

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

October 23, 2013

3:30 p.m.

Reed Ballroom A-B

**Sheraton Midwest City Hotel at the Reed Conference Center
5750 Will Rogers Road, Midwest City, Oklahoma**

Members of the Oklahoma Water Resources Board may gather at the Sheraton Midwest City Hotel at the Reed Conference Center to attend some or all of the 34th Annual Governor's Water Conference and Research Symposium activities being held there on October 22-23, 2013. On October 22, 2013, various Conference and Symposium programs will be held in the Reed Ballroom D-E-F and the Reed Ballroom C on the Second Floor of the Reed Conference Center from 8:00 a.m. through 5:00 p.m., followed by a reception. On October 23, 2013, the Conference and Symposium programs will be held in the same locations from 8:00 a.m. through 5:00 p.m. Luncheons will be held in the Exhibit Hall on the First Floor from 12:00 p.m. through 1:30 p.m. on both October 22 and October 23, 2013. No business will be discussed, and no action will be taken, by a majority of the OWRB members during any of the Conference and Symposium activities.

On October 23, 2013 at 3:30 p.m. the OWRB members will convene a regular meeting in the Reed Ballroom A-B, located on the Second Floor of the Reed Conference Center, to consider and possibly take action on the agenda items listed below.

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 October 18, 2013 at 3:30 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

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- 01000 1. CALL TO ORDER** **Chairman Rudy Herrmann**
- A. Roll Call
- B. Discussion, Amendments, and Vote to Approve Official Minutes of the September 17, 2013, Regular Meeting.
- C. Executive Director's Report. **Mr. J.D. Strong**
- D. 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 Locust Grove Public Works Authority, Mayes County. Recommended for Approval.

- B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Rural Water District #2, Comanche County. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Herrmann

All of the items listed below under this Summary Disposition Agenda are recommended for approval.

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.

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. Amendment of Joint Funding Agreement with U.S. Geological Survey for the project "Continuation of the Monitoring Program between OWRB and USGS".
- 2. Joint Funding Agreement with U.S. Geological Survey for the Stream-Flow Monitoring of Seven Stream-Flow Sites and One Lake in Upper Washita River and Cobb Creek Basins.
- 3. Amendment of Agreement with Oklahoma Department of Environmental Quality to share office space in OWRB's McAlester and Woodward offices.
- 4. Contract for Lab Analysis between Oklahoma Department of Environmental Quality and OWRB.
- 5. Professional Services Agreement with Parsons Environment & Infrastructure Group Inc. for dam breach analysis and technical support.
- 6. Professional Service Agreement with the Tarigma Corporation for support service for the computer loan and grant tracking software used by the Financial Assistance Division.

- E. Applications for Temporary Permits to Use Groundwater:
 - 1. Yost Lake County Club, Payne County, #2012-699
 - 2. Mary Elizabeth Williams Revocable Living Trust, Harmon County, #2013-548
 - 3. Jack C. McLemore & Freeda McLemore Revocable Trust, Washita County, #2013-563
 - 4. Michael N. & April M. Young, Major County, #2013-583
 - 5. Richard C. & Phyllis J. Brown, Woods County, #2013-592
 - 6. Ruth Evelyn Ferrell & Billy Leon Ferrell, Trustees of the Ruth Ferrell Revocable Trust, Alfalfa County, #2013-610
 - 7. Ronald L. & Patsy J. Dalrymple, Custer County, #2013-617

- F. Applications to Amend Temporary Permits to Use Groundwater:
 - 1. Harold Merriman & Peggy Merriman Revocable Living Trust and Harold Merriman & Peggy Merriman Living Trust, Pontotoc County, #1977-544
 - 2. City of Tuttle, Grady County, 1998-574
 - 3. Lavonne Kroeker, Major County, #2002-597
 - 4. H. J. Rickabaugh and the Estate of B. W. Rickabaugh, Grant County, #2013-511

- G. Applications for Regular Permits to Use Groundwater:
 - 1. James Bobbitt, Beaver County, #2012-675
 - 2. H. A. Kilgore & Sons, L.L.C., Texas County, #2013-601
 - 3. Deanna & Jack Johnson, Beckham County, #2013-607
 - 4. Thomas Snider, Custer County, #2013-621

- H. Applications to Amend Regular Permits to Use Groundwater:
 - 1. City of Elk City, Beckham County, #1974-039
 - 2. City of Elk City, Beckham County, #1974-045
 - 3. Lyle David Rapp, Texas County, #1996-590
 - 4. Buffalo Wallow, L.L.C., Cimarron County, #2012-619
 - 5. Dustin & Sonya Donley, Woodward County, #2012-636

- I. Applications for Term Permits to Use Stream Water:
 - 1. XTO Energy, Bryan County, #2013-025
 - 2. Patriot Consulting Firm, Bryan County, #2013-026

- J. Applications for Regular Permits to Use Stream Water:
 - 1. Wehling Family Trust, Garfield County, #2013-019
 - 2. John H. Miller, Coal County, #2013-029

- L. Dam and Reservoir Construction:
 - 1. Basil Savage, Marshall County, #OK30458

- M. Well Driller and Pump Installer Licensing:
 - 1. New Licenses and Operator Certificates
 - a. Licensee: Anderson Engineering DPC-0905
 - 1. Operator: Gary L. White OP-2010
 - b. Licensee: Diamond K, L.L.C. DPC-0907
 - 1. Operator: Milton D. Knutson OP-2011
 - c. Licensee: McIntosh Irrigation DPC-0909
 - 1. Operator: Thomas Dewayne McIntosh OP-2012

2. New Operators to Existing Permits
 - a. Licensee: Midwest Engineering & Testing Corp DPC-0653
 1. Operator: Johnny L. White, Jr. OP-1997
 - b. Licensee: Williams Drilling Co., Inc. DPC-0229
 1. Operator: Dustin E. Hatcher OP-2008
 - c. Licensee: Able Environmental Drilling L.L.C. DPC-0746
 1. Operator: Roy Sylvester OP-2013
 - d. Licensee: F & H Drilling Services DPC-0065
 1. Operator: Kyle Elliott OP-2014
 2. Operator: Seth Langford OP-2015

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

1. Oklahoma Department of Transportation, Garvin County, #FP-13-12
2. Oklahoma Department of Transportation, Grady County, #FP-13-15
3. Oklahoma Department of Transportation, McCurtain County, #FP-13-16
4. Oklahoma Department of Transportation, Rogers County, #FP-13-18
5. Oklahoma Department of Transportation, Payne County, #FP-13-19
6. Oklahoma Department of Transportation, LeFlore County, #FP-13-23
7. Oklahoma Department of Transportation, LeFlore County, #FP-13-24
8. Oklahoma Department of Transportation, Creek County, #FP-13-26

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

- A. No items

05000 5. SPECIAL CONSIDERATION Chairman Herrmann

- A. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order establishing final determination of maximum annual yield for the Arbuckle-Simpson Groundwater Basin underlying parts of Murray, Pontotoc, Johnston, Garvin, Coal and Carter Counties, Recommended for Approval:

1. Summary – **Ms. Julie Cunningham**
2. Discussion and presentation by parties
3. Possible Executive Session

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.

- (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.

4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
5. 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 Items Transferred from Summary Disposition Agenda, if any.

6. PROPOSED EXECUTIVE SESSION

Chairman Herrmann

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 Oklahoma Water Resources Board v. United States on behalf of the Choctaw Nation 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.

7. VOTE(S) ON POSSIBLE ACTION(S), IF ANY, RELATING TO MATTERS DISCUSSED IN EXECUTIVE SESSION IF AUTHORIZED.

8. NEW BUSINESS

Chairman Herrmann

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.

9. ADJOURNMENT

Chairman Herrmann

The next regular meeting of the Oklahoma Water Resources Board is scheduled to be held Tuesday, November 19, 2013, 9:30 a.m., at 3800 N. Classen Boulevard, Oklahoma City, OK 73118.

10/18/2013