

REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

March 10, 2009

1:30 p.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 March 4, 2009, at 2:30 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 February 10, 2009, Regular Meeting.
 - D. Executive Director's Report. **Mr. Duane Smith**
 - E. Discussion of 2009 Stimulus Act (American Recovery and Reinvestment Act of 2009).
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. *Consideration of and Possible Action on a Proposed Order Approving Funding Application for Harrah Public Works Authority, Oklahoma County. Recommended for Approval. (Item withdrawn)*
 - B. Consideration of and Possible Action on a Proposed Order Approving Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.
 - C. *Consideration of and Possible Action on a Proposed Order Approving Funding Application for Moore Public Works Authority, Cleveland County. Recommended for Approval. (Item withdrawn)*

- D. Report by Board Audit Committee and Report of and Possible Action on Audits of Oklahoma Water Resources Board State Loan Program Revenue Bonds and Clean Water State Revolving Fund Program (CWSRF) Financial Statements as of June 30, 2008 and 2007 Audits of the CWSRF Administrative Fund and the Drinking Water Treatment Loan Administrative Fund as of June 30, 2008 and 2007.

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>County</u>	<u>Recommended</u>
ASCOG				
1.	FAP-07-0002-R	Cole Public Works Authority	McClain	\$76,276.00
OEDA				
2.	FAP-06-0014-R	Rural Water District #2	Dewey	88,900.00

- D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:
 - 1. Extension and Amendment to the Standby Bond Purchase Agreement with Bank of America related to the Board's State Loan Program Revenue Bond Series 1999.
 - 2. Extension and Amendment to the Standby Bond Purchase Agreement with Bank of America related to the Board's State Loan Program Revenue Bond Series 2003A.
 - 3. Memorandum of Agreement between United States of America Department of the Interior Bureau of Reclamation and OWRB.

- E. Applications for Temporary Permits to Use Groundwater:
 - 1. D. H. Entz Living Trust, Caddo County, #2008-565
 - 2. James Austin Warfield, Major County, #2008-580
 - 3. Lloyd Lynn & Gayle Elaine Bates, Canadian County #2008-581
 - 4. Lloyd Lynn & Gayle Elaine Bates, Caddo County, #2008-582
 - 5. Lloyd Lynn & Gayle Elaine Bates, Caddo County, #2008-583

- F. Applications to Amend Temporary Permits to Use Groundwater:
None

- G. Applications for Regular Permits to Use Groundwater:
 - 1. The Ethel B. Brown Living Trust, Cimarron County, #2008-570

- H. Applications to Amend Regular Permits to Use Groundwater:
None

- I. Applications for Regular Permits to Use Stream Water:
 - 1. Lafarge North America, Inc., Tulsa County, #2008-031 (*Item withdrawn*)

- J. Applications for Term Permits to Use Stream Water:
 - 1. Big Mac Tank Trucks, L.L.C., Atoka County, #2008-036

- K. Forfeitures of Stream Water rights Due to Nonuse Recommended for Informal-Default Disposition:
 - 1. Billy Helms, Grady County, #1951-070
 - 2. Billy Helms, Grady County, #1969-129
 - 3. Chester Tracey, Garvin County, #1952-155
 - 4. Chester Tracey, Garvin County, #1978-139
 - 5. Chester Tracey, Garvin County, #1980-069
 - 6. Carl Dunn, Grady County, #1952-444
 - 7. Carl Dunn, Grady County, #1971-301
 - 8. Mrs. Robert Wilmot, Garvin County, #1953-503
 - 9. Donald Gillham & Garland Bratcher, Garvin County, #1953-538
 - 10. M. E. Brown, Grady County, #1955-1168
 - 11. Elliott Cattle Co., Grady County, #1963-072
 - 12. Elliott Cattle Co., Grady County, #1964-201
 - 13. Kelly Longacre, Grady County, #1964-023
 - 14. Harold Rogers, Garvin County, #1966-439
 - 15. Max. Scarce, Garvin County, #1966-444
 - 16. Ellis Rogers, Garvin County, #1968-089
 - 17. Darrell Barry, McClain County, #1969-368
 - 18. Billy H. Bacon, McClain County, #1969-450
 - 19. Bob Baumann, Grady County, #1970-085
 - 20. F. D. Boyer, Garvin County, #1974-058
 - 21. Larkin or Elaine Hart, Grady County, #1976-082
 - 22. Earl Myers, Caddo County, #1977-035

- 23. Jeff McVey, Caddo County, #1980-093
- 24. Roy or Cecil Bearden, Grady County, #1988-035
- 25. William Whitehead, McClain County, #1997-007

L. Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:

- a. Licensee: Sesco DPC-0751
 - 1. Operator: Larry Kelly OP-1678
 - Activities: Groundwater wells, test holes and observation wells
- b. Licensee: Matthew A. Toews DPC-0743
 - 1. Operator: Matthew A. Toews OP-1671
 - Activities: Groundwater wells, test holes and observation wells
 - Pump installation
 - Heat exchange wells
- c. Licensee: Fred's Rat Hole Service DPC-0753
 - 1. Operator: Michael R. Davis, Sr. OP-1679
 - Activities: Groundwater wells, test holes and observation wells
 - 2. Operator: Michael R. Davis, Jr. OP-1680
 - Activities: Groundwater wells, test holes and observation wells
 - 3. Operator: Keven Randol OP-1681
 - Activities: Groundwater wells, test holes and observation wells
 - Pump installation
 - 4. Operator: Jeremy Caldwell OP-1682
 - Activities: Groundwater wells, test holes and observation wells
 - Pump installation
- d. Licensee: Diamond M Water Well Service DPC-0749
 - 1. Operator: Benny H. McCullough OP-1676
 - Activities: Pump installation
 - 2. Operator: Benny "Jake" McCullough OP-1677
 - Activities: Pump installation

2. New Operators for Existing Licenses:

- a. Licensee: Standard Testing & Engineering DPC-0244
 - 1. Operator: Thomas William McMullen OP-1675
 - Activities: Groundwater wells, test holes and observation wells
 - Monitoring wells and geotechnical borings
 - Pump installation
- b. Licensee: King's Water Well Drilling DPC-0117
 - 1. Operator: Nathan Queen OP-1674
 - Activities: Groundwater wells, test holes and observation wells
 - Pump installation

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, Grant County, FP-09-02

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the March 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

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. No Items

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

- A. 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. PROPOSED EXECUTIVE SESSION (Item Added) 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 United States v. State of Oklahoma and OWRB, and discussing 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.*
- D. **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 (Renumbered) 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.

11. ADJOURNMENT *(Renumbered)*

Chairman Nichols

The next meeting of the Oklahoma Water Resources Board will be on Tuesday, April 14, 2009, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

3/4/09