

# A G E N D A

## OKLAHOMA WATER RESOURCES BOARD

**AUGUST 12, 2016**  
**10:30 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 August 11, 2016, at 9:30 a.m. A copy of this agenda is available on the OWRB website at [www.owrb.ok.gov](http://www.owrb.ok.gov).

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**01000 1. CALL TO ORDER Chairman Linda Lambert**

- A. Roll Call
- B. Discussion, Amendments, and Vote to Approve Official Minutes of the July 19, 2016, Regular Meeting.
- C. Executive Director's Report. **Mr. J.D. Strong**
- D. Monthly Budget Report **Mr. Cleve Pierce**

**02000 2. FINANCIAL ASSISTANCE DIVISION Mr. Joe Freeman**

No items.

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

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> |
|-----------------|------------------------|-------------------------|---------------|---------------------------|
| COEDD           |                        |                         |               |                           |
| a.              | FAP-16-0013-R          | Rural Water District #7 | Pawnee        | \$85,000.00               |

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

1. Intergovernmental Agreement between OWRB and the Office of the Secretary of Energy & Environment for reimbursement of monies for the water monitoring and pollution control programs.

2. Amendment to Agreement between OWRB and the Texas Commission on Environmental Quality to extend agreement for the development of a common online platform and data transfer methodology and software in association with the Western States Water Council's Water use Data Exchange Project.

3. Professional Services Agreement between OWRB and Carollo Engineers, Inc., to complete Phase I of the development of the Grand Lake Comprehensive Water Plan, in partnership with the U.S. Army Corps of Engineers, to protect and enhance the beneficial uses of surface and groundwater resources in the Grand River Basin.

4. Non-Assistance Cooperative Agreement between OWRB and U.S. Department of Agriculture, Agricultural Research Service to monitor and evaluate water resources in the upper Washita River Basin and the Fort Cobb Reservoir.

5. Memorandum Agreement between OWRB, U.S. Geological Survey and the City of Ada for water monitoring and data collection.

6. Amendment of Joint Funding Agreement between OWRB and the U.S. Geological Survey for the Continuation of the Data Collection and Water Monitoring Program FY17.

7. Amended Joint Funding Agreement between OWRB and the U.S. Geological Survey to extend the time and increase the contributions to continue the *Water Quality, Hydrological Surveys, and Groundwater-Flow Model of the Canadian River Alluvial Aquifer, Western Central Oklahoma*.

8. Amended Contract between OWRB and the Oklahoma Rural Water Association to provide training and education for water system board members and operators.

9. Professional Services Agreement between OWRB and CH2M for engineering services provided to the Produced Water Working Group.

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

1. Kevin Crockett, Harmon County, #2015-595
2. Todd Harvey & Scott Harvey, Caddo County, #2016-505
3. Continental Carbon Co., Kay County, #2016-513

4. Preston R. & Truby A. Simic, Garfield County, #2016-525
  5. Fred & Janice Rucker, Bryan County, #2016-529
- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
1. City of Bethany, Oklahoma County, #1974-241B
  2. Gregory Farms, Major County, #2008-509
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. Town of Okarche, Canadian County, #2015-607
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. Van & Rose Anna Messner, Harper County, #1976-546
  2. Wingard Water Corporation, Pontotoc County, #1986-595
  3. Carolyn Hunt Sparks, Johnston County, #2002-590
  4. City of Bethany, Canadian County, #2005-536
- I. Consideration of and Possible Action on Applications to Amend Prior Rights to Use Groundwater:
1. City of Bethany, Oklahoma County, #1950-004
- J. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Evelyn Smith, LeFlore County, #2015-029
  2. Cody Sloan, Sequoyah County, #2016-006
  3. Lee Taylor Cameron, Caddo County, #2016-008
- K. Consideration of and Possible Action on Applications to Amend Permits to Use Stream Water:  
None
- 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:  
None
- N. Consideration of and Possible Action on Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:  
None
- O. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
1. Jaron Bailey, Town of Gene Autry, #FPA-689
  2. Brett T. Conner, Town of Luther, #FPA-690
  3. Stephanie D. Murlin, Woodward County, #FPA-691

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

A. No items.

**05000 5. SPECIAL CONSIDERATION** **Chairman Lambert**

A. Consideration of and Possible Action on the “State of Oklahoma, Choctaw Nation of Oklahoma, Chickasaw Nation, City of Oklahoma City Water Settlement” (“Settlement Agreement”) related to resolution of litigation in *Chickasaw Nation, Choctaw Nation v. Fallin et al.*, CIV 11-927 (W.D. Ok.), and *OWRB v. United States, et al.*, CIV 12-275 (W.D. Ok.):

1. Summary – **Mr. Strong**
2. Discussion and questions by the Board
3. Possible 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 may 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. 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 Settlement Agreement as presented or as may be amended, or vote on any other action or decision relating to the Settlement Agreement.

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

**6. NEW BUSINESS**

**Chairman Lambert**

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.

**7. ADJOURNMENT**

**Chairman Lambert**

The next regular meeting of the Oklahoma Water Resources Board will be held at 9:30 a.m. September 20, 2016, at the OWRB Offices located at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

The 37<sup>th</sup> Annual Oklahoma Governor's Water Conference and Research Symposium, "Weathering Oklahoma's Extremes" will be held October 11-12, 2016, at the Embassy Suites Hotel and Conference Center, Norman, Oklahoma.