

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 5. FEES**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

785:5-1-6 Stream water permit application and administration fees [AMENDED]

785: 5-1-10. Groundwater application and administration fees [AMENDED]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Replace the existing annual stream water file maintenance fee with an annual water rights administration fee. The application fees for filing an application for a permit to use stream water would remain the same. A new administration fee to be assessed annually for groundwater permits is similarly proposed. The revenues generated by the imposition of such fees would help fund the various ongoing programs and duties of the Board mandated by statute to administer and manage water rights in the state. The annual administration fee would be due with the filing of the annual water use report required for each water right on file with the Board. The amount of the fee is proposed to be between \$50.00 per year up to \$100.00 per year, with the amount to be decided and set forth in the rule adopted by the Board after public comment. The fee amount could be reduced depending on the amount of appropriated funding received by the Board for its water rights administration duties.

The circumstances creating the need for the rule is the lack of appropriated funding to meet the needs of the Planning and Management Division to conduct required studies and proceedings as required by the statutes relating to administration of water rights. In 2006, the Board adopted similar fee rule changes, but those rules were not approved and did not become effective. The intended purpose of the rule is to make funds available to conduct the required studies and proceedings until such funds are made available through appropriations by the Legislature.

Other amendments may be considered as a result of public comments.

**AUTHORITY:**

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2(9) to determine, charge and receive fees to be collected in advance for the filing and examination of applications for permits; and duty to prepare and change a schedule of reasonable fees for services rendered pursuant to 82 O.S. Section 1085.4

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**PUBLIC HEARING:**

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dean Couch at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at [www.owrb.state.ok.us](http://www.owrb.state.ok.us).

**CONTACT PERSON:**

Dean A. Couch, General Counsel, 405-530-8800, or [dacouch@owrb.state.ok.us](mailto:dacouch@owrb.state.ok.us).