REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

April 14, 2009
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 April 7, 2009, at 5:15 p.m. A copy of this agenda is available on the OWRB
website at www.owrb.ok.gov. Revised items are indicated by “•” and italics.

01000 1. CALL TO ORDER             Chairman Mark Nichols

A. Invocation

B. Roll Call

C. Discussion, Amendments, and Vote to Approve Official Minutes of the March 10, 2009,
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 Emergency Grant
for Friend Public School, Grady County. Recommended for Approval.

B. Consideration of and Possible Action on a Proposed Order Approving Funding
Application for Pawnee Public Works Authority, Pawnee County. Recommended for
Approval.

C. Consideration of and Possible Action on a Proposed Order Approving Funding
Application for Harrah Public Works Authority, Oklahoma County. Recommended for
Approval.

D. Consideration of and Possible Action on a Proposed Order Approving Funding
Application for Mustang Improvement Authority, Canadian County. Recommended for
Approval.
E. Consideration of and Possible Action on a Proposed Order Approving Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.

F. Consideration of and Possible Action on a Proposed Order Approving Funding Application for Moore Public Works Authority, Cleveland County. Recommended for Approval.

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 3. C through 3. O., Recommended for Approval.

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

<table>
<thead>
<tr>
<th>REAP Item No. Application No.</th>
<th>Entity Name</th>
<th>County</th>
<th>Recommended Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
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<td>None</td>
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</table>

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

1. Lease Agreement Renewal with ELF Properties, LLC for renewal of lease for McAlester Office.

2. Intergovernmental Agreement between OWRB and the Board of Regents of the University of Oklahoma Quantifying Evaporation and Effective Precipitation Across Varying Seasonal and Within-Season Climatic Signals Across Oklahoma, in Support of the State Comprehensive Water Plan.

3. Amendment of Joint Funding Agreement with USGS entitled “Trends in Base and Total Flows of Selected Streams within Oklahoma through 2007”.

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4. Second Amendment Agreement with the Office of the Secretary of the Environment for the Clean Water Act FY 05 §104(b)(3) Water Quality Cooperative Agreement, CA# CP-966144-01.

5. Modification of Agreement between Oklahoma Water Resources Board and Oklahoma State University for State Water Plan Assistance.

- 6. Contract Renewal with Norstan Communications, Inc. d/b/a Black Box Network Services to provide PBX system maintenance.  
   (Item added)

E. Applications for Temporary Permits to Use Groundwater:
   1. Wilshire Land Co., L.L.C., Oklahoma County, #2008-576
   2. Black Mesa Sand, L.L.C., Cimarron County, #2008-579
   3. Bryan Kroeker, Kingfisher County, #2008-593

F. Applications to Amend Temporary Permits to Use Groundwater:
   None

G. Applications for Regular Permits to Use Groundwater:
   1. Seminole County Rural Water District No. 7, Seminole County, #2008-535
   2. Gwynne Dale Sr. & Anna Lou Caid, Gwynne Dale Jr. & Debra Kay Caid, Anna Lou Caid Living Trust and Dale Caid Living Trust, Greer County, #2008-572
   3. L. Mark & Deidra Damron, Beckham County, #2008-595

H. Applications to Amend Regular Permits to Use Groundwater:
   1. John Coffman, Greer County, #1996-571

I. Applications to Amend Prior Rights to Use Groundwater:
   None

J. Applications for Regular Permits to Use Stream Water:
   1. Lafarge North America, Inc., Tulsa County, #2008-031

K. Forfeitures of Stream Water Rights Due to Nonuse Recommended for Informal-Default Disposition:
   1. C. A. Denning, Jr., Jefferson County, #1971-409
   2. James Maniaci, Beckham County, #1962-171
   3. James Maniaci, Beckham County, #1962-171A
   4. C. G. Fuchs, Jr./Butcher Boy Enterprises, Beckham County, #1967-452
   5. C. G. Fuchs, Jr./Butcher Boy Enterprises, Beckham County, #1968-143
   6. Robert Lowe, Jr., Grady County, #1952-095
   7. Luther or Evelyn Nunley, Grady County, #1958-368
   8. Luther or Evelyn Nunley, Grady County, #1966-117
   9. Hershel McCarty/McCarty Farm, Inc., Grady County, #1962-129
   10. Lynn Koehn, Grady County, #1966-642B
   11. Lynn Koehn, Grady County, #1966-683
12. J. L. Shelby, Grady County, #1967-824  
13. Glen Christian, McClain County, #1969-003  
15. Gordon Travis, Custer County, #1939-015  
16. Paul or Dosia Jackson, Jr., Caddo County, #1949-123  
17. Henry Johnson, Custer County, #1950-001  
18. Claude Milwee, Washita County, #1951-088  
19. Barton Rackley, Washita County, #1953-060  
20. Equitable Variable Life Insurance Co./J. P. Reimer, Washita County, #1953-318  
22. Chester Rice, Washita County, #1954-1145  
23. Lowell Sheperd/Kirby Sheperd, Washita County, #1954-1313  
24. E. S. Greteman, Washita County, #1955-211  
25. Genetia Bryant/Russell Johnson, Caddo County, #1955-1089  
26. Genetia Bryant/Russell Johnson, Caddo County, #1958-050  
27. Gary Pierce/J. P. Reimer, Washita County, #1958-031  
28. Troy & Virginia Taylor, Caddo County, #1961-144  
29. Roger Stockton/Randy Meachum, Custer County, #1963-468  
30. Alfred Fobes, Washita County, #1964-938  
31. Fred Hale/Hale Farms, Caddo County, #1965-381  
32. Commissioners of Land Office, Caddo County, #1966-105  
33. Claude Millwee/Randy Holsted, Washita County, #1967-218  
34. J. P. Reimer, Washita County, #1968-461A  
35. Marvin Jackson, Jr., Caddo County, #1969-116  
36. Marvin Jackson, Jr., Caddo County, #1969-117  
37. E. H. Mannschreck, Caddo County, #1969-252  
38. H. W. Pitzer, Washita County, #1970-152  
39. Mae Roach, Caddo County, #1970-188  
40. Lorene Flaming, Washita County, #1970-320  
41. Perry Price, Washita County, #1970-322  
42. Harold W. Cooper, Washita County, #1971-437  
43. Kenneth Thornbrough, Washita County, #1972-459  
44. Kenneth Thornbrough, Washita County, #1973-152  
45. Arthur & Joi Salisbury, Washita County, #1973-018  
46. Fred Farmer/Dennis Farmer, Caddo County, #1974-198  
47. Hubert & Mamie Holsted, Caddo County, #1975-062  
48. John Hinz/ Joe Hinz, Washita County, #1982-072  
49. Fred Wunderlich, Caddo County, #1982-118  
50. Roy Shepherd, Custer County, #1954-311  
51. Derman/Darrel Shepherd, Custer County, #1953-796  
52. Hadley Hudgins, Custer County, #1982-040  
53. Kenneth Robertson, Dewey County, #1954-282  
54. Cornell Cattle Co., Inc., Custer County, #1989-017  
55. Raymond Ferguson/Cecil Don & Phyllis Janice Martin, Caddo County, #1989-027  
56. Michael & Evelyn Reiss, Caddo County, #1994-045  
57. Emil Larson Trust, Washita County, #1994-023
L. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
   a. Licensee: Jay Pump
      1. Operator: John L. Christian
         Activities: Pump installation
      2. Operator: John C. Christian
         Activities: Pump installation
   b. Licensee: S & M Drilling
      1. Operator: Kirk Stephenson
         Activities: Groundwater wells, test holes and observation wells
               Pump installation
   c. Licensee: Miller Well Drilling
      1. Operator: Dennis W. Miller Jr.
         Activities: Groundwater wells, test holes and observation wells
   d. Licensee: B & H Construction, Inc.
      Operator: Larry Cox
      Activities: Groundwater wells, test holes and observation wells
               Heat exchange wells
2. New Operators for Existing Licenses:
   a. Licensee: Talon/LPE
         Activities: Monitoring wells and geotechnical borings

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, Bryan County, #FP-09-01
   2. Oklahoma Department of Transportation, Noble County, #FP-09-03
   3. Oklahoma Department of Transportation, Noble County, #FP-09-04
   4. Oklahoma Department of Transportation, Noble County, #FP-09-05
   5. Oklahoma Department of Transportation, Canadian County, #FP-09-06
   6. Oklahoma Department of Transportation, Oklahoma County, #FP-09-07

O. Applications for Accreditation of Floodplain Administrators:
   Names of floodplain administrators to be accredited and their associated communities
   are individually set out in the April 14, 2009 packet of Board materials
QUESTIONS AND DISCUSSION ABOUT AGENCY WORK AND OTHER ITEMS OF INTEREST.

A. Update Report on Oklahoma Comprehensive Water Plan Water Quality Activities.
   Mr. Derek Smithee

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); Proposed Findings, Conclusions and Order are Recommended for Approval in the following matters:

A. In the Matter of Stream Water Right No. 1954-551 of Sue McCoy, Stream System 1-8-2, Garvin County, Oklahoma:
   1. Summary – Ms. Julie Cunningham
   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. Consideration of Approval of the Following Applications for Water Conservation Grants in Accordance with the Proposed Orders Approving the Grants: Mr. Kyle Arthur

<table>
<thead>
<tr>
<th>Water Conservation Application No.</th>
<th>Entity Name and Project</th>
<th>County</th>
<th>Amount Recommended</th>
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<tr>
<td>OWCCGP-2009-10</td>
<td>OSN Chapter Sustainable Stillwater Skyline</td>
<td>Payne</td>
<td>$6,063.95</td>
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<td></td>
<td>Elementary School Garden Rainwater Recycling Initiative</td>
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<tr>
<td>Grant Code</td>
<td>Description</td>
<td>Location</td>
<td>Amount</td>
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<tr>
<td>OWCGP-2009-01</td>
<td>Jefferson Elementary School Parent Teacher Association</td>
<td>Cleveland</td>
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<td>Jefferson Elementary School Water Conservation and Outdoor Classroom Project</td>
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<tr>
<td>OWCGP-2009-08</td>
<td>Sustainable Shawnee Water Conservation Education Program</td>
<td>Pottawatomie</td>
<td>$4,450.00</td>
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<tr>
<td>OWCGP-2009-06</td>
<td>City of Tahlequah Rainwater Harvesting Model</td>
<td>Cherokee</td>
<td>$4,944.04</td>
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<td>OWCGP-2009-09</td>
<td>Community Association of Sparrow Hawk Village Water Conservation Project</td>
<td>Cherokee</td>
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<td>OWCGP-2009-12</td>
<td>City of Guymon Fire Station One Zeriscape</td>
<td>Texas</td>
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C. 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. PROPOSED EXECUTIVE SESSION (Item Added) 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 United States v. State of Oklahoma and OWRB, Tarrant Regional Water District v. Herrmann, and Barby v. OWRB and DF&D.
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.

D. 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.

9. NEW BUSINESS (Renumbered) 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.

10. ADJOURNMENT (Renumbered) Chairman Nichols

The next meeting of the Oklahoma Water Resources Board will be on Tuesday, May 12, 2009, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

4/7/09