

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 597

By: Gumm

AS INTRODUCED

An Act relating to waters and water rights; requiring the Oklahoma Water Resources Board to prepare certain Oklahoma Comprehensive Water Plan; designating name of plan; requiring review and update of certain plan within certain time period; replacing the current Oklahoma Comprehensive Water Plan; requiring Board to consult with certain federal and state entities; providing nine regional water planning districts; requiring Governor to appoint certain Water Advisory Committee by certain date; stating criteria for members; stating term of appointment; stating duties of Water Advisory Committee; requiring Board to implement certain proposals; stating exceptions; stating requirements for Board in creating and updating the Oklahoma Water Resources Conservation Plan; repealing 82 O.S. 2001, Section 1085.3, which relates to state water districts; 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:

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 Conservation Plan". The second decennial update of the Oklahoma Comprehensive Water Plan, presently 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 Conservation Plan.

B. The Board shall review and update the Oklahoma Water Resources Conservation Plan as necessary and at least every ten (10) years, and it shall replace the Oklahoma Comprehensive Water Plan.

C. In preparing the Oklahoma Water Resources Conservation Plan, the Board shall consult with the United States Army Corps of Engineers, the Bureau of Reclamation, the Natural Resources Conservation Service, United States Geological Survey, United States Fish and Wildlife Service, and other appropriate federal agencies, and in addition, all federally recognized Indian tribes in this state, and state agencies regulating tourism, environmental quality, parks, fish and wildlife, recreation, conservation, public health, agriculture, public utilities, navigation and industrial development.

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:

For purposes of the Oklahoma Water Resources Conservation Plan, created pursuant to Section 1 of this act, the state shall be divided into nine (9) regional water planning districts as follows:

1. The Panhandle Regional Water Planning District that includes the counties of Cimarron, Texas, Beaver, Harper, Ellis, Woodward, and Dewey;

2. The Southwest Regional Water Planning District that includes the counties of Roger Mills, Custer, Beckham, Washita, Greer, Kiowa, Harmon, and Jackson;

3. The North Central Regional Water Planning District that includes the counties of Alfalfa, Blaine, Grant, Kay, Garfield, Kingfisher, Major, Osage, Woods, and Noble;

4. The West Central Regional Water Planning District that includes the counties of Canadian, Oklahoma, Cleveland, and Logan;

5. The South Central Regional Water Planning District that includes the counties of Caddo, McClain, Comanche, Tillman, Cotton, Stephens, and Jefferson;

6. The Eastern Regional Water Planning District that includes the counties of Washington, Nowata, Craig, Ottawa, Delaware, Rogers,

Creek, Adair, Cherokee, McIntosh, Muskogee, Okmulgee, Sequoyah, Wagoner, Tulsa and Mayes;

7. The Mid-Central Regional Water Planning District that includes the counties of Hughes, Lincoln, Seminole, Okfuskee, Pawnee, Payne, Garvin, Grady, and Pottawatomie;

8. The Southeast Regional Water Planning District that includes the counties of Choctaw, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, Bryan, Atoka, Marshall, and Pushmataha; and

9. The Southern Regional Water Planning District that includes the counties of Carter, Coal, Johnston, Love, Murray, and Pontotoc.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1086.12 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. By November 1, 2005, the Governor of the State of Oklahoma shall appoint the Water Advisory Committee who shall provide advice and information to the Oklahoma Water Resources Board as required by this act. The Water Advisory Committee shall be composed of members appointed by the Governor, with advice and consent of the Senate, who meet the following criteria:

1. One person from each of the regional planning districts created in Section 2 of this act;

2. Three chiefs or chairs of federally recognized Indian tribes or their designees;

3. Three county commissioners, each from different counties;

4. The Executive Director of the Oklahoma Department of Wildlife Conservation or a designee;

5. The Executive Director of the Oklahoma Department of Environmental Quality or a designee;

6. The Executive Director of the Oklahoma Scenic Rivers Commission or a designee;

7. The Executive Director of the Oklahoma Department of Agriculture, Food, and Forestry or a designee; and

8. The Secretary of the Environment, who shall serve as the chair of the Water Advisory Committee.

B. Appointed members of the Water Advisory Committee shall serve for a term of six (6) years. Such terms shall be staggered as directed by the Governor with no individual serving a term longer than six (6) years, with the exception of those members or their designees who serve as representatives of their state agency. Appointed members must meet the requirements of this section to remain on the Water Advisory Committee and no appointed member shall be employed by, indebted to or in business with any other appointed member.

C. The Water Advisory Committee shall ensure that regional needs and differences, as expressed by the representatives of each regional planning district, are incorporated into the Oklahoma Water Resources Conservation Plan, that the Oklahoma Water Resources Conservation Plan reflects the principles identified in this act, reflects needs of local governments, respects the needs and interests of Indian tribes in Oklahoma regarding the use and access to water, and that the Oklahoma Water Resources Conservation Plan addresses the costs and the benefits of planned uses for the waters of the state, and provides for a policy of sustainable use on the management of waters within the state.

D. The Water Advisory Committee shall submit any proposals to the Oklahoma Water Resources Board it deems are necessary as amendments to the Oklahoma Water Resources Conservation Plan, are necessary as a result of the Oklahoma Water Resources Conservation Plan, or are necessary changes to the regulations or policies implemented in this state for the conservation of water. Where appropriate, the Water Advisory Committee shall identify the source of funding necessary to implement its proposals. The Oklahoma Water Resources Board shall consider such proposals and implement them, to the extent of available monies, and where not in conflict with

controlling law, unless the Oklahoma Water Resources Board determines by a majority vote that to do so would not be in the best interests of the State of Oklahoma.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1086.13 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Water Resources Board, in creating and updating the Oklahoma Water Resources Conservation Plan, shall study the regional distribution, use, conservation and management of water within the various regions set forth in Section 2 of this act. Where practicable, the Board shall provide plans for the best use of water on a regional level, and shall take into account:

1. Principles in developing a public policy for protection, management, conservation, and utilization of water resources;

2. Review of existing conditions concerning waters of the region and their uses for all purposes within the region;

3. Infrastructure needs of local communities;

4. Provisions for long-term sustainability of the region's water supply;

5. Methods for managing, protecting and conserving water resources of the region while allowing for economic growth, including but not limited to:

a. improved conservation,

b. reuse and management of existing water supplies,

c. acquisition of available existing water supplies,

d. conservation of new water supplies,

e. preparation for and response to drought conditions in order that sufficient water at the highest quality possible will be available at a reasonable cost to Oklahoma residents to ensure public health, safety and welfare,

- f. beneficial uses of water that reflect the public interest of the region while protecting the private property rights and water rights of the region. When reviewing beneficial uses of water, due consideration shall be given to:
 - (1) alternatives which allow maximum sustainable growth in the region while protecting all designated beneficial uses of water,
 - (2) promoting conservation and prudent use, and
 - (3) prioritizing public health and welfare considerations,
- g. the cost and the benefits related to proposed water conservation, uses, and development identified in the Oklahoma Water Resources Conservation Plan,
- h. local management plans and other plans submitted by municipalities, irrigation districts, conservancy districts, master conservancy districts, other special purpose districts and rural water districts,
- i. opportunities for and the benefits of developing regional water supply facilities or providing regional management of water supply facilities,
- j. appropriate provision of upstream development and the effect of plans on existing navigation in the region,
- k. provisions to address needs for water in-stream systems or basins of origin and in the proposed receiving-stream systems or basins based on the period for which the water supply is requested, but less than fifty (50) years,
- l. identification of river and stream segments and groundwater basins of unique ecological value and

sites of unique value for the construction of reservoirs in the region,

- m. assessment of the impact of the plan on unique river and stream segments identified in paragraph 1 of this section if the regional water planning group or the Oklahoma State Legislature determines that a site of unique ecological value exists,
- n. description of the impact of any proposed water projects on water quality, and
- o. recommendations as to the need for the mandatory development and adoption of conservation and drought plans by water right holders and recommendations for criteria for such plans.

B. In considering the regional management of water resources, the Oklahoma Water Resources Conservation Plan shall give special consideration to the maintenance of relevant environmental standards, and the natural resources and habitat for species of concern and interest that are sustained naturally by the water resources.

SECTION 5. REPEALER 82 O.S. 2001, Section 1085.3, is hereby repealed.

SECTION 6. 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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