

OKLAHOMA WATER RESOURCES BOARD
OFFICIAL MINUTES
March 9, 2011

1. Call to Order

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Rudy Herrmann at 1:30 p.m., on March 9, 2011, at the Oklahoma Water Resources Board, 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

The meeting was conducted pursuant to the Oklahoma Open Meeting Law with due and proper notice provided pursuant to Sections 303 and 311 thereof. The agenda was posted on March 2, 2011 at 4:30 p.m. at the Oklahoma Water Resources Board's offices.

A. Invocation

Chairman Herrmann asked for a moment of silence as the invocation.

B. Roll Call

Board Members Present

Rudy Herrmann, Chairman
Mark Nichols, Vice Chairman
Linda Lambert, Secretary
Marilyn Feaver
Ed Fite
Richard Sevenoaks
Joe Taron

Board Members Absent

Ford Drummond
Kenneth Knowles

Staff Members Present

J.D. Strong, Executive Director
Dean Couch, General Counsel
Joe Freeman, Chief, Financial Assistance Division
Julie Cunningham, Chief, Planning and Management Division
Derek Smithee, Chief, Water Quality Programs Division
Kyle Arthur, Director of Planning

Josh McClintock, Director of Government and Public Affairs
Amanda Storck, Chief, Administrative Services Division
Mary Schooley, Executive Secretary

Others Present

Ben Oglesby, Municipal Finance Services, Inc., Edmond, OK
Mike Mathis, Chesapeake, Oklahoma City, OK
Amy Ford, Citizens for Protection of the Arbuckle Simpson Aquifer, Durant, OK
Chuck Burtcher, City of Guthrie, OK
Matt Mueller, City of Guthrie, OK
Angie Burekhalter, Oklahoma Independent Petroleum Association, Oklahoma City, OK
Ed Brocksmith, Tahlequah, OK
Susan Nicely, Oklahoma Municipal League, Oklahoma City, OK
Joe Painter, Tetra Tech, Oklahoma City, OK
Steve Thompson, Thompson Consulting, Oklahoma City, OK
Ana Stagg, Meshek, Tulsa, OK

C. APPROVAL OF MINUTES

Chairman Herrmann stated the draft minutes of the February 8, 2011, meeting had been distributed and he said if the members had an opportunity to review the draft minutes he would accept a motion. There were no corrections, and Dr. Taron moved to approve the minutes of the February 8, 2011, Regular Meeting, and Mr. Nichols seconded.

AYE: Nichols, Sevenoaks, Taron, Feaver, Herrmann
NAY: None
ABSTAIN: Lambert
ABSENT: Fite, Drummond, Knowles

Mr. Fite was absent at the roll call, but joined the meeting at 1:35 p.m.

D. EXECUTIVE DIRECTOR'S REPORT

Mr. J.D. Strong, Executive Director, addressed the members and said it had been busy with issues at the Capitol. He thanked the Board members for their attendance today at Water Day at the Capitol, as it is critically important in educating and focusing on water issues and the resources required to address those. Additionally he extended his thank you to OWRB staff and other participants. He asked Mr. McClintock to provide the legislative update.

Mr. McClintock provided a written report, and commented it is from the Journal Record site, and that HB 1044 regarding Rep. Faught's bill about changing the rules process was not included, but is still active. He said the bill affected rules that include fee increases and scope of practice would now require affirmative action by the legislature to approve, rather than a period of time to pass to disapprove; other minor actions would remain under the current process. He noted several other measures of interest and answered questions by members: HB 1208

regarding the Governor replacing gubernatorial appointments, HB 1575 regarding gray water, HB 1692 regarding requirements for county floodplain boards, HB 1910 regarding well driller's licensing, HB 1943 regarding oil and gas wells in floodplain areas (also SB 335), SB 108 regarding the roll back on groundwater fee to \$10, SB 597 vehicle for the pit water language, SB 741 creating a revolving fund for infrastructure now amended to include language for a task force advising the OWRB on matters such as water sales, SJR 24 regarding water reuse, and SJR 31 directing the water plan include water conservation measures.

Mr. Strong continued his report and commented the Pit Water Group will meet again March 10 continuing discussions about resolving pit water issues, he met February 10 with Congressman Lankford and staff; staff attended and made presentations at the Oklahoma Municipal League water summit, he attended a meeting with Attorney General Pruitt, Secretary Sherrer, Secretary Coffee, as well as the Governor's Counsel and the Board's Counsel with Mr. Chuck Dumars to brief them on the pending litigation in advance of the oral arguments March 8, and the Bond Oversight Commission met February 24 approving the OWRB bond issue. He said the the Canadian River Commission did not meet on its usual March date due to the death of the Texas Commissioner, but it is hoped to be scheduled by June 30, and Oklahoma will host the 2011 meeting of the Red River Compact Commission on April 26. Mr. Strong concluded his report announcing the Employee Recognition Award winner, Mr. Yohanes Sugeng of the Financial Assistance Division.

2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Yale Water and Sewage Trust, Payne County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this first item is for the consideration of a \$2,585,000.00 Clean Water State Revolving Loan Fund request by the Yale Water and Sewage Trust for upgrades to its wastewater treatment facility. The upgrade will include construction of a new lift station, headworks, improvements to the flow equalization basin, rehabilitate the existing aeration basin and clarifier, construct a second clarifier, improve the chlorination and de-chlorination fee systems, and to install a SCADA system. Mr. Freeman noted provisions of the loan agreement, and stated that Yale's population has increased by 10% over the past ten years, and its debt coverage ratio stands at approximately 3.42-times. Staff recommended approval of the loan request.

Representatives of Yale at the meeting were Councilman Terry Baker, City Manager Shane Frye, City Attorney Roger McMillan, and financial advisors from Municipal Finance Services.

Mr. Sevenoaks asked about the administrative and miscellaneous expense, and Mr. Freeman responded that covers the UCC filing fee and other minor items.

Ms. Lambert moved to approve the Clean Water SRF loan to the Yale Water and Sewage Trust, and Dr. Taron seconded.

AYE: Nichols, Lambert, Sevenoaks, Taron, Fite, Feaver, Herrmann
NAY: None

ABSTAIN: None
ABSENT: Drummond, Knowles

B. Consideration of and Possible Action on a Proposed Order Approving Contract Financial Assistance for Pawnee Public Works Authority, Pawnee County. Recommended for Approval.
Mr. Joe Freeman stated to the members that during the 2010 Legislative Session and Senate Bill 179, the Legislature appropriated to the OWRB \$2 million for the renovation, repair and improvement of water and sewer systems. Mr. Freeman said it had been several years since the Board received this funding source, and the contract financial assistance portion of Chapter 50 of the board's rules are followed in evaluation of applications that are received. In particular, the rules says the project is evaluated on the needs of the area to be served, the benefit of the project to the area to be served, whether the applicant has received previous grants from the Board, the extent of local funding toward the project, and if the project is cost effective. Applications were solicited by means of press releases which were distributed on April 29, 2010, and by notification to service providers that work with many of the OWRB customers so that they would be aware of the funding opportunity. From the solicitations, ten applications were received, and after review of the applications, based upon a point system derived from the Board's rules, there are two projects recommended to the Board today.

Mr. Freeman said the first project is a \$500,000.00 request from the Pawnee Public Works Authority. Pawnee is under a consent order by DEQ for inflow and infiltration problems, and discharges into Black Bear Creek. As part of the solution to the problem, Pawnee will be constructing a one-half million gallon per day Sequencing Batch Reactor treatment plant and a new lift station. The project would be funded with \$500,000.00 Contract Financial Assistance requested today, along with approximately \$6 million in Clean Water SRF loan funds. Staff recommended approval of the contract financial assistance funding.

Mayor Tom Briggs was present in support of the funding request. Mr. Briggs spoke to the members about the five-year process to address the consent orders issued by DEQ. Mr. Freeman added that Pawnee has taken up over \$13 million in loan debt, which is a large commitment for the size of community of 2,200 people, about \$12,000 per connection, but also a component in the review criteria.

Mr. Sevenoaks asked the debt ratio, and Mr. Freeman said it is at 1.73-times. Chairman Herrmann reminded this item is for a grant.

Mr. Nichols moved to approve the contract financial assistance to the Pawnee Public Works Authority, and Mr. Fite seconded.

Chairman Herrmann said it had been more than 10 years since the Board received special funding from the Legislature for this type of funding. Mr. Freeman said this is the third time in his 21 years with the Board. There being no further questions, Chairman Herrmann called for the vote.

AYE: Nichols, Lambert, Sevenoaks, Taron, Fite, Feaver, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Drummond, Knowles

C. Consideration of and Possible Action on a Proposed Order Approving Contract Financial Assistance for Guthrie Public Works Authority, Logan County. Recommended for Approval.

Mr. Freeman said this item is for the consideration of contract financial assistance in the amount of \$1.5 million by the Guthrie Public Works Authority. Guthrie is also under a DEQ consent order because of increased amount of inflow and infiltration entering the collection system and the waste water treatment plant is exceeding discharge limits. To resolve the problem, Guthrie will be repairing and rehabilitating approximately 33,333 linear feet of sanitary sewer line, associated service connections, manholes, and a comminutor station. The project will be funded with the contract financial assistance funding requested of the Board, along with approximately \$2.9 million in Clean Water SRF loan funds. Staff recommended approval of the funding application.

Mayor Chuck Burtcher and City Manager Matt Mueller were present in support of the request for funding.

Chairman Herrmann asked if the SRF loan had been acted upon, and what is the debt coverage ratio; Mr. Freeman said the loan had been approved, and the debt coverage ratio is 1.69-times.

Ms. Lambert moved to approve the contract financial assistance to the Guthrie Public Works Authority, and Mr. Fite seconded.

AYE: Nichols, Lambert, Sevenoaks, Taron, Fite, Feaver, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Drummond, Knowles

3. SUMMARY DISPOSITION AGENDA ITEMS

Any item listed under this Summary Disposition Agenda may, at the requested of any member of the Board, the Board's staff, or any other person attending this meeting, may 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.

Chairman Herrmann read the summary disposition agenda introduction, and asked if there were any questions about any items, or any items that needed to be separated from the agenda.

There were no requests to transfer items from the Summary Disposition Agenda to the Special Consideration Agenda.

B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Action on Items and Approval of Items 3.C. through 3.O.

Ms. Lambert asked that the record reflect she will abstain from item 3.K.1. The matter regarded Oklahoma Gas and Electric Company, stream water right #1973-235, Pawnee County.

For clarification, she stated the item is listed as a forfeiture, but it is actually not a forfeiture but that OG&E had complied. She suggested that staff consider a more accurate reflection of what had transpired, not only because this item is OG&E, but for others as well. Ms. Cunningham stated she and General Counsel Couch had discussed ideas for titling these actions which are a forfeiture review of water rights. She said the word, "default" indicated there were no representatives at the hearing, but in this case, OG&E was able to show cause the water right should not be forfeited. In the meeting packet, the Board order reviewed the steps for opportunity to present evidence which clearly indicated the permit should be not reduced, and should remain in effect, but the title (on the agenda) is misleading.

Chairman Herrmann asked if there were other questions.

There being no further questions about items on the Summary Disposition Agenda, Chairman Herrmann stated he would accept a motion.

Mr. Nichols moved to approve the Summary Disposition agenda, and Ms. Lambert seconded.

AYE: Nichols, Lambert, Sevenoaks, Taron, Fite, Feaver, Herrmann
 NAY: None
 ABSTAIN: Lambert on item 3.K.1.
 ABSENT: Drummond, Knowles

The following items were approved:

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>County</u>	<u>Amount Recommended</u>
None				

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

1. Interagency Agreement with Grand River Dam Authority for dissolved oxygen monitoring at Kerr Dam.
2. Interagency Agreement with Grand River Dam Authority for dissolved oxygen monitoring at Pensacola Dam.
3. Agreement with Meshek & Associates, PLC to assist OWRB in implementing the CPT Program in Oklahoma to create and maintain accurate flood hazard data for OWRB.
4. Memorandum Agreement with Meridian Aggregates Company, A Limited Partnership, and USGS for water monitoring and data collection.
5. Agreement between OWRB and Oklahoma City Water Utilities Trust for the Vegetated Wetland Project at Atoka Lake.

E. Applications for Temporary Permits to Use Groundwater:

1. Deer Creek Water Corporation, Oklahoma County, #2010-563

- 2. Dewayne & Dayna Coker, Roger Mills County, #2010-573
- F. Applications to Amend Temporary Permits to Use Groundwater:
 - 1. City of Weatherford Industrial Development Trust, Custer County, #1989-564
- G. Applications for Regular Permits to Use Groundwater:
 - 1. Town of Seiling/Seiling PWA, Dewey & Major Counties, #2010-565
 - 2. Cotton County RWD #2, Comanche County, #2010-571
 - 3. Justin & Andrea Miller, Beckham County, #2010-572
- H. Applications to Amend Regular Permits to Use Groundwater:
None
- I. Applications to Amend Prior Rights to Use Groundwater:
None
- J. Forfeitures (Defaults) of Stream Water Rights:
 - 1. Darryl Lockard, Adair County, #1981-121A
 - 2. Raymond Briggs, Adair County, #1985-027
 - 3. Ruth & Floyd Simmons, Adair County, #1952-431
- K. Forfeitures (Reductions) of Stream Water Rights:
 - 1. Oklahoma Gas and Electric Company, Pawnee County, #1973-235
- L. Well Driller and Pump Installer Licensing:
 - 1. New Licenses, Accompanying Operator Certificates and Activities:
None.
 - 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - a. Licensee: Sahara Water Services, LLC DPC-0781
 - 1. Operator: Thomas J. Fulgham OP-1812
 - Activities: Groundwater wells, test holes and observation wells
Installation of water well pumps
 - b. Licensee: Pratt Well Service, Inc. DPC-0621
 - 1. Operator: Obe L. Brant OP-1813
 - Activities: Groundwater wells, test holes and observation wells
Monitoring wells and geotechnical borings
Installation of water well pumps
Heat exchange wells
 - 2. Operator: Jonathan Morgan OP-1814
 - Activities: Groundwater wells, test holes and observation wells
Monitoring wells and geotechnical borings
Installation of water well pumps
Heat exchange wells

- | | | |
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| c. Licensee: | Hockaday Hardware | DPC-0346 |
| Operator: | Jimmie Litsch | OP-1683 |
| Activities: | Groundwater wells, test holes and observation wells
Installation of water well pumps | |
| d. Licensee: | Ewbank & Associates | DPC-0414 |
| Operator: | Kiley Ewbank | OP-1811 |
| Activities: | Groundwater wells, test holes and observation wells
Heat exchange wells | |

M. Dam and Reservoir Construction:

1. Kirkpatrick Dam, Blaine County, #OK30384
2. K-4 Ranch, Dewey County, #OK30385

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

1. Oklahoma Department of Transportation, Roger Mills County, #FP-11-02
2. Oklahoma Department of Transportation, Creek County, #FP-11-06
3. Oklahoma Department of Transportation, Coal County, #FP-11-09
4. Oklahoma Department of Transportation, Ottawa County, #FP-11-14

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the March 9, 2011 packet of Board materials.

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

A. Update Report on Oklahoma Comprehensive Water Plan Activities. Mr. J.D. Strong stated that he had asked Mr. Arthur to attend a budget briefing with the U.S. Army Corps of Engineers in Tulsa and he would present this item today. Mr. Strong said in the packets distributed to the Legislature today, and provided to the members, there is a new brochure focusing on the final year of the Water Plan. He brought to the members' attention the upcoming schedule and asked for discussion about the proposal for the final rollout of the Plan. It is anticipated the first draft of the plan will be available at the end of March, then a month in advance of the Board meetings in June and July the members will receive the basin plans, or technical regional reports, that will be presented for review and discussion at the meetings. August will bring the draft water plan, or what is being referred to as the Executive Report (not the technical reports but policy, etc.). In September, there would be final review and public input with final adoption at the October meeting. Formal presentation to the Legislature will be February 2012; however, the Legislature will have the draft plan when it's available. Chairman Herrmann stated it would be good for the Board to have detailed discussion on the principal policy issues and provide input. Ms. Lambert commented by the May meeting, there will have been four regional feedback and implementation meetings, and the Board should have an

opportunity to evaluate that. Mr. Strong said the feedback on the policy side will be "rolled up" into the Water Plan Executive Report and brought to the Board in draft form in August. At each of the FIM meetings across the state, the afternoon will be set aside for a more technical discussion with CDM staff and mostly aimed at the water providers in the region, and the report will be provided about a month prior to the meeting so folks can review and come to the meeting and provide input. Three-four weeks afterward, that plan and any modifications that may come from the discussions at the FIM meetings, will then come to the Board for review and approval beginning in June and July; this is for the 13 technical reports. The draft Executive Report containing the policy recommendations, the overarching plan for how we move forward, will be discussed at every FIM in the evening session, and following the meetings that feedback will be rolled into the Executive Report and presented to the Board for final approval in August. June, July and August meetings will be important Board meetings concerning the Water Plan. Mr. Sevenoaks asked if the public would be allowed to comment at the Board meetings as the Board conducts discussions. Mr. Strong said it would be at the Chairman's pleasure during review of the technical reports, perhaps based upon feedback at the regional meetings. He expected there would be desire by the public to have an opportunity to comment on the Executive Report containing the policy recommendations, which is built into the schedule for September. He said he envisioned staff, working with the Water Resources Research Institute, taking all comments, feedback, and implementation recommendations from all the regional reports, condensing them down and delivering to the Board. The OWRB staff will take those comments and revise the first draft (provided in March) and presenting a final draft to the Board members. Mr. Strong said at the end of March the Board will receive the first draft of the policy recommendations that have come out of four years of public input meetings and a Town Hall that distilled down feedback into "meat and potatoes" recommendations; the FIM meetings will focus on technical information for that region, as well as the draft policy recommendations.

Ms. Jeri Fleming addressed the members and stated the information that came out of the Town Hall has been reviewed by OWRB staff and additional comments by OWRB staff, other state agencies, etc., will be included for presentation as the draft plan to the Board at the end of March. She said the purpose of the regional meetings is to take the draft water plan and for people to provide feedback, there will not be any workgroups or further policy recommendations. The members discussed the process for review and approval of the Water Plan, their expectations, the proposed schedule, where the Board's policy review and recommendations occurs in the process, where is the review of whether the plan recommendations meets statutory muster, that there may be some recommendations about statutory changes, that the Board will be taking all of the collaborative effort that have been generated and weigh that into a final report that will be recommended to the Legislature for implementation as the state's water policy for 50 years and any statutory changes will come afterward. Chairman Herrmann summarized that the Board needs to be organized in a proactive way, there may be conflicting policy recommendations or recommendations the Board would like to flesh out, and Mr. Strong said it is important that the information has been fully vetted and those issues can be resolved after the draft plan is presented.

5. SPECIAL CONSIDERATION

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).

A. Consideration, Discussion and Possible Approval of Draft Congressional Briefing Document

1. Summary – Chairman Herrmann stated that this action is not required by statute, but in the past, the staff has put together a Congressional Briefing Document to help align priorities between the Congressional Delegation and the Water Board. He said he believed it to be an important policy statement by this Board which the Delegation looks to as they respond to their constituency.

Mr. Josh McClintock said that staff has done a major overhaul from last year's document, basically amending the format somewhat and the total requested amount from \$116 million, some of which supported national programs. In light of the budget situation, at both the state and federal level, and in being prudent, staff had focused specifically on programs that the OWRB accesses directly and directly affects Oklahoma. Additionally, much of the previous document regarded the planning process of the Comprehensive Water Plan Update, and now that is at a close, is shifting to implementation of the plan and the role the federal government can play. The document has been reorganized based upon the agencies that are involved in that process, plus a few major national programs such as streamgaging and NIDIS, which have an impact in Oklahoma. He reviewed the funding initiatives with the members, including implementation of the OCWP under the Water Resources Development Act, Planning Assistance to the States, Southeast Oklahoma Water Resource Study, Washita River Basin Study, lake reallocation studies (3); Bureau of Reclamation funding for implementation of the OCWP, Rush Springs Aquifer, stream water allocation models, water quality monitoring on Reclamation reservoirs, and Central Oklahoma Master Conservancy District Study; EPA initiatives for Clean Water State Revolving Fund program, and Oklahoma Scenic Rivers/USGS.

2. Questions and Discussion by Board Members. Ms. Lambert asked how the request compared to last year's request. Mr. McClintock responded the \$28 million is basically the same as the requests for Oklahoma in past years. Mr. Sevenoaks asked if the state had received any of the dollars requested, and Mr. McClintock said the Board had been successful in accessing the funding for the Water Plan studies; Mr. Strong added about 10% of what has been requested. Mr. McClintock said the major difference is eliminating the large dollar amounts for the national

programs. Ms. Feaver asked how this request is communicated to the Delegation, and he answered staff works closely with the Corps of Engineers on these projects (i.e. Mr. Arthur's attendance at the meeting today), and many of the projects line up with what the Corps is requesting in its budget; it works much the same with the Bureau of Reclamation. Mr. Strong said the document is submitted to Delegation staff once it is approved by the Board and usually there is a Washington, D.C. trip in Spring to visit personally with the staff and Delegation members. Mr. McClintock said that the Congress is working on the budget now and as they mark up appropriations bills, while states get a certain amount of dollars, appropriations staff will contact the delegation members if there are additional funds and request priority projects which they will then refer to this document.

3. Vote on whether to approve proposed briefing document as presented or as may be revised

Chairman Herrmann stated he would accept a motion to approve the document for the purposes as outlined.

Dr. Taron moved to approve the FY 2012 Congressional Briefing Document, and Ms. Lambert seconded.

AYE: Nichols, Lambert, Sevenoaks, Taron, Fite, Feaver, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Drummond, Knowles

B. Items transferred from Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition Agenda for further consideration.

6. AGENCY BUDGET REPORT.

Ms. Amanda Storck addressed the members and stated the revenue and expense report had been provided. She said 33% of the year is remaining, and 51% of the agency funds remaining.

There were no questions by the members.

7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY

There were no Supplemental Agenda items for the Board's consideration.

8. PROPOSED 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 attorneys 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 these provisions, the Board proposes to hold an executive session for the purpose of:

Discussing the cases of *Tarrant Regional Water District v Herrmann*, *City of Hugo and City of Irving v. Nichols*, and *Apache Tribe of Oklahoma v. Herrmann*

A. Vote on whether to hold Executive Session – before an executive session can be convened, it must be authorized by a majority vote of a quorum of members present and such vote must be recorded.

Chairman Herrmann read the purpose of the proposed executive session, and asked the Board if there were a motion to enter executive session.

Mr. Nichols moved that the Board enter executive session, and Mr. Fite seconded.

AYE: Nichols, Lambert, Sevenoaks, Taron, Fite, Feaver, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Drummond, Knowles

B. Designation of person to keep written minutes of Executive Session, if authorized

Chairman Herrmann designated Executive Secretary Mary Schooley to take the minutes of the executive session.

C. Executive session, if authorized

The Board entered executive session at 3:00 p.m., on March 9, 2011.

9. VOTE ON MATTER DISCUSSED IN EXECUTIVE SESSION - Return to open meeting and possible vote on any matters discussed in the Executive Session

Chairman Herrmann adjourned the Executive Session, and the Board members returned to regular open session at 3:28 p.m. There was no action on or vote on any matter that was discussed in the executive session as authorized.

10. NEW BUSINESS

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.

There were no New Business items for the Board's consideration.

11. ADJOURNMENT

There being no further business, Chairman Rudy Herrmann adjourned the meeting of the Oklahoma Water Resources Board at 3:30 p.m. on Wednesday, March 9, 2011.

OKLAHOMA WATER RESOURCES BOARD

_____/s/_____
Rudolf J. Herrmann, Chairman

_____/Absent_____
Jess Mark Nichols, Vice Chairman

_____/s/_____
Edward H. Fite

_____/s/_____
Richard Sevenoaks

_____/s/_____
Marilyn Feaver

_____/s/_____
Kenneth K. Knowles

_____/s/_____
F. Ford Drummond

_____/s/_____
Joseph E. Taron

ATTEST:

_____/s/_____
Linda P. Lambert, Secretary
(SEAL)