

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3195

By: Newton

AS INTRODUCED

An Act relating to waters and water rights; providing declaration of policy; providing for creation and designation of critical groundwater management areas and criteria for such designation; providing for hearings on designation of critical groundwater management areas and boundaries; providing notice requirement; providing hearing procedures; providing for review and modification of boundaries of subsequent active critical groundwater management areas; providing groundwater rights and uses in active critical groundwater management areas; providing for management plans in critical groundwater management areas; authorizing the creation of local advisory council for critical groundwater management areas; providing duties and powers of the advisory council; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1022.1 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds that the people of Oklahoma are dependent in whole or in part upon groundwater basins for their water supply and that in certain basins and sub-basins withdrawal of

1 groundwater is greatly in excess of a sustainable annual yield and
2 that this is threatening to destroy the economy of certain areas of
3 this state and is threatening to do substantial injury to the
4 general economy and welfare of this state and its citizens. The
5 Legislature further finds that it is in the best interest of the
6 general economy and welfare of this state and its citizens that the
7 Legislature utilize its police power to prescribe which uses of
8 groundwater are most beneficial and economically effective.

9 B. It is therefore declared to be the public policy of this
10 state that in the interest of protecting and stabilizing the general
11 economy and welfare of this state and its citizens, it is necessary
12 to conserve, protect, and allocate the use of certain groundwater
13 resources of the state and to provide a framework for the
14 comprehensive management and regulation of the withdrawal,
15 transportation, use, conservation, and conveyance of rights to use
16 the identified groundwaters in this state.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1022.2 of Title 82, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The Oklahoma Water Resources Board may designate an area as
21 a critical groundwater management area if the Board determines,
22 after notice and hearing, that any of the following exists:
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1 1. Active critical groundwater management practices are
2 necessary to preserve the existing supply of groundwater for future
3 needs;

4 2. Land subsidence or fissuring is endangering property or
5 potential groundwater storage capacity; or

6 3. Use of groundwater is resulting in actual or threatened
7 water quality degradation.

8 B. An active critical groundwater management area designated
9 pursuant to this section may include more than one groundwater basin
10 but shall not be smaller than a groundwater basin or include only a
11 portion of a groundwater basin.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1022.3 of Title 82, unless there
14 is created a duplication in numbering, reads as follows:

15 A. If the Oklahoma Water Resources Board proposes to designate
16 a groundwater basin as a critical groundwater management area
17 pursuant to Section 2 of this act, the Board shall hold a public
18 hearing to consider:

19 1. Whether to issue an order declaring the area an active
20 critical groundwater management area; and

21 2. The boundaries and any sub-basins of the proposed active
22 critical groundwater management area.

23 B. The Board shall give reasonable notice of the hearing which
24 shall include publication once each week for two (2) consecutive
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1 weeks in a newspaper of general circulation in each county in which
2 the proposed critical groundwater management area is located and
3 certified mail notice to those persons holding a groundwater use
4 permit for the basin. Any notice shall contain the time and place
5 of the hearing, the legal description and a map clearly identifying
6 and describing all lands to be included in the proposed active
7 critical groundwater management area and any sub-basins, and any
8 other information the Board deems necessary.

9 C. The hearing shall be held at a location within the proposed
10 critical groundwater management area. At the hearing, the Board
11 shall present factual data in support of the proposed action. Any
12 person may appear at the hearing, either in person or by
13 representative, and submit oral or documentary evidence for or
14 against the proposed action. In making its determination, the Board
15 shall give full consideration to public comment and to
16 recommendations made by local political subdivisions.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1022.4 of Title 82, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The Oklahoma Water Resources Board shall review the critical
21 groundwater management area or any of its sub-basins as conditions
22 require and when factual data justify, but no less than ten (10)
23 years after the initial designation and each ten (10) years
24 thereafter.

1 B. The Executive Director of the Oklahoma Water Resources Board
2 shall review the boundaries of a critical groundwater management
3 area or any of the sub-basins by request of the local advisory
4 council in the critical groundwater management area.

5 C. Before modifying the boundaries of a subsequent active
6 critical groundwater management area or any of its sub-basins, the
7 Executive Director shall give notice of and hold a hearing on the
8 proposed modifications pursuant to the procedures prescribed by
9 Section 3 of this act.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1022.5 of Title 82 of the
12 Oklahoma Statutes, unless there is created a duplication in
13 numbering, reads as follows:

14 A. In an active critical groundwater management area, a person
15 may:

16 1. Withdraw and use groundwater only in accordance with the
17 provisions of Title 82 of the Oklahoma Statutes and any associated
18 rules promulgated by the Oklahoma Water Resources Board; and

19 2. Store water in a storage facility in accordance with
20 applicable provisions of the Oklahoma Statutes.

21 B. Nothing in Title 82 of the Oklahoma Statutes shall be
22 construed to affect the definition of surface water in Section 60 of
23 Title 60 of the Oklahoma Statutes and the definition of water,
24 subject to appropriation.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1022.6 of Title 82, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Water Resources Board shall develop a
5 management plan for each critical groundwater management area and
6 shall adopt the plans only after public hearings held pursuant to
7 Section 3 of this act. The plans shall include a continuing
8 mandatory conservation program for all persons withdrawing,
9 distributing, or receiving groundwater that is designed to achieve
10 reductions in withdrawals of groundwater.

11 B. The management plan may require additional well spacing and
12 the temporary reduction of the amount of water available under a
13 regular permit to take and use groundwater.

14 SECTION 7. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1022.7 of Title 82, unless there
16 is created a duplication in numbering, reads as follows:

17 The Oklahoma Water Resources Board is authorized to create a
18 local advisory council for each established critical groundwater
19 management area. The Board shall establish rules stating the
20 qualifications for membership and organization of the councils.
21 Each council shall have the duty to review the progress of the
22 approved management plans and recommend updates to the management
23 plans to the Board, provided such written recommendations have been
24 concurred upon by a majority of the membership of the council.

1 SECTION 8. This act shall become effective November 1, 2024.

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