

**OKLAHOMA WATER RESOURCES BOARD  
OFFICIAL MINUTES**

**May 13, 2003**

**1. Call to Order**

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Grandstaff, at 9:30 a.m., on May 13, 2003, in the Board Room of 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.

**A. Invocation.**

Member Ervin Mitchell gave the invocation.

**B. Roll Call**

**Board Members Present**

Grady Grandstaff, Chairman  
Ervin Mitchell, Secretary  
Harry Currie  
Lonnie Farmer  
Richard McDonald  
Bill Secrest  
Glenn Sharp

**Board Members Absent**

Richard Sevenoaks, Vice Chairman  
Wendell Thomasson

**Staff Members Present**

Duane A. Smith, Executive Director  
Mike Melton, Assistant to the Director  
Dean Couch, General Counsel  
Jim Schuelein, Chief, Administrative Services Division  
Joe Freeman, Chief, Financial Assistance Division  
Mike Mathis, Chief, Planning and Management Division  
Derek Smithee, Chief, Water Quality Programs Division  
Mary Lane Schooley, Executive Secretary

**Others Present**

Beverly Delmedico, Muskogee County Rural Water District #5, Muskogee, OK  
Rodney Brook, Muskogee County Rural Water District #5, Muskogee, OK  
Kentley McCullar, Muskogee County Rural Water District #5, Muskogee, OK  
John Price, Pittsburg County Water Authority, McAlester, OK  
Mark Day, Pittsburg County Water Authority, McAlester, OK  
Lavenia Cary, Pittsburg County Water Authority, McAlester, OK  
Darrel Dominick, USDA Natural Resources Conservation Service, Stillwater, OK  
Richard L. Landes, Pittsburg County Water Authority, Shawnee, OK  
Raymond Robins, Oklahoma City, OK  
Harriet Eden, Sardis Lake Water Authority, Clayton, OK  
Donna McSpadden, Sardis Lake Water Authority, Clayton, OK  
Mike Martin, Washington County Rural Water District #7, Norman, OK  
Cathie Arnold, Norman, OK  
Larry Swanson, Sierra Club, Oklahoma City, OK  
Gary D. Storm, Norman, OK  
Larry & Debbie Thomson, Beaver, OK  
Angie Burckhalter, Oklahoma Independent Petroleum Association, Oklahoma City, OK  
Chris Cochran, Capitol West, Oklahoma City, OK  
Bob Jones, Capitol West, Oklahoma City, OK  
Glen Byrd, Poe & Associates, Oklahoma City, OK  
Bill Storm, Norman, OK  
Richard Storm, PAMCO, Inc., Goldsby, OK  
Robert Hall, Oklahoma City, OK  
Marla Peek, Oklahoma Farm Bureau, Oklahoma City, OK  
Susan Krug, Assistant Attorney General, Oklahoma City, OK

**C. APPROVAL OF MINUTES**

Chairman Grandstaff stated the draft minutes of the April 8, 2003 Regular meeting have been distributed. He said he would entertain a motion to approve the minutes unless there were deletions or additions. Mr. Sharp moved to approve the minutes of the April 8, 2003, Regular Meeting, and Mr. Mitchell seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Sharp, Grandstaff  
NAY: None  
ABSTAIN: Secrest  
ABSENT: Sevenoaks, Thomasson

**D. EXECUTIVE DIRECTOR'S REPORT**

Mr. Duane Smith, Executive Director, began his report stating Mr. Currie's home was lost during the recent tornado damage. As part of the disaster FEMA establishes an office in Oklahoma City, and Mr. Lonnie Ward and Mr. Jack Graham of the FEMA office are coordinating with OWRB personnel to conduct community assistance and disaster relief.

Prior to Mr. Mike Melton's legislative report, Mr. Smith introduced Mr. J.A. Wood, former OWRB Groundwater Division Chief, and 24-year OWRB employee, who is retired and visiting the agency today. Mr. Melton brought the members up to date about the status of legislation affecting the OWRB and other environmental legislation of interest. He said the Legislature is

trying to adjourn before the set date of May 30, 2003. There were a few comments by Board members about the legislation restructuring the Board of Agriculture. Regarding the budget, Mr. Smith said that all environmental agencies are looking at between 20-23% cut; also there is interest in finding funds for the Arbuckle-Simpson study.

Mr. Smith said that Lake Texoma is 60 years old this year. Mr. John Roberts, Deputy District Engineer for the Tulsa District Corps of Engineers, is present for another agenda item; however, Mr. Smith acknowledged his presence. He said he had attended a Lake Texoma Advisory Committee meeting recently, where it was announced that the lake is not silting in at the original prediction rate, attributable to the upstream watershed structures that are trapping sediment. Those structures, though, are now reaching their design-life, and Congressman Lucas has offered federal legislation—and the OWRB has supported it—to provide cost-share dollars to look at rehabilitation of those structures. Mr. Smith introduced Mr. Darrel Dominick, State Conservationist with the Natural Resources Conservation Service, who will make a presentation to the Board later in the agenda.

Mr. Smith stated the Red River Compact Commission annual meeting was held at Quartz Mountain. The controversy there is Sweetwater Creek, but that was not on the agenda. The citizens of Wheeler County, Texas, voted not to have a tax increase to conduct a study of that particular project, so at this point in time, it does not appear that Texas has support to build the project. Oklahoma now has an opportunity to work with Texas while there is no controversy to meet and work on rules for that particular subbasin.

A well-plugging demonstration was conducted at Boise City with the Cimarron County Conservation District, which Mr. Smith attended. The well was a 16.5-inch irrigation well outside the city. The demonstration project was an effort to educate farmers about how to properly plug abandoned wells. The City of Boise City, the Conservation District, and the OWRB sponsored the event.

In conclusion, Mr. Smith announced the Board's newest member, Mr. Jack Keeley, from Ada, Oklahoma. Mr. Smith stated he is familiar with Mr. Keeley as the former director of research at the Kerr EPA Laboratory.

## **2. FINANCIAL ASSISTANCE DIVISION**

A. Consideration of and Possible Action on a Proposed Order Approving Loan for Pittsburg County Water Authority, Pittsburg County, Oklahoma. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that the Pittsburg County Water Authority had made application for a Drinking Water SRF Small Community Loan in the amount of \$1,200,000.00. The Authority has requested the loan to go along with \$112,532.00 in local funds for a new clarifier, two stand filters, and a 410,000-gallon clear well. Mr. Freeman noted provisions of the loan agreement. Staff recommended approval of the loan application.

Mr. John Price, Chairman; Mr. Robert Langford, Vice-Chairman; Mr. Mark Day, Manager; and Ms. Levenia Carey, Secretary; and the project engineer were present in support of the loan request.

Mr. Mitchell moved to approve the loan request to the Pittsburg County Water Authority, and Mr. Currie seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Secret, Sharp, Grandstaff  
NAY: None  
ABSTAIN: None  
ABSENT: Sevenoaks, Thomasson

B. Consideration of and Possible Action on a Proposed Order Approving Loan for Rural Water District #5, Muskogee County. Recommended for Approval. Mr. Freeman stated that the Muskogee County Rural Water District No. 5 has made a request for a State Loan Program Revenue Bond loan in the amount of \$1,390,000.00. The District is requesting the loan in order to install 51,800 linear feet of PVC water line; construct a 150-gallon per minute pump station, and 40 gallon per minute pump station. In addition, approximately \$642,000 of the loan proceeds will be used to refinance a Rural Utilities Service loan. Mr. Freeman noted provisions of the loan agreement. Staff recommended approval.

Ms. Beverly Delmedico, Board Secretary; Mr. Rod Brook, Board member; and Mr. Kentley McCullar were present in support of the loan application.

Mr. Secrest moved to approve the loan to the Muskogee County RWD #5, and Mr. Farmer seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Secrest, Sharp, Grandstaff  
NAY: None  
ABSTAIN: None  
ABSENT: Sevenoaks, Thomasson

C. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds for Rural Water District #7, Washington County. Recommended for Approval. Mr. Freeman said this request by the Washington County RWD #7 is for a six-month extension to close its \$275,000.00 loan with the Board approved on May 14, 2002. He said the District opened bids on the project on April 14, but has made a request to the Commerce Department to re-bid the project. In addition, the District is waiting on the Department of Environmental Quality to permit the project, and to approve plans and specifications. The project is for the construction of a 16-foot by 56-foot standpipe, and installing 130,400 feet of water line. Staff recommended approval of the request.

Mr. Mel Shoemith, Chairman; Mr. Glenn Byrd, engineer, and Mr. Mike Martin, bond counsel, were present in support of the request.

Mr. Secrest moved to approve the request for an extension of time for obligation of funds, and Mr. McDonald seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Secrest, Sharp, Grandstaff  
NAY: None  
ABSTAIN: None  
ABSENT: Sevenoaks, Thomasson

D. Consideration of and Possible Action on a Proposed Resolution and Order Consenting to Share Lien Position Securing Loans to Rural Water, Sewer, Gas, and Solid Waste Management District #4, Wagoner County, Oklahoma, According to Certain Conditions. Recommended for Approval. Mr. Freeman explained that the Wagoner County RWSGSWM District #4 is obtaining a \$5 million dollar loan from the Rural Utilities Service in order to upgrade and expand its water treatment plant. The District currently has two outstanding loans with the Board, with total principal balance of approximately \$10.7 million. Even with the additional debt, Mr. Freeman stated Wagoner #4 would still have approximately a 1.9-times debt coverage ratio. Staff recommended approval.

Mr. Don Kiser, bond counsel, was present in support of the request.

Mr. McDonald moved to approve the resolution and order consenting to share lien position, and Mr. Sharp seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Sharp, Grandstaff  
NAY: None

ABSTAIN: Secrest  
ABSENT: Sevenoaks, Thomasson

E. Consideration of and Possible Action on a Proposed Resolution Authorizing the Issuance of Oklahoma Water Resources Board State Loan Program Revenue Bonds Series 2003A in Aggregate Principal Amount Not to Exceed \$120,000,000; Approving and Authorizing Execution of a Tenth 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 a Credit Enhancement Agreement Together with 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. Mr. Freeman explained that this resolution authorizes the issuance of the Board's series 2003A bond issue for the variable rate and bond issue loan program. He noted the specific provisions authorized by approval of the resolution as enumerated in the agenda item title. Staff recommended approval of the proposed resolution.

There were no questions by the Board.

Mr. Mitchell moved to approve the resolution authorizing the issuance of bonds, and Mr. McDonald seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Secrest, Sharp, Grandstaff  
NAY: None  
ABSTAIN: None  
ABSENT: Sevenoaks, Thomasson

F. Consideration of and Possible Action on a Proposed Resolution Authorizing the Issuance of Oklahoma Water Resources Board State Loan Program Revenue Bonds Series 2003B in Aggregate Principal Amount Not to Exceed \$75,000,000; Approving and Authorizing Execution of an Eleventh 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. Mr. Freeman stated this resolution authorizes the issuance of the Board's series 2003B fixed rate revenue bond issue. He enumerated the specific items authorized by the resolution as noted in the language of the agenda item. Staff recommended approval.

There were no questions by the Board.

Mr. Sharp moved to approve the resolution authorizing the issuance of bonds, and Mr. Secrest seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Secrest, Sharp, Grandstaff  
NAY: None  
ABSTAIN: None

ABSENT: Sevenoaks, Thomasson

G. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Fairfax Public Works Authority, Osage County, Oklahoma. Recommended for Approval. Mr.

Freeman stated that this item was added to the revised agenda and is for the consideration of a \$90,345.00 emergency grant for the Fairfax Public Works Authority. Fairfax has been forced to stop production of its water treatment plant to avoid the possible collapse of the dam on its city lake. In order to correct the problem, the Authority proposes to plug the existing outlet structure, clay fill the back side of the dam, construct a new floating pump station, and connect the pump station to the existing raw water supply line. The total estimated cost is \$106,288.22, with \$15,943.22 in local funds, and the OWRB emergency grant. Staff recommended approval.

There were no representatives of the Fairfax PWA in attendance.

Mr. Mitchell moved to approve the emergency grant to the Fairfax PWA, and Mr. McDonald seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Secrest, Sharp, Grandstaff

NAY: None

ABSTAIN: None

ABSENT: Sevenoaks, Thomasson

### 3. SUMMARY DISPOSITION AGENDA

Chairman Grandstaff stated that 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. There were no requests to transfer items to the Special Consideration agenda. However, Mr. Mike Mathis, Chief, Planning and Management Division, asked that agenda items 3.G.1., #2002-570 for Sheldon & Juliee Meliza in Harper County, and 3.I.1., #1936-083 for Terry and Brenda Beck in Roger Mills County, be withdrawn from the Board's consideration due to improper notice.

In addition, Mr. Mathis stated that under agenda item 3.D.5., is consideration of an agreement between the Oklahoma Water Resources Board, the Indian Nations Council of Government and Tulsa District Corps of Engineers for work related to an Arkansas River Master Plan. He explained this Planning Assistance Study will support the Dialogue Visioning 2025 Initiative for the Tulsa Metropolitan Area. The INCOG, as the regional planning agency, will coordinate a broad, comprehensive planning plan for future development of the 42-mile Arkansas River Corridor from the Keystone Dam to the Tulsa-Wagoner County line at Broken Arrow. As part of the master plan, the Corps will be looking for opportunities for federal participation in the actual implementation features of the project in order to obtain federal cost-share assistance during the implementation of the plan. The completed plan will address numerous issues including recreational improvements, economic development, cultural, historical, archeological and environmental impacts, regulatory constraints, actual funding, and cost effectiveness of proposed projects. Mr. Mathis stated there were representatives of the Corps of Engineers, Indian Nations Council of Governments, and the City of Tulsa present in support of the agreement, and who made statements to the Board.

Mr. Secrest moved that the Board approve the agreement with the Corps of Engineers and INCOG, and Mr. Sharp seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Secrest, Sharp, Grandstaff  
NAY: None  
ABSTAIN: None  
ABSENT: Sevenoaks, Thomasson

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

Mr. McDonald moved to approve the remaining Summary Disposition Agenda items, as amended, and Mr. Farmer seconded.

Mr. Currie asked about the agreement with the Hardage Steering Committee; Mr. Schuelein answered the Committee is a cooperator for the monitoring of the former Hardage Criner waste site.

AYE: Currie, Farmer, McDonald, Mitchell, Secrest, Sharp, Grandstaff  
NAY: None  
ABSTAIN: None  
ABSENT: Sevenoaks, Thomasson

**The following items were approved:**

C. Consideration of Approval of the Following Applications for REAP Grants in Accordance with the Proposed Order 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>County</u></b>	<b><u>Recommended</u></b>
None				

D. Contract and Agreements Recommended for Approval

1. Consideration of Letter Agreement with Standard & Poor's to Provide Public Financial Rating Services.
2. Consideration of Amended Joint Funding Agreement with the U.S. Geological Survey for Continued State line and Illinois River Monitoring Program.
3. Consideration of Agreements with Local Cooperators Participating in the Federal-State Cooperative Program with the U.S. Geological Survey:
  - a. Applied Energy Services, Shady Point, Inc.
  - b. Central Oklahoma Master Conservancy District
  - c. City of Ada
  - d. City of Lawton
  - e. Fort Cobb Master Conservancy District
  - f. Foss Master Conservancy District
  - g. Grand River Dam Authority
  - h. Hardage Steering Committee
  - i. Lugert-Altus Irrigation District
  - j. Mountain Park Master Conservancy District
  - k. City of Altus

4. Consideration of Amendment Agreement with the Indian Nations Council of Governments for Monitoring of the Verdigris River.
  5. Consideration of Letter Agreement with the Indian Nations Council of Governments and the U.S. Army Corps of Engineers, Tulsa District, for Work Related to an Arkansas River Master Plan.
  6. Consideration of Interagency Agreement with the Oklahoma Office of the Secretary of Environment for FY-03 604(b) Work Related to the Oklahoma Water Quality Standards.
  7. Consideration of Lease Renewal Agreement with Burgess and Burgess for the Lawton Field Office.
  8. Consideration of Lease Renewal Agreement with Southpark Investments for the Woodward Field Office.
  9. Consideration of Lease Renewal Agreement with Mills Family L.L.C. for the McAlester Field Office.
  10. Consideration of License Agreement with Computer Associates International for Intrusion Detection Software.
  11. Consideration of Interagency Agreement to Share Office Space with the Department of Environmental Quality.
- E. Applications for Temporary Permits to Use Groundwater:
1. Paul D. & Tammy Bates, Caddo County, #2002-564
  2. Dolese Brothers Company, Logan County, #2002-578
- F. Applications to Amend Temporary Permits to Use Groundwater:
1. Vivian Rural Water District No. 6, McIntosh County, #1982-699
  2. Greenleaf Nursery Co., Muskogee County, #1990-516
  3. Rush Springs Municipal Improvement Authority, Grady County, #1996-658
- G. Applications for Regular Permits to Use Groundwater:
1. Sheldon W. & Julee D. Meliza, Harper County, #2002-570
  2. Robert L. & Florence Davis, Texas County, #2002-586
  3. Steve Long, D. Patrick Long & Mary Gordon d/b/a Long Family Partnership, Texas County, #2002-591
  4. Robert Wittmeyer, Tillman County, #2002-610
- H. Applications to Amend Regular Permits to Use Groundwater:
1. Town of Optima, Texas County, #1983-642
- I. Applications to Amend Prior Rights to Use Groundwater:
1. Terry L. & Brenda Kay Beck, Roger Mills County, #1936-083
  2. Henry & Angela Heinrich, Canadian County, #1964-160D

- J. Applications for Regular Permits to Use Stream Water:
1. Material Service Corporation, Kiowa County, #2002-049
  2. Hooten Revocable Trust, Seminole County, #2002-050
  3. Marcia L. Garst, Washita County, #2002-051
  4. Bobby D. & Debbie Wall, Pontotoc County, #2002-054
  5. Pittsburg County Water Authority, Pittsburg County, #2002-055
  6. John W. Davis & Roger D. Davis, McIntosh County, #2002-057
  7. Perkins Public Works Authority, Kay County, #2003-001
  8. Newman Development & Design LLC, Oklahoma County, #2003-005
- K. Proposed Orders for Informal Disposition by Default for Administrative Reductions and Cancellations of Rights to Use Stream Water:
1. Jack Brazee, Osage County, #1977-131
  2. OK Tank Trucks, Inc., Osage County, #1990-022
  3. OK Tank Trucks, Inc., Osage County, #1991-041
  4. OK Tank Trucks, Inc., Tulsa County, #1991-042
  5. City of Wynona, Osage County, #1980-126
  6. City of Pawhuska, Osage County, #1955-677
- L. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
 

a. Licensee: Pat W. Howell	DPC-0591
(1) Operator: Pat W. Howell	OP-1347
Activities: Pump installation	
b. Licensee: Apex Geoscience, Inc.	DPC-0593
(1) Operator: Jim Markle	OP-1223
Activities: Monitoring wells and geotechnical borings	
  2. New Operators and/or Activities for Existing Licenses:
 

a. Licensee: Caldwell Environmental Associates, Inc.	DPC-0471
(1) Operator: David H. Cohenour	OP-0985
Activities: Groundwater wells, test holes and observation wells	
b. Licensee: Lang Well Drilling, Inc.	DPC-0616
(1) Operator: Tim Lang	OP-1262
Activities: Heat exchange wells	
- M. Dam and Reservoir Plans and Specifications:  
None
- N. Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:  
None
- O. Consideration of Release of Easement for Dam and Reservoir Construction:
1. Wilbert G. Smith, NW1/4, Section 25, T8N, R5W, Grady County

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

A. Presentation and Discussion of Natural Resources Conservation Service Activities Associated with the 2003 Farm Bill by State Conservationist Darrel Dominick. Mr. Smith introduced Mr. Dominick, the State Conservationist with the U.S. Department of Agriculture Natural Resources Conservation Service in Stillwater, Oklahoma. He said he had visited with Mr. Dominick and his staff to learn more about the Farm Bill and how the OWRB could partner with the NRCS to help implement that legislation. Mr. Dominick briefed the members on the mission, vision, and history of the Natural Resources Conservation Service, as well as about his personal history with the Service. He talked about how the 1985 and 2002 Farm Bills introduced new cost-share and incentive-based programs for the farming industry, and that May 13 is the first anniversary of the 2002 Farm Bill and the initiation of the “The Next Golden Age” in conservation. He noted the funding available in the 2003 Farm Bill, including new programs focusing on wildlife habitat incentives and threatened and endangered species, and emergency response funding for clean up after storms. In closing, Mr. Dominick talked about the relationship with the OWRB and other member agencies of the NRCS State Technical Committee, which contributes to the shaping and direction of the program. He emphasized the desire to continue work with the OWRB and conservation districts on flood structures in particular, and to actively seek federal dollars to support other programs available for the benefit of Oklahomans. Mr. Smith reiterated the Board’s desire to assist the NRCS in implementing these programs.

B. Update and Discussion on Water Quality Programs Division Activities. Mr. Derek Smithee, Chief, OWRB Water Quality Programs Division, stated to the members that often some of the “blocking and tackling” issues of the division are overlooked, and he wanted to keep the members up to date about activities other than the higher profile issues such as BUMP, Water Quality Standards, and major lakes programs that are talked about throughout the year. Mr. Smithee made a presentation on the myriad of “behind the scenes” EPA grant-related projects, contracts, and cooperative agreements with state and federal agencies and others undertaken with the OWRB in an effort to better the quality of water in Oklahoma. Some of these programs include bio criteria projects, refinement of the beneficial use assessment protocols, rapid bio-assessment protocols for non-wadable streams, triennial review of the water quality standards, nutrient criteria development, natural resource management planning, total maximum daily load programs with the Department of Environmental Quality, monitoring activities i.e., 303(d) list with the Oklahoma Conservation Commission, Lake Wister with the Poteau Valley Improvement Authority, Lake Thunderbird with the Central Oklahoma Master Conservancy District, North Fork and of the Red River and Lugert-Altus Lake with the Bureau of Reclamation, and confined animal feeding operations with the Oklahoma Department of Agriculture.

#### **5. SPECIAL CONSIDERATION AGENDA ITEMS**

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. Supp. 2000,

Section 307 (B)(8) and the Administrative Procedures Act, 75 O.S. Supp. 2000, Section 309 and following.

A. Application for Regular Permit to Use Stream Water No. 2002-044, Larry H. Thompson, Beaver County

1. Summary – Mr. Mike Mathis, Chief, Planning and Management Division, stated the application for regular stream water permit #2002-044 for Larry H. Thompson is located in Beaver County. He said the applicant requested a permit to take and use a total of 53.3 acre-feet of stream water per year to impound a pond for non-consumptive recreation, fish and wildlife purposes. The record indicates that on an annualized basis the applicant testified that the allocation of 53.3 acre-feet from Spring Creek will not interfere with domestic or existing appropriate uses in the stream.

Mr. Mathis stated that the protestants were concerned that the applicant's proposed use will interfere with domestic uses, particularly during the summer and fall months when it is time to water cattle from the stream. The applicant testified he planned the dam spillway to be able to flow downstream, even though no plans and specifications were submitted, and therefore a condition has been placed in the permit that the dam and related spillway is to be designed in accordance with the policies and procedures of the Natural Resource Conservation Service, or criteria equivalent thereto developed by an engineer competent in dam design, including an outlet conduit of sufficient capacity to prevent interference of the natural stream flow through the reservoir to the injury of the downstream domestic users. Furthermore, the permit will contain the condition prohibiting interference with domestic or existing appropriate uses. Mr. Mathis stated that with the conditions as stated in place, the evidence and facts indicate the applicant's use will not interfere with domestic or existing appropriate uses; the summary of the record showed the application to be in compliance with the Oklahoma Stream water law; and staff recommended approval.

2. Discussion and presentation by parties. Mr. Larry Thompson, applicant, stated he had contacted the local conservation district who expressed a willingness to survey and design a dam and spillway in accordance to the standards as stated in the permit condition.

Mr. Raymond Robbins, protestant, addressed the members and stated he is the son of Mr. L.D. Robbins who was unable to be present due to having just been released from the hospital. Mr. Robbins talked about the importance of the creek to his father's property, and he detailed the topography of the property and the appurtenances and their location on the property in relationship to the stream. He said the creek is an important to watering of cattle, and is an important part of the ecosystems that depends on the pools of water along the stream. He said if the applicant is allowed to build the dam, there will no longer be pools of water, and there will be interference downstream as the natural flow of the stream will not be maintained. He asked the Board to deny the application.

Mr. McDonald asked when Mr. Robbins ran the cattle; he replied from late Spring until late Fall. Mr. Robbins does not live on the property. Mr. Grandstaff asked how many acres drain to the creek, and Mr. Robbins stated about 80 acres, or 25% of the property. Mr. Currie asked about the recreation versus domestic use in recommendation of the permit. Mr. Mathis answered that there are conditions in the permit that domestic use takes priority over any appropriate use so in those years where there is below average rainfall, the domestic use has priority. He said another condition of this particular permit is that as the project is designed, a low flow conduit is required so releases can be made to the betterment of the downstream uses. Mr. Currie asked who makes the determination about when to make the releases; Mr. Mathis stated staff encourages people to work together on when the release is needed, and if there is interference, to contact OWRB staff.

3. Possible executive session. The Board did not vote to enter executive session.
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.

Mr. McDonald moved to approve the proposed order for regular stream water permit number 2002-004, and Mr. Sharp seconded.

AYE: Currie, Farmer, McDonald, Secrest, Sharp, Grandstaff  
NAY: None  
ABSTAIN: Mitchell  
ABSENT: Sevenoaks, Thomasson

B. Application for Temporary Permit to Use Groundwater No. 2002-561, Town of Goldsby, McClain County

1. Summary – Mr. Mike Mathis, stated the applicant requested a temporary groundwater permit to take and use 759.84 acre-feet of groundwater each year for municipal purposes. The water is proposed to be withdrawn from two wells located on 379.82 acres of dedicated land in McClain County. The land overlies the Alluvium and Terrace Deposits of the Canadian River groundwater basin, for which the maximum annual yield and equal proportionate share have not been determined; therefore, each landowner is entitled to two-acre-feet of groundwater per acre of land dedicated. Mr. Mathis stated the town has a population of approximately 1200 people, and supplies water service to a total of 519 water meters. The town uses groundwater that is high in iron drawn from two wells close to the river bottom of the Canadian, located north of the land dedicated in this permit application. The town intends to use the groundwater subject to this application to supplement the groundwater currently being used. The town's mayor testified it planned to pump the wells on this application at a combined rate of approximately 56 gallons per minute at such a duration that will produce approximately 10-20% of the town's total groundwater use. The town represented it will install a meter device that will accurately measure the amount of groundwater withdrawn from the subject two wells and that condition has been stated in the permit. The town has also stated that as a public water supplier, it will be required to follow the requirements and guidelines of the Department of Environmental Quality in construction of the wells and water line associated with those. Mr. Mathis stated there are two wells in one two-acre tract location; test drilling has been conducted, and there is a need to complete the primary wells, and to cap the wells that are not going to be used and a condition has been placed in the permit. Staff has been onsite, and the wells have been completed.

Mr. Mathis stated the protestants are concerned that the withdrawal of the water will interfere with and cause the groundwater to be depleted. There are wells in close proximity to the proposed wells ranging from about 370 feet to about just over 1300 feet. There were numerous protestants, and there is evidence about wells in the area and the depth of the well development. Staff has evaluated the information using desktop modeling and the evidence in the record. Pumping two wells 60 gallons a minute continuously 90 days, or for twelve hours per day for 180 days, the result would be a draw down of one foot of groundwater at a distance of 350 feet from the town's wells. So, based on the modeling and the distance of the neighboring wells, staff does not believe there will be an unreasonable effect on the protestant's wells,

In summary, Mr. Mathis stated the record showed the application to be in compliance with Oklahoma Groundwater Law, and staff recommended approval of the application.

2. Discussion and presentation by parties. Mr. Mathis stated the mayor of Goldsby was unable to attend, but does support the proposed order and requests the Board's approval.

Mr. Gary Storm, protestant and property owner north of the proposed wells, stated to the members that his business utilizes water withdrawn from the same aquifer, and he is very concerned that his water will be depleted to where he would not be able to occupy his home and

business facility. Mr. Storm stated he had concerns about the report and described the physical features of the land and the depth of the wells in the area, the terrace deposits and outcroppings, and said he believed that the four-foot depth of the terrace deposits would be depleted. Mr. Storm expressed his concern that the town has treatment for the iron content, that the town may not properly operate the wells without supervision, and that there is no evidence about the depth and location of the terrace deposits. Mr. Storm requested the Board deny the application, or in the event it is approved, to request that a monitoring well be installed accessible to both the applicant and the protestors in order to properly monitor the reservoir. Mr. Storm said he had engaged a consultant, and he requested that the Board hear his comments regarding the permit application.

Chairman Grandstaff asked Mr. Storm about his business, and the amount of water it used. Mr. Storm replied that he sold his fishing lure manufacturing plant in 1999, but that his brother and son were starting the business again at the same location. He said very little water is used, and used only as a cooling factor for the machines. Mr. Currie asked about the terrace deposits and if it was located above the river. Mr. Storm stated there is no recharge to the aquifer from the river, just from rainwater. Mr. Currie also asked about the saturated thickness of the aquifer, and Mr. Mathis responded the town in its test drilling had discovered the thickness to be between 32-43 feet of saturated zone in the area. He said the saturated zone available in the area is between 32-45 feet, remembering there has not been a study conducted by the OWRB. Mr. Currie said that if the protestants' well is at four feet, it is not known whether that is at the top or the bottom of the zone. Mr. Mitchell asked the depth of the well from the top of the surface to the bottom of the well. Mr. Storm said his wells have been between 25-30 foot depths, but the town's wells are located on higher ground, so they had to drill deeper to reach the water.

Chairman Grandstaff allowed Mr. Bob Hall, consultant to Mr. Storm, to speak to the Board, but cautioned him not to introduce evidence that had not already been presented at the hearing. Mr. Hall stated the Storm's have developed a beautiful place with a series of spring-fed ponds and the property is located at the break of the terrace deposits on the redbud and the flow comes out as streams. He said the river channel is located about one mile north of the Storm's property. He said there was no technical information presented by the town at the hearing, but they had just hired a local driller to find three good wells. He said the calculations done by the Board staff was done using rough data provided by the town, indicating that the information is not adequate to make determinations that the Storm's wells will not be affected. He said the town testified the wells would be used for supplemental supply; however, he suspected because of the residential development in the area that it would become a primary supply because it was good water that did not require treatment. He also asked that if the Board does not deny the application, that an observation well be installed.

Mr. Currie asked about the location of the town's wells on the land suggesting the wells could have been distributed around the property rather than being located closer together. Mr. Mathis reminded the member that this is a temporary permit that comes up for revalidation each year, and if there are problems, that the Board can be contacted. Mr. Currie asked about the metering provision; Mr. Mathis explained that the Board cannot require metering, but if the applicant volunteers and testifies that they will meter, the condition is included in the order. There was further discussion about the town's use of the water as supplemental, and whether the town could provide water to the protestants if there is a detrimental effect. Mr. Mathis said he could not speak for the town and there are no representatives present.

Mr. Richard Storm addressed the Board and read from Mr. Fabian's report stating the town's wells are at 60-65 feet and have 4-11 feet of finely course sand from which water is drawn, and he read from the proposed order that contained the same information but that it is not the saturated zone but the depth below the surface. He explained because of the manner

in which the saturated thickness is determined, there is a fault in the calculation in the depth of the sands from which the water is withdrawn, and that more study should be done on the area.

Mr. Mathis stated that the saturated zone is thin and variable, and the wells are marginal of about 25 gallons per minute and a combined capacity of about 50 gallons per minute. There was some additional discussion about the stated depth of the wells and saturated thickness from 11 to 5 feet on the three wells. Mr. Smith responded to comments about domestic use interference, and he reminded the members that in stream water law domestic use cannot be interfered with, but in groundwater law, there are no priorities for domestic use; it is a private property right—if you own the land you have the right to take the water. He said also under the law, well spacing cannot be enforced unless a study has been conducted. He said the Goldsby wells and the Storms wells could be added to the Board’s annual well measuring program. Mr. Currie stated he believed the town should make some type of guarantee to the Storms; however, there were no town representatives present. Mr. Smith had earlier asked about Mr. Storm’s permit, and after some discussion it was determined that there is no permit for their commercial use, and Mr. Storm said he didn’t know he needed one.

The members discussed whether to table the matter until a town representative could be present, and they discussed that by law the permit is in order, and that because it is a temporary permit the protestants can complain to the Board or take legal action if there is a detrimental effect. Mr. Smith reiterated that if the applicant meets the four points of law the permit shall be granted, that there are no priorities for domestic use. There may be interference and relief can be sought in district court; the law does not say there will be water for everyone, and that is not a decision the Board makes. Mr. McDonald said that once it is studied, the amount determined for all landowners should ensure there is water for everyone. Mr. Smith said the law is based on a mining concept, and there will be draw down if every landowner takes their proportionate share.

3. Possible executive session. The Board did not vote to enter executive session.

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.

Mr. McDonald moved to approve temporary groundwater permit #2002-561, and Mr. Sharp seconded.

AYE:	Farmer, McDonald, Sharp, Grandstaff
PASS:	Mitchell
NAY:	Currie
ABSTIAN:	None
ABSENT:	Secrest, Sevenoaks, Thomasson
AYE:	Mitchell

C. Consideration of Proposed Reduction and Revision to Schedule of Use for Stream Water Right No. 1976-002, Rural Water District No. 3, Rogers County

1. Summary – Mr. Mike Mathis, stated this item is for the consideration of a revised schedule of use for water right for Rogers County Rural Water District #3. He said the Board issued a permit in 1976 for the district to use 1,500 acre-feet of stream water from Skiatook Lake for public water supply according to an authorized schedule of use that extended to the year 2020. Review of the permit records indicated that the District had not used any water under this permit from 1977 through 2001. At the hearing, witnesses for the District conceded they had not used any water; therefore, staff recommends the administrative reduction by 889 acre-feet of water, the amount that had been required to be used to date. The district will have a balance of 611 acre-feet of water to be used under the revised schedule of use.

2. Discussion and presentation by parties. There were no representatives of the district in attendance.

3. Possible executive session. The Board did not vote to enter executive session.
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.

Mr. McDonald moved to approve the revised schedule of use for stream water permit 1976-002, and Mr. Sharp seconded.

AYE: Currie, Farmer, McDonald, Mitchell, Sharp, Grandstaff

NAY: None

ABSTAIN: None

ABSENT: Secrest, Sevenoaks, Thomasson

- D. Considerations of Items Transferred from Summary Disposition Agenda, If any.  
There were no items transferred from the Summary Disposition Agenda.

## **6. PRESENTATION OF AGENCY BUDGET REPORT.**

Mr. Jim Schuelein, Chief, Administrative Services Division, began his report saying the budget-to-actual report reflects the agency's budget through April 30; there are two months of the fiscal year remaining. He said the agency is well within its budgetary limits set by the legislature and the governor. He said he expected the budget to be about 83% at this time; the agency will be fine for the remainder of the fiscal year, and there is no agreement yet for FY2004.

Mr. Mitchell had a question about the operation and maintenance expenditures; Mr. Schuelein explained that the State Motor Pool has asked agencies to make some repairs at the car dealerships because of their own budget constraints.

## **7. CONSIDERATION OF SUPPLEMENTAL AGENDA, IF ANY.**

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

## **8. 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.

**9. ADJOURNMENT**

There being no further business, Chairman Grandstaff adjourned the regular meeting of the Oklahoma Water Resources Board at 11:45 a.m., May 13, 2003.

**OKLAHOMA WATER RESOURCES BOARD**

\_\_\_\_\_/s/\_\_\_\_\_  
Grady Grandstaff, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Richard Sevenoaks, Vice Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Harry Currie

\_\_\_\_\_/s/\_\_\_\_\_  
Lonnie Farmer

\_\_\_\_\_/s/\_\_\_\_\_  
Richard McDonald

\_\_\_\_\_/s/\_\_\_\_\_  
Bill Secrest

\_\_\_\_\_/s/\_\_\_\_\_  
Jack W. Keeley

\_\_\_\_\_/s/\_\_\_\_\_  
Glenn A. Sharp

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Ervin Mitchell, Secretary

(SEAL)