

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

January 21, 2014

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 January 16, 2014 at 4:00 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

- 01000 1. CALL TO ORDER** **Chairman Rudy Herrmann**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the December 17, 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 The Skiatook Public Works Authority, Osage County. Recommended for Approval.
 - B. Report and Update on the Status of the Issuance of State Loan Program Revenue Bonds in an Amount Not to Exceed \$25,000,000.00 Authorized by Resolution Approved by the Board on July 16, 2013.
 - C. Consideration of and Possible Action on Resolution Authorizing the Issuance of Oklahoma Water Resources Board Revolving Fund Revenue Refunding Bonds, Taxable Series 2014A – Clean Water Program (Master Trust) in the Aggregate Principal Amount not to Exceed \$85,000,000; Approving and Authorizing Execution of a Bond Indenture Providing for the Issuance of the Bonds; Providing for the Sale and Delivery of the Bonds and Authorizing a Certificate of Determination; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to the Bonds; 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.

- D. Consideration of and Possible Action on Resolution Authorizing the Issuance of Oklahoma Water Resources Board Revolving Fund Revenue Refunding Bonds, Taxable Series 2014B – Drinking Water Program (Master Trust) in the Aggregate Principal Amount Not To Exceed \$65,000,000; Approving and Authorizing Execution of a Bond Indenture Providing for the Issuance of the Bonds; Providing for the Sale and Delivery of the Bonds and Authorizing a Certificate of Determination; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to the Bonds; 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 Herrmann

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>
GGEDA				
a.	FAP-11-0034-R	Lenapah Public Works Authority	Nowata	\$99,675.00
KEDDO				
b.	FAP-13-0024-R	Clayton Public Works Authority	Pushmataha	79,999.00
OEDA				
c.	FAP-13-0006-R	Fargo Utilities Authority	Ellis	80,917.00
d.	FAP-13-0008-R	Optima Municipal Authority	Texas	126,250.00

- D. Consideration of and Possible Action on Contracts and Agreements:
1. OSU subaward agreement for drilling observation wells and providing related services at certain Mesonet stations.
 2. Professional Services Agreement with Huitt-Zollars, Inc. for Engineering Services related to the Board's financial assistance programs.
 3. Intergovernmental Agreement with the City of Tulsa to participate in the Cooperating Technical Partnership Program by obtaining hydrologic and hydraulic modeling and floodplain mapping for a segment of Joe Creek, Red Fork Creek and tributaries.
 4. Contract for Professional Services with Baxter E. Vieux for dam safety and hydrology training sessions.
 5. Interagency Service Agreement with Office of Management and Enterprise Services, Information Services Division for Information Technology Services.
 6. Addendum to Interagency Service Agreement with Office of Management and Enterprise Services, Information Services Division for Information Technology Personnel Services.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
1. Heath & Deana Beanland, Harmon County, #2013-561
 2. Johnnie Lynn Phelps, Washita County, #2013-632
- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
1. Lavonne Kroeker, Major County, #1999-586
 2. Lavonne Kroeker, Major County, #2001-527
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. John & Jane McCullough, Tillman County, #2013-612
 2. V & R Fischer Farms, L.L.C., Tillman County, #2013-614
 3. Robert N. & Jacqueline A. Smith, Payne County, #2013-636
 4. Trent Bryant Burns, Choctaw County, #2013-637
 5. Amparan Family Revocable Trust, Woodward County, #2013-640
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. Jaret Dowler, Ellis County, #1979-697
 2. Major County RWS&SWM #1, Major County, #1995-550
- I. Consideration of and Possible Action on Applications to Amend Prior Rights to Use Groundwater:
None

- J. Consideration of and Possible Action on Applications for Term Permits to Use Stream Water:
 - 1. Lannis D. Brinkley, Carter County, #2013-035

- K. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
 - 1. Heartland Properties, L.L.C., Rogers County, #2013-033
 - 2. Harold E. & Barbara M. Driskel Revocable Trust, Creek County, #2013-040

- L. Consideration of and Possible Action on Dam and Reservoir Construction:
 - 1. Summit Lake Property Owners Association, Cleveland County, #OK12578
 - 2. Pine Spring Ranch – East Lake, Atoka County, #OK30462

- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
 - 1. New Licenses and Accompanying Operator Certificates:
 - a. Licensee: Cascade Drilling, L.P. DPC-0894
 - 1. Operator: Curtis Wright OP-2021
 - b. Licensee: StanTech, L.L.C. DPC-0892
 - 1. Operator: Robert Williams OP-0607
 - 2. Operator: Janie Frye OP-2020
 - 1. New Operators to Existing Licenses:
 - a. Licensee: Layne Christensen Company DPC-0123
 - 1. Operator: Gail Ball OP-1999
 - b. Licensee: Loman Drilling, Inc. DPC-0127
 - 1. Operator: Tyler Loman OP-2022

- N. Consideration of and Possible Action on Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
 - 1. Oklahoma Department of Transportation, Canadian County, #FP-13-34
 - 2. Oklahoma Department of Wildlife Conservation, Bryan County, #FP-13-36

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

A. Staff Presentations on Amendments to Permanent Rules Proposed for Adoption During 2014.

The comment period for these proposed amendments is currently ongoing and will expire February 18, 2014. The formal public hearing on the proposed amendments is scheduled to be held February 18, 2014 during the monthly meeting of the Board.

- 1. Summary of Proposed Amendments to Chapter 30 – Taking and Use of Groundwater – **Ms. Julie Cunningham**
 - Subchapter 3. Permit Application Requirements and Processing
 - 785:30-3-6. Well spacing [AMENDED]
 - Subchapter 9. Maximum Annual Yield Determinations
 - 785:30-9-6. Issuance of regular permit to temporary permit holder [AMENDED]

2. Summary of Proposed Amendments to Chapter 50 – Financial Assistance – **Mr. Joe Freeman**
 - Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures
 - 785:50-7-1. General procedures [AMENDED]
 - 785:50-7-3. Evaluation procedures for grant applications [AMENDED]
 - 785:50-7-5. Emergency grant priority points system [AMENDED]
 - Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures
 - 785:50-8-5. REAP grant priority point system [AMENDED]
 - Subchapter 9. Clean Water State Revolving Fund Regulations
 - Part 3. General Program Requirements
 - 785:50-9-21. Eligible project [AMENDED]
 - 785:50-9-22. Revenue program [AMENDED]
 - 785:50-9-23. Clean Water SRF Project Priority System [AMENDED]
 - 785:50-9-28. Pre-application for funding [AMENDED]
 - 785:50-9-30. Planning documents [AMENDED]
 - 785:50-9-32. Plans and specifications [AMENDED]
 - 785:50-9-35. Loan closing [AMENDED]
 - 785:50-9-38. Construction phase [AMENDED]
 - 785:50-9-42. Retainage [AMENDED]
 - Part 7. SRF Environmental Review Process
 - 785:50-9-61. Environmental information required by the Board [AMENDED]

05000 5. SPECIAL CONSIDERATION

Chairman Herrmann

- A. Consideration of and Possible Action on Proposed Order for Informal Disposition In the Matter of Alleged Unlicensed Groundwater Well Drilling by Respondents Gene Gibson, Tom Gibson Drilling and Gibson and Sons Drilling; Recommended for Approval:
 1. Summary – **Ms. Julie Cunningham**
 2. Discussion and presentation by parties
 3. Possible Executive Session
 - As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.
 - (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 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 and Possible Action on Application to Amend Temporary Groundwater Permit No. 1984-646C, Roos Ranch, Inc., Pontotoc County, Recommended for Approval

1. Summary – **Ms. Julie Cunningham**
2. Discussion and presentation by applicant
3. Possible Executive Session

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.

- (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 application as recommended, or vote on any other action or decision relating to the application.

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

6. 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.

7. ADJOURNMENT

Chairman Herrmann

The next regular meeting of the Oklahoma Water Resources Board is scheduled to be held Tuesday, February 18, 2014, 9:30 a.m., at 3800 N. Classen Boulevard, Oklahoma City, OK 73118.

1/16/2014