

# A G E N D A

## OKLAHOMA WATER RESOURCES BOARD

September 17, 2013

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 September 13, 2013 at 2:45 p.m. A copy of this agenda is available on the OWRB website at [www.owrb.ok.gov](http://www.owrb.ok.gov).

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- 01000 1. CALL TO ORDER** **Chairman Rudy Herrmann**
- A. Roll Call
  - B. Discussion, Amendments, and Vote to Approve Official Minutes of the August 20, 2013, 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 Drinking Water Funding Application for Tecumseh Utility Authority, Pottawatomie County. Recommended for Approval.
  - B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Frederick Public Works Authority, Tillman County. Recommended for Approval.
  - C. Consideration of and Possible Action on Selection of Bond Counsel in Connection with the Issuance of One or More Obligations to Provide Funding for the State Loan Program. Recommended for Approval.
  - D. Consideration of and Possible Action on Selection of Investment Banker(s) in Connection with the Issuance of One or More Obligations to Provide Funding for the State Loan Program. Recommended for Approval.

- E. Consideration of and Possible Action on Selection of Bond Counsel in Connection with the Issuance of One or More Obligations to Provide Funding for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Programs. Recommended for Approval.
- F. Consideration of and Possible Action on Selection of Investment Banker(s) in Connection with the Issuance of Obligations to Provide Funding for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Programs. Recommended for Approval.
- G. Consideration of and Possible Action on Proposed Resolution Agreeing to the Subordination of Outstanding Obligations of the Stillwater Utilities Authority Owing to the Oklahoma Water Resources Board to New Obligations to be Issued by Said Authority for the Purpose of Financing the Construction of a New Public Power Plant within the City of Stillwater, Oklahoma. Recommended for Approval.
- H. Report on Series 2013A and 2013B Drinking Water State Revolving Fund Bond Issues.

**03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Herrmann**

All of the items listed below under this Summary Disposition Agenda are recommended for approval.

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.
- C. Consideration of and Possible Action on 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:

- 1. Agreement Amendment with Office of the Secretary of the Environment for the Clean Water Act FY 2012-13 § 106 Water Pollution Control Program – Monitoring, CA# I- 00F53301.

2. Contract for Professional Services with HISINC, LLC to assist the Board in implementing the Board's NFIP and other floodplain management responsibilities.
3. Agreement with Office of the Secretary of the Environment for the Clean Water Act FY 2013 §604(b) Water Quality Management Planning Program, CA# C6-4000051.
4. Intergovernmental Agreement with The Board of Regents of the University of Oklahoma, University Outreach/College of Continuing Education's Forum & Conference Services for the Board's use of OCCE's facilities for workshops and courses on floodplain management for floodplain administrators in Oklahoma.
5. Contract with Oklahoma Floodplain Managers Association Inc. to provide training classes to floodplain administrators and develop, print and distribute calendars and educational brochures.
6. Contract with BrightSight Group LLC for services of Steve Solomon to speak at 2013 Oklahoma Governor's Water Conference.
7. Intergovernmental Agreement with Oklahoma State University, Water Resources Center to hold the 2013 Oklahoma Governor's Water Conference and Water Research Symposium.
8. Amendment to Joint Funding Agreement with U.S. Geological Survey for the project titled "Update for the Hydrological Surveys and Groundwater Flow Models of the Beaver-North Canadian River Alluvial Aquifer."
9. Grant Contract with The Kerr Foundation, Inc. in support of the 2013 Annual Governor's Water Conference and Research Symposium.

E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:

1. Town of Arapaho, Custer County, #2013-520
2. Garvin County Rural Water District No. 2, Garvin County, #2013-555
3. The William Donald Bennett and Linda G. Bennett Trusts, Caddo & Washita Counties, #2013-558
4. Haines Land & Cattle, L.P., Cleveland County, #2013-581
5. Disposal Solutions Partners, L.L.C., Okfuskee County, #2013-585
6. John D. & Pauline M. Loftis, Payne County, #2013-588
7. Samuel Jay Defoor, Harmon County, #2013-595
8. Grady County RWS&SWM No. 7, Grady County, #2013-599
9. Arthur & Mary Howe, Grady County, #2013-603

F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:

1. Daryl W. & Jeanine M. Scales, Caddo County, #1979-591B

- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. James & Son Farms, Texas County, #2013-593
  2. James & Son Farms, Texas County, #2013-594
  3. Bar-B Ranch, Beaver County, #2013-606
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. Alan J. & Connie Clemans, Texas County, #1981-706
  2. JBS Five Rivers Cattle Feeding, L.L.C., Cimarron County, #1991-594
  3. Alan J. & Connie Clemans, Texas County, #1998-504
  4. Alan J. & Connie Clemans, Texas County, #2000-502
- I. Consideration of and Possible Action on Applications to Amend Prior Rights to Use Groundwater:
1. Alan J. & Connie Clemans, Texas County, #1971-172
- J. Consideration of and Possible Action on Applications for Term Permits to Use Stream Water:
1. Alan Parrish, Marshall County, #2012-054
- K. Consideration of and Possible Action on Applications for Seasonal Permits to Use Stream Water:
1. Paul D. Glass, McCurtain County, #2013-023
- L. Consideration of and Possible Action on Dam and Reservoir Construction:
1. City of Ada, Pontotoc County, #OK11028
- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
1. New Licenses and Operator Certificates
 

a. Licensee: Eagle Well Drilling & Pump Service	DPC-0899
1. Operator: Raymond M. Ward	OP-2003
b. Licensee: L & W Drilling	DPC-0901
1. Operator: Merle Boyd Steele	OP-2004
2. Operator: Anthony Shawn Lunsford	OP-2005
c. Licensee: Robert N. Yost	DPC-0903
1. Operator: Robert N. Yost	OP-2006
  2. New Operators to Existing Permits
 

a. Licensee: Professional Service Industries, Inc.	DPC-0772
1. Operator: Stephen D. Atkins	OP-2001
b. Licensee: Shady Nook Pump and Supply	DPC-0261
1. Operator: Roland L. Cherry	OP-2007
c. Licensee: Layne Christensen	DPC-0123
1. Operator: Dennis J. Ikner	OP-2002
d. Licensee: Pump & Supply, L.L.C.	DPC-0337
1. Operator: Justin A. Depee	OP-2009
- N. Consideration of and Possible Action on Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
1. Oklahoma Department of Transportation, Coal County, #FP-13-11

2. Oklahoma Department of Transportation, Garvin County, #FP-13-13
3. Oklahoma Department of Transportation, Garvin County, #FP-13-14
4. Oklahoma Department of Transportation, Ottawa County, #FP-13-17
5. Oklahoma Department of Transportation, LeFlore County, #FP-13-20
6. Oklahoma Department of Transportation, LeFlore County, #FP-13-21
7. Oklahoma Department of Transportation, Tulsa County, #FP-13-25

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

- A. No items

**05000 5. SPECIAL CONSIDERATION** **Chairman Herrmann**

A. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Temporary Groundwater Permit No. 2011-553, City of Enid, Major County, Recommended for Approval:

1. Summary – **Ms. Julie Cunningham**
2. Discussion and presentation 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 pursuant to Article II of the Administrative Procedures Act”.  
(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 Application to Amend Temporary Groundwater Permit No. 1984-646C, Roos Ranch, Inc., Pontotoc County, Recommended for Approval

1. Summary – **Ms. Julie Cunningham**
2. Discussion and presentation by applicant
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 pursuant to Article II of the Administrative Procedures Act”.  
(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 application as recommended, or vote on any other action or decision relating to the application.
- C. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any.

**6. 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 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., and Oklahoma Water Resources Board v. United States on behalf of the Choctaw Nation 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.

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

**8. NEW BUSINESS**

**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.

**9. ADJOURNMENT**

**Chairman Herrmann**

The Governor's Water Conference and Research Symposium will be held October 22-23, 2013, at the Sheraton Midwest City Hotel at the Reed Conference Center, located at 5800 Will Rogers Road, Midwest City, OK 73110. Online registration and hotel reservations are available at [www.owrb.ok.gov](http://www.owrb.ok.gov).

The next regular meeting of the Oklahoma Water Resources Board is scheduled to be held in conjunction with the Governor's Water Conference, on the afternoon of Wednesday, October 23, 2013, at a time to be determined, at the Sheraton Midwest City Hotel at the Reed Conference Center, located at 5800 Will Rogers Road, Midwest City, OK 73110.

9/13/2013