REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

December 8, 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 December 1, 2009 at 4:45 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

A. Invocation

B. Roll Call

C. Discussion, Amendments, and Vote to Approve Official Minutes of the November 10, 2009, Regular Meeting.

D. Executive Director's Report. Mr. Duane Smith

02000 2. FINANCIAL ASSISTANCE DIVISION

A. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for El Reno Municipal Authority, Canadian County. Recommended for Approval.

B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Sulphur Municipal Authority, Murray County. Recommended for Approval.

C. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Tahlequah Public Works Authority, Cherokee County. 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 Action on Items and 3. C through 3. O., Recommended for Approval.

C. Consideration of Approval of the Following Application for REAP Grant in Accordance with the Proposed Order Approving the Grant:

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

1. Memorandum Agreement between Oklahoma Department of Wildlife Conservation, USGS and OWRB for water monitoring and data collection.

2. Renewal of Lease Agreement with Oklahoma Property Investors II, LLC for OWRB’s Oklahoma City office.


4. Adjunct Teaching Services Contract with University of Tulsa College of Law for Water Law course.

5. Amendment Agreement with the Office of the Secretary of the Environment.


7. Contract Amendment No. 1 with the Oklahoma Rural Water Association. *Item added*
E. Applications for Temporary Permits to Use Groundwater:
1. Stephens County Rural Water District No. 4, Stephens County, #2009-554
2. Jack G. & Kimberly D. Duerksen, Washita County, #2009-557

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

G. Applications for Regular Permits to Use Groundwater:
1. Fischer Family Farms, F.L.P., Texas County, #2009-543

H. Applications to Amend Regular Permits to Use Groundwater:
1. Max & Lois J. Mendenhall Family Revocable Trust, Texas County, #1992-587
2. Max & Lois J. Mendenhall Family Revocable Trust, Texas County, #1993-595

I. Applications to Amend Prior Rights to Use Groundwater:
None

J. Applications for Regular Permits to Use Stream Water:
1. Poteau Valley Improvement Authority, LeFlore County, #2009-010
2. Poteau Valley Improvement Authority, LeFlore County, #2009-020
3. Glover Real Estate, L.L.C., Rogers County, #2009-022
4. Bill J. & Carole Stockton, Major County, #2009-024

K. Forfeitures of Stream Water Rights:
1. D. C. Brant, Haskell County, #1978-053
2. Billy & Angie Palmer, Haskell County, #1996-053
3. Camp Russell Trustees, Wagoner County, #1964-014
4. Bob Shelby, Muskogee County, #1986-033
5. Eberle Rainwater & Associates, Wagoner County, #1987-021
7. Alfred W. Fobes, Washita County, #1964-938

L. Well Driller and Pump Installer Licensing:
1. New Operators for Existing License:
   a. Licensee: Oklahoma Environmental, Inc. DPC-0363
      1. Operator: Mike Bolz OP-1734
         Activities: Monitoring wells and geotechnical borings
      2. Operator: Todd A. Darrough OP-1735
         Activities: Monitoring wells and geotechnical borings
      3. Operator: Christian Barker
         Activities: Monitoring wells and geotechnical borings OP-1736
   b. Licensee: Knutson Irrigation Design, LLC DPC-0670
      1. Operator: Corey Frazier OP-1725
         Activities: Pump installation
         Activities: Plugging of certain groundwater wells
      2. Operator: Clifford Scott
         Activities: Plugging of certain groundwater wells OP-1726
Activities: Pump installation
     Plugging of certain groundwater wells

3. Operator: Jake Reimers  OP-1727
   Activities: Pump installation
     Plugging of certain groundwater wells

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:
   None

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 and Mr. John Rehring, CDM

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. Review and Consideration of Proposed Revised Purchasing Procedures.  Mr. Duane Smith.  Item Added.

B. Items transferred from Summary Disposition Agenda, if any.
8. PRESENTATION OF PUBLIC DRAFT PROPOSED AMENDMENTS TO PERMANENT RULES
As mentioned in the discussion at the November monthly meeting of the process involved in the 2010 rulemaking, staff will briefly present highlights and summaries of draft proposals that have been made available for public review and comment for the following chapters of the permanent rules. The formal public hearing to receive comments about the draft proposals (except for Chapter 50 on Financial Assistance) is scheduled before the Board members at the January 12, 2010, monthly meeting. Thereafter, final draft proposals for all chapters will be forwarded to the Board and are scheduled for consideration and action by the Board members at the February 9, 2010, monthly meeting.

A. Proposed Amendments to Chapter 5 – Fees - **Duane Smith**

B. Proposed Amendments to Chapter 20 – Appropriation and Use of Stream Water – **Julie Cunningham**

• C. *Proposed Amendments to Chapter 25 - Dam Safety - Dean Couch* Item added

D. Proposed Amendments to Chapter 30 – Taking and Use of Groundwater – **Julie Cunningham**

E. Proposed Amendments to Chapter 35 – Well Driller and Pump Installer Licensing - **Julie Cunningham**

F. Proposed Amendments to Chapter 45 – Oklahoma’s Water Quality Standards – **Derek Smithee**

G. Proposed Amendments to Chapter 46 – Implementation of Oklahoma’s Water Quality Standards – **Derek Smithee**

H. Proposed Amendments to Chapter 50 – Financial Assistance – **Joe Freeman**

*Lettering corrected*
9. PROPOSED EXECUTIVE SESSION

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 attorneys 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, and as authorized by the Oklahoma Open Meeting Act in Section 307(B)(1) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[d]iscussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee.” Language added

Pursuant to these provisions, the Board proposes to hold an executive session for the purpose of:

1. Discussing the cases of Tarrant Regional Water District v Herrmann, City of Hugo and City of Irving v. Nichols, and U. S. v. Oklahoma (Sardis), and

2. Review of the duties of the Executive Director. Item added

A. Vote on whether to hold Executive Session – before an executive session can be convened, it 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

10. VOTE ON MATTER DISCUSSED IN EXECUTIVE SESSION - Return to open meeting and possible vote on any matters discussed in the Executive Session

11. 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.

12. ADJOURNMENT Chairman Herrmann

The next meeting of the Oklahoma Water Resources Board will be on Tuesday, January 12, 2010, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

12/1/09