

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 30. TAKING AND USE OF GROUNDWATER**

785:30-3-4. Notice of application

- (a) **Application notice.** Notice of the application, including hearing date, time and place if scheduled prior to notice, shall be provided by the applicant as required by law and Board instructions. Unless otherwise directed by the Board, such notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county where each existing or proposed well is located. Notice shall also be provided by certified mail to all surface estate owners of lands and holders of existing and pending permits to use groundwater located within one-thousand three hundred twenty feet (1,320') from actual locations of existing or proposed wells shown on the application plat and from the outside boundaries of any potential well areas shown on the application plat. Accuracy and adequacy of notice shall be the responsibility of the applicant.
- (b) **Proof of notice.** Adequate proof that notice was provided as instructed by the Board shall be submitted to the Board by the applicant within fifteen days after the last date of newspaper publication, or as otherwise directed by the Board. Such proof shall show the dates on which said notice was published in such newspaper and that the applicant did properly notify the surface estate owners as instructed.
- (c) **Failure to give adequate notice.** If adequate notice and proof of notice is not provided by the applicant, the application may be dismissed and the application fee forfeited.
- (d) **Revised published notice of hearing.** The Board may require a revised notice to be published at the applicant's expense in case material error or deviation is made in the description of the land, the well location, *or the manner in which a protest to the application may be made* [82:1020.8], or if the applicant makes substantial amendments to his application after notice of the original application, or fails to effect proper publication in any manner.
- (e) **Protests and hearings.**
- (1) If the Board does not schedule a hearing on the application before instructing the applicant to provide notice, a hearing on the application shall be scheduled by the Board upon receipt of a protest which meets the requirements of Section 785:4-5-4, and the Board shall notify the applicant and protestant of such hearing [82:1020.8].
 - (2) Any interested person shall have the right to protest said application and present evidence and testimony in support of such protest. Such protests shall be made in accordance with Chapter 4 of this Title.
 - (3) Even if no protest is received, the applicant shall be advised and given opportunity for hearing if the application cannot be recommended for approval to the Board.
 - (4) For limited quantity permit applications, interested persons may submit written comments about the application. A hearing on such application may be required by the Executive Director pursuant to 785:30-5-4.1(d) if it is shown that a significant public interest or property right would be affected by approval of the application.