

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 320

By: Easley of the Senate

and

Hutchison and Mass of the  
House

COMMITTEE SUBSTITUTE

An Act relating to waters and water rights; creating the Groundwater Protection Notice Act; providing short title; providing purpose; requiring copy of certain permit to be filed with county clerk; authorizing certain fees; requiring recordation and indexing; requiring state environmental agencies to require applicants to provide certain notice to certain groundwater rights owners; authorizing such owners to participate in certain processes; providing procedures for filing; requiring Conservation Commission to develop certain standardized process; providing for assistance; requiring agencies to promulgate rules to implement the Groundwater Protection Notice Act; providing certain interested parties not be barred from intervention in certain proceedings by failure to comply with the Groundwater Protection Notice Act; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021.1 of Title 82, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Groundwater Protection Notice Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021.2 of Title 82, unless there is created a duplication in numbering, reads as follows:

It is the purpose of the Groundwater Protection Notice Act to protect the groundwater rights of municipal corporations, public trusts, rural water districts, nonprofit water corporations, for-profit water corporations and any other entity or person owning, leasing or otherwise controlling groundwater rights which are permitted by the Oklahoma Water Resources Board, by providing the groundwater rights interest owner a fair opportunity to participate through formal intervention in the permitting, regulating or approval process conducted by an environmental state agency for activities which could adversely affect the groundwater of this state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021.3 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. Any entity or person claiming ownership of groundwater rights which are permitted by the Oklahoma Water Resources Board may file with the county clerk of the county in which the permitted water rights are located a certified copy of the Oklahoma Water Resources permit granted to such entity or person which will entitle

that entity or person to the notice requirements authorized by the Groundwater Protection Notice Act.

B. Upon receipt of the certified copy with the county clerk, the permitted groundwater rights shall be recorded and indexed pursuant to their legal description. The county clerk may charge a filing fee of Eight Dollars (\$8.00) for the filing and indexing of such permitted groundwater rights.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021.4 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. Each state environmental agency which is requested to permit or otherwise approve an application for an activity, subject to that agency's area of environmental jurisdiction, which could pollute, cause pollution or degradation to or otherwise adversely affect groundwater shall require the applicant or requesting party to give notice of such request or application to any affected groundwater rights owners, lessors or controllers who have filed the requisite copy of the Oklahoma Water Resources Board permit with the county clerk pursuant to the provisions of the Groundwater Protection Notice Act.

B. By December 1, 1997, the Conservation Commission, with the assistance of each state environmental agency, shall recommend a standardized process which will allow a groundwater rights interest owner subject to the provisions of the Groundwater Protection Notice Act a fair opportunity to participate, through formal intervention, in the permitting, regulating or approval process conducted by a state environmental agency for any activity which could adversely affect the groundwater of this state.

C. By June 15, 1998, each state environmental agency shall have promulgated by rule, the standardized process for a fair opportunity to participate through formal intervention developed pursuant to the provisions of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021.5 of Title 82, unless there is created a duplication in numbering, reads as follows:

No party shall be barred from intervention in a state environmental agency proceeding for failure of the party to comply with the provisions of the Groundwater Protection Notice Act, if the party would otherwise have an interest in the matter.

SECTION 6. 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.

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