

1 **SENATE FLOOR VERSION**

2 February 8, 2024

3 SENATE BILL NO. 1341

By: Howard and Bullard

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6 An Act relating to water and water rights; defining
7 terms; directing certain inspections and audits;
8 providing for active management plan to be employed
9 under certain circumstances; requiring metering for
10 certain permits by certain date; directing rule
11 promulgation; providing for codification; and
12 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1020.9D of Title 82, unless
16 there is created a duplication in numbering, reads as follows:

17 A. As used in this section:

18 1. "Critical groundwater management area" or "CGMA" means all
19 or part of a groundwater basin that does not have sufficient
20 groundwater to provide a reasonably safe supply for municipal use,
21 irrigation, or other uses at the current or projected rates of
22 withdrawal. CGMAs shall be limited to basins which have had a
23 comprehensive scientific study performed in conjunction with the
24 United States Bureau of Reclamation, the United States Geological
Survey, and the Oklahoma Water Resources Board;

1 2. "Interference" means the interference that occurs when there
2 is a prior appropriation of water rights and a new or existing
3 user's actions negatively impact the established rights of those who
4 have historically utilized those water rights for a beneficial
5 purpose. Interference arises if the new or existing user's
6 activities, such as excessive extraction or contamination, diminish
7 the quantity or quality of water available to the prior
8 appropriators; and

9 3. "Active management plan" means a plan to address the
10 degradation of a basin within a CGMA.

11 B. The Oklahoma Water Resources Board shall perform spot
12 inspections, audits, or other testing as deemed necessary by the
13 Board to maintain adequate determinations of basin measurements,
14 yields, and sustainability of a CGMA and establish reasonable and
15 defensible hydrologic thresholds that could inform management of
16 permitted groundwater in a CGMA. The Board and field agents of the
17 Board shall take into account any interference occurring within the
18 CGMA in their inspection and reporting.

19 C. In the event that a field agent of the Board recommends to
20 the Board that an active management plan be implemented for a CGMA,
21 the Board shall make a determination as to whether the CGMA shall be
22 placed under such plan. Such plan may include but not be limited to
23 the following:

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- 1 1. Assignment of an Oklahoma Water Resources Board field agent
- 2 to a CGMA;
- 3 2. Placement of a stay or moratorium on new permits;
- 4 3. Active metering for existing permit holders;
- 5 4. Well placement and spacing for any new permits;
- 6 5. Specific programming to allocate resources for the
- 7 modernization and remediation of impacted basins; and
- 8 6. Implementation of metering or monitoring with regard to
- 9 senior permit holders.

10 D. Not later than November 1, 2027, all water permits for water
11 usage that are in effect shall have metering or measuring of the
12 water source in place to ensure sustainable use.

13 E. The Board shall promulgate any rules and regulations
14 necessary to effectuate the provisions of this section.

15 SECTION 2. This act shall become effective November 1, 2024.

16 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND TELECOMMUNICATIONS
17 February 8, 2024 - DO PASS

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