

1 ENGROSSED SENATE
2 BILL NO. 1219

By: Fields of the Senate

3 and

4 Osborn of the House

5
6 An Act relating to waters and water rights; declaring
7 certain plan of storage and use of water in certain
8 aquifers to be of beneficial use and not waste;
9 providing certain exceptions; requiring the Oklahoma
10 Water Resources Board to promulgate rules permitting
11 use of certain water; stating requirements for
12 permits; declaring use of aquifer water to be in
13 addition to authorized domestic use; requiring permit
14 to specify location of wells and terms and
15 conditions; and providing for codification.

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

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

20 A. The storage and recovery of water from an aquifer, pursuant
21 to a site-specific aquifer storage and recovery plan approved by the
22 Oklahoma Water Resources Board, shall be considered a beneficial use
23 and not waste. Except as provided in this section and Section
24 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.

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.

4 D. Any permitted use of water stored in an aquifer under this
5 section is in addition to any domestic use authorized under Section
6 1020.3 of Title 82 of the Oklahoma Statutes or any other use
7 authorized pursuant to a permit issued under Section 1020.11 of
8 Title 82 of the Oklahoma Statutes.

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

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

15
16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2016.

20
21 _____
22 Presiding Officer of the House
23 of Representatives
24