CHAPTER 30. TAKING AND USE OF GROUNDWATER

SUBCHAPTER 1. GENERAL PROVISIONS

785:30-1-2. Definitions

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

"Agricultural use" means water used for livestock, poultry, fish farms, fish hatcheries, veterinary services, feed lots, etc. (see also "Irrigation use").

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

"Application" means a formal request to the Board and the first step required by law to acquire the right to perform or engage in activities regulated by the Board.

"Artificial recharge" means any man-made process specifically designed for the primary purpose of increasing the amount of water entering into a groundwater basin or subbasin.

"Beneficial use" means the use of such quantity of stream or groundwater when reasonable intelligence and reasonable diligence are exercised in its application for a lawful purpose and as is economically necessary for that purpose. Beneficial uses include but are not limited to municipal, industrial, agricultural, irrigation, recreation, fish and wildlife, etc.

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

"Commercial use" means use which includes but is not limited to water for businesses, industrial parks, laundries, cafes, motels/hotels, institutions, food processing and water used in the transportation of metal ores and non-metals by pipelines.

"Dedicated land" means the tract or tracts of land which the applicant owns, leases, or from which the applicant holds a valid right to withdraw groundwater and which is listed in the application and used to calculate the amount of groundwater requested.

"Definite stream" means a *watercourse in a definite, natural channel, with defined beds and banks, originating from a definite source or sources of supply. The stream may flow intermittently or at irregular intervals if that is characteristic of the sources of supply in the area.* [82:105.1(A)]

"Domestic use" means the use of water by a natural individual or by a family or household for household purposes, for farm and domestic animals up to the normal grazing capacity of the land whether or not the animals are actually owned by such natural individual or family, and for the irrigation of land not exceeding a total of three (3) acres in area for the growing of gardens, orchards, and lawns [82:1020.1(2)]. Domestic use also includes:(1) the use of water for agriculture purposes by natural individuals, (2) use of water for fire protection, and (3) the use of water by non-household entities for drinking water purposes, restroom use, and the watering of lawns, provided that the amount of groundwater used for any such purposes does not exceed five acre-feet per year.

"Enhanced recovery of oil and gas" means a long-term process using fresh water to recover substantial quantities of additional oil or gas which would not be recoverable under ordinary primary methods or under short-term stimulation techniques. This definition applies to all non-primary forms of oil and gas recovery including but not limited to secondary, tertiary, or other enhanced recovery operations.

"Equal proportionate part or share" means the maximum annual yield of water from a groundwater basin or subbasin which shall be allocated to each acre of land overlying such basin or subbasin. It shall be that percentage of the maximum annual yield, determined as provided by 82 O.S., §1020.5 and 785:30-9-2 which is equal to the percentage of the land overlying the fresh groundwater basin or subbasin which is owned or leased by an applicant for a regular permit.

"Fresh water" means *water which has less than five thousand (5,000) parts per million total dissolved solids. All other water is salt water.* [82:1020.1(7)]

"Groundwater" means *fresh and marginal 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(1)]

"Groundwater basin" means *a distinct underground body of water overlain by contiguous land having substantially the same geological and hydrological characteristics and yield capabilities.* [82:1020.1(3)] The area boundaries of a major or minor basin can be determined by political boundaries, geological, hydrological, or other reasonable physical boundaries.

"Groundwater subbasin" means *a subdivision of a major or minor groundwater basin overlain by contiguous land and having substantially the same geological and hydrological characteristics and yield capabilities.* [82:1020.1(4)] Examples are a lateral or vertical subdivision of a groundwater basin delineated by either physical or political boundaries. Physical boundaries would be different in geological, hydrological or yield capabilities; bedrock; faults; low permeability zones or limits of pressure areas, etc. Political boundaries would be irrigation districts, planning districts, counties, city limits, etc.

"Industrial use" means the use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value.

"Irrigation use" means use of water for the production of food, fiber, crops, timber, fruits, nuts; and water applied to pastures, fields, landscaping, horticulture services, and golf courses.

"Life of a groundwater basin or subbasin" means that period of time during which at least fifty (50) percent of the total overlying land of the basin or subbasin will retain a saturated thickness allowing pumping of the maximum annual yield for a minimum twenty (20) year life of such basin or subbasin, provided that after July 1, 1994, the average saturated thickness will be calculated to be maintained at five feet (5') for alluvium and terrace aquifers and fifteen feet (15') for bedrock aquifers unless otherwise determined by the Board; provided further that after July 1, 1994, whether fifty (50) percent of the total overlying land of the basin or subbasin retains a saturated thickness allowing pumping for a minimum twenty (20) year life of the basin or subbasin need not be considered by the Board.

"Major groundwater basin"*means a distinct underground body of water overlain by contiguous land and having substantially the same geological and hydrological characteristics and from which groundwater wells yield at least fifty (50) gallons per minute on the average basinwide if from a bedrock aquifer and at least one hundred fifty (150) gallons per minute on the average basinwide if from an alluvium and terrace aquifer, or as otherwise designated by the Board.*[82:1020.1(3)]

"Marginal Water" means water which has at least five thousand (5,000) and less than ten thousand (10,000) parts per million total dissolved solids.

"Maximum annual yield" means a determination by the Board of the total amount of fresh groundwater that can be produced from each basin or subbasin allowing a minimum twenty (20) year life of such basin or subbasin.

"Mining use" means any use wherein the water is applied to mining processes including but not limited to oil and gas recovery operations, for drilling and reworking wells, and for conducting oil and gas field operations.

"Minor groundwater basin"*means a distinct underground body of water overlain by contiguous land and having substantially the same geological and hydrological characteristics and which is not a major groundwater basin.* [82:1020.1(9)]

"Municipal and rural water use" means the use of water by a municipality, rural water district, water corporation, or community for the promotion and protection of safety, health and comfort, distribution to natural persons for the maintenance of life and property, public and private business pursuits, and the furtherance of all generally recognized municipal purposes, except large recreational uses such as lakes unless in conjunction with other uses.

"Natural recharge" means all flow of water into a groundwater basin or subbasin by natural processes including percolation from irrigation.

"Notice by publication" means unless otherwise specifically provided, publication in a daily or weekly newspaper of general circulation once a week for two (2) consecutive weeks (minimum seven day interval).

"Party or interested party" means *a person or agency named and participating, or properly seeking and entitled by law to participate,* [75:250.3(7)] in hearings other than hearings on Board rules, regulations and standards.

"Permittee" means the person to whom a permit to use water has been issued by the Board or the person to whom such permit has been duly and properly transferred under Board rules.

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

"Power use" means water used for power generation, including, but not limited to, fossil-fueled electric power generation.

"Prior groundwater right" means the right to use ground water established by compliance with the laws in effect prior to July 1, 1973, the effective date of the Groundwater Act, and determined pursuant to 82 O.S., §1020.14 and Subchapter 11 of this Chapter.

"Proposed well location" means a specific location shown in an application for a long-term groundwater permit where the applicant intends to complete a well, as may be shown in the application plat in distances in feet from readily identifiable objects, monuments, section lines, or by latitude/longitude coordinates.

"Public water supply" means the use of water for drinking water purposes by housing developments, trailer parks, churches, schools, etc., other than water used for "municipal and rural water use."

"Recreation, fish and wildlife use" means use which includes but is not limited to the use of water for swimming, water skiing, boating, fishing, hunting or other forms of water recreation, and water for fish and wildlife conservation.

"Salt water" means any water containing more than five thousand (5,000) parts per million total dissolved solids.

"Sensitive sole source groundwater basin or subbasin"*means a major groundwater basin or subbasin all or a portion of which has been designated as a* **"***Sole Source Aquifer***"** *by the United States Environmental Protection Agency,* and includes *any portion of an contiguous aquifer located within five (5) miles of the known areal extent of the surface outcrop of the sensitive sole source groundwater basin* [82:1020.9A].

"Special use" means and includes but is not limited to the use of groundwater for groundwater heat pump systems or artificially recharging a groundwater basin or subbasin.

"Total discharge from the basin or subbasin" means and shall include but may not be limited to the amount of fresh groundwater withdrawn and placed to beneficial use prior to July 1, 1973, which amount shall be determined from the applicable final orders of the Board determining prior groundwater rights.

"Waste by depletion" means unauthorized use of wells or groundwater; *[d]rilling a well, taking, or using fresh groundwater without a permit, except for domestic use; [t]aking more fresh groundwater than is authorized by the permit; [t]aking or using fresh groundwater in any manner so that the water is lost for beneficial use; [t]ransporting fresh groundwater from a well to the place of use in such a manner than there is an excessive loss in transit; [u]sing fresh groundwater to reach a pervious stratum and be lost into cavernous or otherwise pervious materials encountered in a well ... drilling wells and producing fresh groundwater therefrom except in accordance with the well spacing previously determined by the Board;* [82:1020.15(A)] or *[u]sing fresh groundwater for air conditioning or cooling purposes without providing facilities to aerate and reuse such water* [82:1020.15(A)].

"Waste by pollution" means *[p]ermitting or causing the pollution of a fresh water strata or basin through any act which will permit fresh groundwater polluted by minerals or other waste to filter or otherwise intrude into such a basin or subbasin ...* or *[f]ailure to properly plug abandoned fresh water wells in accordance with rules of the Board and file reports thereof* [82:1020.15(A)].

"Water right" means a right to the use of stream or groundwater for beneficial purposes.

"Water supply" means a natural body of water, whether static or moving either on or under the surface of the ground, or in a man-made reservoir, available for beneficial use on a reasonably dependable basis.

"Well" means any type of excavation for the purpose of obtaining groundwater or to monitor or observe conditions under the surface of the earth but does not include oil and gas wells.

785:30-1-3. Violations and prohibitions

(a) *Any person who, after notice from the Board, violates, refuses, or neglects to comply with any provision of* [82:1020.22] 82 O.S. 1981, §§1020.1 through 1020.22, as amended or of any rule or regulation pursuant thereto *or who commits waste as defined in 82 O.S. 1981, §1020.15, shall be guilty of a misdemeanor and upon conviction shall be fined not less than Twenty-Five Dollars ($25.00) nor more than ~~Two Hundred Fifty Dollars ($250.00)~~ One Thousand Dollars ($1,000.00) for each offense.* After notice that he is in violation, any person who *continues to violate and fails to comply within a reasonable length of time is guilty of a separate offense for each day the violation continues.* [82:1020.22]

(b) ~~The Board shall not permit any fresh groundwater user to commit waste as defined by §1020.15 of Title 82 of the Oklahoma Statutes.~~ Any person who violates or refuses or neglects to comply with any provision of Sections 1020.1 through 1020.21 of this title, or any permit condition, or of any rule or regulation promulgated by the Board pursuant thereto, or commits waste as defined in Section 1020.15 of this title shall be subject to administrative penalties issued by the Board. Said penalties shall not exceed Five Thousand Dollars ($5,000.00) per day for each violation and each day such violation continues shall constitute a separate violation. Such administrative penalties shall be imposed only after notice and opportunity for a hearing on the proposed imposition of such penalties.

SUBCHAPTER 3. PERMIT APPLICATION REQUIREMENTS AND PROCESSING

785:30-3-6. Well spacing

(a) **Spacing requirements.**

(1) For applications that have completed public notice on or after August 1, 2027, within bedrock groundwater basins or subbasins ~~where the maximum annual yield has been determined~~, no new or proposed well(s) shall be authorized ~~by regular permit~~ to be drilled and completed within one thousand three hundred twenty feet (1320') of an authorized existing well, existing domestic well, or proposed well location ~~existing well or proposed well location~~ on lands of another, provided that the well on lands of another is capable of taking water from the same basin, and is not otherwise exempt from these well spacing provisions as provided in (a)(5) of this section.

(2) For applications that have completed public notice on or after August 1, 2027, within alluvium and terrace groundwater basins or subbasins ~~where the maximum annual yield has been determined~~, no new or proposed well(s) shall be authorized ~~by regular permit~~ to be drilled and completed within six hundred sixty feet (660') of an authorized existing well, domestic well,or proposed well location ~~existing well or proposed well location~~ on lands of another, provided that the well on lands of another is capable of taking water from the same basin, and is not otherwise exempt from these well spacing provisions as provided in (a)(5) of this section.

(3) For applications that have completed public notice before August 1, 2027, ~~For applications filed on or after October 1, 2019~~ within minor bedrock groundwater basins or subbasins, no new or proposed well(s) shall be authorized by temporary permit to be drilled and completed within one thousand three hundred twenty feet (1320') of an ~~authorized~~ existing well or proposed well location on lands of another, provided that the well on lands of another is capable of taking water from the same basin, and is not otherwise exempt from these well spacing provisions as provided in (a)(5) of this section.

(4) For applications that have completed public notice before August 1, 2027, ~~For applications filed on or after October 1, 2019~~ within minor alluvium and terrace groundwater basins or subbasins, no new or proposed well(s) shall be authorized by temporary permit to be drilled and completed within six hundred sixty feet (660') of an ~~authorized~~ existing well or proposed well location on lands of another, provided that the well on lands of another is capable of taking water from the same basin, and is not otherwise exempt from these well spacing provisions as provided in (a)(5) of this section.

(5) ~~Spacing requirements for major bedrock basins or subbasins and for major alluvium and terrace basins or subbasins may be imposed on new or proposed wells requested to be authorized by applications for temporary permits filed on or after October 1, 2019, and after the Board has conducted at least one public hearing on the spacing setback provisions at a location within or in close proximity to the major basin or subbasin pursuant to Section 1020.17 of Title 82 of the Oklahoma Statutes.~~

~~(6)~~ (5) These well spacing provisions shall not be applicable to plugged or abandoned wells, ~~or wells authorized pursuant to a provisional temporary permit if no regular, temporary, special or limited quantity permit application requesting authorization to use the same wells is filed,~~ provided further that the well spacing provisions shall not be applicable to

proposed wells on lands of another if the proposed wells on lands of another are no longer authorized pursuant to 785:30-5-5(a)(9).

(b) **Location exceptions.** A location exception shall be granted if the person requesting the exception shows and the Board determines in an individual proceeding that drilling or completing the new or proposed well at the location required to comply with the established well spacing set forth in subsection (a) of this section would be inequitable or unreasonable, and that notice, as set forth in 785:30-3-4, of the location exception request is provided.

(1) The following situations are examples to show that compliance with well spacing would be inequitable or unreasonable:

(A) No objection is received from any landowner having a well located within the established well spacing distance of the proposed well requested to be authorized.

(B) The amount or dimensions of the land dedicated to the permit precludes the drilling of a well in compliance with the spacing requirement set forth in (a) of this section.

(C) ~~The well requested to be authorized is a well which was drilled, completed and used prior to the date of the maximum annual yield determination or prior to October 1, 2019 within temporary basins and which does not meet the spacing requirements of (a) of this section.~~

~~(D)~~ (C) The applicant presents substantial, competent evidence to the Board and the Board determines that the amount of groundwater available in locations that would meet spacing requirements is insufficient for the purposes to be authorized.

(2) Criteria and conditions for location exceptions may include compliance with terms to prevent unreasonable impact on other wells within the spacing distance, including:

(A) the rate and timing of the withdrawal of groundwater;

(B) the depth of perforation of the groundwater well; and,

(C) the depth of sealing of the well.

(c) **Well spacing within a sensitive sole source groundwater basin.**

(1) Within a sensitive sole source groundwater basin where the maximum annual yield has been determined:

(A) No new or proposed well shall be drilled and completed within a one thousand three hundred twenty feet (1320') radius of a spring that flows 50 or more gallons per minute, emanates from the basin and is identified in Appendix D to this Chapter or in the National Water Information System database of the United States Geological Survey (USGS);

(B) No new or proposed well shall be drilled and completed within a two (2)-mile radius of a spring that flows 500 or more gallons per minute, emanates from the basin and is identified in Appendix D to this Chapter or in the National Water Information System database of the United States Geological Survey (USGS), unless the Board first determines that the total amount of groundwater authorized to be used from all wells within that radius is no more than 1600 acre feet per year; and

(C) No new or proposed well shall be drilled and completed within one (1) mile of a stream segment considered to be perennial in the U.S. Geological Survey's National Hydrology Dataset and with a base flow of 500 gallons per minute that emanates from the basin.

(2) Provided, an applicant may obtain an exception from the provisions of paragraph (1) of this subsection (c) if:

(A) The applicant first demonstrates to the satisfaction of the Board that the cumulative impact of pumping from the new or proposed well together with authorized pumping from existing and proposed wells will not cause a reduction of more than 25% of the base flow of the subject spring or stream; or

(B) The amount or dimensions of the land dedicated to the permit precludes the drilling of a well in compliance with the provisions of paragraph (1) of this subsection (c).

(3) Notwithstanding any other provision of this subsection (c), the Board shall not authorize any new or proposed well within a sensitive sole source groundwater basin where the maximum annual yield has been determined if the use of that well *is likely to degrade or interfere with springs or streams emanating in whole or in part from* [82:1020.9(A)(1)(d)] the basin.

SUBCHAPTER 5. GROUNDWATER PERMITS

785:30-5-1. Regular permit

(a) ~~*A regular permit is an authorization to put groundwater to beneficial use for other than domestic purposes.* [82:1020.11(A)]~~ A regular permit is an authorization to put groundwater to beneficial use for other than domestic purposes and shall be granted only after determination of the maximum annual yield for the relevant basin or subbasin.

(b) ~~*The regular permit shall be granted only after completion of the hydrologic survey and determination of the maximum annual yield for the appropriate basin or subbasin.* [82:1020.11(A)]~~ *If the lands dedicated to the application overlie two or more groundwater basins which overlie each other and both basins have had maximum annual yields determined, the amount to be authorized by the regular permit shall be calculated on the basin having the greatest maximum annual yield.* [82:1020.9]

(1) If the existing or proposed well(s) are completed in both groundwater basins or subbasins, so that the well (s) are capable of taking water from both basins or subbasins, the amount to be authorized by the regular permit shall be calculated on the basin or

subbasin having the greatest maximum annual yield.

(2) If the existing or proposed well(s) are completed in only one of the groundwater basins or subbasins, the amount of water authorized by the regular permit shall be calculated on the maximum annual yield for that basin or subbasin.

(c) ~~*A regular permit shall allocate to the applicant his proportionate part of the maximum annual yield of the basin or subbasin.* [82:1020.9]~~ If the lands dedicated to the application overlie two or more groundwater basins which overlie each other and the maximum annual yield has been determined for at least one but not all the basins or subbasins, a regular permit shall be issued. See also 785:30-5-2(b)(4)

~~(d) *His proportionate part shall be that percentage of the total annual yield of the basin or subbasin previously determined to be the maximum annual yield...which is equal to the percentage of the land overlying the fresh groundwater basin or subbasin which he owns or leases.* [82:1020.9]~~

~~(e) *The permit shall specify the location of the permitted well or wells.* [82:1020.9]~~

~~(f) *A regular permit shall not be granted for less than the remaining life of the basin or subbasin as previously determined by the Board.* [82:1020.9]~~

~~(g) *If the lands dedicated to the application overlie two or more groundwater basins* which overlie each other *and both basins have had maximum annual yields determined, the amount to be authorized by the regular permit shall be calculated on the basin having the greatest maximum annual yield.* [82:1020.9]~~

~~(1) If the existing or proposed well(s) are completed in both groundwater basins or subbasins, so that the well(s) are capable of taking water from both basins or subbasins, the amount to be authorized by the regular permit shall be calculated on the basin or subbasin having the greatest maximum annual yield.~~

~~(2) If the existing or proposed well(s) are completed in only one of the groundwater basins or subbasins, the amount of water authorized by the regular permit shall be calculated on the maximum annual yield for that basin or subbasin.~~

~~(h) If the lands dedicated to the application overlie two or more groundwater basins which overlie each other and the maximum annual yield has been determined for at least one but not all the basins or subbasins, a regular permit shall be issued. See also 785:30-5-2(b)(4).~~

785:30-5-2. Temporary permits

(a) **Temporary permit purposes; procedures for granting.** *A temporary permit is an authorization for the same purposes as a regular permit but is granted by the...Board prior to completion of the hydrologic survey and the determination of the maximum annual yield of the basin or subbasin and must be revalidated annually during its term.* [82:1020.11(B)] *The procedures provided for the granting of regular permits shall be applicable to the granting of temporary...permits except that the completion of the hydrologic survey shall not be a condition precedent.* [82:1020.10]

(b) **Amount of water allocated by temporary permit.**

(1) Except as provided in this subsection, *unless requested by a majority of the...owners of the land* [82:1020.11(B)] overlying the fresh groundwater basin or subbasin, *or by the applicant, the water allocated by a temporary permit shall not be less than two (2) acre-feet annually for each acre of land owned or leased by the applicant in the basin or subbasin.* [82:1020.11(B)]

(2) However, *if the applicant presents clear and convincing evidence that allocations in excess of two (2) acre-feet annually for each acre of land overlying the basin or subbasin will not exhaust the water thereunder in less than twenty (20) years, then the Board may issue temporary permits in such basin or subbasin in such amounts in excess of said limitation as will assure a minimum of twenty (20) year life for such basin or subbasin.* [82:1020.11(B)]

(3) Less than two (2) acre-feet per acre annually may be granted if the applicant requests a lesser amount, or if the evidence submitted shows that an amount at two acre-feet per acre would not be of beneficial use or would constitute waste.

(4) *If the lands dedicated to the application overlie two or more groundwater basins or subbasins* which overlie each other *and the maximum annual yield has been determined for at least one but not all the basins or subbasins, a temporary permit may be issued to the applicant if the applicant demonstrates by substantial competent evidence that the water to be withdrawn by the temporary permit will not be taken from a basin or subbasin for which the maximum annual yield has been determined.* [82:1020.9]

(A) If applicant intends to take water from both groundwater basins or subbasins, then a temporary permit may be issued only if the individual well(s) are or will be completed in only the basins or subbasins which have not had a maximum annual yield determined and a separate permit will be required for the withdrawal of groundwater from well(s) in each basin or subbasin for which a maximum annual yield has been determined.

(B) If existing or proposed well(s) dedicated to the application are completed in more than one groundwater basin or subbasin so that the wells are capable of taking water from both basins or subbasins, a temporary permit may not be issued.

(5) *If the land overlies two or more groundwater basins* which overlie each other *and the maximum annual yield has not been determined for any of the basins or subbasins, more than one temporary permit may be issued for the land if the applicant demonstrates by substantial competent evidence from which basin the water will be withdrawn for each of the permits.* [82:1020.9]

(c) **Annual revalidation and expiration of temporary groundwater permits.**

(1) *A temporary groundwater permit must be revalidated annually during its term.* [82:1020.11(B)]

(2) *Water use report forms will be mailed* in January *to each temporary permit holder.* [82:1020.11(B)] The water use report form shall include information about the requirement to return the completed form in a timely manner, and shall specify the date by which the form must be returned.
(3) *Timely return of the completed, signed, and dated water use report form to the Board shall automatically revalidate a temporary groundwater permit if the revalidation is not protested and if the use report does not reflect any permit-water use violations* [82:1020.11(B)]. The return of the completed, signed and dated water use report on or before the specified return date shall be considered timely and shall be considered a timely request to revalidate the temporary permit.
(4) *The temporary permit shall lapse at expiration of its term, revocation, cancellation, suspension, or upon the issuance of a regular permit, whichever shall occur first.* [82:1020.11(B)] Failure to return a completed, signed and dated water use report form by the date specified may be considered a willful failure to report annual water usage and subject to the provisions of 785:30-5-7.
(5) Revalidation protest procedures are as follows:
(A) *If* an objection against *the revalidation of a* temporary groundwater *permit is* in writing, satisfies the requirements of 785:4-5-4, and is received by the Board by February 28th of the year following the water use report year, or by a later date specified by the Board in its newsletter or on its website, then the objection shall constitute a protest against the application and *the Board* [82:1020.11(B)] will *immediately set a date for hearing and notify the applicant and protestant*(s) *of the time and place of the hearing* [82:1020.11(B)]. Objections that are not timely received or do not satisfy 785:4-5-5 will be considered only as comments in opposition to the application, but such comments will be made part of the permanent record of the proceeding. Persons who submit objections that do not qualify as protests will not be named as parties to the proceeding.
(B) *At the hearing, any interested person may appear and present evidence and argument in support of or in opposition to the protest and revalidation.* [82:1020.11(B)]
(C) *At the hearing on the revalidation protest, matters previously presented or considered and adjudicated shall not be subject to reconsideration or readjudication* [82:1020.11(B)].
(D) *The protest issues which may be entertained shall be limited to matters not previously determined,* such as (for example only) *a material or substantial change in conditions since issuance of the permit; evidence of the applicant's noncompliance with any of the terms, provisions or conditions of the permit; or subsequent violation of the Oklahoma Groundwater Law...or* these *rules and regulations* [82:1020.11(B)] related to the permit issued. Proposed findings of fact, conclusions of law and Board Order will be presented to the Board for its consideration.

~~(d)~~ **~~Requests for revalidation of certain temporary permits to be considered as applications for new permits; moratorium.~~**

~~(1) Pursuant to Title 82 of the Oklahoma Statutes, Section 1020.9A, *[a]ny revalidation of a temporary permit, in effect* on August 28, 2003, *that allows for any municipal or public water supply use of groundwater from a sensitive sole source groundwater basin outside any county that overlays in whole or in part said basin shall be considered a new permit application and subject to the provisions of* Senate Bill No. 288 of the First Regular Session of the 49th Legislature.~~
~~(2) A provision of Senate Bill No. 288 of the First Regular Session of the 49th Legislature establishes a moratorium *on the issuance of any temporary permit that would lead to any municipal or public water supply use of groundwater from a sensitive sole source groundwater basin or subbasin outside of any county that overlays in whole or in part said basin or subbasin* [82:1020.9A(B)(1)] and that *said moratorium shall be in effect until such time as the . . .Board conducts and completes a hydrological survey and approves a maximum annual yield that will ensure that any permit for the removal of water from a sensitive sole source groundwater basin or subbasin will not reduce the natural flow of water from springs or streams emanating from said basin or subbasin* [82:1020.9A(B)(2)].~~
~~(3) If the holder of a temporary permit that lists municipal use or public water supply use as an authorized purpose certifies that the groundwater will not be used outside any county that overlays in whole or in part a sensitive sole source groundwater basin or subbasin, the request to revalidate such a temporary permit shall not be considered a new permit application. The filing of such a certification shall be deemed to be a request to amend the temporary permit to add a condition to prohibit the use of the groundwater outside any county that overlays in whole or in part a sensitive sole source groundwater basin or subbasin.~~

785:30-5-3. Special permits

(a) **Special permit purpose.**

(1) *A special permit is an authorization by the Board in lieu of or in addition to a regular or temporary permit. The special permit is granted to put groundwater to a beneficial use which shall require quantities of water in excess of that allocated under a regular or temporary permit.* [82:1020.11(C)]
~~(2) *The water so authorized may be used only for the purpose designated in the permit.* [82:1020.11(C)]~~
~~(3) The applicant must establish that the lands dedicated to the special permit overlie a fresh groundwater basin, are owned or leased by the applicant, and that waste will not occur.~~

(b) **Duration of special permits.**

(1) A special *permit shall be granted for a period not to exceed six (6) months and may be renewed three (3) times upon written request of the applicant prior to the expiration of said permit and approval by the Board.* 82:1020.11(C)]
(2) *Successive special permits shall not be granted for the same purpose.* [82:1020.11(C)]

(3) A special permit *is subject to revocation or cancellation upon failure to use the water for the purpose granted.* [82:1020.11(C)]

785:30-5-4. Provisional temporary permits

(a) A provisional temporary permit *may be renewed three (3) times for the oil and natural gas industry except in a sole source aquifer* [82:1020.10] granted by and at the discretion of the Executive Director.

(b) The permit is only effective *for a period not to exceed ninety (90) days* [82:1020.10] and is subject to cancellation at any time during its term.

(c) No hearings are held, no application notice or data is published and no notice to surface estate owners is required on applications for this type of permit.

(d) The application may be approved and the permit may be issued summarily and immediately upon administrative approval where it appears from the verified application and supporting material filed therewith that the permit issuance conditions described in 82 O.S. ~~1981,~~ §§1020.9 and 1020.11(D) are satisfied and that well spacing distances, as specified in 785:30-3-6, and other conditions as may be required by the Board, are met.

(e) On applications in which the applicant is not the surface owner of the lands upon which the water well is to be located, the applicant must satisfy the requirements of 82 O.S. ~~1981,~~ §1020.11(D) and 785:30-3-1(b).

(f) Provisional temporary permit holders are required to notify the Board in writing within thirty (30) days after the expiration of their permit as to the disposition of the well covered under the permit.

785:30-5-5. Contents of permits

(a) Every regular, temporary, special, marginal water, and provisional temporary permit issued by the Board shall contain substantially the following:

(1) Date of filing.

(2) The county or counties in which the well(s) is or are located.

(3) The permit number and date issued, which shall be the date the permit is approved by the Board or where appropriate, by the Executive Director.

(4) The name and address to whom issued.

(5) The amount of water in acre-feet authorized to be withdrawn annually.

(6) The purpose for which the water will be used and the legal description of the land dedicated to the permit.

(7) The legal description of the well location(s) to the nearest ten (10) acre subdivision, or by indicating "center of" when applicable for a larger tract of land.

(8) Groundwater basin(s) or formation(s) from which water is to be withdrawn.

(9) If a proposed well is not drilled and completed within one (1) year of permit issuance, groundwater will no longer be authorized to be withdrawn from that location unless a written request to extend the drilling period is approved by the Executive Director <u>prior to the expiration of the drilling period.</u>

(b) In addition to the above, the permit shall contain any additional terms, conditions, limitations, or restrictions the Board may prescribe and on which the applicant agrees or as ordered after notice and hearing.