

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 659

By: Murdock

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5  
6 AS INTRODUCED

7 An Act relating to groundwater permits; amending 82  
8 O.S. 2021, Section 1020.9, which relates to approval  
9 of application; providing for certain permit after  
10 certain date; creating permit requirements; requiring  
11 certain reporting by permit holder; updating  
12 statutory reference; and providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 82 O.S. 2021, Section 1020.9, is  
14 amended to read as follows:

15 Section 1020.9. A. 1. Before the Oklahoma Water Resources  
16 Board takes final action on an application, the Board shall  
17 determine from the evidence presented, from the hydrologic surveys  
18 or reports and from other relevant data available to the Board and  
19 applicant, whether:

- 20 a. the lands owned or leased by the applicant overlie a  
21 fresh groundwater basin or subbasin,  
22 b. the use to which the applicant intends to put the  
23 water is a beneficial use,  
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- 1 c. waste as specified by Section 1020.15 of this title  
2 will occur, and  
3 d. the proposed use is likely to degrade or interfere  
4 with springs or streams emanating in whole or in part  
5 from water originating from a sensitive sole source  
6 groundwater basin or subbasin as defined in Section ~~4~~  
7 1020.9A of this ~~act~~ title.

8 2. The Board shall approve the application by issuing a regular  
9 permit, if the Board finds that:

- 10 a. the lands owned or leased by the applicant overlie the  
11 fresh groundwater basin or subbasin,  
12 b. the use to which the applicant intends to put the  
13 water is a beneficial use,  
14 c. waste specified by Section 1020.15 of this title will  
15 not occur. When determining whether waste will occur  
16 pursuant to this subparagraph, if the activity for  
17 which the applicant intends to use the water is  
18 required to comply with rules and requirements of or  
19 is within the jurisdictional areas of environmental  
20 responsibility of the Department of Environmental  
21 Quality or the State Department of Agriculture, the  
22 Board shall be precluded from making a determination  
23 whether waste by pollution pursuant to paragraph 7 of  
24 subsection A of Section 1020.15 of this title will  
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1 occur as a result of such activity. Each groundwater  
2 protection agency, as such term is defined by Section  
3 1-1-201 of Title 27A of the Oklahoma Statutes, shall  
4 be responsible for developing and enforcing  
5 groundwater protection practices to prevent  
6 groundwater contamination from activities within their  
7 respective jurisdictional areas of environmental  
8 responsibility, and

9 d. the proposed use is not likely to degrade or interfere  
10 with springs or streams emanating in whole or in part  
11 from water originating from a sensitive sole source  
12 groundwater basin as defined in Section ~~±~~ 1020.9A of  
13 this ~~act~~ title.

14 B. 1. Except as otherwise provided in subsection C of this  
15 section, a regular permit shall allocate to the applicant the  
16 proportionate part of the maximum annual yield of the basin or  
17 subbasin. The proportionate part shall be that percentage of the  
18 total annual yield of the basin or subbasin, previously determined  
19 to be the maximum annual yield as provided in Section 1020.5 of this  
20 title, which is equal to the percentage of the land overlying the  
21 fresh groundwater basin or subbasin which the applicant owns or  
22 leases and which is dedicated to the application.

23 2. Beginning January 1, 2024, a five-year allocation of the  
24 maximum annual yield of the basin or subbasin may be approved for a

1 regular permit. An applicant for a five-year allocation shall be  
2 required to submit annual usage as determined by a metering system  
3 proposed by the applicant and pay the annual permit fee. If  
4 approved by the Board, the applicant may exceed the annual maximum  
5 annual yield in any year of the five-year allocation; provided, the  
6 applicant shall adhere to the cumulative maximum annual yield for  
7 the basin or subbasin over the five-year period.

8 C. If the lands dedicated to the application overlie two or  
9 more groundwater basins and both basins have had maximum annual  
10 yields determined, the amount to be authorized by the regular permit  
11 shall be calculated on the basin having the greatest maximum annual  
12 yield. If the lands dedicated to the application overlie two or  
13 more groundwater basins or subbasins and the maximum annual yield  
14 has been determined for at least one but not all the basins or  
15 subbasins, a temporary permit may be issued to the applicant if the  
16 applicant demonstrates by substantial competent evidence that the  
17 water to be withdrawn by the temporary permit will not be taken from  
18 a basin or subbasin for which the maximum annual yield has been  
19 determined. If the land overlies two or more groundwater basins or  
20 subbasins and the maximum annual yield has not been determined for  
21 any of the basins or subbasins, more than one temporary permit may  
22 be issued for the land if the applicant demonstrates by substantial  
23 competent evidence from which basin the water will be withdrawn for  
24 each of the permits.

1 D. The permit shall specify the location of the permitted well  
2 or wells and other terms and conditions as specified by the Board,  
3 including, but not limited to, the rate of withdrawal, the level of  
4 perforating and the level of sealing the well. A regular permit  
5 shall not be granted for less than the remaining life of the basin  
6 or subbasin as previously determined by the Board.

7 SECTION 2. This act shall become effective November 1, 2023.  
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