

# REVISED AGENDA

## OKLAHOMA WATER RESOURCES BOARD

November 12, 2008

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 November 5, 2008 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.

---

**01000 1. CALL TO ORDER** **Chairman Mark Nichols**

A. Invocation

B. Roll Call

C. Discussion, Amendments, and Vote to Approve Official Minutes of the October 14, 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 Emergency Grant for South Coffeyville Public Works Authority, Nowata County. Recommended for Approval.

B. Consideration of and Possible Action on a Proposed Order Approving Loan for Cache Public Works Authority, Comanche County. Recommended for Approval.

**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 and Approval of Items 3. C through 3. O.
- C. Consideration of Approval of the Following Amendment to Scope of Project 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>County</u></b>	<b><u>Recommended</u></b>
SWODA				
1.	FAP-02-0059-R	Rural Water District #3	Beckham	amend scope

- D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:
  - 1. Intergovernmental Subagreement with Oklahoma State University Department of Natural Resource Ecology and Management to develop and implement a comprehensive wetland monitoring program.
  - 2. Cooperative Agreement with The Oklahoma Conservation Commission for the Oxbow System Assessment and Protocol Development plan.
  - 3. Second Amendment Agreement with The Office of the Secretary of the Environment for the Clean Water Act FY05 §104(b)(3) Wetlands Program CA# CD-966017-01 extending the budget/project period.
- E. Applications for Temporary Permits to Use Groundwater:
  - 1. Anna Lightle, Kingfisher County, #2008-542
  - 2. Bennie D. & Nettie E. Racer, Kingfisher County, #2008-550
  - 3. Bennie D. & Nettie E. Racer, Kingfisher County, #2008-551
  - 4. Harmon Water Corp., Harmon County, #2008-574
- 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 Withdrawn
  - 2. Neil & Michelle Hyer, Texas County, #2008-543
  - 3. Greg, Jamie & Wade Arnold, Texas County, #2008-549
  - 4. Loren & Vera Lee Zabel, Texas County, #2008-554
- H. Applications to Amend Regular Permits to Use Groundwater:  
None

- I. Applications to Amend Prior Right to Use Groundwater:
  - 1. Joseph L. "Lew" Meibergen Trust, Garfield County, #1963-253
  
- J. Applications for Regular Permits to Use Stream Water:
  - 1. Friesen Farms, Okfuskee County, #2008-015
  - 2. Wade Wood, Johnston County, #2008-016
  - 3. OKFA, L.L.C., McCurtain County, #2008-020
  - 4. Mustang Stone Quarries, L.L.C., Johnston County, #2008-021
  
- K. Forfeitures of Stream Water rights Due to Nonuse Recommended for Informal-Default Disposition:
  - 1. Don Carter, Bryan County, #1993-015
  - 2. C Bar C Ranch/Mark & Leatrice Greenway, Carter County, #1979-066
  - 3. Charles Golden/Bill G. & Barbara A. Robertson, Garvin County, #1955-1458
  - 4. Wesley H. Meinders, Garvin County, #1957-077
  - 5. John C. Price, Garvin County, #1955-749
  - 6. C & S Farms, Garvin County, #1993-023
  - 7. Fred Spencer/Johnny & Delores Bratcher, Grady County, #1982-095
  - 8. Alford A. Bratcher, Grady County, #1976-148
  - 9. Doug Porterfield, Johnston County, #1971-327
  - 10. E. P. Johnson, Johnston County, #1949-069
  - 11. LaFair Herbert, Marshall County, #1990-007
  - 12. David Atkins, McClain County, #1948-176
  - 13. Wesley H. Meinders, Murray County, #1956-619
  - 14. Ethel Brown, Stephens County, #1949-082
  - 15. Fred B. Sumner, Stephens County, #1961-041
  - 16. L. L. Humphreys, Jr., Stephens County, #1955-718
  
- L. Well Driller and Pump Installer Licensing:
  - 1. New Operators for Existing Licenses:
    - a. Licensee: Oklahoma Environmental, Inc. DPC-0363  
Operator: Brennan George OP-1642  
Activities: Monitoring wells and geotechnical borings  
Operator: Mike Gillham OP-1643  
Activities: Monitoring wells and geotechnical borings
  
    - b. Licensee: GeoCore, Inc. DPC-0266  
Operator: David Alan Summers OP-1644  
Activities: Groundwater wells, test holes and observation wells
  
- M. Dam and Reservoir Construction:
  - 1. Marty Weder, Raw Development, Inc., Woodward County, #OK83014
  
- 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**
- B. Presentation and Discussion about Oklahoma Groundwater Law and Oklahoma Water Resources Board Permitting Process. **Ms. Julie Cunningham**
- C. Presentation Regarding Oklahoma State University Water Research and Extension Center. **Mr. Duane Smith, Mr. David Engle**

**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).

- A. Application for Temporary Permit to Use Groundwater No. 2008-512, Scott Howard & Michelle Reimer, 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 for Temporary Permit to Use Groundwater No. 2008-526, Duke Municipal Authority, Greer & Jackson Counties:
  - 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. Consideration of Adoption of Emergency Rules to Implement Oklahoma Water Conservation Grant Program
  - 1. Presentation of Proposals - **Mr. Kyle Arthur**
  - 2. Finding of Emergency - **Mr. Dean Couch**
  - 3. Vote to adopt proposed rules as presented, or as may be amended.
  
- D. Consideration of 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. PROPOSED EXECUTIVE SESSION Chairman Nichols**

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 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 a pending investigation, litigation or proceeding in the public interest.

Pursuant to this provision, the Board proposes to hold an executive session for the purpose of discussing Tarrant Regional Water District v. Sevenoaks and City of Hugo v. Nichols.

- A. Vote on whether to hold Executive Session - before it can be held, the Executive Session 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.

D. Vote(s) on Possible Action(s), if any, Relating to Matters Discussed in Executive Session, if Authorized.

Return to open meeting and possible vote or action on any matter discussed in the Executive Session.

**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 December 9, 2008, at 9:30 a.m. in the Board Room of the Oklahoma Water Resources Board offices, Oklahoma City, Oklahoma.

11/05/08