

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 4. RULES OF PRACTICE AND HEARINGS**

**SUBCHAPTER 3. BOARD HEARINGS**

**785:4-3-7. Notice and Scheduling of Hearings**

The Hearing Examiner shall give notice of the hearing within sixty (60) days of receipt of the evidentiary file submitted by the Board's Office of General Counsel.

The hearing shall be scheduled within thirty (30) days of notice, subject to continuances as provided in section 785:4-5-5(a).

**SUBCHAPTER 5. PRE-HEARING ACTIONS AND PROCEEDINGS**

**785:4-5-1. Pre-hearing discovery**

When deemed necessary and proper for the purposes of a hearing, pre-hearing discovery by an interested party may be allowed by the Hearing Examiner as provided under the APA and the rules in this Chapter. Depending upon the nature of the hearing, pre-hearing discovery may be ~~made~~<sup>[RCL]</sup> requested at any time subsequent to the filing (and acceptance for filing) of an application or petition, or otherwise, at any time subsequent to the institution of proceedings on the application. The party requesting discovery shall submit a proposed schedule for discovery to be agreed upon and signed by the parties and for approval and signature by the Hearing Examiner. The joint schedule may include, but need not be limited to, requests for discovery, objections to discovery requests, responses to discovery requests to which there are no objections, exchange of exhibits to be introduced at the hearing, and a list of witnesses that may be called at the hearing. The parties may agree to close discovery in the proceedings under the joint schedule within a reasonable time before the date of the hearing, but not later than fifteen (15) days before the hearing. The Hearing Examiner must resolve disputes regarding discovery or disputes regarding compliance with the joint scheduling order as soon as possible so that the parties may continue to comply with the joint scheduling order. Requests for pre-hearing discovery must be timely made and the Hearing Examiner may impose reasonable and necessary limitations on the scope of discovery and the period of time within which discovery requests may be presented and entertained.

**785:4-5-7. ~~Copies of~~ Motions, requests and orders**

(a) ~~Any person filing a motion or other request to the Board shall mail a copy of the motion or request to all parties of record. A certificate of such mailing shall be filed with the motion or request. Except for oral motions made in proceedings on the record, or where the Hearing Examiner otherwise direct,~~ each motion shall:

- (1) Be in writing; and
- (2) Contain a concise statement of supporting grounds.

(b) ~~Unless otherwise directed within the interlocutory order, a copy of the interlocutory order relating to the motion or request shall be provided by the Board to the person filing the motion or request. That person shall mail a copy of the interlocutory order to all parties of record. Unless the Hearing Examiner orders otherwise, any party to a proceeding in which a motion is filed under (a) of this section shall have 15 days from service of the motion to file a statement in response.~~

(c) A written copy of the proposed final order of the Board prepared by the Hearing Examiner after the conclusion of any hearing shall be provided to the applicant, and the applicant shall be required to serve all other parties at least fifteen (15) days prior to Board meeting at which the proposed final order is scheduled to be considered. Failure to make a timely motion or to file a statement in response may be construed as a waiver of objection.

(d) The Hearing Examiner shall rule on all motions as expeditiously as possible.

(e) Any person filing a motion or other request to the Board shall mail a copy of the motion or request to all parties of record. A certificate of such mailing shall be filed with the motion or request.

(f) Unless otherwise directed within the interlocutory order, a copy of the interlocutory order relating to the motion or request shall be provided by the Board to the person filing the motion or request. That person shall mail a copy of the interlocutory order to all parties of record.

(g) A written copy of the proposed final order of the Board prepared by the Hearing Examiner after the conclusion of any hearing shall be provided to the applicant, and the applicant shall be required to serve all other parties at least fifteen (15) days prior to Board meeting at which the proposed final order is scheduled to be considered.