

REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

June 12, 2012

9:30 a.m.

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

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 June 5, 2012 at 4:35 p.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** **Vice Chairman Drummond**
- A. Invocation
 - B. Roll Call
 - C. Discussion, Amendments, and Vote to Approve Official Minutes of the May 8, 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 Emergency Grant for Town of Canton, Blaine County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Fairfax Public Works Authority, Osage County. Recommended for Approval.
 - C. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Chandler Municipal Authority, Lincoln County. Recommended for Approval
 - D. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Bartlesville Municipal Authority, Washington County. Recommended for Approval

- E. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Hugo Municipal Authority, Choctaw County. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Vice Chairman Drummond

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>
None				

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

- 1. Joint Funding Agreement with U.S. Geological Survey for the Continuation of the Monitoring Program FY 2013.
- 2. Lease Agreement with the Department of Central Services to lease office space for OWRB's Tulsa office in the Kerr State Office Building.
- 3. Lease Agreement Renewal with Burgess & Burgess, Inc. to lease office space for OWRB's Lawton office.
- 4. Professional Services Contract with Emily H. Mezell to provide services of Hearing Examiner for administrative hearings as may be assigned by the Board.
- 5. Addendum to Contract with Oklahoma Department of Agriculture, Food and Forestry for collection of water column and fish samples at 303(d) listed sites for pesticide analysis.
- 6. Contract with Oklahoma Rural Water Association to provide technical assistance and training to rural water and wastewater system operators and board members in the state.

7. Second Extended and Amended Agreement with American Municipal Tax-Exempt Compliance Corp. for arbitrage rebate calculation and consulting services.
8. Professional Services Engagement Letter with John M. Arledge & Associates, P.C. to provide auditing services related to the Board's financial assistance programs.
9. Professional Services Engagement Letter with Crawford & Associates, P.C. to provide accounting services related to the Board's financial assistance programs.
10. Lease Agreement Renewal with ELF Properties LLC for leasing office space for OWRB's McAlester office.
11. Lease Agreement Renewal with Mori White for leasing office space for OWRB's Woodward office.
12. Agreement with the Office of the Secretary of the Environment for the Clean Water Act FY 2012 § 104 (b)(3) Urban Waters Small Grants Program, CA#UW-00F50401.
13. Memorandum Agreement between OWRB, USGS and Poteau Valley Improvement Authority for water monitoring and data collection.
14. Memorandum Agreement between OWRB, USGS and CP Kelco for water monitoring and data collection.
15. Fifth Amended Agreement with Charles T. Dumars for professional legal services.
- 16. *Joint Funding Agreement with USGS for the project titled " Comparison of the Historic Drought of 2011 with Previous Droughts of the 20th Century". Item added*
- 17. *Contract for Lab Analysis with Oklahoma Department of Environmental Quality. Item added*

E. Applications for Temporary Permits to Use Groundwater:

1. Consolidated Rural Water & Sewer District No. 1 of Jefferson County, Grady & Stephens Counties, #2011-668
2. Wesley C. & Regina Miller, Custer County, #2012-515
3. Hat Creek Cattle Company, LLC, Roger Mills County, #2012-519
4. Cedar Ridge Country Club, Tulsa County, #2012-522
5. The Leroy Hart GST Exemption Residuary Trust, the Leroy Hart and Denise Hart Revocable Trusts, and Leroy & Denise Hart, Caddo County, #2012-527
6. The Dal L. & Beki L. Houston Revocable Trust, Woods County, #2012-533
7. Deanna Barger, Caddo County, #2012-540
8. R. Dean Smith, Caddo County, #2012-542
9. R. Dean Smith, Caddo County, #2012-543
10. Gregg & Susan Ward, Dewey County, #2012-553
11. The Roy J. Harper III GST Exemption Residuary Trust and the Frank Harper & Pauline M. Harper Revocable Trusts, Washita County, #2012-562
12. F. M. Erickson III and Bonnie Kay Erickson, Woods County, #2012-566
13. Enid Municipal Authority, Major County, #2012-574

- F. Applications to Amend Temporary Permits to Use Groundwater:
1. Calvin & Julia Bachmann, Roger Mills County, #1981-752
- G. Applications for Regular Permits to Use Groundwater:
1. Brad & Shelley Maddoux, Beckham County, #2012-520
 2. Wayne E. Schmedt and Theo Fred Schmedt, Tillman County, #2012-551
 3. Arthur & Lesa Hatfield, Texas County, #2012-552
 4. Joseph L. Ramsey, Kiowa County, #2012-555
 5. Kelli Litsch and Staci Wechsler, Washita County, #2012-558
 6. Steven D. & Cherry Teresa Cryer, Cimarron County, #2012-563
 7. The Robert & Linda Killebrew Living Trusts and Robert & Linda Killebrew, Tillman County, #2012-571
- H. Applications to Amend Regular Permits to Use Groundwater:
1. Jeff & Jeri Slatten, Beaver County, #1978-610
 2. Link Raney 2000 Trust, Beckham County, #1984-615
 3. Turner Brothers Farms, Inc., Beckham County, #1986-593
 4. Prestage Farms of Oklahoma, LLC, Texas County, #1994-662
- I. Applications to Amend Prior Rights to Use Groundwater:
1. Wayne E. Schmedt and Theo Fred Schmedt, Tillman County, #1949-062
 2. David R. Wigington & Shirley E. Wigington Family Trust, Blaine County, #1954-791
 3. Kelli Litsch, Washita County, #1957-494
 4. Tim & Tonia Hladik, Kingfisher County, #1969-145
- J. Applications for Term Permits to Use Stream Water:
- None
- K. Applications for Regular Permits to Use Stream Water:
1. C. H. Smith Construction, Inc. dba Verdigris Valley Sod Farms, Rogers County, #2011-071
 2. C. H. Smith Construction, Inc., dba Verdigris Valley Sod Farms, Rogers County, #2011-072
 3. Alfred O. "Dell" Wood, Johnston County, #2012-003
 4. Destry Harber, Latimer County, #2012-008
 5. Gregg & Susan Ward, Dewey County, #2012-014
 6. Charles & Conita Tipton, Hughes and Coal Counties, #2012-017
 7. S & J Farms, Inc., Sequoyah County, #2012-021
- L. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: Weaver Water Well Services, LLC DPC-0856
 1. Operator: Mark Weaver OP-1914
 - Activities: Pump Installation
 - b. Licensee: Sunbelt Environmental Services, Inc. DPC-0844
 1. Operator: Neal Farrar OP-1892
 - Activities: Groundwater wells, groundwater test holes and observation wells
 - Monitoring wells and geotechnical borings
 - Heat exchange wells

- c. Licensee: WDC Exploration & Wells DPC-0858
- 1. Operator: Christopher Thornburg OP-1916
- Activities: Groundwater wells, groundwater test holes and observation wells
Monitoring wells and geotechnical borings
Pump installation
- d. Licensee: Harrison & Cooper DPC-0831
- 1. Operator: Kenny Cooper OP-1849
- Activities: Groundwater wells, groundwater test holes and observation wells
Monitoring wells and geotechnical borings
- e. Licensee: B2D Enterprises DPC-0807
- 1. Operator: Bobby J. Criswell, Jr. OP-1817
- Activities: Groundwater wells, groundwater test holes and observation wells
Pump installation
- f. Licensee: Farwest Corrosion Control DPC-0860
- 1. Operator: Nathaniel Lee Bishop, Jr. OP-1921
- Activities: Cathodic protection wells

2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:

- a. Licensee: Associated Environmental Industries, Corp. DPC-0269
- 1. Operator: Scott Ryan Griffin OP-1912
- Activities: Monitoring wells and geotechnical borings
- b. Licensee: Whitetail Drilling, LLC DPC-0463
- 1. Operator: Aaron F. Womack OP-1913
- Activities: Monitoring wells and geotechnical borings
- c. Licensee: Burgess Engineering & Testing, Inc. DPC-0484
- 1. Operator: Gregory Scott Garland, Jr. OP-1995
- Activities: Monitoring wells and geotechnical borings
- d. Licensee: Lake Country Drilling DPC-0674
- 1. Operator: Chris Hayes OP-1772
- Activities: Heat exchange wells
- e. Licensee: S & S Well Service DPC-0726
- 1. Operator: Steve Sullivan OP-1495
- Activities: Pump installation
- f. Licensee: Mohawk Drilling DPC-0563
- 1. Operator: Ryan Thompson OP-1917
- Activities: Monitoring wells and geotechnical borings
- 2. Operator: Jeremy Brimer
- Activities: Monitoring wells and geotechnical borings OP-1918
- g. Licensee: Professional Service Industries, Inc. DPC-0772
- 1. Operator: Sheldon Lauritsen OP-1920

M. Proposed Order for Informal Disposition:

- 1. Joshua D. Manning in the matter of Drilling/Pump Contractor License No. 0823 and Operator Certification No. 1839

N. Dam and Reservoir Construction:

- 1. Ski Island Lake, Oklahoma County, #OK02406

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

1. Oklahoma Department of Transportation, Noble County, #FP-12-04
2. Oklahoma Department of Transportation, Creek County, #FP-12-08
3. Oklahoma Department of Transportation, Noble County, #FP-12-09
4. Oklahoma Department of Transportation, Creek County, #FP-12-10
5. Oklahoma Department of Transportation, Kingfisher County, #FP-12-12
6. Oklahoma Department of Transportation, Cleveland County, #FP-12-13

P. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the June 12, 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 Vice Chairman Drummond

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 matter:

- A. No items.
- B. Items transferred from Summary Disposition Agenda, if any.

06000 6. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY Vice Chairman Drummond

7. ELECTION OF OFFICERS Vice Chairman Drummond

8. PROPOSED EXECUTIVE SESSION

Vice Chairman Drummond

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., Oklahoma Water Resources Board v. United States on behalf of the Choctaw Nation et al., and Tarrant Regional Water District v. Herrmann.*

Statement by legal counsel advising on whether disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest.

- A. Vote on whether to hold Executive Session upon determination that disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
- B. Designation of person to keep written minutes of Executive Session, if authorized.
- C. Executive Session, if authorized.

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

9. PROPOSED EXECUTIVE SESSION

Vice Chairman Drummond

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(1) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee.

Pursuant to this provision, the Board proposes to hold an executive session for the purpose of discussing the employment (evaluation, possible increase in salary, and other terms and conditions of employment) of the Executive Director.

- 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.*

D. *Return to open meeting.*

- 10. *Consideration of and possible action on employment, including but not limited to evaluation of performance, increase in salary, or other change in terms and conditions of employment, of the Executive Director.* **Vice Chairman Drummond**
Items 9. and 10. added

11. NEW BUSINESS

Vice Chairman Drummond

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.

12. ADJOURNMENT

Vice Chairman Drummond

The next regular meeting of the Oklahoma Water Resources Board is scheduled on Tuesday, July 17, 2012, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK.

6/05/2012