

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

April 13, 2010

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 6, 2010 at 2:50 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 Rudy Herrmann**
- A. Invocation
  - B. Roll Call
  - C.
    - 1. Discussion, Amendments, and Vote to Approve Official Minutes of the March 9, 2010, Regular Meeting.
    - 2. Minutes of the March 29, 2010, Special Meeting. [There were no quorum of members in attendance; therefore, there was no meeting.]
  - D. Interim Executive Director's Report. **Mr. J.D. Strong**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for *Konawa* Public Works Authority, Seminole County. Recommended for Approval.  
• *Spelling Corrected*
  - B. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Davenport Utilities Authority, Lincoln County. Recommended for Approval.
  - C. Consideration of and Possible Action on a Proposed Order Approving FAP Funding for Owasso Public Works Authority, Tulsa County. Recommended for Approval.

- D. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.
- E. Consideration of and Possible Action on a Proposed Order Approving FAP Funding for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.
- F. Consideration of and Possible Action on Selection of Underwriters in Connection with the Issuance of One or More Obligations to Provide Funding for the State Loan Program. Recommended for Approval.
- G. Resolution Authorizing the Issuance of Oklahoma Water Resources Board State Loan Program Revenue Bonds, Series 2010 in Aggregate Principal Amount not to Exceed \$35,000,000; Approving and Authorizing Execution of a Seventeenth Supplemental Bond Resolution Providing for the Issuance of Said Bonds; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation and at a Discount Pursuant to the Terms Of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to Said Bonds; Directing Deposit of Proceeds Derived from the Issuance Of The Bonds in the State Treasury and Requesting the State Treasurer to Remit Such Proceeds to the Bond Trustee; Ratifying and Approving the Form of Promissory Note and Loan Agreement to be Executed by Borrowers in the State Loan Program; Authorizing Execution of Such Other and Further Instruments, Certificates and Documents as May be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing Other Provisions Relating to the Issuance of the Bonds. Recommended for Approval.

**03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Rudy Herrmann**

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 3. C through 3. O., Recommended for Approval.
- C. 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>Amount</u> <u>County</u>	<u>Recommended</u>
EODD				
a.	FAP-09-0034-R	Rural Water District #8	Cherokee	\$ 34,914.00

D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:

1. Lease Agreement Renewal with ELF Properties, LLC for renewal of OWRB McAlester office lease.
2. Interagency Agreement with Grand River Dam Authority for 2010 Fish and Wildlife Mitigation Activities within the Grand River Basin.
3. Amendment No. 1 of Contract with ODEQ to reduce funds available for Original contract for laboratory analysis procedures.
4. Lease Agreement Renewal with Burgess & Burgess, Inc. for renewal of OWRB Lawton office lease.
5. Lease Agreement Renewal with Mori White for renewal of OWRB Woodward office lease.
6. Professional Services Contract with Record Solutions, Inc., Jann Hook.
7. Professional Services Contract with Sparks Write, Inc., Terri Sparks.
8. Professional Services Contract with WK Morris Consulting, LLC, W. Kenneth Morris.
9. Second Amendment to Interagency Agreement with Grand River Dam Authority for yield study of Grand and Hudson Lakes.

E. Applications for Temporary Permits to Use Groundwater:

1. Absentee Shawnee Tribe, Cleveland County, #2009-568

F. Applications to Amend Temporary Permits to Use Groundwater:

1. Deer Creek Water Corporation, Oklahoma County, #1977-785
2. City of Hinton, Caddo County, #1998-590

G. Applications for Regular Permits to Use Groundwater:

1. Thackerville Water-Sewerage, Solid Waste & Gas Rural Water District No. 2, Love County, #2007-559

H. Applications to Amend Regular Permits to Use Groundwater:

None

I. Applications to Amend Prior Rights to Use Groundwater:  
None

J. Applications for Regular Permit to Use Stream Water:  
None

- K. Forfeitures of Stream Water Rights: Items added:
  1. Eugene & Glendora Harting, Logan County, #1974-359
  2. Eugene & Glendora Harting, Logan County, #1974-360
  3. Glendora Haring c/o Glenhaven Farms, Logan County, #1976-109
  4. J. L. Ratcliff & E. J. Browder, Nowata County, #1980-198
  5. Estate of Lucille Hurd, Adair County, #1955-303

L. Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:
  - a. Licensee: Nick's Pump Service DPC-0784
    1. Operator: Nick Cunningham OP-1752
    - Activities: Water well pumps
  - b. Licensee: Homestead Drilling, LLC DPC-0786
    1. Operator: Timothy Davis OP-1757
    - Activities: Groundwater wells, test holes and observation wells
    - Pump installation
    - Heat exchange wells
  - c. Licensee: Erwin Water Well Drilling DPC-0790
    1. Operator: Henry F. Erwin OP-1760
    - Activities: Groundwater wells, test holes and observation wells
  - d. Licensee: Vista GeoScience, LLC DPC-0788
    1. Operator: John V. Fontana OP-1758
    - Activities: Monitoring wells and geotechnical borings
    2. Operator: Jason Skjaret OP-1759
    - Activities: Monitoring wells and geotechnical borings
    3. Operator: Daniel Buchan OP-1762
    - Activities: Monitoring wells and geotechnical borings
    4. Operator: Kenneth K. Fanatia OP-1763
    - Activities: Monitoring wells and geotechnical borings
    - Operator: Richard Freeman OP-1764
    - Activities: Monitoring wells and geotechnical borings
2. New Operators and/or Activities for Existing Licenses:
  - a. Licensee: Layne Western DPC-0123
    1. Operator: John L. Vanholt OP-1753
    - Activities: Groundwater wells, test holes and observation wells
    2. Operator: Burdette C. Thayer OP-1754
    - Activities: Groundwater wells, test holes and observation wells
    3. Operator: Randy G. Crowl OP-1755
    - Activities: Groundwater wells, test holes and observation wells

- b. Licensee: Leonard Water Services, Ltd. DPC-0710
  - 1. Operator: Robert E. McAnelly OP-1756
    - Activities: Pump installation
- c. Licensee: Taylor & Associates, Inc. DPC-0413
  - 1. Operator: Marvin Gulley, III OP-1761
    - Activities: Monitoring wells and geotechnical borings
  - 2. Operator: *Harley Sadler* OP-1765
    - Activities: *Monitoring wells and geotechnical borings* Item added
- d. Licensee: Able Environmental Drilling, LLC DPC-0746
  - 1. Operator: Eric T. Haley OP-1698
    - Activities: Pump installation
  - 2. Operator: Cody Roberts OP-1005
    - Pump installation

M. Applications to Construct, Enlarge, Repair or Alter Dam and/or Spillway:

- 1. City of Ponca City, Kay County, #OK11017
- 2. Louis & Wyoma Spitz, Washita County, #OK30294

N. Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:  
None

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 13, 2010 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 Activities. **Mr. Kyle Arthur**
- B. Update on Instream Flow Work in the Comprehensive Water Plan. **Mr. Derek Smithee and Dr. Barney Austin**

**05000 5. SPECIAL CONSIDERATION Chairman Rudy Herrmann**

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. Application to Amend Regular Permit to Use Groundwater No. 1977-754, Kevin Paul Crook, Beckham County:
  - 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. Items transferred from Summary Disposition Agenda, if any.

**06000 6. PRESENTATION OF AGENCY BUDGET REPORT Mr. Kyle Arthur**

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

**8. 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.

**9. ADJOURNMENT Chairman Herrmann**

The next meeting of the Oklahoma Water Resources Board will be on Tuesday, May 11, 2010, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

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