

REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

May 11, 2010

9:30 a.m.

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 May 4, 2010 at 4:30 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** **Chairman Rudy Herrmann**
- A. Invocation
 - B. Roll Call
 - C. Discussion, Amendments, and Vote to Approve Official Minutes of the April 13, 2010, Regular Meeting.
 - D. Interim Executive Director's Report. **Mr. J.D. Strong**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Enid Municipal Authority, Garfield County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Moore Public Works Authority, Cleveland County. Recommended for Approval.
 - C. Consideration and Possible Action on Selection of Remarketing Agent in Connection with the Oklahoma Water Resources Board Series 1994A, 2001 and 2003A State Loan Program Revenue Bonds.
 - D. Report by Board Audit Committee and Report of and Possible Action on Audits of Oklahoma Water Resources Board State Loan Program Revenue Bonds and Clean Water

State Revolving Fund Program (CWSRF) Financial Statements as of June 30, 2009 and 2008 Audits of the CWSRF Administrative Fund and the Drinking Water Treatment Loan Administrative Fund as of June 30, 2009 and 2008.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Rudy Herrmann

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 3. C through 3. O., 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>
ASCOG				
a.	FAP-09-0015-R	Byars Public Works Authority	McClain	\$73,855.00
COEDD				
b.	FAP-00-0041-R	Rural Water, Sewer, Gas and Solid Waste Management District #7	Seminole	150,000.00
SWODA				
c.	FAP-06-0013-R	Town of Rocky	Washita	98,675.00

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

- 1. Lease Agreement Renewal with ELF Properties, LLC for renewal of OWRB McAlester office lease.
- 2. Lease Agreement Renewal with Burgess & Burgess, Inc. for renewal of OWRB Lawton office lease.
- 3. Lease Agreement Renewal with Mori White for renewal of OWRB Woodward office lease.

4. Interagency Agreement with ODEQ for sharing office space in Woodward and McAlester.
 5. Memorandum of Agreement for OWRB/4-H Speech Contest and Recognition Program.
 6. Assistance Agreement with Bureau of Reclamation for South Central Regional Assessment Study.
 7. Memorandum Agreement between OWRB, USGS and Applied Energy Services, Shady Point, Inc. for water monitoring and data collection.
 8. Memorandum Agreement between OWRB, USGS and Hardage Site Remedy Corp. for water monitoring and data collection.
 9. Memorandum Agreement between OWRB, USGS and Lugert-Altus Irrigation District for water monitoring and data collection.
 10. Memorandum Agreement between OWRB, USGS and City of Altus for water monitoring and data collection.
 11. Memorandum Agreement between OWRB, USGS and Fort Cobb Master Conservancy District for water monitoring and data collection.
 - 12. *Agreement with Oklahoma City Water Utilities Trust for the Vegetated Wetland Project at Lake Stanley Draper. Item added*
- E. Applications for Temporary Permits to Use Groundwater:
1. Lloyd Joe & Monica Withers, Caddo County, #2010-505
 2. Scott H. & Michelle J. Reimer, Alfalfa County, #2010-508
 3. The Walter Slagell Trust & Triple S Farms, L.C., Blaine County, #2010-509
 4. Triple S Farms, L.C., Custer County, #2010-511
- F. Applications to Amend Temporary Permits to Use Groundwater:
1. The City of Noble, Cleveland County, #1999-581
- G. Applications for Regular Permits to Use Groundwater:
1. Pamela Hill & Terry Hager, Texas County, #2009-559
 2. The City of Bristow, Creek County, #2010-503
 3. Tommy & Priscilla Murr, Tillman County, #2010-506
 4. Edward P. & Robin L. Dunn, Harper County, #2010-512
- H. Applications to Amend Regular Permits to Use Groundwater:
1. The Meadows at River Bend West Lake Owners Association & The River Bend West Lake Owners Association, Inc., Canadian and Oklahoma Counties, #2007-510

- I. Applications for Regular Permits to Use Stream Water:
 - 1. Farmers F & F Farms, Inc., Caddo County, #2010-006
 - 2. Ryland J. & Jan Stonehocker, Alfalfa County, #2010-008

- J. Applications to Amend Regular Permits to Use Stream Water:
 - 1. Triple R Farms, Inc., Washita County, #1964-1018

- K. Forfeitures of Stream Water Rights:
 - 1. J. I. Gibson, Logan County, #1964-686
 - 2. James R. Watson, Woodward County, #1968-408
 - 3. Eugene & George T. Garrett, Kingfisher County, #1969-001
 - 4. Clint & Kendra Thomason (George Richterberg), Texas County, #1969-209
 - 5. Kenneth Ross, Pottawatomie County, #1974-219
 - 6. Arrington Properties, Payne County, #1974-304
 - 7. Gerald Minor, Oklahoma County, #1975-037
 - 8. Jerald Monahan, Major County, #1976-086
 - 9. Bess Lane, Osage County, #1977-081
 - 10. Carrie Dickerson, Rogers County, #1977-153
 - 11. A. R. Posey, Garfield County, #1981-167

- L. Well Driller and Pump Installer Licensing:
 - 1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: Tetra-Tech Drilling Services DPC-0794
 - 1. Operator: Randy Kelly OP-1770
 - Activities: Groundwater wells, test holes and observation wells
 - Monitoring wells and geotechnical borings
 - b. Licensee: Farwest Well Drilling DPC-0792
 - 1. Operator: Clark Vaught OP-1766
 - Activities: Ground water wells, test holes and observation wells
 - Monitoring wells and geotechnical borings
 - Pump installation
 - 2. Operator: John Rohl OP-1767
 - Activities: Groundwater wells, test holes and observation wells
 - 3. Operator: Lyle Miller OP-1768
 - Activities: Groundwater wells, test holes and observation wells
 - c. Licensee: Acosta Drilling, Inc. DPC-0796
 - 1. Operator: Victor M. Acosta, Jr. OP-1771
 - Activities: Groundwater wells, test holes and observation wells
 - 2. *New Operators and/or Activities for Existing Licenses:*
 - a. *Licensee: Mohawk Drilling, Inc. DPC-0563*
 - 1. *Operator: John Tucker OP-1769*
 - Activities: Monitoring wells and geotechnical borings Item withdrawn*

- M. Dam and Reservoir Construction:

None

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

1. Oklahoma Department of Transportation, McCurtain County, #FP-10-06
2. Oklahoma Department of Transportation, McCurtain County, #FP-10-07
3. Oklahoma Department of Transportation, McCurtain County, #FP-10-08

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 11, 2010 packet of Board materials

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

- A. Update Report on Oklahoma Comprehensive Water Plan Activities. **Mr. Kyle Arthur**

05000 5. SPECIAL CONSIDERATION Chairman Rudy Herrmann

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

06000 6. PRESENTATION OF AGENCY BUDGET REPORT Ms. Leslie Nance

**07000 7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY
Chairman Herrmann**

• 8. **PROPOSED EXECUTIVE SESSION** **Chairman Herrmann**

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 attorneys 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. Item added

Pursuant to this provision, the Board proposes to hold an executive session for the purpose of:

Discussion of Tarrant Regional Water District v. Herrmann, Hugo v. Nichols, Apache v. Herrmann, and US v. Oklahoma and OWRB

- A. *Vote on whether to hold Executive Session – before an executive session can be convened, it 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*

• 9. **VOTE ON MATTERS DISCUSSED IN EXECUTIVE SESSION - Return to open meeting and possible vote on any matters discussed in the Executive Session.**
Item added

10. **NEW BUSINESS (Renumbered)** **Chairman Herrmann**

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.

11. **ADJOURNMENT (Renumbered)** **Chairman Herrmann**

The next meeting of the Oklahoma Water Resources Board will be on Tuesday, June 8, 2010, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

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