

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1038

By: Maddux of the House

and

Laughlin of the Senate

An Act relating to waters and water rights; amending 82 O.S. 2001, Section 1020.6, which relates to groundwater; providing for issuance of regular permits for certain groundwater usage; providing for issuance of final orders for determining annual yields of groundwater; providing for certain allocations; providing certain conditions; limiting certain amounts in certain situations; modifying contents of final orders; modifying and providing for certain hearings; and declaring an emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"[waters and water rights - providing for issuance of
regular permits for certain groundwater usage -
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~~ the 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. In the exclusive case of basins or subbasins where less than ten percent (10%) of the lands that overlie the basin or subbasin are within the borders of the State of Oklahoma and where less than twenty percent (20%) of the total maximum annual yield within the State of Oklahoma 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 the initially permitted volumes of 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, and after additional hydrologic surveys, increase the amount of water allocated but shall not decrease the amount of water allocated.

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."

Passed the Senate the 14th day of April, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2004.

Presiding Officer of the House
of Representatives