

APPLICATION FOR AN AMENDMENT TO A STREAM WATER PERMIT OR VESTED RIGHT

OKLAHOMA WATER RESOURCES BOARD
 WATER RIGHTS ADMINISTRATION DIVISION
 3800 North Classen Blvd., Oklahoma City, OK 73118
 Phone: (405) 530-8800 Fax: (405) 530-8900
 Website: www.owrb.ok.gov (see website for FAQs)

<u>OFFICE USE ONLY</u>	<u>APPLICATION FILING FEE</u>
Application No. _____ Type of Permit _____ Stream System Code _____ Reservoir Code _____ Hydrologic Unit Code _____	<p style="text-align: center;"><i>Application review will not begin until the proper filing fee is received. Double the filing fee if water is used before application approval.</i></p> Filing Fee..... \$400.00* * Plus \$250.00 if water is to be diverted from a scenic river or outstanding resource water. Applications to add or request water for the purpose of enhanced recovery of oil and gas shall have a flat filing fee of \$4,500.00.

1. NAME & ADDRESS (Applicant name as written should be found, in part or whole, on the ownership documents. Fill in the contact info.)

Applicant Name _____ Phone (____) _____ - _____

Mailing Address _____ City _____ State _____ Zip _____

Email _____ Fax (____) _____ - _____

Contact Name
 (during application review) _____ Phone (____) _____ - _____

Mailing Address _____ City _____ State _____ Zip _____

Email _____ Fax (____) _____ - _____

If correspondence needs to be sent during application review, it should be sent as: Postal Mail Email Fax

Contact Name
 (after permit approval) _____ Phone (____) _____ - _____

Mailing Address _____ City _____ State _____ Zip _____

Email _____ Fax (____) _____ - _____

2. TYPE OF AMENDMENT (for Stream Water Permit # _____)

Mark the Appropriate Boxes (Please Note: The amount of water appropriated to a stream water permit cannot be increased.):

- Adding or Removing Diversion Points (complete sections 3, 8, 9, and 10)
- Adding or Removing Uses (complete sections 4, 6, 9, and 10)
- Changing Area of Use (complete sections 5, 8, 9, and 10)
- Changing Rate of Withdrawal (complete sections 7, 9, and 10)

NOTE: Changing ownership of a permit requires a separate "Petition to Transfer Ownership" form that can be obtained from OWRB offices or at www.owrb.ok.gov.

<u>OFFICE USE ONLY</u>	
Uses: _____	ac. ft. Acres Irrigated: _____
Number of Diversion Points: _____	Rate of Withdrawal: _____ g.p.m.

3. DIVERSION OF WATER

(Please specify the number of diversion points requested to be added to or removed from the permit and give the legal description to the nearest 10-acre tract. An explanation of legal descriptions can be found on the OWRB website FAQs page. **Diversion point legal descriptions must match the area drawn on the attached plat.** If additional space is needed, list on a separate sheet of paper.)

Water is to be withdrawn from _____ additional diversion point(s) located in:
_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ ON OEIM
_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ OS Rng. _____ WIM in _____
_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ ON OEIM
_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ OS Rng. _____ WIM in _____
_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ ECM _____ County
_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ ECM _____ County

Source of Water (Check all that apply and provide the requested information.):

Direct Diversion from a River or Creek – Name: _____

Natural Resources Conservation Service (NRCS) Pond (formerly Soil Conservation Service) – Name and Site Number:

Reservoir, Lake, or Pond – Name: _____

Name of River or Creek the Reservoir, Lake, or Pond is located on: _____

Method of Diversion (Check one): Gravity Pump Non-Consumptive

Do you own or lease the land on which the point of diversion will be located? Yes No
(If existing, attach a copy of the deed, lease agreement, etc. showing the right to access the point of diversion.)

Will water lines cross public right-of-ways or another landowner’s property? Yes No
(If yes and existing, attach a copy of the easement.)

Note: If the deed, lease agreement, easement, etc. do not exist and cannot be submitted during application review the permit, if issued, will contain a condition requiring submittal of the information before water use begins.

Are diversion points being deleted? Yes No (If yes, list the legal description as described on the current permit.)

_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ ON OEIM
_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ OS Rng. _____ WIM in _____
_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ ECM _____ County

4. QUANTITY OF WATER & PURPOSE (A non-consumptive recreation, fish and wildlife purpose cannot be changed to any other purpose unless the water is taken from a Natural Resources Conservation Service Flood Control Site. If additional space is needed, list on a separate sheet of paper.)

If the application requests additional uses then please specify the use and quantity of water assigned to it:

Add _____ use and allocate _____ acre-feet of stream water per year.

Please specify the uses on your permit in which you want to decrease the allocated water amount and/or specify the uses you are removing from your permit (This is required. If removing uses, write the water amount as 0 acre-feet per year.):

_____ use of stream water will be decreased to _____ acre-feet per year.

For Growing Crops: Proposed crops: _____

Approximate area of crops irrigated: _____ acres. If the applicant will use water (or sell water to an end user) to grow marijuana or hemp attach a copy of all associated user’s OMMA or ODAFF licenses.

5. LEGAL DESCRIPTION OF AREA OF USE

(Please provide a legal description for the area of use to be added or deleted from the permit. Do not use city lot and block numbers or metes and bounds. If additional space is needed, list on a separate sheet of paper. Legal description of the area of use must match the area drawn on the attached plat.)

Area of use to be added:

_____ acres in _____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ N EIM
 S Rng. _____ WIM in _____
 ECM County

_____ acres in _____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ N EIM
 S Rng. _____ WIM in _____
 ECM County

For Irrigation Only: Do you own or lease the land to be irrigated? Yes No *(Provide a copy of the deed, lease agreement, or easement for the land to be irrigated.)*

Are areas of use being deleted? Yes No *(If yes, list the legal description as described on the current permit.)*

_____ acres in _____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ N EIM
 S Rng. _____ WIM in _____
 ECM County

6. JUSTIFICATION OF PRESENT AND FUTURE NEED *(If adding uses from Section #4, place a check mark next to each purpose you plan to add to the permit and separately provide the requested information.)*

- Agriculture (e.g. poultry houses, feedlots, aquaculture, greenhouses, etc.):** Submit methodology, calculations, and additional information used to determine the amount of water requested. For animal operations make sure to specify how many of each type of animal is raised per year and their water requirements. For greenhouses make sure to specify the quantity of each type of plant grown per year, their water requirements, length of growing season, and how many grows are completed per year.
- Commercial:** Submit methodology, calculations, and additional information used to determine the amount of water requested.
- Industrial (e.g. manufacturing):** Submit methodology, calculations, and additional information used to determine the amount of water requested.
- Irrigation:** Completion of Section #4 serves as your justification for irrigation of common crops grown in Oklahoma. The Board will use appropriate publications as well as take into consideration any information submitted by the applicant in determining the amount of water needed. If multi-cropping, please attach a separate rotation schedule.
- Mining (e.g. oil & gas, quarries, etc.):** Submit methodology, calculations, and additional information used to determine the amount of water requested. For oil & gas operations make sure to specify the following: 1) what the water will be used for (e.g. hydraulic fracturing), 2) how many separate wells will be provided water, and 3) how many barrels or gallons of water are needed for each well (42 gallons = 1 barrel).
- Other:** Submit methodology, calculations, and additional information used to determine the amount of water requested. Make sure to provide a statement with enough detail to clearly describe the proposed use of water.
- Power Generation (e.g. hydroelectric dams, natural gas plants, wind turbines, etc.):** Submit methodology, calculations, and additional information used to determine the amount of water requested. A schedule of use based on population growth in the specific area served may also be submitted.
- Public Water Supply (e.g. municipal or rural water systems, schools, hospitals, etc.):** Submit population projection figures and other methodologies, calculations, and additional information used to determine the amount of water requested. A map showing water lines and the service area is required of municipalities and rural water systems and must show points of reference or scale. A schedule of use based on population growth in the specific area served may also be submitted.
- Recreation Fish & Wildlife:** Submit methodology, calculations, and additional information used to determine the amount of water requested.

7. MAXIMUM RATE OF WITHDRAWAL

The maximum pumping rate will be changed from _____ gallons per minute to _____ gallons per minute.

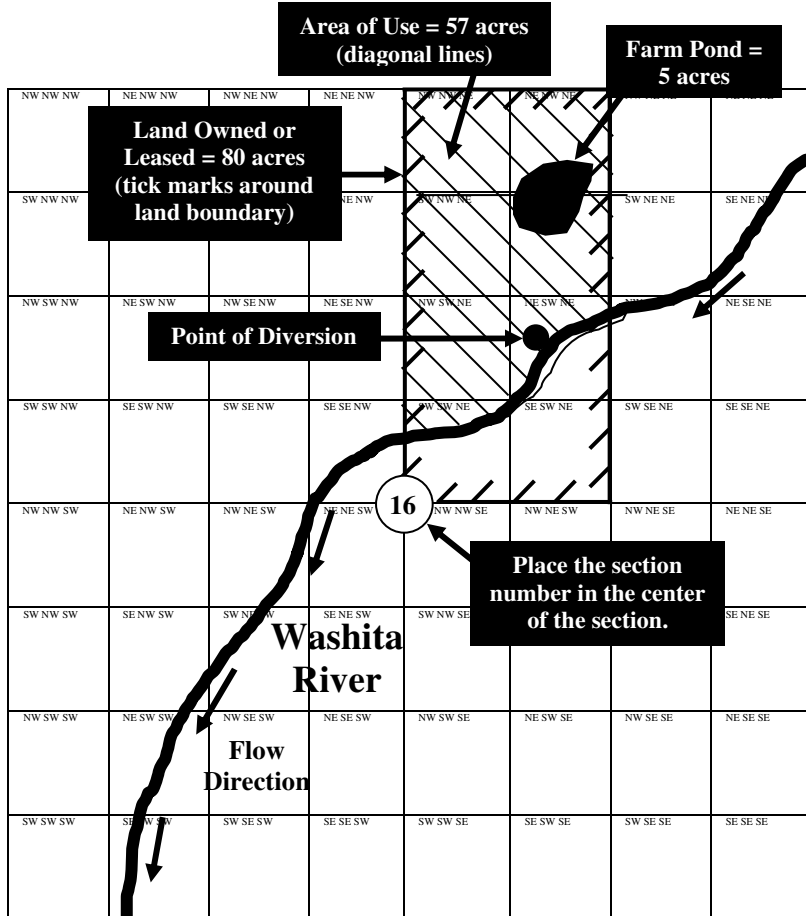
INSTRUCTIONS FOR THE NEXT PAGE

8. PLAT MAP (*Sample*)

Applicant Name John and Jane Doe

Permit No. _____

The plat below represents one full section (640 acres). Drawings must match the legal descriptions provided in questions #3 and #5 of the application. More than one plat map may be required.



Section 16 – Township 10N – Range 10WIM
Section – Township – Range

Caddo
County



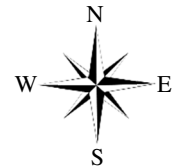
Land Owned or Leased



Area of Use

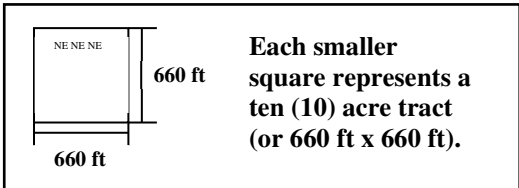


Point of Diversion



Instructions and Use of Symbols on the Application Plat

1. Write the applicant name on the top of the page (should match your ownership document).
2. Write the section number in the circle in the middle of the section and the legal description and county on the bottom of the page.
3. Draw water features including rivers, creeks, ponds, lakes, and reservoirs and write their names if known.
3. Draw the land you own or lease. Denote this with tick marks around the land boundary.
4. Draw the area you plan to use the water. Denote this with parallel diagonal lines.
5. Spot the location of each diversion point. Diversion points should be placed at the source of the water you want to use. *For example, if you irrigate a field with water from a farm pond, but you filled the farm pond with water pumped from a nearby creek, then your diversion point should be placed on the creek. The pond would be considered part of your area of use.*

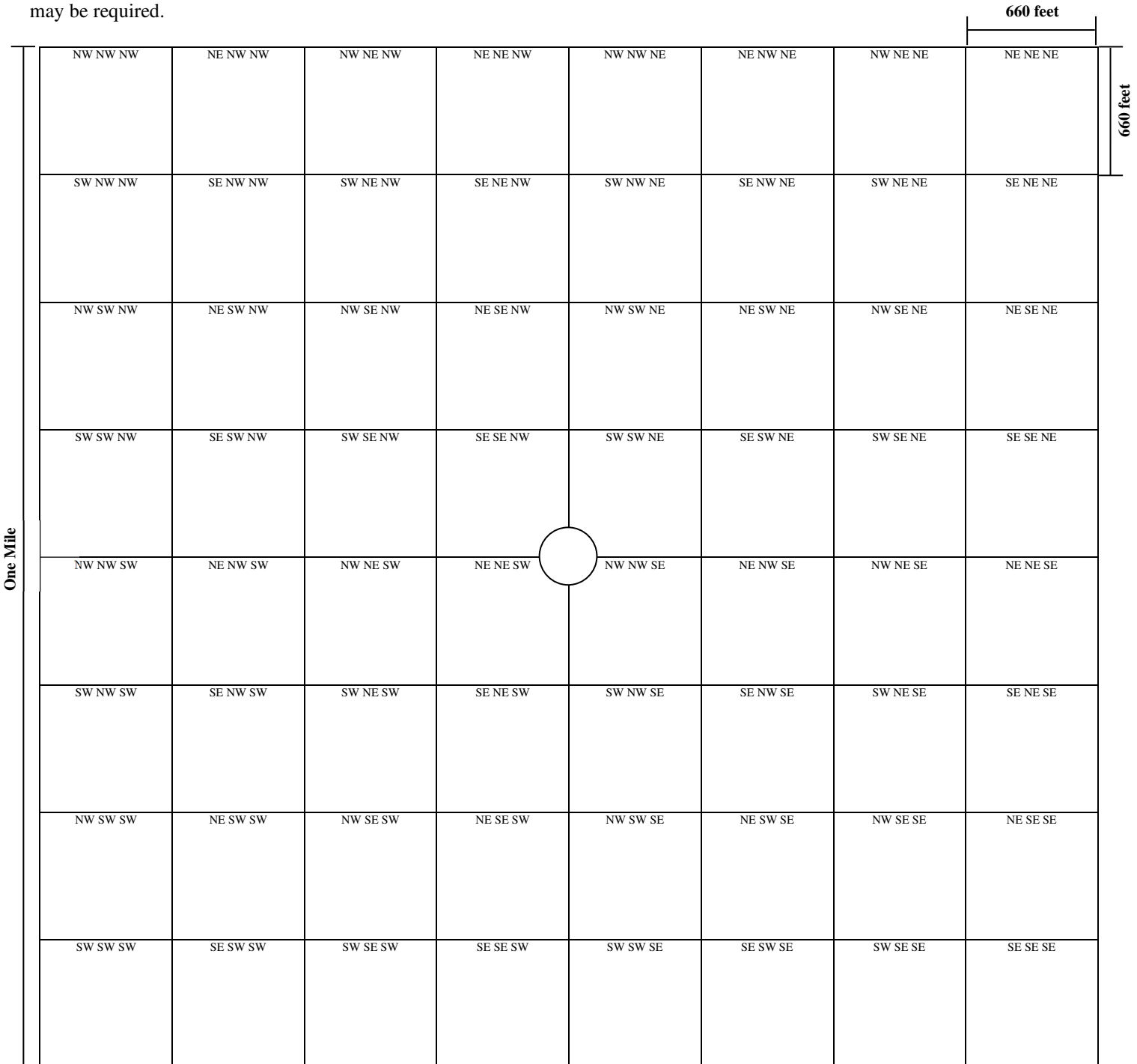


8. PLAT MAP

Applicant Name _____

Permit No. _____

The plat below represents one full section (640 acres). Drawings must match the legal descriptions provided in questions #3 and #5 of the application. More than one plat map may be required.



Section – Township – Range

County



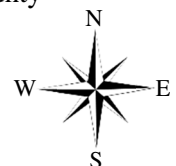
Land Owned or Leased



Area of Use



Point of Diversion



9. REQUIRMENT TO IDENTIFY AFFECTED LANDOWNERS

Applicant Name _____

Permit No. _____

The Oklahoma Supreme Court case of *Purcell v. Parker*, 2020 OK 83, 475 P.3d 834, requires that you identify all “known or easily discoverable” landowner[s] whose legally protected interests may be directly and adversely affected by your amendment application to use stream water. Please list the names and addresses of all these individuals and entities below.

Name

Address

1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____

Attach a separate sheet if more space is needed.

Note: *Leaving the above section blank or incomplete may be considered insufficient and delay the permitting process.*

10. SIGNATURES

Upon my oath or affirmation, I swear or affirm (1) that all information submitted to the Oklahoma Water Resources Board in connection with this application is true and accurate to the best of my knowledge; and (2) that I or the person or entity I represent will comply with all applicable laws and regulations contained in Chapter 20 of the Oklahoma Water Resources Board rules and all other applicable regulations of the State of Oklahoma or its agencies, and any lawful conditions imposed by the Oklahoma Water Resources Board, which apply or pertain to the use of fresh stream water.

NOTARY

STATE OF _____)
) ss.
COUNTY OF _____)

SIGNATURE OF APPLICANT

The foregoing instrument was acknowledged before

PRINT NAME

me this _____ day of _____, 20_____.

TITLE (IF APPLICABLE)

Notary Public Signature

OKLAHOMA BAR ASSOCIATION NUMBER
(IF APPLICABLE)

My commission expires: _____

(SEAL)

11. APPLICATION SUBMISSION AND PROCESSING

The submitted application packet must include the following:

- a. The original completed application, typed or printed in ink, signed and notarized (*All markings must be legible.*);
- b. The appropriate filing fee (*Application review will not begin until the proper filing fees are received. If water is used before Board approval of the application in an amount greater than what is authorized on the current permit or from diversion points or for uses other than what is authorized on the current permit, double the filing fee will be required. Filing fees will not be refunded unless an overpayment was made by the applicant.*);
- c. Copies of warranty deeds, leases, and/or letters of consent as required (*Tax documents are not accepted. Social security numbers are not required. If any documentation contains social security numbers, please obscure them before submittal.*).
- d. Other documentation may be requested as needed to complete the application review.

If you believe that within the first seven (7) years after issuance of your permit you will not be able to use the full amount of water applied for, please contact Board staff to discuss possible options such as submitting a schedule of use.

Please note: Any incomplete or unresponsive answers may cause a delay in the processing of your application.

In addition, Oklahoma Administrative Code (OAC) 785:20-3-9 states: (a) "Upon filing of an application that is defective as to form or unsatisfactory as to feasibility or safety of the plan or as to the showing of the ability of the applicant to carry the construction to completion, the Board shall advise applicant of the correction, amendments, or changes required, and sixty (60) days from the date the Board so advises shall be allowed for the filing thereof. [82:105.10]" (b) "Any corrected application filed after the time allowed in (a) of this Section shall be treated in all respects as a new application on the date of its refiling [82:105.10] and the original priority date of filing shall be lost." (c) "If an applicant does not correct an application or publish notice as instructed by the Board, and no further proceedings are initiated by the applicant for six months or more after last contact with the Board, the application shall be deemed withdrawn. The Board shall provide notice to the applicant that the application has been deemed withdrawn."