

REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

December 18, 2012

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 December 11, 2012 at 4:00 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 Ford Drummond**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the November 14, 2012, Regular Meeting
 - C. Executive Director's Report **Mr. J.D. Strong**
 - D. 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 Increase in Obligation of Clean Water Funds for Vian Public Works Authority, Sequoyah County. Recommended for Approval.
- 03000 3. SUMMARY DISPOSITION AGENDA ITEMS 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. Professional Services Contract with HISINC, LLC to perform assignments which assist the Board in implementing the Board's NFIP and other floodplain management responsibilities.

- 2. *Memorandum of Agreement with the Bureau of Reclamation for Upper Washita Basin Study. Item withdrawn*
- 3. *Extension and Amendment Agreement with AMEC Environmental & Infrastructure, Inc. for additional time and compensation relating to Phase 2 of development of water allocation model for Verdigris River Stream System. Item added*

E. Applications for Temporary Permits to Use Groundwater:

1. Applewood MHP, L.L.C., Oklahoma County, #2011-590
2. Tracy Lee Willis, Caddo County, #2012-631
3. Tracy Lee Willis, Caddo County, #2012-632
4. Alvin Wayne & Rita Lois Hawkins, Washita County, #2012-634
5. Mark & Sallie Lamb, Grant County, #2012-649
6. Don A. & Martha A. Lyon, Payne County, #2012-650
7. The Don Fox & Melba G. Fox Revocable Trust, Harmon County, #2012-655
8. Select Energy Services, Alfalfa County, #2012-659
9. Phillip A. Carol L. Muller, Jackson County, #2012-663
10. Billie D. & Kathryn A. Tate, Caddo County, #2012-668

F. Applications to Amend Temporary Permits to Use Groundwater:

1. Western Farms, Inc., Caddo County, #1975-840
2. Phillip Matt & Kellie D. Muller, Jackson County, #1997-507
3. Stephens County RWD No. 5, Grady County, #1998-593
4. Michael & Julie Terrel, Woods County, #2011-664
- 5. *City of Medford, Grant County, #1977-778 Item added*

G. Applications for Regular Permits to Use Groundwater:

1. Buffalo Wallow, L.L.C., Cimarron County, #2012-619
2. Tyler M. & Amanda L. Kamp, Harper County, #2012-629
3. Clinton Laundry & Cleaners, Inc., Custer County, #2012-640
4. Stephens Land & Cattle Company, Inc., Thomas A. Stephens & Phyllis Stephens Trust #1, and Phyllis Stephens, Texas County, #2012-646

5. Calvert C. Martin, Nelson E. Martin, Linda N. Livergood, and Jennie L. Pratt, Blaine County, #2012-651
 6. Pony Creek Farms, Inc., Texas County, #2012-654
 7. Randy B. & Dominique Lehr, Texas County, #2012-657
 8. Schylar L. Fowler & Jo Ann Fowler Living Trust, Texas County, #2012-662
- H. Applications to Amend Regular Permits to Use Groundwater:
1. Tyler M. & Amanda L. Kamp, Beaver County, #1976-515
 2. Pony Creek Farms, Inc., Texas County, #1978-646
- I. Applications to Amend Prior Rights to Use Groundwater:
1. Phillip A. & Carol L. Muller, Jackson County, #1954-138
 2. Phillip A. & Carol L. Muller, Jackson County, #1956-443
- J. Applications for Regular Permits to Use Stream Water:
1. Metsudah, L.L.C., Sequoyah County, #2012-044
 2. Tommy Fain, Adair County, #2012-053
 3. Edwin & Tuesday Evers, Washington County, #2012-055
 4. Chase Burns, Caddo County, #2012-058
 5. Dell Bennett, Washington County, #2012-059
 6. Tanner Ranch, Rogers County, #2012-060
- K. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: ADCO, Inc. dba Artesian Water Well Drilling DPC-0884
 1. Operator: Ronald N. Adney OP-1941
 - Activities: Groundwater wells, groundwater test holes and observation wells
Pump installation
 - b. Licensee: Scruggs Inc. DPC-0886
 1. Operator: Jeremy D. McBride OP-1942
 - Activities: Groundwater wells, groundwater test holes and observation wells
Pump installation
 2. Operator: John P. Wagstaff OP-1943
 - Activities: Groundwater wells, groundwater test holes and observation wells
Pump installation
 - c. Licensee: Hamilton Investment Group DPC-0888
 - Operator: Tracey A. Knight OP-1945
 - Activities: Groundwater wells, groundwater test holes and observation wells
Pump installation
 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - a. Licensee: Able Environmental Drilling, LLC DPC-0746
 1. Operator: Raynaldo H. Soto OP-1948
 - Activities: Groundwater wells, groundwater test holes and observation wells
 2. Operator: Chad Vaughan OP-1949
 - Activities: Groundwater wells, groundwater test holes and observation wells
Monitoring wells and geotechnical borings
 - b. Licensee: Layne Christenson DPC-0123
 1. Operator: Douglas Assenmacher OP-1937
 - Activities: Pump installation

- 2. Operator: Nathan Davis OP-1947
 Activities: Groundwater wells, groundwater test holes and observation wells
 Heat exchange wells
- 3. Operator: Leonard Billings OP-1946
 Activities: Pump installation
- c. Licensee: Associated Environmental Industries, Corp. DPC-0269
- 1. Operator: Joseph N. Datin OP-1747
 Activities: Groundwater wells, groundwater test holes and observation wells
 Monitoring wells and geotechnical borings
 Pump installation

L. Dam and Reservoir Construction:
 None

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

- 1. Oklahoma Department of Transportation, Sequoyah County, #FP-12-19
- 2. Oklahoma Department of Transportation, Craig County, #FP-12-20
- 3. Oklahoma Department of Transportation, Bryan County, #FP-12-23
- 4. Oklahoma Department of Transportation, Craig County, #FP-12-24
- 5. Oklahoma Department of Transportation, Payne County, #FP-12-25
- 6. Oklahoma Department of Transportation, Harmon County, #FP-12-26
- 7. Oklahoma Department of Transportation, Woodward County, #FP-12-27
- 8. Oklahoma Department of Transportation, Jackson County, #FP-12-28
- 9. Oklahoma Department of Transportation, Jackson County, #FP-12-29
- 10. Oklahoma Department of Transportation, Oklahoma County, #FP-12-30
- 11. Oklahoma Department of Transportation, Oklahoma County, #FP-12-31
- 12. Northeastern Oklahoma A & M College, Ottawa County, #FP-12-34

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

A. No items.

05000 5. SPECIAL CONSIDERATION Chairman Drummond

A. Consideration of and Possible Action on Proposed Order with Findings of Fact and Conclusions of Law recommended for approval in the following matter: Application for Temporary Permit to Use Groundwater No. 2011-541, Don & Bonnie Irons, Kay County, Oklahoma:

- 1. Summary – **Ms. Julie Cunningham**
- 2. Discussion and presentations by parties
- 3. Possible Executive Session

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding”.

- (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.

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

5. 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

B. Consideration of and Possible Action on staff’s recommended intermediate order denying “Motion to Recuse/Disqualify Hearing Examiner and to Stay Proceeding” in pending proceeding to determine maximum annual yield for Arbuckle-Simpson Groundwater Basin.

- 1. Summary – **Mr. Jerry Barnett**
- 2. Discussion and presentations by parties
- 3. Possible Executive Session

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding”.

- (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.

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

5. Vote on whether to approve the intermediate order as presented or as may be amended, or vote on any other action or decision relating to the intermediate order

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

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

7. PROPOSED EXECUTIVE SESSION **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, et al.

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.

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

9. NEW BUSINESS 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.

10. ADJOURNMENT Chairman Drummond

The next regular meeting of the Oklahoma Water Resources Board will be held Tuesday, January 15, 2013, at 9:30 a.m., at the Oklahoma Water Resources Board, 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

12/11/2012