

OKLAHOMA LAW ON GROUNDWATER ALLOCATION

Maximum Annual Yield,
Equal Proportionate Share
& Senate Bill 288

1973

Oklahoma Groundwater Law

- ▣ Allocation system tied to land ownership (acres)
- ▣ Replaced appropriation first-in-time priority system
- ▣ Owners of land overlying same common basin are similarly situated
- ▣ Hydrologic surveys and investigations for each “groundwater basin”
- ▣ Determine MAY, then issue “regular” permits to allocate Equal Proportionate Share of MAY

Process for Determining MAY

- 1) Hydrologic survey and investigation
 - Completing 5-year study for Arbuckle-Simpson
 - Informal meeting today to summarize results
- 2) OWRB makes tentative determination of MAY
- 3) Call and hold hearing at centrally located place
- 4) Evidence in support or opposition to tentative MAY
- 5) Final determination of MAY

Determining Tentative MAY - typical elements

- ▣ Total land area overlying basin (acres)
- ▣ Amount of water in storage (acre-feet)
- ▣ Rate of recharge *to* basin and total discharge *from* basin
- ▣ Transmissibility (transmissivity)
- ▣ Possibility of pollution of basin from natural sources (deep brine water not included)
- ▣ *Minimum* basin life of 20 years

Senate Bill 288 – added element for MAY

- ▣ “Sensitive sole source groundwater basin”
- ▣ Moratorium against out-of-basin use until OWRB approves MAY to ensure any permit *“will not reduce the natural flow of water”* from basin area springs or streams
- ▣ Narrower permit focus of SB 288 to protect SSSGWB springs and streams – *not likely to degrade or interfere* with springs or streams