

# An Act

ENROLLED SENATE  
BILL NO. 1294

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

and

Pfeiffer and Osborn  
(Leslie) of the House

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

SUBJECT: Water yield procedures

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

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

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

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

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

Section 1020.6. A. Once the Board has set a tentative maximum annual yield for the 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. Prior to such hearings being held, the Board shall make copies of such hydrologic survey available for inspection and examination by all interested persons and, at such hearings, shall present evidence of the geological findings and determinations upon which the tentative maximum annual yield has been based. Any interested party shall have the right to present evidence in support or opposition thereto. The hearings shall be conducted pursuant to Article II of the Administrative Procedures Act.

B. Notice of such 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. Notice and hearing on the tentative determination of the maximum annual yield for minor groundwater basins or subbasins may be consolidated.

C. After such hearings are completed, the Board shall then proceed to make its final determination as to the maximum annual

yield of groundwater which shall be allocated by regular permit to each acre of land overlying such basin or subbasin by issuing a final order containing findings of fact and conclusions of law, which order shall be subject to judicial review pursuant to Article II of the Administrative Procedures Act. As prescribed in a final order setting forth the maximum annual yield, or any amendment thereto, the Board may prescribe delayed or gradual implementation of equal proportionate share allocations if current total allocated amount of groundwater from the aquifer is twenty-five percent (25%) or less of the maximum annual yield. Such delayed or gradual implementation of equal proportionate share allocations may be authorized only if such implementation would not cause interference or violation of limits applicable to use of waters from a sensitive sole source aquifer, or allow the use of groundwater in excess of twenty-five percent (25%) of the maximum annual yield. Such delayed or gradual implementation of equal proportionate share allocations shall not affect any regular permit and shall be effectuated by issuance of appropriate temporary permits, in accord with parameters specified by the Board in accord with this 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 by regular permit issued prior to the completion of the additional hydrologic surveys.

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

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

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

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

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

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

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Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2018.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_