

# Oklahoma Groundwater Law and Water Rights Administration



State of Oklahoma

# OWRB

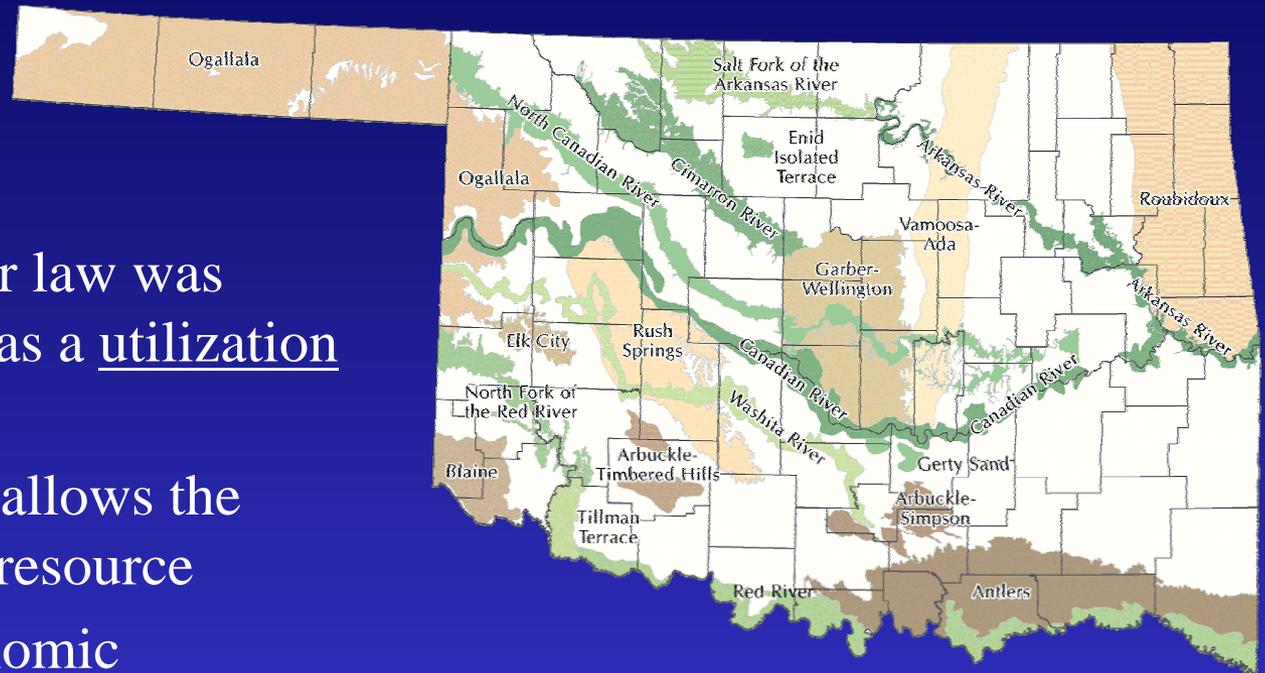
WATER RESOURCES BOARD  
the water agency

# Oklahoma Groundwater Law

Current groundwater law was established in 1973 as a utilization law.

- Mining law that allows the depletion of the resource
- Created for economic development

Groundwater is considered private property that belongs to the overlying surface owner, although it is subject to reasonable regulation by the OWRB.



23 major groundwater aquifers store 320 million a.f. of water.

10,500 groundwater permits allocate 3.2 million a.f./year.

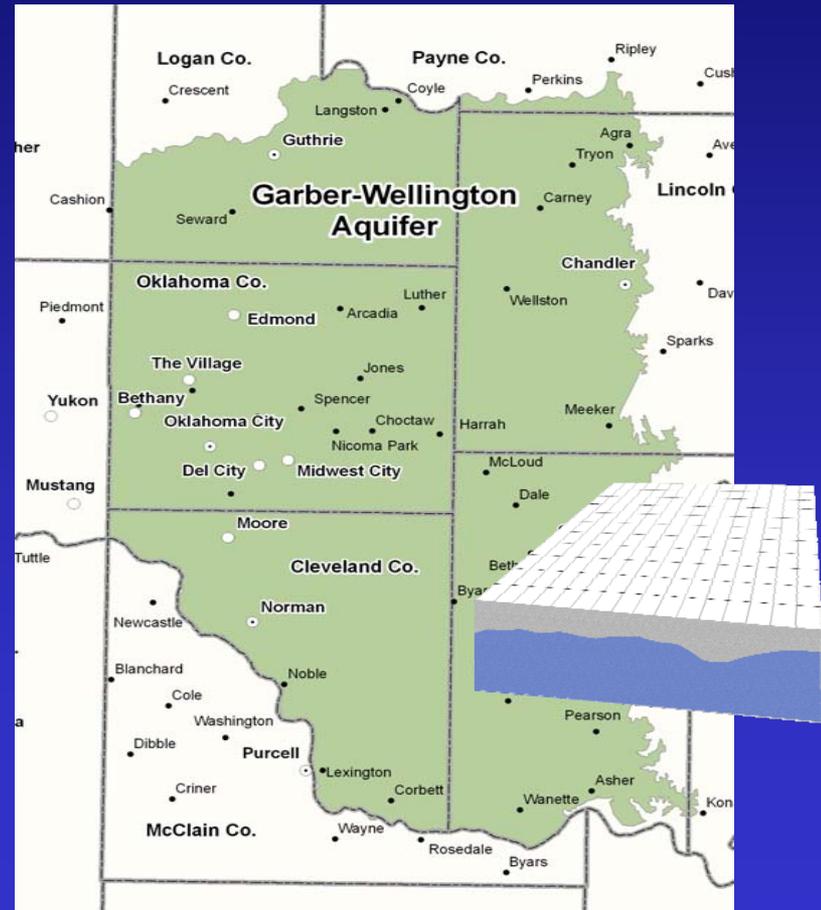
# Reasonable Regulation- Maximum Annual Yield

Law considers the entire basin...

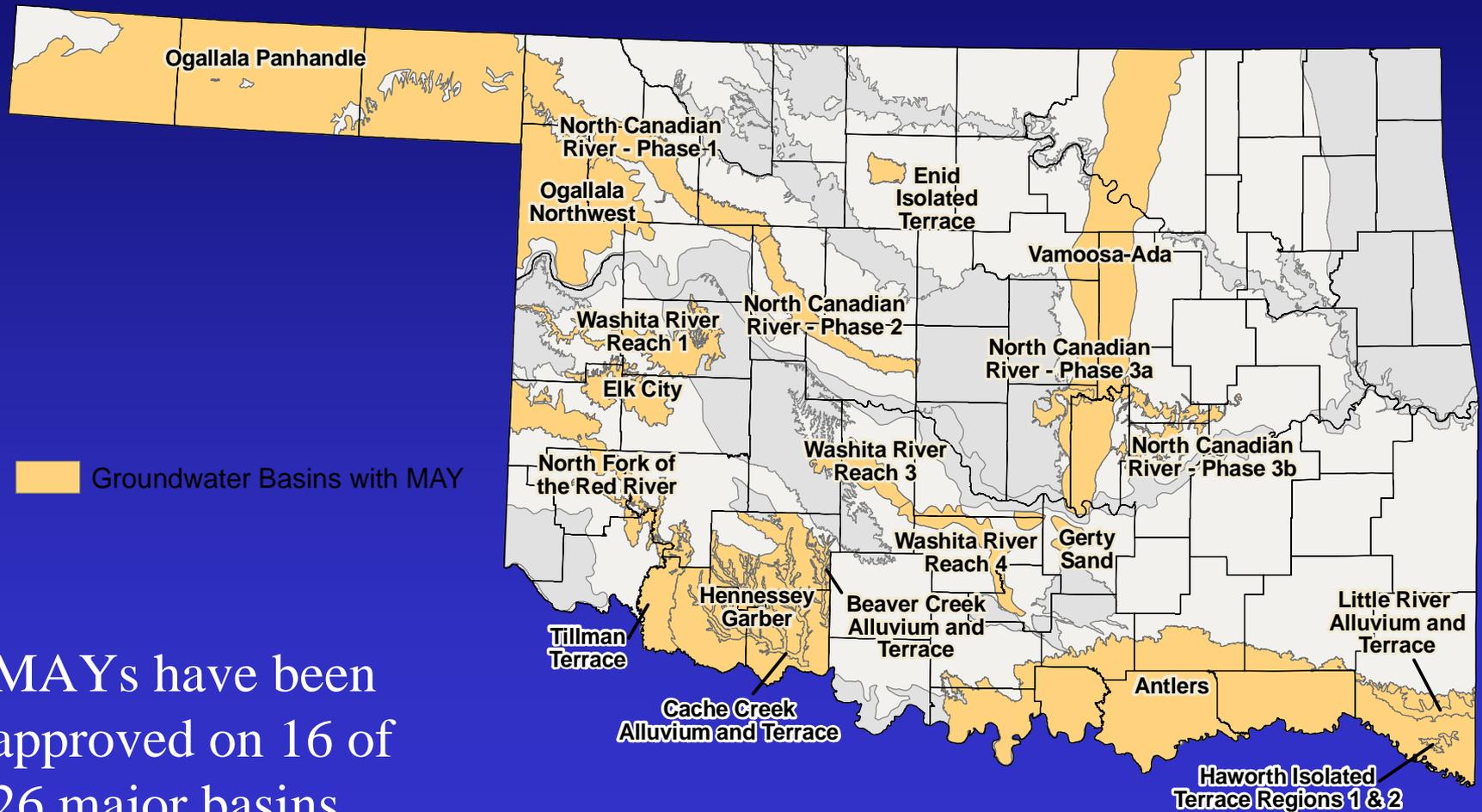
Question: How much water is available per acre of land?

Max. Annual Yield (MAY) –  
determination of total fresh gw that  
can be produced from a basin or  
subbasin allowing a min. 20-year life.

“Equal Proportionate Share” applies:  
Ea. land owner has right to a share of  
MAY equal to his/her ownership of  
land over the basin.



# Groundwater Availability Determinations



MAYs have been approved on 16 of 26 major basins

# Groundwater Allocation

## In Basins with MAY:

- Regular Permits are issued based on MAY approved by OWRB.
- Max. total water permitted =  
 $\leq \text{EPS/acre} \times \# \text{ acres dedicated land}$
- Currently range from 0.5 af/acre in the Enid Isolated Terrace to 2.1 af/acre in the Antlers Sandstone formation

## In Basins with no MAY:

- Temporary Permits are issued until a hydrologic study is completed and a MAY is approved by OWRB.
- Max. total water permitted = 2 a.f./acre x # acres dedicated land  
(if applicant can show beneficial use and no waste)

# Overview of Groundwater Permitting

Each surface owner of land over a basin is entitled to a certain allotment of water, as long as the use is beneficial and waste does not occur.

If the Board finds that four points of law have been met, “...*then the Board shall approve the application and issue the appropriate permit.*”

Four Points of Groundwater Law:

1. The applicant owns or leases the land from which the water will be withdrawn.
2. The dedicated land overlies a groundwater basin.
3. The water will be put to a beneficial use.
4. Waste of the water will not occur.

# Four Points of Groundwater Law

## 4. Waste of water will not occur.

Waste by pollution- “...*pollution of fresh water...through any act which will permit fresh groundwater polluted by minerals or other waste to...intrude into such a basin or sub-basin or failure to properly plug abandoned fresh water wells in accordance with rules...and file reports thereof.*”

Addresses well construction and securing abandoned/unused wells and reporting to OWRB.

Precludes Board from making waste by pollution determinations on activities for water use under ODEQ or DOA authority.

# Four Points of Groundwater Law

## 4. Waste of water will not occur.

Waste by Depletion- Addresses unauthorized depletion...

- excessive losses and
- inefficient uses-ensure amount permitted suits purpose

To ensure waste will not occur Board may impose conditions on the use of the groundwater.

# Reasonable Regulation: Well Spacing Provision

- Applies in basins WITH Maximum Annual Yield
- Requires 1,320' spacing from another land owner's authorized well, provided other well is capable of taking water from same basin.
- Exception set out in rule.

# Water Use Permitting Requirements

- Applications required (except for domestic use)
- Notice of application (hearing if protested):
  - mail notice
  - publish notice
- Administrative Procedures Act process
- Applications are approved/denied by the OWRB  
9-member Board

State of Oklahoma

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