

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

September 11, 2007

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 September 5, 2007 at 4:45 p.m. A copy of this agenda is available on the OWRB website at [www.owrb.ok.gov](http://www.owrb.ok.gov). Revised items are indicated by “•” and italics.

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- 01000 1. CALL TO ORDER** **Chairman Mark Nichols**
- A. Invocation
  - B. Roll Call
  - C. Discussion, Amendments, and Vote to Approve Official Minutes of the August 14, 2007, Regular Meeting.
  - D. Executive Director's Report. **Mr. Duane Smith**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Loan for Checotah Public Works Authority, McIntosh County. Recommended for Approval.
  - B. Consideration of and Possible Action on Selection of Bond Counsel in Connection with the Issuance of One or More Obligations to Provide Funding for the State Loan Program.
  - C. Consideration of and Possible Action on Selection of Bond Counsel in Connection with the Issuance of One or More Obligations to Provide Funding for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Programs.
  - D. Consideration of and Possible Action on Selection of Investment Banker(s) in Connection with the Issuance of One or More Obligations to Provide Funding for the State Loan Program.

**03000 3. SUMMARY DISPOSITION AGENDA ITEMS**

**Chairman Nichols**

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 Action on Items and Approval of Items 3. C through 3. O.
- C. Consideration of Approval of the Following Application for REAP Grant in Accordance with the Proposed Order Approving the Grant:

<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>Recommended</u></b>
GGEDA			
1.	FAP-06-0003-R	Rural Water, Gas and Solid Waste Management District #6	Ottawa \$70,000.00

- D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:
  - 1. Professional Services Contract between James D. Leewright and Oklahoma Water Resources Board to provide drafting services related to the update of the Oklahoma Comprehensive Water Plan, as well as production of related mapping projects.
  - 2. Memorandum Agreement between the City of Altus, U.S. Geological Survey and Oklahoma Water Resources Board for water monitoring and data collection.
  - 3. Memorandum Agreement between Grand River Dam Authority, U.S. Geological Survey and Oklahoma Water Resources Board for water monitoring and data collection.
  - 4. Memorandum Agreement between The Nature Conservancy, U.S. Geological Survey and Oklahoma Water Resources Board for water monitoring and data collection.
  - 5. Extension and Amendment Agreement between the Oklahoma State University School of Geology and Oklahoma Water Resources Board to extend the conclusion of the original subagreement regarding the Arbuckle-Simpson Special Study to December 31, 2007. This contract is under the supervision of Dr. Todd Halihan.

6. Intergovernmental Subagreement between the University of Oklahoma Department of Engineering and Oklahoma Water Resources Board to provide personnel, labor, equipment and facilities to assist with the Arbuckle-Simpson Aquifer Special Study.
  7. Intergovernmental Subagreement between Oklahoma State University School of Geology and Oklahoma Water Resources Board for assistance with the Arbuckle-Simpson Hydrology Study, Deep Aquifer Characterization under the supervision of Dr. James Puckette.
  8. Intergovernmental Agreement between The Board of Regents of the University of Oklahoma and Oklahoma Water Resources Board for fish sampling and identification services.
  9. Contract Amendment No. 1 between the Oklahoma Rural Water Association and Oklahoma Water Resources Board to provide for additional technical assistance and training with regard to the Education Program for Rural Water System Operators and Board Members.
  10. Agreement for Shared Services between the Office of the Governor and the Oklahoma Water Resources Board for providing office space and salary for the Secretary of the Environment.
  11. Supplement to License Agreement with Anschutz Exploration Corporation Relating to Seismic Data and Interpretations in connection with the Arbuckle-Simpson Hydrologic Study.
  12. Intergovernmental Agreement between Oklahoma State University Water Research Institute and Oklahoma Water Resources Board for coordination of WRRI Annual Water Research Symposium in conjunction with the Annual Governor's Water Conference.
  13. Second Addendum to Group Sales Agreement between the Oklahoma Water Resources Board, Oklahoma Water Research Institute and the Renaissance Convention Center Hotel to increase the total maximum commitment of OWRB.
  14. Oracle-Stellent Document Imaging Maintenance Contract
  15. Contract for Non-Bid Sole Source Professional Services with Dr. John Luthy as a featured speaker at Symposium and Governor's Water Conference.
  16. Assistance Grant Agreement with U.S. Department of Interior Bureau of Reclamation for Comprehensive Water Plan update activities.
- E. Applications for Temporary Permits to Use Groundwater:
1. Easton Family Limited Partnership, Wagoner County, #2007-502
  2. Easton Family Limited Partnership, Tulsa County, #2007-503
  3. Bill B. & Mary N. Price, Love County, #2007-507

4. R. Dean & Linda Smith, Caddo County, #2007-528
  5. R. Dean & Linda Smith, Caddo County, #2007-529
  6. R. Dean & Linda Smith, Caddo County, #2007-530
  7. F. D. Boyer and Patricia L. Boyer Loving Trusts, McClain County, #2007-542
- F. Applications to Amend Temporary Permits to Use Groundwater:  
None
- G. Applications for Regular Permits to Use Groundwater:  
1. John C. & Loretta M. Henderson, Cimarron County, #2007-539
- H. Applications to Amend Regular Permits to Use Groundwater:  
1. Richard Parker & Sons, Inc., Beaver County, #1976-623  
2. Johnston County RWS & SWMD #4, Johnston County, #1998-552
- I. Applications for Regular Permits to Use Stream Water:  
1. Thelma Parsley and Barry Parsley, Carter County, #2006-042  
2. R. Dean Smith, Caddo County, #2007-026  
3. Cabo Development, L.L.C., Rogers County, #2007-027  
4. Charles Merwin Selman Trust, Tulsa County, #2007-031
- J. Applications to Amend Regular Permits to Use Stream Water:  
None
- K. Applications for Term Permits to Use Stream Water:  
None
- L. Well Driller and Pump Installer Licensing:  
1. New Licenses, Accompanying Operator Certificates and Activities:  
a. Les Taylor Drilling, DPC-0713  
b. Secor International, Inc. DPC-0715  
2. New Operators, Activities for Existing Licenses:  
a. Davis Environmental Drilling, LLC, DPC-0197  
b. Geo Systems Engineering, Inc., dba Kleinfelder, DPC-0558  
c. Oklahoma Corporation Commission, DPC-9004
- M. Dam and Reservoir Plans and Specifications:  
None
- N. Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:  
1. Oklahoma Department of Transportation, Craig County, #FP-07-32  
2. Oklahoma Department of Transportation, Atoka County, #FP-07-33

- O. Applications for Accreditation of Floodplain Administrators:  
Names of floodplain administrators to be accredited and their associated communities are individually set out in the September 11, 2007 packet of Board materials.

**04000 4. QUESTIONS AND DISCUSSION ABOUT AGENCY WORK AND OTHER ITEMS OF INTEREST.**

- A. Update Report on Oklahoma Comprehensive Water Plan Activities. **Mr. Dave Dillon**

**05000 5. SPECIAL CONSIDERATION Chairman Nichols**

For INDIVIDUAL PROCEEDINGS, a majority of a quorum of Board members, in a recorded vote, may call for closed deliberations for the purpose of engaging in formal deliberations leading to an intermediate or final decision in an individual proceeding under the legal authority of the Oklahoma Open Meeting Act, 25 O.S. 2001, Section 307 (B)(8) and the Administrative Procedures Act, 75 O.S. 2001, Section 309 and following.

A majority vote of a quorum of Board members present, in a recorded vote, may authorize an executive session for the purposes of CONFIDENTIAL COMMUNICATIONS between the public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct the pending investigation, litigation, or proceeding in the public interest, under the legal authority of the Oklahoma Open Meetings Act, 25 O.S. 2001, Section 307(B)(4).

- A. Application for Temporary Permit to Use Groundwater No. 2006-605, Summit Lakes, L.L.C., Oklahoma County:

1. Summary – **Ms. Lou Klaver**
2. Discussion and presentation by parties
3. Possible executive session
  - (a) Vote on whether to enter executive session
  - (b) If executive session approved, designation of person to keep minutes
  - (c) Executive session on proposed order - vote or action taken on any item of business considered in executive session must be taken in public meeting
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

- B. Application to Amend Regular Permit to Use Groundwater No. 1984-526, Wheeler Brothers Grain Co., L.L.C., Blaine County:

1. Summary – **Ms. Lou Klaver**
2. Discussion and presentation by parties
3. Possible executive session
  - (a) Vote on whether to enter executive session
  - (b) If executive session approved, designation of person to keep minutes

- (c) Executive session on proposed order - vote or action taken on any item of business considered in executive session must be taken in public meeting
- 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.

C. Application for Regular Permit to Use Stream Water No. 2006-044, Wesley Dean & Sherrie S. Matteson, Major County:

- 1. Summary – **Ms. Lou Klaver**
- 2. Discussion and presentation by parties
- 3. Possible executive session
  - (a) Vote on whether to enter executive session
  - (b) If executive session approved, designation of person to keep minutes
  - (c) Executive session on proposed order - vote or action taken on any item of business considered in executive session must be taken in public meeting
- 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

D. Consideration of Items Transferred from Summary Disposition Agenda, if any.

**06000 6. PRESENTATION OF AGENCY BUDGET REPORT Mr. Monte Boyce**

**07000 7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY  
Chairman Nichols**

• **8. *An Update on Oklahoma Water Resources Board Lakes Work through Water Quality Programs Division – Mr. Derek Smithee* Item Added**

• **9. *PROPOSED EXECUTIVE SESSION* Chairman Nichols**

*As authorized by the Oklahoma Open Meeting Act in Section 307(B)(4) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.*

*Pursuant to this provision, the Board proposes to hold an executive session for the purpose of discussing City of Tishomingo v. OWRB (Meridian Aggregates)*

**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.* **Item Added**

• **10. VOTE(S) ON POSSIBLE ACTION(S), IF ANY, RELATING TO MATTERS DISCUSSED IN EXECUTIVE SESSION IF AUTHORIZED.**

*Return to open meeting and possible vote or action on any matter discussed in the Executive Session.* **Item Added**

**11. NEW BUSINESS** **Chairman Nichols**

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.

**12. ADJOURNMENT** **Chairman Nichols**

The next meeting of the Oklahoma Water Resources Board will be held on Tuesday, October 9, 2007, at 9:30 a.m. in the Board Room of the Oklahoma Water Resources Board offices, Oklahoma City, Oklahoma.

Governor's Water Conference and Oklahoma Water Resources Research Symposium will be held October 23-25, 2007 at the Cox Center, Oklahoma City.