

1 ENGROSSED SENATE
2 BILL NO. 1294

By: Pederson, Murdock, Rosino
and Griffin of the Senate

3 and

4 Pfeiffer and Osborn
5 (Leslie) of the House
6

7 An Act relating to water and water rights; amending
8 82 O.S. 2011, Sections 1020.4, 1020.6, 1020.17 and
9 1020.18, which relate to hydrologic surveys, hearings
10 on annual yield, spacing rules, and location
11 exceptions; requiring Water Resources Board to
12 consult tribal entities in certain circumstances;
13 requiring certain permit when allocating amounts of
14 maximum annual yield; authorizing delayed or gradual
15 implementation of maximum annual yield in certain
16 circumstances; prohibiting certain effect on permits;
17 requiring the issuance of regular and temporary
18 permits in certain circumstances; establishing
19 conditions for drilling location exceptions; and
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 82 O.S. 2011, Section 1020.4, is
23 amended to read as follows:

24 Section 1020.4. A. Prior to making orders establishing the
tentative maximum annual yield for major groundwater basins or
subbasins therein, the Oklahoma Water Resources Board shall make
hydrologic surveys and investigations.

B. Prior to making orders establishing the tentative maximum
annual yield for minor groundwater basins or subbasins therein, the

1 Board shall prepare reports using information from hydrologic
2 surveys and investigations of groundwater basins or subbasins having
3 substantially the same geological and hydrological characteristics
4 and data from wells in such basin or subbasins and other relevant
5 information.

6 C. The Board is authorized to cooperate with state ~~and~~, federal
7 and tribal agencies engaged in similar surveys and investigations
8 and may accept and use the findings of such agencies. At least
9 every twenty (20) years after issuance of the final order
10 determining the maximum annual yield, the Board shall review and
11 update if necessary the hydrologic surveys.

12 SECTION 2. AMENDATORY 82 O.S. 2011, Section 1020.6, is
13 amended to read as follows:

14 Section 1020.6. A. Once the Board has set a tentative maximum
15 annual yield for the groundwater basin or subbasin, the Board shall
16 call and hold hearings at centrally located places within the area
17 of the major groundwater basin or subbasin or in the county for
18 minor groundwater basins or subbasins. Prior to such hearings being
19 held, the Board shall make copies of such hydrologic survey
20 available for inspection and examination by all interested persons
21 and, at such hearings, shall present evidence of the geological
22 findings and determinations upon which the tentative maximum annual
23 yield has been based. Any interested party shall have the right to
24 present evidence in support or opposition thereto. The hearings

1 shall be conducted pursuant to Article II of the Administrative
2 Procedures Act.

3 B. Notice of such hearings shall be published in a newspaper of
4 general circulation in each county having lands that overlie the
5 basin or subbasin. The notice shall be published at least once per
6 week for two (2) consecutive weeks and the last publication shall be
7 at least thirty (30) days prior to the date of the hearing. Notice
8 and hearing on the tentative determination of the maximum annual
9 yield for minor groundwater basins or subbasins may be consolidated.

10 C. After such hearings are completed, the Board shall then
11 proceed to make its final determination as to the maximum annual
12 yield of groundwater which shall be allocated by regular permit to
13 each acre of land overlying such basin or subbasin by issuing a
14 final order containing findings of fact and conclusions of law,
15 which order shall be subject to judicial review pursuant to Article
16 II of the Administrative Procedures Act. As prescribed in a final
17 order setting forth the maximum annual yield, or any amendment
18 thereto, the Board may prescribe delayed or gradual implementation
19 of equal proportionate share allocations if current total allocated
20 amount of groundwater from the aquifer is twenty-five percent (25%)
21 or less of the maximum annual yield. Such delayed or gradual
22 implementation of equal proportionate share allocations may be
23 authorized only if such implementation would not cause interference
24 or violation of limits applicable to use of waters from a sensitive

1 sole source aquifer, or allow the use of groundwater in excess of
2 twenty-five percent (25%) of the maximum annual yield. Such delayed
3 or gradual implementation of equal proportionate share allocations
4 shall not affect any regular permit and shall be effectuated by
5 issuance of appropriate temporary permits, in accord with parameters
6 specified by the Board in accord with this act.

7 D. The Board may, in subsequent basin or subbasin hearings, and
8 after additional hydrologic surveys, increase the amount of water
9 allocated but shall not decrease the amount of water allocated by
10 regular permit issued prior to the completion of the additional
11 hydrologic surveys.

12 SECTION 3. AMENDATORY 82 O.S. 2011, Section 1020.17, is
13 amended to read as follows:

14 Section 1020.17. The Board may promulgate rules under Article I
15 of the Administrative Procedures Act which establish a proper
16 spacing of wells which, in its judgment, is necessary to an orderly
17 withdrawal of water in relation to the allocation, by regular
18 permits and temporary permits, of water to the land overlying the
19 basin or subbasin. The Board shall conduct at least one public
20 hearing at a location within or in close proximity to each major
21 basin or subbasin before adopting rules establishing well spacing
22 for such basin or subbasin.

23 SECTION 4. AMENDATORY 82 O.S. 2011, Section 1020.18, is
24 amended to read as follows:

1 Section 1020.18. When it is shown in an individual proceeding
2 that to require the drilling of a well at the prescribed location
3 should be inequitable or unreasonable and that criteria and
4 conditions established by the Board in rules are met, the Board
5 shall authorize a well location exception and permit the well to be
6 drilled and completed at a location which varies from that
7 previously established. Rules promulgated by the Board shall
8 establish the criteria and conditions under which location
9 exceptions may be authorized. Criteria and conditions for location
10 exceptions may include, but are not limited to, compliance with
11 terms to prevent unreasonable impact on other wells, which terms may
12 include the rate and timing of withdrawal, the level of perforating
13 and the level of sealing the well.

14 SECTION 5. This act shall become effective November 1, 2018.

15 Passed the Senate the 12th day of March, 2018.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the ____ day of _____,
20 2018.

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Presiding Officer of the House
of Representatives

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