

**OKLAHOMA WATER RESOURCES BOARD
OFFICIAL MINUTES**

May 10, 2005

1. Call to Order

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Ervin Mitchell at 9:30 a.m., on May 10, 2005, in the meeting room of the Oklahoma Water Resources Board, located in offices of the OWRB 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.

A. Invocation

Member Bill Secrest gave the invocation.

B. Roll Call

Board Members Present

Ervin Mitchell, Chairman
Lonnie Farmer, Vice Chairman
Bill Secrest, Secretary
Ed Fite
Rudy Herrmann
Jack Keeley
Richard Sevenoaks

Board Members Absent

Harry Currie
Mark Nichols

Staff Members Present

Duane A. Smith, Executive Director
Dean Couch, General Counsel
Joe Freeman, Financial Assistance Division
Jim Schuelein, Chief, Administrative Services Division
Mike Mathis, Chief, Planning and Management Division
Derek Smithee, Water Quality Programs Division
Mary Lane Schooley, Executive Secretary

Others Present

J.L. Sluder, Mayes County Rural Water District #2, Choteau, OK
Robert Dandenne, Mayes County Rural Water District #2, Choteau, OK
Delbert McBroom, Smithville School, Smithville, OK
Michael Prescott, Wells Nelson, Oklahoma City, OK
Mark Johnathan Toberns, Kiowa Tribe, Carnegie, OK
Dean Jarvis, Woodward County Rural Water District #1, Woodward, OK
Steve Veters City of Cherokee, OK

C. APPROVAL OF MINUTES

Chairman Mitchell stated the draft minutes of the April 12, 2005, Regular Meeting have been distributed. He said he would entertain a motion to approve the minutes unless there were changes.

Mr. Secrest moved to approve the minutes of the April 12, 2005 Regular Meeting, and Mr. Herrmann seconded.

AYE: Farmer, Fite, Herrmann, Keeley, Secrest, Sevenoaks, Mitchell
NAY: None
ABSTAIN: None
ABSENT: Currie, Nichols

D. EXECUTIVE DIRECTOR'S REPORT

Mr. Duane Smith began his report stating it is getting dry in Oklahoma – and he quoted rainfall in some areas of the state, noting the Panhandle had received 1.5 inches of rain which is 69% below normal and the 40th driest year on record. Conversely, east central Oklahoma has received 1.58” of rain, the highest amount received at this time in the state. Soil moisture is down now and the state is in the first stages of what is seen as a substantial drought if there are no spring rains. Here in central Oklahoma seven inches is normal for this time but only one inch has rained. Mr. Smith mentioned that Mike Mathis was working with the Bureau of Reclamation on a drought grant program; one used several years ago in southwestern Oklahoma to install a groundwater well that can be accessed for cattle watering. This program is also used to place wells in areas for rural fire fighting.

Mr. Smith stated that on April 25 the Red River Compact Commission was held in New Orleans. He said there are two areas of controversy in the compact areas. First, Sweetwater Creek, a tributary to the North Fork of the Red River that flows into Lugert Altus Reservoir— Texas had a proposed a dam site on the creek, but the state failed to pass a tax to fund the feasibility study, and Texas wants to put in place rules that allow all water from Sweetwater Creek to be held back by Texas and give Oklahoma's 40% share to the North Fork of the Red. Mr. Smith said he did not believe Texas could stop the flow in any creek, and secondly the water quality is lower in the North Fork and that could have an impact on the quality of water at Lugert-Altus Reservoir. He said substantial progress has been made as Arkansas and Louisiana have agreed with Oklahoma in its proposal to have a 60-40 split on all those streams. He said it takes a unanimous vote to put all the rules in place. He said Texas wants to put rules in place for Lake Texoma in order to withdraw more water, and he anticipated Oklahoma would oppose rules at Lake Texoma before approving rules on Sweetwater Creek. He hoped for progress.

Mr. Smith informed the members he would be traveling to Washington, D.C. by invitation of the Western States Water Council and Western Governor's Association to give testimony to the Senate Energy and Natural Resources Committee on the Rural Water Supply Act of 2005. He said Chairman Domenici has authored a bill that would provide money through the Bureau for design and construction aimed at assisting small town and rural water systems in the west. He said the Council on Infrastructure Financing Agencies group would also be in Washington to talk to Congress members about not funding a program such as that in the water supply act with money taken from the Safe Drinking Water funding. He said Oklahoma is one of the 17 western states under the Bureau of Reclamation, and supports money for the western states. He noted that the Bureau has a Water 2025 initiative that provides challenge grants, which the Lugert Altus project has received a challenge grant in the amount of \$300,000.

Mr. Smith invited Mr. Mike Melton to bring the members up to date in regard to legislative activities. The 2005 Legislative Session has only a few weeks remaining. Mr. Melton distributed a written report and reviewed activities with the members. Mr. Smith mentioned working with the Oklahoma Conservation Commission on a program. He said the OCC has several programs that required a state match – 319 program, CREP program, and rehabilitation of old watershed structure at CSC dam sites that were designed for a 50-year life span. The OWRB Financial Assistance program is a potential avenue, same as the OWRB assisted the Department of Tourism for lagoon repair at Lake Texoma. The program would be used as a mechanism to provide up to \$30 million for priority watersheds, assisting in the acquisition of federal dollars to work toward nonpoint source implementation practices in Oklahoma. He is working with the legislators to work through the process of how the program would operate. Mr. Sevenoaks commented the program would have to be very conservatively fiscally structured. Mr. Smith assured him that is the message to the Legislature, and they are working toward such a structure.

Mr. Smith introduced Ms. Darla Whitley, OWRB Employee of the Quarter, and concluded his report with a presentation to Chairman Mitchell for his 21-year service to the Board. Secretary of Environment Miles Tolbert said a few words of appreciation for Mr. Mitchell's contribution of wisdom and experience to the Board. Chairman Mitchell shared his thoughts about his service to the State and to the OWRB, and expressed to the Board and staff his appreciation. Mr. Mitchell's term will end on May 14, 2005.

2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for City of Cherokee, Alfalfa County, Oklahoma. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this first item today concerns a \$65,000 emergency grant request from Cherokee located in Alfalfa County. He said the city's water supply has become contaminated and it is under a consent order from the Department of Environmental Quality to correct the situation. In order to resolve the problem, the city proposed to construct a reverse osmosis treatment plant consisting of two reverse osmosis units along with 7,000 feet of water transmission lines. The project will be funded with the grant requested of the Board, and \$235,900 Community Development Block Grant from the Department of Commerce and loan funds of approximately \$1,390,000.00 through the Drinking Water SRF loan program. Staff recommended approval of the emergency grant request.

Mr. Steve Vetter, Cherokee City Manager, was present in support of the grant application.

Mr. Herrmann stated there are three related requests on the agenda, and he asked if, procedurally, the Board should hear the entire package and act upon all three requests. Mr.

Couch responded that routinely each item is heard individually because of the type of financing for each application. Mr. Smith suggested Mr. Freeman give an overview of the project and the Board would vote on each application separately, and Mr. Freeman did so. There were a few questions by Board members.

Mr. Sevenoaks moved to approve the emergency grant application to the City of Cherokee, and Mr. Herrmann seconded.

AYE: Farmer, Fite, Herrmann, Keeley, Secrest, Sevenoaks, Mitchell
NAY: None
ABSTAIN: None
ABSENT: Currie, Nichols

B. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Smithville Public School District No. 1014, McCurtain County, Oklahoma. Recommended for Approval. Mr. Freeman said the Smithville Public School's water well is not able to provide adequate pressure during periods of peak usage. To correct the problem, the school proposed to construct a 5,000-gallon steel storage tank, a booster pump station, and fencing for the project. It is estimated the project will cost approximately \$55,500 to be funded along with the grant requested of the Board and \$3,325 of local school funds, along with \$8,325 of local funds. Staff recommended approval of the emergency grant application.

Mr. Delbert McBroom, School Superintendent, was present in support of the emergency grant request.

Mr. Fite moved to approve the emergency grant to the Smithville Public Schools, and Mr. Herrmann seconded.

AYE: Farmer, Fite, Herrmann, Keeley, Secrest, Sevenoaks, Mitchell
NAY: None
ABSTAIN: None
ABSENT: Currie, Nichols

Mr. Sevenoaks asked if there would be a standpipe; Mr. Freeman answered the project included a storage tank that would be used in times such as recess when the restrooms are used and watering the ball field puts a lot of pressure on system. Water would be pumped from the storage tank to the school.

C. Consideration of and Possible Action on a Proposed Order Approving Loan for Sand Springs Municipal Authority, Tulsa County, Oklahoma. Mr. Freeman said that during wet weather periods, Sand Springs experiences sanitary sewer overflow. To solve the problem, it is proposed to install about 11,500 linear feet of PVC and ductile iron pipe ranging from 18-to-27 inch manholes, easement clearing and restoration, and other related necessary construction and appurtenances and 45 manholes. Mr. Freeman noted provisions of the loan agreement. He said Sand Springs would save approximately \$850,000.00 over the life of the loan by borrowing from the Board. Staff recommended approval of the loan application.

Mr. Ryan Adams, finance director and Mike Prescott, with their financial advisors were present in support of the loan application.

Mr. Herrmann moved to approve the loan to the Sand Springs Municipal Authority, and Mr. Secrest seconded.

AYE: Farmer, Fite, Herrmann, Keeley, Secrest, Sevenoaks, Mitchell
NAY: None
ABSTAIN: None
ABSENT: Currie, Nichols

D. Consideration of and Possible Action on a Proposed Order Approving Increase in Obligation of Funds for Rural Water District #2, Mayes County. Recommended for Approval. Mr. Freeman said this item is for the consideration of an increase in loan funds to the Mayes County RWD #2 to \$4,050,000.00. He said that at the February 2004 Board meeting, the Board approved a \$3,085,000.00 loan to the District to provide funds to construct a separate water transmission line from the Oklahoma Ordnance Works Authority to the District, and for a metering station. Recently, the District received bids for the project above the engineers' original estimate, resulting in the request for an increase. Mr. Freeman said the District has been a good customer of the Board's for several years, and is growing at a strong rate with the number of water connections increasing by over 40% over the past ten years. Staff recommended approval of the District's request.

Mr. Gerald Sluder and Mr. Robert Dardene were present in support of the request.

Mr. Secrest moved to approve the increase in obligation of funds to the Mayes County RWD #2, and Mr. Fite seconded.

AYE: Farmer, Fite, Herrmann, Keeley, Secrest, Sevenoaks, Mitchell
NAY: None
ABSTAIN: None
ABSENT: Currie, Nichols

E. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds for Cherokee Development Authority, Alfalfa County. Recommended for Approval. Mr. Freeman said the Cherokee Development Authority had requested a six-month extension of time to close its loan with the Board. At the June 2004 Board meeting, the Board approved a \$1,455,000.00 Drinking Water SRF loan for Cherokee. The Authority is requesting the extension due to difficulties in obtaining the site. The Department of Environmental Quality has accepted the site plan as well as the engineering for the project; however, the Authority now has to complete the environmental work prior to accepting bids for the project. He anticipated the loan closing would occur in late summer. Staff recommended approval of the extension.

Mr. Steve Vetter, City of Cherokee and Mr. Worley Akin, Financial Advisor, were present in support of the extension of time request.

Mr. Herrmann moved to approve the extension of time for the City of Cherokee, and Mr. Mr. Farmer seconded.

AYE: Farmer, Fite, Herrmann, Keeley, Secrest, Sevenoaks, Mitchell
NAY: None
ABSTAIN: None
ABSENT: Currie, Nichols

F. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds and Modification of Loan Terms for Enid Municipal Authority, Garfield County. Mr. Freeman said this item is for the consideration of an extension of time for the obligation to close its loan, and to fund a loan from the Board's series 2004 State Revolving Fund Revenue Bond issue for the Enid Municipal Authority. He said the Board originally approved the \$2.7 million in June 2004 for rehabilitation and modification of its wastewater treatment plant. The delay in the project is due to a redesign the original plan for the renovation. The project schedule is to resubmit the re-design to DEQ by June 1, receive the permit to construct by mid-August, and to bid and award the construction contract by early September. Staff recommended approval of the request.

Mr. Robert Hitt, Mr. Jon Wolf, and Mr. Worley Akin were present in support of the request.

Mr. Farmer moved to approve the extension of time and modification for the Enid Municipal Authority, and Mr. Keeley seconded.

AYE: Farmer, Fite, Herrmann, Keeley, Secrest, Sevenoaks, Mitchell
NAY: None
ABSTAIN: None
ABSENT: Currie, Nichols

G. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds for Edmond Public Works Authority, Oklahoma County. Recommended for Approval. Mr. Freeman stated this item is for the consideration of an extension of time for the City of Edmond. He said the Board approved a loan to the City on December 9, 2003 in the amount of \$4,137,271.60 and is for refinancing an interim construction drinking water loan that the City obtained in March 2002. The construction loan was for water treatment plant improvements. It is anticipated the loan should close in 30 days. Mr. Freeman noted provisions of the loan agreement. Staff recommended approval of the loan agreement.

Mr. Mike Prescott was present in support of the application.

Mr. Sevenoaks asked if the City's water supply was solely from groundwater; Mr. Prescott answered the City also used water from Lake Arcadia, and the loan will connect the city to the City of Oklahoma City. Mr. Herrmann asked about the limitations on loans involved with requests for extensions and when revolving loan funds need to be spent, and Mr. Freeman answered there are no restrictions of time obligations on this type of loan, as it was not related to a bond issue. Under tax code now, a certain amount of funding should be spent within three years of the issuance of bonds.

Mr. Keeley moved to approve the request for an extension of time for the Edmond Public Works Authority, and Mr. Herrmann seconded.

AYE: Farmer, Fite, Herrmann, Keeley, Secrest, Sevenoaks, Mitchell
NAY: None
ABSTAIN: None
ABSENT: Currie, Nichols

Mr. Freeman recognized that there were representatives of applicants for REAP grant in Woodward County present.

3. SUMMARY DISPOSITION AGENDA

Chairman Mitchell stated that 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.

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 3.C. through 3.O.

Mr. Farmer moved to approve the Summary Disposition Agenda, and Mr. Fite seconded.

AYE: Farmer, Fite, Herrmann, Keeley, Secrest, Sevenoaks, Mitchell
 NAY: None
 ABSTAIN: Herrmann on item 3.D.7.
 ABSENT: Currie, Nichols

The following items were approved:

C. Consideration of Approval of the Following Applications for REAP Grants in Accordance with the Proposed Orders Approving the Grants:

REAP Item No.	Application No.	Entity Name	County	Amount Recommended
ASCOG				
1.	FAP-04-0022-R	Grandfield Public Works Authority	Tillman	\$99,500.00
NODA				
2.	FAP-04-0001-R	City of Cherokee	Alfalfa	99,999.00
3.	FAP-04-0063-R	Town of Nash	Grant	99,000.00
OEDA				
4.	FAP-04-0015-R	Rural Water District #1	Woodward	150,000.00

D. Contract and Agreements Recommended for Approval

1. Consideration of Lease Renewal Agreement with Mills Family LLC for Office Space in McAlester.
2. Consideration of Subagreement with the University of North Texas through its Lewisville Aquatic Ecosystem Research Facility for Work at Grand Lake o' the Cherokees.
3. Consideration of Interagency Agreement with the Oklahoma Conservation Commission to Conduct Education and Monitoring in the Watershed of Grand Lake o' the Cherokees.
4. Consideration of Interagency Agreement with the Oklahoma State University Department of Plant and Soil Sciences for Mapping to Support the Arbuckle-Simpson Hydrologic Study.
5. Consideration of Engagement Letters with John M. Arledge and Associates for Auditing Services.
6. Consideration of Agreement with Berens-Tate Consulting Group to Provide Arbitrage Rebate Services.
7. Consideration of Letter Agreement with Standard & Poor's to Provide Public Financial Rating Services.
8. Consideration of Memorandum Agreements with Cooperators in the Federal-State Cooperative Program with the U. S. Geological Survey.
 - a. City of Ada

- b. AES Shady Point, Inc.
- c. City of Altus
- d. Central Oklahoma Master Conservancy District
- e. Ft. Cobb Master Conservancy District
- f. Foss Master Conservancy District
- g. Grand River Dam Authority
- h. Hardage Steering Committee.
- i. City of Lawton
- j. Lugert-Altus Irrigation District
- k. City of Norman

E. Applications for Temporary Permits to Use Groundwater:

- 1. Don & Bonnie Irons, Osage County, #2004-592
- 2. Bryan County Rural Water District No. 9, Bryan County, #2005-501

F. Applications to Amend Temporary Permits to Use Groundwater:

None

G. Applications for Regular Permits to Use Groundwater:

- 1. Johnny R. & Dana D. McElroy and White Brothers Cattle Company, Tillman County, #2004-578
- 2. Glen David Clem, Ellis County, #2004-595
- 3. Franklin Stone & Mary Oren, Beckham County, #2005-508
- 4. Danny & Carolyn McGuire, Beckham County, #2005-509

H. Applications to Amend Regular Permits to Use Groundwater:

- 1. Comanche County Rural Water District No. 3, Cotton County, #1973-351A

I. Applications to Amend Prior Rights to Use Groundwater:

None

J. Applications for Regular Permits to Use Stream Water:

- 1. SCS Materials, LLP, Choctaw County, #2005-001
- 2. Pleasant Oaks Lake Association, Logan County, #2005-002
- 3. Cimarron Farms, Inc., Major County, #2005-003
- 4. Eugene F. Gee, Jr., Logan County, #2005-004

K. Applications to Amend Regular Permits to Use Stream Water:

None

L. Well Driller and Pump Installer Licensing:

New Licenses, Accompanying Operator Certificates and Activities:

- | | | |
|--------------|--|----------|
| 1. Licensee: | Citizen Potawatomi Nation | DPC-0641 |
| a. Operator: | Carrol Draper | OP-1436 |
| Activities: | Groundwater wells, test holes and observation wells
Pump installation | |
| b. Operator: | Wes Fitzgerald | OP-1437 |
| Activities: | Groundwater wells, test holes and observation wells
Pump installation | |
| 2. Licensee: | The Loftis Company | DPC-0643 |

- a. Operator: Michael Loftis OP-1440
Activities: Groundwater wells, test holes and observation wells
 - b. Operator: Jose Portillo OP-1441
Activities: Groundwater wells, test holes and observation wells
 - c. Operator: Erasto Martinez OP-1442
Activities: Groundwater wells, test holes and observation wells
- New Operators and/or Activities for Existing Licenses:
- 1. Licensee: Spencer Hegwood Drilling DPC-0097
Operator: Spencer Hegwood OP-0138
Activities: Pump installation
 - 2. Licensee: Robinson Water Well Drilling, Inc. DPC-0167
Operator: Kyle R. Robinson OP-1435
Activities: Groundwater wells, test holes and observation wells
Monitoring wells and geotechnical borings
Pump installation
Heat exchange wells
 - 3. Licensee: Davis Environmental Drilling, L.L.C. DPC-0197
Operator: Simon Dane King OP-1438
Activities: Groundwater wells, test holes and observation wells
Monitoring wells and geotechnical borings
Heat exchange wells
 - 4. Licensee: Bingham Resources, Inc. DPC-0567
Operator: Charles G. Joyce OP-1439
Activities: Monitoring wells and geotechnical borings

M. Dam and Reservoir Plans and Specifications:
None

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

- 1. Oklahoma Department of Transportation, Creek County, FP-05-03

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

A. Update Regarding Planning and Management Division Activities. Mr. Mike Mathis, Chief, Planning and Management Division, spoke to the members about the activities in the Planning and Management Division. He particularly mentioned he would present an update on activities that usually are not presented to the Board for consideration each month. He spoke of the statistics regarding number of groundwater and streamwater permits issued in 2004 and total amount of acre-feet and actual use; cancellations and reductions reviewed and acted upon in 2004; status of the Arbuckle-Simpson study and the addition of climate work and tree ring study; status of the North Fork of the Red River study in concert with the Lugert-Altus Irrigation District; Floodplain Management Program activities and the map modernization project; dam safety program annual inspections reports; well log database containing 92,000 known well locations accessible on the website; continual update of the Rural Water System Survey and work with the Department of Environmental Quality and Department of Commerce; cooperative

weather modification program research and successful programs in other states and internationally; and current drought conditions across the state and North America and the long-range weather forecast. Mr. Mathis concluded his report that the State Water Plan needs to be updated in a significant way and how it can feed into the economic opportunity for the state. Mr. Smith added that the Governor in his proposed budget supported funding for the plan, and he had received good response from both the House and Senate and we will just have to wait and see if it is funded. He said he is optimistic that while the agency has asked for \$6.5 million, that amount will probably not be funded in one year. He said phase I of the planning could be funded at \$2.5 million and that would assist communities in evaluating their water supply and wastewater status, and assessing needs for the future and looking at available alternatives, along with technical, financial and environmental analysis. He talked about how the agency viewed the plan as a way to meet current and future water needs in the state along with providing financing through the Financial Assistance Program.

The Board members asked questions and commented about the accuracy of the total number of estimated available acre-feet of water; the percentage of permitted acre-feet versus the percentage available; how water becomes available through cancellations and reductions; data relative to water infrastructure as a necessary pre-condition for economic development and the absence thereof as a constraint and state water planning; and funding for the water plan.

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 items transferred from the Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition Agenda.

6. PRESENTATION OF AGENCY BUDGET REPORT.

Mr. Jim Schuelein, Chief, Administrative Services Division, began his report pointing out the gap last month of percentage difference between the budget amount expected and obligated and the budget amount collected, which was 18%, and this month, which is 6%. He said the agency last month began winding down for the end of the fiscal year, and at the end of this month will begin cutting off all big purchasing. He said the agency is well within the budgetary limits set by the Legislature and Governor. He noted fuel costs had been a tremendous impact to the budget.

7. CONSIDERATION OF SUPPLEMENTAL AGENDA, IF ANY.

There were no Supplemental Agenda items for the Board's consideration.

8. 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.

Mr. Smith brought to the members' attention a complaint that had been filed and addressed to the members individually and collectively mailed to the office, on behalf of the Coal County Commissioners in regard to a stream water permit application. The complaint regarded the denial of the permit and made charges of malfeasance against Water Board officials Dean Couch and Bob Sandbo. The complaint was processed in accordance with the guidelines of the Board's rules and he said he has responded to Mr. Jackman who filed the complaint. He clarified that the permit has not been denied, staff sent a request for additional information and we have not heard a response from the Coal County Commissioners. The application was for a permit for "speculative use" so information on present and future need was requested which is a requirement under the statute in order to approve the permit. He said the staff could have brought the matter before the Board for denial, but staff prefers to attempt to work with applicants to process a permit. In any event, the Board's rules guides how complaints are processed; responding within two days and that has been done. He provided a copy of the complaint letter and the agency's response.

There were no other New Business items for the Board's consideration.

9. ADJOURNMENT

Prior to adjourning the meeting, Chairman Mitchell spoke to the members thanking them for their support as his term as Chairman.

There being no further business, Chairman Mitchell adjourned the regular meeting of the Oklahoma Water Resources Board at 11:10 a.m. on Tuesday, May 10, 2005.

OKLAHOMA WATER RESOURCES BOARD

_____/s/_____
Lonnie Farmer, Vice Chairman

_____/s/_____
Harry Currie

_____/s/_____
Rudolf J. Herrmann

_____/s/_____
Jack W. Keeley

_____/s/_____
Jess Mark Nichols

_____/s/_____
Richard Sevenoaks

_____/s/_____
Edward H. Fite

_____/s/_____
Kenneth K. Knowles

ATTEST:

_____/Absent_____
Bill Secrest, Secretary

(SEAL)