

Basic Requirements and Points of Law Concerning Ownership and Use of Oklahoma's Surface and Groundwater Resources

All uses of surface and groundwater in Oklahoma—other than domestic/household purposes—must be permitted by the OWRB.

Groundwater use is a legal property right tied to ownership of the land. Applicants must satisfy four legal requirements in order to obtain a groundwater use permit:

- the applicant owns or leases the land from which the water will be withdrawn;
- the dedicated land overlies a fresh groundwater basin;
- the water will be put to a beneficial use; and
- waste of the water would not occur.

Surface water is publicly owned. Before permitting its use, the Board must determine that:

- unappropriated water is available in the amount applied for;
- the applicant has a present or future need for the water;
- the applicant intends to put the water to a beneficial use;
- the proposed use would not interfere with domestic/existing appropriate uses; and
- if use of the water is to occur outside the stream system of origin, it would not interfere with existing or proposed beneficial uses within the stream system.

Steps for Obtaining or Amending Long-term Water Rights

- The applicant completes and files the permit application.
- OWRB staff review the application for correctness and completeness.
- The applicant makes proper public notice.
- If no protest is filed and the application is deemed complete, it is presented to the Board for approval.
- If a protest is filed, an administrative hearing is held prior to Board consideration.

Public Notice and Notification

- All applications for long-term use of surface or groundwater are required to publish notice once a week for two consecutive weeks in a local newspaper of general circulation. Normally, a two-week period following the final publication date is required to allow time for comments or protests to be filed.
- Applications for long-term use of groundwater are required to notify, by certified mail, all landowners within ¼-mile of each 10-acre tract wherein wells are proposed (or as directed by the Board).

“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 [82:105.1(B)]. 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 stream water used for any such purposes does not exceed five acre-feet per year.

Processing of an application for long-term use of water requires 60 to 90 days from the date of filing, if there are no protests or other complications. Protested applications normally require an additional 30 to 60 days prior to Board consideration. Board meetings are usually held the third Tuesday of every month in Oklahoma City.

Additional Application Requirements

Applications for groundwater use permits must include the following:

1. The application form (completed, signed and notarized) containing the following information:
 - name & address of applicant;
 - amount of water requested (acre-feet);
 - purpose for which the water will be used;
 - legal description of land dedicated to the application; and
 - legal description of wells dedicated to the application.
2. A plat indicating the following:
 - dedicated land;
 - dedicated wells and all other water wells within ¼-mile of each 10-acre tract wherein wells are proposed; and
 - proposed area of use.
3. A plat indicating all landowners within ¼-mile (or as directed by the Board) of each 10-acre tract wherein wells are proposed.
4. A copy of the deed or other proof of ownership of the dedicated land, or a copy of the owner's agreement giving the applicant the right to withdraw water from the dedicated land.
5. The required filing fee.

Applications for surface water use permits must include the following:

1. The application form (completed, signed and notarized) containing the following information:
 - name & address of applicant;
 - purpose for which the water will be used;
 - amount of water requested (acre-feet);
 - diversion point;
 - method(s) of diversion
 - legal location of diversion point(s); and
 - legal location of intended area of use;
2. A plat indicating the following:
 - location of diversion point;
 - location and size of all surface water bodies;
 - location of area of use, and
 - location of water transport lines.
3. A written justification for a present and future need for the water.
4. The required filing fee.

Water wells should be drilled by a well driller licensed by the OWRB and well construction must comply with minimum standards set by the Board.

Provisional Temporary Permits

A provisional temporary permit is a nonrenewable permit granted by the Board's Executive Director for a period not to exceed 90 days and is subject to cancellation at any time during its term. The permit may be issued summarily and immediately at the discretion of and upon administrative approval by the Executive Director. It is not necessary to hold a hearing, publish application data or notify adjacent landowners.

Applications for 90-day provisional temporary permits, both groundwater and surface water, must include the following:

1. The application form (completed, signed and notarized) containing the following information:
 - name & address of applicant;
 - amount of water requested (acre-feet);
 - purpose for which water will be used;
 - legal location of diversion points or water wells;
 - legal location of area of use;
 - name of lease (if for drilling of an oil or gas well); and
 - completed plat as directed on the application.
2. The required filing fee.
3. A deed or letter from the landowner authorizing access to the diversion point or water well location, land on which water lines will be located, and the area of use.

Oklahoma stream water law recognizes a priority for domestic use and a priority in time for existing stream water rights. All stream water permits contain a condition that they shall not interfere with domestic use or with prior appropriative rights.

For assistance in completing a water rights application or questions concerning the use of state waters, please contact one of the following OWRB Planning & Management Division employees:

- | | |
|-------------------|-------------------|
| • Matt Cogburn | • Jason Tutkowski |
| • Pat Kirkpatrick | • Jacob Hernandez |
| • Bonnie Moats | • Sharon Robinson |



www.owrb.ok.gov/permitting