STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1410 By: Henry of the Senate

and

Begley of the House

COMMITTEE SUBSTITUTE

(Groundwater permits - maximum annual yield determinations - emergency)

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

SECTION 1. AMENDATORY 82 O.S. 2001, Section 1020.6, is amended to read as follows:

Section 1020.6 A. 1. Once the Oklahoma Water Resources Board has set a tentative maximum annual yield for ~~the~~ a groundwater basin or subbasin, the Board shall call and hold hearings at centrally located places within the area of the major groundwater basin or subbasin or in the county for minor groundwater basins or subbasins.

2. Prior to ~~such~~ the hearings being held, the Board shall make copies of such hydrologic survey available for inspection and examination by all interested persons ~~and, at such~~.

3. At the hearings, the Board shall present evidence of the geological findings and determinations upon which the tentative maximum annual yield has been based.

4. Any interested party shall have the right to present evidence in support or opposition thereto.

5. The hearings shall be conducted pursuant to Article II of the Administrative Procedures Act.

B. 1. Notice of ~~such~~ the hearings shall be published in a newspaper of general circulation in each county having lands that overlie the basin or subbasin. The notice shall be published at least once per week for two (2) consecutive weeks and the last publication shall be at least thirty (30) days prior to the date of the hearing.

2. Notice and hearing on the tentative determination of the maximum annual yield for minor groundwater basins or subbasins may be consolidated.

C. 1. After ~~such~~ the hearings required by this section are completed~~, the Board shall then proceed to make its final~~ and a determination made as to the maximum annual yield of groundwater ~~which shall~~ that will be allocated, by regular permit, to each acre of land overlying ~~such~~ the basin or subbasin ~~by issuing a~~, the Board shall issue a final order determining the maximum annual yield of groundwater from the basins or subbasins.

2. For basins or subbasins where less than twenty percent (20%) of the total maximum annual yield has been allocated by temporary permits, if annual water use reports filed with the Board for a temporary permit to use groundwater from the basin or subbasin show that groundwater was used after the temporary permit was issued, the amount of groundwater allocated to each acre by the regular permit issued to replace the temporary permit shall be two (2) acre-feet, or the equal proportionate amount determined in the maximum annual yield for the basin or subbasin if greater than two (2) acre-feet.

3. The final order ~~containing~~ shall:

a. contain findings of fact and conclusions of law, ~~which~~ and

b. direct that regular permits be issued to replace previously issued valid temporary permits that authorize use of groundwater from the basin or subbasin.

4. The order shall be subject to judicial review pursuant to Article II of the Administrative Procedures Act.

D. The Board may, in subsequent basin or subbasin hearings regarding the maximum annual yield, and after additional hydrologic surveys, increase the amount of water allocated by permits issued prior to completion of the maximum annual yield determination updates but shall not decrease the amount of water allocated by such permits.

SECTION 2. 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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