1. Call to Order

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Rudolf J. Herrmann at 9:30 a.m., on June 8, 2010, 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. The agenda was posted on June 1, 2010, at 5:30 p.m. at the Oklahoma Water Resources Board’s offices.

A. Invocation

Chairman Rudy Herrmann asked Mr. Ed Fite to provide the invocation.

Prior to the roll call, Chairman Herrmann welcomed Ms. Marilyn Feaver, newest member of the Oklahoma Water Resources Board.

B. Roll Call

**Board Members Present**
Rudy Herrmann, Chairman
Mark Nichols, Vice Chairman
Linda Lambert, Secretary
Ford Drummond
Marilyn Feaver
Ed Fite
Kenneth Knowles
Joe Taron

**Board Members Absent**
Richard Sevenoaks

**Staff Members Present**
J.D. Strong, Interim Executive Director
Dean Couch, General Counsel
Joe Freeman, Chief, Financial Assistance Division
Julie Cunningham, Chief, Planning and Management Division
Derek Smithee, Chief, Water Quality Programs Division
Mary Lane Schooley, Executive Secretary
Kyle Arthur, Director of Planning
Josh McClintock, Director of Government and Public Affairs

Others Present
Paul Smith, City of Okmulgee/FIFS, Sperry, OK
Bob Baxter, City of Okmulgee, OK
Brian Priegel, City of Okmulgee, OK
Stephen Greetham, Chickasaw Nationa, Ada, OK
Amy Ford, Citizens for the Protection of the Arbuckle Simpson Aquifer/Oklahomans for Responsible Water Policy, Durant, OK
Gary Froeming, Unimin, Roff, OK
Shelby Hodges, Unimin, Roff, OK
Cheryl Dorrance, Oklahoma Municipal League/Oklahoma Municipal Utilities Providers, Oklahoma City, OK
Pete Serrata, Derryberry & Naifeh, Oklahoma City, OK
Nate Ellis, Public Finance Law, Oklahoma City, OK
Mike Mathis, Chesapeake Energy, Oklahoma City, OK
Ryan Chaffin, Office of the Attorney General, Oklahoma City, OK
Casey Gray, Office of the Attorney General, Oklahoma City, OK
Kelly Danner, Oklahoma Municipal League, Oklahoma City, OK
Sue Thurston, Oklahoma Municipal League, Oklahoma City, OK
Charlie Swinton, BancFirst, Oklahoma City, OK
Gary Batton, Choctaw Nation, Durant, OK
Brian McClain, Choctaw Nation, Durant, OK

C. APPROVAL OF MINUTES

Chairman Herrmann stated there were two sets of minutes distributed; one for the regular meeting on May 11, 2010, and the second an acknowledgement that the Board was convened at the Town Hall in Norman. He stated he would accept a motion to approve the minutes, if there were no changes. Ms. Lambert moved to approve the minutes of the May 11, 2010 Regular meeting as distributed, and Mr. Nichols seconded.

AYE: Lambert, Drummond, Taron, Fite, Nichols, Herrmann
NAY: None
ABSTAIN: Knowles, Feaver
ABSENT: Sevenoaks

Chairman Herrmann stated there were draft minutes for the Special Meeting associated with the Town Hall, May 23-26, 2010, and asked for a motion to approve unless there were changes.

Mr. Drummond moved to approve the minutes of the May 23-26, 2010, Special Meeting, and Dr. Taron seconded.

AYE: Lambert, Drummond, Taron, Fite, Nichols, Feaver, Herrmann
NAY: None
ABSTAIN: Knowles
ABSENT: Sevenoaks
D. EXECUTIVE DIRECTOR’S REPORT

Mr. J.D. Strong, Interim Executive Director, addressed the members and welcomed Ms. Feaver; he said she is executive director of the Southern Oklahoma Impact Coalition and has experience as director of various chambers of commerce in Southwest Oklahoma and succeeds Jack Keeley until May 2017. He invited Ms. Feaver to make comments, and she stated that she is honored to have the opportunity serve and appreciates the work done by this organization and understands the task before the Board. She said she participated in an orientation by staff recently, and Mr. Strong added that she had the opportunity to attend the Town Hall and obtained a good feel what involved Oklahomans think about water!

Mr. Strong said that it had been announced that Mr. Duane Smith would be retiring after 32 years of state service; he said no future plans were indicated, but that Duane is on his way back to Afghanistan to complete his commitment there, and the Board will have time on the agenda for executive session for discussion of his replacement. He complimented Mr. Smith’s work, and said he would return for a more proper celebration in September.

The legislative session has adjourned, and Mr. Strong pointed to the written distributed report prepared by Mr. McClintock (who is absent) and noted the agency's appropriation was consistent with other natural resources agencies in having received a 7.5% cut, with some additional dollars added to assist with outside legal counsel. Essentially, the agency has 15% less than two years ago. The Chiefs are working diligently to prepare how the agency will endure the cut; however, no limitations were included which typically indicates how much can be used for each division, giving the agency more flexibility. He noted the voluntary buy out and Mr. Mike Melton who applied; there were several bills that did not survive: agency consolidation, moving all agency attorneys to the Attorney General's office, term limits for state board and commission members, separate infrastructure revolving account, water center bill, and regulation of pit water. Overall, he felt the agency fared better than expected, and all of the agency rulemaking promulgated was approved, including the additional fee revenue for the Planning and Management Division. Chairman Herrmann asked about the rule regarding citizenship verification and Mr. Strong said a request for clarification has been submitted; however, the agency has not received a response from the Attorney General's office.

Mr. Kyle Arthur is absent, and Mr. Strong commented regarding the Water Town Hall. He said that while it was difficult to be an observer, he felt it was very enlightening and a productive process. The final report will be completed soon, and staff will be working to reiterate how the Town Hall process fits into the overall 5-year water planning process, that the work done to date is included in the overall process. Ms. Lambert asked if the stakeholders felt the process was all-inclusive, particularly regarding issues where consensus was not reached; Mr. Strong said that is what needed to be clarified. The information produced at the Town Hall will be used along with the information that has been gathered during the entire process and for use when the OWRB makes its final decisions regarding the OCWP. He said the majority of the participants in the Town Hall have been participants since the beginning of the public participation process; the recommendations and the discussion in the report will reflect those areas where consensus was reached, as well as reflect those minority opinions and all will be utilized by the Board and pair with the technical information to comprise the full plan. Dr. Taron commented about the Tribes' earlier comments about not being heard and issues not concerned, but during the Town Hall now feel more included; Chairman Herrmann said there had not been
an effort to exclude the Tribes. Ms. Feaver stated while there is concern about the role the Town Hall actually plays, even though reiterated many times during the meeting, it was interesting that people had an opportunity to speak to a large group so that their opinions are known. Chairman Herrmann mentioned that in the final session, the efforts to strike portions of the report were led by lobbyists, and he was encouraged that the citizen public did not want those stricken. He said the Board should recognize that when these interests are before the Board, they do not necessarily represent the view of the citizens of the State of Oklahoma, and this process allowed the grassroots to let them be heard in a very substantial way. The Board needs the courage to synthesize and come up with policy recommendations that may not be popular with lobbyists; but more accurately reflect the view of the citizens. He said it was refreshing to hear the voices of the people. Mr. Drummond asked when the written report would be ready for distribution, and Mr. Strong said the rough draft has been provided, and the document is going through the final polish and grammatical scrubbing now and it should be ready very soon.

Chairman Herrmann recognized Mr. Steven Greetham, Chickasaw Nation, who stated to the members that the Town Hall was an excellent opportunity for various folks to come together in a true democratic process, but in all due respect the entire state water plan is structured with input from Oklahoma citizens, which is great, but the Tribes were structurally excluded from the water plan. Individual Tribal representatives may or may not have participated, but as far as a dialogue between with different governments that have jurisdictional interest in the resource, to date there has not been a conversation between the Tribes as Tribes and State, as part of the state water plan. He said when the issue was first raised, he was told there is no effort to talk to the Tribes. Mr. Strong said he has heard that complaint and has a meeting scheduled with Lindsay Robertson who Duane Smith set up on contract to begin a more constructive dialogue with the Tribes.

Mr. Strong said there is no decision-making item regarding Sardis Lake on the agenda; however, the Oklahoma City Water Utilities Trust approved a transfer agreement between the Board and the OCWUT at its meeting yesterday. There is a court ordered June 30 deadline to make the next payment, there is nothing on this agenda, and the next regularly scheduled Board meeting is after the June 30 deadline. He said if there is special meeting scheduled to take that issue up for action by the Board, the Board will follow the Open Meeting Act for 48 hours notice, and information will be posted on the website.

He said he intended to attend the US COE Tulsa District Change of Comment on June 11; Colonel Funkhouser will be in Kandahar, Afghanistan; and Colonel Michael Teague is the incoming Colonel. He noted other upcoming meetings, and concluded his report.

2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Hobart Public Works Authority, Kiowa County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that the first item is a $1,270,000.00 loan request from the Hobart Public Works Authority. The Authority is requesting the loan to go along with $362,550.00 in grant funds from the Economic Development Authority for construction of approximately 40,000 feet of collection lines and 54 manholes. The project will serve customers within the Hobart city limits that are currently not
served by the city. Mr. Freeman noted provisions of the Clean Water State Revolving Fund loan agreement. Hobart is a long-time, good standing loan customer of the Board's and currently has three outstanding loans, and a strong debt coverage of 4.9-times. Staff recommended approval.

City Manager Will Brown, and Financial Advisor Rick Smith were present in support of the loan request.

Mr. Nichols moved to approve the Clean Water SRF loan to the Hobart Public Works Authority, and Ms. Lambert seconded.

AYE: Lambert, Drummond, Knowles, Taron, Fite, Nichols, Feaver, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Sevenoaks

B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Okmulgee Municipal Authority, Okmulgee County. Recommended for Approval. Mr. Freeman stated that this $5.1 million request is from the Okmulgee Municipal Authority for the replacement of approximately 39,000 feet of wastewater collection line and replacement of 200 manholes. Mr. Freeman noted provisions of the Clean Water State Revolving Fund loan agreement. Okmulgee's debt coverage ratio is approximately 1.8-times. Staff recommended approval.

Representing Okmulgee were Mayor Brian Priegel, City Manager Bob Baxter, and Financial Advisor Paul Smith.

Mr. Smith said this is the first of four applications that will come before the Board, there will be two additional Drinking Water and one Clean Water applications; the city is working hard to obtain consent order items, etc., and is essentially a regional water supplier.

Mr. Drummond asked about how the Authority will finance the loans; Mr. Smith answered the city has implemented the necessary rate increases on water and sewer rates for all the projects as currently estimated, and that will generate approximately $1.5 million in new revenue.

Mr. Fite moved to approve the Clean Water SRF loan to the Okmulgee Municipal Authority, and Mr. Drummond seconded.

AYE: Lambert, Drummond, Knowles, Taron, Fite, Nichols, Feaver, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Sevenoaks

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 to the Special Consideration Agenda. Mr. Freeman asked that item 3.D.14, an interagency agreement with the Department of Environmental Quality be withdrawn to finalize details.

Chairman Herrmann asked that the Board add to the Summary Disposition Agenda item consideration of the Supplemental Agenda items (7.A.). There were no other items to move or withdraw.

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.P.

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

Mr. Drummond asked about the funding for the legal contract extension for Chuck Dumars, and Mr. Strong answered that there is some funding, and the contract before the Board today is not to exceed as the agency can only pay as funding is allowed. Mr. Nichols said the agency received enough to pay what was owed, and a little more.

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

Chairman Herrmann noted item 3.P., is an application for acquisition of a rural water district assets, a process the Board is involved in as a matter of approval by routine and fulfills the Board's statutory responsibility.

AYE: Lambert, Drummond, Knowles, Taron, Fite, Nichols, Feaver, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Sevenoaks

The following items were approved:

C. Financial Assistance Division Items:

1. Rural Economic Action Plan (REAP) Grant Applications:

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<th>Entity Name</th>
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<td>c.</td>
<td>FAP-07-0039-R</td>
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D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:

1. Memorandum Agreement with The City of Moore and USGS for water monitoring and data collection.

3. Second Amendment Agreement with Office of the Secretary of Environment for the Clean Water Act FY08/09 §106 Water Pollution Control Program, Monitoring CA# I-006400-08M.

4. Memorandum Agreement with Central Oklahoma Master Conservancy District and USGS for water monitoring and data collection.


7. Memorandum Agreement between Foss Reservoir Master Conservancy District and USGS for water monitoring and data collection.

8. No-Cost Time Extension Agreement with the Department of Environmental Quality to perform public water supply assessments in support of the update of the Oklahoma Comprehensive Water Plan.

9. Agreement with American Municipal Tax-Exempt Compliance Corp. for arbitrage services in connection with the issuance of state government entity obligations and indebtedness for OWRB loan programs.

10. Lease Agreement with the Department of Central Services for leasing of office space in Tulsa, OK.

11. Interagency Agreement with Grand River Dam Authority for bathymetric surveys of the tailraces of the Robert S. Kerr dam, the Pensacola Dam, and the dam at the WR Holway Reservoir.

12. Professional Services Engagement Letter with John M. Arledge & Associates, P.C. to provide auditing services related to the Board’s financial assistance programs.

13. Professional Services Engagement Letter with Crawford & Associates, P.C. to provide accounting services related to the Board’s financial assistance programs.

14. **Interagency Agreement with the Oklahoma Department of Environmental Quality regarding the Drinking Water State Revolving Fund. withdrawn**

15. Extension and Amendment Agreement with Intera Geosciences and Engineering for professional engineering services in connection with the update to the Oklahoma Comprehensive Water Plan.

16. Joint Funding Agreement with USGS for continuation of monitoring program.

17. Interagency Agreement with Grand River Dam Authority for Fish and Wildlife Mitigation Activities in Grand Lake.

18. Interagency Agreement with Grand River Dam Authority for Fish and Wildlife Mitigation Activities in Lake Hudson.


E. Applications for Temporary Permits to Use Groundwater:
   1. Garvin County Rural Water District No. 2, Garvin County, #2009-567
   2. Taylor Ranch, L.L.C., Cleveland County, #2010-513
   3. Brent & Sheri White, Harmon County, #2010-521
   4. Oklahoma Department of Wildlife Conservation, Caddo County, #2010-523

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

G. Applications for Regular Permits to Use Groundwater:
   1. Randy B. Lehr, James C. Hartman & Mark A. Hartman, Texas County, #2010-522

H. Applications to Amend Regular Permits to Use Groundwater:
   1. Robert A. & Nedra R. Funk, Canadian County, #1976-870
   2. Chaparral Energy, L.L.C., Beaver County, #1977-866

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

J. Applications for Regular Permit to Use Stream Water:
   1. Oka Hayaka Hunt Club, L.L.C., Pottawatomie County, #2010-010

K. Forfeitures of Stream Water Rights:
   None

L. Well Driller and Pump Installer Licensing:
   1. New Licenses, Accompanying Operator Certificates and Activities:
      a. Licensee: Tyler Electric, LLC
      Operator: Michael A. Tyler
      Activities: Water well pumps
b. Licensee: Landon 9 Ranch Supply DPC-0802
   1. Operator: Landon Nine OP-1777
   Activities: Pump installation

M. Applications to Construct, Enlarge, Repair or Alter Dam and/or Spillway:
   1. Pontotoc County Conservation District, Pontotoc County, #OK01283
   2. Warrenton Lake, Tulsa County, #OK11091

N. Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
   1. Oklahoma Department of Transportation, Garvin County, #FP-10-09

O. Applications for Accreditation of Floodplain Administrators:
   Names of floodplain administrators to be accredited and their associated communities are individually set out in the June 8, 2010 packet of Board materials.

P. Application for Approval of Acquisition of Assets of Rural Water District.
   1. Application by City of Sand Springs to Acquire Assets of Rural Water District No. 1, Tulsa County, Application No. RWA-2010-001.

7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS

A. Contracts and Agreements Recommended for Approval.
   1. Memorandum of Agreement with the Association of State Dam Safety Officials to Conduct a Dam Owner Education Workshop.

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

A. There were no items for discussion.

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. No items. There were no Special Consideration agenda items for the Board’s consideration.

B. Items transferred from Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition Agenda for further consideration.

6. PRESENTATION OF AGENCY BUDGET REPORT.

Ms. Leslie Nance stated to the members the actual FY 2010 budget report is in the notebook for FY’2010. Regarding FY’2011, she said Mr. Strong mentioned the existing budget and the Division Chiefs are working hard to make the budget work with what the agency has and intends to complete the budget by June 30.

7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY

Consideration of the Supplemental Agenda items was moved to the Summary Disposition Agenda (3.).

8. ELECTION OF OFFICERS

Chairman Herrmann stated the Board has one-year officer terms for Chairman, Vice Chairman and Secretary, and there is a term limit of two years for those offices.

CHAIRMAN:
Chairman Herrmann stated he would open the floor for nominations for the Board's Chairman.

Mr. Nichols nominated Rudy Herrmann as Chairman, and Ms. Lambert seconded. There were no other nominations.

There being no further nominations, Chairman Herrmann called for the vote.
AYE: Lambert, Drummond, Knowles, Taron, Fite, Nichols, Feaver
NAY: None

ABSTAIN: Herrmann
ABSENT: Sevenoaks

Vice CHAIRMAN:
Chairman Herrmann stated he would accept nominations for Vice Chairman.
Mr. Fite nominated Mr. Nichols as Vice Chairman, and Mr. Drummond seconded. There were no other nominations.

There being no further nominations, Chairman Herrmann called for the vote.  
AYE: Lambert, Drummond, Knowles, Taron, Fite, Feaver, Herrmann  
NAY: None  
ABSTAIN: Nichols  
ABSENT: Sevenoaks

SECRETARY:  
Chairman Herrmann said he would accept nominations for Secretary.

Mr. Drummond nominated Ms. Lambert as Secretary, and Mr. Fite seconded. There were no other nominations.

There being no further nominations, Chairman Herrmann called for the vote.  
AYE: Drummond, Knowles, Taron, Fite, Nichols, Feaver, Herrmann  
NAY: None  
ABSTAIN: Lambert  
ABSENT: Sevenoaks

Chairman Herrmann stated the officers elected will serve for the next 12 months, and will be termed out next year.

9. PROPOSED EXECUTIVE SESSION  
Chairman Herrmann

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(1) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[d]iscussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee.” Item added

Pursuant to these provisions, the Board proposes to hold an executive session for the purpose of:

Discussion of the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of the Executive Director and Interim Executive Director.

A. Vote on whether to hold Executive Session – before an executive session can be convened, it must be authorized by a majority vote of a quorum of members present and such vote must be recorded.

Chairman Herrmann stated he would accept a motion the Board convene in executive session for the purposes stated.
Mr. Drummond moved the Board enter executive session, and Ms. Lambert seconded.
AYE: Lambert, Drummond, Knowles, Taron, Fite, Nichols, Feaver, Herrmann
NAY: None
ABSTAIN: None
ABSENT: Sevenoaks

B. Designation of person to keep written minutes of Executive Session, if authorized.

Chairman Herrmann designated Executive Secretary Mary Schooley to keep written minutes.

C. Executive session, if authorized

The Board entered executive session at 10:15 a.m., on Tuesday, June 8, 2010.

10. VOTE ON MATTERS DISCUSSED IN EXECUTIVE SESSION - Return to open meeting and possible vote on any matters discussed in the Executive Session. Item added

The Board returned to Regular Session at 10:55 a.m. Chairman Herrmann announced that no matters discussed in the Executive Session required a vote by Board members.

11. 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. However, Mr. Fite asked if a Special Meeting is anticipated, and Mr. Strong responded he didn't know, Oklahoma City had approved the transfer agreement and there is a June 30 deadline, so there could be a special meeting between now and the end of the month.

12. ADJOURNMENT

There being no further business, Chairman Herrmann adjourned the meeting of the Oklahoma Water Resources Board at 11:00 a.m. on Tuesday, June 8, 2010.

OKLAHOMA WATER RESOURCES BOARD

_________________________  /s/
Rudolf J. Herrmann, Chairman  Jess Mark Nichols, Vice Chairman
/s/ Edward H. Fite
Absent          Richard Sevenoaks

/s/ Marilyn Feaver
/s/ Kenneth K. Knowles

Absent          /s/
F. Ford Drummond  Joseph E. Taron

**ATTEST:**

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