

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 59th Legislature (2023)

4   HOUSE BILL 1940

                              By: McCall

7                               AS INTRODUCED

8           An Act relating to waters and water rights; amending  
9           82 O.S. 2021, Section 1020.11, which relates to types  
10          of permits and fees; requiring Board to make certain  
11          rule adjustments on permitting fees; allowing certain  
          fees to be the same; disallowing certain fees to  
          change based on water volume permitted for; and  
          providing an effective date.

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

15           SECTION 1.        AMENDATORY        82 O.S. 2021, Section 1020.11, is  
16   amended to read as follows:

17           Section 1020.11   A.   Regular Permit.   A regular permit is an  
18   authorization to put groundwater to beneficial use for other than  
19   domestic purposes.   The regular permit shall be granted only after  
20   completion of the hydrologic survey and determination of the maximum  
21   annual yield for the appropriate basin or subbasin.   It can be  
22   revoked or canceled only as provided in Sections 1020.12 and 1020.15  
23   of this title.

24           B.   Temporary Permit.

1        1. A temporary permit is an authorization for the same purposes  
2 as a regular permit but granted by the Oklahoma Water Resources  
3 Board prior to completion of the hydrologic survey and the  
4 determination of the maximum annual yield of the basin or subbasin.

5        2. Except as otherwise provided by this subsection, unless  
6 requested by a majority of the surface owners of the land or by the  
7 applicant, the water allocated by a temporary permit shall not be  
8 less than two (2) acre-feet annually for each acre of land owned or  
9 leased by the applicant in the basin or subbasin. If the applicant  
10 presents clear and convincing evidence that allocations in excess of  
11 two (2) acre-feet annually for each acre of land overlying the basin  
12 or subbasin will not exhaust the water thereunder in less than  
13 twenty (20) years, then the Board may issue temporary permits in  
14 such basin or subbasin in such amounts in excess of said limitation  
15 as will assure a minimum twenty-year life for such basin or  
16 subbasin.

17        3. A temporary permit must be revalidated annually during its  
18 term. The permit shall lapse at expiration of its term or upon the  
19 issuance of a regular permit, whichever shall occur first. It is  
20 subject to revocation or cancellation as provided in Sections  
21 1020.12 and 1020.15 of this title. For temporary permit  
22 revalidation purposes, water use report forms shall be mailed by the  
23 Board to each temporary permit holder. Timely return of the  
24 completed, signed, and dated water use report form to the Board

1 shall automatically revalidate a temporary groundwater permit if the  
2 revalidation is not protested and if the water use report form does  
3 not show or reflect any permit-water use violations.

4 4. If the revalidation of a permit is protested, the Board  
5 shall immediately set a date for hearing and notify the applicant  
6 and each protestant of the time and place of the hearing. At the  
7 hearing, any interested person may appear and present evidence and  
8 argument in support of or in opposition to the protest and  
9 revalidation. At the hearing on the revalidation protest, matters  
10 previously presented or considered and adjudicated shall not be  
11 subject to reconsideration or readjudication. The protest issues  
12 which may be entertained shall be limited to matters not previously  
13 determined, including but not limited to: a material or substantial  
14 change in conditions since issuance of the permit; evidence of the  
15 applicant's noncompliance with any of the terms, provisions, or  
16 conditions of the permit; or subsequent violations of the Oklahoma  
17 Groundwater Law, or Board rules and regulations.

18 5. Subject to compliance with all other and applicable  
19 provisions of this chapter and rules and regulations of the Board,  
20 all temporary permits "revalidated" by the Board prior to the  
21 effective date of this act are hereby validated.

22 C. Special Permit. A special permit is an authorization by the  
23 Board in lieu of or in addition to a regular or temporary permit.  
24 The special permit is granted to put groundwater to a beneficial use

1 which shall require quantities of water in excess of that allocated  
2 under a regular or temporary permit. The water so authorized may be  
3 used only for the purpose designated in the permit. The permit  
4 shall be granted for a period not to exceed six (6) months and may  
5 be renewed three (3) times. Successive special permits shall not be  
6 granted for the same purpose. It is subject to revocation or  
7 cancellation upon failure to use the water for the purpose granted  
8 or as provided in Sections 1020.12 and 1020.15 of this title.

9 D. Except as provided in Section 1020.21 of this title, no  
10 permits shall be issued to an applicant who is not the surface owner  
11 of the land on which the well is to be located, or does not hold a  
12 valid lease from such owner permitting withdrawal of water from such  
13 basin or subbasin.

14 E. The Board shall modify its rules to establish a flat fee for  
15 both regular and temporary permits. The fee may be the same for  
16 both regular and temporary permits. The permit fees shall not  
17 increase or decrease in proportion to the volume of water permitted  
18 or for any other reason.

19 SECTION 2. This act shall become effective November 1, 2023.  
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21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/14/2023 - DO PASS.  
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