

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

February 13, 2012

9:30 a.m.

Oklahoma Water Resources Board  
3800 N. Classen Boulevard  
Oklahoma City, OK 73118

The members of the Oklahoma Water Resources Board will convene at 9:30 a.m. on February 13, 2012, to conduct the regular monthly meeting of the Oklahoma Water Resources Board and to consider the agenda items listed below. Following adjournment of the meeting, the members may gather at the State Capitol to attend activities associated with "Water Day at the Capitol," scheduled on the Fourth Floor Rotunda from 9:00 a.m. through 2:00 p.m. No discussion or action will be taken by a quorum of the members during any activity at the Capitol.

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 February 6, 2012 at 5:25 p.m. A copy of this agenda is available on the OWRB website at [www.owrb.ok.gov](http://www.owrb.ok.gov). Revised items are indicated by "•" and italics.

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- 01000 1. CALL TO ORDER** **Chairman Linda Lambert**
- A. Invocation
  - B. Roll Call
  - C. Discussion, Amendments, and Vote to Approve Official Minutes of the January 10, 2012, 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 State Loan Program Revenue Bond Loan Funding Application for Rural Water District #4, Lincoln County. Recommended for Approval.
  - B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Vian Public Works Authority, Sequoyah County. Recommended for Approval.

- C. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Shattuck Municipal Authority, Ellis County. Recommended for Approval.
- D. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Roland Utility Authority, Sequoyah County. Recommended for Approval.
- E. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Eufaula Public Works Authority, McIntosh County. Recommended for Approval.
- F. Resolution Authorizing the Issuance of Oklahoma Water Resources Board State Loan Program Revenue Bonds, Series 2012A in Aggregate Principal Amount not to Exceed \$45,000,000; Approving and Authorizing Execution of a Twenty-First Supplemental Bond Resolution Providing for the Issuance of said Bonds; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation and at a Discount Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to said Bonds; Directing Deposit of Proceeds Derived from the Issuance of the Bonds in the State Treasury and Requesting the State Treasurer to Remit Such Proceeds to the Bond Trustee; Ratifying and Approving the Form of Promissory Note and Loan Agreement to be Executed by Borrowers in the State Loan Program; Authorizing Execution of Such other and Further Instruments, Certificates and Documents as may be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing Other Provisions Relating to the Issuance of the Bonds. 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.Q., 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>
	ASCOG			
	a.FAP-07-0032-R	Manitou Development Authority	Tillman	\$ 99,450.00

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

1. Agreement with Oklahoma State University, Oklahoma Water Resources Research Institute to participate in the annual Water Research Grants Competition.
2. Interagency Agreement with Office of State Finance for Transfer of Information Technology Personnel.
3. Amendment of Interagency Agreement with Board of Directors of Oklahoma Tobacco Settlement Endowment Trust Fund for Additional Wireless Internet Access.

E. Applications for Temporary Permits to Use Groundwater:

1. Lanie Glen Hale, Canadian County, #2011-625
2. Dudley & Karen Testerman, Harmon County, #2011-645
3. Merlin D. Schantz, Jr., Blaine County, #2011-653
4. Robert & Carol Diemer, Kay County, #2011-656
5. Tyler Streck and the Darrell Unruh and Joyce M. Unruh Revocable Trusts, Kingfisher County, #2011-661
6. Michael S. & Julie A. Terrel, Woods County, #2011-664
7. Raymond Joe & Sarabeth Stephens, Pontotoc County, #2011-669
- 8. *Frederick J. & Mary Kathryn Lorenz, Major County, #2011-674 Item withdrawn*

F. Applications to Amend Temporary Permits to Use Groundwater:

None

G. Applications for Regular Permits to Use Groundwater:

1. Merit Energy Company, Beaver County, #2011-571
2. Angela Scribner Morgan & Emily G. Scribner, Marshall County, #2011-627
3. Phillip Penner Living Trust, Beaver County, #2011-649
4. Kula Rae York, Beckham County, #2011-651
5. Mark & Carol McPhail, Tillman County, #2011-654
6. Mark & Carol McPhail, Kiowa County, #2011-655
7. Claude Smith 2009 Trust, Cimarron County, #2011-662
8. Abel & Sharon K. deBoer, Cimarron County, #2011-663
9. Flat Prairie Farms, Inc., Texas County, #2011-670
- 10. *Jerry & Beth Wiebe, Texas County, #2011-671 Item withdrawn*

H. Applications to Amend Regular Permits to Use Groundwater:

1. Flat Prairie Farms, Inc., Texas County, #1973-346
2. Flat Prairie Farms, Inc., Texas County, #1996-611
3. Bandy & Amy Silk, Beckham County, #1998-550
4. Flat Prairie Farms, Inc., Texas County, #2003-535
5. Phil D. Burden, Beckham County, #2005-564
6. Flat Prairie Farms, Inc., Texas County, #2009-563

- I. Applications to Amend Prior Rights to Use Groundwater:
- 1. *Frederick J. & Mary Kathryn Lorenz, Major County, #1970-110*      *Item withdrawn*
- J. Applications for Regular Permits to Use of Stream Water:
1. Joel & Amy Wisian, Carter County, #2011-030
  2. Town of Muldrow, Sequoyah County, #2011-033
  3. Sloan Farms, Inc., Muskogee County, #2011-039
  4. Clay Cavender, McCurtain County, #2011-055
  5. Thomas A. Vining, Washington County, #2011-056
  6. Hawkins Family Farms, L.L.C., Sequoyah County, #2011-057
  7. Kermit Scott, Canadian County, #2011-058
  8. Bird Creek Farms, L.L.C., Tulsa County, #2011-060
  9. James Earl (Jack) & Claudell Higgins, Love County, #2011-064
  10. Curtis & Brenda Schulz, Choctaw County, #2011-067
- K. Forfeitures (Reductions) of Stream Water Rights:  
None
- L. Well Driller and Pump Installer Licensing:
1. **New Licenses, Accompanying Operator Certificates and Activities:**
    - a. Licensee: Envirotech Drilling Services, LLC      DPC-0836
    1. Operator: Jaime Vasquez      OP-1882
    - Activities: Monitoring wells and geotechnical borings
    - b. Licensee: Blair Well Drilling      DPC-0838
    1. Operator: Greg Thomas      OP-1886
    - Activities: Groundwater wells, test holes and observation wells
    - c. Licensee: Kenneth Wayne Price      DPC-0840
    1. Operator: Kenneth Wayne Price      OP-1887
    - Activities: Pump installation
  2. **New Operators, Licensee Name Change, and/or Activities for Existing Licenses:**
    - a. Licensee: *Envirotech Engineering & Consulting, Inc.*      *DPC-0283*
    - Operator: *Tony M. Horner, Jr.*      *OP-1883*
    - Activities: *Monitoring wells and geotechnical borings*      *Item added; items below re-*  
*numbered*
    - b. Licensee: Fire and Ice      DPC-0432
    - 1. Operator: Jerry Rice      OP-1884
    - Activities: Heat exchange wells
    - 2. Operator: Corey Pugh      OP-1885
    - Activities: Heat exchange wells
    - c. Licensee: Sahara Water Services      DPC-0781
    - Operator: Lyle Bellmon      OP-1888
    - Activities: Groundwater wells, test holes and observation wells  
Pump installation
    - d. Licensee: Swink Waterwell Service      DPC-0830
    - 1. Operator: Clinton Swink      OP- 1804
    - Activities: Plugging of certain groundwater wells
    - e. Licensee: Citizen Potawatomi Nation      DPC-0641
    - 1. Operator: Josh Smith      OP-1889
    - Activities: Groundwater wells, test holes and observation wells  
Pump installation

- Heat exchange wells
- 2. Operator: Scott Gray OP-1890  
 Activities: Groundwater wells, test holes and observation wells  
 Pump installation  
 Heat exchange wells

M. Dam and Spillway Variance Request:

- 1. Hall Park Dam and Spillway, Cleveland County, #OK11090

N. Dam and Reservoir Construction:

- 1. David Yonce, Okmulgee County, #OK30397

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

- 1. Oklahoma Department of Transportation, Craig County, #FP-11-43
- 2. Oklahoma Department of Transportation, Logan County, #FP-11-44
- 3. Oklahoma Department of Transportation, Payne County, #FP-11-45
- 4. Oklahoma Department of Transportation, Payne County, #FP-11-46
- 5. Oklahoma Department of Transportation, Okmulgee County, #FP-11-47
- 6. Oklahoma Department of Transportation, Noble County, #FP-11-48
- 7. Oklahoma Department of Transportation, Ottawa County, #FP-11-49
- 8. Oklahoma Department of Transportation, Kay County, #FP-11-50

P. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the February 13, 2012 packet of Board materials.

- Q. Application for Approval of Acquisition of Assets of Rural Water District.

- 1. *Application by Kingfisher Public Works Authority to Acquire Assets of Rural Water and Sewer District No. 4, Kingfisher County, Application No. RWA-2011-01. Item added*

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

- A. No items.

**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. Application for Regular Permit to Use Groundwater No. 2010-553, Payne County Rural Water District No. 4, Creek County:
  - 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. In the Matter of Westlake Dam and Spillway, Cause No. DS-2011-01, Oklahoma County:
  - 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
  
- C. In the Matter of Proposed Tentative Determination of the Maximum Annual Yield for the Arbuckle-Simpson Groundwater Basin underlying parts of Murray, Pontotoc, Johnston, Coal and Carter Counties:
  - 1. Summary of Staff Proposal – **Ms. Julie Cunningham**
  - 2. Discussion by Board Members
  - 3. Vote on whether to approve the Proposed Tentative Determination as presented or as may be amended, or vote on any other action or decision relating to the Proposed Tentative Determination.
  
- D. Items transferred from Summary Disposition Agenda, if any.

**06000 6. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY** **Chairman Lambert**

**7. PROPOSED EXECUTIVE SESSION** **Chairman Lambert**

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 Tarrant Regional Water District v. Herrmann, and City of Hugo v. Nichols*

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 - 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.
- 8. **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** **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**

OWRB Board Members may join Water Day at the Capitol activities following adjournment.

The next regularly scheduled meeting of the Oklahoma Water Resources Board will be on Tuesday, March 13, 2012, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK.

2/6/2012