

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

September 18, 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 September 11, 2012 at 4:45 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 Ford Drummond**

- A. Roll Call
- B. Discussion, Amendments, and Vote to Approve Official Minutes of the August 21, 2012, Regular Meeting.
- C. Executive Director's Report. **Mr. J.D. Strong**
- D. 1. Monthly Budget Report **Ms. Amanda Storck**  
2. Discussion of and Possible Action on FY 2014 Annual Budget Request

**02000 2. FINANCIAL ASSISTANCE DIVISION Mr. Joe Freeman**

- A. Consideration of and Possible Action on a Proposed Order Approving Drought Grant for Rural Water District #3, Cherokee County. Recommended for Approval.
- B. Consideration of and Possible Action on a Proposed Order Approving Drought Grant for Perkins Public Works Authority, Payne County. Recommended for Approval.
- C. Consideration of and Possible Action on a Proposed Order Approving Drought Grant for Chattanooga Public Works Authority, Comanche County. Recommended for Approval.
- D. Consideration of and Possible Action on a Proposed Order Approving Drought Grant for City of Tonkawa, Kay County. Recommended for Approval.
- E. Consideration of and Possible Action on a Proposed Order Approving Drought Grant for Sayre Public Works Authority, Beckham County. Recommended for Approval.

- F. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Wagoner Public Works Authority, Wagoner County. Recommended for Approval.
- G. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for The Hennessey Utilities Authority, Kingfisher County. Recommended for Approval.
- H. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Salina Public Works Authority, Mayes County. Recommended for Approval.
- I. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Lone Chimney Water Association, Pawnee County. Recommended for Approval.
- J. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for The Town of Lone Grove Oklahoma Water and Sewerage Trust Authority, Carter County. Recommended for Approval.
- K. Resolution Authorizing the Issuance of Oklahoma Water Resources Board Revolving Fund Revenue Bonds, Series 2012B in the Aggregate Principal Amount not to Exceed \$115,000,000.00; Approving and Authorizing Execution of a Bond Indenture Providing for the Issuance of the Bonds; Providing for the Sale and Delivery of the Bonds and Authorizing a Certificate of Determination; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to the Bonds; 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.
- L. Report on Recent Presentation and Discussions with the Board Finance Committee.

**03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Drummond**

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. Joint Funding Agreement with U.S. Geological Survey for the Stream-Flow Monitoring of Seven Stream-Flow Sites and One Lake in the Upper Washita River and Cobb Creek Basins.
2. Professional Services Contract with James D. Leewright for drafting services related to the Update of the Oklahoma Comprehensive Water Plan as well as other drafting projects.
3. Contract with AMEC Earth & Environmental for Professional Engineering Services for Allocation Modeling of a Portion of Canadian River System.
4. Contract with AMEC Earth & Environmental for Professional Engineering Services for Allocation Modeling of a Portion of Red River System.
5. Second Agreement Amendment with the Office of the Secretary of the Environment for the Clean Water Act FY 2011 § 106 Water Pollution Control Program – Monitoring, CA# I-00F43201.
6. Agreement with the Office of the Secretary of the Environment for the Clean Water Act FY 2012-13 § 106 Water Pollution Control Program Monitoring, CA# I-00F53301.
7. Agreement with the Office of the Secretary of the Environment for the Clean Water Act FY 2012 § 604(b) Water Quality Management Planning Program, CA# C6-40000050.
8. Amended Operating Agreement for the Clean Water State Revolving Fund with the U. S. Environmental Protection Agency.

E. Applications for Temporary Permits to Use Groundwater:

1. John M. & Cecilia M. Massey, Kingfisher County, #2012-625

F. Applications to Amend Temporary Permits to Use Groundwater:

1. Randy & Donna Mefford, Harmon County, #1975-758
2. Johnston County RWD No. 3, Johnston County, #1985-648
3. Kim R. & Vicki L. Sullivan, Comanche County, #2004-574
4. Robert L. & Vickie B. Whitener, Grady County, #2010-550

G. Applications for Regular Permits to Use Groundwater:

1. L. Bruce Tindell, Beckham County, #2012-616

- H. Applications to Amend Regular Permits to Use Groundwater:
1. Overta Lea Smylie Revocable Trust, Beaver County, #1975-525
  2. Fry Land & Cattle Company, Cimarron County, #1986-564
  3. Tyler & Dodie McIntyre, Beckham County, #2003-559
  4. Earnest Barnes Revocable Trust, Texas County, #2003-584
  5. Floyd R. Towner Living Trust, Texas County, #2010-566
- I. Applications to Amend Prior Rights to Use Groundwater:  
None
- J. Applications for Regular Permits to Use Stream Water:
1. James & Michah Staires, Rogers County, #2012-031
  2. Lisa & Mike Childress and Owen & Betty Riley, Atoka County, #2012-037
  3. The Ray Vermillion & Cecilia D. Vermillion Revocable Living Trust, LeFlore County, #2012-038
- K. Well Driller and Pump Installer Licensing:
1. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
    - a. Licensee: Hinderliter Geotechnical Engineering, LLC DPC-0754
    1. Operator: Thomas C. Lindrud OP-1932
    - Activities: Monitoring wells and geotechnical borings
    - b. Licensee: High Cedar Pump DPC-0876
    1. Operator: Billy Ingraham OP-1933
    - Activities: Pump installation
    - c. Licensee: Pinnergy, Ltd. DPC-0878
    1. Operator: Tim Fetterman OP-1934
    - Activities: Groundwater wells, groundwater test holes and observation wells  
Monitoring wells and geotechnical borings  
Pump installation
    - d. Licensee: David Brent Whitaker DPC-0880
    1. Operator: David B. Whitaker OP-1935
    - Activities: Groundwater wells, groundwater test holes and observation wells
- L. Dam and Reservoir Construction:
1. Valley Timbers Dam #2, Atoka County, #OK30407
- M. Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
1. Oklahoma Department of Transportation, Washita County, #FP-12-15
  2. Oklahoma Department of Transportation, Osage County, #FP-12-16
- N. Applications for Accreditation of Floodplain Administrators:  
Names of floodplain administrators to be accredited and their associated communities are individually set out in the September 18, 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 Drummond**

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. Application for Amendment to Temporary Groundwater Permit No. 2009-541, Hennessey Utilities Authority, Kingfisher County [matter tabled at August 21st meeting]
  - 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. Items transferred from Summary Disposition Agenda, if any.

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

**Chairman Drummond**

• **7. PROPOSED EXECUTIVE SESSION**

**Chairman Drummond**

*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, et al.*

*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.**  
*(Items added; following items renumbered)*

**9. NEW BUSINESS** **Chairman Drummond**

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 Drummond**

The next regular meeting of the Oklahoma Water Resources Board is scheduled on Tuesday, October 16, 2012, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK.

9/11/2012