

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 25. DAMS AND RESERVOIRS**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Responsibility, Classification and Design Standards

785:25-3-2. Owner's responsibility [AMENDED]

785:25-3-6. Minimum spillways performance standards [AMENDED]

785:25-3-7. Minimum outlet conduit capacities [AMENDED]

Subchapter 5. Applications and Approval of Construction

785:25-5-1. Application and fee required [AMENDED]

Subchapter 7. Post Approval Actions

785:25-7-6. Notice of completion and filing of supplementary drawings or descriptive matter [AMENDED]

785:25-7-7. Emergency action plans

Subchapter 9. Actions After Construction

785:25-9-1. Inspection of dams [AMENDED]

Appendix A. JURISDICTION OF BOARD BY SIZE AND ~~HAZARD~~HAZARD  
CLASSIFICATION

**SUMMARY:**

The staff of the Oklahoma Water Resources Board (“OWRB”) is proposing or is considering promulgation of amended or new rules in Oklahoma Administrative Code (“OAC”) 785:25 as follows:

OAC 785:25-3-2 is proposed to be amended by including a seller’s responsibility for the notification of transfer of ownership of a dam.

OAC 785:25-3-6 is proposed to require that if a spillway which was originally constructed prior to June 13, 1973, is proposed to be enlarged, modified, or reconstructed, that the spillway standards described in OAC 785-25-3-6(a) shall be used in its design.

OAC 785:25-3-7 modifies the language to refer to dam “valley floor drains” in place of “outlet conduits” to remove the ambiguity between other dam appurtenances of similar name.

OAC 785:25-5-1 clarifies that an *Application to Construct, Enlarge, Repair or Alter Dam and/or Spillway* be submitted to and approved by the Board prior to the commencement of dam construction activities with the exception of some site preparation.

OAC 785:25-5-1 is also proposed to be amended in regard to the application requirements for the modification of an existing agriculture-exempt dam. If the proposed modification is not being prepared with the assistance of a local conservation district or federal agriculture related agency, the owner shall submit an application in accordance with 785-25-5 for the modification.

OAC 785:25-7-6 would apply a 30-day time limit to file a Notice of Completion of Works upon dam completion.

OAC 785:25-7-7 would require that a dam Emergency Action Plan be submitted to the Board, at minimum, once every five years.

OAC 785:25-9-1 would be reorganized for clarity. Subsection (c) would be given a more descriptive title. The minimum standards for dam inspections would have an additional

requirement to assign a condition rating of all dam appurtenances in accordance with the Board's dam inspection guidelines.

OAC 785:25 Appendix A for the correction of the appendix title.

**AUTHORITY:**

Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. § 110.1 and following; 82 O.S. § 105.20 and 105.27.

**COMMENT PERIOD:**

Persons wishing to present written comments may do so at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 5:00 p.m. on January 16, 2024. Written comments may also be submitted via e-mail to [Cris.Krittenbrink@owrb.ok.gov](mailto:Cris.Krittenbrink@owrb.ok.gov) before 5:00 p.m. on January 16, 2024. Persons wishing to present oral comment to the OWRB may do so at the public hearing on January 16, 2024.

**PUBLIC HEARING:**

A public hearing will be held January 16, 2024, during the monthly meeting of the Board which will begin at 9:30 a.m. in the Board Room of the OWRB's offices located at 3800 North Classen Blvd., Oklahoma City, Oklahoma, 73118.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the Board, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Chrystal Krittenbrink at 3800 North Classen, Oklahoma City, Oklahoma before the close of the comment period.

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments may be reviewed by appointment at the OWRB's office location at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118, or may be obtained from Chrystal Krittenbrink, Legal Assistant, at [Cris.Krittenbrink@owrb.ok.gov](mailto:Cris.Krittenbrink@owrb.ok.gov). The proposed amendments may also be viewed on the OWRB web site at <http://www.oklahoma.gov/owrb>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review by appointment at the OWRB's office, 3800 North Classen Blvd., Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.oklahoma.gov/owrb>.

**CONTACT PERSON:**

Sara D. Gibson, General Counsel, 405-530-8800, [Sara.Gibson@owrb.ok.gov](mailto:Sara.Gibson@owrb.ok.gov).