

THE HOUSE OF REPRESENTATIVES  
Monday, March 2, 2009

Committee Substitute for  
House Bill No. 1483

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1483 - By: DEWITT AND MCMULLEN of the House and JUSTICE of the Senate.

An Act relating to waters and water rights; amending 82 O.S. 2001, Section 105.12, which relates to water permit applications; clarifying statutory language; giving priority to certain in-state applications for certain purpose; and declaring an emergency.

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

- 1 SECTION 1. AMENDATORY 82 O.S. 2001, Section 105.12, is amended to read  
2 as follows:
- 3 Section 105.12 A. Before the Oklahoma Water Resources Board takes final action  
4 on the application, the Board shall determine from the evidence presented whether:
- 5 1. There is unappropriated water available in the amount applied for;
  - 6 2. The applicant has a present or future need for the water and the use to which  
7 applicant intends to put the water is a beneficial use. In making this determination, the  
8 Board shall consider the availability of all stream water sources and ~~such~~ other relevant  
9 matters as the Board deems appropriate, and may consider the availability of  
10 groundwater as an alternative source;

1           3. The proposed use does not interfere with domestic or existing appropriative uses;  
2 and

3           4. If the application is for the transportation of water for use outside the stream  
4 system wherein the water originates, the proposed use must not interfere with existing  
5 or proposed beneficial uses within the stream system and the needs of the water users  
6 therein. In making this determination, the Board shall utilize the review conducted  
7 pursuant to subsection B of this section.

8           If so determined, and subject to subsection B of this section, the Board shall approve  
9 the application by issuing a permit to appropriate water. The permit shall state the time  
10 within which the water shall be applied to beneficial use. In the absence of appeal as  
11 provided by the Administrative Procedures Act, the decision of the Board shall be final.

12           B. 1. In the granting of water rights for the transportation of water for use outside  
13 the stream system wherein water originates, pending applications to use water within  
14 such stream system shall first be considered in order to assure that applicants within  
15 such stream system shall have all of the water required to adequately supply their  
16 beneficial uses.

17           2. In the granting of water rights for transportation of stream water for use outside  
18 of the state, pending applications to use the water within the state shall first be  
19 considered to assure that applicants within the state shall have all of the water required  
20 to adequately supply their beneficial uses.

1       3. The Board shall review the needs within such area of origin every five (5) years  
2 to determine whether the water supply is adequate for municipal, industrial, domestic,  
3 and other beneficial uses.

4       C. The review conducted pursuant to subsection B of this section shall not be used  
5 to reduce the quantity of water authorized to be used pursuant to permits issued prior to  
6 such review. Such permits, however, remain subject to loss, in whole or in part, due to  
7 nonuse, forfeiture or abandonment, pursuant to this title.

8       SECTION 2. It being immediately necessary for the preservation of the public  
9 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
10 this act shall take effect and be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL  
12 DEVELOPMENT, dated 02-26-09 - DO PASS, As Amended and Coauthored.