

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

September 16, 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 September 12, 2014, at 3:45 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 August 19, 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 Quinton Public Works Authority, Pittsburg County. Recommended for Approval.
- B. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Tulsa Metropolitan Utility Authority, Tulsa 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:

1. Second Agreement Amendment with the Office of the Secretary of Energy & Environment (“OSEE”) to increase funding for the Clean Water Act FY 2012-13 § 106 Water Pollution Control Program – Monitoring CA# I-00F5301.
2. Intergovernmental Agreement with Oklahoma State University – Oklahoma Water Resources Center to conduct a joint conference and symposium at the 2014 Oklahoma Governor’s Water Conference presented before government officials and citizens.
3. Agreement Amendment with Office of the Secretary of Energy & Environment (“OSEE”) to extend the budget and project periods of the original FY12§104(b)(3) Regional Wetlands Program Development CA# CD-00F42801 contract from October 1, 2011 to September 30, 2015.
4. Cooperative Agreement with the Oklahoma Department of Wildlife Conservation (“ODWC”) for a pass-through federal assistance grant for publication of an Oklahoma Boating Access-Lakes of Oklahoma atlas.
5. Professional Engineering Services Agreement with FTN Associates, Ltd., to develop breach inundation maps for dams in Oklahoma.
6. Intergovernmental Agreement with Oklahoma State University Department of Zoology (“OSU”) to administer a state program for assessing, monitoring, studying and restoring Oklahoma lakes to establish and implement water monitoring and sampling programs in coordination with other state environmental agencies.
7. Cooperative Agreement with the United States Department of Agriculture (“USDA”) to continue monitoring and evaluating water resources in the Upper Washita River Basin and the Fort Cobb Reservoir.

8. Amendment of Joint Funding Agreement with the United States Geological Survey (“USGS”) to extend the North Canadian Alluvium and Terrace aquifer study to March 31, 2015 with no increase of funds.

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

1. Larry & Linda Dobbins, Custer County, #2014-512
2. Hohmann Farms, L.L.C., Kay County, #2014-540
3. Devin D. Herring, Custer County, #2014-547
4. Melvin & Geraldine DeWitt, Alfalfa County, #2014-560
5. Larry & Patty DeWitt, Alfalfa County, #2014-561
6. Michael & Karrie McAlister, Harmon County, #2014-566
7. Howard K. & Edith Fern Reimer, Trustees of the Howard Reimer and Edith Reimer Revocable Trusts, Major County, #2014-567
8. Stutzman Land, L.L.C., Custer County, #2014-576
9. John David Patton and Peggy Eileen Patton Revocable Living Trusts, Alfalfa County, #2014-581
10. Darrel ZumMallen & Annette ZumMallen, Trustees of the ZumMallen Living Trust, Canadian County, #2014-586

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

1. Enid Municipal Authority, Major County, #1980-718
2. Larry & Betty Paul, Seminole County, #2012-660

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

1. BPH Enterprises, L.L.C., Beaver County, #2014-523
2. Chad & Jenae Rippetoe, Beckham County, #2014-530
3. E. Donald Rose, Tillman County, #2014-551
4. Andy Schreck, Washita County, #2014-555
5. Gail W. & Darlene Kirk, Tillman County, #2014-558
6. Carl D. Holt, Trustee of the Carl D. Holt Living Trust, Texas County, #2014-584

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

None

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

1. Gary R. Hall, Greer County, #1950-131

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

1. Eugene & Coweta Alexander, LeFlore County, #2014-016
2. Francis W. Johnson, Atoka County, #2014-032

K. Consideration of and Possible Action on Applications for Term Permits to Use Stream Water:

1. Crescent Services, L.L.C., Grady County, #2014-036

- L. Consideration of and Possible Action on Dam and Reservoir Construction:
 - 1. City of Broken Arrow, Wagoner County, #OK30479
 - 2. Dewey County Conservation District, Dewey County, #OK00631

- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
 - 1. New Licenses and Operators:
 - a. Licensee: XRI DPC-0916
 - 1. Operator: Robert Leininger OP-2056
 - b. Licensee: Steady Stake Renewable Energy Co., LLC DPC-0918
 - 1. Operator: Craig Immel OP-2059
 - 2. New Operators to Existing Licenses:
 - a. Licensee: W. E. Pender & Sons, Inc. DPC-0737
 - 1. Operator: Jeffery Gilbert OP-2057
 - 3. Proposed Consent Order in the Matter of Driller License No. DPC-0346 of Hockaday Hardware and Operator Certification No. OP-1683 of Jimmie Litsch

- 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, Garvin County, #FP-14-16
 - 2. Oklahoma Department of Transportation, Craig County, #FP-14-17

- 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 September 16, 2014 packet of Board materials.

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

- A. No items

05000 5. SPECIAL CONSIDERATION **Chairman Herrmann**

- A. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Two Applications for Temporary Permits to Use Groundwater: No. 2011-672, Fredrick & Mary Kathryn Lorenz, Major County; and No. 2012-693, Enid Municipal Authority, Major 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 Proposed Findings of Fact, Conclusions of Law and Board Order on Application to Amend Temporary Permit to Use Groundwater No. 1983-612, City of Tuttle, Grady 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.

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

Following the adjournment of the meeting, one or more members of the Oklahoma Water Resources Board may gather at the City of Moore Wastewater Treatment Center located at 4000 S. I-35 Service Rd. between S. 19th St. and Indian Hills Rd., Moore, Oklahoma, to attend some or all of the Open House and Reception activities and tour of the Wastewater Treatment Center scheduled to be held there on September 16, 2014 beginning at 2:00 p.m. No OWRB business will be discussed, and no action will be taken, by a majority of the OWRB members during any of the Open House, Reception, tour or related activities.

The next regular meeting of the Oklahoma Water Resources Board will be held October 23, 2014, at 3:30 p.m., in conjunction with the Governor's 35th Annual Water Conference and Research Symposium which will be held on October 22-23, 2014, at the Cox Convention Center, 1 Myriad Gardens, NW Corner of South E.K. Gaylord Blvd and West Reno Ave, Oklahoma City.

9/12/2014