

**REVISED  
A G E N D A**

**OKLAHOMA WATER RESOURCES BOARD**

**February 14, 2006  
9:30 a.m.**

Board Room  
3800 N. Classen Boulevard  
Oklahoma City, Oklahoma

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 7, 2006, at 5:30 p.m. A copy of this agenda is available on the OWRB website at [www.owrb.state.ok.us](http://www.owrb.state.ok.us). 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 10, 2006, 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 Loan for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.
  - B. Consideration of and Possible Action on a Proposed Order Approving Loan for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.
  - C. Consideration of and Possible Action on a Proposed Order Approving Loan for Owasso Public Works Authority, Tulsa County. Recommended for Approval.

- D. Report by Board Audit Committee and Report of and Possible Action on Audits of Oklahoma Water Resources Board State Loan Program Revenue Bonds and Clean Water State Revolving Fund Program (CWSRF) Financial Statements as of June 30, 2005 and 2004, Audits of the CWSRF Administrative Fund and the Drinking Water Treatment Loan Administrative Fund as of June 30, 2005 and 2004.
- E. Consideration of and Possible Action on a Resolution Selecting a Liquidity Facility in Connection with Obligations Relating to the Board's State Loan Program. Recommended for Approval.
- F. Consideration of and Possible Action on Selection of Bond Counsel in Connection with the Issuance of Obligations to Provide Funding for the State Loan Program.
- G. Consideration of and Possible Action on Selection of Bond Counsel in Connection with the Issuance of Obligations to Provide Funding for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Programs.
- H. Consideration of and Possible Action on Selection of Investment Banker(s) in Connection with the Issuance of Obligations to Provide Funding for the State Loan Program.
- I. Consideration of and Possible Action on Selection of Investment Banker(s) in Connection with the Issuance of Obligations to Provide Funding for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund Loan Programs.

**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 Action on Items and Approval of Items 3. C through 3. O.
- C. Consideration of and Possible Action on FY 2007 Proposal for Use of the Statewide Water Development Revolving Fund. Recommended for Approval.

- D. Consideration and Possible Action on Contracts and Agreements. Recommended for Approval.
1. Intergovernmental Subagreement with Oklahoma State University Department of Plant and Soil Sciences for Work in Support of Arbuckle-Simpson Aquifer Hydrologic Study.
  2. Memorandum of Agreement with U.S. Army Corps Of Engineers for Stream Monitoring in Red River Basin, Oklahoma.
  3. Letter Agreement between Tulsa District, U.S. Army Corps Of Engineers and Tulsa County, Oklahoma, for the Arkansas River Corridor Ecosystem Restoration and Floodplain Management Study (OWRB to provide attestation only in support of the Letter Agreement, with no monetary obligations for OWRB).
- E. Applications for Temporary Permits to Use Groundwater:
1. City of Ponca City, Kay County, #2004-582
  2. Jerry Ray Harvey, J. Todd Harvey & G. Scott Harvey, Caddo County #2005-511
  3. Roy L. Jr. & Pansy C. Tinney, Greer County, #2005-566
  - 4. *Patricia Blubaugh, Kay County, #2005-567 Item withdrawn*
  - 5. *Betty M. Edgley, Kay County, #2005-571 Item withdrawn*
  4. Cherylynne Lindsey, Kay County, #2005-576
- F. Applications to Amend Temporary Permits to Use Groundwater:  
None
- G. Applications for Regular Permits to Use Groundwater:
1. Mark Carter, Canadian County, #2005-549
  2. Harper County Farms, Inc., Harper County, #2005-575
- H. Applications to Amend Regular Permits to Use Groundwater:  
None
- I. Applications to Amend Prior Rights to Use Groundwater:
1. Hitch Enterprises, Inc., Texas County, #1953-578
- J. Applications for Regular Permits to Use Stream Water:
1. James Buchanan, III, Muskogee County, #2005-028
- K. Applications to Amend Regular Permits to Use Stream Water:  
None
- L. Well Driller and Pump Installer Licensing:
1. New Licenses, Accompanying Operator Certificates and Activities:
    - a. Licensee: Redman Drilling, Inc. DPC-0702  
 Operator: Joseph Lee Redman OP-1337  
 Activities: Groundwater wells, test holes and observation wells  
 Monitoring wells and geotechnical borings.  
 Heat exchange wells
    - b. Licensee: Surbec Environmental DPC-0704  
 Operator: Terry M. Tate OP-1470

- Activities: Monitoring wells and geotechnical borings.
  - c. Licensee: Kenner Water Well Drilling DPC-0706
  - Operator: Lynn Kenner OP-1471
  - Activities: Groundwater wells, test holes and observation wells
  - Pump installation
  - d. Licensee: Aqua Well Drilling DPC-0708
  - Operator: Beau B. Baker OP-1473
  - Activities: Groundwater wells, test holes and observation wells
  - Pump installation
- 2. New Operators and/or Activities for Existing Licenses:
  - a. Licensee: Associated Environmental Industries Corp. DPC-0269
  - Operator: Jeffrey M. Brammer OP-1469
  - Activities: Groundwater wells, test holes and observation wells
  - Monitoring wells and geotechnical borings
  - b. Licensee: Dennis W. Austin DPC-0589
  - Operator: Geoffrey Thomas OP-1472
  - Activities: Pump installation

M. Dam and Reservoir Plans and Specifications:

- 1. TXI Operations, L.P., Johnston County, DS-06-01

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

- 1. Oklahoma Department of Transportation, Tulsa County, FP-05-12

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 14, 2006 packet of Board materials

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

Presentation of Draft Proposed New Permanent Rules and Amendments to Current Rules of the Board Scheduled for Consideration and Action at the March 14, 2006 Board meeting:

- A. Background and Summary of Public Participation – **Duane Smith**
- B. Proposed Amendments to Chapter 1 - Organization and Procedure of the OWRB
  - 1. Summary of final draft proposed rules – **Duane Smith**
  - 2. Questions and Discussion by Board Members
  - 3. Comments by Public
- C. Proposed Amendments to Chapter 4 - Rules of Practice and Hearings
  - 1. Summary of final draft proposed rules – **Duane Smith**
  - 2. Questions and Discussion by Board Members
  - 3. Comments by Public

- D. 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
  
- E. Proposed Amendments to Chapter 20 – Taking and Use of Streamwater
  - 1. Summary of final draft proposed rules – **Mike Mathis**
  - 2. Questions and Discussion by Board Members
  - 3. Comments by Public
  
- F. Proposed Amendments to Chapter 30 – Taking and Use of Groundwater
  - 1. Summary of final draft proposed rules – **Mike Mathis**
  - 2. Questions and Discussion by Board Members
  - 3. Comments by Public
  
- G. Proposed Amendments to Chapter 35 – Well Driller and Pump Installers Licensing
  - 1. Summary of final draft proposed rules – **Mike Mathis**
  - 2. Questions and Discussion by Board Members
  - 3. Comments by Public
  
- H. 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

**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).

- A. Consideration of Protestants' Request for Reconsideration of Amendment to Regular Permit to Use Groundwater No. 1999-519, D F & D, LLC, Harper County:
  - 1. Summary– **Mr. Mike Mathis**
  - 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 request to reconsider approval of permit amendment -- vote or action taken on any item of business considered in executive session must be taken in public meeting
4. Vote on whether to reconsider approval of permit amendment
- B. 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 Herrmann**

**8. Presentation and Consideration of Proposed OWRB Permanent Rules**

- A. Proposed Amendments to Chapter 45 – 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.
- B. Proposed Amendments to Chapter 46 – Water Quality Standards Implementation
- 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. Presentation by Oklahoma State University Water Resources Research Institute on 2005 Grant Activities.** Mr. Duane Smith, and Dr. Will Foht, Oklahoma State University

**10. 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.

**11. ADJOURNMENT**

**Chairman Herrmann**

The next meeting of the Oklahoma Water Resources Board will be held on Tuesday, March 14, 2006, 9:30 a.m., at the Oklahoma City offices of the Board, 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.