

**OKLAHOMA WATER RESOURCES BOARD**  
**OFFICIAL MINUTES**  
**October 17, 2011**

**1. Call to Order**

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Linda Lambert at 9:30 a.m., on October 17, 2011, at 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 October 10, 2011 at 5:00 p.m. at the Oklahoma Water Resources Board's offices.

**A. Invocation**

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

**B. Roll Call**

**Board Members Present**

Linda Lambert, Chairman  
Ford Drummond, Vice Chairman  
Joe Taron, Secretary  
Marilyn Feaver  
Ed Fite  
Kenneth Knowles  
Rudy Herrmann  
Richard Sevenoaks  
Tom Buchanan

**Board Members Absent**

None

**Staff Members Present**

J.D. Strong, 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  
Amanda Storck, Chief, Administrative Services Division  
Kyle Arthur, Director of Planning

Josh McClintock, Director of Government and Public Affairs  
Mary Schooley, Executive Secretary

**Others Present**

Jim East, Strategies for Oklahoma, Tulsa, OK  
Rick Brown, CDM  
Erin Boeckman, eCapitol, Oklahoma City, OK  
Larry Thoma, City of Elgin, OK  
E.W. & Paula Wright, Noble County Rural Water District #3, Ponca City, OK  
Angie Burckhalter, Oklahoma Independent Petroleum Association, Oklahoma City, OK  
Marla Peek, OK Farm Bureau, Oklahoma City, OK  
George Tipton, CRG/Delaware County Rural Water District #1, Pryor, OK  
Rebecca Poole, Department of Environmental Quality, Oklahoma City, OK  
Nate Ellis, Public Finance Law Group, Oklahoma City, OK  
G. Michael Taylor, Department of Environmental Quality, Oklahoma City, OK  
Vicki Reed, Department of Environmental Quality, Oklahoma City, OK  
Penne Embry, Oklahomans for Responsible Water Policy, Eufaula, OK  
Charlette Hearne, Oklahomans for Responsible Water Policy, Broken Bow, OK  
Tim McCray, Rose & McCray, P.C., Grove, OK  
Charlie Swinton, BancFirst, Oklahoma City, OK  
Kelly Danner, Oklahoma Municipal League, Oklahoma City, OK  
Will Schmidt, Oklahoma Municipal League, Oklahoma City, OK  
Patrick Sanders, Delaware County Rural Water District #1, Eucha, OK  
Amy Ford, Citizens for the Protection of Arbuckle Simpson Aquifer, Durant, OK  
Fred L. Rice, City of Edmond, OK  
Kim Peterson, City of Guymon, OK  
Fred Fischer, Hooker, OK  
Mike Langston, Oklahoma Water Resources Research Institute, Stillwater, OK  
Shawn Lepard, Lepard Consulting, Oklahoma City, OK  
Edward Summer, Okmulgee, OK

**C. APPROVAL OF MINUTES**

Chairman Lambert complimented Ms. Schooley on the transcribed minutes for the September meeting. She asked if there were any amendments to the draft minutes of the September 13, 2011, Regular Meeting. There being none, Mr. Buchanan moved to approve the minutes and Mr. Knowles seconded.

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

## **D. EXECUTIVE DIRECTOR'S REPORT**

Mr. J.D. Strong, Executive Director, said that it has been a busy time; he noted the report of the activities in Washington which had been distributed, and noted the upcoming Joint Legislative Committee on Water that will meet on October 19 following the Governor's Water Conference. And, the annual staff chili cookoff on October 28.

Mr. Strong said that today is a huge day with the goal of approval of the Oklahoma Comprehensive Water Plan. There has been controversy and eventful news, but nonetheless the five-year process comes to a head, but is actually the end of the beginning. He introduced Mr. Josh McClintock to make a presentation to Mr. Kyle Arthur for his direction regarding the OCWP. He presented a "three-legged stool" which Mr. Arthur had spoken of so many times in update presentations to the Board throughout the planning process. Mr. Strong said there would be a fitting celebration at a later date, and he added his comments of gratitude as well.

Mr. McClintock reviewed the Governor's Water Conference and Water Resources Research Institute agenda with the members.

Mr. Strong continued with his report stating the Joint Legislative Committee had also met September 21 and October 5, and the remaining schedule will also meet November 2. He noted meetings he had attended: Arkansas-Oklahoma Arkansas River Compact Commission, Northwest Alliance, CyberCommons Conference, Western States Water Council (Idaho Falls, ID), Stillwater Rotary, and would be interviewed with the Oklahoma Horizons Program. He added a recent episode featured Senator Crain and Rep. Richardson. Mr. McClintock will attend the Town Hall Academy, October 23-26, with the theme of "Economic Development."

## **E. Monthly Budget Report**

**Ms. Amanda Storck**

Ms. Amanda Storck addressed the members and said that 85% of the funding is available, with 75% of the year left. Chairman Lambert stated the Board would ratify the budget request at the November meeting. Mr. Drummond said state revenue has improved, and he asked if there were any anticipated improvements in dollars available to the agency. Mr. Strong answered the agency is set for this fiscal year through June 30, and the outlook is better for the FY2013 budget. He said that it is not a good time to be asking for dollars, but that we are asking for new programs and increases based on priority recommendations of the Water Plan--monitoring and technical studies, for example. Revenue increases make hopes of getting the additional requests better than previous years. The request has been submitted, and following final analysis of the Water Plan, it will be brought to the Board, and will be solely the cost to implement the Water Plan.

Ms. Storck added that any money that comes in this year from now to the end of the year will be available for next year's appropriation. There are agencies that have received our funding (Stimulus) that won't be available, and will have to replace dollars for important programs, so she is cautiously optimistic there will be dollars left for the agency. Chairman Lambert said it is important to note the additional requests reflect the recommendations of the Water Plan.

## 2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Rural Water District #3, Noble County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this item is for the consideration of an Emergency Grant application by the Noble County Rural Water District #3 in the amount of \$99,500.00. He said that on May 10, 2011, a tornado destroyed the District's existing main booster station and chlorination system, and heavy rainfall then washed out a portion of the water lines. As a result, the District is experiencing low water pressure, and is under a boil order by the Department of Environmental Quality. Mr. Freeman said the District proposed to replace the booster pump station, chlorination system, and relocate the washed out water line. The project is estimated to cost \$121,540.00, and funding will be provided by \$22,040.00 in local funds, and the requested OWRB Emergency Grant of \$99,500.00. Staff recommended approval of the application.

Representing the RWD was Paula Wright, Secretary-Treasurer, and Emit Wright, Board Member.

There were no questions, and Mr. Drummond moved to approve the emergency grant to the Noble County RWD #3, and Mr. Herrmann seconded.

AYE: Buchanan, Knowles, Drummond, Sevenoaks, Herrmann, Feaver, Taron,  
Fite, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Rural Water District #1, Delaware County. Recommended for Approval. Mr. Freeman stated this item is a \$281,290.00 loan request from Delaware County Rural Water District #1. He said the District is requesting the loan to lay approximately 32,000 feet of 4-inch water line to provide additional residential customers good, potable water. The loan will be funded through the Drinking Water State Revolving Fund Loan program, and in addition to the OWRB loan, the project will be funded with an \$75,000.00 Indian Health Services grant, and \$25,000.00 Grand Gateway REAP grant, and \$50,150.00 in local funds. Mr. Freeman noted provisions of the loan agreement; the District has been a borrower of the Board's since 1998, and there is currently one loan outstanding with the Board. The District's debt coverage ratio is 1.5-times.

Representing the Delaware County RWD #3 were Mr. Patrick Sanders, Vice Chair; Gayle Sperry, Secretary-Treasurer; Tim McCrary, Engineer, and George Tipton, CRG.

Mr. Sevenoaks asked the source of treated water, and Mr. Sanders responded the District purchases treated water from the City of Jay. There were no other questions or comments.

Mr. Fite moved to approve the Drinking Water SRF loan to Delaware County RWD #1, and Dr. Taron seconded.

AYE: Buchanan, Knowles, Drummond, Sevenoaks, Herrmann, Feaver, Taron,  
Fite, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Elgin Public Works Authority, Comanche County. Recommended for Approval. Mr. Freeman stated this item is a request for a \$3,150,000.00 Clean Water State Revolving Fund Loan request by the Elgin Public Works Authority in Comanche County. The PWA is requesting the loan to construct an influent lift station, two aerated lagoons, one settling lagoon, and install a slow rate land application system. Mr. Freeman noted provisions of the loan agreement. He said that since 2004, Elgin's water connections have increased 64% and its sewer connections have increased 37% over the past years; the debt coverage ratio stands at approximately 1.3-times. Staff recommended approval of the loan request.

Mayor Larry Thoma was present in support of the loan application.

Mr. Herrmann asked what was driving the growth; Mayor Thoma answered, BRAC. He said that in ten years, Elgin has grown 78% because of the Ft. Sill realignment. Ms. Feaver asked the population increase since 2000, and Mr. Thoma responded 78%--or from 1,300 to 2,100, and a bond issue just passed for the school system of 1,900 students.

There were no other questions, and Mr. Buchanan moved to approve the CWSRF loan to the Elgin Public Works Authority, and Ms. Feaver seconded.

AYE: Buchanan, Knowles, Drummond, Sevenoaks, Herrmann, Feaver, Taron, Fite, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

### **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.

#### **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.**

Chairman Lambert said if there were changes to the Summary Disposition Agenda, and Ms. Julie Cunningham asked that items F.2. (amend temporary groundwater permit) and I.1. (amendment to groundwater prior rights) be withdrawn from the Board's consideration due to notice issues.

There were no other changes, and no questions or discussion. Chairman Lambert asked for a motion to approve the Summary Disposition Agenda as amended.

Dr. Taron moved to approve the Summary Disposition Agenda as amended, Mr. Knowles seconded.

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

Mr. Buchanan asked if there is a limit to the number of operators a licensed well driller may have under his license, and Ms. Cunningham said there is not.

The following items were approved:

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-10-0009-R	Rural Water District #2	Hughes	amend scope
INCOG				
b.	FAP-10-0007-R	Hulah Water District #20	Osage	amend scope

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

1. Approval and Ratification of Amendment of Joint Funding Agreement with U.S. Department of Interior U.S. Geological Survey for Garber-Wellington Aquifer Management, Central Oklahoma project.
2. Memorandum Agreement with USGS and CP Kelco for water monitoring and data collection.
3. Professional Services Agreement with Camp Dresser & McKee Inc. (CDM) to develop and provide a public wastewater utility planning guide.
4. Amendment of Joint Funding Agreement with U.S. Geological Survey for the Continuation of the Monitoring Program.
5. Approval and Ratification of Agreement with The Lavin Agency and Charles Fishman for keynote speaking presentation at 2011 Governor's Water Conference.
6. Agreement with Office of the Secretary of the Environment for the Clean Water Act FY 2012 §104(b)(3) Regional Wetlands Program Development, Wetland Water Quality Standards Development & Oxbow System Assessment and Protocol Development-Phase III.
7. Agreement with the Office of the Secretary of the Environment for the FY 11 §106 Water Pollution Control Program – Monitoring, CA# I-00F43201.

- E. Applications for Temporary Permits to Use Groundwater:
1. Tong Nguyen, Delaware County, #2010-570
  2. Gerald R. Garrett Revocable Trust, Blaine County, #2011-575
  3. Roy Dean & Judy Pieper, Blaine County, #2011-589
  4. James R. Fellers, Harper County, #2011-604
  5. James R. Fellers, Beaver County, #2011-605
  6. Houston & Karen Farris, Caddo County, #2011-606
  - 7. *Russel & France Valerie Ann Ivins and Marlin & Frankie Jo Ivins, Blaine County, #2011-612 Item withdrawn*
  8. Thomas Lee & Nelda Joy Tucker, Roger Mills County, #2011-614
  9. Thomas Lee & Nelda Joy Tucker, Roger Mills County, #2011-615
  10. Thomas Lee & Nelda Joy Tucker, Roger Mills County, #2011-616
- F. Applications to Amend Temporary Permits to Use Groundwater:
1. Ercil Wayne & Shirley George, Grant County, #1975-891
  - 2. *Johnny & Cordelia Atteberry, Blaine County, #1993-511A Item withdrawn*
- G. Applications for Regular Permits to Use Groundwater:
1. Tillman County Rural Water District No. 1, Tillman County, #2011-520
  - 2. *Richard E. & Rebecca Sally Claggett, Texas County, #2011-567 Item withdrawn*
  - 3. *Richard E. & Rebecca Sally Claggett, Texas County, #2011-568 Item withdrawn*
  4. Newkumet Exploration, Inc., Tillman County, #2011-584
  5. TerryLand Farms, Inc., Harper County, #2011-591
  - 6. *Russel & France Valerie Ann Ivins and Marlin & Frankie Jo Ivins, Blaine County, #2011-611 Item withdrawn*
- H. Applications to Amend Regular Permits to Use Groundwater:
1. Steve & Cynthia Barnes, Texas County, #1976-576
  2. Hal & LuAnn Nine, Beaver County, #1987-559
  3. City of Bristow, Creek County, #2010-503
- I. Applications to Amend Prior Rights to Use Groundwater:
- 1. *Ken Wayman, Grant County, #1972-195 Item withdrawn*
- J. Applications to Amend Regular Permits to Use Stream Water:
1. City of Broken Arrow, Wagoner County, #1963-131
  2. City of Broken Arrow, Wagoner County, #1978-063
- K. Applications for Term Permits to Use Stream Water:
1. Mark & Annette Schweitzer, Canadian County, #2011-037
- L. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
    - a. Licensee: Tyler Water Well, Inc.

DPC-0839

1. Operator: Clint L. Tyler OP-1867  
Activities: Groundwater wells, test holes and observation wells  
Heat exchange wells
- b. Plumbgood Plumbing DPC-0841
  1. Operator: Tim Wooten OP-1868  
Activities: Pump installation
- c. Prairie Legend Windmills DPC-0843
  1. Operator: Michael Porterfield OP-1869  
Activities: Repair of windmills only
2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
  - a. Licensee: Shaddon Laverty Water Well Drilling, LLC DPC-0717
    1. Operator: Levi Gaisford OP-1840  
Activities: Groundwater wells, test holes and observation wells  
Pump installation
  - b. Licensee: Choctaw Nation Environmental Health & Engineering DPC-0509
    1. Operator: John Meshaya OP-1856  
Activities: Pump installation
    2. Operator: Daniel Taliver OP-1857  
Activities: Pump installation
    3. Operator: Ronald Bacon OP-1858  
Activities: Pump installation
    4. Operator: Nicholas Watts OP-1859  
Activities: Pump installation
    5. Operator: Clarence Watts OP-1860  
Activities: Pump installation
    6. Operator: Malcom Shelton OP-1862  
Activities: Pump installation
    7. Operator: Aubrey Davidson OP-1863  
Activities: Pump installation
    8. Operator: William D. Thompson OP-1864  
Activities: Pump installation
    9. Operator: Kelsey Ludlow OP-1865  
Activities: Pump installation
10. Operator: Floyd Collins, III OP-1866  
Activities: Pump installation
  - c. Licensee: Clarke Well & Equipment, Inc. DPC-0362
    1. Operator: Jared L. Brown OP-1870  
Activities: Groundwater wells, test holes and observation wells
    2. Operator: Joe F. Denney OP-1871  
Activities: Pump installation
    3. Operator: Christopher Ekberg OP-1872  
Activities: Groundwater wells, test holes and observation wells
    4. Operator: Dwight D. Selle OP-1873  
Activities: Pump installation

- M. Dam and Reservoir Construction: None
- N. Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas: None
- O. Applications for Accreditation of Floodplain Administrators: None

**4. 2012 UPDATE TO OKLAHOMA COMPREHENSIVE WATER PLAN.**

**Chairman Lambert  
Mr. Kyle Arthur**

Chairman Lambert introduced the agenda item stating this is to bring to fruition approval of the Oklahoma Comprehensive Water Plan. She said the item contains three pieces: Mr. Strong will provide an update regarding feedback and dialogue, input and insights that have been received since the September Board meeting, to put forth recommendations subsequent to the September Board meeting. The Board will then take action on the eight priority items listed in the comprehensive water plan, and pending that discussion and those approvals, then entertain a motion to resolve to approve the entire Oklahoma Comprehensive Water Plan.

**A. Overview of Public Discussion Draft of Executive Report of 2012 Update of Oklahoma Comprehensive Water Plan, and Summary of Revisions to Priority Recommendations and Supporting Recommendations and Initiatives.**

Mr. Strong said this is a huge day; Mr. Arthur could review all the information, but everyone is familiar with what is in the Plan--thousands of pages of watershed planning region reports, the Executive Report that summarizes both the policy recommendations as well as all the technical information which is what is before the Board today for discussion and approval. The bulk of the information has not changed substantively since April (watershed planning reports have had minor error corrections, format and grammatical changes), the Executive Report has changed, in particular the priority recommendations, comprising eight pages of the 150-page report. Those priority recommendations is where focus will be today; four of the eight are fine as currently worded and have not garnered much controversy, question or confusion: (1) *Water Project and Infrastructure Funding* - everyone on board recognizing this as a huge and daunting challenge of \$81 billion in water and wastewater needs over the next 50 years; (2) *Excess and Surplus Water* - while hugely controversial the language of the recommendation is solid and people have complained its confusing, and is confusing because it takes several paragraphs to explain, but is simply the same used today in considering out-of-basin transfers, with the only additional change of an additional 10% plus 10% margin of safety protecting that basin of origin--average annual flow, projected demanded water in that basin over the next 50 years is subtracted out (reservoir yield, compact obligations, downstream demand) and remaining is what would be considered today as an out of basin transfer permit and the only new thing is a set aside of an addition 10% of what is believed the demands may be (between now and 2060) and what water is available on an average annual basis, while recognizing that groundwater is private property and not subject to this regime, any compacted water for federal or tribal reservation, and any water for instream flow which are or would be legally set aside waters that could not be considered - no changes are proposed by staff; (3) *Water Conservation, Efficiency, Recycling and Reuse* - no changes proposed, but will take work to develop the most appropriate approach incentive-wise and education-wise to make sure there are no regulatory obstacles in place, etc.,

but people are excited about that challenge to reduce stress on fresh water supplies and meet long term demand, with the recommendation that by 2060 the demand is the same as today while growth continues; and (4) *Water Quality and Quantity Monitoring* - requires no additional change, but funding is needed, some questions raised about monitoring groundwater if it's a private property right, but there is no baseline of the quantity or quality of water in terms of how it is fluctuating over time regarding pollutants and affecting water long-term.

Mr. Strong said the (5) *Regional Planning Groups* recommendation has been changed regarding the cost associated as originally the estimate of \$2 million a year was used based upon the Texas program. He said staff decided to scale that back to the known costs by looking at the costs of the Feedback and Implementation meetings to meet a couple of times a year, and the full implementation costs of the recommendation are going to depend upon what they look like, how many there are, how many people serve, and what they are charged to do. It is not known what the groups will be like, but it is still a recommendation and a priority to press on for regional planning groups. The negative feedback was that it is an additional layer of bureaucracy, but actually is the reverse as what was heard throughout the public input process is that people want to know what is going on with the water resources in their area and they want to play a role in how the decisions are made.

Mr. Strong said there are three recommendations that require modification to the language which was provided earlier to the members: (6) *State/Tribal Water Consultation and Resolution* there is a three-word proposed change to clean up redundant wording; (7) *Instream/Environmental Flows* has been modified the most since April, but the one thing that hasn't changed is the Board seems to be comfortable in recommending following the process outlined by the instream flow workgroup--spent a year working toward a consensus among the group, which was hard-fought but did recommend how to move forward as a state. Everything that has been added on is already covered in the report (value of fishing, done not to damage consumptive use sector, pilot study on a scenic river) and made it more confusing whether what the Board is recommending is different than what the group recommended, the core of the recommendation is to follow the instream flow workgroup process, the suggested change scales back to one sentence--following the process to ascertain suitability and adding reference to the timeline, kicking off in 2012 and completing in 2015; and (8) *Water Supply Reliability* - a minor change suggested in the introduction, third bullet with "a., b., c., & d.," original language used, "...develop regionally appropriate recommendations" which to some indicated the 13 regions would have different recommendations about consumptive use management and seasonal permitting, etc., which was not the intent, but that it be sight-specific so the proposed change indicates these would be considered "where appropriate"; and under "d." regarding "such as metering" receives the bulk of the angst and is a lightning rod issue, "transitioning" signaled moving to a different direction in managing groundwater, so rather use "consideration," so that change is suggested, and also reference to other measures such as the Kansas program of water banking, remote sensing, etc., and the suggestion is to reference allocation banking coupled with a more accurate method accounting for the water and clean up. He clarified the reference to the Kansas program is not adopting the Kansas program as groundwater is a public resource so that would not fit well here, but focusing on the allocation banking piece makes sense and may see benefit to people when needing water in drought years and being able to plan ahead by not using it for the next year.

Mr. Knowles stated he felt the matter had been well discussed the last month and he was satisfied with the language, and he would agree to the proposal with the removal of "with an

accurate method of accounting (e.g., similar to the approach taken in by Kansas)." Chairman Lambert said there would be an opportunity for discussion later when motions are considered.

B. Consideration of and Possible Action on Revisions of Public Discussion Draft of Executive Report, Drafts of Each of Thirteen (13) Watershed Planning Region Reports, and Other Draft Documents Comprising Portions of 2012 Update of Oklahoma Comprehensive Water Plan. Chairman Lambert instructed how the Board would consider the priority recommendations. There are four priority recommendations for which no changes have been recommended by the Board or staff since the September meeting: Water Project and Infrastructure Funding, Excess and Surplus Water, Water Conservation, Efficiency, Recycling and Reuse, and Water Quality and Quantity Monitoring. Regarding the Regional Planning Groups, the only change concerns the funding request, not a change in the recommendation itself. Absent any further discussion on these five, Chairman Lambert stated they would now be considered for approval under the final resolution approving the Water Plan.

Mr. Buchanan asked about the recommended dollar amount for the Regional Planning Groups. Mr. Strong responded the change in the draft language cost and implementation schedule and supporting text was developed by staff and have updated the cost to say \$95,000 a year for start up, and full implementation to be determined. Ms. Feaver asked the value of including an amount with the recommendation, is funding expected? Mr. Strong said that he did not expect it, but there needed to be justification for the budget request and should include what ultimately will should go to the Legislature to request funding for this next session.

Mr. Fite asked what kind of feedback is being received from discussions with members of the Joint Legislative Committee on Water regarding funding to implement the Plan. Mr. Strong responded there is talk about this will be one of the most significant issues next session and funding will be necessary to put into motion; they understand the need for monitoring and for groundwater and streamwater studies needed to allocate water, and the regional planning group funding is more questionable because they haven't been defined and the value isn't known, which is open for the Legislature to determine if we are going to have regional planning groups--what they will look like, who will be on them, and what they will do. He said surrounding states will make presentations at the Governor's Water Conference about how to set them up and how they do non-regulatory work in those states; it is a logical step to taking the Plan to the next step. Chairman Lambert said this is the continuation of the grassroots process that has been in effect the last five years and is the next logical step which doesn't stop with the approval of this Plan, and if the grass roots methodology has validity, our hope is, so does the regional planning groups.

There being no further discussion regarding the five priority recommendations for which there are no changes in the text and one minor change in funding, Chairman Lambert stated they would be deemed ready for approval within the final resolution.

Chairman Lambert stated the Board would now consider the three remaining priority recommendations for which there have been changes recommended by either a Board member and/or staff --instream flow, tribal water consultation, and water supply reliability:

1. Chairman Lambert asked for a motion to amend the instream/environmental flow priority recommendation.

Mr. Herrmann stated for purposes of discussion he would move to amend the most recent draft, and include in the wording at the front, "The process developed by the OCWP Instream Flow Workgroup should be implemented and followed to ascertain the suitability and structure of an instream flow program for Oklahoma, with such process commencing in 2012 and concluding by 2015 as outlined by the Workgroup." Mr. Buchanan seconded.

The Chairman asked for comments or questions. Mr. Herrmann again voiced his concern as he did at the September meeting that there is no action orientation to the recommendation. He is concerned this is a process where participants can continue to delay and "kick the can down the road," and find in 2015 nothing has been done.

There being no other comments, Chairman Lambert called for the vote.

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

2. Chairman Lambert asked for a motion to amend the State/Tribal Water Consultation and Resolution priority recommendation.

Mr. Drummond moved to strike on page 13 the language, "possible validity of" between the word "the" and the word "water" in the first sentence, (to read) "To address uncertainties relating to the water rights claims by the Tribal Nations of Oklahoma..." Mr. Sevenoaks seconded.

Mr. Drummond commented the recommendation by staff does not change the substance of the recommendation; there are Tribal claims, this is above the Board's pay grade, and it should be passed on to the parties that should be involved. Chairman Lambert said it should be clear this is the responsibility of the Governor and the Legislature; the change was recommended by the Board's legal counsel.

There being no other discussion, Chairman Lambert called for the vote.

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

3. Chairman Lambert said she would entertain a motion to amend the Water Supply Reliability priority recommendation.

Mr. Sevenoaks moved to amend the Final Draft dated September 30, 2011, of the Oklahoma Comprehensive Water Plan Executive Report as posted on the OWRB website, as follows:

On page 15 of the Final Draft of the Executive Report, in the priority recommendation language, third bullet point toward the end of the second line, strike the words, "regionally appropriate recommendations, including" and replace with the words, "recommendations, where appropriate, regarding," then strike the paragraph lower case d language and replace with the following language, "consideration of a more conservation-oriented approach in the calculation of groundwater basin yields and allocation of groundwater use permits, including the

consideration of more sustainable use and development of groundwater supplies, allocation banking coupled with an accurate method of accounting (e.g., similar to the approach taken by Kansas), irrigation practice improvements, and adoption of new irrigation technology." Mr. Herrmann seconded.

Chairman Lambert asked for comments, and Mr. Knowles stated he agreed with the language in the motion except for the part about groundwater supplies, " allocation banking coupled with an accurate method of accounting (e.g., similar to the approach taken by Kansas), irrigation practice improvements, and adoption of new irrigation technology." He said he preferred that language be removed. Chairman Lambert asked if he wanted to move that as an amendment and Mr. Knowles said he would.

Mr. Sevenoaks asked for further discussion on the original motion; Chairman Lambert said the amendment can be part of the discussion. Mr. Herrmann asked Mr. Knowles about his concerns. Mr. Knowles responded that a large group from the Panhandle attended the September meeting and were against the metering language, and even though this doesn't necessarily say that, it seems so, and there had been a 3-4 hour long discussion and he thought everyone was in agreement; he also disagreed with including the word "Kansas" in the Oklahoma Water Plan.

Mr. Sevenoaks commented that as we move through the Water Plan and deal with the public input, sometimes you have to subjugate your own personal opinion of language you'd like to see in order to move forward to the next level-the Legislature. He said he has been a proponent of metering for as many years as he has been on the Board, but he doesn't want the Plan to be known as the "metering plan" and he is willing to drop the verbiage to make it more amenable to move forward. At the same time, after much thought and conversation with others, it seemed logical since other states have achieved this politically, and there are 3-4 other states that sit over the aquifer, we could use as a guidelines some of the ways they moved forward. He wanted a working neighboring state program referenced so we are able to look out 50 years rather than leave it as it is and not do anything for 50 years. He hoped the verbiage would be used as guideline, and is not about changing to do exactly as they do.

Chairman Lambert said an important change in the language is moving from "transitioning to" to "consideration of" and she didn't want that lost. Mr. Herrmann suggested deleting the parenthetical reference to the Kansas program, and keep the allocation banking idea. Mr. Sevenoaks said there is more to it than allocation banking, he said this is just a component and should be looked at. They discussed what the reference meant, that the language includes allocation banking coupled with accurate method of accounting, and there is another option which is to move the reference to Kansas to the supporting text as an example to be used so that it is not lost but not included in the recommendation.

Mr. Knowles said he made an amendment to the motion, and would accept Mr. Herrmann's suggestion to remove the parenthetical. Chairman Lambert asked for clarification is Mr. Knowles's motion would be to delete the parenthetical language (reference to Kansas), and place it in the supporting text, and Mr. Knowles said (yes) he could live with that.

Mr. Sevenoaks asked about a point of order, that as the original mover, he did not agree to the motion (to amend) and that his motion should be considered first. Chairman Lambert and Mr. Couch clarified that the amendment to the original motion takes precedence and must be considered first, so there needs to be a second, and vote. Then, as amended or not, whether there is agreement or not, and any changes to the priority recommendation as amended or not is a separate motion. Mr. Sevenoaks asked if he moved to amend the motion, could that be voted on and Mr. Couch said the current motion to amend must be considered first, and then there could

be another amendment. Ms. Feaver asked about the original motion, as provided, and Chairman Lambert said that included the parenthetical language regarding Kansas, and changing "transition" to "consideration."

Mr. Buchanan clarified the current amendment is to remove the language in parenthesis, and Chairman Lambert added, and to move it to the supporting language. Mr. Buchanan seconded the amendment.

Chairman Lambert asked if there was discussion. Mr. Sevenoaks stated that the members represent different interests, he understood the irrigators' position and that Texas County is a jewel for agriculture for Oklahoma. He said at the same time, to water it down by the time it goes forward it will be mush, and he is adamantly opposed to changing the language. Chairman Lambert clarified that he would not agree to having the Kansas reference moved to the supporting language, and Mr. Sevenoaks answered if the vote is on this amendment, he would go back to his original language about metering, and drop the motion; he is watered down as far as he would go.

Chairman Lambert asked if there were any question or discussion on the amendment to the motion to remove the parenthetical reference to Kansas to the supporting text language, only. There was no discussion, and she called for the vote.

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

Chairman Lambert stated now the motion on the floor is to approve the recommendation as amended. Mr. Sevenoaks requested to withdraw his motion. There was discussion about whether the motion could be withdrawn; however, Mr. Couch clarified the motion had been seconded and therefore there needed to be a vote on the motion as amended. He said there could be another amendment, that could be seconded, and that could be done before a vote on the main motion. Mr. Buchanan called for the question.

Chairman Lambert asked Mr. Couch to clarify what is to be considered. Mr. Couch said that, as stated in the paper and deleted the parenthetical, so that the lowercase "d" under the third bullet reads, "consideration of a more conservation-oriented approach in the calculation of groundwater basin yields and allocation of groundwater use permits, including the consideration of a more sustainable use and development of groundwater supplies, allocation banking coupled with an accurate method of accounting, irrigation practice improvements, and adoption of new irrigation technology." Chairman Lambert called for the vote.

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

Chairman Lambert asked if there were any other amendments to this priority recommendation. There were no other amendments.

C. Consideration of and Possible Action on Proposed Resolution Approving Public Discussion Draft of Executive Report, Drafts of Each of Thirteen (13) Watershed Planning Region Reports, and Other Draft Documents Comprising Portions of 2012 Update of Oklahoma

Comprehensive Water Plan and Authorizing Chairman or Vice Chairman of the Board to Approve Non-Substantive Changes Thereto and Deem Same Final for the Purposes of Publication and Distribution Thereof; Authorizing and Directing Publication and Distribution Thereof; Authorizing Approval and Execution of Such Other and Further Documents As May Be Required for the Publication and Distribution Thereof; and Containing Other Provisions Relating Thereto. Recommended for Approval.

Chairman Lambert stated all eight priorities have now been approved, and she would move the final motion on the plan. She said, "With no further amendments to the draft priority recommendations contained in the Final Draft of the Executive Report dated September 30, 2011, I move to approve the Resolution Approving the 2012 Update of the Oklahoma Comprehensive Water Plan, which update includes an Executive Report with amendments to the language of certain priority recommendations just now adopted, and the other priority recommendations for which there were no amendments offered, and to approve the thirteen draft Watershed Planning Region Reports also posted on the OWRB website. The draft Resolution was previously distributed to the Board Members with another copy contained in the documents placed before you."

Chairman Lambert asked for a motion to approve the resolution approving the Oklahoma Comprehensive Water Plan for 2012, and Ms. Feaver so moved. Mr. Herrmann seconded. There was no other questions or discussion.

AYE: Buchanan, Knowles, Drummond, Sevenoaks, Herrmann, Feaver, Taron, Fite, Lambert

NAY: None

ABSTAIN: None

ABSENT: None

Chairman Lambert stated congratulations to Mr. Strong and the OWRB staff who had been extraordinary through five years of extremely challenging conversations and decisions, to all in attendance who have worked diligently in their own communities and have been faithful to the process, for all of the technical advice received, and particularly to her colleagues on the Oklahoma Water Resources Board, and Mr. Couch, she said this has been an extraordinary process. She said this is just the beginning, and is a legacy to the state of Oklahoma and she expressed gratitude to all in the roles each played both individually and collectively. This is a great day!

There were no other comments by Board members.

## **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. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY**

There were no Supplemental Agenda items for the Board's consideration.

**7. 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.

**8. ADJOURNMENT**

There being no further business, Chairman Lambert adjourned the meeting of the Oklahoma Water Resources Board at 10:55 a.m. on Monday, October 17, 2011.

**OKLAHOMA WATER RESOURCES BOARD**

\_\_\_\_\_/s/\_\_\_\_\_  
Linda P. Lambert, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
F. Ford Drummond, Vice Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Edward H. Fite

\_\_\_\_\_Absent\_\_\_\_\_  
Kenneth K. Knowles

\_\_\_\_\_/s/\_\_\_\_\_  
Marilyn Feaver

\_\_\_\_\_/s/\_\_\_\_\_  
Richard Sevenoaks

\_\_\_\_\_/s/\_\_\_\_\_  
Rudolf J. Herrmann

\_\_\_\_\_/s/\_\_\_\_\_  
Tom Buchanan

*ATTEST:*

\_\_\_\_\_/s/\_\_\_\_\_  
Joseph E. Taron, Secretary  
(SEAL)