

REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

December 13, 2011

9:30 a.m.

Oklahoma Water Resources Board
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 December 6, 2011 at 5:40 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 Linda Lambert**
- A. Invocation
 - B. Roll Call
 - C. Discussion, Amendments, and Vote to Approve Official Minutes of the November 8, 2011, Regular Meeting.
 - D. Executive Director's Report. **Mr. J.D. Strong**
 - E. Monthly Budget Report **Ms. Amanda Storck**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Calvin Public Works Authority, Hughes County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Tahlequah Public Works Authority, Cherokee County. Recommended for Approval
 - C. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Davis Municipal Authority, Murray County. Recommended for Approval.
 - D. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS

Chairman Lambert

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 Possible Action on Items 3.C. through 3.P., Recommended for Approval.

C. Financial Assistance Division Items:

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

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
COEDD				
a.	FAP-10-0020-R	Calvin Public Works Authority	Hughes	\$ 99,999.00
GGEDA				
b.	FAP-11-0032-R	Town of Adair	Mayes	99,000.00
KEDDO				
c.	FAP-11-0005-R	Fort Towson Public Works Authority	Choctaw	99,000.00
NODA				
d.	FAP-09-0022-R	Town of Braman	Kay	79,999.00
SODA				
e.	FAP-09-0028-R	Wapanucka Public Works Authority	Johnston	99,999.00
SWODA				
f.	FAP-09-0018-R	Lone Wolf Public Works Authority	Kiowa	90,400.00

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

- 1. Interagency Subagreement with Oklahoma State University Department of Natural Resource Ecology and Management for the Oxbow System Assessment and Protocol Development – Phase III.
- 2. Memorandum Agreement with Department of Environmental Quality for lake monitoring and USGS/OWRB Stream Gaging Cooperative Program Support.
- 3. Intergovernmental Agreement with City of Broken Arrow for Cooperating Technical Partners – Broken Arrow Creek Project.

- 4. *Joint Funding Agreement with USGS for the Stream-Flow Monitoring of Seven Stream-Flow Sites in the Upper Washita River and Cobb Creek Basins. Item added*
 - 5. *Interagency Agreement with Oklahoma Corporation Commission to Provide for Plugging Certain Water Wells to Prevent, Control or Abate Pollution of Groundwater. Item added*
- E. Applications for Temporary Permits to Use Groundwater:
1. Fletcher Public Works Authority, Comanche County, #2011-535
 2. Herb & Jana Hammack, Dewey County, #2011-593
 3. Thomas M. Entz, Caddo County, #2011-596
 4. Thomas M. Entz, Caddo County, #2011-597
 5. Russel Ivins, France Valerie Ann Ivins and Marlin & Frankie Jo Ivins, Blaine County, #2011-612
 6. Horse Creek Farms, L.L.C., Custer County, #2011-624
 7. Ron & Barbara Crain, Alfalfa County, #2011-631
 8. Raymond O. Watson Trust, Elma J. Watson, Trustee, Caddo County, #2011-637
- F. Applications to Amend Temporary Permits to Use Groundwater:
1. Guilford J. & Marian E. Barnard, Victor D. & Marjorie J. Barnard and Hugh D. Barnard, Alfalfa County, #1974-207
 2. Johnny & Cordelia Atteberry, Blaine County, #1993-511A
 3. Eldon & Jannell Ridenour, Canadian County, #2005-568
- G. Applications for Regular Permits to Use Groundwater:
1. Richard E. & Rebecca Sally Claggett, Texas County, #2011-567
 2. Russel Ivins, France Valerie Ann Ivins and Marlin & Frankie Jo Ivins, Blaine County, #2011-611
 3. Burgin Limited Partnership, Cimarron County, #2011-618
 4. Gerald M. Wallace Living Trust, Tillman County, #2011-622
- H. Applications to Amend Regular Permits to Use Groundwater:
1. Larry Wayne Williams, Texas County, #1978-644
- I. Applications to Amend Prior Rights to Use Groundwater:
1. Kent Wayman, Grant County, #1972-195
- J. Applications for Regular Permits to Use Stream Water:
1. Town of Muldrow, Sequoyah County, #2011-033
 2. Jimmy Ray Capps, Pottawatomie County, #2011-049
 3. Cimarex Energy Co., Canadian County, #2011-050
 4. Raymond Duane Tiblow, Osage County, #2011-051
 5. Buel Dean Jobe, Osage County, #2011-052
- K. Applications for Term Permits to Use Stream Water:
1. Don Kirkes, Pushmataha County, #2011-047
 2. Scott Elliott, Choctaw County, #2011-048
- L. Order Vacating Summary Disposition Approval of Application for Temporary Permit to Use Groundwater in names of Wayne & Dona Caulder, Major County, #2011-570

- M. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:

a. Licensee:	Parker & Son Welding	DPC-0825
1. Operator:	Brian Parker	OP-1842
Activities:	Pump installation	
2. Operator:	Ronald Dean Parker	OP-1843
Activities:	Pump installation	
b. Licensee:	Barnett Water Well Service	DPC-0851
1. Operator:	Darrell Barnett	OP-1879
Activities:	Groundwater wells, groundwater test holes and observation wells Pump installation	
c. Licensee:	ACE Well Service	DPC-0853
1. Operator:	A.C. Kuhlman	OP-1880
Activities:	Pump installation	
 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:

a. Licensee:	C & W Construction, Inc.	DPC-0528
1. Operator:	Miguel Martinez	OP-1877
Activities:	Pump installation	
2. Operator:	Irvin Gonzales	OP-1878
Activities:	Pump installation	
b. Licensee:	Sunbelt Industrial Services, LLC	DPC-0701
1. Operator:	Thomas Ralph McCullough	OP-1553
Activities:	Monitoring wells and geotechnical borings	
- N. Dam and Reservoir Construction:
1. Sahoma Lake Dam, Creek County, #OK00566
- O. Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
1. Oklahoma Department of Transportation, Comanche County, #FP-11-38
 2. Oklahoma Department of Transportation, Comanche County, #FP-11-39
 3. Oklahoma Department of Transportation, Rogers County, #FP-11-41
 4. Oklahoma Department of Transportation, Cherokee & Wagoner Counties, #FP-11-42
- P. Applications for Accreditation of Floodplain Administrators:
Names of floodplain administrators to be accredited and their associated communities are individually set out in the December 13, 2011 packet of Board materials

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

A. Presentation and Discussion Regarding Update on the Re-evaluation of the Oklahoma Water Quality Standards Scenic Rivers 0.037 mg/L Total Phosphorus Criterion.
Mr. Derek Smithee

- B. *Presentation and Discussion of Status of Arbuckle Simpson Aquifer Study and Process of Determination of Maximum Annual Yield.* **Ms. Julie Cunningham** *Item added*

05000 5. SPECIAL CONSIDERATION

Chairman Lambert

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. No items.
- B. Items transferred from Summary Disposition Agenda, if any.

06000 6. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY

Chairman Lambert

• 7. PROPOSED EXECUTIVE SESSION

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 Chickasaw Nation and Choctaw Nation v. Fallin, et al. and discussing the possible authorization to legal counsel to institute suits to adjudicate all rights to the use of water in the Kiamichi River Stream System including but not limited to the Kiamichi River, all tributaries thereof, and all reservoirs on any such stream, contained within Basins 5 and 6 of the Southeast Watershed Planning Region described in the 2012 Update of the Oklahoma Comprehensive Water Plan published by the Board (the "2012 OCWP") and the Muddy Boggy Stream System including but not limited to the Muddy Boggy Creek, all tributaries thereof including but not limited to Clear Boggy Creek, North Boggy Creek and McGee Creek, and all reservoirs on any such stream, contained within Basins 7, 8 and 9 of the Blue-Boggy Watershed Planning Region described in the 2012 OCWP pursuant to Section 105.6 of Title 82 of the Oklahoma Statutes and in compliance with 43 United States Code, Section 666.

The Board has been advised by legal counsel that disclosure of the discussion of the litigation will seriously impair the Board and state to conduct the present and proposed litigation in the public interest.

- A. *Vote on whether to hold Executive Session upon determination that it will seriously impair the ability of the Board and state to conduct the present and proposed litigation in the public interest. 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.*

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

- 8. ***VOTE(S) ON POSSIBLE ACTION(S), IF ANY, RELATING TO MATTERS DISCUSSED IN EXECUTIVE SESSION, INCLUDING BUT NOT LIMITED TO POSSIBLE INSTRUCTION TO COUNSEL RELATED TO THE PRESENT LAWSUIT AND AUTHORIZING LEGAL COUNSEL AT THEIR DISCRETION TO INSTITUTE SUITS TO ADJUDICATE ALL RIGHTS TO THE USE OF WATER IN THE KIAMICHI RIVER STREAM SYSTEM INCLUDING BUT NOT LIMITED TO THE KIAMICHI RIVER, ALL TRIBUTARIES THEREOF, AND ALL RESERVOIRS ON ANY SUCH STREAM, CONTAINED WITHIN BASINS 5 AND 6 OF THE SOUTHEAST WATERSHED PLANNING REGION DESCRIBED IN THE 2012 UPDATE OF THE OKLAHOMA COMPREHENSIVE WATER PLAN PUBLISHED BY THE BOARD (THE “2012 OCWP”) AND THE MUDDY BOGGY STREAM SYSTEM INCLUDING BUT NOT LIMITED TO THE MUDDY BOGGY CREEK, ALL TRIBUTARIES THEREOF INCLUDING BUT NOT LIMITED TO CLEAR BOGGY CREEK, NORTH BOGGY CREEK AND MCGEE CREEK, AND ALL RESERVOIRS ON ANY SUCH STREAM, CONTAINED WITHIN BASINS 7, 8 AND 9 OF THE BLUE-BOGGY WATERSHED PLANNING REGION DESCRIBED IN THE 2012 OCWP PURSUANT TO TITLE 82 OF THE OKLAHOMA STATUTES AND IN COMPLIANCE WITH 43 UNITED STATES CODE SECTION 666.***
Language revised (italicized unbolded and italicized bolded).

- 9. **NEW BUSINESS** **Chairman Lambert**

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** **Chairman Lambert**

The next regularly scheduled meeting of the Oklahoma Water Resources Board will be on Tuesday, January 10, 2012, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK.

12/6/2011