

**OKLAHOMA WATER RESOURCES BOARD**  
**OFFICIAL MINUTES**  
**May 19, 2015**

**1. Call to Order**

The regular monthly meeting of the Oklahoma Water Resources Board was called to order by Vice Chairman Linda Lambert at 9:35 a.m., on May 19, 2015, in the second floor meeting room of the Oklahoma Water Resources Board, 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

The meeting was conducted pursuant to the Oklahoma Open Meeting Law with due and proper notice provided pursuant to Sections 303 and 311 thereof. The agenda was posted on May 15, 2015, at 4:30 p.m. at the Oklahoma Water Resources Board's offices at 3800 N. Classen Boulevard, and provided on the agency's website.

Vice Chairman Lambert welcomed everyone to the meeting, and asked for the roll call of members.

**A. Roll Call**

**Board Members Present**

Linda Lambert, Vice Chairman  
Tom Buchanan, Secretary  
Bob Drake  
Ford Drummond  
Marilyn Feaver  
Ed Fite  
Jason Hitch

**Board Members Absent**

Richard Sevenoaks

**Staff Members Present**

J.D. Strong, Executive Director  
Rob Singletary, General Counsel  
Amanda Storck, Chief, Administrative Services Division  
Joe Freeman, Chief, Financial Assistance Division  
Julie Cunningham, Chief, Planning and Management Division  
Derek Smithee, Chief, Water Quality Programs Division  
Mary Schooley, Executive Secretary

**Others Present**

Ron Gooch, Nicoma Park, OK  
Russ Doughty, Oklahomans for Responsible Water Policy, Broken Bow, OK

Sam Samandi, City of Oklahoma City, OK  
Billy Little, City of Oklahoma City, OK  
Bret Weingart, City of Oklahoma City, OK  
Beverly McManus, Nicoma Park, OK  
Jason Hastings, City of Canute, OK  
Ivan London, MENS Ranch, Denver, CO  
Charlie Swinton, BancFirst, Oklahoma City, OK  
Patty Thompson, Oklahoma Department of Environmental Quality, Oklahoma City, OK  
Vicki Reed, Oklahoma Department of Environmental Quality, Oklahoma City, OK  
Jim Barnett, Doerner Saunders Daniels Anderson, Oklahoma City, OK  
Dean Couch, Gable Gotwals, Oklahoma City, OK  
Bud Ground, Environmental Federation of Oklahoma, Oklahoma City, OK  
Jeff Everett, OG&E, Oklahoma City, OK  
Chris Cochran, BOSCO  
Dave Taylor, Waurika Master Conservancy District, Waurika, OK  
Bodie Bachelor, Centennial Law, Duncan, OK  
John Rehring, Carollo

## **B. APPROVAL OF MINUTES**

Vice Chairman Lambert asked if there was a motion to approve the draft minutes of the April 21, 2015, Regular Meeting.

Mr. Buchanan moved to approve the April 21, 2015, minutes and Ms. Feaver seconded. There were no comments, and Vice Chairman Lambert called for the vote.

AYE: Feaver, Buchanan, Fite, Drake, Hitch  
NAY: None  
ABSTAIN: Drummond, Lambert  
ABSENT: Sevenoaks

## **C. EXECUTIVE DIRECTOR'S REPORT**

Mr. J.D. Strong, OWRB Executive Director, greeted the members and asked Ms. Amanda Storck to present the legislative report. Ms. Storck began with the Congressional report prepared by Ms. Brittnee Preston, stating that on April 22 the House Appropriations Committee passed the Energy and Water bill unanimously, and the White House has threatened veto of the bill. A list of water amendments were provided in the report. Senator Barrosso introduced S. 1140 that directs the agencies to revise the WOTUS rule proposal and outlines a number of principles that should and should not be included, requires consultation with states and other stakeholders, and an economic analysis on both direct and indirect costs. She noted hearing highlights including the House Energy and Commerce and Committee 's hearing on two discussion drafts on hydropower licensing and shoreline management. The USDA announced \$112 million in loans and grants to help rural communities build and upgrade water and energy infrastructure, and \$235 million to improve the nation's water quality, combat drought, enhance soil health, support wildlife habitat and protect agricultural viability through the RCPP program. She said that FEMA has announced a rule identifying communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), and a list of communities where modifications to the program affected flood insurance premium rates. She also said the agency had commented on the FEMA

guidelines for implementing EO 13690. In the coming months, the House and Senate will continue consideration of all appropriations bills leading up to a August recess and the September 30 funding deadline. It is expected there will be a lot of focus on the WOTUS rule as spring draws to a close and the EPA and the Corps move toward releasing the final rule.

Vice Chairman Lambert asked the most prominent impact to the OWRB. Mr. Strong responded that the budget and appropriations will impact the agency because it receives a fair amount of federal dollars. In particular, he noted that under the Summary Disposition Agenda there were a number of agreements with cooperators and the US Geological Survey for the monitoring program and cuts to that program could be impactful as well as to the state revolving fund for drinking water and clean water. He said staff had been watching closely and have been very involved with the WOTUS issue defining the line between federal jurisdiction and state jurisdiction over protecting water quality.

Ms. Storck continued and presented the State report; she said it is the last 1-1/2 weeks of the session, and staff is still not informed about a budget agreement but anticipated 5-10%. Legislation regarding the change in the designation of temporary employees to seasonal employees is still active, and she noted the tracking report in the packet which highlighted remaining bills. There were no questions.

Mr. Strong continued his report adding that if the Legislature does not adjourn when Sine Die is scheduled for May 29, a special session would be necessary to complete the budget before the end of the fiscal year. He said there are new Board appointments going through the Senate before adjournment; Stephen Allen of Jenks has been confirmed by committee but not the full Senate as yet, and therefore he is not a voting member. Mr. Ford Drummond and Mr. Bob Drake are on the committee agenda for confirmation today, and then to the full Senate.

Mr. Strong talked about recent rainfall and forecast for more rain which could result in this May being the wettest on record. He stressed the drought is not over for western Oklahoma; the eastern half of the state is out of drought and reservoirs are well into flood control storage and water is being released as quickly as possible without flooding downstream while many reservoirs in western Oklahoma are less than half full. He had received an email from the City of Lawton regarding the Board's approval of the cloud seeding permit. He said it is the first time in many years that no part of the state was in the exceptional drought category and western Oklahoma is in moderate drought; he noted reservoir levels, and said citizens need to remain focused on conservation, efficiency, recycling and reuse efforts as the rainy season will end and the state will face additional droughts down the road.

Mr. Strong said that mediation and technical meetings continue on litigation and there will be an update during the Executive Session. There is no update regarding the Arbuckle Simpson litigation, but Mr. Singletary noted that briefing deadlines begin in June and the actual hearing is September 23. The Water for 2060 Council met following the April Board meeting and its final report is due in November; the draft final report is circulating for review by the members. The Red River Compact Commission met at Lakeview Lodge at Beavers Bend on April 28; and the Canadian River Compact met in Santa Fe on May 12. Mr. Strong noted other meetings he attended or participated in including Ada Day at the Capitol, CLE Water Law Symposium, ScienceFest at the State Fairgrounds; Wetlands Work Group kickoff meeting; and the Water and Environment Conference. He will be speaking at the Western States Water Council Forecasting Workshop in San Diego the week of May 27, and the Western Governors Association Drought Forum and annual meeting will be in Nevada, June 23-26. The next Board meeting will held June 16. Mr. Strong concluded his report congratulating OWRB employees who successfully completed participation in the Oklahoma Memorial Marathon.

#### **D. Monthly Budget Report**

Ms. Amanda Storck, Chief, Administrative Services Division, presented the budget report for April 2015. She said the end of the fiscal year is close and total funding available is 44% with 17% of

the fiscal year remaining. She reminded the members the agency continues to pay for the current fiscal year for several months into the next fiscal year.

Ms. Lambert asked what funds are allowed to be carried over, and Ms. Storck answered that revolving funds and federal funds do not lapse, all general revenue funds do lapse. She explained that the Well Driller's Regulation Fund and Indemnity Fund are carried over, and other funds listed under Revolving Funds section on the report contain contract funds, reimbursement and federal grants, and the Oklahoma Comprehensive Water Plan fund (Water Infrastructure Development Fund) is money from the Gross Production Tax which is split in half between the Planning and Management and Financial Assistance Divisions. The agency receives money from partners for the USGS Cooperative Program, and the administrative funds are for the drinking water and clean water programs. Mr. Hitch asked about the level of funding in the administrative funds, and Mr. Freeman explained the funding is tied to the principal balance of outstanding loans.

There were no other questions by members.

## 2. FINANCIAL ASSISTANCE DIVISION

### A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Oklahoma City Water Utilities Trust, Oklahoma County. Recommended for Approval.

Mr. Joe Freeman, Chief, Financial Assistance Division, stated to the members that this item is for the consideration of an \$800,000.00 loan request from the Oklahoma City Water Utilities Trust (OCWUT). The Trust has requested the loan to go along with a \$75,000 in local funds to replace 8,000 feet of 8-inch sewer line with HDPE pipe, rehabilitate eight manholes, and replace 31 existing manholes. Mr. Freeman said the loan will be funded through the Clean Water State Revolving Loan Fund Program, and he noted provisions of the loan agreement. He said the water and sewer connections have increased 15% over the past ten years, and the debt coverage ratio stands at approximately 2.22-times. Currently, Oklahoma City has four outstanding loans with the Board with a principal balance of approximately \$55 million. Staff recommended approval.

Mr. Bret Weingart, Assistant Utilities Director; Billy Little, Utilities Finance Manager; and Sam Samandi, Utilities Engineer, were present in support of the loan application.

Mr. Hitch asked about replacing a manhole in the street, and Mr. Samandi explained three methods for rehabilitating a manhole.

There were no other questions, and Vice Chairman Lambert stated she would entertain a motion. Mr. Hitch moved to approve the CWSRF loan to the OCWUT, and Mr. Buchanan seconded.

AYE: Drummond, Feaver, Buchanan, Fite, Drake, Hitch, Lambert

NAY: None

ABSTAIN: None

ABSENT: Sevenoaks

### B. Consideration of and Possible Action on a Proposed Order Approving Increase in Obligation of Clean Water Funds for Nicoma Park Development Authority, Oklahoma County. Recommended for Approval.

Mr. Freeman stated to the members that this item is a request from the Nicoma Park Development Authority for an increase in loan amount from \$3,890,000.00 to \$4,120,000.00. The requested increase is the result of bids on the project coming in higher than the original estimated project cost. Approved at the January Board meeting, the project is for laying 6.5 miles of 8-inch sewer line and constructing new manholes. Mr. Freeman explained that besides the increased loan amount and the addition of \$295,000.00 in local funds, all other terms of the loan will remain the same as approved in January. He noted provisions of the loan agreement, and stated the Authority has had

three previous loans with the Board which were managed in a very good manner; the debt coverage ratio stands at approximately 1.31-times. Staff recommended approval.

Mayor Mark Cochell, and Beverly McManus, City Clerk, were present in support of the request for increase in funds.

Mr. Drummond asked if the Authority's debt coverage ratio was within the Board's guidelines, and Mr. Freeman responded that it is. There were no other questions, and Vice Chairman Lambert stated she would entertain a motion to approve.

Mr. Drummond moved to approve the request for increase in obligation of funds to the Nicoma Park Development Authority, and Mr. Buchanan seconded.

AYE: Drummond, Feaver, Buchanan, Fite, Drake, Hitch, Lambert

NAY: None

ABSTAIN: None

ABSENT: Sevenoaks

Prior to continuing, Ms. Lambert asked about the grant map in the members' meeting packets. She said a grant had been presented to an entity in every county except Cimarron County. Mr. Freeman responded that Cimarron County had received a REAP grant, and that projects in every county of the state had been funded through the Board's programs. Mr. Strong added that Boise City also received a Water for 2060 Drought Grant. The map is only reflective of emergency grants, and Mr. Freeman stated staff would develop a map that would show all assistance provided.

C. Resolution Authorizing the Issuance of Oklahoma Water Resources Board State Loan Program Revenue Bonds in an Aggregate Principal Amount not to Exceed \$50,000,000; at a Net Interest Cost not to Exceed Six Percent (6.0%); Providing for the Issuance of Said Bonds in One or More Series; Approving and Authorizing Execution of a Twenty-Ninth Supplemental Bond Resolution and, if Deemed Advisable, an Additional Supplemental Bond Resolution for Each Additional Series; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation and at a Discount Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to Said Bonds; Authorizing the Chairman or Vice Chairman to Deem Preliminary Official Statements for Additional Series of Bonds Final; Directing Deposit of Proceeds Derived from the Issuance of the Bonds in the State Treasury and Requesting the State Treasurer to Remit Such Proceeds to the Bond Trustee; Ratifying and Approving the Form of Promissory Note, Loan Agreement, and Note Purchase Agreement to be Executed by Borrowers in the State Loan Program; Authorizing Execution of Such Other and Further Instruments, Certificates and Documents as may be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing Other Provisions Relating to the Issuance of the Bonds. Recommended for Approval. Mr. Freeman explained to the members that at the April Board meeting, the Board approved an authorizing resolution for a new \$20 million bond issue for loans in the FAP loan program. Subsequently, staff received approximately \$20 million dollars in additional loan requests from the FAP loan program from Waurika Lake Master Conservancy District and the Broken Arrow Municipal Authority. Therefore, this item is a request for authorization for an issuance up to \$50,000,000.00 in additional FAP bonds.

Mr. Freeman stated the resolution authorizes the following items: execution of the twenty-ninth supplemental bond resolution for the issuance of the bonds and the necessary additional supplemental resolutions; issuance be on a negotiated basis; directing deposit of proceeds with the State Treasurer for remittance to the Board's Trustee Bank; approving the form of promissory note and loan agreement; directing the payment of cost of issuance, and authorizing other documents necessary to close the issue. Staff recommended approval.

Vice Chairman Lambert asked Mr. Freeman to explain why the increase for specific projects that were not included. Mr. Freeman responded the specific projects included the Waurika Lake Master

Conservancy District which was not known about when developing the bond issue --that project began when the lake capacity was at 19%, and is now 56%; the Broken Arrow Municipal Authority has included a water and sewer project of about \$11 million; and, more than a dozen communities are requesting refinancing variable rate debt to fixed rate debt.

Vice Chairman Lambert asked if there were other comments or questions by members regarding raising the loan program from \$20 million to \$50 million, and there were none. Mr. Drake moved to approve the resolution authorizing issuance of revenue bonds not to exceed \$50,000,000.00, and Mr. Buchanan seconded.

AYE: Drummond, Feaver, Buchanan, Fite, Drake, Hitch, Lambert  
NAY: None  
ABSTAIN: None  
ABSENT: Sevenoaks

### 3. SUMMARY DISPOSITION AGENDA ITEMS

Any item listed under this Summary Disposition Agenda may, at the requested of any member of the Board, the Board's staff, or any other person attending this meeting, may 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.

There were no requests to transfer items to Special Consideration.

B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Action on Items and Approval of Items listed.

Vice Chairman Lambert stated item 3.D. 17, lease agreement for office space in Tulsa, will be deferred from the Summary Disposition Agenda.

Vice Chairman Lambert asked Mr. Smithee to speak to the USGS agreements for water monitoring and data collection. Mr. Smithee explained the agreements reflect a longstanding pattern of OWRB partnering with sister state government or federal agencies, municipalities, and the private sector, and the USGS to fund stream gaging across the State of Oklahoma. Ms. Lambert commented that as the federal dollars available decrease, we are doing more partnerships.

There were no other changes, or questions by members, and Vice Chairman Lambert stated she would entertain a motion to approve the Summary Disposition Agenda.

Mr. Fite moved to approve the Summary Disposition Agenda, and Ms. Feaver seconded. Vice Chairman Lambert called for the vote.

AYE: Drummond, Feaver, Buchanan, Fite, Drake, Hitch Lambert  
NAY: None  
ABSTAIN: None  
ABSENT: Sevenoaks

The following items were approved:

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>
GGEDA				
a.	FAP-14-0047-R	Copan Public Works Authority	Washington	\$99,990.00

D. Consideration of and Possible Action on Contracts and Agreements:

1. Joint Funding Agreement with U.S. Geological Survey for the Continuation of the Data Collection and Water Monitoring Program FY15.
2. Memorandum Agreement with USGS and the City of Ada for water monitoring and data collection.
3. Memorandum Agreement with USGS and Applied Energy Services, Shady Point, Inc. for water monitoring and data collection.
4. Memorandum Agreement with USGS and Arkansas-Oklahoma Arkansas River Compact Commission for water monitoring and data collection.
5. Memorandum Agreement with USGS and Central Oklahoma Master Conservancy District for water monitoring and data collection.
6. Memorandum Agreement with USGS and CP Kelco for water monitoring and data collection.
7. Memorandum Agreement with USGS and Fort Cobb Reservoir Master Conservancy District for water monitoring and data collection.
8. Memorandum Agreement with USGS Grand River Dam Authority for water monitoring and data collection.
9. Memorandum Agreement with USGS Hardage Site Remedy Corp for water monitoring and data collection.
10. Memorandum Agreement with USGS and The City of Lawton for water monitoring and data collection.
11. Memorandum Agreement with USGS and Lugert-Altus Irrigation District for water monitoring and data collection.
12. Memorandum Agreement with USGS and the City of Moore for water monitoring and data collection.
13. Memorandum Agreement with USGS and the City of Norman for water monitoring and data collection.
14. Memorandum Agreement with USGS and the Oklahoma Department of Wildlife Conservation for water monitoring and data collection.
15. Memorandum Agreement with USGS and Poteau Valley Improvement Authority for water monitoring and data collection.
16. Memorandum Agreement with USGS and the Oklahoma Water Survey for water monitoring and data collection.
17. *Lease Agreement with the Office of Management and Enterprise Services for office space in Tulsa. Item withdrawn*
18. Interagency Agreement with the Oklahoma Department of Environmental Quality regarding the Drinking Water State Revolving Fund.
19. Professional Services Agreement with Carollo Engineers, Inc., to perform engineering services for the OWRB's Instream Flow Pilot Study.
20. Intergovernmental Agreement with Waurika Master Conservancy District for administration of the hydrographic survey for Lake Waurika.
21. Amendment of Joint Funding Agreement to extend the North Canadian Alluvium and Terrace aquifer study.
22. Memorandum Agreement with USGS and the City of Altus for water monitoring and data collection.

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

1. Chad and Clay Muegge, Grant County, #2014-575
2. Enid Municipal Authority, Major County, #2014-589
3. Roger Lynn & Diana Reim, Major County, #2014-640
4. Stutzman Land, L.L.C., Custer County, #2015-515
5. Stutzman Land, L.L.C., Blaine County, #2015-517

- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:  
None
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. Mark Witt, Texas County, #2014-606
  2. Texana, L.L.P., Beaver County, #2014-614
  3. Bob Smith Trust, Bob G. & Nancy Smith, Custer County, #2014-621
  4. Teddy R. & Terry Lea Miller, Ellis County, #2014-636
  5. Billy R. Lowe Family, L.P., Cimarron County, #2014-637
  6. Flat Prairie Farms, Inc., Texas County, #2015-521
  7. Kelly L. & Kellie B. Thiesing, Major County, #2015-523
  8. Lynn R. & Nancy M. Pinson, Tillman County, #2015-531
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. The Edward S. Greteman and Dolores Greteman Revocable Living Trusts, Washita County, #1979-607
- I. Consideration of and Possible Action on Applications to Amend Prior Rights to Use Groundwater:
1. The Edward S. Greteman and Dolores Greteman Revocable Living Trusts, Washita County, #1968-229
- J. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Lotta Water Inc., Kingfisher County, #2015-007
- K. Consideration of and Possible Action on Applications for Term Permits to Use Stream Water:  
None
- L. Consideration of and Possible Action on Dam and Reservoir Construction:  
None
- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
1. New Licenses and Operators:
    - a. Licensee: Pinto H2O, L.L.C. DPC-0929
    1. Operator: Joyle Hurst OP-1911
  2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
    - a. Licensee: J.D.'s Well Drilling & Irrigation DPC-0919
    1. Operator: John Munro OP-2086
    - b. Licensee: D & B Oilfield Services, Inc. DPC-0921
    1. Operator: Thomas Fulgham OP-2087
    - c. Licensee: Sunbelt Industrial Services DPC-0701
    1. Operator: Juan Alcala OP-2092
    - d. Licensee: Associated Environmental Industries DPC-0269
    1. Operator: Tyler Sharpton OP-2091
    - e. Licensee: Lang Well Drilling, Inc. DPC-0616
    1. Operator: Michael Lang OP-2093
- 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, Harper County, #FP-15-06
- O. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
1. Town of Arcadia, David L. Franklin, FPA-617

2. City of Boise City, John Wayne Twyman, FPA-618
3. City of Checotah, Leslie C. Phillips, FPA-619
4. City of Grove, Calvin E. Igney, FPA-620
5. City of Heavener, Laurence T. Jones, FPA-621
6. City of Marietta, Tracey Smithwick, FPA-622
7. City of Perkins, Robert D. Ernst, FPA-623
8. Town of Red Bird, Edna V. Davis, FPA-624
9. City of Seminole, Sharon L. Emmitt, FPA-625
10. Washington County, Eric L. Ashlock, FPA-626
11. City of Moore, Ava Z. Beeby, FPA-627

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

A. Presentation and Discussion Regarding Ongoing Activities of the OWRB Beneficial Use Monitoring Program (BUMP). Mr. Derek Smithee, Chief of the Water Quality Programs Division, said the OWRB Water Quality staff believes good data is needed to make good decisions and staff works diligently to collect quality and quantity surface and groundwater data to blend with interpretation and implementation for good water quality management. One of the Oklahoma Comprehensive Water Plan (OCWP) eight priority recommendations recognized that data is needed for decision making and charged the OWRB with developing a groundwater quality and quantity monitoring program. The current Mass Measurement Program served as a skeletal quantity program, but there was no quality program for groundwater so the goal was to bring the BUMP program funding back up, as well fund the cooperative monitoring program with USGS.

The BUMP program was initiated in 1998 with a \$1.2 million appropriation from the Oklahoma Legislature to begin monitoring surface water in a holistic, comprehensive way. He explained that overtime, the drop in funding and increase in costs caused abilities to be diminished below \$750,000.00. Decisions were needed regarding water quality standards, prioritizing pollution control activities, and identifying impaired waters which resulted in the OCWP partnering with BUMP. The Legislature funded the program with an additional \$1.2 million for initiation of the groundwater monitoring program, increased funding for the BUMP program, and increased funding for the stream gaging program.

Mr. Buchanan asked the difference between the 303(d) and 305(b) lists. Mr. Smithee explained 305(b) is a status of all the state's waters, the 303(d) is the list of sick or impaired water, or a subset of 305(b); both sections of the Clean Water Act that require the state to make the list and report to Congress every other year. The 2014 list has been submitted, and will be reviewed for a "thumbs up," "thumbs down" or questions regarding decision making. Mr. Buchanan asked and Mr. Smithee responded the 2012 Consolidated Report contained 1,500 impaired water bodies, and 800 individual streams which the Department of Environmental Quality will use to prioritize TMDLs (total maximum daily load) to find out why the water body is impaired and how to initiate activities to fix the sick water. Mr. Hitch asked how streams were listed years 25-30 years ago when there was not science to justify the listing. Mr. Smithee said at that time the list was used to prioritize funding to fix the waters creating a strong incentive to put waters on the list even if there wasn't good data. In 1996, the State of Oklahoma developed standardized ways of making the Use Support Decisions in our rules, which are in Chapter 46 -- Water Quality Standards Implementation rules -- where it is stated how to interpret ambient water quality data and statistically compare it to the water quality standards to determine when there is impairment. Some of those waters that have been on the list for unknown reasons, and data is driving the decisions to prove through that a stream doesn't belong.

Continuing, Mr. Smithee introduced the agency's leadership team that coordinates and facilitates the activities associated with the monitoring programs.

Ms. Julie Chambers, team lead for the OWRB Lakes Monitoring Program, addressed the members and stated that historically, staff only monitored lakes that were greater than 100 surface acres, had public access, and are municipal, larger multi-purpose water bodies across the state, every 3-5 years. In light of budget cuts, the program was redefined while continuing to answer certain questions. The current program is a combination of both fixed station and statistical survey monitoring to answer the questions on a much broader population, not just larger water bodies. Now, the lakes monitored are those which are 50 surface acres or greater, including smaller municipal lakes which the agency did not have data for previously. She explained the current 5-year study plan, that the lake population was stratified into two groups (50-500 acres, and 500 acres and greater), the frequency of lakes monitored, and that the lakes are sampled for broad-based chemical, physical and biological parameters. Ms. Chambers talked about where samples are taken, incorporating habitat, and the frequency of sampling. She explained the Probabilistic Sampling Program, and the new Nutrient Limited Watershed sampling program (July-September 2016). Mr. Drake asked if the recent dramatic rains would have an impact to the staff's approach to sampling, and Ms. Chambers answered staff is aware of higher levels, i.e. at Lake Eufaula, which brings in debris and large items, but also provides an idea of what is coming in from the watershed. Mr. Drummond asked about whether Texas is monitoring Lake Texoma and if data is shared; Ms. Chambers said Texas does sample, but she has not received data except from the Corps of Engineers. She closed her presentation with a snapshot of the lakes monitored that can be found on the agency website.

Mr. Lance Phillips, team lead for the Streams Monitoring Program, spoke to the members about the 84 fixed river and streams sites sampled bi-monthly (8 times annually), 150 probabilistic stations sampled once during a five year period, fish collection made on fixed sites once every 5 years (once at each probabilistic site), as well as seasonal sampling to be better aligned with the OCWP's 82 planning basins. He said in concert with the USGS stream gaging program, the OWRB also operates a gaging program that includes 17 sites with real-time river stage gages and an additional 5 sites to be installed within the next year. All OWRB gauged sites require base flow monitoring as well as targeted high flow monitoring; the USGS Cooperative program operates 65 river gages at a cost of \$691,100, 21 of those river gages are funded by BUMP at a cost of \$115,000. Mr. Buchanan asked how the additional sites are determined and Mr. Phillips said they are chosen based on the basin where located and are sites that currently do not have coverage. Mr. Phillips explained how the OCWP funding allowed more closely aligned surface water sampling and collection of more robust datasets to aid assessment and decision making; the monitoring strategy seeks to maintain data collection on historical sites. Mr. Fite asked if storm events were being monitored, and Mr. Phillips answered that is being done particularly for the gaging program as opposed to the water quality part where ambient trends are reviewed; stream gaging crews are chasing high flows for trend monitoring for impairment. Special studies may be conducted looking at nutrient trends. Staff has begun to coordinate better with Oklahoma Conservation Commission, Oklahoma Scenic Rivers Commission, US Geological Survey, etc. to minimize work overlap, and increase parametric coverage. Mr. Phillips concluded his remarks with a snapshot of basin sites, and links on the agency website to access the data.

Mr. Mark Belden, team lead for the Groundwater Monitoring Assessment Program (GMAP), explained to the members the new groundwater monitoring program developed with additional funding through the OWCP recommendations which began in 2013. He said the goals of the new program included establish/delineate baseline conditions, assess the spatial distribution, occurrence and magnitude (of chemical constituents and water levels), analyze water quality and quantity data trends, identify water quality hot spots, and document groundwater level changes. The program involves 21 major aquifers and 11 alluvial basins, and includes random, spatially distributed network sampling wells identified through the licensed well drillers and includes private entities and landowners, and the

types of wells are irrigation, stock wells, public water supply, oil and gas, domestic, and industry. Sampling will establish a baseline of water quality and quantity, characterize aquifers and identify concerns, and parameters include major ions, nutrients, trace metals & elements and will establish a water quality and quantity trend network. He said the OWRB has maintained an historical groundwater level network with data from the Panhandle, and southwest Oklahoma, but tend to be mostly from the west, northwest and central Oklahoma. There were many areas of the state that have not been monitored because there was no funding or staffing. The program is in the third year of a six-year process and involves 3,000 citizens requiring prior access to 1,068 wells for water quantity and 380 wells for water quality. Staff is sensitive to property owner concerns about wheat, cattle, dogs, and allows them input to the sampling schedule. Before implementation of GMAP, the well measurement program had been reduced to 425 wells, and the goal is have 1,100 wells monitored annually across the state in all 21 major aquifers (one half will be targeted for seasonal sampling which will tell what is happening after the irrigation season), and to monitor 700 wells for water quality, with 140 trend wells. Mr. Belden said once staff has reviewed the data, results are mailed to the participants and the report/aquifer summaries are available online as part of the BUMP report. The Panhandle and Cimarron River Aquifer will be monitored in 2016. Mr. Drummond asked if there were opportunities to share data with other agencies. Mr. Belden responded there may be opportunities; data is shared within the agency. The required DEQ monitoring for public water supply doesn't coincide with this program, but the data is available online for citizens, agencies, anyone to access. The groundwater data will be migrated with the current water quality data. Mr. Belden concluded his report with PowerPoint slides of results of the sampling in GMAP and maps of well locations. Mr. Buchanan asked about the continuous well at Tipton tied to the MESONET system, and Mr. Belden said it is the only one in the GMAP program, but that there are several in the Arbuckle Simpson area.

Mr. Monty Porter, Water Quality Database Manager and Quality Assurance Officer, updated the members on the Comprehensive Information Management System. Mr. Porter spoke to the agency's information management efforts to mesh data management and quality management. He said the data is housed in data bases but separate from one another, and staff' goal is to create a state-of-the-art water quality and quantity data management network. He presented PowerPoint slides that depicted the current database system which became operational in 2000 and discussed the current operation to comprehensively remodel the database with compatible applications for profile data, real time data, and GIS interface. Mr. Porter concluded his report highlighting accomplishments to date, and high priority goals to be completed.

Mr. Bill Cauthron, Assistant Division Chief, wrapped up the presentation describing "where we go from here" so that the data is easily accessible and easily understandable to the public. He introduced the members of the Water Quality Program Division monitoring team members.

Mr. Drummond asked what affect the budget cut will have on BUMP, and Mr. Smithee responded that the majority of funding comes from the State General Revenue Fund, and the amount of the cut will determine how the program will be impacted; there are other agency monitoring programs outside of BUMP.

Vice Chairman Lambert commended the staff on its commitment and resourcefulness both individually and collectively to get the job done.

## **5. SPECIAL CONSIDERATION**

### **A. Consideration of and Possible Action on Application to Amend Regular Groundwater Permit No. 1974-127B, M.E.N.S. Ranch, L.L.C., Choctaw County:**

1. Summary – Ms. Julie Cunningham, Chief, Planning and Management Division, stated to the members this item is an application to amend an existing regular permit to use groundwater in the

name of M.E.N.S. Ranch, L.L.C. in Choctaw County. The permit amendment would add 465 acres of additional dedicated land to the groundwater permit, and 997.5 acre-feet of groundwater per year, to the amounts already authorized for irrigation and commercial sale of rural water. Ms. Cunningham stated the record showed the applicant has met the four points of law, and therefore, the Board shall approve the requested amendment. The application was protested by a rural water district and a landowner who expressed concern the proposed withdrawal would constitute waste by depletion, and asserted interference with their ability to use groundwater. However, no evidence was entered into the record to support the claims. The proposed order acknowledges the protestant's understandable concern of potential adverse affects by neighboring property owners but determined the objections are not supported by Oklahoma Groundwater Law and use of the water will not impermissibly or unlawfully deplete the aquifer. Staff recommended approval of the proposed findings of fact, conclusions of law, and Board order.

Applicant's attorney was present; however, there were no representatives of the protestants at the meeting.

2. Discussion and presentation by parties—Vice Chairman Lambert invited Mr. Ivan London, representing the applicant, to address the Board. Mr. London stated the hearing examiner's proposed order was thorough and thoughtful and he requested the Board approve it. Mr. Fite asked about the use of the commercial sale of water, and Mr. London responded it would be primarily to wholesale for rural water for drinking water purposes. There were no other questions of Mr. London or Ms. Cunningham by Board members.

3. Possible Executive Session; and 4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized. The Board did not vote to enter executive session.

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.

Vice Chairman Lambert stated she would entertain a motion to amend the application and the regular permit be issued as amended. Mr. Fite so moved, and Ms. Feaver seconded.

AYE:	Drummond, Feaver, Buchanan, Fite, Drake, Hitch, Lambert
NAY:	None
ABSTAIN:	None
ABSENT:	Sevenoaks

Vice Chairman Lambert stated the amended permit is approved.

B. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any. There were no items transferred from the Summary Disposition Agenda.

## 6. PROPOSED EXECUTIVE SESSION

**Vice 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., 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.

Vice Chairman Lambert asked General Counsel Rob Singletary if he had a statement. Mr. Singletary stated that pursuant to section 307(b)(4) of the Open Meetings Act, it is his advice as General Counsel that the disclosure of the communications and discussions that are proposed under agenda item 6. related to the pending litigation referenced on the agenda, would seriously impair the ability of the Board to conduct pending 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.

Vice Chairman Lambert asked if there was motion to move into Executive Session. Mr. Buchanan moved that the Board enter Executive Session, and Mr. Drummond seconded.

AYE: Drummond, Feaver, Buchanan, Fite, Drake, Hitch, Lambert  
NAY: None  
ABSTAIN: None  
ABSENT: Sevenoaks

B. Designation of person to keep written minutes of Executive Session, if authorized.  
Executive Secretary Mary Schooley was designated to keep written minutes.

C. Executive Session, if authorized.

The Board voted to enter Executive Session at 10:55 a.m. Following a break, the Board entered Executive Session at 11:00 a.m.

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

At 11:17 a.m., Vice Chairman Lambert asked for a motion to move out of Executive Session. Mr. Hitch so moved, and Mr. Buchanan seconded.

The members continued in executive session while Executive Director Strong addressed a question by Mr. Buchanan. The doors were opened, and the Board then voted to move out of Executive Session at 11:19 a.m.

There was no vote or action taken by the Board on any matter discussed in Executive Session.

## 7. NEW BUSINESS

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.

Vice Chairman Lambert asked if there were any items of New Business. Mr. Strong announced that Mr. Stephen Allen had been confirmed by the full Senate.

While beginning the process to adjourn the meeting, Vice Chairman Lambert informed Mr. Strong she would be absent for the June meeting and the Board recessed while General Counsel Singletary researched the appropriate action by the Board for a presiding officer at the June meeting.

Vice Chairman Lambert stated the Board would consider the New Business item concerning a chair for the June meeting. Mr. Singletary stated it is his opinion the Board could select an acting chair and vice chair for the June meeting, and during the June meeting there would be a formal election for the following year.

The members and Mr. Strong discussed who would be present at the June meeting and able to serve in the officer capacities or whether to hold a June meeting. Mr. Drake nominated Mr. Drummond to serve as Acting Chairman for the June meeting, and Mr. Buchanan seconded. Mr. Drummond nominated Mr. Drake to serve as Acting Vice Chairman for the June meeting, and Mr. Buchanan seconded.

Vice Chairman Lambert asked for a motion to elect acting chair and vice chair, and Mr. Fite so moved and Mr. Buchanan seconded. Mr. Strong clarified the motion would be to elect acting chair and acting vice chair, Mr. Drummond and Mr. Drake. Vice Chairman Lambert called for the vote.

AYE:	Drummond, Feaver, Buchanan, Fite, Drake, Hitch, Lambert
NAY:	None
ABSTAIN:	None
ABSENT:	Sevenoaks

Mr. Fite asked if there would be a committee of Board members to make a selection of nominees for consideration at the June meeting, and Vice Chairman Lambert said, yes. Mr. Buchanan, Mr. Drake and Mr. Fite commented about which members might be willing to serve and Mr. Strong said that would be considered at a later time, and not voted on now as it is not an agenda item and not an emergency. Mr. Singletary said the members voted on acting chair and vice chair as a New Business item because the absence of the Vice Chair at the June meeting could not have been known to the Board.

There were no other comments.

## 8. ADJOURNMENT

There being no further business, Mr. Drake moved to adjourn and Ms. Lambert seconded. Vice Chairman Lambert adjourned the meeting of the Oklahoma Water Resources Board at 11:30 a.m. on May 19, 2015.

## OKLAHOMA WATER RESOURCES BOARD

\_\_\_\_\_/s/\_\_\_\_\_  
F. Ford Drummond, Acting Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Bob Drake, Acting Vice Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Edward H. Fite

\_\_\_\_\_/s/\_\_\_\_\_  
Marilyn Feaver

\_\_\_\_\_/s/\_\_\_\_\_  
Richard Sevenoaks

\_\_\_\_\_/Absent\_\_\_\_\_  
Linda P. Lambert

\_\_\_\_\_/Absent\_\_\_\_\_  
Jason W. Hitch

\_\_\_\_\_/s/\_\_\_\_\_  
Stephen B. Allen

***ATTEST:***

\_\_\_\_\_/s/\_\_\_\_\_  
Tom Buchanan, Secretary (SEAL)