

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

February 18, 2014

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 13, 2014 at 3:00 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

- 01000 1. CALL TO ORDER** **Chairman Rudy Herrmann**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the January 21, 2014, Regular Meeting.
 - C. Executive Director's Report. **Mr. J.D. Strong**
 - D. Monthly Budget Report **Ms. Amanda Storck**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.
- 03000 3. SUMMARY DISPOSITION AGENDA ITEMS** **Chairman Herrmann**

All of the items listed below under this Summary Disposition Agenda are recommended for approval.

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 Possible Action on Items Listed Below.
- C. Consideration of and Possible Action on Financial Assistance Division Items:
 - 1. Rural Economic Action Plan (REAP) Grant Applications:

		Amount		
<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Recommended</u>
COEDD				
a.	FAP-11-0014-R	Rural Water District #5	Seminole	\$99,999.00
- D. Consideration of and Possible Action on Contracts and Agreements:
 - 1. Amendment Agreement with Meshek & Associates, PLC for Extension of Time, Additions to Scope of Work, and Additional Compensation for Professional Engineering Services in connection with Cooperating Technical Partnership Program Assistance for Creation and Maintenance of Flood Hazard Data.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
 - 1. Rodman Petroleum Corp., Logan County, #2012-569
- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
 - 1. Chad Blevins Revocable Trust, Beckham County, #1981-670
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
 - 1. Tyler McReynolds, Beaver County, #2013-597
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:

None
- I. Consideration of and Possible Action on Applications to Amend Prior Rights to Use Groundwater:

None
- J. Consideration of and Possible Action on Applications for Term Permits to Use Stream Water:

None

- K. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
None
- L. Consideration of and Possible Action on Dam and Reservoir Construction:
 - 1. John Wesley and Leann Hart, Love County, #OK30467
 - 2. Continental Resources, Inc., Grady County, #OK30470
- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
 - 1. New Operators to Existing Licenses:
 - a. Licensee: Crescent Services DPC-0839
 - 1. Operator: Clint Tyler OP-1867
 - 2. Operator: Jerry Shipley OP-2023
 - 3. Operator: Brandon Smith OP-2024
 - 4. Operator: Richard Pope OP-2025
 - b. Licensee: R & J Water Well DPC-0863
 - 1. Operator: Ryan Curbow OP-2026
 - c. Licensee: Bobby Faulks Well Service DPC-0636
 - 1. Operator: Carson Faulks OP-2029
- N. Consideration of and Possible Action on Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
 - 1. Oklahoma Department of Transportation, Cleveland County, #FP-13-35
 - 2. Northeastern Oklahoma A & M College, Ottawa County, #FP-14-09

04000 4. PUBLIC HEARING ON PROPOSED AMENDMENTS OF PERMANENT RULES OF THE BOARD **Chairman Herrmann**

This public hearing is an opportunity for interested persons to present oral or written argument, data, and views on the amendments of rules of the Board which are being proposed in the Chapters of Title 785 of the Oklahoma Administrative Code specified below.

Other than this public hearing, no action will be taken by the Board on the proposed rules at the February 18, 2014 meeting. The proposed amendments of the rules are expected to be scheduled for consideration and possible adoption or other action by the Board at its March 18, 2014, meeting.

- A. Proposed Amendments of Rules in Chapter 30. Taking and Use of Groundwater
 - 1. Summary of proposed amendments of rules – **Ms. Julie Cunningham**
Subchapter 3. Permit Application Requirements and Processing
785:30-3-6. Well spacing [AMENDED]
Subchapter 9. Maximum Annual Yield Determinations
785:30-9-6. Issuance of regular permit to temporary permit holder [AMENDED]
 - 2. Comments on the proposed amendments of rules by interested persons.

- B. Proposed Amendments of Rules in Chapter 50. Financial Assistance
1. Summary of proposed amendments of rules — **Mr. Joe Freeman**
 Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures
 785:50-7-1. General procedures [AMENDED]
 785:50-7-3. Evaluation procedures for grant applications [AMENDED]
 785:50-7-5. Emergency grant priority points system [AMENDED]
 Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures
 785:50-8-5. REAP grant priority point system [AMENDED]
 Subchapter 9. Clean Water State Revolving Fund Regulations
 Part 3. General Program Requirements
 785:50-9-21. Eligible project [AMENDED]
 785:50-9-22. Revenue program [AMENDED]
 785:50-9-23. Clean Water SRF Project Priority System [AMENDED]
 785:50-9-28. Pre-application for funding [AMENDED]
 785:50-9-30. Planning documents [AMENDED]
 785:50-9-32. Plans and specifications [AMENDED]
 785:50-9-35. Loan closing [AMENDED]
 785:50-9-38. Construction phase [AMENDED]
 785:50-9-42. Retainage [AMENDED]
 Part 7. SRF Environmental Review Process
 785:50-9-61. Environmental information required by the Board [AMENDED]
 2. Comments on the proposed amendments of rules by interested persons.

05000 5. SPECIAL CONSIDERATION

Chairman Herrmann

A. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Regular Groundwater Permit No. 2011-634, Cecil & Teresa Carel Trustees of the Carel Living Trust, Canadian County, Recommended for Approval.

1. Summary – **Ms. Julie Cunningham**
2. Discussion and presentation by parties
3. Possible Executive Session
 As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.”
 - (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.
4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
5. 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. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Regular Stream Water Permit No. 2012-035, Charles W. Sisler, Osage County, Recommended for Approval:

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

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.”

- (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.
4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
5. 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. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any.

6. PROPOSED EXECUTIVE SESSION

Chairman Herrmann

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 Chickasaw Nation and Choctaw Nation v. Fallin, et al., and Oklahoma Water Resources Board v. United States on behalf of the Choctaw Nation et al.

Statement by legal counsel advising on whether disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest.

- A. Vote on whether to hold Executive Session upon determination that disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest. 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.

Return to open meeting and possible vote or action on any matter discussed in the Executive Session.

7. 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.

8. ADJOURNMENT

Chairman Herrmann

The next regular meeting of the Oklahoma Water Resources Board is scheduled to be held Tuesday, March 18, 2014, 9:30 a.m., at 3800 N. Classen Boulevard, Oklahoma City, OK 73118.

2/13/2014