

By: Laughlin of the Senate
and
Blackwell of the House

[waters and water rights - waste of groundwater -
emergency]

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

SECTION 1. AMENDATORY 82 O.S. 2001, Section 1020.15, is amended to read as follows:

Section 1020.15 A. The Oklahoma Water Resources Board shall not permit any fresh groundwater user to commit waste by:

1. Drilling a well, taking, or using fresh groundwater without a permit, except for domestic use;
2. Taking more fresh groundwater than is authorized by the permit;
3. Taking or using fresh groundwater in any manner so that the water is lost for beneficial use;
4. Transporting fresh groundwater from a well to the place of use in such a manner that there is an excessive loss in transit;
5. Using fresh groundwater in such an inefficient manner that excessive losses occur;
6. Allowing any fresh groundwater to reach a pervious stratum and be lost into cavernous or otherwise pervious materials encountered in a well;
7. Permitting or causing the pollution of a fresh water strata or basin through any act which will permit fresh groundwater polluted by minerals or other waste to filter or otherwise intrude into such a basin or subbasin. The Board shall be precluded from determining whether waste by pollution will occur pursuant to the

provisions of this paragraph if the activity for which the applicant or water user intends to or has used the water as specified under Section 1020.9 of this title is required to comply with rules and requirements of or is within the jurisdictional areas of environmental responsibility of the Department of Environmental Quality or the ~~State~~ Oklahoma Department of Agriculture, Food, and Forestry;

8. Drilling wells and producing fresh groundwater therefrom except in accordance with the well spacing previously determined by the Board;

9. Using fresh groundwater for air conditioning or cooling purposes without providing facilities to aerate and reuse such water; or

10. Failure to properly plug abandoned fresh water wells in accordance with rules of the Board and file reports thereof.

B. ~~1. Any~~ Except as otherwise provided by paragraph 7 of subsection A of this section, any employee of the Board having evidence that an act of waste is being committed in his or her presence, ~~or on the filing~~ after investigation of a complaint filed by another individual, shall ~~immediately proceed to cite such violator and shall thereupon file~~ take steps to assure that the waste ceases. Such steps shall include but shall not be limited to pursuing voluntary compliance, obtaining the issuance of a cease and desist order by the Executive Director, instituting action in a court of competent jurisdiction to enjoin the waste, pursuing a suspension of any permit or other administrative remedies by the Board, and filing a complaint in the district court of the county wherein such violation has occurred, and it shall be the duty of the district attorney of said county to prosecute such complaint.

~~2. Except as otherwise provided by paragraph 7 of subsection A of this section, if any person commits waste as specified by subsection A of this section, the Board shall immediately institute~~

~~action to enjoin in a court of competent jurisdiction and may suspend any permit to take water as long as such waste continues.~~

C. In cases of waste by pollution pursuant to paragraph 7 of subsection A of this section, any complaint or investigation, or any enforcement matter other than an individual proceeding involving the suspension of an Oklahoma Water Resources Board permit shall be referred to and subject to the jurisdiction of the Department of Environmental Quality or other appropriate state environmental agency or state agency with limited environmental responsibility.

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 13th day of March, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives