

# OKLAHOMA WATER RESOURCES BOARD

## OFFICIAL MINUTES

May 14, 2008

### 1. Call to Order

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Chairman Mark Nichols at 1:40 p.m., on May 14, 2008, in the Governor's Large Conference Room, 212 State Capitol Building, 2300 N. Lincoln Boulevard, Oklahoma City, Oklahoma.

The May 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 May 6, 2008, at 4:30 p.m. at the Oklahoma Water Resources Board's offices.

#### A. Invocation

Chairman Nichols asked Mr. Ed Fite to provide the invocation.

#### B. Roll Call

##### **Board Members Present**

Mark Nichols, Chairman  
Rudy Herrmann, Vice Chairman  
Ford Drummond, Secretary  
Lonnie Farmer  
Ed Fite  
Kenneth Knowles  
Linda Lambert  
Jack Keeley  
Richard Sevenoaks

##### **Board Members Absent**

None

##### **Staff Members Present**

Duane A. Smith, Executive Director  
Dean Couch, General Counsel  
Mike Melton, Chief, Administrative Services Division  
Joe Freeman, Chief, Financial Assistance Division  
Monte Boyce, Comptroller  
David O. Dillon, Interim Chief, Planning and Management Division  
Derek Smithee, Chief, Water Quality Programs Division  
Mary Lane Schooley, Executive Secretary

**Others Present**

Ken Crawford, Oklahoma Climatological Survey, Norman, OK  
Ed Beckham, Hulbert Public Works Authority, Hulbert, OK  
Ricky Lee, Hulbert Public Works Authority, Hulbert, OK  
Candy Staring, CH2M Hill, Oklahoma City, OK  
Jim Speck, City of Norman, OK  
Mary Page, Town of Goltry/Goltry Public Works Authority, Goltry, OK  
Doug Bullen, Town of Goltry, O  
Mike Mathis, C.H. Guernsey and Co., Oklahoma City, OK  
Janie Scranton, The Journal Record, Oklahoma City, OK  
John Harrington, Association of Central Oklahoma Governments, Oklahoma City, OK  
Cheryl Dorrance, Oklahoma Municipal League/Oklahoma Municipal Utility Providers,  
Oklahoma City, OK  
Elvis McDaniel, McCurtain County Rural Water District #8, Broken Bow, OK  
Jay R. Smith, McCurtain County Rural Water District #8, Broken Bow, OK  
Larry D. Jones, Canton, OK  
Tom Lay, Kerr Irvine Rhodes Ables, Oklahoma City, OK  
Senator Jay Paul Gumm, Durant, OK  
Lori Peterson, Farm Bureau, Oklahoma City, OK

**C. APPROVAL OF MINUTES**

Chairman Nichols stated the draft minutes of the April 8, 2008, Regular Meeting have been distributed. He stated he would accept a motion to approve the minutes unless there were changes. Mr. Knowles moved to approve the minutes of the April 8, 2008, Regular Meeting, and Ms. Lambert seconded.

AYE: Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond,  
Nichols  
NAY: None  
ABSTAIN: Herrmann  
ABSENT: None

**D. EXECUTIVE DIRECTOR’S REPORT**

Prior to the Executive Director's Report, Chairman Nichols announced the recent award to presented to Mr. Smith, the 2008 Distinguished Public Service Award, by the Oklahoma Chapter of the American Society of Public Administration.

Chairman Nichols recognized Ms. Jeannette Nance, OWRB liaison for Governor Henry's office. Mr. Duane A. Smith, Executive Director, addressed the members and noted the 2008 Status Report was available (provided to the members) and is also available on the agency website. Mr. Smith updated the members on the status of legislative measures that affect the agency and that are still active. He said there were three bills: (1) the agency appropriation bill, which is a standstill measure with no cuts; (2) water right modification fee, following the Board's approval and the House Rules Committee resulted in passage of one-half of what was proposed, working with the Oklahoma Farm Bureau; (3) Senator Paddack's bill SB 1410, Aquifer Recharge Demonstration Project, the goal being to highlight

through the Comprehensive Water Plan potential recharge sites in Oklahoma, and he expressed his appreciation and said the bill has been signed by the Governor.

Mr. Smith invited Marla Peek, representing the Oklahoma Farm Bureau, to speak to the members. Ms. Peek expressed the organization's appreciation to the Board for working with the OFB on the fee increase issue. She said the OFB believes what the Water Board does is important to agriculture, and the compromise at 50% is better for the members and the OWRB's cooperation is appreciated.

Mr. Smith said the Legislature is talking about a proposed bond issue, and some items that are included is a payment for Sardis Reservoir, \$30 million to the Oklahoma Conservation Commission for upstream flood control rehabilitation projects which is very important; and \$25 million for the OWRB Financial Assistance Program, 5-1 match dollars which are never spent. He said there is no better program for a community than to save one-third of the program costs, and that is not spent. He said there had originally been about 70 water bills introduced, and he is encouraged there has been interest at the Legislature to allow the water planning process to work and see what policy recommendations come from the planning process.

Mr. Smith introduced Mr. Josh McClintock, on contract with the OWRB to work on funding issues with the Water Resources Development Act (WRDA). Mr. McClintock briefed the members on activities that have occurred since February with the Oklahoma Congressional Delegation and Congress. He said that this week, the House and Senate negotiators on the budget resolution reached a tentative agreement that basically, the Democratic Leadership didn't anticipate movement on the appropriations bill for FY'09 because they want to wait and see what the Administration is next year, and so will pass a long-term continuing resolution holding everything where it is and start over. In terms of the water plan money, he said it probably will not be seen for awhile; however, Ryan Jackson with Senator Inhofe's office, in talking with the budget staff learned they are interested in funding all of the money in "one pot" through the OWRB, and let the OWRB prioritize through the water plan process. The staff is excited about that approach, as it is basically the same as transportation funding. In the last two weeks, the House has begun work on the next WRDA bill, the Senate prefers not to have a funding bill each year. Mr. McClintock said language has been submitted for funding to Oklahoma in one amount, similar to the Texas approach. Mr. Smith added that Mr. McClintock is also working with the military bases and incorporating the base plan for water supply into the state water plan, as well as for small communities surrounding bases that need additional supply for growth.

Mr. Smith stated the Red River Compact Commission had met, and he reminded the members about the state's frustration over Sweetwater Creek. He said this resolution is the biggest event in any compact, and Texas agreed to take a 60/40 split on Sweetwater Creek. Sweetwater Creek is a tributary of the North Fork of the Red River and both flow into Oklahoma and then combine in the North Fork in Oklahoma. Texas had been saying that it could take all of the water from Sweetwater and less water from the North Fork, and there was a potential reservoir site on Sweetwater that would have eliminated flow in the creek. Oklahoma believed that would have damaged the quantity and quality of water at Lugert Altus Reservoir and the Irrigation District. He said Chairman Nichols and Oklahoma Commissioner Charles Dobbs from Altus along with Tom Buchanan, District Manager, have spent time and effort and now that issue is resolved. He said he appreciated Texas working on that, but Texas now wants to go to Lake Texoma, where Oklahoma will have major concerns regarding how the water in Texoma is split between the states and the use. He said it is a 50/50 split, but Oklahoma believes Texas's use exceeds its 50% allotment. He said now reallocation for hydropower is being investigated and the Corps of Engineers is going to contract with Texas entities to take the water and Oklahoma has to make sure its interests are protected, and correspondence to the COE is being prepared and briefing to the Attorney General's office. He said this would be the next major battle for the Compact.

Mr. Smith concluded his report presenting a Resolution of Appreciation to former OWRB staffer Mike Mathis from the Red River Compact Commission for his work on the Compact the many years he was employed at the OWRB. He also recognized Mr. Brian Mitchell who is the CDM representative in Oklahoma.

## 2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Talihina Public Works Authority, LeFlore County. Recommended for Approval. Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this item concerns a \$70,000.00 Emergency Grant request from the Talihina Public Works Authority, located in LeFore County. He said that as a result of flood damage, the crossover pipe connecting primary wastewater cells to the secondary wastewater cells is in danger of failing. Talihina proposes to remove the damaged crossing and access road, construct a new sewer line with concrete piers and an access road sufficient to withstand possible future flows. The project will cost approximately \$128,297.00, and will be funded with the grant requested from the OWRB, in addition to \$58,297.00 in local funds. Staff recommended approval of the grant request.

Mr. Wayne Voss was present in support of the request.

Mr. Fite moved to approve the emergency grant request to the Talihina Public Works Authority, and Mr. Herrmann seconded.

AYE: Herrmann, Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond, Nichols

NAY: None

ABSTAIN: None

ABSENT: None

B. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Vera Municipal Authority, Washington County. Recommended for Approval. Mr. Freeman stated this item concerns an \$100,000.00 Emergency Grant request from the Vera Municipal Authority located in Washington County. Mr. Freeman said the grant funds would be assisting the construction of a new public sewer system. Currently, the community is served by individual septic tanks that are failing and allowing sewage to surface and cause potential health hazards. The project consists of approximately 13,500 feet of PVC line, 76 manholes, and a lift station to transfer the wastewater to a total retention lagoon. It is estimated the project will cost \$995,099.00 and will be funded with an \$264,800.00 Rural Development loan, an \$230,300.00 Rural Development grant, an \$250,000.00 Community Development Block grant, an \$50,000.00 Cherokee Nation/Grand Gateway Economic Development Authority grant, an \$99,999.00 OWRB REAP grant, and the requested \$100,000.00 OWRB Emergency grant. Staff recommended approval.

Mr. Patrick Kelly, Chairman, and Todd Owen, Town Clerk, were present in support of the emergency grant request.

Mr. Herrmann asked if the population is 187, or was that the number of connections; Mr. Freeman said that is the approximate population.

Mr. Drummond moved to approve the Emergency grant request to the Vera Municipal Authority, and Mr. Keeley seconded.

AYE: Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond, Nichols

NAY: None

ABSTAIN: Herrmann

ABSENT: None

C. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Coalgate Public Works Authority, Coal County. Recommended for Approval. Mr. Freeman said this item is for the consideration of a \$75,000.00 Emergency grant request from the Coalgate Public Works Authority. As a result of severe winter weather in December 2004, the roof of one of Coalgate's storage

tanks collapsed onto the other, which is now near the verge of collapse as well. The Authority has proposed replacing both tank roofs, and it is estimated the project cost is \$215,000.00 with funding through \$140,000.00 in local funds, and the requested OWRB Emergency grant of \$75,000.00. Staff recommended approval.

There were no representatives of the Coalgate PWA in attendance.

Mr. Fite moved to approve the Emergency grant to the Coalgate Public Works Authority, and Ms. Lambert seconded.

AYE: Herrmann, Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond, Nichols  
NAY: None  
ABSTAIN: None  
ABSENT: None

D. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Canton Public Works Authority, Blaine County. Recommended for Approval. Mr. Freeman stated to the members that this item is a \$49,512.00 Emergency grant request from the Canton Public Works Authority located in Blaine County. A portion of the town's wastewater collection system has collapsed and the Town has had to hire a septic tank hauler to pump the system to prevent backup into homes. In order to correct the problem, the Authority proposed to install about 480 feet of PVC line and three manholes along with service connections. It is estimated the project will cost approximately \$58,250.00, and will be funded with the OWRB grant, along with \$8,738.00 in local funds. Staff recommended approval.

Mr. Larry Jones, Town Trustee, was present in support of the Emergency grant request.

Ms. Lambert moved to approve the Emergency grant request to the Canton Public Works Authority, and Mr. Knowles seconded.

AYE: Herrmann, Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond, Nichols  
NAY: None  
ABSTAIN: None  
ABSENT: None

E. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Hulbert Public Works Authority, Cherokee County. Recommended for Approval. Mr. Freeman said the Hulbert Public Works Authority had requested an \$75,000.00 Emergency grant. The Town's two intake structures are located on Fourteen-Mile Creek and are not able to provide an adequate supply of water for treatment to serve the town's water supply needs. He said during dry weather periods, Hulbert has experienced severe water shortages, and one intake structure is inoperable, and the other is in need of maintenance. In order to correct the situation, Hulbert has proposed to replace the inoperable intake with a new one and rehabilitate the second with two new pumps. The \$265,000.00 project will be funded with an \$119,245.00 Department of Commerce Community Development Block Grant, \$60,765.00 in local funds, and the \$75,000.00 OWRB Emergency grant. Staff recommended approval.

There were no representatives of Hulbert in attendance.

Mr. Fite moved to approve the Emergency grant to the Hulbert PWA, and Mr. Knowles seconded.

AYE: Herrmann, Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond, Nichols  
NAY: None  
ABSTAIN: None  
ABSENT: None

F. Consideration of and Possible Action on a Proposed Order Approving Loan for Goltry Public Works Authority, Alfalfa County. Recommended for Approval. Mr. Freeman said this loan request is from Goltry Public Works Authority located in Alfalfa County. He said Goltry is requesting \$600,000.00 in loan funds through the Drinking Water SRF loan program. Goltry's water source is two, 50-gallon water wells, and one had nitrate content above the allowable Department of Environmental Quality limits. In order to solve the problem, Goltry proposed to construct a water line and purchase water from the Town of Jet. The project consists of a pump station and approximately 50,000 lineal feet of PVC water line. Mr. Freeman noted provisions of the loan agreement. In addition to loan proceeds, the project will be funded with a \$250,000.00 Community Development Block grant, and a \$74,000.00 OWRB REAP grant. Goltry's debt coverage ratio stands at approximately 1.5-times, and it is estimated it will save approximately \$260,000.00 in interest expense by borrowing through the SRF program. Staff recommended approval.

Mr. Doug Fuller, Mayor, and Mary Page, Town Clerk, were present in support of the loan request.

Ms. Lambert asked if the CDB grant had been approved, and Mr. Freeman replied that it had. Mr. Herrmann asked the source of the nitrates, and Mr. Fuller responded there is a lot of wheat fertilizer runoff, and therefore, is agriculturally related. Mr. Herrmann asked if there was a large CAFO located nearby, and Mr. Fuller responded there is not.

Mr. Knowles moved to approve the loan to the Goltry Public Works Authority, and Mr. Drummond seconded.

AYE:	Herrmann, Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond, Nichols
NAY:	None
ABSTAIN:	None
ABSENT:	None

G. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds for Rural Water District #8, McCurtain County. Recommended for Approval. Mr. Freeman informed the members that the McCurtain County Rural Water District #8 had requested an extension of time for its obligation of funds. The RWD is requesting the extension because of the need for additional time to obtain the construction permit from the Department of Environmental Quality. At the June 2007 meeting, the Board approved the \$4,806,000.00 loan to the District to construct a new two-million gallon-per-day water treatment plant, install a 16-inch transmission line, a one-million gallon clear well, and to modify the existing booster pump station. Mr. Freeman noted the loan would be funded through the Drinking Water SRF program and besides the extension of time; all other aspects of the loan will remain the same as approved by the Board last June. Staff recommended approval.

Mr. Elvis McDaniels, District Vice Chairman, was present in support of the extension request.

Mr. Fite moved to approve the extension of time for obligation of funds to the McCurtain County RWD #8, and Mr. Herrmann seconded.

AYE:	Herrmann, Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond, Nichols
NAY:	None
ABSTAIN:	None
ABSENT:	None

H. Update Regarding Debt Issuance, Loan Commitment, and Lending Procedures for the Board's State Revolving Fund Loan Programs. Mr. Freeman stated to the members that following the March Board meeting, the Board's financial advisors met with the Board's Finance Committee with regards to potential premium calls on future SRF bonds. He said the team developed a plan that would prevent that from occurring by requiring the SRF borrowers to have a trustee bank relationship with their loan at the

time of closing. If the borrower has not drawn all of its loan proceeds within 35 months of the Board's bond issuance, then any undrawn loan funds could be transferred from the Board's Trustee to the borrower's trustee and would then satisfy the IRS 36-month spend down requirement and any premium call risk that the Board might have. After discussion with the committee, it was determined to move ahead with the current finance plan with the trustee relationship in place for the Board's security.

Mr. Sevenoaks asked about the Texas Plan that is being used as a model and whether they had instituted the same modification; Mr. Freeman said he wasn't aware. Mr. Freeman explained the process regarding the 36-month requirement and the trustee bank relationship, and that there would not be any bonds to call because all of the money would have been moved to the borrowers trustees. Mr. Herrmann said the modification takes what would have been a very slight residual risk of having a timing problem and does away with the very residual risk.

### 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. However, Mr. Dillon asked that item G.1., permit #2007-554 for Wilmot Farm be withdrawn due to an incomplete application.

#### 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.

There being no further questions or discussion regarding items on the Summary Disposition Agenda, Chairman Nichols asked for a motion.

Mr. Herrmann moved to approve the Summary Disposition Agenda as amended, and Mr. Farmer seconded.

AYE: Herrmann, Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond, Nichols

NAY: None

ABSTAIN: None

ABSENT: None

#### **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:

<u>REAP</u>				<u>Amount</u>
<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Recommended</u>
ASCOG				
1.	FAP-07-0021-R	Byars Public Works Authority	McClain	\$79,900.00

GGEDA

2.	FAP-00-0048-R	Vera Municipal Authority	Washington	99,999.00
3,	FAP-07-0034-R	Rural Water, Sewer, Gas & Solid Waste Management District #10	Delaware	98,653.20

NODA

4.	FAP-06-0025-R	Goltry Public Works Authority	Alfalfa	74,000.00
5.	FAP-07-0040-R	Town of Nash	Grant	99,250.00

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

1. Contract with the Oklahoma Floodplain Managers Association, Inc. to assist with the production, publication and distribution of the "Turn Around, Don't Drown" 2009 calendars.
2. Cooperative Agreement with the Oklahoma Department of Wildlife Conservation for the Water Plan publication project entitled "Oklahoma Boating Access Water Atlas".
3. Lease Agreement with Burgess & Burgess for renewal of lease for the OWRB Lawton office.
4. Lease Agreement with Four-Way Resources LLC for renewal of lease for the OWRB McAlester office.
5. Contract with Moore Norman Technology Center for rental of the South Penn Campus Conference Center for the purpose of hosting the Water Law 101 Symposium.
6. Interagency Agreement with the Grand River Dam Authority.
7. Professional Services Contract between Michael Albano and OWRB.
8. Professional Services Contract between Sparks Write, Inc. and OWRB.
9. Professional Services Contract between Records Solutions, Inc. and OWRB
10. Professional Services Contract between WK Morris Consulting LLC and OWRB.
11. Contract Renewal with Norstan Communications, Inc. d/b/a Black Box Network Services to provide PBX system maintenance.
12. Resolution authorizing the OWRB Board Chairman to enter agreement with the Reed Conference Center or other facility for hosting the Governor's Water Conference and Water Resources Research Institute's Water Symposium.
13. Joint Funding Agreement between the USGS and OWRB for the project "Garber-Wellington Aquifer Management, Central Oklahoma".
14. Agreement Modification Amendment #1 between the Oklahoma Conservation Commission and OWRB to extend the project entitled, "Grand Lake (Oklahoma) Watershed Implementation Project".
15. Consideration of Lease Agreement Renewal for OWRB Woodward office.

- E. Applications for Temporary Permits to Use Groundwater:
  - 1. Donald L. & Melodee A. Ellsworth, Stephens County, #2001-507
  - 2. Wilbur A. & Mildred T. Hawkins, Washita County, #2007-570
  
- F. Applications to Amend Temporary Permits to Use Groundwater:
  - 1. Stephens County RWS & SWMD #3, Stephens County, #1982-752
  - 2. Marlow Municipal Authority, Grady County, #2002-595
  
- G. Applications for Regular Permits to Use Groundwater:
  - 1. Wilmot Farm, L.L.C., Harper County, #2007-554
  - 2. John Van der Laan, Tillman County, #2007-567
  - 3. Michael & Lucinda Ray, Texas County, #2007-573
  - 4. Newport Farms, L.L.C., Cimarron County, #2007-577
  
- H. Applications to Amend Prior Rights to Use Groundwater:
  - 1. City of Cache, Comanche County, #1955-954
  
- I. Applications for Regular Permits to Use Stream Water:
  - 1. Creek County RWD No. 7, Creek County, #2007-052
  - 2. Steve Conrad, Muskogee County, #2007-056
  - 3. Rose Real Estate, a partnership, LeFlore County, #2008-003
  
- J. Applications to Amend Regular Permits to Use Stream Water:  
None
  
- K. Applications for Term Permits to Use Stream Water:
  - 1. WACCAW Development, L.L.C., Coal County, #2008-001

L. Well Driller and Pump Installer Licensing:

1.		New Licenses, Accompanying
	Operator Certificates and Activities:	
a.	Licensee: Prairie Legend Windmills	DPC-0752
	Operator: Michael Porterfield	OP-1610
	Activities: Pump installation	
b.	Licensee: Mehlburger Brawley, Inc.	DPC-0754
	Operator: Mark H. Hinderliter	OP-1611
	Activities: Monitoring wells and geotechnical borings	
c.	Licensee: C & W Drilling	DPC-0756
	Operator: Wesley Coats	OP-1613
	Activities: Groundwater wells, test holes and observation wells	
	Pump installation	
	New Operators for Existing Licenses:	
a.	Licensee: Mooter's Well Service	DPC-0601
	Operator: Donnie Mooter	OP-1351
	Activities: Pump installation	

- |    |             |   |          |
|----|-------------|---|----------|
| b. | Licensee:   | Bingham Resources                                   | DPC-0567 |
|    | Operator:   | Alan Bingham  | OP-1612  |
|    | Activities: | Heat exchange wells                                 |          |
| c. | Licensee:   | Boart Longyear                                      | DPC-0671 |
|    | Operator:   | David Wilcox  | OP-1614  |
|    | Activities: | Groundwater wells, test holes and observation wells |          |
|    |             | Monitoring wells and geotechnical borings           |          |
|    |             | Pump installation                                   |          |

M. Dam and Reservoir Modifications and Rehabilitation:

1. City of Oklahoma City, Oklahoma County, NID No. OK11061
2. Roger & Latrice Hunnicutt - Hunnicutt North Dam, Custer County, NID No. OK83010

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

1. Oklahoma Department of Transportation, Hughes County, FP-08-05
2. Oklahoma Department of Transportation, Sequoyah County, FP-08-06
3. Oklahoma Department of Transportation, Cherokee County, FP-08-08

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the May 14, 2008 packet of Board materials.

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

A. No items.

**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. Application to Amend Temporary Permit to Use Groundwater No. 2005-504, City of Norman, Cleveland County:

1. Summary - Mr. David Dillon, Interim Chief, Planning and Management Division, addressed the members and stated this matter regards an existing temporary groundwater permit that overlies the Garber-Wellington by the City of Norman. The request is to amend the permit to add 445 acres of dedicated land, and 890 acre-feet of groundwater and four wells. He said that all four points of law has been met, proper notice has been given, the amount of water requested is the appropriate amount, and staff recommended approval.

2. Discussion and presentation by parties. Mr. Dillon stated the protestants were represented by Counsel at the hearing; however, there is no one present at the meeting today.

Mr. Sevenoaks asked about the arsenic problems and the blending of water from the wells. Ms. Candy Staring with the City of Norman addressed the members. She said the old wells had been abandoned. These are brand new wells in the Garber, and the City will test each well for high arsenic levels, and if there is a high level that will not be used, but only the good water.

3. Possible executive session. The Board did not vote to enter executive session.

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.

Mr. Herrmann moved to approve the application to amend temporary permit to use groundwater no. 2005-504, and Ms. Lambert seconded.

AYE: Herrmann, Knowles, Farmer, Keeley, Fite, Lambert, Sevenoaks, Drummond, Nichols

NAY: None

ABSTAIN: None

ABSENT: None

B. Consideration of Items Transferred from the Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition Agenda for discussion.

## 6. PRESENTATION OF AGENCY BUDGET REPORT.

Mr. Monte Boyce, OWRB Comptroller, addressed the members and said the budget report covers activities through April 30, 2008. He said the agency has completed 83% of the fiscal year, obligated 85% of the budget, and collected 88% of the budget. He referred to Mr. Smith's comments about a standstill budget, and the appropriated figures are: \$4.3 million general operations; \$301,000.00 for contractual services with Oklahoma Rural Water Association; and \$2.2 million for the REAP program, for a total of \$6.8 million.

Mr. Sevenoaks asked about the term "standstill" and asked if there was a step increase or health insurance escalations, etc. Mr. Boyce said the agency would be receiving the exact amount that was received for FY08; however, he did anticipate there would be increased insurance costs. He told the members that the agency actually realized \$2.6 million in the Water Infrastructure Fund (Gross Production Tax) because of fewer projects under the capped monies, and the increased fees will bring in about \$77,000.00. Mr. Smith discussed the anticipated additional expenses as compared to the appropriated amount, and the agency's goals of being more efficient through technology and unfilled personnel positions, without sacrificing the levels of the programs.

**7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, 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.

There were no New Business items for the Board's consideration. However, Mr. Smith added comments about the agency's initial work on the Garber-Wellington Study--a component of the Water Plan, and he introduced Mr. John Harrington with the Association of Central Oklahoma Governments.

Mr. Smith also introduced Mr. Rodney Ray with the Oklahoma Municipal League.

Chairman Nichols thanked the OWRB staff for coordinating Water Day at the Capitol, as well as the Board meeting at the Capitol. He also mentioned a letter he had sent to the Oklahoma Farm Bureau regarding the fee increase and working with the OFB on future issues.

**9. ADJOURNMENT**

There being no further business, Chairman Nichols adjourn the regular meeting of the Oklahoma Water Resources Board at 2:35 p.m. on Tuesday, May 14, 2008.

**OKLAHOMA WATER RESOURCES BOARD**

\_\_\_\_\_/s/\_\_\_\_\_  
Jess Mark Nichols, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Rudolf J. Herrmann, Vice Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Lonnie Farmer

\_\_\_\_\_/s/\_\_\_\_\_  
Edward H. Fite

\_\_\_\_\_/s/\_\_\_\_\_  
Jack W. Keeley

\_\_\_\_\_/s/\_\_\_\_\_  
Kenneth K. Knowles

\_\_\_\_\_/Absent\_\_\_\_\_  
Linda Lambert

\_\_\_\_\_/s/\_\_\_\_\_  
Richard Sevenoaks

**ATTEST:**

\_\_\_\_\_/s/\_\_\_\_\_  
F. Ford Drummond, Secretary  
(SEAL)