

EHB 1483

THE STATE SENATE
Monday, April 6, 2009

ENGROSSED

House Bill No. 1483

As Amended

ENGROSSED HOUSE BILL NO. 1483 - By: DeWitt, McMullen, Fields and Denney of the House and Justice and Ivester of the Senate.

[waters and water rights - permit applications - clarifying language - emergency]

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

SECTION 1. AMENDATORY 82 O.S. 2001, Section 105.12, is amended to read as follows:

Section 105.12 A. Before the Oklahoma Water Resources Board takes final action on the application, the Board shall determine from the evidence presented whether:

- 1. There is unappropriated water available in the amount applied for;
- 2. The applicant has a present or future need for the water and the use to which applicant intends to put the water is a beneficial use. In making this determination, the Board shall consider the availability of all stream water sources and ~~such~~ other relevant matters as the Board deems appropriate, and may consider the availability of groundwater as an alternative source;

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

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

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

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

21 2. In the granting of water rights for transportation of stream
22 water for use outside of the state, pending applications to use the
23 water within the state shall first be considered to assure that

1 applicants within the state shall have all of the water required to
2 adequately supply their beneficial uses.

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

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated 4-2-09
17 - DO PASS, As Amended and Coauthored.