

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1294

By: Pederson

6 AS INTRODUCED

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 the update of hydrologic
12 surveys only in certain circumstances; requiring
13 regular and temporary permits when allocating amounts
14 of maximum annual yield; authorizing delayed or
15 gradual implementation of maximum annual yield in
16 certain circumstances; requiring the issuance of a
17 final order determining maximum annual yield before
18 the promulgation of spacing rules; establishing
19 criteria for location exceptions; and providing an
20 effective date.

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

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

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

23 B. Prior to making orders establishing the tentative maximum
24 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 agencies engaged in similar surveys and investigations and may
8 accept and use the findings of such agencies. At least every twenty
9 (20) years after issuance of the final order determining the maximum
10 annual yield, the Board shall review and update if necessary the
11 hydrologic surveys. Updates of hydrologic surveys are not required
12 until the Board's annual water use report information shows that
13 twenty-five percent (25%) of the maximum annual yield allocated by
14 regular permits is being used.

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

17 Section 1020.6. A. Once the Board has set a tentative maximum
18 annual yield for the groundwater basin or subbasin, the Board shall
19 call and hold hearings at centrally located places within the area
20 of the major groundwater basin or subbasin or in the county for
21 minor groundwater basins or subbasins. Prior to such hearings being
22 held, the Board shall make copies of such hydrologic survey
23 available for inspection and examination by all interested persons
24 and, at such hearings, shall present evidence of the geological

1 findings and determinations upon which the tentative maximum annual
2 yield has been based. Any interested party shall have the right to
3 present evidence in support or opposition thereto. The hearings
4 shall be conducted pursuant to Article II of the Administrative
5 Procedures Act.

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

13 C. After such hearings are completed, the Board shall then
14 proceed to make its final determination as to the maximum annual
15 yield of groundwater which shall be allocated by regular permit to
16 each acre of land overlying such basin or subbasin by issuing a
17 final order containing findings of fact and conclusions of law,
18 which order shall be subject to judicial review pursuant to Article
19 II of the Administrative Procedures Act. In the final order, based
20 on the usage of the basin, conservation practices and economic
21 impacts to water users caused by the implementation of the maximum
22 annual yield, the Board may allow for delayed or gradual
23 implementation of the maximum annual yield.
24

1 D. The Board may, in subsequent basin or subbasin hearings, and
2 after additional hydrologic surveys, increase the amount of water
3 allocated but shall not decrease the amount of water allocated by
4 regular permits issued prior to completion of the additional
5 hydrologic surveys.

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

8 Section 1020.17. ~~The~~ After issuance of a final order
9 determining the maximum annual yield of a basin or subbasin, the
10 Board may promulgate rules under Article I of the Administrative
11 Procedures Act which establish a proper spacing of wells which, in
12 its judgment, is necessary to an orderly withdrawal of water in
13 relation to the allocation, by regular permits and temporary
14 permits, of water to the land overlying the basin or subbasin. The
15 Board shall conduct at least one public hearing at a location within
16 or in close proximity to each major basin or subbasin before
17 adopting rules establishing well spacing for such basin or subbasin.

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

20 Section 1020.18. When it is shown in an individual proceeding
21 that to require the drilling of a well at the prescribed location
22 should be inequitable or unreasonable and that criteria and
23 conditions established by the Board in rules are met, the Board
24 shall authorize a well location exception and permit the well to be

1 drilled and completed at a location which varies from that
2 previously established. Rules promulgated by the Board shall
3 establish the criteria and conditions under which location
4 exceptions may be authorized. Criteria and conditions for location
5 exceptions may include, but are not limited to, compliance with
6 terms to prevent unreasonable impact on other wells, which terms may
7 include the rate and timing of withdrawal, the level of perforating
8 and the level of sealing the well.

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

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