

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

February 19, 2013

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 February 14, 2013 at 4:30 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

- 01000 1. CALL TO ORDER Chairman Ford Drummond**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the January 15, 2013, 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 Clean Water Funding Application for Choteau Public Works Authority, Mayes County. Recommended for Approval.
 - B. Resolution Authorizing the Issuance of Oklahoma Water Resources Board State Loan Program Revenue Bonds in Aggregate Principal Amount not to Exceed \$50,000,000; Approving and Authorizing Execution of a Twenty-Fourth 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 Drummond

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. 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>County</u>	<u>Amount Recommended</u>
ASCOG				
a.	FAP-09-0011-R	Indiahoma Public Works Authority	Comanche	\$ 59,672.00
COEDD				
b.	FAP-12-0025-R	Yale Water & Sewage Trust	Payne	99,999.00
EODD				
c.	FAP-12-0014-R	Hanna Public Works Authority	McIntosh	99,900.00
NODA				
d.	FAP-07-0010-R	Town of Wakita	Grant	125,141.00
SODA				
e.	FAP-11-0035-R	Bromide Public Works Authority	Johnston	99,999.00

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

- 1. Intergovernmental Agreement with Central Oklahoma Master Conservancy District for water quality monitoring at Lake Thunderbird.
- 2. Cooperative Agreement with Oklahoma Department of Wildlife Conservation for publishing the Oklahoma Boating Access Water Atlas.
- 3. Intergovernmental Agreement with City of Norman to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
- 4. Intergovernmental Agreement with City of Oklahoma City to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.

5. Intergovernmental Agreement with McClain County to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
6. Intergovernmental Agreement with Cleveland County to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
7. Intergovernmental Agreement with Canadian County to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
8. Intergovernmental Agreement with City of Ada to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
9. Intergovernmental Agreement with City of Newcastle to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
10. Intergovernmental Agreement with City of Blanchard to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
11. Intergovernmental Agreement with City of Tuttle to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
12. Intergovernmental Agreement with City of Slaughterville to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
13. Intergovernmental Agreement with City of Union City to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
14. Intergovernmental Agreement with Pottawatomie County to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
15. Intergovernmental Agreement with Hughes County to participate in the Cooperating Technical Partnership Program for the completion of Discovery for the Lower Canadian-Walnut Watershed.
16. Agreement with Oklahoma State University, Oklahoma Water Resources Research Institute to participate in the annual Water Research Grants Competition.

- E. Applications for Temporary Permits to Use Groundwater:
1. Earnie & Sharon Jantzen, Major County, #2012-623
 2. Larry & Betty Paul, Seminole County, #2012-660
 3. Max & Rose Koehn, Caddo County, #2012-661
 4. John B. & Mary Ann Gilleran Children's Trust, Canadian County, #2012-667
 5. Richard C. & Phyllis J. Brown, Woods County, #2012-670
 6. Wyandotte Nation Housing Authority, Ottawa County, #2012-672
 7. Chau Van Tran, Delaware County, #2012-681
 8. David L. & Linda C. Bryan, Kingfisher County, #2012-683
 9. Jones Family Trust and Bruce W. & Carol B. Jones, Harmon County, #2012-687
- F. Applications to Amend Temporary Permits to Use Groundwater:
None
- G. Applications for Regular Permits to Use Groundwater:
1. Hammond, Hammond & Hammond Ranch, LLC, Choctaw County, #2012-652
 2. Doran & Anne-Marie Burns Family Trust, Roger Mills County, #2012-674
 3. Randal D. Haley, Canadian County, #2012-680
 4. Frank Berry & Sons, Inc., Texas County, #2012-685
 5. Frank Berry & Sons, Inc., Texas County, #2012-686
- H. Applications to Amend Regular Permits to Use Groundwater:
1. Charles E. & Wathina Mae Luthi, Ellis County, #1974-497
 2. City of Elk City, Beckham County, 1979-568
 3. Charles E. & Wathina Mae Luthi, Ellis County, #1997-679
- I. Applications for Regular Permits to Use Stream Water:
1. Stan Gossett, Pottawatomie County, #2012-057
 2. Mike Van Eaton, Okfuskee County, #2012-061
 3. Mark Graf, Washita County, #2012-062
 4. Jim Curl, Kay County, #2012-064
- J. Applications for Term Permits to Use Stream Water:
1. Steinert Farms Operating Partnership, Garfield County, #2012-043
- K. Well Driller and Pump Installer Licensing:
- 1. New Licenses, Accompanying Operator Certificates and Activities:**
- | | | |
|--------------|--|----------|
| a. Licensee: | Wyatt Drilling, LLC | DPC-0859 |
| 1. Operator: | Vinnie Wyatt | OP-1957 |
| Activities: | Groundwater wells, groundwater test holes and observation wells
Pump installation | |
| b. Licensee: | Bronc's Cable Tool Drilling | DPC-0861 |
| 1. Operator: | Ernest F. Henry | OP-1958 |
| Activities: | Groundwater wells, groundwater test holes and observation wells | |
| c. Licensee: | R & J Waterwell | DPC-0863 |
| 1. Operator: | Johnny D. Fanning | OP-1959 |
| Activities: | Groundwater wells, groundwater test holes and observation wells
Pump installation | |

2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:

- a. Licensee: McLean's CP Installation, Inc. DPC-0526
- 1. Operator: Kenny Keen OP-1953
- Activities: Cathodic protection wells
- b. Licensee: York's Pump Service DPC-0428
- 1. Operator: Buck Alan Scrivner OP-1954
- Activity: Pump installation
- 2. Operator: Alvis Jerome York, Jr. OP-1955
- Activity: Pump installation
- c. Licensee: PSI – Professional Service Industries, Inc. DPC-0772
- 1. Operator: Jackson R. Brummell OP-1956
- Activity: Monitoring wells and geotechnical borings
- d. Licensee: National EWP DPC-0858
- 1. Operator: William B. Bludworth OP-1960
- Activities: Groundwater wells, groundwater test holes and observation wells
- Monitoring wells and geotechnical borings
- Pump installation

L. Dam and Reservoir Construction:

- 1. Bob Head Waterski Lake Dam, Comanche County, #OK30446

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

- 1. Oklahoma Department of Transportation, Tulsa County, #FP-12-41
- 2. Oklahoma Department of Transportation, LeFlore County, #FP-12-42

N. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the February 19, 2013 packet of Board materials.

04000 4. CONSIDERATION OF AND POSSIBLE ACTION ON ADOPTION OF PROPOSED NEW PERMANENT RULES AND AMENDMENTS TO PERMANENT RULES, RECOMMENDED FOR APPROVAL:

- A. Rules Amendments Recommended for Adoption in Chapter 25 - Dams and Reservoirs
 - 1. Summary - **Ms. Julie Cunningham**
 - 2. Questions and Discussion by Board Members
 - 3. Comments by Public
 - 4. Vote on whether to approve recommended amendments as presented or as may be revised after discussion and comment.

B. New and Amended Rules Recommended for Adoption in Chapter 30 - Taking and Use of Groundwater

- 1. Summary - **Ms. Julie Cunningham**
- 2. Questions and Discussion by Board Members
- 3. Comments by Public
- 4. Vote on whether to approve recommended new rules and amendments as presented or as may be revised after discussion and comment.

- C. Rules Amendments Recommended for Adoption in Chapter 35 - Well Driller and Pump Installer Licensing
 - 1. Summary - **Ms. Julie Cunningham**
 - 2. Questions and Discussion by Board Members
 - 3. Comments by Public
 - 4. Vote on whether to approve recommended amendments as presented or as may be revised after discussion and comment.

- D. New and Amended Rules Recommended for Adoption in Chapter 45 - Oklahoma's Water Quality Standards
 - 1. Summary – **Mr. Derek Smithee**
 - 2. Questions and Discussion by Board Members
 - 3. Comments by Public
 - 4. Vote on whether to approve recommended new rules and amendments as presented or as may be revised after discussion and comment.

- E. Rules Amendments Recommended for Adoption in Chapter 46 - Implementation of Oklahoma's Water Quality Standards
 - 1. Summary – **Mr. Derek Smithee**
 - 2. Questions and Discussion by Board Members
 - 3. Comments by Public
 - 4. Vote on whether to approve recommended amendments as presented or as may be revised after discussion and comment

- F. Rules Amendments Recommended for Adoption in Chapter 50 - Financial Assistance
 - 1. Summary – **Mr. Joe Freeman**
 - 2. Questions and Discussion by Board Members
 - 3. Comments by Public
 - 4. Vote on whether to approve recommended amendments as presented or as may be revised after discussion and comment

05000 5. SPECIAL CONSIDERATION Chairman Drummond

- A. No items
- B. Items transferred from Summary Disposition Agenda, if any.

6. PROPOSED EXECUTIVE SESSION Chairman Drummond

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., Oklahoma Water Resources Board v. United States on behalf of the Choctaw Nation et al. and Tarrant Regional Water District v. Herrmann, 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. VOTE(S) ON POSSIBLE ACTION(S), IF ANY, RELATING TO MATTERS DISCUSSED IN EXECUTIVE SESSION IF AUTHORIZED.

8. NEW BUSINESS Chairman Drummond

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 Drummond

The next regular meeting of the Oklahoma Water Resources Board will be held Tuesday, March 19, 2013, at 1:30 p.m., at the Oklahoma Water Resources Board, 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

“Water Appreciation Day at the Capitol” will be held on the Fourth Floor Rotunda from 9:00 a.m. to 2:00 p.m.

2/14/2013