

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 105

BY: GILES

AS INTRODUCED

AN ACT RELATING TO WATERS AND WATER RIGHTS; AMENDING  
82 O.S. 1981, SECTIONS 1020.1, AS AMENDED BY  
SECTION 1, CHAPTER 325, O.S.L. 1990 AND 1618 (82  
O.S. SUPP. 1990, SECTION 1020.1), WHICH RELATE TO  
GROUNDWATER AND FLOODPLAIN MANAGEMENT; PROVIDING  
SHORT TITLE; CLARIFYING STATUTORY REFERENCES;  
PROVIDING FOR CODIFICATION; AND DECLARING AN  
EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 105 of Title 82, unless there is  
created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Stream Water  
Use Act".

SECTION 2. AMENDATORY 82 O.S. 1981, Section 1020.1, as  
amended by Section 1, Chapter 325, O.S.L. 1990 (82 O.S. Supp. 1990,  
Section 1020.1), is amended to read as follows:

Section 1020.1 A. As used in this act, Section 1020.1 et seq.  
of this title, unless the context clearly indicates otherwise, the  
term "groundwater" shall mean 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.

B. As used in this act, unless the context clearly indicates otherwise, "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 and for the irrigation of land not exceeding a total of three (3) acres in area for the growing of gardens, orchards and lawns.

C. The term "groundwater basin" shall mean a distinct underground body of water overlain by contiguous land and having substantially the same geological and hydrological characteristics and yield capabilities.

D. The term "subbasin" shall mean a subdivision of a water basin overlain by contiguous land and having substantially the same geological and hydrological characteristics and yield capabilities.

E. The term "Board" shall mean the Oklahoma Water Resources Board.

F. The term "person" shall mean any individual, firm, partnership, association, corporation, business trust, federal agency, state agency, the state or any political subdivision thereof, municipalities, and any other legal entities.

G. The term "fresh water" shall mean water which has less than five thousand (5,000) parts per million total dissolved solids. For the purpose of this act all other water is salt water.

H. As used in this act, the terms "commercial drilling" and "commercial installation" shall mean drilling and installation as a business, trade or occupation for compensation.

SECTION 3. AMENDATORY 82 O.S. 1981, Section 1618, is amended to read as follows:

Section 1618. The provisions of this act shall not apply to those counties, municipalities or other ~~agencies~~ political subdivisions who are in compliance with federal floodplain

regulations and are participating in the program prior to the effective date of this act.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-509

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