

REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

March 13, 2012

9:30 a.m.

Oklahoma Water Resources Board
3800 N. Classen Boulevard
Oklahoma City, OK 73118

At 9:00 a.m. a reception will be held in the Board Room Second Floor Foyer in Appreciation to Dr. Joe Taron for his service to the Board, and to welcome Mr. Bob Drake.

A copy of this notice of meeting and agenda has been posted in a prominent location at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City, Oklahoma, on March 9, 2012 at 10:15 a.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov. Revised items are indicated by “•” and italics.

01000 1. CALL TO ORDER

- A. Invocation
- B. Roll Call
 - 1. Election of Officers
 - 2. Discussion and Possible Action to Revise Schedule of Regular Meetings
- C. Discussion, Amendments, and Vote to Approve Official Minutes of the February 13, 2012, Regular Meeting.
- D. Executive Director's Report. **Mr. J.D. Strong**
- E. Monthly Budget Report **Ms. Amanda Storck**

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

- A. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Consolidated Rural Water District No. 1, Nowata and Rogers Counties. Recommended for Approval.
- B. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for The Owasso Public Works Authority, Tulsa County. Recommended for Approval.

- C. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Rural Water, Sewer and Solid Waste Management District No. 1, Logan County. Recommended for Approval.
- D. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Rural Water, Sewer, Gas and Solid Waste Management District No. 3, Logan County. Recommended for Approval.
- E. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Rural Water District No. 14, LeFlore County. Recommended for Approval.
- F. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Westville Utility Authority, Adair County. Recommended for Approval.
- G. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Skiatook Public Works Authority, Tulsa County. Recommended for Approval.
- H. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Rural Water District No. 13, Cherokee County. Recommended for Approval.
- I. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Pawnee Public Works Authority, Pawnee County. Recommended for Approval.
- J. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Lone Chimney Water Association, Pawnee County. Recommended for Approval.
- K. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Ponca City Utility Authority, Kay County. Recommended for Approval.
- L. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS

Chairman Lambert

Any item listed under this Summary Disposition Agenda may, at the request of any member of the Board, the Board's staff, or any other person attending this meeting, be transferred to the Special Consideration Agenda. Under the Special Consideration Agenda, separate discussion and vote or other action may be taken on any items already listed under that agenda or items transferred to that agenda from this Summary Disposition Agenda.

- A. Requests to Transfer Items from Summary Disposition Agenda to the Special Consideration Agenda, and Action on Whether to Transfer Such Items.
- B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Possible Action on Items Listed Below. Recommended for Approval.
- C. Financial Assistance Division Items:

1. Rural Economic Action Plan (REAP) Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
EODD				
a.	FAP-03-0003-R	Rural Water Sewer & Solid Waste Management District #4	Sequoyah	\$ 99,950.00
GGEDA				
b.	FAP-11-0011-R	Crowder Public Works Authority	Pittsburg	99,999.00

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

- 1. Amendment of Agreement with the Oklahoma Department of Environmental Quality to amend the OWRB/DEQ Woodward Office Space Lease Agreement.
- 2. No-Cost Time Extension Agreement with CDM Smith, Inc. for agreement in support of the Oklahoma Comprehensive Water Plan which provides for CDM Smith, Inc. to develop a cost estimate that reflects the statewide and regional wastewater infrastructure needs for planning period in Oklahoma.
- 3. No-Cost Time Extension Agreement with CDM Smith, Inc. for agreement in support of the Oklahoma Comprehensive Water Plan which provides for CDM Smith, Inc. to develop a long-term wastewater utility planning guide specifically with a focus on small systems.
- 4. Agreement Amendment with the Office of the Secretary of the Environment for the Clean Water Act FY 2011 §106 Water Pollution Control Program – Monitoring, to increase funding available for Project 3 of the program, 2012 National Lakes Assessment- Oklahoma.
- 5. Planning Assistance to States Supplemental Agreement No. 6 with the U.S. Army Corps of Engineers, Tulsa District, Programmatic Planning Support for the Oklahoma Comprehensive Water Plan.
- 6. Agreement Modification with Oklahoma Conservation Commission for the “Oxbow System Assessment and Protocol Development – Phase 2” to extend the term of the contract and reduce the available funds.

7. No-Cost Time Extension Agreement with Oklahoma State University Department of Natural Resource Ecology and Management regarding assessing oxbow wetlands and lakes in Oklahoma.

- E. Applications for Temporary Permits to Use Groundwater:
 1. Goldsby Water Authority, McClain County, #2011-607
 2. Allen Dale & Cindy Lou Stover, Canadian County, #2011-643
 3. Price Farms, L.L.C., Beckham & Washita Counties, #2011-673
 - 4. *Fredrick J. & Mary Kathryn Lorenz, Major County, #2011-674 Item withdrawn*
 5. Bill & Neoma Barnes, Creek County, #2012-502
 6. Titus & Grace A. Stutzman, Custer County, #2012-506

- F. Applications to Amend Temporary Permits to Use Groundwater:
 1. Berny Sander & Linda Sue Sander Revocable Trusts and Monty Sander, Dewey County, #1982-577
 2. Delbert & JoAnn Hladik and Tim & Tonia Hladik, Kingfisher & Garfield Counties, #2009-539

- G. Applications for Regular Permits to Use Groundwater:
 1. University of Science & Arts of Oklahoma, Grady County, #2011-559
 2. Richard E. & Rebecca Sally Claggett, Texas County, #2011-568
 - 3. *Michael & Kathy Lee Martin, Greer County, #2011-582 Item withdrawn*
 4. Amanda Raye Savage, Garvin County, #2011-646
 5. Curtis & Brenda Schulz, Choctaw County, #2011-666
 6. Jerry & Beth Wiebe, Texas County, #2011-671
 7. O. Dale & Cynthia Eagon and Michael Eagon, Beckham County, #2011-676

- H. Applications to Amend Regular Permits to Use Groundwater:
 1. Hitch Pork Producers, Inc., Texas County, #1993-580
 2. Mike & April Meinert, Kiowa County, #1999-530

- I. Applications to Amend Prior Rights to Use Groundwater:
 1. Amanda Raye Savage, Garvin County, #1967-736E

- J. Applications for Regular Permits to Use of Stream Water:
 1. City of Broken Arrow, Tulsa County, #2011-036
 2. Mike's Place, L.L.C., Lincoln County, #2011-044
 3. Friends of Lake McMurtry Association, Noble County, #2011-059
 - 4. *Tommy Jason Dowd, Bryan County, #2011-062 Item withdrawn*
 5. Sloan Farms, Inc., Sequoyah County, #2011-068
 6. David Yonce, Okmulgee County, #2011-073
 7. Eugene Meeks, Muskogee County, #2011-074
 8. Chafen Pettit, Caddo County, #2011-075

- K. Forfeitures (Reductions) of Stream Water Rights:
None

- L. Well Driller and Pump Installer Licensing:
 1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: Razek Environmental, LLC

- 1. Operator: Anthony J. Poulter OP-1893
 Activities: Groundwater wells, test holes and observation wells
 Monitoring wells and geotechnical borings
- 2. Operator: Scott Ferris OP-1894
 Activities: Groundwater wells, test holes and observation wells.
- b. Licensee: Michael Tolle DPC-0850
 Operator: Michael Tolle OP-1900
 Activities: Heat exchange wells
- 3. Licensee: Jeff Bradford DP-0848
 Operator: Jeff Bradford OP-1895
 Activities: Pump Installation
- 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - a. Licensee: Thomas Water Well Service DPC-0453
 - 1. Operator: Homer Thomas OP-0946
 Activities: Plugging of certain water wells
 - b. Licensee: Pump & Supply, LLC DPC-0337
 - 1. Operator: Jason Stephens OP-1896
 Activities: Pump installation
 - 2. Operator: Kevin Yell OP-1897
 Activities: Pump installation
 - 3. Operator: Steve Madison OP-1898
 Activities: Pump installation
 - 4. Operator: Doyle Yell OP-1901
 Activities: Pump installation
 - c. Licensee: Sahara Water Services DPC-0781
 Operator: Bradley W. Cells OP-1899
 Activities: Groundwater wells, test holes and observation wells
 Pump installation

M. Dam and Reservoir Construction:

None

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

None

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the March 13, 2012 packet of Board materials

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

A. No items.

05000 5. SPECIAL CONSIDERATION

Chairman Lambert

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); Proposed Findings, Conclusions and Order are Recommended for Approval in the following matters:

A. Consideration of and Possible Action on Proposed Tentative Determination of the Maximum Annual Yield for the Arbuckle-Simpson Groundwater Basin underlying parts of Murray, Pontotoc, Johnston, Coal and Carter Counties:

NOTE: As provided by the Oklahoma Groundwater Law in Sections 1020.4 and 1020.6 of Title 82 of the Oklahoma Statutes and the Administrative Procedures Act in Section 313 of Title 75 of the Oklahoma Statutes, “ex parte communications”, including comments from the public, may not be made to the Board at this time. Interested parties will have the opportunity to present evidence, legal argument and comments in support or opposition at a public hearing on the Tentative Determination which is tentatively scheduled for May 22, 2012 in the Murray County Exposition Center in Sulphur, Oklahoma. Details of the public hearing, including confirmation of the date, time and place of the hearing, will be prescribed in the public notice of the hearing which will be provided as required in Section 1020.6 of Title 82 of the Oklahoma Statutes.

1. Summary of Staff Proposal – **Ms. Julie Cunningham**
2. Discussion by Board Members
3. Vote on whether to approve the Proposed Tentative Determination as presented or as may be amended, or vote on any other action or decision relating to the Proposed Tentative Determination.

B. Items transferred from Summary Disposition Agenda, if any.

06000 6. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY

Chairman Lambert

7. PROPOSED EXECUTIVE SESSION

Chairman Lambert

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(4) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney,

determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

Pursuant to this provision, the Board proposes to hold an executive session for the purpose of discussing *Chickasaw Nation and Choctaw Nation v. Fallin, et al., Association for the Protection of Oklahoma Water v. OWRB, and OWRB v. United States (on behalf of the Choctaw Nation and Chickasaw Nation et al).*

• ***Bolded italics added***

The Board has been advised by legal counsel that disclosure of the discussion of the litigation will seriously impair the Board and State to conduct the present and proposed litigation in the public interest.

- 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.

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

Return to open meeting and possible vote or action on any matter discussed in the Executive Session

9. NEW BUSINESS Chairman Lambert

Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.

10. ADJOURNMENT Chairman Lambert

The next regular meeting of the Oklahoma Water Resources Board is scheduled on Tuesday, April 10, 2012, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK.

3/9/2012