

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

December 14, 2010

9:30 a.m.

Oklahoma Water Resources Board
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 7, 2010 at 5:05 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. Discussion, Amendments, and Vote to Approve Official Minutes of the November 9, 2010, Regular Meeting.
 - D. 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 Clean Water Funding Application for Stroud Utilities Authority, Lincoln County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Fairview Utilities Authority, Major County. Recommended for Approval.
 - C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Guthrie Public Works Authority, Logan County. Recommended for Approval.

- D. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Pawnee Public Works Authority, Pawnee County. Recommended for Approval.
- E. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Okmulgee Municipal Authority, Okmulgee County. Recommended for Approval.
- F. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Okmulgee Municipal Authority, Okmulgee County. Recommended for Approval.
- G. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Okmulgee Municipal Authority, Okmulgee County. Recommended for Approval.
- H. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Okmulgee Municipal Authority, Okmulgee County. Recommended for Approval.
- I. Consideration of and Possible Action on a Proposed Resolution Selecting a Financial Advisor to the Board in Connection with the Board's Financial Assistance Programs. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman 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> |
|-----------------|------------------------|--------------------|---------------|---------------------------|
| None | | | | |

- D. Consideration of and Possible Action on Contracts and Agreements, Recommended for Approval:
1. No-Cost Time Extension Agreement with C.H. Guernsey & Company for analysis of the 1980 water transfer plan and evaluation of the viability of undeveloped reservoirs in Oklahoma.
 2. Agreement between the Oklahoma Water Resources Board and the Department of Environmental Quality for sharing administrative Funds.
 3. Agreement with Oklahoma Gas & Electric Company for professional surveying and mapping of Horseshoe Lake.
- E. Applications for Temporary Permits to Use Groundwater:
1. Devon Energy Production Co., L.P., Dewey County, #2010-557
- F. Applications to Amend Temporary Permits to Use Groundwater:
- None
- G. Applications for Regular Permits to Use Groundwater:
1. Michael W. White, Woodward County, #2010-552
- H. Applications to Amend Regular Permits to Use Groundwater:
- None
- I. Applications for Regular Permits to Use Stream Water:
1. Frances Berg, Oklahoma County, #2010-004
 2. Roy Gerald Fouts, Sequoyah County, #2010-016
 3. Quail Creek Golf & Country Club, Oklahoma County, #2010-026
- J. Applications for Term Permits to Use of Stream Water:
1. Gary & Lauren Nitschke, Jefferson County, #2010-023
 2. TransCanada Keystone Pipeline, L.P., Atoka County, #2010-024
 3. TransCanada Keystone Pipeline, L.P., Hughes County, #2010-025
- K. Forfeitures (Reductions) of Stream Water Rights:
1. Terryland Farms, Inc., Harper County, #1941-011
 2. R. A. Lotspeich, Harper County, #1941-011E
 3. Dick W. Mundell, Harper County, #1941-011F
 4. Terry D. Mundell, Harper County, #1941-011G
 5. Kenny Lotspeich, Harper County, #1941-011L
 6. Commissioners of the Land Office, Harper County, #1941-011O
 7. Joy Seeger, Harper County, #1941-011R
 8. Terryland Farms, Inc., Harper County, #1941-011S
 9. Terryland Farms, Inc., Harper County, #1968-167
 10. United States Gypsum Co., Blaine County, #1998-034

- L. Well Driller and Pump Installer Licensing:
 - 1. New Licenses, Accompanying Operator Certificates and Activities:
 - a. Licensee: Zavala Drilling DPC-0747
 - 1. Operator: Raul Zavala, Sr. OP-1673
 - Activities: Heat exchange wells
 - 2. Operator: Raul Zavala, Jr. OP-1805
 - Activities: Heat exchange wells
 - b. Licensee: Cox Water Well Service DPC-0826
 - 1. Operator: Shawn Cox OP-1802
 - Activities: Installation of water well pumps
 - c. Licensee: Swink Waterwell Service DPC-0830
 - 1. Operator: Clinton Swink OP-1804
 - Activities: Installation of water well pumps
 - d. Licensee: Arrow Water Well Services Inc. DPC-0832
 - 1. Operator: Vincent Koelzer OP-1808
 - Activities: Groundwater wells, test holes and observation wells
 - Installation of water well pumps
 - 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - a. Licensee: Environmental Loop Service, Inc. DPC-0257
 - 1. Operator: Ronald Willis OP-1806
 - Activities: Heat exchange wells
 - 2. Operator: David Hix OP-1807
 - Activities: Heat exchange wells

M. Dam and Reservoir Construction:

- 1. Konawa Conservation District, Seminole County, #OK12031

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

- 1. Oklahoma Department of Transportation, Osage County, #FP-10-19
- 2. Oklahoma Department of Transportation, Osage County, #FP-10-20
- 3. Oklahoma Department of Transportation, Ottawa County, #FP-10-21

O. Applications for Accreditation of Floodplain Administrators:

Names of floodplain administrators to be accredited and their associated communities are individually set out in the December 14, 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 and Mr. Monty Porter**

05000 5. SPECIAL CONSIDERATION

Chairman 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 a Regular Permit to Use Stream Water No. 2010-007, W. D. & Sherrie Matteson, Major County, Oklahoma:
 - (1) Summary – **Julie Cunningham**
 - (2) Discussion
 - (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 findings of fact, conclusions of law and board order if approved – 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 findings of fact, conclusions of law and board order as presented or as may be amended, or vote on other action or decision relating to the proposed order, findings of fact, conclusions of law.

- B. Items transferred from Summary Disposition Agenda, if any.

06000 6. AGENCY BUDGET REPORT

Ms. Leslie Nance

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

8. PRESENTATION OF PUBLIC DRAFT PROPOSED AMENDMENTS TO PERMANENT RULES

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 is scheduled before the Board members at the January 11, 2011, 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 8, 2011, monthly meeting.

- A. Proposed Amendments to Chapter 35 – Well Driller and Pump Installer Licensing - **Julie Cunningham**
- B. Proposed Amendments to Chapter 45 – Oklahoma’s Water Quality Standards – **Derek Smithee**
- C. Proposed Amendments to Chapter 46 – Implementation of Oklahoma’s Water Quality Standards – **Derek Smithee**
- D. Proposed Amendments to Chapter 50 – Financial Assistance – **Joe Freeman**

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, January 11, 2011, at 9:30 a.m., in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK

12/07/2010