

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 4. RULES OF PRACTICE AND HEARINGS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Pre-hearing actions and proceedings

785:4-5-1.1. Mediation [NEW]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Add a new rule to require parties in a contested proceeding, before a hearing is scheduled, to participate and attempt to settle the protest through mediation conducted by staff other than the hearing examiner. A mediation statement summarizing the attempt to settle would be prepared and made part of the permanent record.

The circumstances creating the need for the rule include the increase in the number of protests filed that raise issues that may often be resolved by discussions among the parties which the parties compromise. Many of these matter are presented to the Board members at the Board's monthly meeting where no new evidence can be presented, leaving parties unsatisfied at the process due to the limited authority of the Board. The intended purpose of the rule is to resolve issues before the formal hearing begins to reduce costs and time of citizens and the Board staff.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; provision on holding hearings pursuant to 82 O.S. Section 1085.10 in compliance with the Administrative Procedures Act by a hearing examiner and pursuant to rules of the Board, and provision in Administrative Procedures Act that allows for informal disposition of proceedings by stipulation and consent order

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

PUBLIC HEARING:

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, www.owrb.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at www.owrb.state.ok.us.

CONTACT PERSON:

Dean A. Couch, General Counsel, 405-530-8800 or at dacouch@owrb.state.ok.us.