

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

March 18, 2014

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 March 14, 2014 at 4:45 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 February 18, 2014, 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 Drinking Water Funding Application for Longtown Rural Water and Sewer District No. 1, Pittsburg 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>
ASCOG				
a.	FAP-13-0022-R	Tipton Public Works Authority	Tillman	\$99,500.00

D. Consideration of and Possible Action on Contract and Agreements:

1. Addendum to Lease Agreement between OWRB and Oklahoma Property Investors II, LLC.

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

1. Joyce Y. Norton, Donald L. & Joyce Y. Norton, and Bertha P. Baker, Caddo County, #2013-522
2. Loretta Rae Jones, Marilyn Kaye Graham, and Kenneth Dean Hodges, Caddo County, #2013-643
3. John E. & Lola J. Lamle, Alfalfa County, #2013-647
4. Richard Brownen and Joe E. Johns Living Trust, Blaine County, #2013-650

F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:

1. Steve Blevins Revocable Trust, Beckham County, #2013-545

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

1. Seaboard Foods, L.L.C., Texas County, #2013-644
2. Ricky Joe & Danna Schweitzer, Canadian County, #2013-646
3. Flat Prairie Farms, Inc., Texas County, #2013-648
4. Patricia Ann Colley Means Revocable Trust and Patricia Means Revocable Trust, Love County, #2013-649

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

1. Margi Murdock 2009 Trust, Cimarron County, #2003-568
2. Brothers Bottling Company, L.L.C., Canadian County, #2006-573
3. Mitch A. & Marcia L. Cowan, Beaver County, #2012-617

I. Consideration of and Possible Action on Applications for Seasonal Permits to Use Stream Water:

1. City of Edmond, Oklahoma County, #2011-066

J. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:

1. Don & Linda Hudspeth, Choctaw County, #2013-039
2. Pollard Farms, L.L.C., Garfield County, #2013-044

3. Pollard Farms, L.L.C., Garfield County, #2013-046
4. Michael Joe & Brenda Sue Frickenschmidt, Garfield County, #2013-049

K. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:

1. City of Edmond, Oklahoma County, #1974-175
2. Roy T. & Rebecca Oliver, McClain County, #2007-035

L. Consideration of and Possible Action on Dam and Reservoir Construction:
None

M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:

1. New Licenses and Operators
 - a. Licensee: Arrowhead Engineering Co., L.L.C. DPC-0874
 1. Operator: John Wes Nash OP-1536
2. New Operators to Existing Licenses:
 - a. Licensee: Arrowhead Engineering Co., L.L.C. DPC-0874
 1. Operator: Corby Key OP-1443
 - b. Licensee: EST, Inc. DPC-0658
 1. Operator: Alseny Diop OP-2027
 - c. Licensee: Ryan's Water Well Drilling, L.L.C. DPC-0879
 1. Operator: John C. Gilby OP-2030

N. 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, Caddo County, #FP-14-01
2. Oklahoma Department of Transportation, Creek County, #FP-14-02
3. Oklahoma Department of Transportation, Creek County, #FP-14-03
4. Oklahoma Department of Transportation, Seminole County, #FP-14-04
5. Oklahoma Department of Transportation, Seminole County, #FP-14-05
6. Oklahoma Department of Transportation, Marshall County, #FP-14-06
7. Oklahoma Department of Transportation, Caddo County, #FP-14-07
8. Oklahoma Department of Transportation, LeFlore County, #FP-14-08

O. 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 March 18, 2014 packet of Board materials.

**04000 4. CONSIDERATION OF AND POSSIBLE ACTION ON ADOPTION OF PROPOSED AMENDMENTS TO PERMANENT RULES, RECOMMENDED FOR APPROVAL:
Chairman Herrmann**

A. Rules Amendments Recommended for Adoption in Chapter 30 - Taking and Use of Groundwater

1. Summary - **Ms. Julie Cunningham**
Subchapter 3. Permit Application Requirements and Processing
785:30-3-6. Well spacing [AMENDED]
Subchapter 9. Maximum Annual Yield Determinations

- 785:30-9-6. Issuance of regular permit to temporary permit holder [AMENDED]
2. Questions and Discussion by Board Members
3. Comments by Public
4. Vote on whether to adopt recommended amendments as presented or as may be revised after discussion and comment.

B. Rules Amendments Recommended for Adoption in Chapter 50 - Financial Assistance

1. Summary – **Mr. Joe Freeman**

Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures

785:50-7-1. General procedures [AMENDED]

785:50-7-3. Evaluation procedures for grant applications [AMENDED]

785:50-7-5. Emergency grant priority points system [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-5. REAP grant priority point system [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 3. General Program Requirements

785:50-9-21. Eligible project [AMENDED]

785:50-9-22. Revenue program [AMENDED]

785:50-9-23. Clean Water SRF Project Priority System [AMENDED]

785:50-9-28. Pre-application for funding [AMENDED]

785:50-9-30. Planning documents [AMENDED]

785:50-9-32. Plans and specifications [AMENDED]

785:50-9-35. Loan closing [AMENDED]

785:50-9-38. Construction phase [AMENDED]

785:50-9-42. Retainage [AMENDED]

Part 7. SRF Environmental Review Process

785:50-9-61. Environmental information required by the Board [AMENDED]

2. Questions and Discussion by Board Members

3. Comments by Public

4. Vote on whether to adopt recommended amendments as presented or as may be revised after discussion and comment.

05000 5. SPECIAL CONSIDERATION

Chairman Herrmann

A. Consideration of and Possible Action on Application to Construct a New Small Low Hazard Dam filed by Preston and Candy Masquelier, Custer County, Dam Safety ID No. OK30474, Recommended for Approval:

1. Summary – **Ms. Julie Cunningham**

2. Discussion and presentations by applicants and persons opposing the application

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, or vote on any other action or decision relating to the application.

B. 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, April 15, 2014, 9:30 a.m., at 3800 N. Classen Boulevard, Oklahoma City, OK 73118.

3/14/2014