

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 328

By: McCortney

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6 AS INTRODUCED

7 An Act relating to water and water rights; amending
8 Section 1, Chapter 145, O.S.L. 2016 (82 O.S. Supp.
9 2018, Section 1020.2A), which relates to the taking
10 and use of water from aquifers; requiring certain
11 notification; instructing Oklahoma Water Resources
12 Board to promulgate rules; updating statutory
13 references; and providing an effective date.

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

15 SECTION 1. AMENDATORY Section 1, Chapter 145, O.S.L.
16 2016 (82 O.S. Supp. 2018, Section 1020.2A), is amended to read as
17 follows:

18 Section 1020.2A. A. The storage and recovery of water from an
19 aquifer, pursuant to a site-specific aquifer storage and recovery
20 plan approved by the Oklahoma Water Resources Board, shall be
21 considered a beneficial use and not waste. Except as provided in
22 this section and Section 1020.15 of ~~Title 82 of the Oklahoma~~
23 ~~Statutes~~ this title, the provisions of this ~~act~~ Section shall not
24 apply to the taking and use of water stored in an aquifer pursuant
25 to such a plan.

1 B. The Oklahoma Water Resources Board shall promulgate and
2 implement rules for the taking and use of water stored in an aquifer
3 pursuant to a site-specific aquifer storage and recovery plan,
4 including the issuance of permits for the taking and use of such
5 water and for the approval of such site-specific aquifer storage and
6 recovery plans. Rules related to the approval of site-specific
7 aquifer storage and recovery plans shall mandate, in addition to
8 requirements necessary to demonstrate that the requested amount of
9 stored water is available for recovery, the spacing of wells
10 necessary to ensure that the storage and recovery of water permitted
11 under this section shall not interfere with any domestic or
12 permitted groundwater use in the basin.

13 C. A permit to take and use water stored in an aquifer pursuant
14 to a site-specific aquifer storage and recovery plan shall only be
15 granted if substantive evidence accompanying the application
16 demonstrates:

17 1. The Oklahoma Water Resources Board has approved the site-
18 specific aquifer storage and recovery plan;

19 2. The applicant has legal access to the water stored in the
20 aquifer pursuant to the plan;

21 3. The applicant or its successor in interest stored or caused
22 to be stored said water pursuant to and in compliance with any
23 required authorization issued by the Oklahoma Department of
24 Environmental Quality that is intended to protect water quality; ~~and~~

1 4. The stored water is available for use in the applied for
2 amount during the period covered by, and in the manner described in,
3 the proposed permit; and

4 5. The applicant has provided notice, in the local newspaper of
5 the relevant county or, if not available, on the Oklahoma Water
6 Resources Board website, of his or her intent to take and use the
7 stored water. The Board shall promulgate rules relating to the
8 notice procedure required pursuant to this paragraph.

9 D. Any permitted use of water stored in an aquifer under this
10 section is in addition to any domestic use authorized under Section
11 1020.3 of ~~Title 82 of the Oklahoma Statutes~~ this title or any other
12 use authorized pursuant to a permit issued under Section 1020.11 of
13 ~~Title 82 of the Oklahoma Statutes~~ this title.

14 E. Any permit issued under this section shall specify the
15 location of the permitted well or wells and other terms and
16 conditions as specified by the Board including, but not limited to,
17 the rate of withdrawal, the level of perforating and the level of
18 sealing the well.

19 SECTION 2. This act shall become effective November 1, 2019.

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