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*UNOFFICIAL***TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 5. FEES****Introduction:**

This document contains permanent amendments to Chapter 5 adopted by the Oklahoma Water Resources Board that are effective as of September 11, 2020. Also, this document was prepared by Oklahoma Water Resources Board staff as a convenience to the reader, and is not a copy of the official Title 785 of the Oklahoma Administrative Code. The rules in the official Oklahoma Administrative Code control if there are any discrepancies between the Code and this document.

SUBCHAPTER 1. GENERAL PROVISIONS

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785:5-1-1. Purpose

The rules in this Chapter are to specify the fees and charges to be collected by the Board for applications, copies, filing papers, making records, providing transcripts and other specified services, all as authorized by 82 O.S. §§1085.2(9) and 1087.15.

785:5-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

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

"**Appropriation**" means the process under 82 O.S. §§105 et seq., by which an appropriative stream water right is acquired. A completed appropriation results in an appropriative right.

"**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, for duties authorized by law to be delegated to the Executive Director, the Executive Director or any employee or agent or staff member thereof as assigned by the Executive Director.

"**Executive Director**" means the Executive Director of the Oklahoma Water Resources Board.

"**Groundwater**" means fresh 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]

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

"**Stream water**" means water in a definite stream and includes but is not limited to water in ponds, lakes, reservoirs, and playa lakes.

785:5-1-3. Board to charge and collect fees

Pursuant to 82 O.S. §§1085.2(10) and 1085.4, the Board shall prepare and charge a schedule of reasonable fees for services rendered; provided that such fees shall not be collected from any state agency or state institution who receives appropriated funds. All fees shall be paid in cash or by check payable to the Oklahoma Water Resources Board which shall be receipted by the Accounting Department. Each fee is a separate charge and is in addition to other fees. Required fees must be paid before any action will be taken by the Board on the matter relating thereto and before the issuance of any permit. Permit fees will not be refunded if the application for a permit is denied.

785:5-1-4. Special fund

All monies derived from fees shall be deposited with the State Treasurer and credited, apportioned, and appropriated to a separate and distinct fund known as the "Water Resources Board Revolving Fund" to be used to enforce and administer the water and pollution duties of the Board, except that all weather modification license and permit fees paid to the Board shall be deposited in the "Oklahoma Modification Revolving Fund" to be used to enforce, administer and implement the weather modification duties of the Board.

785:5-1-5. Weather modification license and permit fees

The following fees are required for Weather Modification licenses and permits:

- (1) For issuing Weather Modification License - \$100.00
- (2) For annual renewal of license - \$100.00
- (3) For each Weather Modification Permit - \$ 25.00
- (4) For annual renewal of permit - \$ 25.00

785:5-1-6. Stream water permit application and administration fees

- (a) A filing fee based on amount requested in the application must be submitted with each application for a permit to appropriate stream water as follows:
- (1) 1 through 320 acre-feet - \$250.00
 - (2) 321 through 640 acre-feet - \$350.00
 - (3) 641 through 1,500 acre-feet - \$450.00
 - (4) More than 1,500 acre-feet - \$450.00, plus an additional \$150.00 for each increment of 500 acre-feet above 1,500 acre-feet requested, provided that no person shall be charged a total amount in excess of Four Thousand Dollars (\$4,000.00) per application.
 - (5) If the applicant proposes to divert or use stream water from a scenic river or an area designated as an outstanding water resource by the State, the applicant must submit an additional fee of \$250.00 (see also Chapter 45 of this Title).
- (b) Applications for provisional temporary permits to appropriate stream water except expedited applications require a fee of \$200.00.
- (c) Expedited applications for provisional temporary permits to appropriate stream water require a fee of \$250.00.
- (d) Annual water right administration fee for the submittal of water use reports shall be \$75.00 for each permit or vested right, provided that the cumulative maximum water right administration fees imposed on any one permit or vested right holder shall not be more than \$500.00 per year.
- (e) If the annual water use report is filed later than 30 days after the due date as set forth in the report form mailed to the water right holder, an additional amount of \$50.00 for each permit shall be due (see also 785:20-9-5).

785:5-1-7. Watercourse reclamation permit fee [REVOKED]**785:5-1-8. Release of easement or easement deed fees**

The fee required when making application for release of easement or easement deed is based on acres contained in easement, as follows:

- (1) Less than 25 acres - \$ 35.00
- (2) 25 through 50 acres - \$ 70.00
- (3) 51 through 75 acres - \$100.00
- (4) 76 through 100 acres - \$150.00
- (5) More than 100 acres - \$200.00

785:5-1-9. Dam safety and inspection fees

- (a) Filing fees which must be submitted with each application to construct, enlarge, alter, or repair a dam (based on estimated cost of construction, enlargement, etc.) are as follows:
- (1) \$99,999 or less estimated cost - \$500.00
 - (2) \$100,000 through 19,999,999 estimated cost - One-half of one percent (0.5%) of estimated cost; not to exceed \$5,000.00.
 - (3) \$20,000,000 or greater estimated cost - \$10,000.

(b) Fees for inspections of dams classified as low or significant hazard potential made at request of a person who is not an owner of the dam or other routine or periodic inspections conducted by Board personnel are as follows:

- (1) Small (see 785:25-3-3) - \$250.00 for each inspection visit.
- (2) Intermediate (see 785:25-3-3) - \$500.00 for each inspection visit.
- (3) Large (see 785:25-3-3) - \$1000.00 for each inspection visit.

(c) Fees for inspections of dams classified as high hazard potential made at request of a person who is not an owner of the dam or other routine or periodic inspections conducted by Board personnel shall be the actual cost of such inspection.

(d) The fee required for issuance of a certificate of completion is \$25.00 plus if applicable, the inspection fee set out in subsection (b) or (c) of this Section.

(e) Inspection report review and administration fees are due with submittal of the inspection reports as follows:

- (1) Significant hazard dams - \$300 once every three (3) years
- (2) High hazard dams - \$350 each year; provided that if the inspection report and fee is not submitted by the date specified, an additional fee of \$50.00 will be due.

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

(a) A filing and application fee based on amount requested must be submitted with each application for a permit for the withdrawal of groundwater as follows:

- (1) 1 through 320 acre-feet - \$250.00
- (2) 321 through 640 acre-feet - \$350.00
- (3) 641 through 1,500 acre-feet - \$450.00
- (4) More than 1,500 acre-feet - \$450.00, plus an additional \$150.00 for each increment of 500 acre-feet above 1,500 acre-feet requested, provided that no person shall be charged a total amount in excess of Four Thousand Dollars (\$4,000.00) per application.

(b) Applications for provisional temporary permits except expedited applications require a fee of 200.00.

(c) Expedited applications for provisional temporary permits require a fee of \$250.00.

(d) Annual water right administration fee for the submittal of water use reports shall be \$50.00 for each permit or prior right, provided that the cumulative maximum water right administration fees imposed on any one permit or prior right holder shall not be more than \$500.00 per year.

(e) If the annual water use report is filed later than thirty (30) days after the due date as set forth in the report form mailed to the water right holder, an additional amount of \$50.00 for each permit shall be due.

(f) Applications for groundwater use that overlie a sensitive sole-source basin shall require an additional \$250.00 fee.

785:5-1-11. Well driller and pump installer licensing fees

(a) The filing application and license fee for issuance of individual, partnership, or corporation well driller licenses for one activity to be certified under 785:35-3-1 which shall include the operator certification for the individual license or, in the case of a partnership or corporation, one operator certification for such activity shall be \$400.00 for two years.

(b) The license fee for a nonresident shall be the amount charged in the state of the nonresident but in no case less than \$1,000.00 for two years.

- (c) The initial fee for the Indemnity Fund for one activity certified under 785:35-3-1 shall be \$250.00 for residents and \$400.00 for nonresidents.
- (d) The license application and indemnity fund fee for each additional activity shall be \$200.00.
- (e) The application fee for each additional operator certificate shall be \$100.00 for a two (2) year period.
- (f) The renewal fee, which shall include the operator certification shall be \$350.00 if the application to renew is filed by May 31; provided that a late fee of \$250.00 shall be due for the completed license renewal application if received by the Board after May 31 of the year to be renewed, but before the end of the applicable grace period.
- (g) The fee for each additional operator certification renewal shall be \$100.00 for a two (2) year period.
- (h) The renewal fee for the Indemnity Fund for each operator shall be \$100.00 for residents of Oklahoma and \$200.00 for nonresidents for a two (2) year period.
- (i) The fee for examination of any operator shall be \$50.00.
- (j) The fee for transfer of individual licensee designation to partnership, corporation or other entity or certified operator from one firm or corporation to another shall be \$50.00.
- (k) The fee to file a request for a variance or exception from any construction, completion, plugging or other requirement set forth for groundwater wells, fresh water observation wells, heat exchange wells or test holes in Chapter 35 in this Title shall be \$75.00.
- (l) The fee to file a request for a variance or exception from any construction, completion, plugging or other requirement set forth for monitoring wells or geotechnical borings in Chapter 35 shall be \$200.00.
- (m) The fee to file an intent to drill for marginal water well construction shall be \$500.00.
- (n) Upon presentation of satisfactory evidence that an applicant for licensure or certification is a low-income individual, shall grant a one-time one-year waiver of any fees associated with such licensure or certification. For purposes of the section, "low-income individual" means an individual who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation.

785:5-1-12. Waste Disposal Permit fees [REVOKED]

785:5-1-13. Laboratory certification fees [REVOKED]

785:5-1-14. Stream Water and Groundwater petition fees

Stream water and groundwater petition fees are as follows:

- (1) For the filing of a petition to amend a permit or water right which does not require notice to be given - \$100.00
- (2) For the filing of a petition to transfer ownership or record assignment of a permit or water right or Information Sheet regarding domestic use of stream water from federal reservoirs - \$100.00
- (3) For the filing of a petition to subdivide the ownership or record partial assignment of a permit or water right - \$100.00

- (4) For filing a petition for extension of time for commencement of any works for the taking of stream water - \$100.00
- (5) For filing of a petition regarding addition or deletion of land from an irrigation district - \$100.00
- (6) For filing of a petition to amend a permit or groundwater right requesting additional water, a filing and application fee based on the additional amount requested must be submitted with each amendment application as follows:
 - (A) 1 through 320 acre-feet - \$200.00
 - (B) 321 through 640 acre-feet - \$350.00
 - (C) 641 through 1,500 acre-feet - \$450.00
 - (D) More than 1,500 acre-feet - \$450.00, plus an additional \$150 for each increment of 500 acre-feet above 1,500 acre-feet requested, provided that no person shall be charged a total amount in excess of Four Thousand Dollars (\$4,000.00) per application.
- (7) For filing of all other petitions to amend a permit or water right for which notice must be given - \$200.00.

785:5-1-15. Fees for reproduction, maps and publications

Fees for reproduction, maps and publications shall be as follows:

- (1) For making and certifying the transcript of a record for transmittal to the District Court pursuant to 75 O.S. §320, the fee shall be the actual cost of such transcription with \$35.00 minimum charge plus postage at cost.
- (2) For reproducing audio of recorded meetings, the fee shall be \$35.00 plus \$2.00 per copy of audio recording.
- (3) For making and certifying each and every copy of an instrument, application or permit, the fee shall be \$1.00 per page.
- (4) For machine copy charges for any instrument, the fee shall be \$.25 per copy and postage at cost.
- (5) For Oklahoma Base Maps (USGS 1:500,000 scale), the fee shall be \$3.00 each.
- (6) For Oklahoma Base Map with OWRB Stream Systems, the fee shall be \$5.00 per sheet.
- (7) For publications, the fee shall not to exceed the established printing cost each.

785:5-1-16. Fees required in other matters

- (a) The fee for computer services shall be as follows:
 - (1) Copying documents to electronic media - \$1.00 per document or file plus actual cost of Board provided electronic media.
 - (2) Direct labor cost to convert raw data in data bases to machine-readable format, including but not limited to preparation of table and field descriptions.
 - (3) Actual cost of medium supplied by Board used in copying data from data base.
- (b) The fee for a document search shall be \$10.00 per hour.
- (c) The filing fee for Information Sheets regarding domestic use of stream water from federal reservoirs shall be \$50.00.
- (d) For transcripts prepared by certified court reporter, stenographer or Board staff under the provisions of 785:4-3-6, the fee shall be the actual cost of the transcription. Prior to such

transcription being made, the person requesting the transcription (or appealing the Board's order) shall pre-pay to the Board the estimated cost of the transcribing the audio, with such estimate to be prepared by the Board. Upon completion of the transcription, the person requesting the same shall deposit the balance, if any, necessary for full payment of the transcription. The Board shall refund or credit any excess amount previously deposited.

(e) If unavailable from local floodplain administrators, flood zone and flood map information on file with the Board for each tract or description of land requested will be provided for a fee of \$25.00.

(f) The fee for preparation and compilation of the administrative record for transmittal to a court pursuant to the Administrative Procedures Act shall be \$1.00 per page for written documents, plus the cost of copying the audio recording and the electronic media as provided in this Chapter, plus actual cost of duplication of other exhibits, all payable prior to the transmittal of the record in the court. If the party appealing an order of the Board requests a written transcription of the hearing, or if the district court orders a written transcription as authorized by 75 O.S. § 309, the provisions in subsection (f) above, including prepayment of the cost of transcribing cassette tapes of the hearing, shall apply to the party appealing the Board's order. The full cost of transcribing the tapes must be paid before the Board shall transmit the transcription to the court. The Board shall review any such transcription for accuracy before transmitting the same to court.

(g) In addition to any other applicable fee, and subject to review by the State Governmental Internet Applications Review Board and approval by the Office of Management and Enterprise Services ("OMES"), unless otherwise waived by the Board a person who undertakes an electronic/on-line transaction with the Board shall pay a convenience fee approved by OMES which includes, but is not necessarily limited to, the transaction fee levied by OMES, the credit card or other financial institution charge, and a prorated share of the reasonable costs of development and implementation of, sustaining and upgrading, and future expansion of, the electronic/on-line application. Such transactions may include, but shall not be limited to, filing applications for permits or loans, filing reports of well drilling activities, and renewing licenses or certifications.

785:5-1-17. Loan application fees

The following filing, review and processing fee schedule is imposed upon all loan applications under the Board's program of financial assistance (See Chapter 50). Such fees shall not exceed the maximum amount listed and shall be based on the amount of financial assistance applied for (as set out below) and must be paid by the applicant at the time of filing the secondary application - request for additional information.

- (1) For a loan application amount of \$249,000 or less, the fee is \$200.00.
- (2) For a loan application amount of \$250,000 – 999,999, the fee is \$500.00.
- (3) For a loan application amount of \$1,000,000 or more, the fee is \$1,000.00.

785:5-1-18. Development application fees

A fee in the amount of \$100.00 must be submitted with each application filed with the Board by a non-governmental entity for a development permit for proposed development or substantial improvement on state-owned or operated property (see Chapter 55).

785:5-1-19. Request for Water Quality Standards site specific criteria fee

The fee which must be submitted with a request for a site specific criteria within the Oklahoma Water Quality Standards is \$5,000.00.

785:5-1-20. Aquifer storage and recovery permit fees

- (a) A filing and application fee of \$5,000.00 must be submitted with each application for an aquifer storage and recovery permit, including the review of a proposed site-specific aquifer storage and recovery plan.
- (b) An annual review fee of \$2,000.00 must be submitted each year, along with the required annual use and monitoring plan reports as required by Chapter 32 of Title 785.

785:5-1-21. Documentation Reviews Related Water Trapped in Producing Mines

- (a) Submittal of documentation requesting the Board's determination of whether a mine meets the requirements of OAC 785:30-15-3(b) (request for de minimis determination) shall be accompanied with a \$2,000.00 application fee. Thereafter, any of the Board's required submittals of de minimis documentation for the mine shall be accompanied with a \$250.00 application fee.
- (b) A review fee of \$500.00 shall accompany all annual mine reports submitted to the Board as required by 785:30-15-3(2) and 785:30-15-4(2) & (3).
- (c) Augmentation and Management Plans submitted to the Board in accordance with 785:30-15-6 shall be accompanied with a \$3,000.00 review fee.