

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

March 9, 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 March 2, 2010 at 5:25 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 February 9, 2010, Regular Meeting.
  - D. Interim Executive Director's Report. **Mr. J.D. Strong**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Town of Boynton, Muskogee County. Recommended for Approval.
  - B. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Rural Water District #4, McIntosh County. Recommended for Approval.
  - C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Sapulpa Municipal Authority, Creek 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 Possible Action on Items 3. C through 3. O., Recommended for Approval.

C. Financial Assistance Division Items:

1. Rural Economic Action Plan (REAP) Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
NODA				
a.	FAP-09-0002-R	Goltry Public Works Authority	Alfalfa	\$48,400.00
SODA				
b.	FAP-09-0029-R	Bromide Public Works Authority	Johnston	99,999.00

D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:

- 1. Memorandum of Understanding with U.S. Department of Agriculture, Natural Resource *Conservation Service. Language corrected*
- 2. Cooperative Agreement with Oklahoma Conservation Commission.
- 3. Intergovernmental Subagreement with Oklahoma State University, Department of Natural Resource Ecology and Management.
- 4. Planning Assistance to States Supplemental Agreement No. 4 with U.S. Army Corps of Engineers, Tulsa District in support of the Oklahoma Comprehensive Water Plan.
- 5. Contract with Oklahoma Ground Water Association to Provide Continuing Education for Well Drillers and Pump Installers
- 6. Contract Amendment No. 2 with Oklahoma Rural Water Association for reduction in funding available for technical assistance and training to rural water and wastewater system operators and board members.

7. Amendment of Joint Funding Agreement with U.S. Geological Survey for Water Resources Investigations/Garber-Wellington Aquifer Management, Central Oklahoma.
- E. Applications for Temporary Permits to Use Groundwater:
1. Bergen Holdings, L.L.C., Cleveland County, #2009-555
  2. Jay Dean & Karen Leierer, Major County, #2009-564
  3. Eugene N. & Sherri J. Carlson, Roger Mills County, #2009-565
- F. Applications to Amend Temporary Permits to Use Groundwater:  
None
- G. Applications for Regular Permits to Use Groundwater:
1. OK Panhandle Farms, Cimarron County, #2009-553
  2. Flat Prairie Farms, Inc., Texas County, #2009-563
- H. Applications to Amend Regular Permits to Use Groundwater:
1. Dean & Twylah Simmons, Texas County, #1974-113
- I. Applications to Amend Prior Rights to Use Groundwater:
1. Flat Prairie Farms, Inc., Texas County, #1968-206A
- J. Applications for Regular Permit to Use Stream Water:  
None
- K. Forfeitures of Stream Water Rights:  
None
- L. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
    - a. Licensee: *Etter Water Well, LLC* *DPC-0782*
    - Operator: Dale Ball *OP-1750*
    - Activities: Water well pumps
    - Plugging of certain groundwater wells *Item corrected*
  2. New Operators and/or Activities for Existing Licenses:
    - a. Licensee: Nipp Pump Service *DPC-0148*
    - Operator: Travis Nipp *OP-1748*
    - Activities: Water well pumps
    - b. Licensee: Shady Nook Pump and Supply, Inc. *DPC-0261*
    - Operator: Christopher W. Davis *OP-1751*
    - Activities: Water well pumps
    - c. Licensee: Leonard Water Services *DPC-0710*
    - Operator: Scott Stone *OP-1481*
    - Activities: Monitoring wells and geotechnical borings

M. Dam and Reservoir Construction:  
None

N. Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:

1. Crossland Construction, Ottawa County, #FP-09-21
2. Crossland Construction, Ottawa County, #FP-09-22
3. Crossland Construction, Ottawa County, #FP-09-23
4. Crossland Construction, Ottawa County, #FP-09-24
5. Crossland Construction, Ottawa County, #FP-09-25
6. Crossland Construction, Ottawa County, #FP-09-26
7. Oklahoma Department of Transportation, Seminole County, #FP-10-04
8. Oklahoma Department of Transportation, Noble County, #FP-10-05

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the March 9, 2010 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 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. Application for Temporary Permit to Use Groundwater No. 2009-544, Lavonne Kroeker, Major 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. Application to Amend Regular Permit to Use Groundwater No. 1977-754, Kevin Paul Crook, Beckham 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. Items transferred from Summary Disposition Agenda, if any.

**06000 6. PRESENTATION OF AGENCY BUDGET REPORT Mr. Kyle Arthur**

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

**8. CONSIDERATION OF AND POSSIBLE ACTION ON ADOPTION OF PROPOSED AMENDMENTS TO PERMANENT RULES**

- A. Proposed Amendments to Chapter 45 – Oklahoma’s Water Quality Standards
  - 1. Summary of final draft proposed rules – **Derek Smithee**
  - 2. Questions and Discussion by Board Members
  - 3. Comments by Public
  - 4. Vote on whether to approve proposed amendments as presented or as may be revised after discussion and comment

• **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. Item added*

*Pursuant to this provision, the Board proposes to hold an executive session for the purpose of:*

*Discussion of Tarrant Regional Water District v. Herrmann, Hugo v. Nichols, and Apache v. Herrmann*

- 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, April 13, 2010, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

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