

ENROLLED HOUSE
CONCURRENT
RESOLUTION NO. 1048

By: Gray and Webb of the
House

and

Stipe of the Senate

A Concurrent Resolution relating to a certain rule and guidance resolution of the Oklahoma Water Resources Board; urging adoption of guidance resolution; urging the adoption and promulgation of certain emergency and permanent rule; and directing distribution.

WHEREAS, on March 11, 1997, the Oklahoma Water Resources Board adopted permanent rule amendments to OAC 785:30-3-6(a), regarding taking and use of groundwater relating to well spacing; and

WHEREAS, Section 1020.17 of Title 82 of the Oklahoma Statutes provides that the Oklahoma Water Resources Board may promulgate rules which establish a proper spacing of wells which, in its judgment, is necessary to an orderly withdrawal of water in relation to the allocation of water to the land overlying the basin or subbasin; and

WHEREAS, Section 1020.18 of Title 82 of the Oklahoma Statutes provides that rules promulgated by the Oklahoma Water Resources Board shall establish the criteria and conditions under which location exceptions may be authorized; and

WHEREAS, on April 29, 1997, the Oklahoma Water Resources Board held a public meeting at which interested parties suggested language which clarifies and interprets the adopted permanent rule amendments to OAC 785:30-3-6(a); and

WHEREAS, the Oklahoma Water Resources Board has incorporated the language suggested and agreed upon by the interested parties in a Draft Guidance Resolution; and

WHEREAS, the Legislature supports the agreed upon language in the Draft Guidance Resolution which clarifies and interprets the adopted permanent rule amendments to OAC 785:30-3-6(a).

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 46TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the language of the adopted permanent rule amendments to OAC 785:30-3-6(a) reads as follows:

785:30-3.6. Well spacing

(a) Spacing. Within groundwater basins where the maximum annual yield has been determined, no new or proposed well(s) shall be drilled and completed within one thousand three hundred twenty feet (1320') of an authorized existing well or proposed well location on lands of another. Upon sufficient showing and as conditions warrant, the Board may determine that the new or proposed wells must be located at distances further than one thousand three hundred twenty feet (1320') from authorized existing or proposed

well locations. This well spacing provision shall not be applicable to plugged or abandoned wells on lands adjacent to the lands dedicated to the application.

THAT the language of the Draft Guidance Resolution reads as follows:

The well spacing of 1,320 feet shall apply (except for wells to be used for 90 days or less) unless substantial, competent evidence shows that the proposed location and capacity of the applicant's well(s) will preclude an orderly withdrawal of groundwater from the basin, provided that the maximum well spacing shall be 2,300 feet. For purposes of this guidance provision, orderly withdrawal means allowing landowners or their lessees to be able to withdraw their proportionate part of the groundwater basin.

THAT the Legislature strongly urges the Oklahoma Water Resources Board to adopt the language in the Draft Guidance Resolution which clarifies and interprets the adopted permanent rule amendments to OAC 785:30-3-6(a) at its next Board meeting.

THAT the Legislature strongly urges the Oklahoma Water Resources Board to initiate rulemaking at its next Board meeting which will result in the adoption and promulgation of emergency and permanent rules which clarify and interpret the adopted permanent rule amendments to OAC 785:30-3-6(a), consistent with the language of the Draft Guidance Resolution.

THAT the Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Executive Director of the Oklahoma Water Resources Board and the Editor of "The Oklahoma Register".

Adopted by the House of Representatives the 23rd day of May,
1997.

of Speaker of the House
s Representative

Adopted by the Senate the 27th day of May, 1997.

Senate President of the