

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1940

By: McCall

AS INTRODUCED

An Act relating to waters and water rights; amending 82 O.S. 2021, Section 1020.11, which relates to types of permits and fees; requiring Board to make certain 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.

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

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

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

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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