

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

February 13, 2007

9:30 a.m.

Board Room  
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 February 6, 2007 at 4:45 p.m. A copy of this agenda is available on the OWRB website at [www.owrb.state.ok.us](http://www.owrb.state.ok.us). Revised items are indicated by “•” and italics.

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**01000 1. CALL TO ORDER** **Chairman Rudy Herrmann**

- A. Invocation
- B. Roll Call
- C. Discussion, Amendments, and Vote to Approve Official Minutes of the January 9, 2007, Regular Meeting.
- D. Executive Director's Report. **Mr. Duane Smith**

**02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**

- A. Consideration of and Possible Action on a Proposed Order Approving Loan for Rural Water and Sewer District #5, Garfield County. Recommended for Approval.
- B. Consideration of and Possible Action on a Proposed Order Approving Loan for Collinsville Municipal Authority, Tulsa County. Recommended for Approval.
- C. Consideration of and Possible Action on a Proposed Order Approving Loan for Tuttle Public Works Authority, Grady County. Recommended for Approval.
- D. Consideration of and Possible Action on a Proposed Order Approving Increase in Obligation of Funds for McCloud Public Works Authority, Pottawatomie County. Recommended for Approval.

- E. Consideration of and Possible Action on a Proposed Order Approving Resolution Consenting to Amendment of Lien Position Securing Loan for Yale Water and Sewage Trust, Payne County. Recommended for Approval.
- F. Consideration of and Possible Action on Selection of Bond Counsel in Connection with the Issuance of Obligations to Provide Funding for the State Loan Program. Recommended for Approval.

**03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman 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 Action on Items and Approval of Items 3. C through 3. O.
- C. Consideration of Approval in Accordance with the Following Proposed Orders and Proposal: Applications for REAP Grants; and Statewide Water Development Revolving Fund Proposal. Recommended for Approval:

<b>REAP</b>				<b>Amount</b>
<b><u>Item No.</u></b>	<b><u>Application No.</u></b>	<b><u>Entity Name</u></b>	<b><u>County</u></b>	<b><u>Recommended</u></b>
1. KEDDO				
a.	FAP-05-0040-R	Talihina Public Works Authority	LeFlore	\$99,999.00
NODA				
b.	FAP-05-0002-R	Rural Water & Sewer District #5	Garfield	99,999.00

- 2. Consideration of and Possible Action on FY 2008 Proposal for Use of the Statewide Water Development Revolving Fund.
- D. Consideration of and Possible Action on Contracts and Agreements. Recommended for Approval:
  - 1. Interagency Agreement with Grand River Dam Authority for Dissolved Oxygen Monitoring, Fish and Wildlife Mitigation, and Volunteer Monitoring Programs at Grand Lake and Hudson Lake.

2. Contract with Hudson Lake Association, Inc. for Coordination of Volunteer Monitoring Program at Hudson Lake and W.R. Holway Reservoir.
  3. Amended Service Level Agreement with the Office of State Finance to Add Computer Network E-Mail and Virus Protection Services.
  4. Master License Agreement with Environmental Systems Research Institute, Inc. for Support for GIS Software.
  5. Extension and Amendment Agreement with Office of the Secretary of the Environment for Clean Water Act Section 104(b)(3) Wetlands Program.
  6. Resolution Authorizing the Chairman to Enter into Agreement with the Oklahoma City Renaissance Hotel and Cox Convention Center to Host the 2007 Oklahoma Governor's Water Conference.
- E. Applications for Temporary Permits to Use Groundwater:
1. Matt T. Wiggins, Cimarron County, #2006-559
  2. Jimmy & Ginger Emmons, Dewey County, #2006-581
  3. Dollar Farms, L.L.C., Kingfisher County, #2006-600
  4. Michael & Pam Haden, Kingfisher County, #2006-602
- F. Applications to Amend Temporary Permits to Use Groundwater:  
None
- G. Applications for Regular Permits to Use Groundwater:
1. Arthur Farms, Inc., Garvin County, #2006-572
  2. Longbow Enterprises, L.L.C., Woodward County, #2006-599
- H. Applications to Amend Regular Permits to Use Groundwater:  
None
- I. Applications to Amend Prior Rights to Use Groundwater:  
None
- J. Applications for Regular Permits to Use Stream Water:
1. R. Doyal Hoover, Creek County, #2006-028
  2. WHB Cattle, L.P., Grady County, #2006-034
  3. Fort James Operating Company, Muskogee County, #2006-046
  4. Maydoua Moua, Coal County, #2006-059
- K. Applications to Amend Regular Permits to Use Stream Water:  
None
- L. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
    - a. *Craig Water Well, DPC-0673* Item withdrawn
    - b. Ed Hall Enterprises, DPC-0675
    - c. Geothermal Technologies, DPC-0669

2. New Operators, Activities for Existing Licenses:
  - a. Talon/LPE, DPC-0619
  - b. Don Strawn Drilling, Inc., DPC-0189
  - c. Crystal Creek Environmental Solutions, Inc., DPC-0535

M. Dam and Reservoir Plans and Specifications:

1. City of Duncan, Clear Creek Dam, Stephens County, DS-06-07
2. Basil Savage, Marshall County, DS-06-04
3. Robert Funk, Express Ranches, Canadian County, DS-07-01
4. NRCS, Sallisaw Creek Watershed Site No. 34, Sequoyah County

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

1. Department of Transportation, Atoka County, FP-06-25
2. Department of Transportation, Rogers County, FP-06-26
3. Department of Transportation, Craig County, FP-06-28
4. Department of Transportation, LeFlore County, FP-06-29
5. Department of Transportation, Pontotoc County, FP-06-30
6. Department of Transportation, Coal County, FP-06-32
7. Department of Transportation, Roger Mills County, FP-06-33

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the February 13, 2006 packet of Board materials

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

A. Update on Oklahoma Comprehensive Water Plan Activities. **Mr. Dave Dillon**

Presentation of Draft Proposed New Permanent Rules and Amendments to Current Rules of the Board And Copies of All Written Comments and Summaries of All Oral Comments. – Not scheduled for Action. The Board is scheduled to vote on the proposed rules at the March 13, 2007, Board meeting

B. Proposed Amendments to Chapter 5 – Well Drillers and Licensing Fees

1. Summary of final draft proposed rules – **Lou Klaver**
2. Questions and Discussion by Board Members
3. Comments by Public

C. Proposed Amendments to Chapter 50 – Financial Assistance

1. Summary of final draft proposed rules – **Joe Freeman**
2. Questions and Discussion by Board Members
3. Comments by Public

D. Proposed Amendments to Chapter 45 – Water Quality Standards

1. Summary of final draft proposed rules – **Derek Smithee**

2. Questions and Discussion by Board Members
  3. Comments by Public
- E. Proposed Amendments to Chapter 46 – Water Quality Standards Implementation
1. Summary of final draft proposed rules – **Derek Smithee**
  2. Questions and Discussion by Board Members
  3. Comments by Public

**05000 5. SPECIAL CONSIDERATION**

**Chairman 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).

- A. Application to Amend Prior Right to Use Groundwater No.1971-012, Mark D. Cook, Alfalfa County:
1. Summary – **Ms. Lou Klaver**
  2. Discussion and presentation by parties
  3. Possible executive session
    - (a) Vote on whether to enter executive session
    - (b) If executive session approved, designation of person to keep minutes
    - (c) Executive session on proposed order - vote or action taken on any item of business considered in executive session must be taken in public meeting
  4. 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. Application for Temporary Permit to Use Groundwater No.2006-579, Mark D. Cook, Alfalfa County:
1. Summary – **Ms. Lou Klaver**
  2. Discussion and presentation by parties
  3. Possible executive session
    - (a) Vote on whether to enter executive session
    - (b) If executive session approved, designation of person to keep minutes
    - (c) Executive session on proposed order - vote or action taken on any item of business considered in executive session must be taken in public meeting

- 4. 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
- C. Consideration of Items Transferred from Summary Disposition Agenda, if any.

**06000 6. PRESENTATION OF AGENCY BUDGET REPORT Mr. Monte Boyce**

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

**8. PROPOSED EXECUTIVE SESSION**

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 the Tarrant Regional Water District v. Herrmann

- 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.

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

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

**10. 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.

**11. ADJOURNMENT**

**Chairman Herrmann**

The next meeting of the Oklahoma Water Resources Board will be held on Tuesday, March 13, 2007, at 9:30 a.m., at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.