

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1219

6 By: Fields

7 COMMITTEE SUBSTITUTE

8 An Act relating to waters and water rights; declaring  
9 certain plan of storage and use of water in certain  
10 aquifers to be of beneficial use and not waste;  
11 providing certain exceptions; requiring the Oklahoma  
12 Water Resources Board to promulgate rules permitting  
13 use of certain water; stating requirements for  
14 permits; declaring use of aquifer water to be in  
15 addition to authorized domestic use; requiring permit  
16 to specify location of wells and terms and  
17 conditions; providing for codification; and providing  
18 an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1020.2A of Title 82, unless  
22 there is created a duplication in numbering, reads as follows:

23 A. The storage and recovery of water from an aquifer, pursuant  
24 to a site-specific aquifer storage and recovery plan approved by the  
25 Oklahoma Water Resources Board, shall be considered a beneficial use  
26 and not waste. Except as provided in this section and Section  
27 1020.15 of Title 82 of the Oklahoma Statutes, the provisions of this

1 act shall not apply to the taking and use of water stored in an  
2 aquifer pursuant to such a plan.

3 B. The Oklahoma Water Resources Board shall promulgate and  
4 implement rules for the taking and use of water stored in an aquifer  
5 pursuant to a site-specific aquifer storage and recovery plan,  
6 including the issuance of permits for the taking and use of such  
7 water and for the approval of such site-specific aquifer storage and  
8 recovery plans. Rules related to the approval of site-specific  
9 aquifer storage and recovery plans shall mandate, in addition to  
10 requirements necessary to demonstrate that the requested amount of  
11 stored water is available for recovery, the spacing of wells  
12 necessary to ensure that the storage and recovery of water permitted  
13 under this section shall not interfere with any domestic or  
14 permitted groundwater use in the basin.

15 C. A permit to take and use water stored in an aquifer pursuant  
16 to a site-specific aquifer storage and recovery plan shall only be  
17 granted if substantive evidence accompanying the application  
18 demonstrates:

19 1. The Oklahoma Water Resources Board has approved the site-  
20 specific aquifer storage and recovery plan;

21 2. The applicant has legal access to the water stored in the  
22 aquifer pursuant to the plan;

23 3. The applicant or its successor in interest stored or caused  
24 to be stored said water pursuant to and in compliance with any

1 required authorization issued by the Oklahoma Department of  
2 Environmental Quality that is intended to protect water quality; and

3 4. The stored water is available for use in the applied for  
4 amount during the period covered by, and in the manner described in,  
5 the proposed permit.

6 D. Any permitted use of water stored in an aquifer under this  
7 section is in addition to any domestic use authorized under Section  
8 1020.3 of Title 82 of the Oklahoma Statutes or any other use  
9 authorized pursuant to a permit issued under Section 1020.11 of  
10 Title 82 of the Oklahoma Statutes.

11 E. Any permit issued under this section shall specify the  
12 location of the permitted well or wells and other terms and  
13 conditions as specified by the Board including, but not limited to,  
14 the rate of withdrawal, the level of perforating and the level of  
15 sealing the well.

16 SECTION 2. This act shall become effective November 1, 2016.

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