

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1717

By: Winchester

AS INTRODUCED

An Act relating to waters and water rights and state government; creating the Oklahoma Water Resources Location Act; providing short title; directing preparation of supplement to the second decennial update of the Oklahoma Comprehensive Water Plan; specifying requirements for plan; providing for certain updates; providing for distribution; 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 1086.10 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 "Oklahoma Water Resources Location Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1086.11 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. No later than January 1, 2008, the Oklahoma Water Resources Board shall prepare and publish a supplement to the second decennial update of the Oklahoma Comprehensive Water Plan to be designated the "Oklahoma Water Resources Location Plan". The second decennial update of the Oklahoma Comprehensive Water Plan, due September 1, 2005, pursuant to Section 1086.2 of Title 82 of the Oklahoma Statutes, shall include a summary of any activities or issues related to the Oklahoma Water Resources Location Plan.

B. The Oklahoma Water Resources Location Plan shall incorporate the principles set forth in subsection A of Section 1086.1 of Title

82 of the Oklahoma Statutes, the Oklahoma Water Resources Location Plan, and at a minimum, shall:

1. Reflect the public interest of the entire state;
2. Contain principles for construction and improvement of surface water and groundwater resources;
3. Embody principles to encourage additional voluntary redistribution of water resources;
4. Include suggestions for legislative actions that are based upon recommendations of the regional water groups which will ensure that there is an adequate supply of good quality water available for beneficial use by all citizens of Oklahoma;
5. Provide methods for the orderly development, management, and conservation of water resources to:
  - a. ensure public health, safety, and welfare,
  - b. further economic development,
  - c. protect the agricultural resources, recreational resources, environmental resources, and natural resources of the entire state,
  - d. improve conservation,
  - e. reuse and manage existing water supplies,
  - f. acquire available and existing water supplies, and
  - g. develop new water supplies;
6. Provide for the preparation for and response to drought conditions, in order that sufficient water will be available at a reasonable cost to the public; and
7. Contain recommendations to the Legislature regarding the:
  - a. principles in developing a public policy for protection, management, conservation, development and utilization of water resources of this state,
  - b. existing conditions concerning waters of the state and its uses for all purposes within this state,
  - c. infrastructure needs of Oklahoma's communities,

- d. long-term sustainability of Oklahoma's water supply,
- e. beneficial uses of water which reflect the public interest of the entire state while protecting the private property rights and water rights of Oklahoma citizens. When reviewing beneficial uses of water, due consideration shall be given to alternatives which allow maximum sustainable growth in this state while protecting all designated beneficial uses of water, promoting conservation and prudent use, prioritizing public health and welfare considerations and the water rights of the citizens in the basins of origin. In addition, consideration shall be given to environmental and biological uses of water and encouraging methods for voluntary redistribution of excess or surplus water to Oklahoma regions and citizens with inadequate supplies,
- f. state and federal statutory and case law which may impact the development, management, conservation and use of Oklahoma water,
- g. definition of "excess and surplus water of this state" including water quality and water quantity,
- h. process for determining "excess and surplus" water,
- i. out-of-basin water sales and/or transfers,
- j. potential local, state, and federal funding sources for development of a comprehensive statewide water study and plan,
- k. review of water usage in this state, and
- l. uniform data regarding the collection, analysis, interpretation and use of information on water quality and water quantity data.

C. 1. The Oklahoma Water Resources Board shall take the Oklahoma Water Resources Location Plan and all revisions thereto

into consideration in matters coming before the Committee or the Board.

2. In preparing the Oklahoma Water Resources Location Plan, the Committee shall consider the advice of representatives of the Oklahoma Water Resources Board, the United States Army Corps of Engineers, the Bureau of Reclamation, the Natural Resources Conservation Service, the United States Geological Survey, the United States Fish and Wildlife Service, and other appropriate federal agencies, as well as representatives of state agencies involved in tourism, environmental quality, parks, fish and wildlife, recreation, conservation, public health, agriculture, public utilities, navigation and industrial development.

E. The Oklahoma Water Resources Board shall deliver the Oklahoma Water Resources Location Plan to the Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives and present the plan for review to the appropriate legislative committees.

SECTION 3. 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.

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