

An Act

ENROLLED SENATE
BILL NO. 998

By: Murdock of the Senate

and

Patzkowsky and Hill of the
House

An Act relating to water and water rights; amending 82 O.S. 2011, Section 1020.15, which relates to waste prohibitions; clarifying language; declaring the taking and use of marginal water as a beneficial use; specifying application of act to taking and use of marginal water; requiring Oklahoma Water Resources Board to promulgate certain rules; construing provision; providing for codification; and providing an effective date.

SUBJECT: Groundwater use

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

SECTION 1. AMENDATORY 82 O.S. 2011, Section 1020.15, is amended to read as follows:

Section 1020.15. A. The Oklahoma Water Resources Board shall not permit any ~~fresh~~ groundwater user to commit waste by:

1. Drilling a well, taking, or using ~~fresh~~ groundwater without a permit, except for domestic use;
2. Taking more ~~fresh~~ groundwater than is authorized by the permit;

3. Taking or using ~~fresh~~ groundwater in any manner so that the water is lost for beneficial use;

4. Transporting ~~fresh~~ groundwater from a well to the place of use in such a manner that there is an excessive loss in transit;

5. Using ~~fresh~~ groundwater in such an inefficient manner that excessive losses occur;

6. Allowing any ~~fresh~~ groundwater to reach a pervious stratum and be lost into cavernous or otherwise pervious materials encountered in a well;

7. Permitting or causing the pollution of a fresh water strata or basin through any act which will permit fresh groundwater polluted by minerals or other waste to filter or otherwise intrude into such a basin or subbasin. The Board shall be precluded from determining whether waste by pollution will occur pursuant to the provisions of this paragraph if the activity for which the applicant or water user intends to or has used the water as specified under Section 1020.9 of this title is required to comply with rules and requirements of or is within the jurisdictional areas of environmental responsibility of the Department of Environmental Quality or the Oklahoma Department of Agriculture, Food, and Forestry;

8. Drilling wells and producing ~~fresh~~ groundwater therefrom except in accordance with the well spacing previously determined by the Board;

9. Using ~~fresh~~ groundwater for air conditioning or cooling purposes without providing facilities to aerate and reuse such water; or

10. Failure to properly plug abandoned ~~fresh~~ water wells in accordance with rules of the Board and file reports thereof.

B. Except as otherwise provided by paragraph 7 of subsection A of this section, any employee of the Board having evidence that an act of waste is being committed in his or her presence, or after investigation of a complaint filed by another individual, shall take steps to assure that the waste ceases. Such steps shall include but

shall not be limited to pursuing voluntary compliance, obtaining the issuance of a cease and desist order by the Executive Director, instituting action in a court of competent jurisdiction to enjoin the waste, pursuing a suspension of any permit or other administrative remedies by the Board, and filing a complaint in the district court of the county wherein such violation has occurred, and it shall be the duty of the district attorney of said county to prosecute such complaint.

C. In cases of waste by pollution pursuant to paragraph 7 of subsection A of this section, any complaint or investigation, or any enforcement matter other than an individual proceeding involving the suspension of an Oklahoma Water Resources Board permit shall be referred to and subject to the jurisdiction of the Department of Environmental Quality or other appropriate state environmental agency or state agency with limited environmental responsibility.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021.1 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. The ability to take and use marginal water has the potential to augment water supply in many areas of Oklahoma. Therefore, the taking and use of marginal water in accordance with the Oklahoma Groundwater Law and the rules of the Oklahoma Water Resources Board shall be considered a beneficial use and not waste. Except as provided for in this section and Sections 1020.15 and 1020.16 of Title 82 of the Oklahoma Statutes, the provisions of this act shall not apply to the taking and use of marginal water.

B. The Oklahoma Water Resources Board shall promulgate and implement rules for the taking and use of marginal water, including the well construction standards, well spacing, and water use reporting. Rules related to well construction standards shall ensure that the taking and use of marginal water shall not impair any fresh water basins, and shall include, but not be limited to, the rate of withdrawal, the level of perforating and the level of sealing the well.

C. Any use of marginal water under this section is in addition to any domestic use authorized under Section 1020.3 of Title 82 of the Oklahoma Statutes or any other use authorized pursuant to a

permit issued under Section 1020.11 of Title 82 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 2019.

Passed the Senate the 22nd day of May, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____