

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

October 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 October 6, 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 Rudy Herrmann**
- A. Invocation
 - B. Roll Call
 - C. Discussion, Amendments, and Vote to Approve Official Minutes of the September 8, 2009, Regular Meeting.

Discussion, Amendments, and Vote to Approve Official Minutes of the September 29, 2009, Special 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 Emergency Grant for Hennessey Utilities Authority, Kingfisher County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for El Reno Municipal Authority, Canadian County. Recommended for Approval.
 - C. Consideration of and Possible Action on a Proposed Order Approving FAP Funding Application for Rural Water District #13, McIntosh County. Recommended for Approval.

- D. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Guymon Utilities Authority, Texas County. Recommended for Approval.
- E. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Walters Public Works Authority, Cotton County. Recommended for Approval.
- F. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Henryetta Municipal Authority, Okmulgee County. Recommended for Approval.
- G. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Sapulpa Municipal Authority, Creek County. Recommended for Approval.
- H. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Oklahoma Conservation Commission in Partnership with the University of Oklahoma. Recommended for Approval.
- I. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Oklahoma Conservation Commission in Partnership with Oklahoma State University. Recommended for Approval.
- J. Consideration of and Possible Action on a Resolution Authorizing the Transfer of Funds Between the Clean Water and Drinking Water State Revolving Fund Loan Programs.
- K. Consideration of and Possible Action on a Proposed Resolution Expressing Official Intent to Reimburse Costs of Loans for Clean Water SRF Projects. Recommended for Approval.
- L. Consideration of and Possible Action on a Proposed Resolution Expressing Official Intent to Reimburse Costs of Loans for Drinking Water SRF Projects. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Rudy 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 3. C through 3. O., Recommended for Approval.
- C. Consideration of Approval of the Following Application for Change of Scope of Project for REAP Grant in Accordance with the Proposed Order Approving the Grant:

REAP			Amount
<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>Recommended</u>
ASCOG			
1.	FAP-07-0054-R	Town of Hydro	\$99,900.00

- D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:
 - 1. Grant Contract with The Kerr Foundation for support of the 30th Annual Oklahoma Governor’s Water Conference and 7th Annual OWRRI Water Research Symposium.
 - 2. Professional Services Contract with Robert Glennon.
- E. Applications for Temporary Permits to Use Groundwater:
 - 1. Leo & Arleta Whitmore, Payne County, #2009-503
 - 2. Lou Ann White, Harmon County, #2009-528
 - 3. Vivian Rural Water District No. 6, McIntosh County, #2009-531
 - 4. Town of Maysville, Garvin County, #2009-534
 - 5. Arysta Life Science Technology, L.L.C., Woods County, #2009-538
 - 6. Dolese Bros. Co., Kingfisher County, #2009-540
 - 7. Town of Hennessey, Kingfisher County, #2009-541
- F. Applications to Amend Temporary Permits to Use Groundwater:
 - 1. Marge Propps, Blaine County, #1979-571B
 - 2. Casady School, Oklahoma County, #2000-593
- G. Applications for Regular Permits to Use Groundwater:
 - 1. Howard & Edith Reimer, Major County, #2009-511
 - 2. Alan J. Yoak dba Yoak Properties, L.L.C., Pawnee County, #2009-527
 - 3. Clyde Jerry & Carol Jean Greco, Love County, #2009-542

- H. Applications to Amend Regular Permits to Use Groundwater:
1. Tommy & Cathy Mitchell, Texas County, #1978-564
 2. Cassidy Limited Partnership, Tillman County, #1981-768A
 3. The Nelson Everly King and Doris King Baker Living Trusts, Washita County, #1983-662
 4. The Lynn D. Wilds Trust, Canadian County, #2003-605
- I. Applications for Term Permits to Use Stream Water:
1. Hat Mc Inc., Jackson County, #2009-018
- J. Applications for Regular Permits to Use Stream Water:
1. Baptist General Convention of Oklahoma, Murray County, #2009-017
- K. Forfeitures of Stream Water Rights:
1. Poteau River Farms, Inc., LeFlore County, #1975-006
 2. Robert Butzer, Latimer County, #1970-295
 3. Robert Butzer, Latimer County, #1981-090
 4. Robert Butzer, Latimer County, #1981-102
 5. Elton Willoughby, LeFlore County, #1981-034
 6. Cherokee Nation of Oklahoma, Adair County, #1964-119A
 7. Town of Muldrow, Sequoyah County, #1954-850
- L. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: Shannon Lavery Water Well DPC-0789
 Operator: Shannon Lavery OP-1719
 Activities: Groundwater wells, test holes and observation wells
 - b. Licensee: Aikin & Aikin Drilling DPC-0791
 Operator: Brant Akin OP-1720
 Activities: Groundwater wells, test holes and observation wells
 Pump installation
 - c. Licensee: Charles Rollin Ewbank DPC-0793
 Operator: Charles R. Ewbank OP-1721
 Activities: Groundwater wells, test holes and observation wells
 Pump installation
 Heat exchange wells
 - d. Licensee: US EPA- R.S. Kerr Environmental Research Center DPC-9003
 Operator: Russell Neill OP-1711
 Activities: Monitoring wells and geotechnical borings
 2. New Operators for Existing Licenses:
 - a. Licensee: Boart Longyear Company DPC-0671
 Operator: Curtis Wayne Wright OP-1722
 Activities: Monitoring wells and geotechnical borings

3. New Activity - Operator for Existing License:

- a. Licensee: Sahara Water Services, LLC
Operator: Jeffery D. Schulz
Activities: Groundwater wells, test holes and observation wells

DPC-0781
OP-1707

M. Dam and Reservoir Construction:

1. City of Owasso, Tulsa County, #DS-09-15

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

None

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the October 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 Rudy 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); Proposed Findings, Conclusions and Order are Recommended for Approval in the following matters:

A. In the Matter of Stream Water Right No. 1953-824 of Del Brownback, Stream System 1-8-3, Caddo County, Oklahoma:

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. In the Matter of Stream Water Right No. 1963-103 of Elva T. Duvall, Stream System 2-2, Sequoyah County, Oklahoma:
 - 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. 2008-591, Matthew L. & Jeani M. Reiman, Garvin 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 Temporary Permit to Use Groundwater No. 2008-594, Wesley Kroeker Revocable Trust, Garfield 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 to Amend Regular Permit to Use Groundwater No. 2004-565B, Wesley Kroeker, Garfield 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. Consideration of Agreed Settlement and Consent Order in the matter of Commercial Installation of Water Well Pump by Linn’s Plumbing, LLC, and Larry Linn, Chandler, Oklahoma.

1. Summary – **Ms. Julie Cunningham**
2. Discussion and presentation by parties
3. 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

G. 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. 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.

9. ADJOURNMENT Chairman Herrmann

The next meeting of the Oklahoma Water Resources Board will be on Tuesday, November 10, 2009, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

10/06/09