

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

**SUBCHAPTER 3. PERMIT APPLICATION REQUIREMENTS AND  
PROCESSING**

**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 [82:1020.11(D)] right from such surface owner permitting withdrawal of water [82:1020.11(D)]*, 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.~~

## SUBCHAPTER 5. GROUNDWATER PERMITS

### 785:30-5-5. Contents of permits

(a) Every regular, temporary, special, marginal water, and provisional temporary permit issued by the Board shall contain substantially the following:

- (1) Date of filing.
- (2) The county or counties in which the well(s) is or are located.
- (3) The permit number and date issued, which shall be the date the permit is approved by the Board or where appropriate, by the Executive Director.
- (4) The name and address to whom issued.
- (5) The amount of water in acre-feet authorized to be withdrawn annually.
- (6) The purpose for which the water will be used and the legal description of the land dedicated to the permit.
- (7) The legal description of the well location(s) to the nearest ten (10) acre subdivision, or by indicating "center of" when applicable for a larger tract of land.
- (8) Groundwater basin(s) or formation(s) from which water is to be withdrawn.
- (9) If a proposed well is not drilled and completed within one (1) year of permit issuance, groundwater will no longer be authorized to be withdrawn from that location unless a written request to extend the drilling period is approved by the Executive Director.

(b) In addition to the above, the permit shall contain any additional terms, conditions, limitations, or restrictions the Board may prescribe and on which the applicant agrees or as ordered after notice and hearing.

### 785:30-5-7. Cancellation or suspension of permits

(a) Any regular, temporary, marginal water, or special permit may be cancelled by the Board upon willful failure of the applicant to report annual usage upon proper notice and hearing as provided in the Administrative Procedures Act.

(b) In addition thereto, if any person commits waste as defined in 82 O.S. §1020.15, *the Board shall immediately institute action to enjoin in a court of competent jurisdiction and may suspend any permit to take water as long as such waste continues.* [82:1020.15]

(c) Any permit for marginal water may be reopened, amended, suspended, or cancelled by the Board at any time for failure to comply with the permit terms, limitations, or restrictions, or any provision of the relevant statutes or rules, upon proper notice and hearing as provided in the Administrative Procedures Act and the Board's rules.

### 785:30-5-9. Annual reports of water use

(a) Water use report forms will be mailed during January of each year to every holder of a valid prior right and every regular, marginal water, and temporary permit holder, with the exception of persons holding special permits, who must complete same and return to the Board within thirty (30) days of receipt.

(b) This report shall become a part of each permit record.

(c) *Willful failure to report annual usage may result in cancellation of the permit.*  
[82:1020.12]

(d) Holders of special permits are required to complete and return a water use report within thirty (30) days after expiration of such permit. Holders of provisional temporary permits will not be required to complete and return a water use report.

~~(e) — Holders of marginal water permits are required to submit meter logs to the Board with their annual water use report forms.~~

### **785:30-5-10. Marginal water permits**

(a) In addition to the requirements of this section, all marginal water permits must comply with rules in 30-5-5.

(b) Any well used for the marginal water permit must meet well construction rules as specified in OAC 785:35-7-3(b)(2) so as to not contaminate fresh water resources.

~~(c) Wells used for marginal water permits shall be metered with the pumping rate logged and volume used/withdrawn recorded. Meter records shall be kept by the permit holder for the duration of the marginal water permit, and available to submit to the Board, upon request. reported to the Board annually. The permit holder shall maintain records showing the meter is properly calibrated and make them available to the Board upon request. submit meter logs to the Board with their annual water use report forms.~~

(d) If the permit applicant can provide hydrologic information sufficient evidence, as determined by the Board, of the expected volume of marginal water underlying the proposed acreage of dedicated lands for the marginal water permit, the applicant may request the entire volume of marginal water to be permitted from the Board, with no annual limitation on withdrawal amount, until such time as the applicant withdraws the total permitted amount of marginal water.

~~(e) If the permit applicant cannot provide hydrologic information sufficient evidence, as directed by subsection (d) of this section determined by the Board, of the expected volume of marginal water underlying the proposed acreage of dedicated lands for the marginal water permit, the applicant will be allowed to dedicate land overlying the same geologic formation, as determined by the Board, containing the marginal water. In the event the Board determines the geologic formation not sufficient, the Board may allow the applicant to dedicate lands within the same county or contiguous county for use on the marginal water permit. Marginal water permits dedicated to lands based on geologic formation or county will be permitted a minimum of four acre-feet per acre~~

~~(f) — Marginal water permits dedicated to lands based on geologic formation or county will be permitted a minimum of two acre-feet per acre~~

(g) As determined by staff, and as approved by the Board, water quality sampling measuring total dissolved solids shall occur after every 100 acre feet withdrawn and must be submitted to the Board to verify total dissolved solids are between five thousand and ten thousand parts per million. The well should be purged three well volumes prior to sampling. If that is not possible, alternate methods of purging can be considered. These can include, chemical parameter stabilization where pH and specific conductance remain constant for at least three consecutive measurements, or if the well is pumped dry prior to three well volumes, it can be considered sufficiently purged, or using low flow methods where a pump or sampler is placed directly at the screen.

(h) Water quality sampling results for total dissolved solids from an accredited laboratory must be submitted to the Board. The Board may approve annual sampling after two years of readings between five and ten thousand parts per million.

(i) When the permit holder becomes aware of total dissolved solids below five thousand parts per million, the permit holder must report to the Board within 48 hours. Staff may determine that the permit holder will be required to apply for permit authorization for a provisional temporary permit or a regular permit.