

REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

April 10, 2012

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 April 3, 2012 at 1:30 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 Lambert

A. Invocation

B. Roll Call

C. Discussion, Amendments, and Vote to Approve Official Minutes of the March 13, 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 Clean Water Funding Application for Chandler Municipal Authority, Lincoln County. Recommended for Approval.

B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.

C. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Enid Municipal Authority, Garfield County. Recommended for Approval.

- D. Report by Board Audit Committee and Report of and Possible Action on Audits of Oklahoma Water Resources Board State Loan Program Revenue Bonds and Clean Water State Revolving Fund Program (CWSRF) Financial Statements as of June 30, 2011 and 2010 Audits of the CWSRF Administrative Fund and the Drinking Water Treatment Loan Administrative Fund as of June 30, 2011 and 2010.
- E. Consideration of and Possible Action on Selection of Bond Counsel in Connection with the Issuance of One or More Obligations to Provide Funding for the State Loan Program. Recommended for Approval.
- F. Consideration of and Possible Action on Selection of Investment Banker(s) in Connection with the Issuance of One or More Obligations to Provide Funding for the State Loan Program. Recommended for Approval.
- G. Consideration of and Possible Action on Selection of Bond Counsel in Connection with the Issuance of One or More Obligations to Provide Funding for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Programs. Recommended for Approval.
- H. Consideration of and Possible Action on Selection of Investment Banker(s) in Connection with the Issuance of Obligations to Provide Funding for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Programs. 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 Listed Below. 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>
NONE				

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

1. Interagency Agreement with Grand River Dam Authority for the 2012-2013 Floating Wetland Pilot Project on Grand and Hudson Lakes.
2. Interagency Agreement with Grand River Dam Authority for 2012 Fish and Wildlife Mitigation Activities within the Grand River Basin.
3. Contract with Oklahoma Ground Water Association to provide continuing education services to licensed well drillers and pump installers.
4. Intergovernmental Agreement with Central Oklahoma Master Conservancy District for water quality monitoring at Lake Thunderbird.
5. Memorandum of Agreement with Oklahoma 4-H Foundation, Inc. for sponsoring the 2012 Oklahoma 4-H Round-Up Speech Contest.
6. Amendment to Interagency Agreement with Oklahoma Corporation Commission to Provide for Plugging Certain Water Wells to Prevent, Control or Abate Pollution of Groundwater.

E. Applications for Temporary Permits to Use Groundwater:

1. Oak Hills Water Systems, Inc., Bryan County, #2011-636
- 2. *Arlan Jordan, Harper County, #2011-648* *Item withdrawn*
3. Glenn Fulkerson, Roger Mills County, #2011-657
4. Fredrick J. & Mary Kathryn Lorenz, Major County, #2011-674
5. J. L. Phelps, Caddo County, #2012-505
6. Navajo Independent School District I-001, Jackson County, #2012-507
7. McIntosh County RWD #6 aka Vivian RWD #6, McIntosh County, #2012-508
8. Public Service Company of Oklahoma, Tulsa County, #2012-518
9. Michael & Brenda Whitley and Christopher & Shana Whitley, Caddo County, #2012-525
10. J. D. & Janice Wardrop, Woods County, #2012-532

F. Applications to Amend Temporary Permits to Use Groundwater:

1. Troy & Rebecca Lotspeich, Beaver County, #1974-248

G. Applications for Regular Permits to Use Groundwater:

- 1. *Michael & Kathy Lee Martin, Greer County, #2011-582* *Item withdrawn*
2. Gerald M. Wallace Living Trust, Tillman County, #2011-621
3. James & Jeanette Beard, Beaver County, #2011-632
4. William W. & Tracy R. Woolman, Cimarron County, #2011-675
5. Perry Castonguay, Blaine County, #2011-678
6. Beer Farms, Inc., Texas County, #2012-517
7. Gary D. Millspaugh Revocable Trust, Custer County, #2012-535

H. Applications to Amend Regular Permits to Use Groundwater:

1. Pawnee County RWD #2, Pawnee County, #1985-645
2. I P Eat Four, L.L.C., McCurtain County, #2011-633

I. Applications to Amend Prior Rights to Use Groundwater:

1. Brown Partnership, Cimarron County, #1955-549

J. Applications for Term Permits to Use of Stream Water:

1. George & Elizabeth Harrington, Choctaw County, #2011-070
2. John Brandon, Pushmataha County, #2012-005

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: Pier Drillers, Inc. DPC-0854
1. Operator: Wade Williams OP-1910
- Activities: Groundwater wells, test holes and observation wells
Monitoring wells and geotechnical borings
Pump Installation
Heat exchange wells

2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:

- a. Licensee: Harmon Water Well Service, Inc. DPC-0093
1. Operator: Chance Sneed OP-1907
- Activities: Groundwater wells, test holes and observation wells
- b. Licensee: G-2 International, LLC DPC-0371
1. Operator: Jack Petruzzi OP-1906
- Activities: Monitoring wells and geotechnical borings
- c. Licensee: CP-Masters, Inc, DPC-0479
1. Operator: Larry Higgins OP-1904
- Activities: Cathodic protection wells
2. Operator: Mike Higgins OP-1905
- Activities: Cathodic protection wells
- d. License: B & H Construction DPC-0765
1. Operator Devin Crossland OP-1908
- Activities: Heat exchange wells
2. Operator: Charles Sanders OP-1909

M. Dam and Reservoir Construction:

1. Lightning Creek Holding Pond A (OKC), Cleveland County, #OK11070
2. Ft. Cobb Lateral Watershed Site No. 10, Caddo County, #OK20591
3. Broken Arrow East Pre-sedimentation Basin, Wagoner County, #OK30393

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

None

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the April 10, 2012 packet of Board materials

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 matter:

A. Application for Amendment to Regular Groundwater Permit No. 2004-556, Donald R. & Lavonne Boyd, Beckham 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. Consideration of and Possible Action on Final Report of the Oklahoma Scenic Rivers Phosphorus Criteria Review

1. Summary - **Mr. Derek Smithee**
2. Discussion by Board Members
3. Public Comment
4. Possible action on the report

C. 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., Oklahoma Water Resources Board v. United States on behalf of the Choctaw Nation et al., and Tarrant Regional Water District v. Herrmann.*

Statement by legal counsel advising on whether disclosure of the discussion of the litigation will seriously impair the ability of 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 disclosure of the discussion of the litigation 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 IF AUTHORIZED.

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 regular meeting of the Oklahoma Water Resources Board is scheduled on Tuesday, May 8, 2012, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK.

4/03/2012