

# 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](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 November 10, 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 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.

**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 Application for REAP Grant in Accordance with the Proposed Order Approving the Grant:

<b>REAP</b>			<b>Amount</b>
<b><u>Item No.</u></b>	<b><u>Application No.</u></b>	<b><u>Entity Name</u></b>	<b><u>Recommended</u></b>
None			

**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.
- 3. Cooperative Agreement with the Oklahoma Department of Wildlife Conservation for the Water Plan publication project entitled “Oklahoma Boating Access Water Atlas”.
- 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.
- 6. Amendment Agreement with Land & Resources Planning Associates (Chuck Dumars).
- 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
  - 6. Coweta Sand, Inc., Wagoner County, #1988-020
  - 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.
      - 1. Operator: Mike Bolz
        - Activities: Monitoring wells and geotechnical borings

DPC-0363  
OP-1734
      - 2. Operator: Todd A. Darrough
        - Activities: Monitoring wells and geotechnical borings

OP-1735
      - 3. Operator: Christian Barker
        - Activities: Monitoring wells and geotechnical borings

OP-1736
    - b. Licensee: Knutson Irrigation Design, LLC
      - 1. Operator: Corey Frazier
        - Activities: Pump installation

DPC-0670  
OP-1725
        - Plugging of certain groundwater wells
      - 2. Operator: Clifford Scott

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.

06000 6. PRESENTATION OF AGENCY BUDGET REPORT

07000 7. CONSIDERATION OF SUPPLEMENTAL AGENDA ITEMS, IF ANY  
Chairman Herrmann

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