

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1210

By: Bullard

AS INTRODUCED

An Act relating to water and water rights; amending 82 O.S. 2021, Section 105.11, which relates to notice requirements of certain stream permit applications; modifying language; requiring certain stream permit applications give additional notice to adjacent land owners within a certain distance; specifying certain notice requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 82 O.S. 2021, Section 105.11, is amended to read as follows:

Section 105.11. A. Except as otherwise provided by Section 105.13 of this title for limited quantity stream water permits, upon the acceptance of an application which complies with the provisions of Chapter 1 of this title, and the rules promulgated by the Oklahoma Water Resources Board pursuant thereto, the Board shall instruct the applicant to publish a notice of the application within the time required by the Board, ~~a notice thereof~~. The notice shall be at the applicant's expense, and in a form prescribed by the Board in a newspaper of general circulation in the county of

1 the point of diversion, and in a newspaper of general circulation  
2 published within the adjacent downstream county and any other  
3 counties designated by the Board once a week for two (2) consecutive  
4 weeks. The applicant shall provide notice of the application, via  
5 certified mail, to the owner or owners of each tract of land  
6 adjacent to the stream identified in the permit application for a  
7 distance of two (2) miles upstream and to all owners downstream from  
8 the proposed diversion point or points. Notice via certified mail  
9 shall also be transmitted to every stream water permit holder and to  
10 any person or entity with a pending stream water permit application  
11 received by the Board prior to the notifying applicant's application  
12 for a distance of two (2) miles upstream and to every applicant  
13 downstream from the proposed diversion point or points.

14 B. Such notice shall give all the essential facts as to the  
15 proposed appropriation, among them being the places of appropriation  
16 and of use, amount of water, the purpose for which it is to be used,  
17 name and address of applicant, the hearing date, time and place if a  
18 hearing is scheduled by the Board before instructions to publish  
19 notice are given, and a thirty-day protest period, as well as the  
20 manner in which a protest to the application may be made. At the  
21 time the Board provides the notice of application to the applicant,  
22 the Board shall publish on its website the applications and  
23 instructions for public notice, including the draft public notice  
24 prepared by the Board. The website publishing is in addition to,

1 and not in lieu of, the requirement for applicants to publish notice  
2 in the newspaper. The time to protest shall run from the date of  
3 the first newspaper publication.

4 ~~B.~~ C. In case of failure to give such notice in accordance with  
5 the rules and regulations applicable thereto within the time  
6 required, or if such notice is defective, the priority of  
7 application shall be lost; however, if proper notice is given within  
8 thirty (30) days after the Board has notified the applicant of his  
9 or her failure to give effective and proper notice, the application  
10 shall thereafter carry the original date of filing, and shall  
11 supersede any subsequent application to the same source of water  
12 supply. Any interested party shall have the right to protest ~~said~~  
13 the application and present evidence and testimony in support of  
14 such protest.

15 ~~C.~~ D. If the Board does not schedule a hearing on the  
16 application before instructing the applicant to publish notice, a  
17 hearing shall be scheduled by the Board upon receipt of a protest  
18 which meets the requirements of the Board's rules, the Board shall  
19 notify the applicant and protestant of such hearing.

20 SECTION 2. This act shall become effective November 1, 2022.  
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