

**OKLAHOMA WATER RESOURCES BOARD  
OFFICIAL MINUTES**

**April 8, 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 April 8, 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  
Richard Sevenoaks, Vice Chairman  
Ervin Mitchell, Secretary  
Harry Currie  
Lonnie Farmer  
Richard McDonald  
Glenn Sharp  
Wendell Thomasson

**Board Members Absent**

Bill Secrest

**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**

Cathie Arnold, Norman, OK  
Reuben Pulis, city of chandler, OK  
Jim Anderson, Grand lake Public Works Authority, Ochelata, OK  
Jim Roberts, Casa Grande Homes, Oklahoma City, OK  
Kenneth Schwab, Inola; Tulsa, OK  
Lois and Jerry Harrison, Elk City, OK  
Dale Runyan, Town of Inola, OK  
Larry Simmons, Sierra Club, Oklahoma City, OK  
Leslie Smite, Myers Engineering-Mooreland; Oklahoma City, OK  
Gene Myers, Myers Engineering-Mooreland; Oklahoma City, OK  
Bill Ford, Snyder, OK  
David Culbreth, Snyder, OK  
Martha Ober, BancFirst, Oklahoma City, OK  
Donna McSpadden, Sardis Lake Water Authority, Clayton, OK  
Harriet Camillo, Sardis Later Water Authority, Clayton, OK  
Chris Cochran, Capital West, Oklahoma City, OK  
Bob Jones, Capital West, Oklahoma City, OK  
Roy & Shirley Mobbs, Atoka, OK  
Sarah Penn, Office of the Attorney General, Oklahoma City, OK  
Erin Israel, GIT News, Inc., Oklahoma City, OK  
Laura Allu, Oklahoma City, OK  
Barbara Lyda, Town of Foyil, OK  
Donna Mobbs, Boswell, OK

**C. APPROVAL OF MINUTES**

Chairman Grandstaff stated the draft minutes of the March 11, 2003 Regular meeting have been distributed. He said he would entertain a motion to approve the minutes unless there were deletions or additions. Mr. Currie moved to approve the minutes of the March 11, 2003, Regular Meeting, and Mr. Sharp seconded.

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

**D. EXECUTIVE DIRECTOR'S REPORT**

Mr. Duane Smith, Executive Director, began his report inviting Mr. Melton to present the Legislative Report. Mr. Melton provided a written report, and updated the members on the status of legislation currently under consideration that would affect agency programs.

Following the legislative report, Mr. Smith announced that the pre-hearing conference for the groundwater permits overlying the Arbuckle-Simpson aquifer would be held on April 10 in Tishomingo. April 15-16 the Oklahoma Rural Water Association will be meeting in Tulsa, and the Lake Texoma Advisory Committee will be meeting on those dates in Texas. The Red River Compact Commission will be held at Quartz Mountain Resort on April 29, 2003, and there is a new Federal Commissioner, Mr. Jeff Fassett, former state engineer from Cheyenne, Wyoming.

He said the controversy with this compact is the Sweetwater Creek Reservoir proposed upstream from the Lugert-Altus Reservoir. Oklahoma would like to have rules regarding the allocation of that water from the subbasin. The Arkansas-White-Red Basins Interagency Committee will meet at Quartz Mountain on April 30. Mr. Smith announced that former OWRB Board member Dick Seybolt has been named by President Bush as Federal Commissioner to the Arkansas-Oklahoma Arkansas River Compact Commission; the next meeting will be in September. The previous federal commissioner was Emon Mahony from Fort Smith, Arkansas. He reminded the members to file Financial Disclosure Statements by April 30, and said he would be speaking to the Oklahoma Ag Leadership Class on April 23.

Mr. Smith concluded his report with the introduction of Shelly Bacon, OWRB Employee of the Quarter.

## **2. FINANCIAL ASSISTANCE DIVISION**

A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Inola Public Works Authority. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this item is for consideration of a \$72,130.83 emergency grant request from the Inola Public Works Authority located in Rogers County. Inola requested the grant because of experiencing sewage on the ground that has resulted in a health hazard. In order to correct the problem, the Authority proposes to rehabilitate an existing lift station. The project will cost \$84,859.80, and funding is secured by \$12,728.97 in local funds and the requested OWRB emergency grant. Staff recommended approval of the grant request.

Inola City Manager Dale Runyan, and engineer Ken Schwab were present in support of the emergency grant request.

Mr. Farmer moved to approve the emergency grant to the Inola Public Works Authority, and Mr. Thomasson seconded.

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

NAY: None

ABSTAIN: None

ABSENT: Secrest

B. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Chandler Municipal Authority, Lincoln county, Oklahoma. Recommended for Approval. Mr. Freeman stated the Chandler Municipal Authority has requested an emergency grant in the amount of \$40,000.00. Chandler has approximately 450 feet of outfall line that has collapsed, causing overflow during wet weather into a tributary of Bellcow Creek, presenting a health hazard to the people in the vicinity and downstream. Chandler proposes to replace the line with new line and three manholes. The estimated cost of the project is \$52,275.00 and will be funded with \$12,275.00 in local funds and the \$40,000.00 OWRB emergency grant. Staff recommended approval.

City Manager Reuben Pulis was present in support of the request.

Mr. Thomasson moved to approve the emergency grant request to the Chandler Municipal Authority, and Mr. McDonald seconded.

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

NAY: None

ABSTAIN: None  
ABSENT: Secrest

C. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Snyder Public Works Authority, Kiowa County, Oklahoma. Recommended for Approval. Mr. Freeman said this \$25,074.84 emergency grant request from the Snyder Public Works Authority is to replace the existing sewer line with a 12-inch line at the right grade. The existing 6" line has collapsed causing backups and overflows of raw sewage into the ditch; DEQ has issued a notice of violation. The total estimated cost of the project is \$29,499.81, with funding secured by the \$4,424.97 of local funds and the requested \$25,074.84 OWRB emergency grant funds. Staff recommended approval of the grant request.

Snyder Mayor Bill Ford and Mr. David Cobra, mayor-elect, were present in support of the grant request.

Mr. Mitchell moved to approve the emergency grant request to the Snyder Public Works Authority, and Mr. Sevenoaks seconded.

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

NAY: None

ABSTAIN: None

ABSENT: Secrest

D. Consideration of and Possible Action on a Proposed Order Approving Loan for Grand Lake Public Works Authority, Delaware County. Recommended for Approval. Mr. Freeman said this item is for the consideration of an \$879,000.00 Clean Water SRF Small Community Loan request from the Grand Lake Public Works Authority. The Authority has requested the loan in order to remove riprap in a storage lagoon, install a synthetic liner in the lagoon, and install chain link fence around the lagoon, and pay related costs of issuance. Mr. Freeman noted provisions of the loan request. Staff recommended approval.

Mr. Jim Anderson, Assistant Manager, was present in support of the application.

Mr. Thomasson moved to approve the Clean Water SRF loan to the Grand Lake PWA, and Mr. McDonald seconded.

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

NAY: None

ABSTAIN: None

ABSENT: Secrest

E. Consideration of and Possible Action on a Proposed Order Approving Increase in Obligation of Funds for Mooreland Public Works Authority, Woodward County, Oklahoma. Recommended for Approval. Mr. Freeman stated this request by the Mooreland PWA in Woodward County is for an increase in the amount of \$125,000 in its Drinking Water SRF loan. He said the Board originally approved the loan in November 2002. Mr. Freeman said the request would increase the loan to an amount of \$325,000.00 and is requested because bids came in higher than the engineer's original estimate. The project was bid in two sections, with a total of nine firms bidding on the project. The project consists of 2400 feet of 8" PVC line and 2400 feet of 6" inch line on Mooreland's main street along with interconnections and fire hydrants. In addition to the Board's loan, \$100,000.00 is being provided through the Oklahoma Economic Development REAP grant and a \$50,000.00 Department of Commerce CDB grant. Mooreland will still have a 1.5-times debt ratio. Staff recommended approval.

Mr. Gene Myers and Ms. Leslie Smith, engineers, were present in support of the request for the increased loan amount.

Mr. Mitchell moved to approve the request for increase in obligation of funds for the Mooreland PWA, and Mr. McDonald seconded.

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

NAY: None

ABSTAIN: None

ABSENT: Secrest

F. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds for Foyil Economic Development Authority, Rogers County . Recommended for Approval.

Mr. Freeman stated that the Foyil Economic Development Authority has requested a six-month extension of time to close its \$269,520.00 loan with the Board. He said the loan, along with grant funds, is for the construction of a sewer collection system for the town. He said that currently, the town relies on individual septic tanks. The reason for the extension request is because of bids for the project coming in much higher than expected. The town has looked at cutting back the project, increasing the loan amount, or seeking additional grant assistance, and the Community Resources group has approached the Rural Utility Services for loan and grant assistance. Staff recommended approval of the extension request.

Mayor Steve Hibb, and Barbara Lyda, FEDA secretary, were present in support of the request for an extension.

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

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

NAY: None

ABSTAIN: None

ABSENT: Secrest

G. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds for Hominy Public Works Authority, Osage County. Recommended for Approval.

Mr. Freeman said this request by the Hominy PWA is for a six-month extension of time to close its \$950,000.00 loan with the Board. He said the loan, along with about \$30,000.00 in local funds, is for water system improvements for Hominy. The request is the result of waiting on General Motors Acceptance Corporation granting a parity lien position to the Board, as well as awaiting CDB grant funding, and approval of plans and specifications by the Department of Environmental Quality. Staff recommended approval of the extension.

There were no representatives of the Hominy PWA present.

Mr. McDonald moved to approve the extension of time for obligation of funds for the Hominy Public Works Authority, and Mr. Thomasson seconded.

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

NAY: None

ABSTAIN: None

ABSENT: Secrest

H. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds for Altus Municipal Authority, Jackson County, Oklahoma. Recommended for Approval. Mr. Freeman stated that the obligation for funds for Altus will be expiring in May 2003 and Altus is in need of an additional amount of time to close its \$10.6 million loan with the Board. He said Altus had been waiting on the approval of plans and specifications from the Department of Environmental Quality. This approval has been received, so the city may now go out for bids on the project, and a pre-bid meeting has been set for April 14, 2003, and will then advertise for bids. The loan is for the construction of a 6-million gallon per day overflow filter and 4-million gallon per day reverse osmosis water treatment plant. Staff recommended approval.

There were no representatives of the Altus Municipal Authority in attendance.

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

Mr. Sevenoaks asked about the delay in closing on these loans, and whether the agency is earning money while the funds have not been spent. Mr. Freeman said the interest has been invested; he said it has been a drain on the program to make delays. Mr. Sevenoaks asked if there should be a time period for returning unobligated funds; Mr. Freeman responded that staff has the one-year period established, that the matter then comes before the Board for an extension. The members talked about the problems that cause the cities to have delays, but that the funds need to be obligated.

There being no further discussion, Chairman Grandstaff called for the vote.

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

NAY: None

ABSTAIN: None

ABSENT: Secrest

I. Consideration of and Possible Action on a Proposed Resolution in the Matter of Selection of an Investment Banker in Connection With the Issuance of Obligations to Provide Funding for the Drinking Water State Revolving Fund Loan Program. Recommended for Approval. Mr. Freeman stated to the members that this item is for consideration of a resolution for the selection of investment bankers for the Board's proposed 2003 Drinking Water State Revolving Fund Bond Issue. Proposals were requested from 22 firms and 12 responses were received. Proposals were received from: USBancorp Piper Jaffray, RBC Dain Rauscher, JP Morgan, Wells Nelson & Associates, Morgan Stanley, UBS PaineWebber, AG Edwards & Sons, Salomon Smith Barney, Merrill Lynch, Capitol West Securities, Oppenheim, and Edward Jones. He said that eight of the proposals were reviewed for senior manager, and six were reviewed for co-manager positions. Staff reviewed the proposals based on relative experience, marketing and distribution capabilities, quality of the proposed financing plan, general information and proposed fees. Mr. Freeman said a short list of firms was then presented to the Board's Finance Committee; and, Mr. Farmer, Mr. Secrest, and Mr. Mitchell met with the firms on April 3, 2003. Mr. Freeman asked Mr. Mitchell to make the recommendation on behalf of the Committee.

Mr. Mitchell stated that in the matter of selection of underwriters to the Board for the proposed Series 2003 Drinking Water State Revolving Fund Loan Program Revenue Bond Debt and Issuance, the Finance Committee recommended, and he so moved, as follows:

The Board select the underwriting firm of UBS PaineWebber to serve as Senior Managing Investment Banker to the Board, and the following firms to serve as co-managers/underwriters to the Board: AG Edwards, Capitol West, Morgan Stanley, Oppenheim, and Wells Nelson. Mr. Sevenoaks seconded the motion.

Mr. Currie asked about the difference in senior and co-manager. Mr. Mitchell said there is a need for in-state managers as there is local Oklahoma money available and the in-state firms can facilitate selling the bonds locally. He said PaineWebber's recommendation was to select co-managers in order to better facilitate the sale. Mr. Freeman added that this bond issue will be with a fixed rate, and the sale would be to individuals as well as institutions, so the feeling of the committee was that more co-managers would be able to sell to individual investors in Oklahoma. The bonds are double tax-exempt.

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

**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, or make other changes to the agenda as posted.

**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. Thomasson moved to approve the Summary Disposition Agenda items, as amended, and Mr. McDonald seconded. Mr. Currie asked about the effect of the state-wide budget cuts on the REAP grants. Mr. Smith responded the REAP grants will be reduced in relationship to the percentage of cuts taken.

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

**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 <u>Item No.</u></b>	<b><u>Application No.</u></b>	<b><u>Entity Name</u></b>	<b><u>County</u></b>	<b><u>Amount Recommended</u></b>
EODD				
1.	FAP-02-0058-R	Rural Water District #10	Muskogee	\$99,999.00
KEDDO				

2. FAP-02-0051-R Keota Public Works Authority Haskell 150,000.00

D. Contract and Agreements Recommended for Approval

1. Consideration of Intergovernmental Agreement with the Oklahoma Department of Agriculture, Food and Forestry for Rural Development.
2. Consideration of Professional Services Contract with Berens-Tate Consulting Group for Arbitrage Rebate Calculations.
3. Consideration of Revised Joint Funding Agreement with the U.S. Geological Survey for Stream Flow Monitoring on the Little Washita River.
4. Consideration of Cooperative Agreement with the U.S. Department of Agriculture for Monitoring and Evaluating Water Quality in Several Oklahoma Rivers and Streams in the Little Washita River Watershed.
5. Consideration of Amendment to Intergovernmental agreement with the Central Oklahoma Master Conservancy District for Additional Work at Lake Thunderbird.
6. Consideration of Lease Agreement with the Department of Central Services for office space in the Kerr State Office Building for the OWRB Tulsa Field Office.

E. Applications for Temporary Permits to Use Groundwater:

1. Lavonne Kroeker, Major County, #2002-597
2. Lavonne Kroeker, Major County, #2002-601

F. Applications to Amend Temporary Permits to Use Groundwater:

1. Lavonne Kroeker, Major County, #1999-586
2. Lavonne Kroeker, Major County, #2000-580
3. Bryan Kroeker, Alfalfa County, #2000-581

G. Applications for Regular Permits to Use Groundwater:

1. Larry D. Wiggins, Texas County, #2002-528
2. Larry D. & Janet R. Wiggins, Texas County, #2002-529
3. Todd J. & Deborah K. Mason, Texas County, #2002-541
4. Neal & Dusty Ann Sperry, Beaver County, #2002-543

H. Applications to Amend Regular Permits to Use Groundwater:

1. Mary Katheryn Wiggins & Larry D. Wiggins, Texas County, #1973-490

I. Applications to Amend Prior Rights to Use Groundwater:

None

J. Applications for Regular Permits to Use Stream Water:

1. David E. Spear, McIntosh County, #2002-045

K. Applications to Amend Regular Permits to Use Stream Water:

1. Dolese Brothers Company, Logan County, #1972-269

L. Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:

- |     |             |   |          |
|-----|-------------|---|----------|
| a.  | Licensee:   | G.S. "Smitty" Bumgarner, Jr.  | DPC-0585 |
| (1) | Operator:   | G.S. "Smitty" Bumgarner, Jr.  | OP-1340  |
|     | Activities: | Monitoring wells and geotechnical borings   |          |
| b.  | Licensee:   | J & B Pump & Supply   | DPC-0587 |
| (1) | Operator:   | John Stottlemyre  | OP-1344  |
|     | Activities: | Pump installation   |          |
| c.  | Licensee:   | Dennis W. Austin  | DPC-0589 |
| (1) | Operator:   | Dennis W. Austin  | OP-1345  |
|     | Activities: | Pump installation   |          |
| 2.  |             | New Operators and/or Activities for Existing Licenses:  |          |
| a.  | Licensee:   | Cantrell Drilling & Pump Service, Inc.  | DPC-0035 |
| (1) | Operator:   | Melvin Ray Daugherty  | OP-1341  |
|     | Activities: | Groundwater wells, test holes and observation wells<br>Pump installation                        |          |
| b.  | Licensee:   | Lehl & Son Water Well Drilling  | DPC-0124 |
| (1) | Operator:   | Norman Ray Perks  | OP-1266  |
|     | Activities: | Groundwater wells, test holes and observation wells<br>Pump installation<br>Heat exchange wells |          |
| c.  | Licensee:   | Standard Testing and Engineering Co.  | DPC-0244 |
| (1) | Operator:   | Karl Jones  | OP-1318  |
|     | Activities: | Monitoring wells and geotechnical borings   |          |
| d.  | Licensee:   | Casey Drilling  | DPC-0436 |
| (1) | Operator:   | David Casey   | OP-1343  |
|     | Activities: | Groundwater wells, test holes and observation wells<br>Pump installation<br>Heat exchange wells |          |

M. Dam and Reservoir Plans and Specifications:

1. Newman Development and Design, L.L.C., Oklahoma County, DS-03-05

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

None

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

There were no questions or discussion about agency work and other items of interest.

**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. A. Application for Regular Permit to Use Groundwater No. 2001-578, Roy & Shirley Mobbs, Atoka County:

1. Summary – Mr. Mike Mathis, Chief, Planning and Management Division, stated to the members that this application by Roy & Shirley Mobbs in Atoka County is to take and use 2,345.7 acre-feet of groundwater per year for bottling and distributing for commercial sales. The water is to be taken from one well located on 1,117 acres of dedicated land overlying the Antlers Sandstone Basin. A hydrologic study has been completed for the basin, and each landowner is entitled to 2.1 acre-feet of water for each acre of land dedicated. The applicant testified they are in the early stages of operation of their bottled water plant; a licensed water well driller was selected to drill the well, and at this time will probably only use a fraction of the water that has been applied for, and there will be no waste of water. The applicant testified they would comply with the rules of the State Department of Health that will have jurisdiction over the actual operation of the bottled water plant.

Mr. Mathis stated the protestants were concerned that the use of water in the area would deplete groundwater in the basin. The closest domestic well is located more than 1300 feet of one-quarter of the proposed ten-acre tract. However, the locations within the ten acre-tract will be outside the Board's well spacing requirements of 1320 feet. The other protestant's wells were located between 3,000-4,000 feet from the proposed well site. Other than expressing concern about depletion, the protestants did not bring any additional evidence to substantiate their contention that they would suffer an adverse impact.

In summary, Mr. Mathis stated the record showed that in accordance with Oklahoma Groundwater Law, the applicant had a right to the dedicated land which overlies the Antlers Sandstone Basin, the production of bottled water for distribution and commercial sale is a beneficial use of groundwater, and waste will not occur. Staff recommended approval of the application.

2. Discussion and presentation by parties. The applicant was in attendance at the meeting; however, there were no protestants present.

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. Thomasson moved to approve regular permit to use groundwater no. 2001-578, and Mr. McDonald seconded.

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

NAY: None

ABSTAIN: None

ABSENT: Secrest

B. Application for Regular Permit to Use Groundwater No. 2002-559, David & Donna Mobbs, Atoka County:

1. Summary – Mr. Mathis stated this permit application is by David and Donna Mobbs to take and use 392.38 acre-feet of water per year, including 352.38 acre-feet for commercial sales for bottling and distributing water, and 40 acre-feet for irrigation of pasture grass. The water is proposed to be withdrawn from one well located on 186.85 acres of dedicated land in Atoka County. The land dedicated overlies the Antlers Sandstone where each landowner is

entitled to 2.1 acre-feet of water per acre of land dedicated. The applicant has testified they are in the early stages of the operation, and will follow the requirements of the State Department of Health regarding the bottled water process.

Mr. Mathis stated the protestants were concerned about the impact to domestic wells, but the closest domestic well is within the spacing distance of the ten-acre tract. However, there are locations within the ten-acre tract that can be more than 1320 feet away. The applicants testified a licensed water well driller will be used to drill the well. No evidence was brought to the hearing examiner to verify or substantiate any claims of depletion.

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

2. Discussion and presentation by parties. There were no protestants in attendance. However, Chairman Grandstaff asked if there are less than a dozen commercial permits using this aquifer. Mr. Mathis stated there is very minimal usage from the Antlers Sandstone. Mr. Sevenoaks asked about the increased interest in bottled water plants in the area.

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. Sharp moved to approve the regular permit to use groundwater #2002-559, and Mr. Mitchell seconded.

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

NAY: None

ABSTAIN: None

ABSENT: Secrest

C. Application for Regular Permit to Use Groundwater No. 2002-572, Jerry & Lois Harrison, Washita County:

1. Summary – Mr. Mathis stated this application for a regular groundwater permit by Jerry & Lois Harrison is in Washita County. The applicant has requested to take and use 337.6 acre-feet of groundwater per year for irrigation of turf sod. The water is proposed to be taken from seven wells located on 337.6 acres of dedicated land, overlying the Elk City Sandstone basin for which the equal proportionate share has been determined by Board order to be one acre-foot per acre. Mr. Mathis stated the applicants testified to using an efficient irrigation system featuring a low-pressure drop line center pivot.

Mr. Mathis stated the protestants were concerned about depletion of groundwater in the area. The protestant owns a mobile home park located adjacent to the area, but the closest well is approximately 1,700 feet away from the proposed well location, and is in compliance with the Board's well spacing requirements. There was no specific evidence brought to the hearing examiner to demonstrate the potential for unreasonable impact to the well.

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

2. Discussion and presentation by parties. There were no protestants in attendance.

Mr. Mitchell asked about ownership; Mr. Mathis stated that in a lease situation, once the lease expires, the permit is adjusted to reflect that unless the lease is renewed.

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 application for regular groundwater permit number 2002-572, and Mr. Thomasson seconded.

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

D. Application for Temporary Permit to Use Groundwater No. 2002-589, Casa Grande Homes, Inc., Grady County:

1. Summary – Mr. Mathis said this item is for the consideration of an application for a temporary groundwater permit to Casa Grande Homes, Inc., in Grady County. The applicant requested permission to take and use a total of 40 acre-feet of groundwater for irrigation of a nine-hole golf course. The water is proposed to be withdrawn from three wells located on 339.45 acres of dedicated land, overlying the Duncan Sandstone basin. The equal proportionate share has not been determined for this basin, therefore, each landowner is entitled to two acre-feet of groundwater per acre of land dedicated. The golf course is being constructed in conjunction with the residential development. The applicant currently holds a stream water permit from a small lake feature that will be used in conjunction with the groundwater permit.

Mr. Mathis said the protestants were concerned with depletion. However, the protestant's well is approximately 1300 feet away from the proposed well location, and there are no well spacing requirements. There was no evidence presented, and staff did not believe there would be a problem.

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

2. Discussion and presentation by parties. There were no protestants 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 temporary groundwater permit number 2002-589, and Mr. Sharp seconded.

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

E. 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 that there is concern about the potential budget cuts for the next fiscal year, and into FY2005. The Budget and Administration Committee met and challenged the staff to explore opportunities for revenue enhancement that would have minimal impact on the Board's customers. The agency is still operating well within the budgetary limits set by the Legislature and the Governor. He said the agency would continue to operate in a frugal manner.

Mr. Mitchell asked about the expenditures under "repair and maintenance." Mr. Schuelein explained those funds are encumbered for a copier as well as working with the state portal for the well drillers on-line program.

**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 10:40 a.m., April 8, 2003.

**OKLAHOMA WATER RESOURCES BOARD**

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

\_\_\_\_\_/Absent\_\_\_\_\_  
Richard Sevenoaks, Vice Chair

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

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

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

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

\_\_\_\_\_/Absent\_\_\_\_\_  
Wendell E. Thomasson

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

ATTEST:

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

(SEAL)