

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

February 12, 2008

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 February 5, 2008 at 4:15 p.m. A copy of this agenda is available on the OWRB website at [www.owrb.ok.gov](http://www.owrb.ok.gov). Revised items are indicated by “•” and italics.

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- 01000 1. CALL TO ORDER** **Chairman Mark Nichols**
- A. Invocation
  - B. Roll Call
  - C. Discussion, Amendments, and Vote to Approve Official Minutes of the January 8, 2008, 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 Jay Utilities Authority, Delaware County. Recommended for Approval.
  - B. Consideration of and Possible Action on a Proposed Order Approving Loan for Rural Water District #3, Rogers County. Recommended for Approval.
  - C. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds for Beggs Public Works Authority, Okmulgee County. Recommended for Approval.
  - D. Presentation Regarding Debt Issuance, Loan Commitment, and Lending Procedures for the Board’s State Loan Program and State Revolving Fund Loan Programs.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS

Chairman Nichols

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>
<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Recommended</u>
OEDA				
1.	FAP-07-0017-R	Rural Water District #1	Dewey	\$89,950.00
SWODA				
2.	FAP-02-0059-R	Rural Water District #3	Beckham	\$95,690.00

- 3. Consideration of and Possible Action on FY 2009 Proposal for Use of the Statewide Water Development Revolving Fund.
- D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:
  - 1. Amendment to original Intergovernmental Agreement between the Central Oklahoma Master Conservancy District and OWRB related to water quality monitoring of Lake Thunderbird to include adjustments to the scope of work, schedules for completion of tasks, project costs, and an increase in the total compensation to be paid to OWRB by COMCD.
  - 2. Amendment to Agreement for the Clean Water Act FY05 §104(b)(3) Wetlands Program CA# CD-966017-01 between the Office of the Secretary of the Environment and OWRB to extend the period of the agreement and to include a modified workplan and budget.
  - 3. Professional Services Contract between OWRB and Emily Mezell to provide services of Hearing Examiner for administrative hearings as may be assigned by the Board's Executive Director.

4. Professional Services Contract between OWRB and Harold Springer to provide professional engineering services.
5. Agreement between the Oklahoma City Water Utilities Trust and OWRB regarding the Vegetated Wetland Project designed to improve water quality at Atoka Lake in southeastern Oklahoma. OCWUT will provide personnel, labor, equipment and facilities to assist the OWRB in connection with the project.
6. Amendment of Joint Funding Agreement between the U.S. Geological Survey and OWRB for the project “Drought of 2006 in Oklahoma compared with four major drought periods of the 20<sup>th</sup> Century” to extend the ending date of the original agreement.
7. Joint Funding Agreement between the U.S. Geological Survey and OWRB for the project “Trends in Base and Total Flows of Selected Streams within Oklahoma”.
8. Joint Funding Agreement between the U.S. Geological Survey and OWRB for the project “Statistical Summaries of Regulated and Unregulated Streamflow in Oklahoma”.
9. Letter Agreement between the U.S. Army Corps of Engineers and the Oklahoma Water Resources Board to conduct workshops relating to the Map Modernization Management Support Program.
10. Group Sales Agreement with Hawthorn Suites Riverwalk San Antonio for Special Board meeting and tour of Edwards Aquifer.

E. Applications for Temporary Permits to Use Groundwater:

1. Dolese Bros. Co., Logan County, #2006-542
2. Dolese Bros. Co., Oklahoma County, #2006-543
3. Dolese Bros. Co., Oklahoma County, #2006-553
4. Two Rivers Sand & Gravel, L.L.C., Choctaw County, #2006-569
5. City of Norman, Cleveland County, #2007-547

F. Applications to Amend Temporary Permits to Use Groundwater:

None

G. Applications for Regular Permits to Use Groundwater:

None

H. Applications to Amend Regular Permits to Use Groundwater:

None

I. Applications for Regular Permits to Use Stream Water:

1. Dolese Bros. Co., Logan County, #2006-019
2. Bob & Aquilla McLemore, Washita County, #2006-065
3. Pittsburg County Public Works Authority, Pittsburg County, #2007-040

J. Applications to Amend Regular Permits to Use Stream Water:  
None

K. Applications for Term Permits to Use Stream Water:  
None

L. Well Driller and Pump Installer Licensing:

**1. New Licenses, Accompanying Operator Certificates and Activities:**

- a. Licensee: Oklahoma Corporation Commission, Oil & Gas Division DPC-9006
1. Operator: Grant Ellis OP-1583  
Activities: Monitoring wells and geotechnical borings
  2. Operator: Billy Moss OP-1584  
Activities: Monitoring wells and geotechnical borings
  3. Operator: Gary K. Wood OP-1585  
Activities: Monitoring wells and geotechnical borings
  4. Operator: David E. Romines OP-1586  
Activities: Monitoring wells and geotechnical borings
  5. Operator: Simon Winlock OP-1587  
Activities: Monitoring wells and geotechnical borings
  6. Operator: Jason Pryor OP-1588  
Activities: Monitoring wells and geotechnical borings
  7. Operator: Shawn Coslett OP-1590  
Activities: Monitoring wells and geotechnical borings
  8. Operator: Brad Ice OP-1592  
Activities: Monitoring wells and geotechnical borings
  9. Operator: Clyde A. Cupp OP-1593  
Activities: Monitoring wells and geotechnical borings
  10. Operator: Douglas A. Vincent OP-1594  
Activities: Monitoring wells and geotechnical borings
  11. Operator: Gary L. Matl OP-1595  
Activities: Monitoring wells and geotechnical borings
- b. Licensee: A-1 Water Solutions DPC-0748
1. Operator: Toby Dunn OP-1582  
Activities: Groundwater wells, test holes and observation wells

**2. New Operators for Existing Licenses:**

- a. Licensee: Strata Core Environmental Drilling DPC-0727
1. Operator: William Fields OP-1581  
Activities: Monitoring wells and geotechnical borings
- b. Licensee: G-2 International
1. Operator: Randy L. Molitor DPC-0371  
Activities: Monitoring wells and geotechnical borings OP-1580

**3. News Activities for Existing Licenses:**

- a. Licensee: Able Environmental Drilling DPC-0746
1. Operator: Kodi Roberts OP-1005  
Activities: Groundwater wells, test holes and observation wells

M. Dam and Reservoir Plans and Specifications:  
None

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

1. Oklahoma Department of Transportation, Seminole County, #FP-07-52
- 2. *Oklahoma Department of Transportation, Noble County, #FP-07-53 Item added*
3. Oklahoma Department of Transportation, Latimer County, #FP-07-54
4. Oklahoma Department of Transportation, Latimer County, #FP-07-55

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 12, 2008 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 and Dr. Will Focht**

**05000 5. SPECIAL CONSIDERATION**

**Chairman Nichols**

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 Temporary Permit to Use Groundwater No. 2001-513, Dennis E. and Marscha C. Kahle, Kay County:

1. Summary – **Mr. Dave Dillon**
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. 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 Nichols**

**8. Presentation of Final Proposed New Permanent Rules and Amendments to Current Rules of the Board**

A. Proposed Amendments to Chapter 1 - Organization and Procedures

- 1. Summary of final draft proposed rules - **Duane Smith**
- 2. Questions and Discussion by Board Members
- 3. Comments by Public
- 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.

B. Proposed Amendments to Chapter 4 – Rules of Practice and Hearings

- 1. Summary of final draft proposed rules – **Duane Smith**
- 2. Questions and Discussion by Board Members
- 3. Comments by Public
- 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.

C. Proposed Amendments to Chapter 5 – Fees

- 1. Summary of final draft proposed rules – **Duane Smith**
- 2. Questions and Discussion by Board Members
- 3. Comments by Public
- 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.

D. Proposed Amendments to Chapter 20 – Appropriation and Use of Stream Water

- 1. Summary of final draft proposed rules – **Dave Dillon**
- 2. Questions and Discussion by Board Members
- 3. Comments by Public
- 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.

- E. Proposed Amendments to Chapter 25 – Dams and Reservoirs
  - 1. Summary of final draft proposed rules – **Dave Dillon**
  - 2. Questions and Discussion by Board Members
  - 3. Comments by Public
  - 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.
  
- F. Proposed Amendments to Chapter 30 – Taking and Use of Groundwater
  - 1. Summary of final draft proposed rules – **Dave Dillon**
  - 2. Questions and Discussion by Board Members
  - 3. Comments by Public
  - 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.
  
- G. Proposed Amendments to Chapter 35 – Well Driller and Pump Installer Licensing
  - 1. Summary of final draft proposed rules – **Dave Dillon**
  - 2. Questions and Discussion by Board Members
  - 3. Comments by Public
  - 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.
  
- H. 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
  - 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.
  
- I. 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
  - 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.
  
- J. 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
  - 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.
  
- K. Proposed Amendments to Chapter 55 – Development on State Owned or Operated Property Within Floodplains.
  - 1. Summary of final draft proposed rules – **Dave Dillon**
  - 2. Questions and Discussion by Board Members

3. Comments by Public
4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment.

**9. PROPOSED EXECUTIVE SESSION**

**Chairman Nichols**

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.

**10. 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.

**11. NEW BUSINESS**

**Chairman Nichols**

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.

**12. ADJOURNMENT**

**Chairman Nichols**

The next regular meeting of the Oklahoma Water Resources Board will be held on Tuesday, March 11, 2008, at 9:30 a.m. in the Board Room of the Oklahoma Water Resources Board offices, Oklahoma City, Oklahoma.

02/05/2008