

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1316

By: Benson

AS INTRODUCED

An Act relating to waters and water rights; amending Sections 1020.1, as amended by Section 8, Chapter 164, O.S.L. 1993, and 1020.15, as amended by Section 322, Chapter 145, O.S.L. 1993 (82 O.S. Supp. 1994, Sections 1020.1 and 1020.15), which relate to ground water and waste; clarifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 1020.1, as amended by Section 8, Chapter 164, O.S.L. 1993 (82 O.S. Supp. 1994, Section 1020.1), is amended to read as follows:

Section 1020.1 As used in this act:

1. "Groundwater" means fresh water under the surface of the earth regardless of the geologic structure in which it is standing or moving outside the cut bank of any definite stream;

2. "Domestic use" means the use of water by a natural individual or by a family or household for household purposes, for farm and domestic animals up to the normal grazing capacity of the land and for the irrigation of land not exceeding a total of three (3) acres in area for the growing of gardens, orchards and lawns;

3. "Major groundwater basin" ~~shall mean~~ means a distinct underground body of water overlain by contiguous land and having substantially the same geological and hydrological characteristics and from which groundwater wells yield at least fifty (50) gallons per minute on the average basinwide if from a bedrock aquifer and at least one hundred fifty (150) gallons per minute on the average basinwide if from an alluvium or alluvium and terrace aquifer, or as otherwise designated by the Board;

4. "Subbasin" means a subdivision of a major or minor groundwater basin overlain by contiguous land and having substantially the same geological and hydrological characteristics and yield capabilities;

5. "Board" means the Oklahoma Water Resources Board;

6. "Person" means any individual, firm, partnership, association, corporation, business trust, federal agency, state agency, the state or any political subdivision thereof, municipalities, and any other legal entities;

7. "Fresh water" means water which has less than five thousand (5,000) parts per million total dissolved solids. For the purpose of this act all other water is salt water;

8. "Commercial drilling", "commercial plugging" and "commercial installation" mean drilling or plugging and installation as a business, trade or occupation for compensation; and

9. "Minor groundwater basin" means a distinct underground body of water overlain by contiguous land and having substantially the same geological and hydrological characteristics and which is not a major groundwater basin.

SECTION 2. AMENDATORY 82 O.S. 1991, Section 1020.15, as amended by Section 322, Chapter 145, O.S.L. 1993 (82 O.S. Supp. 1994, Section 1020.15), is amended to read as follows:

Section 1020.15 A. The Board shall not permit any fresh ground water user to commit waste by:

1. Drilling a well, taking, or using fresh ground water without a permit, except for domestic use;

2. Taking more fresh ground water than is authorized by the permit;

3. Taking or using fresh ground water in any manner so that the water is lost for beneficial use;

4. Transporting fresh ground water from a well to the place of use in such a manner that there is an excessive loss in transit;

5. Using fresh ground water in such an inefficient manner that excessive losses occur;

6. Allowing any fresh ground water to reach a pervious stratum and be lost into cavernous or otherwise pervious materials encountered in a well;

7. Permitting or causing the pollution of a fresh water strata or basin through any act which will permit fresh ground water polluted by minerals or other waste to filter or otherwise intrude into such a basin or subbasin;

8. Drilling wells and producing fresh ground water therefrom except in accordance with the well spacing previously determined by the Board;

9. Using fresh ground water for air conditioning or cooling purposes without providing facilities to aerate and reuse such water; or

10. Failure to properly plug abandoned fresh water wells in accordance with rules of the Board and file reports thereof.

B. Any employee of the Board having evidence that an act of waste is being committed in ~~his~~ the presence of such employee, or on the filing of a complaint by another individual, shall immediately proceed to cite such violator and shall thereupon file a complaint in the district court of the county wherein such violation has occurred, ~~and it.~~ It shall be the duty of the district attorney of ~~said~~ the county to prosecute such complaint. In addition thereto,

if any person commits waste the Board shall immediately institute action to enjoin in a court of competent jurisdiction and may suspend any permit to take water as long as such waste continues.

~~Provided, however, that in~~ C. In cases of waste by pollution, any complaint or investigation, or any enforcement matter other than an individual proceeding involving the suspension of an Oklahoma Water Resources Board permit shall be referred to and subject to the jurisdiction of the Department of Environmental Quality or other appropriate state agency.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-5705

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