A G E N D A

OKLAHOMA WATER RESOURCES BOARD

January 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 January 7, 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 Mark Nichols

A. Invocation

B. Roll Call

C. Discussion, Amendments, and Vote to Approve Official Minutes of the December 9, 2008, 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 Loan for Mustang Improvement Authority, Canadian County. Recommended for Approval.

B. Presentation on Current Financial Market Conditions as Related to the Board’s Financial Assistance Programs.

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 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:

<table>
<thead>
<tr>
<th>REAP</th>
<th>Item No.</th>
<th>Application No.</th>
<th>Entity Name</th>
<th>County</th>
<th>Recommended Amount</th>
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<td>None</td>
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D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:

1. Joint Funding Agreement with the U.S. Geological Survey for the project “Investigate the Water Resources of the Arbuckle-Simpson Aquifer special studies, South-Central Oklahoma”.

2. Contract with the Oklahoma Floodplain Managers Association, Inc.

3. Supplemental Agreement No. 2 with the U.S. Army Corps of Engineers, Tulsa District.


E. Applications for Temporary Permits to Use Groundwater:
1. Roy T. & Rebecca Oliver, McClain County, #2008-533
2. Brent L. Hajek, Major County, #2008-541
3. Bennie D. & Nettie E. Racer, Kingfisher County, #2008-552
4. James “Jim” Lamle, Alfalfa County, #2008-587

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

G. Applications for Regular Permits to Use Groundwater:
1. Robert & Robin Jemison, Johnston County, #2007-572

H. Applications to Amend Regular Permits to Use Groundwater: None
I. **Applications to Amend Prior Rights to Use Groundwater:**

None

J. **Applications for Term Permits to Use Stream Water:**

1. Hunt Land and Cattle Co., an Oklahoma Corporation, Tillman County, #2008-024
2. Hunt Farms, L.L.C., Tillman County, #2008-027

K. **Forfeitures of Stream Water Rights Due to Nonuse, Recommended for Informal-Default Disposition:**

1. A. A. Jeffrey, Marshall County, #1974-174
2. B. G. McGahey, Marshall County, #1974-225
3. Larry Williford, Marshall County, #1977-094
4. Ruben E. Williford, Marshall County, #1979-046
5. Tillford Clement, Marshall County, #1984-015
6. Don Carter, Bryan County, #1994-027
7. Don Carter, Bryan County, #1999-023
8. Mrs. Glen White & Son, Comanche County, #1950-241
9. Damon & Georgia Doye, Comanche County, #1954-1276
10. Alex H. Seward, Cotton County, #1955-497
11. Edward Sims, Comanche County, #1964-416
12. Chester & Jerry Phillips, Cotton County, #1966-515
13. Kathryn Karlann Wilks/Bonifield Properties, Comanche County, #1966-655
15. Clarence C. Bott, Comanche County, #1974-252
16. Paul or Dosia Jackson, Jr., Caddo County, #1976-021
17. G. Russell John, Comanche County, #1980-099
18. Dale B. Smith, D.O., Comanche County, 1998-030
19. William Earl Pardue, Tillman County, #1972-290
20. David F. Hooper, et al, Comanche County, #1983-067
21. John Roll, Tillman County, #1989-056
22. J. D. Laney, Tillman County, #1981-169
23. Rash Barrett, Jefferson County, #1971-517
24. Don B. Ellis, Kiowa County, #1964-590
25. Jeff Morris, Kiowa County, #1965-125
26. Don Aldon Perrin, Kiowa County, #1974-144
27. John Kessee, Kiowa County, #1997-011

L. **Well Driller and Pump Installer Licensing:**

1. **New Licenses, Accompanying Operator Certificates and Activities:**
   a. Licensee: Brad Sholl
      - Operator: Brad Sholl
      - Activities: Pump installation
   b. Licensee: Corrpro Companies, Inc.
      - Operator: Michael Ridgeway
      - Activities: Groundwater wells, test holes and observation wells
   c. Licensee: Martin Marietta Materials
1. Operator: Dustin Dane Heder  
   Activities: Monitoring wells and geotechnical borings  
   OP-1657

d. Licensee: W.E. Pender & Sons, Inc.  
   1. Operator: Ernest Pender  
      Activities: Groundwater wells, test holes and observation wells  
      Monitoring wells and geotechnical borings  
      Pump installation  
      OP-1659

d. Licensee: W.E. Pender & Sons, Inc.  
   1. Operator: Ernest Pender  
      Activities: Groundwater wells, test holes and observation wells  
      Monitoring wells and geotechnical borings  
      Pump installation  
      OP-1659

d. Licensee: W.E. Pender & Sons, Inc.  
   1. Operator: Ernest Pender  
      Activities: Groundwater wells, test holes and observation wells  
      Monitoring wells and geotechnical borings  
      Pump installation  
      OP-1659

d. Licensee: W.E. Pender & Sons, Inc.  
   1. Operator: Ernest Pender  
      Activities: Groundwater wells, test holes and observation wells  
      Monitoring wells and geotechnical borings  
      Pump installation  
      OP-1659

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   1. Operator: Ernest Pender  
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   1. Operator: Ernest Pender  
      Activities: Groundwater wells, test holes and observation wells  
      Monitoring wells and geotechnical borings  
      Pump installation  
      OP-1659

2. Operator: Bruce Burdett  
   Activities: Groundwater wells, test holes and observation wells  
   Pump installation  
   OP-1660

e. Licensee: Palmerton & Parrish, Inc.  
   1. Operator: Shane Rader  
      Activities: Monitoring wells and geotechnical borings  
      OP-1664

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      OP-1664

2. New Operators for Existing Licenses:
   a. Licensee: Environmental Loop Service  
      1. Operator: Jeremy Garrison  
         Activities: Groundwater wells, test holes and observation wells  
         Heat exchange wells  
         DPC-0257

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, Roger Mills County, #FP-08-18

O. Applications for Accreditation of Floodplain Administrators:
   Names of floodplain administrators to be accredited and their associated communities  
   are individually set out in the January 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 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. Cancellation of Stream Water Right No. 1971-371 of John Overstreet, Stream System 1-12, Jefferson 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

B. Cancellation of Stream Water Right Nos. 1968-427 and 1976-139 of Marvin Moore, Stream System 1-13-1, Cotton 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

C. Application for Regular Permit to Use Groundwater No. 2008-505, Johnny R., Dana D. and Meagan B. McElroy, Tillman 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 Regular Permit to Use Groundwater No. 2008-507, Johnny R. & Dana D. McElroy, Tillman 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 for Regular Permit to Use Groundwater No. 2008-508, Johnny R. & Dana D. McElroy, Tillman 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. 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

   Following discussion of the 2009 rulemaking process, staff will present the final proposals for the following chapters of the permanent rules. Public hearings for the proposals were held on January 6, 2009, and public comments have been taken into consideration. The proposals are not scheduled for action by the Board at this meeting. Consideration of adoption of the proposals to amend the rules as presented or as may be revised is scheduled for the February 10, 2009 Board meeting.
A. Proposed Amendments to Chapter 5 – Fees
   1. Highlights and Summary of draft proposed rules – Duane Smith
   2. Questions and Discussion by Board Members

B. Proposed Amendments to Chapter 20 – Appropriation and Use of Stream Water
   1. Highlights and Summary of draft proposed rules – Julie Cunningham
   2. Questions and Discussion by Board Members

C. Proposed Amendments to Chapter 35 – Well Driller and Pump Installer Licensing
   1. Highlights and Summary of draft proposed rules – Julie Cunningham
   2. Questions and Discussion by Board Members

D. Proposed Amendments to Chapter 50 – Financial Assistance
   1. Highlights and Summary of draft proposed rules – Joe Freeman, Kyle Arthur
   2. Questions and Discussion by Board Members

E. Proposed Amendments to Chapter 55 – Development on State Owned or Operated Property Within Floodplains.
   1. Highlights and Summary of draft proposed rules – Julie Cunningham
   2. Questions and Discussion by Board Members

9. NEW BUSINESS
   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.

10. ADJOURNMENT
    Chairman Nichols

The next regular meeting of the Oklahoma Water Resources Board will be held on February 10, 2009, at 9:30 a.m. in the Board Room of the Oklahoma Water Resources Board offices, Oklahoma City, Oklahoma.

1/07/09