

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

February 10, 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 February 3, 2009, at 5:00 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 13, 2009, 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 Mooreland Public Works Authority, Woodward County. Recommended for Approval.
- 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 in Accordance with the Following Proposed Order and Proposal: Application for REAP Grant; and Statewide Water Development Revolving Fund Proposal. Recommended for Approval:

<b>REAP</b>				
<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
EODD				
1.	FAP-04-0029-4	Rural Water District #5	Okmulgee	\$97,000.00
2.	Consideration of and Possible Action on FY 2010 Proposal for Use of the Statewide Water Development Revolving Fund.			

D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:

1. Extension and Amendment Agreement with Oklahoma State University School of Geology for a no-cost extension to original agreement with Dr. James O. Puckett regarding the deep aquifer characterization study of the Arbuckle-Simpson aquifer.

- 2. *Professional Services Agreement with Camp Dresser & McKee Inc. for Engineering and Technical Analyses in Support of the Oklahoma Comprehensive Water Plan Programmatic Work Plan and Related Services. Item added*

E. Applications for Temporary Permits to Use Groundwater:

1. Cary B. Davis, Cleveland County, #2008-540
2. D. H. Entz Living Trust, Caddo County, #2008-555
3. D. H. Entz Living Trust, Caddo County, #2008-556
4. D. H. Entz Living Trust, Caddo County, #2008-557
5. D. H. Entz Living Trust, Caddo County, #2008-561
6. D. H. Entz Living Trust, Caddo County, #2008-562
7. D. H. Entz Living Trust, Caddo County, #2008-563
8. D. H. Entz Living Trust, Caddo County, #2008-564
9. A F I Water Supply, L.L.C., Ottawa County, #2008-567
10. Bobby Joe Andrews, Caddo County, #2008-573
11. D. H. Entz Living Trust, Caddo County, #2008-577
12. D. H. Entz Living Trust, Caddo County, #2008-578
13. John & Lola Jean Lamle, Alfalfa County, #2008-588
14. Lavonne Kroeker, Major County, #2008-592

F. Applications to Amend Temporary Permits to Use Groundwater:

1. Mark Cook and Paul & Gracie Cook, Alfalfa County, #2006-594

- G. Applications for Regular Permits to Use Groundwater:
1. Lyndell & Dana McCullough, Beckham County, #2008-566
  2. Jeff & Jeri Slatten, Beaver County, #2008-569
  3. Newport Farms, L.L.C., Cimarron County, #2008-575
- H. Applications to Amend Regular Permits to Use Groundwater:
1. Comanche County Rural Water District No. 3, Cotton County, #1973-351A
  2. Clyde D. & Betty Meschberger, Canadian County, #1976-767
- I. Applications to Amend Prior Rights to Use Groundwater:  
None
- J. Applications for Term Permits to Use Stream Water:  
None
- K. Forfeitures of Stream Water rights Due to Nonuse Recommended for Informal-Default Disposition:
1. E. C. or Marilee Morgan, Caddo County, #1967-051
  2. Joe & Eleanor Hawthorne, Comanche County, #1990-013
  3. Horace G. Halsey, Cotton County, #1955-275
  4. Robert Spurlock, Cotton County, #1964-266
  5. R. A. Martin/Lee Moore, Cotton County, #1966-579
  6. James O. Hardin, Jr., Cotton County, #1981-147
  7. Samuel & Elaine Edwards/J. Kirk Schreiner, Tillman County, #1992-029
  8. Mark Goodner, et al, Tillman County, #1949-020
  9. L. E. Thurman, Beckham County, #1963-080
  10. T. J. Allison/Scott Allison, Beckham County, #1963-139
  11. L. W. Ballou, Roger Mills County, #1966-062
  12. Paul or Bettie Scruggs, Jackson County, #1951-085
  13. Clayton Henry & Helen Wright, Jackson County, #1951-121
  14. Mrs. John Owen, Jackson County, #1964-171
  15. Mrs. John Owen, Jackson County, #1979-119
  16. Jack & Velma Smiley, Jackson County, #1964-402A
  17. Kenneth Chapman, Jackson County, #1981-152
  18. Ralph Gilliam, Jackson County, #1954-081
  19. K. Ruth Hartley Estate/Emilee Kay Lynch, Jackson County, #1954-484
  20. K. Ruth Hartley Estate/Emilee Kay Lynch, Jackson County, #1986-002
  21. Randall J. Miller, Jackson County, 1981-010
  22. Lena Doughten, Jackson County, #1980-102
  23. Reuben James, Jackson County, #1996-034
  24. Andy Wallace, Jackson County, #1992-005
  25. Louis Speed, et al, Beckham County, #1950-153
  26. Mrs. Forest H. Martin/Aldon Keith Martin, Love County, #1956-053
  27. Mrs. Forest H. Martin/Aldon Keith Martin, Love County, #1964-757

L. Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:

- a. Licensee: CM Drilling DPC-0739
  - 1. Operator: Michael M. Moore OP-1669  
Activities: Heat exchange wells
  - 2. Operator: Brian Long OP-1668  
Activities: Heat exchange wells
  - 3. Operator: Richard Moore OP-1667  
Activities: Heat exchange wells
  - 4. Operator: William B. Atkins OP-1666  
Activities: Heat exchange wells
  
- b. Licensee: Bailey Water Well Drilling, LLC DPC-0741
  - 1. Operator: Thomas P. Bailey OP-1670  
Activities: Groundwater wells, test holes and observation wells  
Pump installation
  
- c. Licensee: T-N-T Well Service DPC-0745
  - Operator: Geoffrey Thomas OP-1672  
Activities: Pump installation

2. New Operators for Existing Licenses:

- a. Licensee: Venture Drilling DPC-0215
  - 1. Operator: Aarron Rector OP-1665  
Activities: Groundwater wells, test holes and observation wells  
Monitoring wells and geotechnical borings  
Heat exchange wells

M. Dam and Reservoir Construction:

- 1. Niles, L.L.C., Canadian County, #DS-08-02
- 2. St. Mary Land & Exploration Company, Atoka County, #DS-09-01

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

- 1. Oklahoma Department of Transportation, Kay County, #FP-08-19
- 2. Oklahoma Department of Transportation, McClain County, #FP-08-20
- 3. Oklahoma Department of Transportation, Tulsa County, #FP-02-25
- 4. Oklahoma Department of Transportation, Tulsa County, #FP-05-10
- 5. Oklahoma Department of Transportation, Ottawa County, #FP-06-27
- 6. Oklahoma Department of Transportation, Oklahoma County, #FP-06-37

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 10, 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**
- B. Presentation by The Nature Conservancy. **Mr. Duane Smith, and Mr. Mike Fuhr, Executive Director, The Nature Conservancy**

**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. None
- B. 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.

- A. 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.
  
- B. Proposed Amendments to Chapter 20 – Appropriation and Use of Stream Water
  - 1. Summary of final draft proposed rules - **Julie Cunningham**
  - 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 35 – Well Driller and Pump Installer Licensing
  - 1. Summary of final draft proposed rules - **Julie Cunningham**
  - 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 50 – Financial Assistance
  - 1. Summary of final draft proposed rules - **Joe Freeman, Kyle Arthur**
  - 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 55 – Development on State Owned or Operated Property Within Floodplains.
  - 1. Summary of final draft proposed rules - **Julie Cunningham**
  - 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. 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 meeting of the Oklahoma Water Resources Board will be on Tuesday, March 10, 2009, at 1:30 p.m., in conjunction with "Water Day at the Capitol." Location of the meeting to be determined; please check the website at [www.owrb.ok.gov](http://www.owrb.ok.gov).

2/2/09