

CS for EHB 1038

1 THE STATE SENATE

2 Monday, April 5, 2004

3 Committee Substitute for

4 ENGROSSED

5 House Bill No. 1038

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1038 - By: MADDUX
7 of the House and LAUGHLIN of the Senate.

8 [waters and water rights - providing for issuance of
9 regular permits for certain groundwater usage - emergency]

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

11 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1020.6, is

12 amended to read as follows:

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

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

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

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

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

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

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

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

21 2. In the exclusive case of basins or subbasins where less than
22 ten percent (10%) of the lands that overlie the basin or subbasin
23 are within the borders of the State of Oklahoma and where less than

1 twenty percent (20%) of the total maximum annual yield within the
2 State of Oklahoma has been allocated by temporary permits, if annual
3 water use reports filed with the Board for a temporary permit to use
4 groundwater from the basin or subbasin show that the initially
5 permitted volumes of groundwater was used after the temporary permit
6 was issued, the amount of groundwater allocated to each acre by the
7 regular permit issued to replace the temporary permit shall be two
8 (2) acre-feet, or the equal proportionate amount determined in the
9 maximum annual yield for the basin or subbasin if greater than two
10 (2) acre-feet.

11 3. The final order containing shall:

- 12 a. contain findings of fact and conclusions of law, which
13 and
14 b. direct that regular permits be issued to replace
15 previously issued valid temporary permits that
16 authorize use of groundwater from the basin or
17 subbasin.

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

20 D. The Board may, in subsequent basin or subbasin hearings, and
21 after additional hydrologic surveys, increase the amount of water
22 allocated but shall not decrease the amount of water allocated.

1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON ENERGY, ENVIRONMENT &
6 COMMUNICATIONS, dated 4-1-04 - DO PASS, As Amended.