

REVISED AGENDA

OKLAHOMA WATER RESOURCES BOARD

January 12, 2010

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 5, 2010 at 5:15 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 Rudy Herrmann**
- A. Invocation
 - B. Roll Call
 - C.
 - 1. Discussion, Amendments, and Vote to Approve Official Minutes of the December 9, 2009, Regular Meeting.
 - 2. Consideration of Correction to October 2009 minutes.
 - 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 Emergency Grant for Rural Water, Sewer, Gas & Solid Waste Management District #10, Delaware County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Central Oklahoma Master Conservancy District, Cleveland County. Recommended for Approval.
 - C. Consideration of and Possible Action on a Proposed Resolution Authorizing the Reallocation of Revolving Fund Revenue Bonds, Series 2004. Recommended for Approval.
 - D. Presentation of Revolving Fund Revenue Bonds, Series 2010.

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:

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

- D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:
 - 1. First Amended Interagency Agreement with Oklahoma Department of Agriculture, Food and Forestry.
 - 2. Supplemental Agreement No. 3 with the U.S. Army Corps of Engineers, Tulsa District.
 - 3. Amendment to Interagency Agreement with The Grand River Dam Authority.
 - 4. Professional Engineering Services Contract with Harold Springer.
 - 5. Contract with Intera Geosciences Engineering.
 - 6. *Amended Professional Services Contract with Charles Dumars. Item added*
- E. Applications for Temporary Permits to Use Groundwater:
 - 1. Dolese Bros. Co., Kingfisher County, #2009-551

- F. Applications to Amend Temporary Permits to Use Groundwater:
1. Raymond O. Watson Trust, Elma J. Watson, Trustee, Caddo County, #1977-540
 2. City of Healdton, Carter County, #1999-547
- G. Applications for Regular Permits to Use Groundwater:
1. H. S. Timmons, Jr., Mary Frances Brown and Eloise Timmons, Texas County, #2009-520
 2. Randy B. & Dominique Lehr, Texas County, #2009-556
 3. Joe E. & Carol J. Winn, Beaver County, #2009-558
- H. Applications to Amend Regular Permits to Use Groundwater:
1. The Danny Leck Revocable Living Trust and the Marsha Hope Leck Revocable Living Trust, Canadian County, #2009-509
- I. Applications for Regular Permits to Use Stream Water:
- None
- J. Applications to Amend Regular Permits to Use Stream Water:
- None
- K. Forfeitures of Stream Water Rights:
1. Robert E. Eshelman, Etux, Kay County, #1973-005
 2. Tracy L. Morgan, Okfuskee County, #1994-015
 3. L. C. Neel, Cherokee County, #1952-398
 4. Harvey Chase, Jr., Cherokee County, #1954-590
 5. Grass Valley Ranch, Inc., Cherokee County, #1990-016
 6. Riverbend Estates, Cherokee County, #1983-057
 7. Pettit Bay Water Association, Cherokee County, #1976-110
 8. Pettit Bay Water Association, Cherokee County, #1961-017
 9. Sam Riley, Hughes County, #1994-021
 10. Donald Lewis Coffin, Logan County, #1976-149
 11. Bob Mathews, Logan County, #1968-112
 12. Calvin Burgess, Logan County, #2000-032
 13. Ronald L. Wilson, Logan County, #1982-022
 14. Claude Ragsdale, Mayes County, #1955-1399
 15. Wanda Baumert/Frances Garrison, Osage County, #1977-082
 16. Richard & Nancy Anderson, Payne County, #1987-024
 17. John L. Maitlen, Payne County, #1989-029
 18. B. Fay Abbott, et al, Canadian County, #1984-009
 19. Bill Short, Woods County, #1986-003
 20. Robert Ensminger, Major County, #1977-167
 21. Fred Simpson & Robert Ensminger, Major County, #1978-001
 22. Leland Walker Ranch, Woodward County, #1968-008
 23. Ronny Pyle, Cleveland County, #1987-043
 24. Phillip R. Walters, Cleveland County, #1951-124
 25. Floyd Holland, Noble County, #1972-395

26. Edith Freese, Noble County, #1981-163
27. Leslie Gentry, Kingfisher County, #1972-156
28. Percy Labrue, Alfalfa County, #1896-001
29. M & M Cattle Co., Washington County, #1955-1167
30. John Gerard, Washington County, #1980-134
31. Carl Shank, Rogers County, #1954-208
32. F. L. Chisum, Rogers County, #1978-145
33. Herman Gentry, Pottawatomie County, #1969-395
34. Herman & Roy Gentry, Pottawatomie County, #1969-053
35. Herman Gentry, Pottawatomie County, #1969-052
36. Herman Gentry, Pottawatomie County, #1969-175
37. Gene Smith, Pottawatomie County, #1966-458
38. Michael/Catherine Schwarz, Payne County, #1978-059
39. Ken Garrett, Beaver County, #1980-056
40. James & Glenda Roye, Haskell County, #1996-024
41. J. B. Merveldt, Canadian County, #1975-001
42. Clyde Beckner, Jr., Garfield County, #1982-043
43. W. Ray Newman, Oklahoma County, #1932-026B
44. Union Bank & Trust Co., Oklahoma County, #1984-044
45. Westlake Homeowners Association, Inc., Oklahoma County, #1978-038
46. Larry Hern, Adair County, #1972-273
47. Howard Fain, Adair County, #1972-423
48. J. C. Fain, Adair County, #1972-424
49. Warren Favor, Adair County, #1963-236
50. Davidson Sand & Gravel, Adair County, #1989-024
51. Roy Kay, Adair County, #1980-065
52. Bill Brunk, Adair County, #1954-452
53. Stephen Smith, Blaine County, #1953-073
54. Skipper Wilson, Beaver County, #1949-137
55. Jack Moman, Tulsa County, #1967-120
56. William Flanagan, Tulsa County, #1976-155
57. Kingsford Farms, Delaware County, #1980-014
58. Mr. & Mrs. George Thomas, Delaware County, #1978-110
59. Mr. & Mrs. George Thomas, Delaware County, #1980-149
60. Ervin Shawver, Delaware County, #1963-391
61. Church of Jesus Christ of Latter-Day Saints, Oklahoma County, #1982-012
62. Nellie Vloedman Family Trust, Oklahoma County, #2000-020
63. Donald Watts, Garvin County, #1971-015
64. Christ Farm Land, Garvin County, #1969-174
65. Grant Square Bank & Trust, Oklahoma County, #1977-051
66. Linda Kopff, Lincoln County, #1976-103
67. Docco Oil Corp., Tulsa County, #1965-432
- 68. *Paul Caldwell, Washita County (William Lynn Tate, Caddo County), #1998-056*
Item corrected

- L. Well Driller and Pump Installer Licensing:
1. New DPC Licenses, Accompanying Operator Certificates & Activities
 - a. Licensee: Professional Service Industries, Inc. (reinstate) DPC-0772
 1. Operator: James M. Smith OP-1738
 Activities: Monitoring wells and geotechnical borings
 - b. Licensee: DJ Enterprises DPC-0774
 1. Operator: David Richter OP-1739
 Activities: Monitoring wells and geotechnical borings *corrected*
 2. Operator: Jeremy Richter OP-1740
 Activities: Monitoring wells and geotechnical borings *corrected*
 - c. Licensee: Andrews & Foster Drilling Company DPC-0776
 1. Operator: Ronald Ellis OP-1742
 Activities: Groundwater wells, test holes and observation wells
 Monitoring wells and geotechnical borings
 Heat exchange wells *Item added*
 2. New Operators for Existing Licenses:
 - a. Licensee: Tanner Pump Company DPC-0199
 1. Operator: Robert D. Armstrong, II OP-1737
 Activities: Pump installation
 - b. Licensee: Dolese Bros. Co. DPC-0740
 1. Operator: Robert Moore OP-1741
 Activities: Monitoring wells and geotechnical borings *Item added*

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, Grady County, #FP-09-20
 - 2. Northeastern Oklahoma A&M College, Ottawa County, #FP-09-28. *Item added*

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 12, 2010 packet of Board materials

04000 4. QUESTIONS AND DISCUSSION ABOUT AGENCY WORK AND OTHER ITEMS OF INTEREST.

No items.

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. No Items
- B. Items transferred from Summary Disposition Agenda, if any.

06000 6. PRESENTATION OF AGENCY BUDGET REPORT Ms. Leslie Nance

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

8. PUBLIC HEARING ON DRAFT PROPOSED AMENDMENTS TO PERMANENT RULES

At the November monthly meeting of the Board, the process involved in the 2010 rulemaking and general subjects that proposed rule amendments might address were discussed. At the December monthly Board meeting, staff reviewed draft proposals for each chapter of the Board's rules that had been made available for public review. A few preliminary comments about the draft proposals also have been received by staff.

As stated in the Notice of Rulemaking Intent, the Board members themselves will conduct the formal public hearing (except for Chapter 50 on Financial Assistance) to receive oral and written comments about the draft proposals. Based on preliminary comments and discussions, staff will present a few suggested revisions to the draft proposals, then public comments, both oral and written, will be received by the Board. Oral and written comments to draft proposals for Chapter 50 on Financial Assistance will also be accepted by the Board today, although the formal public hearing on draft proposals for Chapter 50 on Financial Assistance is scheduled before a staff member on January 19, 2010, beginning at 10:00 a.m.

No action on any proposals will be taken today. After the formal public hearing today, final draft proposals for all chapters with all written comments and comment responses will be forwarded by staff to the Board members. Thereafter, the rule amendments will be scheduled for consideration and adoption or other action by the Board members at the February 9, 2010, monthly meeting.

- A. Proposed Amendments to Chapter 5 – Fees
 - 1. Summary of proposals and suggested revisions - **Duane Smith**
 - 2. Oral and written comments from members of the public
 - 3. Questions from Board members about proposals, suggested revisions and comments

- B. Proposed Amendments to Chapter 20 – Appropriation and Use of Stream Water
 - 1. Summary of proposals and suggested revisions – **Julie Cunningham**
 - 2. Oral and written comments from members of the public
 - 3. Questions from Board members about proposals, suggested revisions and comments

- C. Proposed Amendments to Chapter 25 - Dam Safety
 - 1. Summary of proposals and suggested revisions – **Julie Cunningham**
 - 2. Oral and written comments from members of the public
 - 3. Questions from Board members about proposals, suggested revisions and comments

- D. Proposed Amendments to Chapter 30 – Taking and Use of Groundwater
 - 1. Summary of proposals and suggested revisions – **Julie Cunningham**
 - 2. Oral and written comments from members of the public
 - 3. Questions from Board members about proposals, suggested revisions and comments

- E. Proposed Amendments to Chapter 35 – Well Driller and Pump Installer Licensing
 - 1. Summary of proposals and suggested revisions – **Julie Cunningham**
 - 2. Oral and written comments from members of the public
 - 3. Questions from Board members about proposals, suggested revisions and comments

- F. Proposed Amendments to Chapter 45 – Oklahoma’s Water Quality Standards
 - 1. Summary of proposals and suggested revisions – **Derek Smithee**
 - 2. Oral and written comments from members of the public
 - 3. Questions from Board members about proposals, suggested revisions and comments

- G. Proposed Amendments to Chapter 50 – Financial Assistance (formal public hearing to receive oral and written comments scheduled for January 19, 2010, at 10:00 a.m.)
 - 1. Summary of proposals and suggested revisions – **Joe Freeman**
 - 2. Oral and written comments from members of the public
 - 3. Questions from Board members about proposals, suggested revisions and comments

• **9. 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 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.”
Item added

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

Discussion of Tarrant Regional Water District v Herrmann; and Review of the duties of the Executive Director.

- 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.**
Item added

11. NEW BUSINESS (Renumbered) **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 (Renumbered) **Chairman Herrmann**

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

1/05/2010