

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

January 13, 2009

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 January 7, 2009 at 5:00 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 Mark Nichols

A. Invocation

B. Roll Call

C. Discussion, Amendments, and Vote to Approve Official Minutes of the December 9, 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 Mustang Improvement Authority, Canadian County. Recommended for Approval.

B. Presentation on Current Financial Market Conditions as Related to the Board's Financial Assistance 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 3. C through 3. O., Recommended for Approval.
- C. Consideration of Approval of the Following Applications for REAP Grants in Accordance with the Proposed Orders Approving the Grants:

REAP			Amount
<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>Recommended</u>
None			

- D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:
 - 1. Joint Funding Agreement with the U.S. Geological Survey for the project “Investigate the Water Resources of the Arbuckle-Simpson Aquifer special studies, South-Central Oklahoma”.
 - 2. Contract with the Oklahoma Floodplain Managers Association, Inc.
 - 3. Supplemental Agreement No. 2 with the U.S. Army Corps of Engineers, Tulsa District.
 - 4. Memorandum of Understanding with the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services.
 - 5. Reimbursement Memorandum of Agreement with the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services.
- E. Applications for Temporary Permits to Use Groundwater:
 - 1. Roy T. & Rebecca Oliver, McClain County, #2008-533
 - 2. Brent L. Hajek, Major County, #2008-541
 - 3. Bennie D. & Nettie E. Racer, Kingfisher County, #2008-552
 - 4. James “Jim” Lamle, Alfalfa County, #2008-587
- F. Applications to Amend Temporary Permits to Use Groundwater:
None
- G. Applications for Regular Permits to Use Groundwater:
 - 1. Robert & Robin Jemison, Johnston County, #2007-572
- H. Applications to Amend Regular Permits to Use Groundwater:
None

- I. Applications to Amend Prior Rights to Use Groundwater:
None

- J. Applications for Term Permits to Use Stream Water:
 - 1. Hunt Land and Cattle Co., an Oklahoma Corporation, Tillman County, #2008-024
 - 2. Hunt Farms, L.L.C., Tillman County, #2008-027

- K. Forfeitures of Stream Water Rights Due to Nonuse, Recommended for Informal-Default Disposition:
 - 1. A. A. Jeffrey, Marshall County, #1974-174
 - 2. B. G. McGahey, Marshall County, #1974-225
 - 3. Larry Williford, Marshall County, #1977-094
 - 4. Ruben E. Williford, Marshall County, #1979-046
 - 5. Tillford Clement, Marshall County, #1984-015
 - 6. Don Carter, Bryan County, #1994-027
 - 7. Don Carter, Bryan County, #1999-023
 - 8. Mrs. Glen White & Son, Comanche County, #1950-241
 - 9. Damon & Georgia Doye, Comanche County, #1954-1276
 - 10. Alex H. Seward, Cotton County, #1955-497
 - 11. Edward Sims, Comanche County, #1964-416
 - 12. Chester & Jerry Phillips, Cotton County, #1966-515
 - 13. Kathryn Karlann Wilks/Bonifield Properties, Comanche County, #1966-655
 - 14. Max Phillips, Cotton County, #1971-459
 - 15. Clarence C. Bott, Comanche County, #1974-252
 - 16. Paul or Dosia Jackson, Jr., Caddo County, #1976-021
 - 17. G. Russell John, Comanche County, #1980-099
 - 18. Dale B. Smith, D.O., Comanche County, 1998-030
 - 19. William Earl Pardue, Tillman County, #1972-290
 - 20. David F. Hooper, et al, Comanche County, #1983-067
 - 21. John Roll, Tillman County, #1989-056
 - 22. J. D. Laney, Tillman County, #1981-169
 - 23. Rash Barrett, Jefferson County, #1971-517
 - 24. Don B. Ellis, Kiowa County, #1964-590
 - 25. Jeff Morris, Kiowa County, #1965-125
 - 26. Don Aldon Perrin, Kiowa County, #1974-144
 - 27. John Kessie, Kiowa County, #1997-011

- L. Well Driller and Pump Installer Licensing:
 - 1. **New Licenses, Accompanying Operator Certificates and Activities:**
 - a. Licensee: Brad Sholl DPC-0729
 - 1. Operator: Brad Sholl OP-1654
 - Activities: Pump installation
 - b. Licensee: Corrpro Companies, Inc. DPC-0731
 - 1. Operator: Michael Ridgeway OP-1662
 - Activities: Groundwater wells, test holes and observation wells
 - c. Licensee: Martin Marietta Materials DPC-0733

- 1. Operator: Dustin Dane Heder OP-1657
Activities: Monitoring wells and geotechnical borings
 - d. Licensee: W.E. Pender& Sons, Inc. DPC-0735
 - 1. Operator: Ernest Pender OP-1659
Activities: Groundwater wells, test holes and observation wells
Monitoring wells and geotechnical borings
Pump installation
 - 2. Operator: Bruce Burdett OP-1660
Activities: Groundwater wells, test holes and observation wells
Pump installation
 - e. Licensee: Palmerton & Parrish, Inc. DPC-0737
 - 1. Operator: Shane Rader OP-1664
Activities: Monitoring wells and geotechnical borings
 - 2. Operator: Jesse J. Buttram OP-1665
Activities: Monitoring wells and geotechnical borings
 - 3. Operator: Matt Robison OP-1666
 - 2. New Operators for Existing Licenses:**
 - a. Licensee: Environmental Loop Service DPC-0257
 - 1. Operator: Jeremy Garrison OP-1655
Activities: Groundwater wells, test holes and observation wells
Heat exchange wells
- M. Dam and Reservoir Construction:
None
- N. Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
1. Oklahoma Department of Transportation, Roger Mills County, #FP-08-18
- O. Applications for Accreditation of Floodplain Administrators:
Names of floodplain administrators to be accredited and their associated communities are individually set out in the January 13, 2009 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

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); Proposed Findings, Conclusions and Order are Recommended for Approval in the following matters:

- A. Cancellation of Stream Water Right No. 1971-371 of John Overstreet, Stream System 1-12, Jefferson County:
 - 1. Summary – **Ms. Julie Cunningham**
 - 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. Cancellation of Stream Water Right Nos. 1968-427 and 1976-139 of Marvin Moore, Stream System 1-13-1, Cotton County:
 - 1. Summary – **Ms. Julie Cunningham**
 - 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. Application for Regular Permit to Use Groundwater No. 2008-505, Johnny R., Dana D. and Meagan B. McElroy, Tillman County:
 - 1. Summary – **Ms. Julie Cunningham**
 - 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

D. Application for Regular Permit to Use Groundwater No. 2008-507, Johnny R. & Dana D. McElroy, Tillman County:

1. Summary – **Ms. Julie Cunningham**
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

E. Application for Regular Permit to Use Groundwater No. 2008-508, Johnny R. & Dana D. McElroy, Tillman County:

1. Summary – **Ms. Julie Cunningham**
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

F. 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 AMENDMENTS TO PERMANENT RULES

Following discussion of the 2009 rulemaking process, staff will present the final proposals for the following chapters of the permanent rules. Public hearings for the proposals were held on January 6, 2009, and public comments have been taken into consideration. The proposals are not scheduled for action by the Board at this meeting. Consideration of adoption of the proposals to amend the rules as presented or as may be revised is scheduled for the February 10, 2009 Board meeting.

- A. Proposed Amendments to Chapter 5 – Fees
 - 1. Highlights and Summary of draft proposed rules – **Duane Smith**
 - 2. Questions and Discussion by Board Members

- B. Proposed Amendments to Chapter 20 – Appropriation and Use of Stream Water
 - 1. Highlights and Summary of draft proposed rules – **Julie Cunningham**
 - 2. Questions and Discussion by Board Members

- C. Proposed Amendments to Chapter 35 – Well Driller and Pump Installer Licensing
 - 1. Highlights and Summary of draft proposed rules – **Julie Cunningham**
 - 2. Questions and Discussion by Board Members

- D. Proposed Amendments to Chapter 50 – Financial Assistance
 - 1. Highlights and Summary of draft proposed rules – **Joe Freeman, Kyle Arthur**
 - 2. Questions and Discussion by Board Members

- E. Proposed Amendments to Chapter 55 – Development on State Owned or Operated Property Within Floodplains.
 - 1. Highlights and Summary of draft proposed rules – **Julie Cunningham**
 - 2. Questions and Discussion by Board Members

9. 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.

10. ADJOURNMENT **Chairman Nichols**

The next regular meeting of the Oklahoma Water Resources Board will be held on February 10, 2009, at 9:30 a.m. in the Board Room of the Oklahoma Water Resources Board offices, Oklahoma City, Oklahoma.

1/07/09