

Water Use Permitting



State of Oklahoma

OWRB

WATER RESOURCES BOARD
the water agency

Water Use Laws & Procedures

Oklahoma law requires any person who uses groundwater or water from a stream in Oklahoma for agricultural, industrial, public water supply, and other non-domestic purposes to obtain a permit from the Oklahoma Water Resources Board (OWRB). Use of water for domestic purposes (by an individual or family for households; farm and domestic animals up to the normal grazing capacity of the land; irrigation of garden, orchard, and lawn areas of 3 acres or less; and non-household uses of 5 acre feet or less annually) is exempt from the permit requirement. Water is permitted in units called "acre feet." One acre foot equals the amount that would cover one acre of land with water one foot deep, or 325,851 gallons.

An application for a long-term water permit (one year or more) is reviewed by OWRB staff to determine preliminarily if it meets the requirements of law for that kind of permit. If so, the applicant must give public notice of the application as directed by OWRB staff. If a valid protest is received, a hearing is held by a Hearing Examiner. In any case, after the notice period the application is considered based on the applicable law and a final decision is made (approval or disapproval, in whole or in part) by the OWRB members in a monthly business meeting. Processing of an application for long-term use of water generally takes 60 to 90 days from the date of filing, unless there are protests or other delays. Protested applications normally require an additional 30 to 60 days or more prior to final action by the OWRB members. OWRB business meetings are usually held the second Tuesday of every month at the OWRB's Oklahoma City office.

State statutes provide that an application for a short-term water permit (90 days or less) can be approved by the OWRB Executive Director without notice to the public. These short-term permits are usually for lesser amounts and cannot be renewed.

Stream Water Permitting

Water running in a definite stream in Oklahoma is considered public water and can be used by any person who obtains a permit for non-domestic use. In general, the first person to apply for a stream water right establishes a right superior to later applicants (i.e., "first in time, first in right"). To obtain a stream water permit, an applicant must establish:

- (1) unappropriated water is available,
- (2) the applicant needs the water and will put it to a beneficial use,
- (3) the proposed use will not interfere with domestic use or existing permitted uses, and
- (4) any use of the water outside its own stream system will not interfere with uses inside its stream system.

Beneficial Uses*

- Agriculture
- Irrigation
- Municipal
- Industrial
- Recreation
- Fish and wildlife

*including but not limited to

Each stream water permit will specify the amount of water permitted and the length of time for which it is permitted. The full amount must be fully utilized either (a) one year in each seven-consecutive-year period or (b) in accordance with a long-term schedule of use. Failure to use the permitted amount of water in the specified time will result in a cancellation or reduction of the unused amount of the stream water right.

Groundwater Permitting

In Oklahoma, groundwater belongs to the land surface owner and may be used subject to the Oklahoma Groundwater Law. A permit is required for non-domestic use.



The law provides for the OWRB to study the state's aquifers ("groundwater basins") and make determinations of how much can be withdrawn each year (the "maximum annual yield") while assuring that the groundwater basin will last at least 20 years. The maximum annual yield is divided into an "equal proportionate share" for each acre of land over the basin. "Regular" permits are issued for these basins. Generally, the amount of a regular permit is based on the equal proportionate share multiplied by the number of acres owned or leased by the applicant. For example, if the equal proportionate share is 1.5 acre feet and the applicant owns 160 acres, the regular permit will authorize use of 240 acre feet per year.

Groundwater wells must be drilled and completed in compliance with minimum standards set by the OWRB. For a complete list of licensed drillers, go to www.owrb.ok.gov.

If an aquifer's maximum annual yield and equal proportionate share have not yet been determined, the law provides that a "temporary" (year-to-year, until the maximum annual yield is finalized) permit can be issued. The law specifies an amount of 2 acre feet per acre of land for temporary permits. Eventually, when the aquifer's maximum annual yield is determined, the temporary permit will be converted to a regular permit and the authorized amount will be adjusted to the equal proportionate share.

In order to obtain a regular or temporary permit, an applicant must prove: (1) the applicant owns or leases the land surface, (2) the land lies over a groundwater basin, (3) the proposed use will be beneficial, and (4) waste of groundwater will not occur (i.e., groundwater will not be wasted due to excessive losses or pollution).

