

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

November 19, 2013

9:30 a.m.

3800 N. Classen Boulevard
Oklahoma City, OK 73118

A copy of this notice of meeting and agenda has been posted in a prominent location at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City, Oklahoma, on November 15, 2013 at 4:30 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

- 01000 1. CALL TO ORDER** **Chairman Rudy Herrmann**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the October 23, 2013, Regular Meeting.
 - C. Executive Director's Report. **Mr. J.D. Strong**
 - D. Monthly Budget Report **Ms. Amanda Storck**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- 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.
 - B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for El Reno Municipal Authority, Canadian County. Recommended for Approval.
- 03000 3. SUMMARY DISPOSITION AGENDA ITEMS** **Chairman Herrmann**

All of the items listed below under this Summary Disposition Agenda are recommended for approval.

Any item listed under this Summary Disposition Agenda may, at the request of any member of the Board, the Board's staff, or any other person attending this meeting, be transferred to the Special Consideration Agenda. Under the Special Consideration

Agenda, separate discussion and vote or other action may be taken on any items already listed under that agenda or items transferred to that agenda from this Summary Disposition Agenda.

- A. Requests to Transfer Items from Summary Disposition Agenda to the Special Consideration Agenda, and Action on Whether to Transfer Such Items.
- B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Possible Action on Items Listed Below.

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

1. 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.
None.

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

- 1. Bates Bros. Farms, Jackson County, #2013-544
- 2. United Farm Properties, Inc., Muskogee County, #2013-611
- 3. Love’s Travel Stops & Country Stores, Oklahoma County, #2013-613
- 4. Great Plains Technology Center, Comanche County, #2013-618
- 5. J. B. & Jane Rippetoe, Beckham County, #2013-622

F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
None

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

- 1. Clear Creek Ranch Partnership, Beaver County, #2013-575
- 2. Jackie & Melba Cowley, Greer County, #2013-576
- 3. Kevin O’Neal, Tillman County, #2013-598
- 4. Town of Beaver, Beaver County, #2013-604
- 5. Teryl & Donna Rorabaugh, Beaver County, #2013-629

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

- 1. V & R Fischer Farms, L.L.C., Tillman County, #1980-699

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

None

- J. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Hauani Creek Ranch, L.L.C., Marshall County, #2013-030
 2. Tulsa County Parks – South Lakes Golf Course and Board of County Commissioners of Tulsa County, Oklahoma, Tulsa County, #2013-031
 3. Stephen & Tammy Durham, Grady County, #2013-032
- K. Consideration of and Possible Action on Dam and Reservoir Construction:
1. Beecher Dam, Kingfisher County, #OK30459
- L. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
1. New Operators to Existing Permits

a. Licensee: York’s Pump Service	DPC-0428
1. Operator: Alvis J. York, Sr.	OP-0898
b. Licensee: Able Environmental Drilling, LLC	DPC-0746
1. Operator: Roy Sylvester	OP-2013
c. Licensee: Bobby C. Karlin	DPC-0256
1. Operator: Bernard Marshall	OP-2016
d. Licensee: Layne Christensen	DPC-0123
1. Operator: Todd List	OP-2017
e. Licensee: Oklahoma Environmental Services	DPC-0363
1. Operator: Douglas Wilson	OP-2018
- M. Consideration of and Possible Action on Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
1. Oklahoma Department of Transportation, Sequoyah County, #FP-13-27
 2. Oklahoma Department of Transportation, Washington County, #FP-13-28
 3. Oklahoma Department of Transportation, Washington County, #FP-13-29
 4. Oklahoma Department of Transportation, Carter County, #FP-13-30
 5. Oklahoma Department of Transportation, Carter County, #FP-13-31
 6. Oklahoma Department of Transportation, Carter County, #FP-13-32
- N. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
- Names of floodplain administrators to be accredited and their associated communities are individually set out in the November 19, 2013 packet of Board materials.

04000 4. QUESTIONS AND DISCUSSION ABOUT AGENCY MATTERS AND OTHER ITEMS OF INTEREST **Chairman Herrmann**

None

05000 5. SPECIAL CONSIDERATION **Chairman Herrmann**

- A. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Regular Groundwater Permit No. 2013-542, C. Jeff & Shelly D. Baumann, Cotton County, Recommended for Approval:
1. Summary – **Ms. Julie Cunningham**

2. Discussion and presentation by parties
3. Possible Executive Session
As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.
(a) Vote on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
(b) Designation of person to keep written minutes of Executive Session, if authorized.
(c) Executive Session, if authorized.
4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
5. Vote on whether to approve the Proposed Order as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order.

B. Consideration of and Possible Action on Application by Carolyn and John Sparks for Reconsideration of Board Order establishing final determination of maximum annual yield for the Arbuckle-Simpson Groundwater Basin underlying parts of Murray, Pontotoc, Johnston, Garvin, Coal and Carter Counties, Recommended for Denial:

1. Summary –**Mr. Jerry Barnett**
2. Discussion and presentation by parties
3. Possible Executive Session
As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.
(a) Vote on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
(b) Designation of person to keep written minutes of Executive Session, if authorized.
(c) Executive Session, if authorized.
4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
5. Vote on whether to approve or deny the Application for Reconsideration, or vote on any other action or decision relating to the Application for Reconsideration.

C. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any.

6. PROPOSED EXECUTIVE SESSION

Chairman Herrmann

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 Oklahoma Water Resources Board v. United States on behalf of the Choctaw Nation et al.

Statement by legal counsel advising on whether disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest.

- A. Vote on whether to hold Executive Session upon determination that disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
- B. Designation of person to keep written minutes of Executive Session, if authorized.
- C. Executive Session, if authorized.

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

7. NEW BUSINESS

Chairman Herrmann

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

8. ADJOURNMENT

Chairman Herrmann

The next regular meeting of the Oklahoma Water Resources Board is scheduled to be held Tuesday, December 17, 2013, 9:30 a.m., at 3800 N. Classen Boulevard, Oklahoma City, OK 73118.

11/15/2013