

OKLAHOMA WATER RESOURCES BOARD OFFICIAL MINUTES

July 8, 2008

1. Call to Order

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Mark Nichols at 9:30 a.m., on July 8, 2008, in the Board Room of the Oklahoma Water Resources Board, 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

The July meeting was conducted pursuant to the Oklahoma Open Meeting Law with due and proper notice provided pursuant to Sections 303 and 311 thereof. The agenda was posted on July 1, 2008, at 4:30 p.m. at the Oklahoma Water Resources Board's offices.

A. Invocation

Chairman Nichols asked Mr. Ed Fite to provide the invocation.

B. Roll Call

Board Members Present

Mark Nichols, Chairman
Linda Lambert, Secretary
Ford Drummond
Lonnie Farmer
Ed Fite
Kenneth Knowles
Jack Keeley
Richard Sevenoaks

Board Members Absent

Rudy Herrmann, Vice Chairman

Staff Members Present

Duane A. Smith, Executive Director
Dean Couch, General Counsel
Joe Freeman, Chief, Financial Assistance Division
Monte Boyce, Comptroller
Julie Cunningham, Chief, Planning and Management Division
Derek Smithee, Chief, Water Quality Programs Division
Mary Lane Schooley, Executive Secretary

Others Present

- Bill Myers, City of Guymon, OK
- Mike Hall, City of Bartlesville, OK
- Gene Whatley, Oklahoma Rural Water Association, Oklahoma City, OK
- Mike Mathis, Guernsey Inc., Oklahoma City, OK
- Josh McClintock, McClintock Associates, Oklahoma City, OK
- Vicki Sullivan, Oklahoma Department of Libraries, Oklahoma City, OK
- Gary Phillips, Oklahoma Department of Libraries, Oklahoma City, OK
- Cheryl Dorrance, Oklahoma Municipal League, Oklahoma City, OK
- Vicki Reed, Oklahoma Department of Environmental Quality, Oklahoma City, OK
- Ted Graham, City of Guymon, OK
- Tom Gorman, Mayor, Bartlesville, OK
- Doug McCleary, Municipal Engineers, Oklahoma City, OK
- John Tyler Hammons, City of Muskogee, OK
- Steve Almon, city of Muskogee, OK
- Bobby & Donna McSpadden, Clayton, OK
- Angie Burckhalter, Oklahoma Independent Petroleum Association, Oklahoma City, OK
- Jim Barnett, Kerr Irvine Rhodes Ables, Oklahoma City, OK
- Jay Updike, Holloway Updike Bellen, Muskogee, OK
- Patty Thompson, Oklahoma Department of Environmental Quality, Oklahoma City, OK

C. APPROVAL OF MINUTES

Chairman Nichols stated the draft minutes of the June 10, 2008, Regular Meeting have been distributed. He stated he would accept a motion to approve the minutes unless there were changes. Mr. Knowles moved to approve the minutes of the June 10, 2008, Regular Meeting, and Mr. Sevenoaks seconded.

- AYE: Sevenoaks, Knowles, Lambert, Farmer, Keeley, Drummond, Nichols
- NAY: None
- ABSTAIN: None
- ABSENT: Fite, Herrmann

D. EXECUTIVE DIRECTOR’S REPORT

Mr. Duane Smith, Executive Director, addressed the members and introduced Mr. Steve Thompson, Executive Director of the Oklahoma Department of Environmental Quality, who came to talk to the Board about a funding effort for the State's Beneficial Use Monitoring Program during the next legislative session. Mr. Smith said the program, which is a cooperative effort between the DEQ and OWRB, involves a tremendous amount of work putting the monitoring program together, i.e. quality assurance, coordination, as well as analysis of the data to look at trends and compilation of the 305(b) report, and 303(d) list. Mr. Thompson spoke to the members about the joint effort between the OWRB and the DEQ regarding the program and the reports, and the subsequent permits issued by the DEQ as a result of the report. He said

looking at the consumer price index couple with increasing costs, there is a 30% increase to agencies, and therefore, the agencies are falling farther and farther behind in their ability to assess the streams rather than getting a better handle on them. Mr. Thompson said it would be the agencies' number one funding priority in the next session to secure funding from the Legislature for the state's Beneficial Use Monitoring Program. The agencies believe there is a great need for better data and better interpretation of the data so that the public understands the conditions of the state's lakes and streams. The members, Mr. Thompson and Mr. Smith discussed aspects of the program and ways the DEQ and OWRB Boards can support the needed effort during the next session.

Mr. Smith introduced Ms. Vicki Sullivan, Deputy Director of the Department of Libraries and Mr. Gary Phillips, who has joined the meeting today to present the OWRB with a Governor's Commendation for the Oklahoma Water Atlas, recognized by the American Libraries' Association as a 2007 Notable Government Document. The listing appeared in the May 15 issue of Library Journal that has a circulation of more than 100,000. Several requests for the atlas have been received by the OWRB since the publication, and the 15,000 copies printed in November 2007 have nearly been completely distributed; a second printing is forthcoming. A photo was taken with the editor, ODOL representatives, and OWRB representatives. Ms. Sullivan made comments to the Board about the significance of the award, the excellence of the publication, and the value to the state's citizenry.

Mr. Smith mentioned an award presented to the OWRB by the Oklahoma Office of Personnel Management during Quality Oklahoma Team Day for Innovative Government Solutions and the Local Input Meetings in association with the Comprehensive Water Plan.

Mr. Smith informed them of his activities the past month. He spoke to the Western Governor's Association at Jackson Hole, Wyoming, on behalf of the Western States Water Council. He presented a paper, as Chairman of the WSWC, on how to outline sustainable growth related to water in the West. The report was the culmination of two years of work on the part of the Council, and the centerpiece of the report is about changing the way the federal government does business with the states. The effort is to obtain the Governor's support to embrace the concept of including in the core mission statements of the federal agencies that they assist the states in integrated water resource planning. He described the current process in Congress and the WRDA bill for recommendations for funding, where if the item in the bill is not in the mission statement, it will not be recommended for funding in the President's budget. Currently, the federal government is identifying federal projects, and the states want to "be in the driver's seat" for determining priority of the projects within the states, and using the technical and financial expertise of the federal government to assist the state in implementing the plan. The WGA approved the report, and now implementation in Congress begins, and Mr. Smith outlined the proposed approach. He said the effort is critical to Oklahoma and the accomplishment of the Oklahoma Comprehensive Water Plan.

On July 21, Mr. Smith will attend a Water Summit meeting in Kansas City with Governor Sebelius regarding issues related to reservoir storage in Kansas as it pertains to navigation. The Kansas-Oklahoma Arkansas River Compact Commission will meet July 22-23 in Hutchinson, Kansas; this is a storage compact and there are no major issues. There is a potential reservoir site in near Medine Lodge, Kansas, and could benefit Oklahomans.

Mr. Smith concluded his report with the announcement of the Oklahoma Basic Water Law Seminar, July 28-29, at the Moore-Norman Technology Center. The purpose of the seminar

is to educate the participants of the Regional Input Meeting discussants on water law in regard to the upcoming discussions for the Comprehensive Water Plan. The seminar is open to the public.

2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Loans for Guymon Utilities Authority, Texas County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that the Guymon Utilities Authority had made application for a Drinking Water SRF loan in the amount of \$4,175,000.00 for three new water wells, construction of a one-million gallon water storage tank with booster pump station, and a chlorination system. In addition, 34,500 feet of new water main will be installed. Mr. Freeman noted provisions of the loan agreement. He said that Guymon has been a long-time, good loan customer of the Board's, and has two outstanding loans with an outstanding principal balance of \$1.4 million. The Board approved a \$16.4 million dollar Clean Water SRF loan at the June 2008 meeting. Guymon's population has increased from 7,800 in 1990 to over 12,000 today. It is estimated that Guymon will save approximately \$1.3 million in interest expense by borrowing from the Board. Guymon's debt-coverage ratio stands at 1.3-times. Staff recommended approval of the application.

Mr. Ted Graham, City Manager; Mr. Rick Smith, Financial Advisor; and Mr. Bill Myers, Engineer, were present in support of the loan application.

Ms. Lambert moved to approve the Drinking Water SRF loan to the Guymon Utilities Authority, and Mr. Drummond seconded.

AYE: Sevenoaks, Knowles, Lambert, Farmer, Keeley, Fite, Drummond, Nichols
NAY: None
ABSTAIN: None
ABSENT: Herrmann

B. Consideration of and Possible Action on a proposed Order Approving Loan for Muskogee Municipal Authority, Muskogee County. Recommended for Approval. Mr. Joe Freeman stated to the members that this item is for the consideration of a \$30,410,000.00 loan request from the Muskogee Municipal Authority. The major components of the city's water treatment plan are 50 years old and experiencing structural and mechanical failure. The loan proceeds will be for the design and construction of major plant improvements to expand the plant from a 28.6 MGD plant, to a 32 MGD capacity. The costs will include a 54-inch raw water line, expansion of the chemical building, three pulsating clarifiers, 12 cluster filters, a clarifier building, a filter building, a chlorination building, a 48-inch filter water line, a 30-inch backwash line, and a 12-inch sludge line. The proceeds will also be used for the demolition of the existing structures and for access road work. Mr. Freeman noted provisions of the loan agreement. He said that Muskogee has been a long-time, good loan customer of the Board's, and currently has seven outstanding loans with a total principal balance of approximately \$13.4 million dollars. The debt-coverage ratio stands at 1.4-times, and it is estimated Muskogee will save about \$10 million in interest expense by borrowing through the SRF program. Staff recommended approval.

Mayor John Tyler Hammons, City Manager Greg Buckley, City Engineer Steve Almon, and Financial Advisor Rick Smith were present in support of the loan request.

Mr. Fite moved to approve the loan request to the Muskogee Municipal Authority, and Mr. Knowles seconded.

AYE: Sevenoaks, Knowles, Lambert, Farmer, Keeley, Fite, Drummond, Nichols
NAY: None
ABSTAIN: None
ABSENT: Herrmann

C. Consideration of and Possible Action on a Proposed Order Approving Loan for Bartlesville Municipal Authority, Washington County. Recommended for Approval. Mr. Freeman informed the members that the Bartlesville Municipal Authority had made an application for a \$40,979,287.48 loan to refinance its \$45,510,000.00 Drinking Water SRF loan obtained from the Board in April 2004. The Authority is requesting to refinance so as to extend the maturity of the loan from its original 20-year amortization to one of approximately 28 years. This will allow Bartlesville to free up cash flow in order to finance other needed infrastructure in the community, while at the same time paying off the loan to the Board well within the estimated 35-year useful life of the project. Mr. Freeman said the project consisted of constructing a 26 MGD water treatment plant, a 4 MGD treated water reservoir, improvements to Hulah Lake raw water pump station, construction of a new water line to Hudson Lake, and construction of a new finished water transmission line from the plant to the distribution system. He said that Bartlesville serves the community, as well as Dewey, Osage County Rural Water District No. 1, Strike Axe, Washington County Rural Water District No. 2, Washington County Rural Water District No. 5, RD Water Association, Ocheleta, Ramona, Minnesota Water District, and Washington County Rural Water District No. 1.

Mr. Freeman said the refinancing loan would have a fixed interest rate of 3.41% plus a .5% administrative fee, as compared to the original loan rate of 3% plus a .5% fee. He said Bartlesville has been a good loan customer of the Board's for 16 years, and the total outstanding indebtedness with the Board is \$42.5 million. The debt coverage ratio stands at 5-times. Staff recommended approval.

Mayor Tom Gorman, Water Utilities Director Mike Hall, and Financial Advisor Rick Smith were present in support of the loan refinancing request.

Mr. Drummond moved to approve Drinking Water SRF loan to the Bartlesville Municipal Authority, and Ms. Lambert seconded.

AYE: Sevenoaks, Knowles, Lambert, Farmer, Keeley, Fite, Drummond, Nichols
NAY: None
ABSTAIN: None
ABSENT: Herrmann

D. Consideration of and Possible Action on a Proposed Resolution Authorizing the Reallocation of Revolving Fund Revenue Bonds, Series 2003 and Series 2004 Proceeds. Recommended for Approval. Mr. Freeman explained to the members this resolution will authorize reallocation of undisbursed funds from the Board's 2003 and 2004 SRF bond issues, for use as 20% state matching funds for EPA Capitalization Grants. Reallocation will consist of \$5,314,240.00 of leveraged loan funds, to be classified as "state match bonds," resulting in Oklahoma being able to obtain \$26,571,200.00 of Drinking Water Capitalization Grants from EPA. Mr. Freeman said the original SRF bond issue resolution and official statement identified the legal ability to utilize bond proceeds for this eligible purpose. He said this plan has been

reviewed in conjunction with the Board's bond counsel, tax attorney, and financial advisor. The plan provides multiple benefits for the program by immediately satisfying the need for state matching funds (without legislative appropriation), access to over \$26 million in additional funds for borrowers, and allowing the Board to delay issuing indebtedness. Staff recommended approval.

Mr. Sevenoaks asked if the funds were from the reserved portion of the bonds; and Mr. Freeman responded the funds are from already approved funds for borrowers which has not all been drawn, so the obligated amounts will be reallocated for the borrowers, and used as matching funds. Once the matching funds are obtained, there will be sufficient funds to meet the draws of the borrowers. He said the attorneys, the financial advisors, and the EPA have all approved the proposal.

Mr. Drummond moved to approve the resolution to reallocate bond proceeds, and Mr. Fite seconded.

AYE: Sevenoaks, Knowles, Lambert, Farmer, Keeley, Fite, Drummond, Nichols
NAY: None
ABSTAIN: None
ABSENT: Herrmann

3. SUMMARY DISPOSITION AGENDA ITEMS

Any item listed under this Summary Disposition Agenda may, at the requested of any member of the Board, the Board's staff, or any other person attending this meeting, may 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 from the Summary Disposition Agenda to the Special Consideration Agenda; however, Mr. Monte Boyce asked to withdraw from the Board's consideration item 3.D.22, Amendment of Intergovernmental Agreement with Oklahoma State University regarding the 2007 Governor's Water Conference.

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.

There being no further questions or discussion regarding items on the Summary Disposition Agenda, Chairman Nichols asked for a motion.

Mr. Sevenoaks asked if the agreements with Grand River Dam Authority regarded the clean lakes program. Mr. Smithee answered no, not under the Clean Lakes program, but there are several contracts for volunteer monitoring work, education, dissolved oxygen work, and revegetation activity at Lake Hudson.

Ms. Lambert moved to approve the Summary Disposition Agenda as amended, and Mr. Knowles seconded.

AYE: Sevenoaks, Knowles, Lambert, Farmer, Keeley, Fite, Drummond, Nichols
NAY: None

ABSTAIN: None
 ABSENT: Herrmann

The following items were approved:

C. Consideration of Approval of the Following Applications for REAP Grants in Accordance with the Proposed Orders Approving the Grants:

REAP				Amount
<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Recommended</u>
COEDD				
1.	FAP-06-0033-R	City of Konowa	Seminole	\$98,998.60
EODD				
2.	FAP-06-0034-R	Rural Water District #13	McIntosh	99,116.00
INCOG				
3.	FAP-01-0055-R	Barnsdall Public Works Authority	Osage	89,900.00
SODA				
4.	FAP-07-0013-R	Rural Water District #2	Atoka	99,999.00
5.	FAP-07-0025-R	Wilson Public Works Authority	Carter	81,500.00
SWODA				
6.	FAP-04-0017-R	Canute Public Works Authority	Washita	104,000.00

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

1. Memorandum Agreement(s) with Cooperators 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. City of Moore
 - f. City of Norman
 - g. Fort Cobb Reservoir Master Conservancy District
 - h. Foss Master Conservancy District
 - i. Grand River Dam Authority
 - j. Hardage Site Remedy Corporation
 - k. Lugert-Altus Irrigation District
 - l. City of Altus
 - m. Meridian Aggregates Company

2. Memorandum Agreement with the U.S. Geological Survey and The Nature Conservancy in Oklahoma for water monitoring and data collection.

3. Memorandum Agreement with the Office of the Attorney General for Participation in Federal-State Cooperative Program with the U.S. Geological Survey.
4. Joint Funding Agreement with the U.S. Geological Survey for the Attorney General Participation in the Federal-State Cooperative Program.
5. Intergovernmental Subagreement between OWRB and the Board of Regents of the University of Oklahoma for the continued operation and maintenance of the Oklahoma Mesonet weather station located near Fittstown, Oklahoma.
6. Second Amendment Agreement between OWRB and the Office of the Secretary of the Environment for the Clean Water Act FY05 §104(b)(3) Regional Monitoring and Assessment Program CA# RM-832667-01.
7. Interagency Agreement with the Oklahoma Department of Agriculture, Food and Forestry for collecting groundwater samples at monitoring wells of licensed managed feeding operations and providing statistical review of the analyzed data.
8. Contract with the Oklahoma Rural Water Association to provide technical assistance and training to rural water and wastewater system operators and board members.
9. Memorandum Agreement with the U.S. Geological Survey and the Chickasaw Nation, Commerce Division for water monitoring and data collection.
- 10. *Interagency Agreement with the Grand River Dam Authority for dissolved oxygen monitoring and outreach services. Item withdrawn*
11. Interagency Agreement with the Grand River Dam Authority for fish and wildlife mitigation activities at Grand Lake.
12. Interagency Agreement with the Grand River Dam Authority for fish and wildlife mitigation activities at Hudson Lake.
13. Second Amended Interagency Agreement with the Grand River Dam Authority for a no-cost time extension to the original agreement.
14. Contract for Volunteer Monitoring with Grand Lake Water Watch, Inc.
15. Contract for Volunteer Monitoring with Lake Hudson Association of Mayes County.
16. Memorandum of Understanding between OWRB and the U.S. Geological Survey, Central Region Geospatial Information Office for the Stewardship of the National Hydrography Dataset in the State of Oklahoma.
17. Joint Funding Agreement with the U.S. Geological Survey for the “Statistical summaries of regulated and unregulated Streamflow in Oklahoma through 2007”.
18. Joint Funding Agreement with the U.S. Geological Survey for the “Trends in Base and Total Flows of Selected Streams within Oklahoma through 2007”.

19. Amendment to Joint Funding Agreement with the U.S. Geological Survey to extend the ending date for the project “Water Use Oklahoma, 1950-2005”.
 20. Amendment to Joint Funding Agreement with the U.S. Geological Survey to extend the ending date for the project “Trends in Base and Total Flows of Selected Streams within Oklahoma through 2007”.
 21. Intergovernmental Agreement with the Central Oklahoma Master Conservancy District to provide environmental and routine monitoring at Lake Thunderbird.
 - 22. *Amendment of Intergovernmental Agreement with Oklahoma State University regarding the sharing of costs of the 2007 Governor’s Water Conference and Water Research Symposium. Item withdrawn*
 23. Quote from Panera Bread for catering the Basic Oklahoma Water Law seminar on July 28-29,2008.
 24. Interagency Agreement with Grand River Dam Authority for Dissolved Oxygen Monitoring.
 25. Interagency Agreement with Grand River Dam Authority for Volunteer Monitoring Outreach Services.
- E. Applications for Temporary Permits to Use Groundwater:
1. Monte & Debra Gray, Washita County, #2007-578
 2. Michael D. & Mary M. Wright, Canadian County, #2008-510
 3. Robert C. & Sandra L. Keyes, Cleveland County, #2008-514
 4. Joseph L. “Lew” Meibergen Trust, Noble County, #2008-516
 5. Joseph L. “Lew” Meibergen Trust, Garfield County, #2008-517
 6. Joseph L. “Lew” Meibergen Trust, Grant County, #2008-519
- F. Applications to Amend Temporary Permits to Use Groundwater:
None
- G. Applications for Regular Permits to Use Groundwater:
1. Wilmot Farm, L.L.C., Harper County, #2007-554
 2. Sherry Lee Sorrels, Canadian County, #2008-536
- H. Applications to Amend Regular Permits to Use Groundwater:
None
- I. Applications to Amend Prior Rights to Use Groundwater:
None
- J. Applications for Regular Permits to Use Stream Water:
1. Alan Ritchey, Inc. Bryan County, #2008-006
 2. Idabel Public Works Authority, McCurtain County, #2008-013
- K. Proposed Order for Informal Disposition by Default for Administrative Cancellations of Rights to Use Stream Water:

1. Boyd G. Corbett, Bryan County, #1973-148
2. Wayne Estes, Johnston County, #1972-063
3. Delbert Taylor, Johnston County, #1972-441
4. Hershel Howard, Johnston County, #1973-092
5. Austin L. Hamilton, Johnston County, #1973-119
6. Delbert Taylor, Johnston County, #1981-101
7. Diana Spiegel, Johnston County, #1981-172
8. J. S. Jeffreys, Bryan County, #1989-047
9. Sam Adams, Bryan County, #1998-029
10. Walsh & Watts, Inc., Bryan County, #1963-204A
11. Samuel & Thelma Everhart, Bryan County, #1963-204B
12. Mrs. Arthur W. Sweeney, Bryan County, #1955-270
13. Mrs. Arthur W. Sweeney, Bryan County, #1964-247
14. Wanda Weger, Bryan County, 1968-250
15. Charles Ray Mitchell, Bryan County, #1971-538
16. Charles Ray Mitchell, Bryan County, #1981-062
17. Claud Springer & Norma Slakely, Bryan County, #1974-041
18. Howard Ham, Bryan County, #1974-385
19. Billy Mack Allen, Bryan County, #1977-033
20. Bonham Concrete, Bryan County, #1986-014
21. Jerry C. & Nancy Standifer, Bryan County, #1984-067A
22. Gary Huffman, McCurtain, County, #1989-011

L. Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:

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| a. | Licensee: Jack Goodman dba Goodman Water Well Drilling | DPC-0758 |
| | Operator: Jack Goodman | OP-1627 |
| | Activities: Groundwater wells, test holes and observation wells
Pump installation | |
| b. | Licensee: Handy Randy's Pump Service | DPC-0760 |
| | Operator: Randy Lee Adams | OP-0874 |
| | Activities: Pump installation | |

2. New Operators for Existing Licenses:

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| a. | Licensee: Oklahoma Department of Agriculture, Food and Forestry | DPC-9002 |
| | Operator: Kenny Naylor | OP-1624 |
| | Activities: Monitoring wells and geotechnical borings | |
| | Operator: Clarence "Keith" Smith | OP-1625 |
| | Activities: Monitoring wells and geotechnical borings | |
| | Operator: Lance Kunneman | OP-1619 |
| | Activities: Monitoring wells and geotechnical borings | |
| b. | Licensee: Stewart Brothers Drilling Co. | DPC-0185 |
| | Operator: Randal Stewart | OP-1620 |
| | Activities: Groundwater wells, test holes and observation wells
Monitoring wells and geotechnical borings
Pump installation
Heat exchange wells | |
| c. | Licensee: Strata Core, Inc. | DPC-0727 |
| | Operator: Jon M. Storm | OP-1621 |
| | Activities: Monitoring wells and geotechnical borings | |
| d. | Licensee: Total Support Services | DPC-0329 |

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| | Operator: Craig Perryman | OP-1622 |
| | Activities: Monitoring wells and geotechnical borings | |
| e. | Licensee: Clarke Well & Equipment, Inc. | DPC-0362 |
| | Operator: Brent Clarke | OP-1623 |
| | Activities: Groundwater wells, test holes and observation wells | |
| | Pump installation | |
| f. | Licensee: Midwest Engineering & Testing Corp. | DPC-0653 |
| | Operator: Omar Walid Karmid | OP-1628 |
| | Activities: Monitoring wells and geotechnical borings | |
| 3. New Activities for Existing Licenses: | | |
| a. | Licensee: Stewart Brothers Drilling Co. | DPC-0185 |
| | Operator: Phillip Stewart | OP-0284 |
| | Activities: Pump installation | |

M. Dam and Reservoir Construction:
None

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

1. Oklahoma Department of Transportation, Grady County, #FP-08-10
2. Oklahoma Department of Transportation, Mayes County, #FP-08-12

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the July 8, 2008 packet of Board materials.

P. Application for Acquisition of Assets of Rural Water District:

1. Application by Rural Water, Sewer, Gas and Solid Waste Management District No. 4, Wagoner County, Oklahoma to Acquire Assets of Rural Water District No. 8, Wagoner County, Oklahoma, #RWA-2008-001.

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

A. Update Report on Oklahoma Comprehensive Water Plan Activities. Mr. Kyle Arthur, Director of Planning, addressed the members and briefly updated them on the activities of the Oklahoma Comprehensive Water Plan. He distributed copies of the final OCWP Programmatic Work Plan; a draft was presented a few months ago, and this final edition includes comments from 12 federal and state agencies, as well as local organizations. Mr. Arthur said it is a living document that will evolve over time; the document is available on the OWRB website.

Mr. Arthur said the Southeast Study would commence soon, a pre-existing authority from 2001 that had many provisions and a scope of work including 29 counties and goes well under the goals of the Comprehensive Water Plan. The study includes supply, availability, analysis and demand analysis and projections, and gap analysis. He said for the first time, non-consumptive uses will be investigated, i.e., recreation uses, instream flows, etc. What is currently being addressed in the state will be looked at as well as what is done in other states of the region. Other work will include water allocation analysis modeling.

The Bureau of Reclamation, a major partner in the Comprehensive Water Plan effort, announced an award of \$100,000.00 "turnback" dollars--or unused money from other projects--that will be used for a data migration project, or modernizing the water rights data base, making it much more user friendly. Mr. Arthur also announced the "kick off" meeting for the technical studies, a meeting of CDM staffers and OWRB staffers as well as representatives of the federal partners to make commitments to share data and information as the plan activities progress.

Ms. Jeri Fleming, Oklahoma Water Resources Research Institute, briefed the members on the status of the Public Input Phase of the OCWP. She distributed the list of the Regional Input Meeting Discussants, and the list of meetings, noting the first RIM will be held on August 7, in Big Cabin. Prior to the meetings, all discussants will receive a summary of the comments of that region, and they will be asked to prioritize them in two ways: based in the high, medium, and low priorities of the region; and, prioritize from a statewide perspective. The meetings are scheduled for about three hours.

Ms. Lambert asked if the respective interests were linked to the people to paint the picture of diversity of participants. Ms. Fleming said that originally that was considered; however, but have now chosen not to do that so the people do not feel there were selected to represent a particular interest, rather than all uses in that region and statewide, and to think more broadly and not be tied to an interest. Ms. Fleming informed the members about the logistics of the meetings and the expected format. Chairman Nichols encouraged the members to attend a RIM meeting in their area.

Mr. Smith said he had received a letter from the Oklahoma Municipal League commenting about the technical work plan as it relates to conjunctive use management or instream flow protection, etc. He wanted to make clear the technical work plan does not make recommendations, but comments are being addressed, but the OML's concern is that supply and demand will be altered based upon a policy that is not current. He said he did not believe a plan could be written based upon what is thought the Board or Legislature might approve in terms of policy. He said supply and demand will be evaluated based upon the current law and current policy, and then evaluate how best those policies could be implemented based upon different technologies. He said the bottom line, in any state, is that there is water to drink. He said we will do those things necessary to provide a balance with emerging needs, with everyone involved, so that there is water supply for the people. He noted the item on the Summary Disposition Agenda, and illustrated the activities of the Board over the past few years with the U.S. Geological Survey Stream Gage Cooperators program in partnership with the Natural Conservancy, Attorney General's office, University of Oklahoma Board of Regent, Office of the Secretary of Environment, Department of Agriculture, Food & Forestry, Oklahoma Rural Water Association, Chickasaw Nation, Grant River Dam Authority, and others. This leverages the OWRB dollars and these alliances on data collection--as well as many activities of the OWRB--all together makes a better water plan.

B. Presentation on Volunteer Monitoring Efforts with Oklahoma Water Watch. Mr. Derek Smithee, Chief, Water Quality Division, addressed the members and introduced Mr. Bill Cauthron, Section Head for the OWRB Monitoring Program. Mr. Cauthron introduced the OWRB personnel who manage the Water Watch Program: Ms. Lynda Williamson, Ms. Tamara Williams, Ms. Sara Ivey. Each of them made a presentation, including a PowerPoint program and visual aid with equipment, on their program activities. Ms. Williamson, program coordinator, provided an overview of the program origin, stating the volunteer collections of

water quality data greatly assist the OWRB in monitoring the state's lakes and streams through the Beneficial Use Monitoring Program, and is set up to collect baseline water quality data and to educate Oklahomans on water issues. She explained the program goals and objectives, data collection methods, and use of the data. Ms. Ivey talked to the members about the volunteer citizens at the 13 lakes who make the program work; their time commitment to the program as well as sampling done at each site, and training for certification. Water Watch programs are initiated by the volunteers who are interested in operating a program at their lake of interest. Ms. Williams informed the members about how the Quality Assurance aspect of the program is ensured through the verification of accurate data that is valid and useable, and oversight of the volunteer performance through demonstrating proficiency. There is also an Educational Outreach component of the program that provides in-service training for teachers, and activities such as ScienceFest and H2O Oklahoma that are day-long activities for thousands of Oklahoma children. Mr. Larry Casey, volunteer and Chairman of the Lake Hudson Volunteer Monitoring program, spoke to the members about the success of the program and the rewarding work performed by the citizens of Oklahoma.

Board members Ed Fite and Jack Keeley concluded the presentation by demonstrating collection techniques.

5. SPECIAL CONSIDERATION

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. In the Matter of Stream Water Right No. 1969-151, of R.E. Edwards, Stream System 1-7, Bryan County; and

B. In the Matter of Stream Water Right No. 1971-253 of Clyde D. Calhoun, Stream System 1-6, Bryan County; and

C. In the Matter of Stream Water Right No. 1971-296 of Bobby McGlocklin, Stream System 1-6, Johnston County:

1. Summary - Ms. Julie Cunningham explained to the members there are three items for the Board's consideration under the Special Consideration Agenda. The items regard the continuing stream water cancellations and reductions; the Board considered the first of this

program items at the June meeting, which is an analysis of water usage to determine if water is being put to use within the seven-year period. The effort will allow for more accurate accounting of demand and use as a component of the Comprehensive Water Plan.

Ms. Cunningham noted the maps illustrating the areas that have been completed and areas of consideration today: stream system 1-5, 1-6, and 1-7 including Whitegrass Creek, Blue River, and Island Bayou Creek located in the Red River Basin in Pontotoc, Johnston, Bryan and Choctaw Counties. Ms. Cunningham also noted the flow chart illustrating the process used to review and evaluate stream water right permits. Of the 56 water rights reviewed, 22 defaulted (and appear on the Summary Disposition agenda), eight were administratively cancelled, seven were administratively updated/corrected, and three are before the Board for final special consideration and recommended for reduction.

Mr. Drummond asked how the three orders now before the Board differ from the seven that were updated/corrected. Ms. Cunningham responded the three stream water right holders attended a hearing and presented evidence to amount of changes of use, and the others had used less water but did not attend a hearing. Mr. Drummond asked if any of the permits regarded domestic use; Chairman Nichols responded the permits are all for irrigation purposes.

Ms. Cunningham stated that staff recommended approval of the three proposed findings of fact, conclusions of law and Board order for reductions of water rights. She said the Board may take action on all three orders with one vote.

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

3. Possible executive session - The Board did not vote to enter an 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. Farmer moved that the Board approve staff recommendation for items A., B., and C., and Mr. Keeley seconded.

AYE: Sevenoaks, Knowles, Lambert, Farmer, Keeley, Fite, Drummond, Nichols

NAY: None

ABSTAIN: None

ABSENT: Herrmann

D. Consideration of Items Transferred from the Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition Agenda for discussion.

6. PRESENTATION OF AGENCY BUDGET REPORT.

Mr. Monte Boyce, OWRB Comptroller, updated the members about activities of the agency regarding preparation by staff of the FY'09 budget. He said the budget report provided is for June, and ends the fiscal year for 2008. He said the agency has completed and obligated 94% of the budget, and has collected about 102%, primarily due to the contributions to the Water Plan fund. Mr. Sevenoaks asked if carryover funds were returned to the general revenue fund. Mr. Boyce responded the agency is allowed to carryover any of these funds into the next year and rebudgeted by June 30. There are a few bills that have not yet been received, and Mr. Boyce anticipated a projected carryover would be presented at the August meeting.

7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY

A. Contracts and Agreements Recommended for Approval.

- 1. Consideration of Joint Funding Agreement with the U.S. Geological Survey for the continuation of the monitoring program between OWRB and USGS.

Mr. Sevenoaks moved to approve the Joint Funding Agreement with the US Geological Survey, and Mr. Fite seconded.

AYE: Sevenoaks, Knowles, Lambert, Farmer, Keeley, Fite, Drummond, Nichols
NAY: None
ABSTAIN: None
ABSENT: Herrmann

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.

9. ADJOURNMENT

There being no further business, Ms. Lambert moved to adjourn the meeting and Mr. Fite seconded. Chairman Nichols adjourned the regular meeting of the Oklahoma Water Resources Board at 11:40 a.m. on Tuesday, July 8, 2008.

OKLAHOMA WATER RESOURCES BOARD

_____/s/_____
Jess Mark Nichols, Chairman

_____/s/_____
Rudolf J. Herrmann, Vice Chairman

_____/s/_____
Lonnie Farmer

_____/s/_____
Edward H. Fite

Absent
Jack W. Keeley

_____/s/_____
Kenneth K. Knowles

_____/s/_____
Richard Sevenoaks

_____/Absent_____
F. Ford Drummond

ATTEST:

_____/s/_____
Linda P. Lambert, Secretary
(SEAL)