

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE  
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 4459

7 By: Newton

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9 POLICY COMMITTEE RECOMMENDATION

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; requiring certain permit  
20 holders and entities to develop a groundwater use  
21 measurement program; providing for the distribution  
22 of board approved measuring systems; requiring  
23 issuance of annual certification; requiring  
24 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 two hundred percent (200%) in  
10 any of the five (5) years.

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

21       2. The groundwater irrigation district or conservation district  
22 shall issue an annual certification that the permit holder has  
23 participated in the program. The certification shall be submitted  
24 with the permit holder's annual water use report.

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

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

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