

1 **SENATE FLOOR VERSION**

2 March 2, 2023

3 **AS AMENDED**

4 SENATE BILL NO. 659

5 By: Murdock

6 **[groundwater permits - approval of application -**
7 **permit - requirements - reporting - effective date]**

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 82 O.S. 2021, Section 1020.9, is
11 amended to read as follows:

12 Section 1020.9. A. 1. Before the Oklahoma Water Resources
13 Board takes final action on an application, the Board shall
14 determine from the evidence presented, from the hydrologic surveys
15 or reports and from other relevant data available to the Board and
16 applicant, whether:

- 17 a. the lands owned or leased by the applicant overlie a
18 fresh groundwater basin or subbasin,
19 b. the use to which the applicant intends to put the
20 water is a beneficial use,
21 c. waste as specified by Section 1020.15 of this title
22 will occur, and
23 d. the proposed use is likely to degrade or interfere
24 with springs or streams emanating in whole or in part

1 from water originating from a sensitive sole source
2 groundwater basin or subbasin as defined in Section ~~4~~
3 1020.9A of this ~~act~~ title.

4 2. The Board shall approve the application by issuing a regular
5 permit, if the Board finds that:

- 6 a. the lands owned or leased by the applicant overlie the
7 fresh groundwater basin or subbasin,
8 b. the use to which the applicant intends to put the
9 water is a beneficial use,
10 c. waste specified by Section 1020.15 of this title will
11 not occur. When determining whether waste will occur
12 pursuant to this subparagraph, if the activity for
13 which the applicant intends to use the water is
14 required to comply with rules and requirements of or
15 is within the jurisdictional areas of environmental
16 responsibility of the Department of Environmental
17 Quality or the State Department of Agriculture, the
18 Board shall be precluded from making a determination
19 whether waste by pollution pursuant to paragraph 7 of
20 subsection A of Section 1020.15 of this title will
21 occur as a result of such activity. Each groundwater
22 protection agency, as such term is defined by Section
23 1-1-201 of Title 27A of the Oklahoma Statutes, shall
24 be responsible for developing and enforcing

1 groundwater protection practices to prevent
2 groundwater contamination from activities within their
3 respective jurisdictional areas of environmental
4 responsibility, and

5 d. the proposed use is not likely to degrade or interfere
6 with springs or streams emanating in whole or in part
7 from water originating from a sensitive sole source
8 groundwater basin as defined in Section ~~±~~ 1020.9A of
9 this ~~act~~ title.

10 B. 1. Except as otherwise provided in subsection C of this
11 section, a regular permit shall allocate to the applicant the
12 proportionate part of the maximum annual yield of the basin or
13 subbasin. The proportionate part shall be that percentage of the
14 total annual yield of the basin or subbasin, previously determined
15 to be the maximum annual yield as provided in Section 1020.5 of this
16 title, which is equal to the percentage of the land overlying the
17 fresh groundwater basin or subbasin which the applicant owns or
18 leases and which is dedicated to the application.

19 2. Beginning January 1, 2024, a five-year allocation of the
20 maximum annual yield of the basin or subbasin may be approved for a
21 regular permit. An applicant for a five-year allocation shall be
22 required to submit annual usage as determined by a metering system
23 proposed by the applicant and pay the annual permit fee. If
24 approved by the Board, the applicant may exceed the annual maximum

1 annual yield in any year of the five-year allocation; provided, the
2 applicant shall adhere to the cumulative maximum annual yield for
3 the basin or subbasin over the five-year period.

4 C. If the lands dedicated to the application overlie two or
5 more groundwater basins and both basins have had maximum annual
6 yields determined, the amount to be authorized by the regular permit
7 shall be calculated on the basin having the greatest maximum annual
8 yield. If the lands dedicated to the application overlie two or
9 more groundwater basins or subbasins and the maximum annual yield
10 has been determined for at least one but not all the basins or
11 subbasins, a temporary permit may be issued to the applicant if the
12 applicant demonstrates by substantial competent evidence that the
13 water to be withdrawn by the temporary permit will not be taken from
14 a basin or subbasin for which the maximum annual yield has been
15 determined. If the land overlies two or more groundwater basins or
16 subbasins and the maximum annual yield has not been determined for
17 any of the basins or subbasins, more than one temporary permit may
18 be issued for the land if the applicant demonstrates by substantial
19 competent evidence from which basin the water will be withdrawn for
20 each of the permits.

21 D. The permit shall specify the location of the permitted well
22 or wells and other terms and conditions as specified by the Board,
23 including, but not limited to, the rate of withdrawal, the level of
24 perforating and the level of sealing the well. A regular permit

1 shall not be granted for less than the remaining life of the basin
2 or subbasin as previously determined by the Board.

3 SECTION 2. This act shall become effective November 1, 2023.

4 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND TELECOMMUNICATIONS
5 March 2, 2023 - DO PASS AS AMENDED
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24