

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

April 14, 2009

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 April 7, 2009, at 5:15 p.m. A copy of this agenda is available on the OWRB website at [www.owrb.ok.gov](http://www.owrb.ok.gov). Revised items are indicated by “•” and italics.

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- 01000 1. CALL TO ORDER** **Chairman Mark Nichols**
- A. Invocation
  - B. Roll Call
  - C. Discussion, Amendments, and Vote to Approve Official Minutes of the March 10, 2009, Regular Meeting.
  - D. Executive Director's Report. **Mr. Duane Smith**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Friend Public School, Grady County. Recommended for Approval.
  - B. Consideration of and Possible Action on a Proposed Order Approving Funding Application for Pawnee Public Works Authority, Pawnee County. Recommended for Approval.
  - C. Consideration of and Possible Action on a Proposed Order Approving Funding Application for Harrah Public Works Authority, Oklahoma County. Recommended for Approval.
  - D. Consideration of and Possible Action on a Proposed Order Approving Funding Application for Mustang Improvement Authority, Canadian County. Recommended for Approval.

- E. Consideration of and Possible Action on a Proposed Order Approving Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.
- F. Consideration of and Possible Action on a Proposed Order Approving Funding Application for Moore Public Works Authority, Cleveland County. Recommended for Approval.

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

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 Action on Items and 3. C through 3. O., Recommended for Approval.
- C. Consideration of Approval of the Following Applications for REAP Grants in Accordance with the Proposed Orders Approving the Grants:

<b>REAP</b>			<b>Amount</b>
<b><u>Item No.</u></b>	<b><u>Application No.</u></b>	<b><u>Entity Name</u></b>	<b><u>Recommended</u></b>
None			

- D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:
  - 1. Lease Agreement Renewal with ELF Properties, LLC for renewal of lease for McAlester Office.
  - 2. Intergovernmental Agreement between OWRB and the Board of Regents of the University of Oklahoma Quantifying Evaporation and Effective Precipitation Across Varying Seasonal and Within-Season Climatic Signals Across Oklahoma, in Support of the State Comprehensive Water Plan.
  - 3. Amendment of Joint Funding Agreement with USGS entitled "Trends in Base and Total Flows of Selected Streams within Oklahoma through 2007".

4. Second Amendment Agreement with the Office of the Secretary of the Environment for the Clean Water Act FY 05 §104(b)(3) Water Quality Cooperative Agreement, CA# CP-966144-01.
  5. Modification of Agreement between Oklahoma Water Resources Board and Oklahoma State University for State Water Plan Assistance.
  - 6. *Contract Renewal with Norstan Communications, Inc. d/b/a Black Box Network Services to provide PBX system maintenance. (Item added)*
- E. Applications for Temporary Permits to Use Groundwater:
1. Wilshire Land Co., L.L.C., Oklahoma County, #2008-576
  2. Black Mesa Sand, L.L.C., Cimarron County, #2008-579
  3. Bryan Kroeker, Kingfisher County, #2008-593
- F. Applications to Amend Temporary Permits to Use Groundwater:  
None
- G. Applications for Regular Permits to Use Groundwater:
1. Seminole County Rural Water District No. 7, Seminole County, #2008-535
  2. Gwynne Dale Sr. & Anna Lou Caid, Gwynne Dale Jr. & Debra Kay Caid, Anna Lou Caid Living Trust and Dale Caid Living Trust, Greer County, #2008-572
  3. L. Mark & Deidra Damron, Beckham County, #2008-595
- H. Applications to Amend Regular Permits to Use Groundwater:
1. John Coffman, Greer County, #1996-571
- I. Applications to Amend Prior Rights to Use Groundwater:  
None
- J. Applications for Regular Permits to Use Stream Water:
1. Lafarge North America, Inc., Tulsa County, #2008-031
- K. Forfeitures of Stream Water Rights Due to Nonuse Recommended for Informal-Default Disposition:
1. C. A. Denning, Jr., Jefferson County, #1971-409
  2. James Maniaci, Beckham County, #1962-171
  3. James Maniaci, Beckham County, #1962-171A
  4. C. G. Fuchs, Jr./Butcher Boy Enterprises, Beckham County, #1967-452
  5. C. G. Fuchs, Jr./Butcher Boy Enterprises, Beckham County, #1968-143
  6. Robert Lowe, Jr., Grady County, #1952-095
  7. Luther or Evelyn Nunley, Grady County, #1958-368
  8. Luther or Evelyn Nunley, Grady County, #1966-117
  9. Hershel McCarty/McCarty Farm, Inc., Grady County, #1962-129
  10. Lynn Koehn, Grady County, #1966-642B
  11. Lynn Koehn, Grady County, #1966-683

12. J. L. Shelby, Grady County, #1967-824
13. Glen Christian, McClain County, #1969-003
14. Fred & Carolyn Suchy/S & S Ranch, Inc., McClain County, #1995-001
15. Gordon Travis, Custer County, #1939-015
16. Paul or Dosia Jackson, Jr., Caddo County, #1949-123
17. Henry Johnson, Custer County, #1950-001
18. Claude Milwee, Washita County, #1951-088
19. Barton Rackley, Washita County, #1953-060
20. Equitable Variable Life Insurance Co./J. P. Reimer, Washita County, #1953-318
21. W. E. Ireton/Ireton Farms, L.L.C., Dewey County, #1954-477
22. Chester Rice, Washita County, #1954-1145
23. Lowell Sheperd/Kirby Sheperd, Washita County, #1954-1313
24. E. S. Greteman, Washita County, #1955-211
25. Genetia Bryant/Russell Johnson, Caddo County, #1955-1089
26. Genetia Bryant/Russell Johnson, Caddo County, #1958-050
27. Gary Pierce/J. P. Reimer, Washita County, #1958-031
28. Troy & Virginia Taylor, Caddo County, #1961-144
29. Roger Stockton/Randy Meachum, Custer County, #1963-468
30. Alfred Fobes, Washita County, #1964-938
31. Fred Hale/Hale Farms, Caddo County, #1965-381
32. Commissioners of Land Office, Caddo County, #1966-105
33. Claude Millwee/Randy Holsted, Washita County, #1967-218
34. J. P. Reimer, Washita County, #1968-461A
35. Marvin Jackson, Jr., Caddo County, #1969-116
36. Marvin Jackson, Jr., Caddo County, #1969-117
37. E. H. Mannschreck, Caddo County, #1969-252
38. H. W. Pitzer, Washita County, #1970-152
39. Mae Roach, Caddo County, #1970-188
40. Lorene Flaming, Washita County, #1970-320
41. Perry Price, Washita County, #1970-322
42. Harold W. Cooper, Washita County, #1971-437
43. Kenneth Thornbrough, Washita County, #1972-459
44. Kenneth Thornbrough, Washita County, #1973-152
45. Arthur & Joi Salisbury, Washita County, #1973-018
46. Fred Farmer/Dennis Farmer, Caddo County, #1974-198
47. Hubert & Mamie Holsted, Caddo County, #1975-062
48. John Hinz/Joe Hinz, Washita County, #1982-072
49. Fred Wunderlich, Caddo County, #1982-118
50. Roy Shepherd, Custer County, #1954-311
51. Derman/Darrel Shepherd, Custer County, #1953-796
52. Hadley Hudgins, Custer County, #1982-040
53. Kenneth Robertson, Dewey County, #1954-282
54. Cornell Cattle Co., Inc., Custer County, #1989-017
55. Raymond Ferguson/Cecil Don & Phyllis Janice Martin, Caddo County, #1989-027
56. Michael & Evelyn Reiss, Caddo County, #1994-045
57. Emil Larson Trust, Washita County, #1994-023

- 58. John Teeman/Alvin Schimmel, Caddo County, #1961-040
- 59. Irvin & Elma Nix, Kiowa County, #1999-036
- 60. E. M. Arnold/JLM Farm, L.L.C., Caddo County, #1954-359
- 61. R. J. Wesner/Kenneth Smith, Washita County, #1965-510
- 62. Howard Calhoun/Ann, J. E. or Nancy Calhoun, Grady County, #1955-320

L. Well Driller and Pump Installer Licensing:

- 1. New Licenses, Accompanying Operator Certificates and Activities:
  - a. Licensee: Jay Pump DPC-0755
    - 1. Operator: John L. Christian OP-1684  
Activities: Pump installation
    - 2. Operator: John C. Christian OP-1690  
Activities: Pump installation
  - b. Licensee: S & M Drilling DPC-0759
    - 1. Operator: Kirk Stephenson OP-1688  
Activities: Groundwater wells, test holes and observation wells  
Pump installation
  - c. Licensee: Miller Well Drilling DPC-0761
    - 1. Operator: Dennis W. Miller Jr. OP-1147  
Activities: Groundwater wells, test holes and observation wells
  - d. Licensee: B & H Construction, Inc. DPC-0765
    - Operator: Larry Cox OP-1246  
Activities: Groundwater wells, test holes and observation wells  
Heat exchange wells
- 2. New Operators for Existing Licenses:
  - a. Licensee: Talon/LPE DPC-0619
    - 1. Operator: Robert Hill, Jr. OP-1694  
Activities: Monitoring wells and geotechnical borings

M. Dam and Reservoir Construction:

None

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

- 1. Oklahoma Department of Transportation, Bryan County, #FP-09-01
- 2. Oklahoma Department of Transportation, Noble County, #FP-09-03
- 3. Oklahoma Department of Transportation, Noble County, #FP-09-04
- 4. Oklahoma Department of Transportation, Noble County, #FP-09-05
- 5. Oklahoma Department of Transportation, Canadian County, #FP-09-06
- 6. Oklahoma Department of Transportation, Oklahoma County, #FP-09-07

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the April 14, 2009 packet of Board materials

**04000 4. QUESTIONS AND DISCUSSION ABOUT AGENCY WORK AND OTHER ITEMS OF INTEREST.**

- A. *Update Report on Oklahoma Comprehensive Water Plan Water Quality Activities.*  
**Mr. Derek Smithee** *(Item Revised)*

**05000 5. SPECIAL CONSIDERATION Chairman Nichols**

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); Proposed Findings, Conclusions and Order are Recommended for Approval in the following matters:

- A. In the Matter of Stream Water Right No. 1954-551 of Sue McCoy, Stream System 1-8-2, Garvin County, Oklahoma:
  1. Summary – **Ms. Julie Cunningham**
  2. Discussion and presentation by parties
  3. Possible executive session
    - (a) Vote on whether to enter executive session
    - (b) If executive session approved, designation of person to keep minutes
    - (c) Executive session on proposed order - vote or action taken on any item of business considered in executive session must be taken in public meeting
  4. 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 Approval of the Following Applications for Water Conservation Grants in Accordance with the Proposed Orders Approving the Grants: **Mr. Kyle Arthur**

<b>Water Conservation</b>			<b>Amount</b>
<u>Application No.</u>	<u>Entity Name and Project</u>	<u>County</u>	<u>Recommended</u>
OWCGP-2009-10	OSN Chapter Sustainable Stillwater Skyline Elementary School Garden Rainwater Recycling Initiative	Payne	\$6,063.95

OWCGP-2009-01	Jefferson Elementary School Parent Teacher Association Norman Jefferson Elementary School Water Conservation and Outdoor Classroom Project	Cleveland	\$7,000.00
OWCGP-2009-08	Sustainable Shawnee Shawnee Water Conservation Education Program	Pottawatomie	\$4,450.00
OWCGP-2009-06	City of Tahlequah Rainwater Harvesting Model	Cherokee	\$4,944.04
OWCGP-2009-09	Community Association of Sparrow Hawk Sparrow Hawk Village Water Conservation Project	Cherokee	\$6,939.00
OWCGP-2009-12	City of Guymon Fire Station One Zeriscape	Texas	\$5,603.00

C. Items transferred from Summary Disposition Agenda, if any.

**06000 6. PRESENTATION OF AGENCY BUDGET REPORT Mr. Monte Boyce**

**07000 7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY  
Chairman Nichols**

**• 8. PROPOSED EXECUTIVE SESSION (Item Added) Chairman Nichols**

*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 United States v. State of Oklahoma and OWRB, Tarrant Regional Water District v. Herrmann, and Barby v. OWRB and DF&D.*

- 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.*
- D. **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.*

**9. NEW BUSINESS (Renumbered) Chairman Nichols**

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.

**10. ADJOURNMENT (Renumbered) Chairman Nichols**

The next meeting of the Oklahoma Water Resources Board will be on Tuesday, May 12, 2009, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

4/7/09