An Act

ENROLLED SENATE
BILL NO. 1219

By: Fields of the Senate

and

Pfeiffer and Osborn of the House

An Act relating to waters and water rights; declaring certain plan of storage and use of water in certain aquifers to be of beneficial use and not waste; providing certain exceptions; requiring the Oklahoma Water Resources Board to promulgate rules permitting use of certain water; stating requirements for permits; declaring use of aquifer water to be in addition to authorized domestic use; requiring permit to specify location of wells and terms and conditions; and providing for codification.

SUBJECT: Water use designations

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1020.2A of Title 82, unless there is created a duplication in numbering, reads as follows:

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

B. The Oklahoma Water Resources Board shall promulgate and implement rules for the taking and use of water stored in an aquifer pursuant to a site-specific aquifer storage and recovery plan,

including the issuance of permits for the taking and use of such water and for the approval of such site-specific aquifer storage and recovery plans. Rules related to the approval of site-specific aquifer storage and recovery plans shall mandate, in addition to requirements necessary to demonstrate that the requested amount of stored water is available for recovery, the spacing of wells necessary to ensure that the storage and recovery of water permitted under this section shall not interfere with any domestic or permitted groundwater use in the basin.

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

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

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

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

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

D. Any permitted use of water stored in an aquifer 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.

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

Passed the Senate the 8th day of March, 2016.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2016.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 18th

day of April, 2016, at 3:24 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st

day of April, 2016, at 9:50 o'clock A M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st

day of April, 2016, at 11:13 o'clock A. M.

By: Chris Benge