TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 30. TAKING
AND USE OF GROUNDWATER

785:30-1-2. Definitions
The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Agricultural use" means water used for livestock, poultry, fish farms, fish hatcheries, veterinary services, feed lots, etc. (see also "Irrigation use").

"APA" means and refers to the Oklahoma Administrative Procedures Act set forth in 75 O.S., §§301 et seq., as amended.

"Application" means a formal request to the Board and the first step required by law to acquire the right to perform or engage in activities regulated by the Board.

"Artificial recharge" means any man-made process specifically designed for the primary purpose of increasing the amount of water entering into a groundwater basin or subbasin.

"Beneficial use" means the use of such quantity of stream or groundwater when reasonable intelligence and reasonable diligence are exercised in its application for a lawful purpose and as is economically necessary for that purpose. Beneficial uses include but are not limited to municipal, industrial, agricultural, irrigation, recreation, fish and wildlife, etc.

"Board" means the Oklahoma Water Resources Board authorized by law to make final adjudications, execute contracts, adopt rules and carry out other powers and duties set forth by law or, duties authorized by law to be delegated to the Executive Director, or any employee or agent or staff member thereof as assigned by the Executive Director.

"Commercial use" means use which includes but is not limited to water for businesses, industrial parks, laundries, cafes, motels/hotels, institutions, food processing and water used in the transportation of metal ores and non-metals by pipelines.

"Dedicated land" means the tract or tracts of land which the applicant owns, leases, or from which the applicant holds a valid right to withdraw groundwater and which is listed in the application and used to calculate the amount of groundwater requested.

"Definite stream" means a watercourse in a definite, natural channel, with defined beds and banks, originating from a definite source or sources of supply. The stream may flow intermittently or at irregular intervals if that is characteristic of the sources of supply in the area. [82:105.1(A)]

"Domestic use" means the use of water by a natural individual or by a family or household for household purposes, for farm and domestic animals up to the normal grazing capacity of the land whether or not the animals are actually owned by such natural individual or family, and for the irrigation of land not exceeding a total of three (3) acres in area for the growing of gardens, orchards, and lawns [82:1020.1(2)]. Domestic use also includes:(1) the use of water for agriculture purposes by natural individuals, (2) use of water for fire protection, and (3) the use of water by non-household entities for drinking water purposes, restroom use, and the watering of lawns, provided that the amount of groundwater used for any such purposes does not exceed five acre-feet per year.

"Enhanced recovery of oil and gas" means a long-term process using fresh water to recover substantial quantities of additional oil or gas which would not be recoverable under ordinary primary methods or under short-term stimulation techniques. This definition applies to
all non-primary forms of oil and gas recovery including but not limited to secondary, tertiary, or other enhanced recovery operations.

"Equal proportionate part or share" means the maximum annual yield of water from a groundwater basin or subbasin which shall be allocated to each acre of land overlying such basin or subbasin. It shall be that percentage of the maximum annual yield, determined as provided by 82 O.S., §1020.5 and 785:30-9-2 which is equal to the percentage of the land overlying the fresh groundwater basin or subbasin which is owned or leased by an applicant for a regular permit.

"Fresh water" means water which has less than five thousand (5,000) parts per million total dissolved solids. All other water is salt water. [82:1020.1(7)]

"Groundwater" means fresh and marginal water under the surface of the earth regardless of the geologic structure in which it is standing or moving outside the cut bank of any definite stream. [82:1020.1(1)]

"Groundwater basin" means a distinct underground body of water overlain by contiguous land having substantially the same geological and hydrological characteristics and yield capabilities. [82:1020.1(3)] The area boundaries of a major or minor basin can be determined by political boundaries, geological, hydrological, or other reasonable physical boundaries.

"Groundwater subbasin" means a subdivision of a major or minor groundwater basin overlain by contiguous land and having substantially the same geological and hydrological characteristics and yield capabilities. [82:1020.1(4)] Examples are a lateral or vertical subdivision of a groundwater basin delineated by either physical or political boundaries. Physical boundaries would be different in geological, hydrological or yield capabilities; bedrock; faults; low permeability zones or limits of pressure areas, etc. Political boundaries would be irrigation districts, planning districts, counties, city limits, etc.

"Industrial use" means the use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value.

"Irrigation use" means use of water for the production of food, fiber, crops, timber, fruits, nuts; and water applied to pastures, fields, landscaping, horticulture services, and golf courses.

"Life of a groundwater basin or subbasin" means that period of time during which at least fifty (50) percent of the total overlying land of the basin or subbasin will retain a saturated thickness allowing pumping of the maximum annual yield for a minimum twenty (20) year life of such basin or subbasin, provided that after July 1, 1994, the average saturated thickness will be calculated to be maintained at five feet (5') for alluvium and terrace aquifers and fifteen feet (15') for bedrock aquifers unless otherwise determined by the Board; provided further that after July 1, 1994, whether fifty (50) percent of the total overlying land of the basin or subbasin retains a saturated thickness allowing pumping for a minimum twenty (20) year life of the basin or subbasin need not be considered by the Board.

"Major groundwater basin" means a distinct underground body of water overlain by contiguous land and having substantially the same geological and hydrological characteristics and from which groundwater wells yield at least fifty (50) gallons per minute on the average basinwide if from a bedrock aquifer and at least one hundred fifty (150) gallons per minute on the average basinwide if from an alluvium and terrace aquifer, or as otherwise designated by the Board.[82:1020.1(3)]

"Marginal Water" means water which has at least five thousand (5,000) and less than ten thousand (10,000) parts per million total dissolved solids.
"Maximum annual yield" means a determination by the Board of the total amount of fresh groundwater that can be produced from each basin or subbasin allowing a minimum twenty (20) year life of such basin or subbasin.

"Mining use" means any use wherein the water is applied to mining processes including but not limited to oil and gas recovery operations, for drilling and reworking wells, and for conducting oil and gas field operations.

"Minor groundwater basin" means a distinct underground body of water overlain by contiguous land and having substantially the same geological and hydrological characteristics and which is not a major groundwater basin. [82:1020.1(9)]

"Municipal and rural water use" means the use of water by a municipality, rural water district, water corporation, or community for the promotion and protection of safety, health and comfort, distribution to natural persons for the maintenance of life and property, public and private business pursuits, and the furtherance of all generally recognized municipal purposes, except large recreational uses such as lakes unless in conjunction with other uses.

"Natural recharge" means all flow of water into a groundwater basin or subbasin by natural processes including percolation from irrigation.

"Notice by publication" means unless otherwise specifically provided, publication in a daily or weekly newspaper of general circulation once a week for two (2) consecutive weeks (minimum seven day interval).

"Party or interested party" means a person or agency named and participating, or properly seeking and entitled by law to participate, [75:250.3(7)] in hearings other than hearings on Board rules, regulations and standards.

"Permittee" means the person to whom a permit to use water has been issued by the Board or the person to whom such permit has been duly and properly transferred under Board rules.

"Person" means any individual, firm, partnership, association, corporation, business or public trust, federal agency, state agency, the State or any political subdivision thereof, municipalities, and any other duly constituted legal entity.

"Power use" means water used for power generation, including, but not limited to, fossil-fueled electric power generation.

"Prior groundwater right" means the right to use ground water established by compliance with the laws in effect prior to July 1, 1973, the effective date of the Groundwater Act, and determined pursuant to 82 O.S., §1020.14 and Subchapter 11 of this Chapter.

"Public water supply" means the use of water for drinking water purposes by housing developments, trailer parks, churches, schools, etc., other than water used for "municipal and rural water use."

"Recreation, fish and wildlife use" means use which includes but is not limited to the use of water for swimming, water skiing, boating, fishing, hunting or other forms of water recreation, and water for fish and wildlife conservation.

"Salt water" means any water containing more than five thousand (5,000) parts per million total dissolved solids.

"Sensitive sole source groundwater basin or subbasin" means a major groundwater basin or subbasin all or a portion of which has been designated as a "Sole Source Aquifer" by the United States Environmental Protection Agency, and includes any portion of an contiguous aquifer located within five (5) miles of the known areal extent of the surface outcrop of the sensitive sole source groundwater basin [82:1020.9A].
"Special use" means and includes but is not limited to the use of groundwater for groundwater heat pump systems or artificially recharging a groundwater basin or subbasin.

"Total discharge from the basin or subbasin" means and shall include but may not be limited to the amount of fresh groundwater withdrawn and placed to beneficial use prior to July 1, 1973, which amount shall be determined from the applicable final orders of the Board determining prior groundwater rights.

"Waste by depletion" means unauthorized use of wells or groundwater; drilling a well, taking, or using fresh groundwater without a permit, except for domestic use; taking more fresh groundwater than is authorized by the permit; taking fresh groundwater in any manner so that the water is lost for beneficial use; transporting fresh groundwater from a well to the place of use in such a manner that there is an excessive loss in transit; using fresh groundwater to reach a pervious stratum and be lost into cavernous or otherwise pervious materials encountered in a well; drilling wells and producing fresh groundwater therefrom except in accordance with the well spacing previously determined by the Board; or using fresh groundwater for air conditioning or cooling purposes without providing facilities to aerate and reuse such water.

"Waste by pollution" means 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; or failure to properly plug abandoned fresh water wells in accordance with rules of the Board and file reports thereof.

"Water right" means a right to the use of stream or groundwater for beneficial purposes.

"Water supply" means a natural body of water, whether static or moving either on or under the surface of the ground, or in a man-made reservoir, available for beneficial use on a reasonably dependable basis.

"Well" means any type of excavation for the purpose of obtaining groundwater or to monitor or observe conditions under the surface of the earth but does not include oil and gas wells.

785:30-3-1. General application requirements

(a) Application form to be used. The applicant shall complete an application for a groundwater permit on the approved form set out in Appendix A to this chapter, or on an electronic or other form approved by the Board, copies of which are provided by the Board, and in the manner described by the form. The application form may be presented to the Board in person, by mail, by readable facsimile transmittal, or through the Board's online application service. With copies of the application form, the Board will provide copies of a sample plat on which information as required by the application form must be indicated. The Board may require that relevant portions of the approved form be completed for applications or petitions to amend an existing groundwater right.

(b) Written permission of owner required if applicant does not own land. Except as provided in 82 O.S., §1020.21, no permit shall be issued to an applicant who is not the surface owner of the land on which the well is to be located, or hold a valid right from such surface owner permitting withdrawal of water, provided that an owner (or lessee) of a mineral estate severed prior to May 28, 1985, shall not be required to get separate authorization from the surface estate owner, pursuant to the Oklahoma Supreme Court case of
Unit Petroleum Co. v. Okla. Water Res. Board. A copy of the ownership documentation or written permission may be required as part of the application.

(c) **Existing and proposed well locations; potential well areas; maximum number of wells to be completed.**

1. **Locations of existing wells.** The applicant may in the application form Appendix A describe or show the actual location of existing wells by distances in feet from readily identifiable objects or monuments such as section lines or provide latitude/longitude coordinates of existing wells requested to be authorized.

2. **Locations of proposed wells.** If specific information is known, for instances by test drilling, the actual locations of proposed wells may be shown in the application plat by distances in feet from readily identifiable objects or monuments such as section lines or by latitude/longitude coordinates.

3. **Potential well areas.** If the applicant does not have specific information as to location of existing or proposed wells, the potential area or areas where such wells are located or may be drilled and completed on the dedicated lands must be indicated on the application plat. Unless specified well location information is provided, the potential well area information for proposed well locations as indicated on the plat will be used to determine the certified mail notice that the applicant must provide. To be authorized by the permit, specific location information about existing and proposed wells must be provided or the wells must be located in the potential well area or areas.

4. **Maximum number of wells to be completed.** If the requested permit is issued, it will authorize a maximum number of existing wells and proposed wells to be drilled and completed. Absent information to the contrary, a maximum of three wells will be authorized for each 100 acre-feet of groundwater to be withdrawn per year. Pursuant to subchapter 7 of this Chapter 30, a permittee may request authority to complete additional wells after the permit is issued.

(d) **Additional information.** In addition to the information specified in (a) and (b) of this Section and in the application form, the applicant may be required to submit additional information necessary for proper consideration of the application.

785:30-3-5.1. Prohibition to issuance or amendment of permit and waiver [REVOKED]

(a) Except for renewals, the...Board shall not issue any permit or amendment thereto or other authorization for the use of water for any swine animal feeding operation wholly or partially located within three (3) miles of the outside boundary of any area or facility owned or operated as a camp or recreational site by a nonprofit organization.

(b) The provisions of this subsection shall apply only if the real property was owned or leased by such organization prior to the construction or establishment of the swine animal feeding operation.

(c) The setback requirement contained in subsection (a) of this section shall not apply to any property owner who executes a written waiver with the owner or operator of the swine feeding operation, under such terms and conditions as are agreed to by the parties. The written waiver shall be effective upon recording of the waiver in the office of the county clerk of the county in which such property is located. A change in ownership of the applicable property or change in ownership of the property on which the swine feeding operation is located shall not affect the validity of the waiver [82:1020.11a].

(d) For purposes of this section, the following shall apply:
(1) Nonprofit organizations include but are not limited to organizations recognized by the Internal Revenue Service as tax exempt pursuant to Section 501(c) of the federal Internal Revenue Code, organizations registered with the Oklahoma Secretary of State as a nonprofit corporation or otherwise pursuant to Title 18 of the Oklahoma Statutes, and federal, state and local governments.

(2) The boundary of the swine animal feeding operation shall be considered the outside perimeter of any structure or combination of structures utilized to control animal waste until it can be disposed of in an authorized manner. Such structures shall include but not be limited to pits, burial sites, barns or roof-covered structures housing animals, composters, waste storage sites, or retention structures or appurtenances or additions thereto.

(3) The outside boundary of any area or facility owned or operated as a camp or recreational site by a nonprofit organization:

(A) for governments, shall be considered that line drawn along the outside perimeter of any tract or tracts of land designated as a wildlife management area, wildlife refuge, park, camping or recreational site shown on U.S.G.S. topographic or other widely disseminated maps or other information submitted to the Board; and

(B) for all other nonprofit organizations, shall be presumed to be the outside boundary of the tract of land on which the area or facility used as a camp or recreational site by such organization is located.

(4) In making the factual determination whether a given parcel of land is owned or operated as a camp or recreational site by a nonprofit organization, the Board shall consider the following factors:

(A) the manner of use, including but not limited to camping, cooking, picnicking, hiking, swimming, wading, boating, fishing, team sports, or other leisure or play activities;

(B) whether the area or site features permanent equipment or fixtures such as cabins, picnic tables, grills, playground equipment, swimming pools, or playing fields;

(C) the regularity, frequency and duration of use for camping or recreational purposes by the nonprofit organization, its members or invitees;

(D) the number of persons who use the land under the authority of the nonprofit organization for camping or recreational purposes; and

(E) whether the nonprofit organization holds the land on which the camp or recreational site lies by a deed or lease filed of record in the county clerk's office.

(e) With the filing of their applications or as soon as possible thereafter, applicants for permits or amendments to existing permits to use groundwater for swine production shall provide information about areas or facilities owned or operated as camps or recreational sites by nonprofit organizations that may exist within three miles of the swine animal feeding operation and shall submit copies of any written waivers obtained pursuant to Section 1020.11a of Title 82 of the Oklahoma Statutes. The notice of the application for new permit or to amend an existing permit for swine production shall contain a statement that no known areas or facilities owned or operated as camps or recreational sites by nonprofit organizations exist within three miles of the swine animal feeding operation, or that written waivers have been obtained from owners or operators of such areas or facilities.
In addition to other notice required by this Chapter of the rules, the applicant shall be required to provide notice by certified mail, return receipt requested, to all record owners or lessees of the surface estate of lands located wholly or partially within three miles of the outside boundary of the swine animal feeding operation. Evidence of such mailing shall be provided by an affidavit certifying such mailing and including a list of names and addresses of those persons to whom the notice was mailed. Return receipt cards shall be made available upon request of staff of the Board or the Hearing Examiner.

785:30-3-6. Well spacing [AMENDED]
(a) Spacing requirements. Within bedrock groundwater basins where the maximum annual yield has been determined, no new or proposed well(s) shall be drilled and completed after October 1, 2019 within one thousand three hundred twenty feet (1320') of an authorized existing well or proposed well location on lands of another, provided that the well on lands of another is capable of taking water from the same basin. Within alluvium and terrace groundwater basins where the maximum annual yield has been determined, no new or proposed well(s) shall be drilled and completed after October 1, 2019 within six hundred sixty feet (660') of an authorized existing well or proposed well location on lands of another, provided that the well on lands of another is capable of taking water from the same basin. These well spacing provisions shall not be applicable to plugged or abandoned wells or wells authorized pursuant to a provisional temporary permit if no regular, temporary, special or limited quantity permit application requesting authorization to use the same wells is filed.

(1) Within bedrock groundwater basins or subbasins where the maximum annual yield has been determined, no new or proposed well(s) shall be authorized by regular permit to be drilled and completed within one thousand three hundred twenty feet (1320') of an authorized existing well or proposed well location on lands of another, provided that the well on lands of another is capable of taking water from the same basin.

(2) Within alluvium and terrace groundwater basins or subbasins where the maximum annual yield has been determined, no new or proposed well(s) shall be authorized by regular permit to be drilled and completed within six hundred sixty feet (660') of an authorized existing well or proposed well location on lands of another, provided that the well on lands of another is capable of taking water from the same basin.

(3) The spacing setback provisions of paragraph (1) for minor bedrock basins or subbasins and paragraph (2) for minor alluvium and terrace basins or subbasins may be imposed on proposed wells requested to be authorized by applications for temporary permits filed after September 1, 2019, and after the Board has conducted at least one public hearing on the spacing setback provisions at a location within or in close proximity to the major basin or subbasin. The bedrock or alluvium and terrace well spacing rule as appropriate may also be considered as part of the public hearing conducted pursuant to Section 1020.6 of Title 82 of the Oklahoma Statutes regarding a tentative determination of the maximum annual yield of the basin or subbasin.

(4) These well spacing provisions shall not be applicable to plugged or abandoned wells or wells authorized pursuant to a provisional temporary permit if no regular, temporary, special or limited quantity permit application requesting authorization to use the same wells is filed, provided further that the well spacing provisions shall not be applicable to proposed wells on lands of another if the proposed wells on lands of another are no longer authorized pursuant to 785:30-5-5(a)(9).
(3) For applications filed on or after October 1, 2019 within minor bedrock groundwater basins or subbasins, no new or proposed well(s) shall be authorized by temporary permit to be drilled and completed within one thousand three hundred twenty feet (1320') of an authorized existing well or proposed well location on lands of another, provided that the well on lands of another is capable of taking water from the same basin.

(4) For applications filed on or after October 1, 2019 within minor alluvium and terrace groundwater basins or subbasins, no new or proposed well(s) shall be authorized by temporary permit to be drilled and completed within six hundred sixty feet (660') of an authorized existing well or proposed well location on lands of another, provided that the well on lands of another is capable of taking water from the same basin.

(5) Spacing requirements for major bedrock basins or subbasins and for major alluvium and terrace basins or subbasins may be imposed on new or proposed wells requested to be authorized by applications for temporary permits filed on or after October 1, 2019, and after the Board has conducted at least one public hearing on the spacing setback provisions at a location within or in close proximity to the major basin or subbasin pursuant to Section 1020.17 of Title 82 of the Oklahoma Statutes.

(6) These well spacing provisions shall not be applicable to plugged or abandoned wells, or wells authorized pursuant to a provisional temporary permit if no regular, temporary, special or limited quantity permit application requesting authorization to use the same wells is filed, provided further that the well spacing provisions shall not be applicable to proposed wells on lands of another if the proposed wells on lands of another are no longer authorized pursuant to 785:30-5-5(a)(9).

(b) Location exceptions. A location exception shall be granted if the person requesting the exception shows and the Board determines in an individual proceeding that drilling or completing the new or proposed well at the location required to comply with the established well spacing set forth in subsection (a) of this section would be inequitable or unreasonable, and that notice, as set forth in 785:30-3-4, of the location exception request is provided. The following situations are examples to show that compliance with well spacing would be inequitable or unreasonable:

(1) No objection is received from any landowner having a well located within the established well spacing distance of the proposed well requested to be authorized.

(2) The amount or dimensions of the land dedicated to the permit precludes the drilling of a well in compliance with the spacing requirement set forth in (a) of this section.

(3) The well requested to be authorized is a well which was drilled, completed and used prior to the date of the maximum annual yield determination and which does not meet the spacing requirements of (a) of this section.

(4) The applicant presents substantial, competent evidence to the Board and the Board determines that the amount of groundwater available in locations that would meet spacing requirements is insufficient for the purposes to be authorized.

(1) The following situations are examples to show that compliance with well spacing would be inequitable or unreasonable:

(A) No objection is received from any landowner having a well located within the established well spacing distance of the proposed well requested to be authorized.
(B) The amount or dimensions of the land dedicated to the permit precludes the drilling of a well in compliance with the spacing requirement set forth in (a) of this section.

(C) The well requested to be authorized is a well which was drilled, completed and used prior to the date of the maximum annual yield determination or prior to October 1, 2019 within temporary basins and which does not meet the spacing requirements of (a) of this section.

(D) The applicant presents substantial, competent evidence to the Board and the Board determines that the amount of groundwater available in locations that would meet spacing requirements is insufficient for the purposes to be authorized.

(2) Criteria and conditions for location exceptions may include compliance with terms to prevent unreasonable impact on other wells within the spacing distance, including:

(A) the rate and timing of the withdrawal of groundwater;
(B) the depth of perforation of the groundwater well; and,
(C) the depth of sealing of the well.

(c) Well spacing within a sensitive sole source groundwater basin.

1) Within a sensitive sole source groundwater basin where the maximum annual yield has been determined:

(A) No new or proposed well shall be drilled and completed within a one thousand three hundred twenty feet (1320') radius of a spring that flows 50 or more gallons per minute, emanates from the basin and is identified in Appendix D to this Chapter or in the National Water Information System database of the United States Geological Survey (USGS);

(B) No new or proposed well shall be drilled and completed within a two (2)-mile radius of a spring that flows 500 or more gallons per minute, emanates from the basin and is identified in Appendix D to this Chapter or in the National Water Information System database of the United States Geological Survey (USGS), unless the Board first determines that the total amount of groundwater authorized to be used from all wells within that radius is no more than 1600 acre feet per year; and

(C) No new or proposed well shall be drilled and completed within one (1) mile of a stream segment considered to be perennial in the U.S. Geological Survey's National Hydrology Dataset and with a base flow of 500 gallons per minute that emanates from the basin.

2) Provided, an applicant may obtain an exception from the provisions of paragraph (1) of this subsection (c) if:

(A) The applicant first demonstrates to the satisfaction of the Board that the cumulative impact of pumping from the new or proposed well together with authorized pumping from existing and proposed wells will not cause a reduction of more than 25% of the base flow of the subject spring or stream; or

(B) The amount or dimensions of the land dedicated to the permit precludes the drilling of a well in compliance with the provisions of paragraph (1) of this subsection (c).

(3) Notwithstanding any other provision of this subsection (c), the Board shall not authorize any new or proposed well within a sensitive sole source groundwater basin
where the maximum annual yield has been determined if the use of that well is likely to
degrad or interfere with springs or streams emanating in whole or in part from
[82:1020.9(A)(1)(d)] the basin.

785:30-7-4. Adding or replacing a well for the purpose of exercising prior rights or existing
permits [AMENDED]
(a) Additional wells.
(1) The holder of a permit or prior right may make a written petition to the Board for
approval of an additional well(s) where such well(s) is or are necessary in order to
withdraw the amount authorized by the existing permit. If ownership of the land, permit
or prior right changes after the petition is filed, the petitioner must promptly notify the
Board and notice of such change may be required.
(2) The petition shall be filed prior to drilling the well(s) on forms provided by the
Board and shall be accompanied by a map or plat (see APPENDIX A of this Chapter).
The additional well(s) must be located on lands dedicated to the permit to take and use
groundwater from the same groundwater basin, be drilled and used to prevent waste and
meet applicable well spacing requirements or location exceptions.
(3) The Executive Director shall approve the petition, provided:
(A) That the new well location meets established well spacing or is not closer
than one-thousand three hundred twenty feet (1320′) from lands owned by another
if well spacing is not applicable; or
(B) That, if well spacing is not applicable, there is submitted a written
statement from each surface estate owner owning land closer than one-thousand
three hundred twenty feet (1320′) from the well requested to be authorized, stating
that he or she has no objection to the new well location.
(4) If one of the above enumerated conditions cannot be met, the permittee must give
notice as set forth in 785:30-3-4 regarding each additional proposed well. If a protest is
received, the Board shall schedule a hearing and notify the applicant and protestant of
such hearing. Even if no protest is received, the petitioner shall be given opportunity for
hearing if the petition cannot be recommended for approval to the Board.
(b) Replacement well.
(1) For well locations authorized by a permit or prior right, a replacement well may
be drilled on dedicated lands without prior approval from the Executive Director if the
proposed replacement well will not be closer than meets established well spacing or will
not be closer than one-thousand three hundred twenty feet (1320′) from lands owned by
another if well spacing is not applicable.
(2) For a well location authorized by permit or prior right where the proposed
replacement well location is within one-thousand three hundred twenty feet (1,320′) of
lands owned by another, the replacement well may be drilled on lands relied on to
establish the prior right or dedicated lands without prior approval of the Executive
Director, provided the replacement well is within two-hundred fifty feet (250) of the well
to be replaced.
(3) If paragraphs (1) or (2) of this subsection cannot be met, a petition for an
additional well may be filed.
(c) Location of wells identified. A legal description or multi-purpose completion report
such as that required by 785:35-5-3 showing the location of the well to the nearest ten (10) acre
tract shall be submitted to the Board within sixty (60) days after completion of any additional or replacement well.
Appendix A – Application for a Permit to Use Groundwater [REVOKED]

OFFICE USE ONLY
Application No.
Type of Permit
Groundwater Basin
Equal Proportionate Share

APPLICATION FILING FEE
Amount of Water Requested Fee
0 – 320 acre-feet................................. $____
321 – 640 acre-feet................................. $____
641 – 1500 acre-feet................................. $____
Over 1500 acre-feet................................. $____*
*Plus $____ for each 500 acre-feet (or any increment thereof) over 1500 acre-feet. (Maximum Fee $5,000.00)

APPLICATION FOR PERMIT TO USE GROUNDWATER
OKLAHOMA WATER RESOURCES BOARD
PLANNING & MANAGEMENT DIVISION
3800 North Classen Blvd., Oklahoma City, OK 73118
Phone: (405) 530-8800  Fax: (405) 530-8900
Website: www.owrb.ok.gov

1. NAME & ADDRESS (Print the applicant's full name, as listed on the ownership documentation, and mailing address)

   Applicant Name _______________________________  Phone (___) ________
   Address ______________________________________ City ________ State _____ Zip _________
   Fax (___) ________

   Contact Name (if applicable) ____________________  Phone (___) ________
   Address ______________________________________ City ________ State _____ Zip _________
   Fax (___) ________

2. PURPOSE(S) FOR WHICH WATER WILL BE USED (List the purpose(s) for which the water will be used and the number of acre-feet for each purpose. Note: one acre-foot of water will cover one acre of land one foot deep and is equal to 325,831 gallons)

   AMOUNT
   _______ acre-feet of water will be used for _______ acre-feet of water will be used for

   PURPOSE
   __________________________________________________________________________

   Irrigation Only: _______ acres will be irrigated. Proposed Crops ____________________________________________

3. OWNERSHIP & LEGAL DESCRIPTION OF LAND DEDICATED (List the legal description of all the lands to be dedicated. Please do not use city lot and block numbers or metes and bounds. Legal description must match the description on ownership documents. If additional space is needed, list on a separate sheet of paper.)

   _______ acres owned; _______ acres leased; _______ acres platted (municipal only) and dedicated to the application.

   _______ acres in 1/4 of 1/4 of 1/4 of Section _____ Twp. _____ N S Rng. _____ O EIM
   _______________ WIM in _______________ ECM County

   _______ acres in 1/4 of 1/4 of 1/4 of Section _____ Twp. _____ N S Rng. _____ O EIM
   _______________ WIM in _______________ ECM County

   _______ acres in 1/4 of 1/4 of 1/4 of Section _____ Twp. _____ N S Rng. _____ O EIM
   _______________ WIM in _______________ ECM County

Water will be used in ___________________________ County, Oklahoma
4. WELL INFORMATION (Please specify the number of wells requested and the legal description of either the 10-acre tract of land where the well will be located. If the 10-acre tract is not known, please describe the potential well area where wells may be located. If additional space is needed, list on a separate sheet of paper.)

Water is to be withdrawn from _________ well(s) located in:

____ 1/4 of _____ 1/4 of _____ 1/4 of Section____ Twp.____  O N  O EIM  O WIM  in _______ County Well?  O Yes  O No
   O ECM

____ 1/4 of _____ 1/4 of _____ 1/4 of Section____ Twp.____  O N  O EIM  O WIM  in _______ County Well?  O Yes  O No
   O ECM

____ 1/4 of _____ 1/4 of _____ 1/4 of Section____ Twp.____  O N  O EIM  O WIM  in _______ County Well?  O Yes  O No
   O ECM

For wells that are existing: Depth of Well(s) _______ feet; Pumping Rate(s) _______ gallons per minute

5. MUNICIPALITIES AND RURAL WATER DISTRICTS ONLY

If platted lands within the municipal boundaries are dedicated:

Will the municipality make water available to the platted lands area?  O Yes  O No
Will the well(s) be located not less than 600 feet within the boundaries of the municipal limits?  O Yes  O No
Will the well(s) be drilled on the platted lands dedicated?  O Yes  O No

6. CITIZENSHIP AFFIDAVIT

Are you a citizen of the United States of America?  O Yes  O No
If no, are you a qualified alien under the federal Immigration and Nationality Act and lawfully present in the United States?  O Yes  O No. My A-number is ____________________ and a true and correct copy of my immigration document, including my date of birth, user case number, and immigration document type and its expiration date, must be attached.

(PLEASE NOTE: Each individual listed as an applicant must provide a citizenship affidavit. If the land is owned by more than one person, a copy of this page will need to be filled out, signed, notarized and filed with the completed application.)

7. SIGNATURES

Upon my oath or affirmation, I swear or affirm (1) that all information submitted to the Oklahoma Water Resources Board in connection with this application is true and accurate to the best of my knowledge; and (2) that I or the person or entity I represent will comply with all applicable laws and regulations contained in Chapters 30 and 35 of the Oklahoma Water Resources Board rules and all other applicable regulations of the State of Oklahoma or its agencies, and any lawful conditions imposed by the Oklahoma Water Resources Board, which apply or pertain to the use of fresh groundwater.

_________________________
SIGNATURE OF APPLICANT

________________________________________
PRINT NAME

_________________________
TITLE (IF APPLICABLE)

_________________________
NOTARY

STATE OF ____________________

COUNTY OF ____________________

The foregoing instrument was acknowledged before me this ___ day of ____________, 20__.

_________________________
Notary Public

My commission expires:________________

(SEAL)
8. APPLICATION SUBMISSION AND PROCESSING

The submitted application must include:

a. The appropriate filing fee;
b. The original application, typed or printed in ink, signed and notarized; and
c. Deed(s), lease(s), and / or letter (s) of consent as required.
d. Other documentation may be requested as needed to complete the application review.

Please note: Any incomplete or unresponsive answers may cause a delay in the processing of your application. In addition, Oklahoma Administrative Code (OAC) 785:30-1-4(d) states: “If the application is defective to as to form, the Board shall advise the applicant of the corrections, amendments, or changes required and sixty (60) days shall be allowed for the refiling thereof. If the application is not corrected, amended, or changed within the time required, the Board may inactivate the application. Furthermore, OAC 785:30-3-3(b), states: “If an applicant does not correct an application or publish notice as instructed by the Board, and no further proceedings are initiated by the applicant for six months or more after last contact with the Board, the application shall be deemed withdrawn. The Board shall provide notice to the applicant that the application has been deemed withdrawn.”
Oklahoma Water Resources Board Application Plat

Note: Drawings must match the legal descriptions provided in questions #3 and #4 in the application and one copy of the plat must be filed with the application.

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Land Dedicated

Area of Use

Potential Well Location Area on Dedicated Lands

Proposed well locations (if known)

Other existing wells (not part of application)

If exact proposed well location is not known)
Oklahoma Water Resources Board Surface Estate Owners Map

Applicant Name

The applicant must furnish names and mailing addresses of all surface estate owners of land located within one-thousand three hundred twenty (1320') from the actual location of existing or proposed wells and/or from the outside boundaries of all potential well location areas subject of this application, unless otherwise directed by the Board. Mark the actual location of existing and proposed wells and shade all potential well location areas subject of the application.

One copy of this form must be filed with the Groundwater application.

SURFACE ESTATE OWNERS OF LANDS LOCATED WITHIN 1320 FEET OF WELL LOCATIONS OR AREAS

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Plat Scale

Each smaller square represents a ten (10) acre tract (or 600 ft x 600 ft)