

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 20. APPROPRIATION AND USE OF STREAM WATER**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Application Requirements and Processing

785:20-3-1. Preparation of application [REVOKED]

785:20-3-2. General application requirements [AMENDED]

785:20-3-8. Revisions and corrections to applications [AMENDED]

785:20-3-9. Defective applications; when applications deemed withdrawn [AMENDED]

785:20-3-10. Telecopier submittals [REVOKED]

Subchapter 5. Notice, Hearings, and Board Actions

785:20-5-1. Notice of application [AMENDED]

785:20-5-3. Protests and hearings [AMENDED]

785:20-5-5. Factors relating to statutory elements for application approval [AMENDED]

Subchapter 9. Actions After Stream Water Right Obtained

785:20-9-4. Amendments of stream water rights [AMENDED]

Appendix A. Application for a Permit to Use Surface or Stream Water [REVOKED]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") is proposing to amend, or is considering amending, various provisions of Oklahoma Administrative Code ("OAC") 785:20 as follows:

OAC 785:20-3-1 is proposed to be revoked since the rule offers little substantive guidance on stream water application preparation or processing. Accordingly, the rule is obsolete and unnecessary and its removal will simplify the entire chapter.

OAC 785:20-3-2 is proposed to be amended to remove language related to an outdated stream water application form that is proposed to be revoked and removed.

OAC 785:20-3-8, 785:20-3-9, 785:20-5-3, and 785:20-9-4 are proposed to be amended to make minor language modifications to the notice provisions of these sections to match the language of the proposed stream water notice amendments recommended in OAC 785:20-5-1.

OAC 785:20-3-10 is proposed to be revoked since the rule offers little substantive guidance on stream water application preparation or processing. Accordingly, the rule is obsolete and unnecessary and its removal will simplify the entire chapter.

OAC 785:20-5-1 is proposed to be amended to add additional notice requirements on all stream water permit applications. In addition to publishing notice in a newspaper of general circulation, it is proposed that notice of all stream water permits should also be sent to landowners adjacent to the stream, current stream water permit holders, and to any person or entity with a pending stream water permit application within a one-mile radius of the proposed diversion point. This change is intended to provide greater due process protections to potentially interested landowners and permit holders.

OAC 785:20-5-5 is proposed to be amended to remove a reference to an outdated technical report and replace it with the report currently used by the Board.

OAC 785:20 Appendix A is proposed to be revoked since Appendix A contains an outdated version of the Board's stream water permit application form that is no longer being utilized by the Board to process stream water applications. The current form can be found on the

Board's website.

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

**AUTHORITY:**

Oklahoma Water Resources Board, 82 O.S., §§ 105.1, et seq and 82 O.S., § 1085.2.

**COMMENT PERIOD:**

Persons wishing to present written comments may do so at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 15, 2021. Written comments may also be submitted via e-mail to [Cris.Krittenbrink@owrb.ok.gov](mailto:Cris.Krittenbrink@owrb.ok.gov) before 5:00 PM on January 15, 2021. Persons wishing to present oral comments to the OWRB may do so at the public hearing on January 7, 2021.

**PUBLIC HEARING:**

A public hearing will be held via videoconference on January 7, 2021 at 2:00 pm, pursuant to the Governor's Sixth Amended Executive Order 2020-20. The meeting may be accessed at <https://zoom.us/j/98915841322> or by telephone at +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 1, 2020 through January 15, 2021, 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 Chrystal Krittenbrink at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 15, 2021.

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments may be reviewed by appointment at the OWRB's office location at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Sara D. Gibson, General Counsel, 405-530-8800, [Sara.Gibson@owrb.ok.gov](mailto:Sara.Gibson@owrb.ok.gov).