

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 4459

By: Newton of the House

and

Jech of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to waters and water rights; amending
11 82 O.S. 2021, Section 1020.19, which relates to the
12 metering of wells; requiring Oklahoma Water Resources
13 Board provide certain allocation of groundwater;
14 providing existing permit holders not require new
15 permit; stating to whom allocation shall be
16 available; providing certain requirements for
17 application for allocation; allowing permit holders
18 to exceed certain allocation; prohibiting certain
19 excessive use of water; providing that certain usage
20 be considered waste; requiring certain permit holders
21 and entities to develop a voluntary groundwater use
22 measurement program; providing for the distribution
23 of board approved measuring systems; requiring
24 issuance of annual certification; requiring
submission of certification; excluding certain well;
and providing an effective date.

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

SECTION 1. AMENDATORY 82 O.S. 2021, Section 1020.19, is
amended to read as follows:

1 Section 1020.19. ~~Upon request of a majority of the landowners~~
2 ~~residing within a~~ A. To encourage groundwater conservation,
3 beginning January 1, 2027, the Oklahoma Water Resources Board shall
4 provide a five-year flex allocation of groundwater usage based off
5 the previously determined allocated annual use of the basin or
6 ~~subbasin, the Board is authorized to require that water wells be~~
7 ~~metered and that such meters as the Board shall approve be utilized~~
8 ~~by the applicant and placed under seal, subject to reading by the~~
9 ~~agents of the Board at any time. The Board may also require that~~
10 ~~the applicant report the reading of such meters at reasonable~~
11 intervals. A five-year flex allocation shall not require a new
12 permit for existing permit holders. A five-year flex allocation
13 shall be available for:

14 1. Existing permit holders for groundwater use permits in
15 basins or subbasins, based upon the maximum annual yield
16 determination at the time of the original application;

17 2. New applicants for groundwater use permits in basins or
18 subbasins based upon the current maximum annual yield determination;
19 and

20 3. New and existing applicants and temporary permit holders for
21 groundwater use permits in basins or subbasins where the maximum
22 annual yield has yet to be determined.

23 B. An applicant for a five-year flex allocation shall be
24 required to:

1 1. Submit an annual usage report of the prior year's usage from
2 a Board-approved water measurement system; and

3 2. Pay the annual groundwater permit fee.

4 C. A five-year flex allocation shall allow the permit holder to
5 exceed the determined annual allocation in any year of the five-year
6 allocation; provided, that the applicant shall adhere to the
7 cumulative annually determined allocation of the basin or subbasin
8 over the five-year period. The permit holder shall not exceed the
9 permitted annual allocation by over one hundred fifty percent (150%)
10 in any of the five (5) years. Usage greater than one hundred fifty
11 percent (150%) in any one year shall be considered waste pursuant to
12 Section 1020.15 of this title.

13 D. 1. For all permit holders not participating in the five-
14 year flex program described above, groundwater irrigation districts
15 created pursuant to Section 1021.1 et seq. of this title or a
16 conservation district participating in a conservation cost-share
17 program pursuant to Section 3-3-101 et seq. of Title 27A of the
18 Oklahoma Statutes shall develop a voluntary groundwater use
19 measurement program that provides board approved measuring systems
20 to members, on a loan or cost share basis, for use in verifying the
21 volume of water pumped from wells and irrigation systems to ensure
22 system efficiency and proper water use accounting.

23 2. The groundwater irrigation district or conservation district
24 shall issue an annual certification that the permit holder has

1 participated in the program. The certification shall be submitted
2 with the permit holder's annual water use report.

3 E. Nothing in this section shall apply to domestic wells.

4 SECTION 2. This act shall become effective November 1, 2026.

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