

OKLAHOMA WATER RESOURCES BOARD
OFFICIAL MINUTES
August 20, 2013

1. Call to Order

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Vice Chairman Tom Buchanan at 9:35 a.m., on August 20, 2013, in the Second Floor Board Room of the Oklahoma Water Resources Board Offices, located at 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 August 16, 2013, at 4:10 p.m. at the Oklahoma Water Resources Board's offices, and provided on the agency's website.

Vice Chairman Buchanan opened the meeting welcoming the attendees, and stated he was chairing the meeting today in the absence of Chairman Herrmann.

A. Roll Call

Board Members Present

Tom Buchanan, Vice Chairman
Bob Drake
Ford Drummond
Marilyn Feaver
Ed Fite
Jason Hitch
Richard Sevenoaks

Board Members Absent

Rudy Herrmann, Chairman
Linda Lambert, Secretary

Staff Members Present

J.D. Strong, Executive Director
Jerry Barnett, 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
Mary Schooley, Executive Secretary

Others Present

James Jennings, Wagoner, OK

Michael Taylor, Department of Environmental Quality, Oklahoma City, OK

Usha Turner, Oklahoma Gas & Electric, Oklahoma City, OK

Steven M. Harris, Craig County Rural Water District #4, Tulsa, OK

Brian Woodard, Oklahoma Independent Petroleum Association, Oklahoma City, OK

Jim Barnett, Doerner Saunders Daniels Anderson, Oklahoma City, OK

Charlie Swinton, BancFirst, Oklahoma City, OK

Mark Walker, Neilson, Inc., Oklahoma City, OK

Aaron Smith, Neilson, Inc.

B. APPROVAL OF MINUTES

Vice Chairman Buchanan said the draft minutes of the July 16, 2013, Regular Meeting had been distributed, and asked if there were corrections to the minutes. There were none, and Mr. Buchanan stated he would entertain a motion to approve the minutes.

Mr. Drummond moved to approve the minutes of the July 16, 2013, meeting and Mr. Hitch seconded.

AYE: Drake, Sevenoaks, Hitch, Drummond, Fite, Buchanan

NAY: None

ABSTAIN: Feaver

ABSENT: Herrmann, Lambert

C. EXECUTIVE DIRECTOR'S REPORT

Mr. Strong began his report stating the drought situation is much improved over the majority of the state—the western portions of the state are in extreme drought in the Panhandle and far southwest and he described other areas of the state. Regarding legislative activities, Mr. Strong stated the Special Session of the Legislature convenes September 3; there is a narrow call for the session, but he will be attending a meeting regarding drought. On September 17 there is a Drought Interim Study by Representative Don Armes scheduled to be heard, which is the date of the next OWRB Board meeting. And, he said, this afternoon is the kickoff meeting of the Water for 2060 Advisory Council, at 1:30 pm. in the OWRB Board Room. Mr. Buchanan and Mr. Drake are members of the 15-member council; all interested persons are invited to attend. The Council will be talking about a blueprint for the State for conserving and using water more efficiently, waste water reuse, desalinization of brackish water, and other alternatives to using fresh water in order to meet all of the State's need going forward.

Since the last Board meeting, Mr. Strong stated the Kansas-Oklahoma Arkansas River Compact met in Oklahoma City on July 24, and while a very uneventful meeting, it is a good exchange of information. He said mediation and technical meetings continue with the ongoing Chickasaw Choctaw lawsuit; he spoke on a panel for the Western States Water Council on a Drought Workshop in San Diego on August 5; the Oklahoma Rotary on August 6; the Summer Policy Institute at Tulsa University on August 7 (college students studying politics); and on August 8, the Environmental Cabinet Agencies met with the Corps of Engineers and the new District Engineer Colonel Pratt. Also on August 8, the OWRB Water Quality Standards staff hosted a Class I Groundwater Stakeholder Meeting regarding the proposal last year to designate the Arbuckle Simpson a Class I Groundwater in the WQS. There was concern there would be regulatory burdens due to the action, particularly raised by the oil and gas industry, and staff

pulled the rule from the Board's consideration and agreed to work in the interim to determine any regulatory impact. The meeting was held to allow all interested parties and hear the state regulatory agencies come and discuss whether there is a regulatory impact. Mr. Strong stated staff heard again the same as when staff brought the proposed rule to the Board last year, there is nothing on the books that would be an increased regulatory burden on industries regulated by the State environmental agencies as a result of the designation. He said the fear this would be the first step in a number of new regulatory requirements was expressed at the meeting. He said staff would continue the dialogue to determine if there are any legitimate impacts before going through the rulemaking process and coming to the Board for a final decision.

Mr. Strong continued his report stating he would be speaking Thursday (August 22) at the Red River Valley Association meeting in Durant at the Choctaw Resort; a conference call with State agencies of Arkansas and Oklahoma is on August 26 regarding the Illinois River Watershed; a meeting of the Illinois River Watershed Joint Study Committee on August 28; the Oklahoma Water Resources Advisory Board will meeting August 29 in Oklahoma City; and the Fall conference of the Oklahoma Rural Water Association is September 12-13 at Western Hills Lodge.

Mr. Strong concluded his report stating the Board's Finance Committee will meet prior to the September meeting, on September 16; the Board meeting is September 17, at 9:30 a.m., in the OKC Board Room. The Arkansas-Oklahoma Arkansas River Compact Commission meeting is September 26 at Shangri-La on Monkey Island; and, the Governor's Water Conference and Water Research Symposium will be October 22-23 at the Sheraton/Midwest City Reed Conference Center. (Mr. Strong had mentioned the Instream Flow workgroup was scheduled to meet September 24; however, the meeting has been rescheduled for October 7, 2013, 1:00 pm. in the OWRB Board Room.)

D. Monthly Budget Report

Ms. Amanda Storck presented the budget report as prepared and distributed. She said the July report is the first month of the fiscal year; there is 96% of funding remaining, and 92% of the fiscal year remaining. She reported that all FY'12 contracts have been billed and money received and the majority of the FY'13 contracts have been billed and received. There are a few final reports staff are waiting on to complete the request for funds, but everything is on track and set up for FY'14. She anticipated that training for managers is forthcoming so they will be able to better manage their funds in the system, as soon as it is confirmed the system is working correctly.

There were no questions, and Ms. Storck concluded her report.

2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Oilton Public Works Authority, Creek County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this first item is for a \$2,850,000.00 Clean Water State Revolving Fund loan request from the Oilton Public Works Authority located in Creek County. He said that the Authority is requesting the loan for improvements to its waste water system, including two primary lagoons with mechanical aeration, an influent pump station, two chlorine contact basins, a filter building with

two flocculation tanks, a chemical feed system, and a concrete upgrade aerator. Mr. Freeman noted provisions of the loan agreement; he said the Authority has no other outstanding debt, and its debt coverage ration stands at approximately 1.8-times. Staff recommended approval.

Mayor Pat Kennedy; Bruce Coldiron, Public Works Supervisor; and the financial advisor and bond counsel were present in support of the loan application.

There were no questions, and Mr. Buchanan stated he would entertain a motion. Mr. Sevenoaks moved to approve the Clean Water SRF loan to the Oilton Public Works Authority, and Ms. Feaver seconded.

AYE: Drake, Feaver, Sevenoaks, Hitch, Drummond, Fite, Buchanan
NAY: None
ABSTAIN: None
ABSENT: Herrmann, Lambert

B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Wagoner Public Works Authority, Wagoner County. Recommended for Approval. Mr. Freeman stated this item is an \$8 million dollar request by the Wagoner Public Works Authority. The Authority is requesting the loan to expand its water treatment plant capacity to 4 million gallons per day (MGD). He said the project entailed a new process building, clarifiers, filters and pumps; chemical feed system, conversion of an existing building, modification to lagoons, and rehabilitation of the intake line. Mr. Freeman stated the loan would be funded through the Drinking Water State Revolving Loan Fund, and he noted the provisions of the loan agreement. Wagoner is an excellent loan customer of the Board's, with three outstanding loans with the Board for a combined balance of approximately \$5.6 million. He said that Wagoner's population had increased about 8% over the past ten years, and its debt coverage ratio stands at approximately 1.8-times. Staff recommended approval of the loan application.

Mayor James Jennings and City Attorney Ken Hick were present in support of the loan request. Mayor Jennings stated the new plant would serve the City, as well as the 600 customers of Rural Water District #6 which the District serves.

Mr. Drummond asked the water source for the District, and Mayor Jennings answered it is Fort Gibson Lake.

There were no other questions, and Mr. Fite moved to approve the loan application to Wagoner Public Works Authority, and Mr. Drummond seconded.

AYE: Drake, Feaver, Sevenoaks, Hitch, Drummond, Fite, Buchanan
NAY: None
ABSTAIN: None
ABSENT: Herrmann, Lambert

C. Consideration of and Possible Action on a Proposed Resolution Expressing Official Intent to Reimburse Costs of Loans for Drinking Water State Revolving Fund Projects. Recommended for Approval. Mr. Freeman stated that this item is a reimbursement resolution for the Drinking Water State Revolving Loan Program. He said that since the Tax Act of 2005, the Board adjusted from a blind pool loan program to closing SRF loans with cash, issue bonds and reimburse the Board with a portion of the bond proceeds. He said this assists the Board in staying in compliance with meeting the Tax Act requirements regarding spend-down rules. In accordance with U.S. Treasury regulations, the Board must declare reimbursement intentions in a form such as a resolution, which is item 2.C.

Mr. Freeman stated that Exhibit A of the resolution notes the potential Drinking Water SRF loans that may have been closed, and those that may potentially be closed, and these are loans for which we may reimburse ourselves. As noted in the resolution, and in the exhibit, Mr.

Freeman stated that approximately \$518 million in Drinking Water SRF loans had been identified which may be eligible for bond issue reimbursement. Staff recommended approval.

There were no questions or discussion, and Mr. Fite moved to approve the resolution expressing intent to reimburse costs of DWSRF loans, and Mr. Drummond seconded.

AYE: Drake, Feaver, Sevenoaks, Hitch, Drummond, Fite, Buchanan
NAY: None
ABSTAIN: None
ABSENT: Herrmann, Lambert

D. Consideration of and Possible Action on a Proposed Resolution Expressing Official Intent to Reimburse Costs of Loans for Clean Water State Revolving Fund Projects. Recommended for Approval. Mr. Freeman stated this last item for the Board's consideration today is a resolution expressing intent to reimburse costs of loans-just like the previous resolution-for the Clean Water SRF loan program. He said the resolution notes the same parameters and acknowledges Clean Water SRF loans that have been identified for possible reimbursement. Exhibit A to this resolution lists potential Clean Water borrowers who have loans closed and those that may potentially close. He said these are the Clean Water SRF loans for which the Board may reimburse itself. As noted in the resolution and in the exhibit, staff has identified approximately \$550 million in Clean Water SRF loans which may be eligible for bond issue reimbursement. Staff recommended approval.

There were no questions or discussion, and Mr. Fite moved to approve the resolution expressing intent to reimburse costs of CWSRF loans, and Mr. Drake seconded.

AYE: Drake, Feaver, Sevenoaks, Hitch, Drummond, Fite, Buchanan
NAY: None
ABSTAIN: None
ABSENT: Herrmann, Lambert

During the vote, Mr. Sevenoaks asked about the reimbursement, and Mr. Freeman explained the cash comes from cash repayment of old loans, Capitalization Grants from EPA, and State matching funds. The loan is closed and the draws begun and then staff will close the bond issue and begin reimbursement.

Mr. Drummond asked about the market for the bonds closed the previous day, and Mr. Freeman said it was a good day and he explained that all but \$3 million went for retail; for the refunding issue, about one-half sold the previous day and he was certain the rest sold that morning. He added rates had been sliding up slightly.

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 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 listed.

Vice Chairman Buchanan asked if there are amendments to the Summary Disposition Agenda. There were no other changes to the Summary Disposition Agenda, and no questions by the members. Vice Chairman Buchanan said he would entertain a motion regarding the Summary Disposition Agenda.

Mr. Fite moved to approve the Summary Disposition agenda, and Mr. Hitch seconded.

AYE: Drake, Feaver, Sevenoaks, Hitch, Drummond, Fite, Buchanan

NAY: None

ABSTAIN: None

ABSENT: Herrmann, Lambert

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>
	NODA			
a.	FAP-10-0010-R	Rural Water District #6	Garfield	amend scope

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

1. Memorandum Agreement with USGS and Central Oklahoma Master Conservancy District for water monitoring and data collection.
2. Memorandum Agreement with USGS and the City of Norman for water monitoring and data collection.
3. Specific Cooperative Agreement with USDA, Agricultural Research Service for the project titled "Monitoring and Evaluating Water Resources in Central Oklahoma".
4. Planning Assistance to States Supplemental Agreement No. 7, Programmatic Planning Support with U.S. Army Corps of Engineers, District Engineer for the Tulsa District in support of the Oklahoma Comprehensive Water Plan.
5. Agreement with U.S. Geological Survey to resolve account on FY13 Joint Funding Agreement for the Cooperator Monitoring Program.
6. Memorandum Agreement with USGS and the City of Ada for water monitoring and data collection.
7. Assistance Agreement with U.S. Department of the Interior, Bureau of Reclamation for the project titled "South Central Regional Assessment Study".

E. Applications for Temporary Permits to Use Groundwater:

1. Darin & Bengi Gregory and Curtis & Julie Gregory, Major County, #2013-508
2. Jerry L. & Kathryn Webber, Hughes County, #2013-534
3. Triple B Cattle Company, Greer County, #2013-557
4. John Jay & Jenny Lee Schieber, Canadian County, #2013-567

5. Wehling Family Trust, Garfield County, #2013-568
6. Walter A. Bode, II, Major County, #2013-569
7. Hughes Farms, L.L.C., Woods & Alfalfa Counties, #2013-574
8. Town of Fort Gibson, Muskogee County, #2013-577
9. Richard C. & Phyllis J. Brown, Alfalfa County, #2013-587
10. Noel Long, Harmon County, #2013-589
11. Melvin & Sarah Long, Harmon County, #2013-591

F. Applications to Amend Temporary Permits to Use Groundwater:

1. Town of Elgin, Comanche County, #1981-634
2. City of Cherokee, Alfalfa County, #1988-525
3. Town of Taloga, Dewey County, #1992-560
4. McDermott Living Trust, Alfalfa County, #2003-571

G. Applications for Regular Permits to Use Groundwater:

1. Derek Kyle & Valerie Elizabeth McMurtry, Greer County, #2013-560
2. 5R Farm, L.L.C., Texas County, #2013-564
3. Burkner Brothers, L.L.C., Cimarron County, #2013-578
4. Cimarex Energy Co., Canadian County, #2013-580
5. Enrique Duran, Jr., Texas County, #2013-582
6. Gale & Mattie Thompson, Beckham County, #2013-586

H. Applications to Amend Regular Permits to Use Groundwater:

1. Douglas Alvin Parr, Grady County, #1980-503
2. Gale & Mattie Thompson, Beckham County, #2000-548
3. Gale & Mattie Thompson, Beckham County, #2000-549
4. Gale & Mattie Thompson, Beckham County, #2003-553

I. Applications to Amend Prior Rights to Use Groundwater:

1. Gregory Farms, L.L.C., Major County, #1967-775

J. Applications for Regular Permits to Use Stream Water:

1. Robert D. Head, Comanche County, #2012-029
2. Barry Parsley, Love County, #2013-005
3. The Joyce Overton Living Trust, The Earnest Overton Living Trust, Rendezvous Equine, L.L.C., and Jay Overton, Grant County, #2013-008
4. Wehling Family Trust, II, Garfield County, #2013-020
5. Red River Aggregates, L.L.P., Love County, #2013-022
6. John E. Thomason, Logan County, #2013-024

K. Dam and Reservoir Construction:

1. AEP/PSO Comanche Power Station, Comanche County, #OK12837
2. Scott Chapman/Bice L.L.C., Marshall County, #OK30455

L. Well Driller and Pump Installer Licensing:

1. New Licenses and Operator Certificates
 - a. Licensee: Fast Track Irr., L.L.C.
 1. Operator: Dantz R. Hall
 2. Operator: Austin E. Huff

DPC-0895
 OP-1994
 OP-1995

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|--|----------|
| b. Licensee: Jackson Brummel | DPC-0897 |
| 1. Operator: Jackson Brummel | OP-1996 |
| 2. New Operators to Existing Licenses | |
| a. Licensee: Crescent Services LLC dba Sahara Water Services | DPC-0781 |
| 1. Operator: Joe Ray Mendez | OP-1998 |
| b. Licensee: Layne Christensen | DPC-0123 |
| 1. Operator: Jason Gerwing | OP-2000 |

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

1. Northeastern Oklahoma A&M College, Ottawa County, #FP-13-22

N. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the August 20, 2013 packet of Board materials

4. QUESTIONS AND DISCUSSION ABOUT WORK AND OTHER ITEMS OF INTEREST

- A. No items. There were no questions or items of discussion by the 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. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Temporary Groundwater Permit No. 2012-604, Neilson, Inc., Woods County, Recommended for Approval:

1. Summary – Ms. Julie Cunningham, Chief, Planning and Management Division, stated to the members that the protestants in this matter are not in attendance at the meeting. She explained that this item is an application for a temporary permit to use groundwater in the name of Neilson, Inc. in Woods County. She said the request is to dedicate 29.6 acres of land to withdraw 59.2 acre-feet of water per year from one groundwater pond which is an abandoned burrow pit from highway construction for the sale of water for drilling and primary completion of oil and gas wells. The record indicated the applicant had met all four points of law. Ms. Cunningham explained the protestants were concerned with issues of waste by depletion and

potential interference. She said the hearing examiner concluded that the objections raised by the protestants were not supported by law; and in this case there are no spacing requirements. In addition, the protestants did not establish as a matter of fact that the applicant's proposed well will cause an adverse effect upon the protestant. She said another concern was water use oversight to prevent overuse of the water and waste by pollution. Evidence in the record did indicate when the applicant sells water it relied upon the purchaser to measure the quantity of water taken and accurately report the amount. Considering the evidence and the data in the record, the hearing examiner concluded the applicant is likely to exceed permitted water use unless the condition is placed on the permit requiring satisfactory quantification of the water taken. Therefore, Ms. Cunningham said the hearing examiner felt strongly there should be a condition/protection/quantification satisfactory to the Board, but emphasized staff is not recommending any type of metering but suggesting a quantification tracking, i.e., pump capacity and times when pumped, and having those records available. Ms. Cunningham concluded stating the record showed that Neilson, Inc., has satisfactorily met the requirements of Oklahoma Groundwater Law, and it is entitled to its equal proportionate share of the groundwater. Staff recommended approval of the proposed findings of fact, conclusions of law, and Board order as proposed, with the condition that the applicant implements a method satisfactory to the Board for accounting of water use.

Vice Chairman Buchanan asked if there had been discussions about tracking water use, and Ms. Cunningham answered the applicant's attorneys, Mr. Mark Walker and Mr. Aaron Smith, were present and would be working out the details with OWRB staff.

2. Discussion and presentation by parties. There was no presentation by parties or discussion or questions by members.
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. And 4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized. The Board did not vote to enter executive session
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.

Mr. Drake moved to approve the proposed findings of fact, conclusions of law and Board order for temporary groundwater permit 2012-604, and Mr. Fite seconded.

There being no further discussion, Vice Chairman Buchanan called for the vote.

AYE: Drake, Feaver, Sevenoaks, Hitch, Drummond, Fite, Buchanan
NAY: None
ABSTAIN: None
ABSENT: Herrmann, Lambert

B. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application of Ironside Water District, Inc. for Acquisition of Assets of Craig County Rural Water District No. 4, Recommended for Approval:

1. Summary – Ms. Julie Cunningham stated to the members this item is the application by the Ironside Water District, Inc., for the acquisition of assets of Craig County Rural Water District

No. 4 near Vinita, Oklahoma. She said that under the Oklahoma Acquisition of Assets Act, the OWRB rules state that any person wishing to acquire assets and control of a rural water district or corporation must obtain approval by the Board. She said statute sets out the Board's review is a determination the acquisition will not adversely affect existing customers or interest of the public; it further states the Board, "shall approve the acquisition unless the Board finds one of the following conditions are not met: (1) the acquisition would not affect contractual obligations of the party being acquired; (2) the financial condition is stable; (3) there will not be substantive material changes that would affect the customers or public, and (4) whether the competence experience and integrity of the acquiring system would not be in the interest of its customers and the public. Ms. Cunningham said Craig County RWD #4 has 32 customers in a rural area southwest of Vinita, and it does not hold water rights or functioning storage facilities, and currently purchases water from Ironside, Inc. The entities have an initial agreement that Ironside will take over operation of the District and become the primary supplier of the District.

Ms. Cunningham stated that there were protestants that are customers of the Craig County RWD #4; the hearing examiner found the rumors about fees were unfounded as well as other concerns that were not relevant to the Board's review of the acquisition request. The record showed the Ironside Water District, Inc, clearly met the conditions for approval and there is no basis under the Acquisitions Act for disapproval. Staff recommended approval of the proposed findings of fact, conclusions of law, and Board order as proposed.

Vice Chairman Buchanan stated it is not the Board's responsibility to make sure everyone is happy, but to assure the financial condition is sound as well as have good management, and Ms. Cunningham stated that is correct. Mr. Sevenoaks asked and Mr. Strong responded the Ironside District has 280 customers.

2. Discussion and presentation by parties. There were no presentations by the 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. And 4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized. The Board did not vote to enter executive session

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.

Mr. Hitch moved to approve the proposed findings of fact, conclusion of law and Board order for the acquisition of assets, and Mr. Drummond seconded.

There being no further discussion, Vice Chairman Buchanan called for the vote.

AYE: Drake, Feaver, Sevenoaks, Hitch, Drummond, Fite, Buchanan

NAY: None

ABSTAIN: None

ABSENT: Herrmann, Lambert

C. Items transferred from Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition Agenda to the Special Consideration Agenda for the Board's consideration.

6. 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. The members mentioned weather conditions in their area.

7. ADJOURNMENT

There being no further business, Vice Chairman Buchanan adjourned the meeting of the Oklahoma Water Resources Board at 10:10 a. m. on Tuesday, August 20, 2013.

OKLAHOMA WATER RESOURCES BOARD

_____/s/_____
Rudolf J. Herrmann, Chairman

_____/s/_____
Tom Buchanan, Vice Chairman

_____/s/_____
Edward H. Fite

_____/s/_____
F. Ford Drummond

_____/s/_____
Marilyn Feaver

_____/s/_____
Richard Sevenoaks

_____/s/_____
Bob Drake

_____/s/_____
Jason W. Hitch

ATTEST:

_____/s/_____
Linda P. Lambert, Secretary
(SEAL)