

**REVISED AGENDA**

**OKLAHOMA WATER RESOURCES BOARD**

**February 9, 2010  
1:30 p.m.**

**3800 N. Classen Boulevard  
Oklahoma City, OK 73118**

The members of the Oklahoma Water Resources Board will gather at the State Capitol to attend a portion of the activities associated with "Water Day at the Capitol" on February 9, 2010. Activities will begin in the House of Representatives Chambers at 10:00 a.m. and will occur on the Fourth Floor Rotunda from 9:00 a.m. through 2:00 p.m. No discussion or action will be taken by a quorum of the members during those gatherings. Prior to 1:30 p.m. the members of the Board will move from the State Capitol to the agency office at 3800 North Classen Boulevard, Oklahoma City, Oklahoma, and at 1:30 p.m. the members of the Board will commence their regular meeting on the agenda items below.

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 February 2, 2010 at 5:00 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 January 12, 2010, 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 Shawnee Municipal Authority, Pottawatomie 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. Application for Grants:

REAP			Amount	
<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Recommended</u>
NODA				
	FAP-08-0007-R	Town of Marland	Noble	\$79,999.00

2. Consideration of and Possible Action on FY 2011 Proposal for Use of the Statewide Water Development Revolving Fund.

D. Contracts and Agreements:

- 1. Agreement with Office of the Secretary of the Environment for the Clean Water Act FY 10 §104(b)(3) Regional Wetlands Program Development Grant CA# CD-00F074-01.
- 2. Contract with Association of State Floodplain Managers, Inc.
- 3. Interagency Agreement with GRDA.
- 4. Agreement for shared services with The Office of the Governor.
- 5. Memorandum of Agreement with Department of Homeland Security, U.S. Citizenship and Immigration Services for participation in the Systematic Alien Verification for Entitlements Program.
- 6. Modification of Contract with Oklahoma Water Resources Research Institute for work on the Oklahoma Comprehensive Water Plan.

7. Contract with Oklahoma Department of Agriculture, Food and Forestry for work related to the Oklahoma Comprehensive Water Plan.

E. Applications for Temporary Permits to Use Groundwater:

1. City of Clinton, Custer County, #2008-586
2. Industrial Investments, L.L.C., Canadian County, #2009-533
3. Trudy J. & Eugene L. Schmidt, Major County, #2009-545
4. Wauhillau Outing Club, Inc., Cherokee County, #2009-562
5. Duit Construction Company, Inc., Kingfisher County, #2009-566

F. Applications to Amend Temporary Permits to Use Groundwater:

1. City of Ringling, Jefferson County, #1990-560
2. Dewey County Rural Water District No. 2, Dewey County, #1997-586
3. Chesapeake Energy Corporation, Oklahoma County, #2004-520

G. Applications for Regular Permits to Use Groundwater:

1. White Brothers Cattle Co., Tillman County, #2009-552

H. Applications to Amend Regular Permits to Use Groundwater:

1. J. D. & Carolyn Pope, Beaver County, #1974-369

I. Applications to Amend Prior Rights to Use Groundwater:

1. K & S Partnership, Harmon County, #1965-281

J. Applications for Regular Permit to Use Stream Water:

1. Tidwell-Duvall Farm, L.L.C., Sequoyah County, #2009-026

K. Forfeitures of Stream Water Rights:

None

L. Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:

- |   |  |                     |
|---|--|---------------------|
| a. 1. Licensee:                         | Riomar Environmental Drilling  | DPC-0778            |
| Operator:                               | Darrin S. Stark, Sr.   | OP-1774             |
| Activities:                             | Groundwater wells, test holes and observation wells<br>Monitoring wells and geotechnical borings |                     |
| b. 1. Licensee:                         | Don Miller Drilling Co.  | DPC-0780            |
| Operator:                               | Donald R. Miller   | OP-1745             |
| Activities:                             | Groundwater wells, test holes and observation wells<br>Pump installation<br>Heat exchange wells  |                     |
| 2. New Operators for Existing Licenses: |  |                     |
| a. 1. Licensee:                         | <i>Shady Nook Pump &amp; Supply</i>  | <i>DPC-0671</i>     |
| Operator:                               | <i>Christopher W. Davis</i>  | <i>OP-</i>          |
| Activities:                             | <i>Pump installation</i>   | <i>Item removed</i> |

- b. 1. Licensee: Sunbelt Industrial Services, Inc. DPC-0701  
 Operator: Francisco J. Chavez-DeLaCruz OP-1731  
 Activities: Monitoring wells and geotechnical borings
- 2. Operator: Edgar G. Alcala OP-1732  
 Activities: Monitoring wells and geotechnical borings
- 3. *New Activity, Operator for Existing License:*
- a. Licensee: Shaddon Laverty Water Well and Drilling DPC-0717
- 1. Operator: Shaddon Laverty OP-1567  
 Activities: Pump installation Item added

M. Dam and Reservoir Construction:

- 1. Seminole County Conservation District, Seminole County, #OK01318

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

- 1. Oklahoma Department of Transportation, Comanche County, #FP-09-27
- 2. Northeastern Oklahoma A & M College, Ottawa County, #FP-09-29
- 3. Oklahoma Department of Transportation, Pontotoc County, #FP-10-01
- 4. Oklahoma Department of Transportation, Pontotoc County, #FP-10-02
- 5. Northeastern Oklahoma A & M College, Ottawa County, #FP-10-03

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the February 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. *Consideration, Discussion and Possible Approval of Draft Congressional Briefing Document*
  1. *Summary – Mr. Josh McClintock*
  2. *Questions and Discussion by Board Members*
  3. *Vote on whether to approve proposed briefing document as presented or as may be revised* *Item added*
- B. 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 5 - Fees
  1. Summary of final draft proposed rules - **Duane Smith**
  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.
- B. Proposed Amendments to Chapter 20 – Appropriation and Use of Stream Water
  1. Summary of final draft proposed rules – **Julie Cunningham**
  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
- C. Proposed Amendments to Chapter 25 - Dam Safety
  1. Summary of final draft proposed rules – **Julie Cunningham**
  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
- D. Proposed Amendments to Chapter 30 – Taking and Use of Groundwater
  1. Summary of final draft proposed rules – **Julie Cunningham**

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
- E. Proposed Amendments to Chapter 35 – Well Driller and Pump Installer Licensing
1. Summary of final draft proposed rules – **Julie Cunningham**
  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
- F. 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
- G. Proposed Amendments to Chapter 50 – Financial Assistance
1. Summary of final draft proposed rules – **Joe Freeman**
  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. 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.

**10. ADJOURNMENT** **Chairman Herrmann**

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

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