins, which is what the definition of excess and surplus water calculation is based, but are wholly inadequate for developing instream flow protection numbers for any one of the thousands of streams across the state which would require much more intensive studies and investigations. We would also need to consider more detailed information and data for a permit application for an out of basin transfer. He said that gaging support has been declining and the excess and surplus, as well as water supply demand projections, in the Plan were based on the long term gaging data looking at instantaneous, daily, monthly, and seasonal averages from gages that have been in place for many decades.

Mr. Herrmann noted the streamgages had been taken away because of the lack of funding. Mr. Arthur said the information used in the plan is reliable--its good data and good policy--but the issue is about going forward, and where do we think the issues may lie and how do we go about investigating those. As regards the streamgaging issue, he said, is more of a "if we don't fix it" don't continue to get funding, can't continue partnerships, we believe that data will be severely compromised.

Mr. Buchanan asked about the comment regarding domestic use having been overlooked. Mr. Strong said it was analyzed, and there was concern that actual well data had not been used, and that is largely true because domestic wells do not report use; the USGS provided data, and it was determined what population is not served by public systems, etc. That was calculated into every basin set aside.

Mr. Strong said there was comment about conjunctive use management; eastern Oklahoma likes it and western Oklahoma does not. Technically, it is the case that in nature there are streams and groundwater basins that are connected and there are some that do not. The recommendation in the existing draft is that as we do Maximum Annual Yield Studies (MAY) of the groundwater basins and do stream water allocation modeling and studies, that we look at and validate the degree to which those are connected, and we have begun doing that in recent studies, i.e., Arbuckle Simpson. The policy at the end of the day as to whether water should be managed conjunctively is recommended to be discussed further by a group of stakeholders with input from regional planning groups (if established), and based upon the results of the technical analysis.

Ms. Feaver asked about the comments by Mr. Bolton regarding the significance of whether streams are fully appropriated as regards instream flow determinations. Mr. Strong said that Mr. Bolton attends western wildlife managers' organization meetings and know that a lot of states -- particularly northwestern US states -- have most of their streams fully allocated. Every

drop of water available fully permitted, and if Oklahoma waits it becomes harder to reserve water for recreation fish and wildlife needs because then you would be taking away from other uses. We have public water that is still available in streams that is not permitted to an individual or industry, so it would be possible to set aside without taking away from a user, but it would be taken "off the table." Mr. Buchanan said that is due to diversity, to say that streams in Oklahoma are not appropriated and that is a good time to take advantage, but some streams have no flow at times or poor quality and that is why they are not appropriated--in other areas there is abundance because of rainfall and there is not as great a need. Mr. Herrmann added that regarding instream flows, do we deal with in those stream systems where there might be water available for that purpose that doesn't jeopardize existing consumptive users so it is set aside; doesn't affect those systems where there isn't water; but set aside where water is available and provide appropriate protection. He said he has heard, why do instream flows if there isn't a problem-- we are going through a planning process, so prevent a problem by preparing for it before there is a problem.

Chairman Lambert asked if there were questions or comments or points of clarification as it relates to the written or verbal comments.

Mr. Sevenoaks asked about the comments regarding peer review. Mr. Arthur answered that peer review is required, and that had been satisfied according to the contract between CDM and the Corps of Engineers. He said he had been in communication with the COE and a letter that would address that is forthcoming.

Mr. Herrmann asked about the comments regarding the Red River Boundary, which is out of the scope of the OWRB. Mr. Couch said that is correct; that is a compact between the states as to the political boundary and how the flows of the river can change, and for practical purposes for law enforcement, and fish and wildlife regulations. The Oklahoma and Texas Legislature and Congress approved what the boundary means--the vegetation line--in that process there is a procedure for the county assessor to follow up in an annual survey and if the vegetation line changes, the county assessor determines within which state and which county the land found now, and who should collect taxes--a primary consideration. He gathered Mr. Smith's statement regards those lands and does the OCWP include sufficient water or is that a calculation as to the needs of those acres of land that are now in Oklahoma and may at some point in the future be in Texas, and back and forth. He said those volumes of land that might change annually are at most a few hundred acres and for the next 50 years and those lands that might go back and forth, the volume of water needed would be so diminimus that it would not change any figures in the technical reports in calculations along those areas.

D. Discussion and Possible Action to Revise Public Discussion Draft of Executive Report, Draft Watershed Planning Region Reports and Other Components of the draft 2012 Update of the Oklahoma Comprehensive Water Plan.

Chairman Lambert stated the Board needed to come to consensus on short term and long term goals. She said her recommendation long term is to come to the October Board meeting ready to vote on the Plan --the Executive Report and 13 watershed reports--in one vote, yes or no. That would mean that between today, and if necessary to reconvene between now and

October, the Board vet all of the issues and answer questions regarding the eight priority recommendations and supporting recommendations.

Ms. Lambert stated the Board also needed to allow thirty minutes for an Executive Session with the Attorney General's office, which representatives would be at the meeting at 4:00 p.m. Therefore, she recommended that the Board discuss, and to the extent the Board can approve recommendations until 4:00 p.m., break for 30 minutes and then return to session to determine how much longer to stay or whether to continue. In order that all recommendations and supporting recommendations are fully vetted, and in the event the Board needs to reconvene, she would recommend that occur on Friday, September 23, and she polled the members, it was determined a quorum would not be available on that date; Ms. Lambert suggested two other dates September 29 and 30; however, it was determined the full Board would not be able to convene at a later date, therefore, the Board agreed to work as long as possible today and reassess at the end of the day.

Chairman Lambert stated the purpose of discussion is to get to action, and not continue talking for the purpose of talking. She stated she would introduce each of the recommendations, there will be a motion to focus on the specific wording, but the motion would not have to be voted on today, but to address the motion on the floor. She explained the procedure will be to have a motion, a second to the motion, discussion and if there is consensus the Board is ready to vote on a particular recommendation, it would vote. If there were questions or more information needed, the motion could be withdrawn and reconsidered at the reconvened meeting. The Board members agreed to the procedure as outlined by Ms. Lambert.

Proceeding, Chairman Lambert introduced each Priority Recommendation and Implementation, reading the recommendation as outlined in the draft Plan, for the Board's consideration and possible action, as follows:

1. Water Project and Infrastructure Funding:

To address Oklahoma's considerable drinking water and wastewater infrastructure need and the inability of current programs to meet that need, the OWRB should coordinate with a team of infrastructure financing professionals to investigate development of a more robust state funding program to meet the state's projected water and wastewater infrastructure need between now and 2060. Any potential program(s) should include a specific mechanism to address the significant financing requirement of small communities in the state, as well as encourage regionalization of water/wastewater systems, where appropriate.

Chairman Lambert asked if there was a motion to approve the recommendation. Mr. Herrmann moved to approve the recommendation, and Mr. Buchanan seconded the motion.

Chairman Lambert asked Mr. Joe Freeman to update the members on the first meeting of the Infrastructure Financing Work Group. Mr. Freeman said the group met on September 7 -- comprised of bankers, lawyers, and financial advisors the Board has utilized, as well as who has utilized the Board's program. He said the group recognized the need to request additional state funds, and the possible reality of a large block of state funding to serve as reserve funding for the programs, but also spent time talking about other alternatives, particularly a state-backed credit reserve enhancement program such as the SURF program such as is used by the Oklahoma Development Finance Authority, where the State would not put up cash for the program, but pledge to issue general obligation bonds if we ever went into default on a bond issue, but the State would not have

to come up with money until there was default. It would require a vote of the people, and the Legislature would be assured that the risk factor is very limited (based on the Board's record); the program would continue to be operated in the same manner, so that there would not ever have to be a GO bond, once the reserve funds were used. Standard and Poor's have accepted that as a substitute for cash reserves, and Mr. Freeman noted other options the financial group explored to modernizing the bond resolution, requesting an extension of the program's portion of the gross productions tax as state matching and reserve funds for the financing programs, and visited about different subsidy programs in other states and how that might be modified for Oklahoma. The group is preparing a presentation to the Joint Legislative Committee on Water on October 5.

Chairman Lambert asked if there were any discussion, comments, or questions regarding the priority recommendation on water project and infrastructure funding. There was no further discussion.

Chairman Lambert called for the vote to approve the recommendation as outlined.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

Chairman Lambert stated there are three other recommendations that based upon the lack of questions and concern, might intimate they would be more ready for approval; she recommended the Board consider those three first before the remaining four: (#5) State/Tribal consultation, (#6) water efficiency, (#8) water quantity/quality monitoring.

2. State/Tribal Water Consultation and Resolution: Chairman Lambert stated the recommendation is not for the OWRB to implement an action but to the Governor and Legislature, that a consultation team be developed for the purpose of resolving this issue:

To address uncertainties relating to the possible validity of water rights claims by the Tribal Nations of Oklahoma and to effectively apply the prior appropriation doctrine in the fair apportionment of state waters, the Oklahoma Governor and State Legislature should establish a formal consultation process as outlined in the OCWP Report on Tribal Issues and Concerns.

Chairman Lambert asked for a motion to entertain approval of the recommendation.

Mr. Sevenoaks moved to approve the recommendation as read, and Dr. Taron seconded.

Mr. Fite stated that "consultation" should be "negotiation." Chairman Lambert asked if he would like to make that an amendment, and Mr. Fite stated he would.

Mr. Strong asked for clarification; he said he viewed consultation as including negotiation, and he asked Mr. Fite what he wanted to accomplish. Mr. Fite responded the Tribes were standing back from the Plan, and have now filed a suit, and he felt the Board would need to approach the Tribes in order to be resolved. He felt the word "consult" was just asking what they thought. Mr. Couch said the recommendation is directed to the Governor and State Legislature which entities are responsible to enter into cooperative agreement, and for the State Legislature to approve--he said consultation in this context was a word used by Professor Robertson in his report about dealing with these water issues, and the word consultation from his perspective relates to not only water but many issues, and is what the Tribal representatives he met with have

proposed a consultation process as the first step to lead to negotiation and resolution. He said the words as written are broad enough; and Chairman Lambert noted the five points below the language of the recommendation that negotiation seemed to be a key point.

Mr. Fite said that there was no second, so he would withdraw.

Chairman Lambert stated the motion is to approve the recommendation as outlined.

Mr. Herrmann commented he had been supportive of this direction, and we are now the target of litigation by two of the Tribes, and he asked if that should affect the Board's thinking relative to that particular recommendation. The members responded there are more than two Tribes, parties can consult outside of litigation but it changes the nature of the discussion, and the recommendation is that the Governor initiates the process. Mr. Sevenoaks said it might change the dynamics but the recommendation is a good-faith effort, and it is the Board's recommendation after five years of study that there be a government-government negotiation. Mr. Drummond stated he supported the recommendation, the ball needed to be "moved down the field" and is above the Board's pay grade; he said the Governor needed to be involved but the Board needed to continue to work on the OCWP which is for all Oklahomans, Tribal and non-Tribal members and both tracks should move forward.

If there was no further discussion, Chairman Lambert called for the vote on the motion and second to approve the recommendation on State/Tribal water consultation and resolution.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

3. Water Efficiency, Recycling and Reuse. Chairman Lambert stated this next recommendation has received little comment and perhaps there is consensus. She read the recommendation:

To address water shortages forecasted in the 2012 Update of the Oklahoma Comprehensive Water Plan, as well as avoid the costly development of new supplies and infrastructure, the OWRB and other relevant agencies should collaborate with various representatives of the state's water use sectors—with particular emphasis on crop irrigation, municipal/industrial, and thermoelectric power—to incentivize voluntary initiatives that would collectively achieve an aggressive goal of maintaining statewide water use at current levels through 2060. In its associated evaluation of appropriate programs and policies, the State should identify the optimum financial incentives, as well as recognize the potential for lost water provider revenues resulting from improved conservation. In particular, the following should be considered:

[•Implementation of incentives (tax credits, zero-interest loans, cost-sharing initiatives, increasing block rate/tiered water pricing mechanisms, etc.) to encourage improved irrigation and farming techniques, efficient (green) infrastructure, retrofitting of water-efficient infrastructure, use of water recycling/reuse systems in new buildings, promotion of "smart" irrigation techniques, control of invasive species, artificial recharge of aquifers, and use of marginal quality waters (including treated gray and wastewater).

• Expanded support for education programs that modify and improve consumer water use habits.
• The applicability of existing or new financial assistance programs that encourage Oklahoma water systems to implement leak detection and repair programs that result in reduced loss and waste of water.]

Mr. Fite moved to approve the recommendation as read, and Mr. Buchanan seconded.

Mr. Strong stated there was little angst and concern was raised, but there was quite a bit of comment and support for this recommendation.

(#1 MOTION TO AMEND) Mr. Herrmann moved to amend the motion to change the title to read, "water conservation, water efficiency, recycling, and reuse. Mr. Fite seconded.

Chairman Lambert asked for the vote on the amendment.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

Chairman Lambert asked for a vote on the motion to approve the recommendation as amended. There was no further discussion.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

4. Water Quality and Quantity Monitoring: Chairman Lambert read, "The State Legislature should provide a dedicated source of funding to enable the State of Oklahoma to accurately assess the quality and quantity of its water resources, thereby ensuring improved water quality protection, accurate appropriation and allocation, and long-term collection of data to inform water management decisions. Such funding should be directed toward development and maintenance of a permanent statewide water quality and quantity monitoring program(s), [specifically allowing for:

- Integration of all state surface and groundwater quality monitoring programs into one holistic, coordinated effort.
- Stable and dedicated appropriations for critical statewide monitoring programs, such as Oklahoma's Cooperative Stream Gaging Program, Beneficial Use Monitoring Program and Nonpoint Source Monitoring Program, as well as other agency efforts to monitor point source, agriculture, mining, and oil and gas impacts.
- Creation of an ambient groundwater quality monitoring program
- Full implementation of a statewide program for the collection of biological data to provide a better indication of long-term water quality trends in Oklahoma.]

Mr. Herrmann moved to approve the recommendation as read, and Mr. Fite seconded.

Chairman Lambert asked if there were any discussion, comments, questions, need for clarifications, on water quality and quantity monitoring.

Mr. Herrmann asked how solid the numbers are. Mr. Strong answered the numbers are on an annual basis, broken down by category (page 140) and basically surface water quality monitoring restores the BUMP program back to what it was originally designed to do when

authorized by the Legislature in 1998, at today's cost. Surface water quantity restores state funding to support the USGS streamgaging program, groundwater quality monitoring would establish for the first time groundwater monitoring program which surprisingly there is no state program. Mr. Fite asked if the USGS funds are to be matched, and Mr. Sevenoaks asked about USGS work in the Ogallala.

There being no further comments, questions, concerns, or issues for clarification, Chairman Lambert called for the vote on the motion and second.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

Mr. Sevenoaks asked how would the items be ranked (1-3), and Mr. Strong said he would probably prefer to spread any funding that might be received across all three programs.

5. Regional Planning Groups:

The OWRB should work with the State Legislature to develop and authorize the creation of at least thirteen Regional Planning Groups to assist in planning and implementing OCWP initiatives at the regional level. These regional groups should consist of local stakeholders, as well as appropriate agency representatives, charged with developing regional water plans in a manner consistent with the OCWP and its implementation priorities. Such plans would include the identification of specific projects, studies, programs, research and other evaluations designed to address the unique needs and issues identified by Regional Planning Group participants. The State Legislature should establish regular appropriations to the OWRB to coordinate the activities of these groups.

Mr. Sevenoaks asked about the recommendation language and what version was read; Chairman Lambert clarified this is the recommendation in the report, and it can be amended to that (which is proposed by the Planning Committee) when appropriate.

Chairman Lambert asked if there is a motion to approve the recommendation as submitted in the Executive Report.

Mr. Buchanan moved to approve the recommendation, and Mr. Drummond seconded.

(#1 MOTION TO AMEND) Mr. Buchanan then moved to amend the recommendation to accept the Planning Committee recommendation change to include the language, "be non-regulatory and" inserted after, "These regional groups," and before, "consist of local stakeholders." Mr. Herrmann seconded.

Chairman Lambert restated the motion; and asked for questions and comments on the amendment. Mr. Buchanan clarified the change is a result of the Board's Water Planning Committee meeting. Mr. Herrmann added and consistent with feedback received from the public. Mr. Fite said there were comments today the groups wanted to be regulatory. Mr. Sevenoaks mentioned Texas, and Mr. Strong responded there is some confusion that Oklahoma needs to do it the way Texas does. He said Texas has regional planning groups, and also groundwater management districts and they are separate entities. The groundwater management districts have the ability to restrict water usage within their district and those are not regional planning groups.

Mr. Fite said the Guymon delegation expressed they want to be carved out as a separate

group, and Ms. Lambert said as did the Arbuckle Simpson group, and the Southeast. The members agreed to consider each amendment one at a time. Chairman Lambert stated the motion on the table regards adding non-regulatory language, and has been moved and seconded and open for discussion.

Mr. Drummond asked then if the groups would then make recommendations to the OWRB. Mr. Sevenoaks said that isn't stated where the groups will "plan and implement", so the members discussed whether that implies "advisory," whether there should be 13 groups taking separate messages to the Legislature, other groups can also approach the Legislature. Mr. Strong said the recommendation also states that the Legislature will make regular appropriations to the OWRB for coordination of activities.

Chairman Lambert asked if there were other questions; Mr. Sevenoaks asked about whether the members of the groups will be elected or appointed. Mr. Strong said the recommendation also includes an implementation plan which calls for the convening of an advisory group of stakeholders to develop a detailed framework including delineation of the boundary, membership, organization, duties, etc.; he said he has heard support for regional planning groups, but everyone has a different idea of what that means--how that should work, should they be appointed or elected, organized by groundwater boundaries, surface water boundaries or county boundaries. Mr. Strong said the amendment on the table is to decide whether they should be non-regulatory.

Mr. Buchanan called for the question on the amendment on the floor. Chairman Lambert asked for the vote, on the amendment to the motion that the regional planning groups be nonregulatory.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

Chairman Lambert stated the motion on the floor now is to approve the recommendation as amended, and she asked if there were any questions.

(#2 MOTION TO AMEND) Mr. Herrmann moved to amend the motion to include two additional planning groups, the three-county Panhandle group, and the Arbuckle Simpson group. For clarification Chairman Lambert asked then if he is proposing 15 planning groups, and Mr. Herrmann answered, yes.

Mr. Sevenoaks asked how that would affect areas that contain these parts; and Mr. Strong answered in the Panhandle there is some of Ellis, Woods and Harper Counties remaining. Mr. Herrmann suggested that be left up to those groups.

Dr. Taron seconded. Chairman Lambert restated the motion. Mr. Herrmann said the strong comments heard today are unique situations, with SB 288 there is a lot of information and staff can "clean up" those areas remaining; they have their own set of needs and the Board can support that. Mr. Sevenoaks asked whether Ada would be in, Ms. Ford responded it would be in. Mr. Strong said (Ada) is outside the boundary, and Mr. Sevenoaks said it is the biggest user. Mr. Strong said regarding specific word changes and he noted the recommendation states the Board is to work with the Legislature to develop and create, "*at least* 13 regional planning groups..."

and there was discussion about whether to change the number to understand the meaning "at least", and about being flexible, being sure what the intent of the Board is (not being watered down); what to specifically include in the recommendation.

Chairman Lambert stated to allow "at least" and not change the recommendation itself, but to include in the first paragraph of information below the recommendation, add the Panhandle, as having interest to be a separate group.

Mr. Herrmann stated that with that understanding, he would withdraw the motion.

Mr. Knowles asked if the group will be the Panhandle of the Ogallala, as the aquifer does reach down into the other counties and he would like to see "Ogallala" area added. Mr. Strong said it isn't in the recommendation, but will be in the text to reflect the request of the three counties or the Ogallala, but left to the decision making to be made later.

Chairman Lambert stated the motion on the floor is to approve the recommendation as amended with the understanding the wording of the aquifers will be included in the text below.

Mr. Sevenoaks suggested deciding about whether the three counties should be separated, but then there are two of three other counties that would be parts of other counties that are in the Ogallala that are going to be excluded from the three counties. Mr. Strong said an A-political boundary system was designed for the technical analysis of the OCWP--they drew lines where Mother Nature drew the lines where water drains in the watershed. He said both surface water and groundwater were analyzed based on those boundaries and wasn't in any way to minimize the importance of groundwater but a way to organize data and information, conduct modeling, and do the long term supply/demand analysis--all done on these terms. He said the recommendation is to work with the Legislature and to convene a group of stakeholders because there is a lot to hammer out; what the groups are charged with doing helps better define how they ought to be organized.

Mr. Sevenoaks called for the vote. Chairman Lambert restated the motion is to approve the recommendation as amended (adding "nonregulatory"). Mr. Herrmann said with the understanding that somehow the Ogallala/Panhandle will be added to the text below.

If there were no further questions, Chairman Lambert called for the vote.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

6. Excess and Surplus Water: Chairman Lambert read, "Pursuant to its statutory mandate found at 82 O.S. 1086.2(1), the OWRB adopts the following definition and procedure for determining excess and surplus water for inclusion in the OCWP update: 'Excess and surplus water' means the projected surface water available for new permits in 2060, less an in-basin reserve amount, for each of the 80 basins as set forth in the 2012 OCWP Watershed Planning Region Reports whose surface water is under OWRB jurisdiction (excepting the Grand Region); provided that nothing in this definition is intended to affect ownership rights to groundwater and that groundwater is not considered excess and surplus water.

[The following procedure should be utilized to calculate excess and surplus water available for appropriation:

1. Each of the 80 OCWP watershed planning basins shall be considered an individual stream system wherein water originates (i.e., area of origin) for purposes of appropriation and permitting.

2. The total annual amount of available stream water for new permits in 2060 is equal to the total Surface Water Permit Availability amount as set forth in the OCWP Watershed Planning Region Reports minus the amount of the annual Anticipated Surface Water Permits in 2060 also set forth in those reports. The in-basin reserve amount is equal to 10% of the total Surface Water Permit Availability amount plus 10% of the annual Anticipated Surface Water Permits in 2060.

3. In considering applications for permits to transport and use more than 500 acre-feet of stream water per year outside the 3. stream system wherein the water originates, the Board shall determine whether there is "unappropriated water available in the amount applied for" by considering only the remaining amount of excess and surplus water calculated for the stream system where the point of diversion is proposed, and for stream systems located downstream from this proposed point of diversion, provided this procedure shall not be used to reduce the amount authorized under existing permits and water rights.

4. The Board will also exclude from consideration for any permit for out-of-basin use:

- a. the quantity of water adjudicated or agreed by cooperative agreement or compact to be reserved for Federal or Tribal rights, and
- b. the quantity of water reserved for instream or recreational flow needs established pursuant to law.]

Chairman Lambert asked if there was a motion to approve the recommendation. Dr. Taron moved to approve the recommendation as read, and Mr. Herrmann seconded.

(#1 MOTION TO AMEND) Mr. Herrmann moved to amend the motion to include in #3. in the text below in the procedure process, adding the word, "new" after "considering" and before "individual applications for permits to transport and use more than 500 acre-feet of stream water..." Mr. Buchanan seconded the motion. Chairman Lambert restated the motion.

Mr. Sevenoaks asked what "new" means as he was concerned whether that is existing or in the process, or new from this point forward. Mr. Buchanan said existing or new would be grandfathered. Mr. Herrmann asked if it is for permitting or for planning purposes; Mr. Strong said the part of the procedure deals with applications for actual permits. There was discussion about the difference between new permits and new applications, pending applications, which the intent of the discussion (at the Planning Committee meeting) was to make clear this would not apply retroactively to permits that have been issued to date. Mr. Sevenoaks said existing applications should be based upon excess and surplus water and Mr. Strong said that is a different question, this regards permits that are already issued. There was discussion about what the language means, whether the applications in the system today under the current rules should be excluded and if not whether that would give out of state applications an advantage to exclude them, but that currently the Board processes permits if rules change while an application is in the system (i.e. maximum annual yield determinations), if there is no permanent right they are subject to changes in the system, and whether the language change would be for new applications or new permits.

Mr. Herrmann withdrew the motion to amend and Mr. Buchanan withdrew the second.

(#2 MOTION TO AMEND) Mr. Herrmann moved that language be changed by adding the word "new" after "for" and before "permits" to read "In considering applications for new permits..."

There was more discussion to clarify and Mr. Couch explained written comments that the excess and surplus definition and the procedure affect existing, authorized uses; don't retroactively apply. The discussion at the Committee meeting was to have language to recognize that, to respect previous rights but allow the new procedure to apply, if there are no permits. There are applications filed, but there are not vested rights to filing an application. He suggested rather than inserting the word "new" at the beginning, to track language in the current law about use out of an area of origin--which is the discussion on excess/surplus--reviewing needs shall not be to reduce the quantity water authorized to be used by permits issued prior to the review. After some discussion to clarify the intent of the language change as to whether existing applications would have to reapply or the language would apply to the existing permits applications (local and out of state); they would not lose their priority right, that would require a language change, Mr. Couch recommended the following language to be added at the end of paragraph 3., following "diversion," adding, "provided this procedure shall not be used to reduce the amount authorized under existing permits or rights."

Chairman Lambert restated the recommended language, and asked if there was motion. She stated again the recommended amendment to be included at the end of procedure no. 3., after, "point of diversion,"... "provided this procedure shall not be used to reduce the amount authorized under existing permits or rights."

Mr. Buchanan stated the word "new" previously suggested to be added should be removed. Mr. Herrmann suggested that the word "individual" be removed from the first sentence. There was no objection. (There was no second and no action on the #2 motion to amend by Mr. Herrmann.)

(#3 MOTION TO AMEND) Chairman Lambert asked if there was a motion to amend the original motion by deleting, "individual" from procedure no. 3, and adding at the end of procedure no. 3 "diversion," "provided this procedure shall not be used to reduce the amount authorized under existing permits or rights."

Mr. Buchanan so moved, and Mr. Herrmann seconded.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

Mr. Sevenoaks asked about whether the word stream systems included lakes and Mr. Strong and Mr. Couch clarified area of origin, stream systems, and 82 planning basins all mean the same thing as regards the geographical area being considered.

Chairman Lambert said now to approve the motion as amended (approving the recommendation as amended). Dr. Taron moved, and Mr. Herrmann seconded.

Mr. Herrmann asked if the motion as changed reflects the comments that have been made today, and Mr. Arthur stated that he is as it concerned those who have existing rights. Mr. Strong said comments also included there should be no excess and surplus water until instream flows and Tribal water rights are quantified--which he addressed earlier--which would mean a

moratorium on out of basin transfer permits. He explained the Board can make any recommendation, but it will have to follow current law which does not authorize to do anything other than when considering an application for out-of-basin use make sure the long term needs of the basin of origin are protected first, and then if water is still available and the four points of law are met, the Board must issue the permit. The only exception would be water going out of state and subject to an interstate compact, then the Legislature must approve.

Mr. Sevenoaks asked if language can be added that would prohibit out of state water sales until the Tribal rights are resolved. Mr. Strong answered the Board can recommend what it wanted, but the agency had worked carefully with the legislature in 2009 that improved but did not reduce standing in litigation, and talking about differential treatment should include much thought. We don't want to be hasty; and Mr. Sevenoaks withdrew the question. Mr. Herrmann asked how the action would affect the permitting process and when. Mr. Strong said that immediately it would not be implemented; Mr. Couch added the procedure recommendation states it should be considered, and to the extent the legislature approves the OCWP, or this language, there would need to be a change in the current law, or some directive about excess/surplus water on that the procedure would call for regarding availability, and procedure no. 4, except for adjudication of tribal rights and instream flows, and if an application is made and permit process and there is no calculation made, there will be a place holder -- here's the quantity and here's the conditions, and one of those might be the change. The other approach is not to issue a permit. Mr. Strong said this is a recommendation, there are laws in place that dictate how we issue permits for in-basin and out-of-basin transfers until a statutory/regulatory change is made. Mr. Herrmann stated he was concerned about clarity among the Board and public.

Chairman Lambert said the motion is on the floor to approve as amended.

Mr. Sevenoaks asked for clarification under no. 4.b., regarding water reserved for instream flow, and Mr. Strong explained that would be if there is an amount subtracted for out of basin use any quantities of water set aside for instream flow or recreation needs. He asked if this is for a beneficial or nonconsumptive uses, and Mr. Strong said the group will study that to make law changes and is nothing more than reflecting the group might recommend changes to law to implement a program which would have to be factored into the permitting process.

Chairman Lambert said there is an amended motion on the floor regarding excess and surplus water; she asked if there were questions or more clarification needed.

Ms. Feaver asked what is being voted on, and Chairman Lambert answer to approve the recommendation as amended, removing "individual" and adding after diversion, "provided this procedure shall not be used to reduce the amount authorized under existing permits or rights." Mr. Sevenoaks asked who moved the motion; Chairman Lambert responded Dr. Taron made the motion and Mr. Herrmann seconded.

There was no further discussion, and Chairman Lambert called for the vote.

AYE: Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan, Drummond,
Lambert

NAY: Fite

ABSTAIN: None

ABSENT: None

Chairman Lambert called for a break at 2:05 p.m.; the meeting was reconvened at 2:20 p.m.

Upon reconvening the meeting, Chairman Lambert polled the members regarding consideration of the supporting recommendations or watershed reports before consideration of the final two priority recommendations.

Mr. Strong asked if there instructions from the Board regarding revisions to other components of the Executive Report, supporting recommendations, and 13 watershed planning region reports. Mr. Herrmann noted beginning on page 140, and Ms. Lambert read the supporting recommendations, including nonpoint source pollution, reservoir storage, navigation, dam safety, etc. The information prior is the summary of the technical information.

Mr. Herrmann asked about the comment made earlier about population projections that were questioned by the Guymon representatives. He said the agency used the data from the Department of Commerce; Mr. Strong said Mr. Mitchell (CDM) spoke with the city representatives, but might need attention.

7. Instream/Environmental Flows. Continuing, Chairman Lambert read the recommendation:

The establishment of an instream flow program should be investigated and evaluated to preserve water quality, protect ecological diversity, and sustain and promote economic development, including benefits associated with tourism, recreation, and fishing. The process developed by the OCWP Instream Flow Workgroup should be implemented and followed to ascertain the suitability and structure of such a program for Oklahoma. The OWRB should seek express authority from the State Legislature prior to promulgating rules to accommodate and protect instream flows.

Chairman Lambert asked if there was a motion to approve the recommendation. Mr. Sevenoaks asked if there were any proposed changes; Mr. Strong said not from the Planning Committee.

Dr. Taron moved to approve the recommendation as read, and Mr. Knowles seconded.

Mr. Sevenoaks asked if the Instream Flow Workgroup reported to the OWRB; Mr. Strong said that in the Executive Report on page 137 is a summary of the five recommendations, timeline, and funding requirements. He said, then, the agency would not be doing this unless there is funding from the Legislature and Mr. Strong answered it would be impossible under the current budget to carve that out.

Mr. Fite said the State had already established an instream flow methodology for the Baron Fork Creek without legislative approval so he questioned the last sentence that "express authority" should be sought. Secondly, he felt for the Tribes benefit to be included with "tourism, recreation and fishing" that "spiritual, heritage and cultural" purposes should also be added to reflect what citizens have expressed to him about why they visit our rivers. Chairman Lambert discussed the appropriate phrasing and it was decided it should be "spiritual, heritage, and cultural." Mr. Buchanan asked if he would also like to strike the last sentence and Mr. Fite said to strike it, but Mr. Strong interjected the language was the outcome of the recommendation of the workgroup but it is the case that there is an instream flow established on the Baron Fork. Mr. Sevenoaks asked if he wanted to reference the Baron Fork, and Mr. Fite responded it puts into question whether the instream flow methodology that was paid for by the agency and the Department of Wildlife Conservation that went back and forth for a number of years would be

valid if that language stood.

The members made suggestions for language changes that would reflect what Mr. Fite want to insert, and in response he stated he wanted advocate for Scenic Rivers, and asked that Scenic Rivers be excluded from legislative authority because there are user groups in the State who think he advocates putting instream flows on all rivers but he wanted to advocate for Scenic Rivers. Chairman Lambert asked Mr. Fite to state the amendment.

Mr. Fite stated the amendment: "OWRB should seek express authority For streams that are not Oklahoma Scenic Rivers." Mr. Strong re-read to say "non-Scenic Rivers" and Mr. Fite agreed. Mr. Buchanan asked if then the Board would ask the Legislature to promulgate rules and regulations that would allow implementation of instream flows prior to vetting the instream flow workgroup recommendations. Mr. Fite said he is arguing that some groups would fear would the advocacy to protect instream flows in Scenic Rivers would encompass other streams where they don't want to have instream flows. There was discussion about referencing rules for the Baron Fork, whether that should be included in the discussion underneath the recommendation, and whether the Board already had authority to establish instream flow methodologies without having to seek legislative approval.

Mr. Couch clarified this was discussion in the report of the instream workgroup and the law was reviewed, and confirmed by the Attorney General and Oklahoma Supreme Court, and plenary authority over unappropriated waters of the State. Tribal interest may take a different view of that. Specifically, he said the question posed to the A.G. is can the Board in issuing an appropriation permit, condition those on time of use, seasonality, or on flow volume, and the answer was yes, because the agency has plenary authority over all waters unappropriated--public waters of the State. From that perspective, staff was comfortable recommending, and the Board approved, in considering appropriation permits to use water from the Baron Fork, a trigger prohibition about diversions if flow at the Eldon gage falls below 50 cfs, and using that plenary authority to have flow protection mechanism. So, from that perspective, we were comfortable with the idea that this agency could in rules have minimum instream flow protection provisions put on existing permits. The Instream Flow Working Group looked at the other things as the Board's authority or as an approach--protecting existing appropriation permits with a condition. There a myriad of models to use and all very complicated, so the IF Working Group report part of the OCWP submitted indicates there needs to be a lot more study. For this language change, Mr. Couch said express authority could be "as necessary," but who would determine that--legislative committee, staffers, etc., should it be added, should the statute be changed to allow the ODWC or other interest group to obtain a permit, what is plenary authority, etc., that is what the group came up with.

Mr. Herrmann said using "express" adds strength. Mr. Buchanan referenced the language regarding the process developed by the Instream Flow Workgroupstructurea program for Oklahoma," meaning there is a group and we will go with their recommendations, and he asked if those work together. Mr. Strong responded the steps outlined by the Workgroup would be followed to ascertain the suitability and structure--is it necessary and how would it work--before putting a program in place which would require rulemaking--make certain there is express authority, not just plenary, from the legislature.

Chairman Lambert reminded the members there is a suggested amendment to add a reference to "spiritual and cultural heritage," Mr. Sevenoaks said he would like to add a reference

to the Baron Fork or Scenic Rivers--let the Workgroup come up with a plan, but they (OSRC) have always been treated differently. Mr. Fite said his position is the Legislature has previously stated their policy to protect the Scenic Rivers; it has already said the state agencies will expressly protect the six scenic rivers. There was further discussion about how to include that in the recommendation, and the members agreed to insert a new sentence after "Oklahoma. The Oklahoma Scenic Rivers Act provides for the protection of free flowing conditions as codified in Title 82 O.S. section 1460" and at the end of the last sentence, "elsewhere in the state." The members also clarified the language regarding insertion of spiritual and cultural heritage.

Following, Chairman Lambert read the proposed three amendments (underlined): "The establishment of an instream flow program should be investigated and evaluated to preserve water quality, protect ecological diversity, and sustain and promote economic development, including benefits associated with tourism, recreation, fishing, (#1) and spiritual and cultural heritage. [The process developed by the OCWP Instream Flow Workgroup should be implemented and followed to ascertain the suitability and structure of such a program for Oklahoma.] (#2) The Oklahoma Scenic Rivers Act provides for the protection of free flowing conditions of our scenic rivers as codified in section 1460, 82 O.S. The OWRB should seek express authority from the State Legislature prior to Promulgating rules to accommodate and protect instream flow (#3) elsewhere in the state."

(#1 MOTION TO AMEND) Dr. Taron moved to approve three amendments to the recommendations, and Mr. Knowles seconded.

There was no further discussion, and Chairman Lambert called for the vote.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

Chairman Lambert said the motion on the table is to approve the recommendation as amended, and she read: "The establishment of an instream flow program should be investigated and evaluated to preserve water quality, protect ecological diversity, and sustain and promote economic development, including benefits associated with tourism, recreation, fishing, and spiritual and cultural heritage. The process developed by the OCWP Instream Flow Workgroup should be implemented and followed to ascertain the suitability and structure of such a program for Oklahoma. The Oklahoma Scenic Rivers Act provides for the protection of free flowing conditions of our scenic rivers as codified in section 1460, 82 O.S. The OWRB should seek express authority from the State Legislature prior to promulgating rules to accommodate and protect instream flow elsewhere in the state."

(#2 MOTION TO AMEND) Mr. Herrmann offered an additional amendment to change the wording of the first two lines to be action-oriented by restating, "An instream flow program should be established to preserve water quality...."

Mr. Sevenoaks clarified that would be removing "investigated and evaluated," and Mr. Buchanan asked if that language came from the study group, or is that going further than what the group recommended. Mr. Herrmann asked for a second before responding. Mr. Sevenoaks seconded the motion.

Mr. Herrmann said he attended the study group meetings and the recommendation is as far as the group could get, but he felt it did not adequately protect instream flows in the State of Oklahoma, and the consumptive user groups that were involved worked hard to make it weak as possible and does not adequately fulfill our [the Board's] broad-based responsibilities to ensure the future water requirements for the State of Oklahoma. He said he felt the recommendation was watered down and we as a state should go further than that.

Mr. Sevenoaks suggested changing "should" to "shall." Mr. Buchanan said he respectfully disagreed, not from his belief but that we are writing a comprehensive water plan not on our beliefs but by public input. We asked the groups to get together, and no matter how far they were able to get and the Board could look at the whole plan and say those groups went too far or not enough. The members discussed changing "should" to "shall," the change significantly changes the intent of the recommendation, the regional planning groups will decide whether there is an instream flow, the instream flow methodology is not welcomed west of I-35 and is a difficult issue, and expressed concern for giving opportunity to change policy already established.

Chairman Lambert stated there is a motion and second to amend the original motion by rewording the first sentence: "An instream flow program should be established to preserve water quality, protect ecological diversity...", rather than, "The establishment of an instream flow program should be investigated and evaluated..." Mr. Herrmann stated all the other evaluative processes will still occur, this just makes it a bit stronger. Chairman Lambert said the question is whether to honor the workgroup's wording or interpose our own. Mr. Drummond said he would question it also; every regional group must establish it. Mr. Herrmann said he would add, "where appropriate" and Ms. Feaver asked who would make that determination.

Chairman Lambert said the motion as stated would change the wording of the workgroup. Mr. Sevenoaks called for the vote.

Mr. Strong interjected there was discussion of regional planning groups, but that is not in the recommendation, and earlier the Board wanted to make it clear regional planning groups would not have regulatory authority to implement an instream flow program, and would require promulgation of rule with express authority from the Legislature, you could get regionally appropriate input; he wanted to make clear the regional groups would make recommendations to the Board.

Chairman Lambert stated there is a motion and second, and a call for the vote on the amendment to rework the wording in the first sentence "An instream flow program should be established to preserve water quality..."

AYE:	Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver,
NAY:	Buchanan, Drummond, Lambert
ABSTAIN:	None
ABSENT:	None

Chairman Lambert said the amendment passed. There have been four amendments to the recommendation. The Board will vote on the full recommendation as amended by 4 amendments: "An instream flow program should be established to preserve water quality, protect ecological diversity, and sustain and promote economic development, including benefits associated with tourism, recreation, fishing, and spiritual and cultural heritage. The process

developed by the OCWP Instream Flow Workgroup should be implemented and followed to ascertain the suitability and structure of such a program for Oklahoma. The Oklahoma Scenic Rivers Act provides for the protection of free flowing conditions of our scenic rivers as codified in section 1460, 82 O.S.. The OWRB should seek express authority from the State Legislature prior to promulgating rules to accommodate and protect instream flows elsewhere in the state."

Mr. Sevenoaks moved to approve the recommendation as read, and Mr. Herrmann seconded.

There being no further discussion on the recommendation with the four amendments, Chairman Lambert called for the vote.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Lambert

NAY: Buchanan, Drummond

ABSTAIN: None

ABSENT: None

8. Water Supply Reliability:

To address projected increases in water demands and related decreases in availability, as well as to ensure the fair, reliable, and sustainable allocation of Oklahoma's water supplies, the State Legislature should provide stable funding to the OWRB to implement the following recommendations:

- Address by 2022 the growing backlog of statutorily-required maximum annual yield studies and overdue 20-year updates on groundwater basins within the state, including validation of any interactions between surface and groundwater sources, to accurately determine water available for use.
- Develop stream water allocation models on all stream systems within the state to assess water availability at specific locations, manage junior/senior surface water rights under various drought scenarios, anticipate potential interference between users, and evaluate impacts of potential water transfers.
- Utilize the recommended Regional Planning Groups, researchers, and other professionals to develop regionally appropriate recommendations, including:
 - a. implementation of a seasonal (rather than annual) stream water allocation program to address seasonal surface water shortages and water rights interference;
 - b. implementation of a conjunctive management water allocation system to address the potential decline in surface water flows and reservoir yields resulting from forecasts of increased groundwater use in areas where these sources are hydrologically connected;
 - c. conditioning junior water use permit holders to discontinue their diversion of water during predetermined periods of shortage (i.e., "trigger" points) to enhance the availability of dependable yields in appropriate reservoirs and minimize interference between riparian users and users of reservoir storage; and
 - d. transitioning to a more conservation-oriented approach in the calculation of groundwater basin yields and allocation of groundwater use permits, including the consideration of more sustainable use and development of state groundwater supplies.

Mr. Buchanan moved to approve the recommendation as read, and Mr. Herrmann seconded.

Chairman Lambert stated the Water Planning Committee had recommended changes. Mr. Herrmann noted the distributed language and explained the first point is to insert (under the third bullet point) after "Utilize," "water use stakeholders (including input from the recommended Regional Planning Groups), and then also under "a." underneath, change "implementation" to "consideration," and also "b." change "implementation" to "consideration," and all the rest remains the same. The word implementation was stronger than what was intended.

(#1 MOTION TO AMEND) Mr. Herrmann moved to amend the recommendation to include these amendments. Mr. Drummond seconded.

Chairman Lambert restated the amendments. She asked if there was any discussion on the three recommended amendments. There was no discussion, and Chairman Lambert called for the vote.

AYE:	Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan, Drummond, Lambert
NAY:	None
ABSTAIN:	None
ABSENT:	None

Chairman Lambert stated the motion to approve as amended; Dr. Taron moved to approve and Mr. Buchanan seconded.

Mr. Sevenoaks asked about trigger points; Mr. Cunningham answered we do not currently have them. Regarding bullet "d." Transitioning to a more conservation-oriented approach in calculation of groundwater basin yields and allocation of groundwater use permits, including the consideration of more sustainable use and development of state groundwater supplies." Mr. Sevenoaks said he had spoken with people in Guymon and Nebraska has a plan in place where over the course of five years, for a total of over five years, ten acres but if there is a drought year, you can use for example three acre feet, but to get to that we need to have a metering program, and he would like to put metering in to know what we are actually using. He asked for assistance from the irrigators on language. Mr. Buchanan responded that is something a regional planning group could push forward to the Board, and Mr. Knowles said he would agree because he did not believe there is a need for metering now.

(#2 MOTION TO AMEND) Mr. Sevenoaks stated he would like to amend the motion, and he asked for assistance with language. He wants to implement over the course of several years a metering program modeled after Kansas-Nebraska model; combine the best of both worlds. They discussed the language.

Mr. Couch said what he understands is that Mr. Sevenoaks wants the word mentioned as a subject to consider, but the acknowledgement that the regional planning group, we would use those recommendations the board would consider. The Kansas and Nebraska models deal with public water and have metering programs. He said Mr. Sevenoaks is referring to a banking program, about cumulating that the irrigator can use, which requires more book keeping, metering and staying on top of use; he explained how that type of program would work, so a short term water banking and metering is the type of matters the groups should consider. Mr. Sevenoaks agreed.

Mr. Buchanan suggested language, "Transitioning to a more conservation-oriented approach such as metering, irrigation practice improvements, adoption of new technologies, or banking of allocation in the calculation of groundwater basin yields..."

Mr. Sevenoaks said he is making the motion to include that language as additional items for the regional groups to look at, and Mr. Herrmann seconded.

Mr. Buchanan clarified this is a recommendation the regional groups and other stakeholders take a look at (Mr. Strong added), and he suggested that be added "for consideration by the regional planning groups and other stakeholders, metering, irrigation practice improvements..... Mr. Knowles explained why he is opposed to metering, who will pay for it as farmers are strapped now, he agreed with conservation but farmers are economically-driven now and would not waste water. Mr. Sevenoaks said he was just interested in drawing a line in the sand from now on. Mr. Herrmann asked why a farmer wouldn't want to meter, and Mr. Buchanan said the well doesn't always pump 100% water and so meter is not always accurate, and an efficient, experienced producer will know when to use more water, and a energy prices escalate the nozzle has to be kept up to date, so there is a type of metering, but it is not the "xyz" meter that provides the information the public wants. Mr. Herrmann and Mr. Buchanan talked about equipment needs, satellite monitoring, variable rate monitoring and there are many areas where conservation can be utilized.

Chairman Lambert restated Mr. Buchanan's request for adding regional groups and Mr. Strong pointed out that is already included in the recommendation. Mr. Buchanan withdrew that request.

Chairman Lambert then restated the amendment, adding the language after "approach" and before "in the calculation," "such as metering, irrigation practice improvements, adoption of new technologies, or banking of allocation". Mr. Sevenoaks said that is his amendment to the motion, and that Mr. Herrmann seconded.

There being no further discussion of the amendment, Chairman Lambert called for the vote.

AYE:	Fite, Herrmann, Taron*, Sevenoaks, Feaver, Buchanan, Drummond, Lambert
NAY:	Knowles
ABSTAIN:	None
ABSENT:	None

*Dr. Taron originally voted "no" stating he did not understand what was being implemented, and Chairman Lambert explained the amendment is to charge the regional planning group with looking at the technicalities of metering. Dr. Taron then voted "aye."

Chairman Lambert stated the final motion is regarding water supply reliability with the four amendments that have been approved by the Board.

Mr. Herrmann said this is the section that received the most comments, and he asked if the agency has been properly responsive; Chairman Lambert said the Board would be adjourning momentarily to hear from the Attorney General and could come back to consider the matter. Mr. Arthur stated he could address the question, he said he absolutely believed that [the Board has been responsive by], (1) changing the use of the words "implementation" and put into terms of

"consideration, addresses a great number of comments, and (2) recommendations such as seasonal permitting and consumptive management should be considered on a regional basis.

Mr. Sevenoaks called for the vote.

Mr. Strong said the only other comment he recalled comments on the first bullet regarding validation of interaction of groundwater and stream water sources was unnecessary and that was addressed in the Planning Committee and today, and groundwater studies do look at that and do you want to know or not. Mr. Sevenoaks said that is for information only, and Mr. Strong said that is correct, it is not saying there will be conjunctive use management as a result because that is addressed in the additional input from stakeholders and regional planning groups. Chairman Lambert asked why we wouldn't want to know, and it doesn't mean any conjunctive use program would be implemented, and Mr. Strong said that is correct. Mr. Knowles asked if conjunctive use would be up to regional planning groups, and Mr. Strong said they would develop regionally appropriate recommendations regarding (he read the text). Mr. Knowles agreed.

Chairman Lambert said is there is a motion to approve the recommendation with the four amendments. Mr. Sevenoaks moved and Mr. Herrmann seconded.

There was no further discussion and Chairman Lambert called for the vote.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

Chairman Lambert offered her gratitude to staff.

Mr. Sevenoaks asked about the remaining recommendations. Chairman Lambert stated those were addressed earlier; there were no other discussion about any other recommendations.

Mr. Herrmann complimented Chairman Lambert for orchestrating the meeting, and the members preparation. Mr. Sevenoaks asked about the process now. Ms. Lambert said staff will take the recommendation and work into the final draft prior to the October meeting and vote on the plan as recommended here. She expressed if there are any further changes they should be done now or the meeting would need to be reconvened. Mr. Strong asked if it were acceptable to the Board to make grammatical or spelling error changes. He said he expected the final plan to be ready at the end of September.

Chairman Lambert again thanked the staff and citizens for their participation. She asked for a motion to recess and go into Executive Session when the Attorney General's representative arrive (see item 7. below)

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. No items. There were no Special Consideration Agenda items for the Board's consideration.

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

6. **CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY**

There were no Supplemental Agenda items for the Board's consideration.

7. **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 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 a pending investigation, litigation or proceeding in the public interest.

Pursuant to this provision, the Board proposes to hold an executive session for the purpose of discussing *Chickasaw Nation and Choctaw Nation v. Fallin, et al. and Tarrant Regional Water District v. Herrmann, and City of Hugo v. Nichols* (*underlined italics added*)

A. Vote on whether to hold Executive Session - before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.

Chairman Lambert asked for a motion to move into Executive Session, for the purpose of discussing the lawsuit. However, the representatives from the Oklahoma Attorney General's office were not yet present, and she stated the Board would recess until the representatives arrive.

Mr. Buchanan moved for the Board to enter the Executive Session, and Mr. Herrmann seconded.

AYE: Fite, Herrmann, Knowles, Taron, Sevenoaks, Feaver, Buchanan,
Drummond, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

The Board voted at 3:35 p.m. to recess and then to enter Executive Session when the representative arrive.

B. Designation of person to keep written minutes of Executive Session, if authorized.

Chairman Lambert designated Executive Secretary Mary Schooley to keep written minutes.

C. Executive Session, if authorized.

Chairman Lambert called the Board into Executive Session as authorized at 4:04 p.m.

8. VOTE(S) ON POSSIBLE ACTION(S), IF ANY, RELATING TO MATTERS DISCUSSED IN EXECUTIVE SESSION IF AUTHORIZED.

Return to open meeting and possible vote or action on any matter discussed in the Executive Session

The Board returned to regular session, at 5:05 p.m. There was no action or vote on any matter discussed during the Executive Session.

9. Discussion of Desire or Need to Continue or Recess and Reconvene Meeting, and Announcement of Date, Time and Place of Continued or Reconvened Meeting, if Scheduled.

Under item 4.D., Chairman Lambert polled the members as to whether there was a need to recess and reconvene or reschedule the remainder of the meeting. At that time, the members agreed to work through the day to complete the agenda. Therefore, the meeting was not recessed, rescheduled and reconvened.

10. 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. The October Board meeting will be on Monday, October 17, 2011, 9:30 a.m.

11. ADJOURNMENT

There being no further business, Chairman Lambert adjourned the meeting of the Oklahoma Water Resources Board at 5:06 p.m. on Tuesday, September 13, 2011.

OKLAHOMA WATER RESOURCES BOARD

_____/s/_____
Linda P. Lambert, Chairman

_____/s/_____
F. Ford Drummond, Vice Chairman

_____/s/_____
Edward H. Fite

_____/s/_____
Kenneth K. Knowles

_____/s/_____
Marilyn Feaver

_____/s/_____
Richard Sevenoaks

_____/s/_____
Rudolf J. Herrmann

_____/s/_____
Tom Buchanan

ATTEST:

_____/s/_____
Joseph E. Taron, Secretary
(SEAL)