

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

November 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 November 4, 2009 at 5:15 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 Rudy Herrmann**
- A. Invocation
  - B. Roll Call
  - C. Discussion, Amendments, and Vote to Approve Official Minutes of the October 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 Emergency Grant for Hulbert Public Works Authority, Cherokee County. Recommended for Approval.
  - B. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Allen Public Works Authority, Pontotoc County. Recommended for Approval.
  - C. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Perry Municipal Authority, Noble County. Recommended for Approval.
  - D. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Broken Arrow Municipal Authority, Tulsa County. Recommended for Approval.

- E. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Sallisaw Municipal Authority, Sequoyah County. Recommended for Approval.
- F. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Tulsa County Industrial Authority in Partnership with Tulsa City-County Library System. Recommended for Approval.
- G. Consideration of and Possible Action on a Proposed Order Approving Increase in Obligation of Clean Water Funds for Poteau Valley Improvement Authority, LeFlore County. Recommended for Approval.
- H. Consideration of and Possible Action on a Proposed Order Approving Increase in Obligation of Funds for Central Oklahoma Master Conservancy District, Cleveland County. Recommended for Approval.
- I. Consideration of and Possible Action on a Proposed Resolution Authorizing the Issuance of Oklahoma Water Resources Board Revolving Fund Revenue Bonds, Series 2010 in the Aggregate Principal Amount Not to Exceed \$150,000,000.00; Approving and Authorizing Execution of a Bond Indenture Providing for the Issuance of Said Bonds; Providing for the Sale and Delivery of the Bonds and Authorizing a Certificate of Determination; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to Said Bonds; Authorizing the Execution of Such Other and Further Instruments, Certificates, and Documents as May be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing Other Provisions Relating to the Issuance of Said Bonds.

**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 Financial Assistance Division Proposed Orders Recommended for Approval:

<b>Extension of Time for Obligation of Funds</b>				<b>Amount</b>
<b><u>Item No.</u></b>	<b><u>Application No.</u></b>	<b><u>Entity Name</u></b>	<b><u>County</u></b>	<b><u>Recommended</u></b>
1.	ORF-07-0014-DW	Frederick Public Works Authority	Tillman	\$4,100,000.00
2.	ORF-09-0031-DW	Sand Springs Municipal Authority	Tulsa	7,000,000.00
3.	ORF-07-0001-DW	Rural Water District No. 3	Washington	17,394,645.00
4.	ORF-08-0002-CW	Moore Public Works Authority	Cleveland	32,000,000.00

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

1. Agreement with the Office of the Secretary of the Environment for the Clean Water Act FY 09 §106 Water Pollution Control Program-Monitoring CA# I-96698301.
2. Letter Agreement with the U.S. Army Corps of Engineers for the Arkansas River Corridor Projects Programmatic Work Plan Design and Integrated Regulatory Activities.
- 3. Contract with the Department of Environmental Quality for Public Water Supply Assessments in Support of Comprehensive Water Plan Update. **Item added**
- 4. Escrow Agreement with AMEC Earth and Environmental for Source Code for Water Allocation Model. **Item added**

E. Applications for Temporary Permits to Use Groundwater:

1. Dolese Bros. Co., Garfield County, #2009-501
2. Delbert & JoAnn Hladik, Kingfisher County, #2009-539
3. Jefferson County Consolidated RW&S District #1, Grady County, #2009-548
4. Jarius L. "Jerry" Gray, Caddo County, #2009-549

F. Applications to Amend Temporary Permits to Use Groundwater:

1. Carl O. Thrall, Cimarron County, #1973-363

G. Applications for Regular Permits to Use Groundwater:

1. Cotton Co. RWD #2, Comanche County, #2008-589

- H. Applications to Amend Regular Permits to Use Groundwater:
  - 1. Sheldon W. & Julee D. Meliza, Harper County, #2002-570
  
- I. Applications to Amend Prior Rights to Use Groundwater:
  - 1. Darin Gregory, Bengi Gregory, Curtis Gregory & Julie Gregory, Major County, #1966-367
  
- J. Applications for Regular Permits to Use Stream Water:
  - 1. James & Roberta Hale Family Trust, Wagoner County, #2009-019
  - 2. City of Walters, Cotton County, #2009-023
  
- K. Forfeitures of Stream Water Rights:
  - 1. John D. Capehart, Tulsa County, #1953-588
  - 2. Stark Brothers Nurseries & Orchards Co., Muskogee County, #1956-928
  - 3. John H. Toland & Roy K. Carr, Okmulgee County, #1995-026
  
- L. Well Driller and Pump Installer Licensing:
  - 1. New Licenses, Accompanying Operator Certificates and Activities:
    - a. Licensee: Fugro Consultants, Inc. DPC-0795
      - 1. Operator: Steve Butrej OP-1723
      - Activities: Monitoring wells and geotechnical borings
    - b. Licensee: TXI DPC-0797
      - 1. Operator: Mark Philip Palmquist OP-1724
      - Activities: Monitoring wells and geotechnical borings
    - c. Licensee: Terra Firma Earth Technologies, LTD DPC-0799
      - 1. Operator: David Giles OP-1728
      - Activities: Groundwater wells, test holes and observation wells
      - Monitoring wells and geotechnical borings
  - 2. License Renewal, Accompanying Operator Certificates and Activities
    - a. Licensee: Heartland Water Inc. DPC-0501
      - 1. Operator: Joseph E. Redman OP-0923
      - Activities: Groundwater wells, test holes and observation wells
      - Heat exchange wells
  - 3. New Activity, Operator for Existing License:
    - a. Licensee: Howell's Pump Sales & Service DPC-0591
      - 1. Operator: Pat W. Howell OP-1567
      - Activities: Groundwater wells, test holes and observation wells
    - b. Licensee: Sunbelt Industrial Service DPC-0701
      - 1. Operator: Darrin S. Stark, Sr. OP-1706
      - Activities; Monitoring wells and geotechnical borings
    - c. Licensee: Don Strawn Drilling DPC-0670
      - 1. Operator: Jon T. Bournon OP-1411
      - 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:  
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 November 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 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. 1973-184 of Mark Graf, Stream System 1-8-3, Washita 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 Application No. DS-09-05 of Pontotoc County Conservation District to Construct Modification to a Dam in Pontotoc 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. 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. UPDATE ON OKLAHOMA WATER RESOURCES BOARD ANNUAL  
RULEMAKING PROCESS. Mr. Duane Smith and Division Chiefs**

**9. 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.

**10. ADJOURNMENT Chairman Herrmann**

The next meeting of the Oklahoma Water Resources Board will be on Tuesday, December 8, 2009, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

11/4/09