

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2755

By: Fields

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6 AS INTRODUCED

7 An Act relating to water and water rights; creating
8 the Oklahoma Water Commission; specifying authority
9 of the Commission; directing the Commission to
10 prepare and implement a comprehensive state water
11 plan; stating purposes of the plan; requiring the
12 Commission to collaborate with the Oklahoma Water
13 Resources Board and other governmental agencies;
14 specifying contents of the plan; requiring inclusion
15 of work plans and strategies for certain elements;
16 directing the Commission and Board to consult with
17 Indian nations and tribes for certain purposes;
18 requiring the Commission to have public participation
19 and input in the planning process; requiring
20 participation by certain stakeholders; providing for
21 adoption of the plan by certain interstate stream and
22 water commissions; requiring presentation of the plan
23 to certain legislative committees; providing for
24 periodic review and updates; limiting impact on
condemnation of water rights; limiting impact on
Indian tribes or nations water rights; defining
certain term; authorizing a covered entity to develop
a comprehensive water conservation plan; providing
for development and implementation; listing certain
considerations; requiring references to certain
regional water plans; allowing amendments to the
conservation plans; prohibiting the Board from
accepting certain financial aid application unless a
conservation plan is included; requiring the
Commission to prepare and submit an annual budget and
plan; providing for codification; providing an
effective date; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1089.1 of Title 82, unless there
4 is created a duplication in numbering, reads as follows:

5 A. There is hereby created the Oklahoma Water Commission,
6 hereinafter referred to as the Commission.

7 B. In addition to any other authority conferred upon it by law,
8 the Commission shall have authority to:

9 1. Develop a proactive, statewide program to ensure a reliable
10 water supply;

11 2. Develop a means for keeping control of the water in the
12 state and protecting the water rights and economy of the state
13 through a pricing structure;

14 3. Develop a set of water management tools customized to each
15 region of the state;

16 4. Develop and implement an emergency action plan to prepare
17 for the inevitable drought cycles in the future as illustrated by
18 past experiences; and

19 5. Develop tools to be put in place ahead of time to address
20 drought which is a slowly evolving natural disaster.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1089.2 of Title 82, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. The Oklahoma Water Commission is hereby authorized and
2 directed to prepare and implement a comprehensive state water plan.

3 B. The comprehensive state water plan shall be a strategic
4 management tool for the purposes of:

5 1. Promoting stewardship of the water resources of the state;

6 2. Protecting and maintaining water rights and their priority
7 status;

8 3. Protecting the diverse customs, culture, environment and
9 economic stability of the state;

10 4. Protecting both the water supply and water quality of water
11 in the state;

12 5. Promoting cooperative strategies, based on concern for
13 meeting the basic needs of all Oklahomans;

14 6. Meeting the interstate compact obligations of the state;

15 7. Providing a basis for prioritizing infrastructure
16 investment; and

17 8. Providing statewide continuity of policy and management
18 relative to water resources of the state.

19 C. The Oklahoma Water Commission shall collaborate with the
20 Oklahoma Water Resources Board and consult with other government
21 agencies as appropriate, in developing the comprehensive state water
22 plan. The comprehensive state water plan shall:
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- 1 1. Identify and reflect the common priorities, goals and
2 objectives that will have a positive impact on the public welfare of
3 the state;
- 4 2. Establish a clear vision and policy direction for active
5 management of the waters of the state;
- 6 3. Include an inventory of the quantity and quality of the
7 water resources of the state, population projections and other water
8 resource demands under a range of conditions;
- 9 4. Include water budgets for the state and for all major river
10 basins and aquifer systems in the state;
- 11 5. Include water conservation strategies and policies that will
12 maximize the beneficial use of water, including reuse and recycling
13 by conjunctive management of water resources and by doing so to
14 promote nonforfeiture of water rights;
- 15 6. Include a drought management plan designed to address
16 drought emergencies, promote strategies for prevention of drought-
17 related emergencies in the future and coordinate drought planning
18 statewide;
- 19 7. Recognize the relationship between water availability and
20 land-use decisions;
- 21 8. Promote river riparian and watershed restoration that
22 focuses on protecting the water supply, improving water quality and
23 complying with federal Endangered Species Act of 1973 mandates;

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1 9. Consider water rights transfer policies that balance the
2 need to protect the customs, culture, environment and economic
3 health and stability of the diverse communities in the state while
4 providing for timely and efficient transfers of water between uses
5 to meet both short-term shortages and long-term economic development
6 needs;

7 10. Promote strategies and mechanisms for achieving
8 coordination with all levels of government;

9 11. Integrate regional water plans as appropriate and
10 consistent with state water plan policies and strategies;

11 12. Integrate plans of water supply purveyors, including those
12 of local governments, privately owned public utilities,
13 associations, cooperatives and irrigation districts as appropriate
14 and consistent with state water plan policies and strategies, as
15 those plans are completed and submitted to the Oklahoma Water
16 Commission;

17 13. Identify water-related infrastructure and management
18 investment needs and opportunities to leverage federal and other
19 funding; and

20 14. Promote collaboration with and strategic focusing of the
21 research and development of the research institutions and entities
22 in the state to address the water challenges of the state and to
23 bring to the state demonstration projects in desalination,
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1 conservation, watershed restoration, weather modification and other
2 technological approaches to enhancing water supply and management.

3 D. Recognizing that complete water rights adjudication,
4 measurement, well inventories and adequate databases are essential
5 elements of an effective water management plan, and further
6 recognizing that completion of these elements will require
7 substantial time and resources, the comprehensive state water plan
8 shall include work plans and strategies for:

9 1. Completion of water rights adjudications, with required
10 supporting documentation, including hydrographic surveys, aquifer
11 mapping and aerial mapping of irrigated land;

12 2. Creation and completion of a comprehensive database and an
13 electronically accessible information system on the water resources
14 and water rights in the state, including file abstraction and
15 imaging of paper files as well as information on pending
16 adjudications; and

17 3. Measuring of surface and ground water uses in the state as
18 necessary for management of the water resources of the state.

19 E. The Oklahoma Water Commission and the Oklahoma Water
20 Resources Board shall consult directly with the governments of
21 Indian nations and tribes to formulate a statement of policy and
22 process to guide:

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1 1. The coordination or integration of the water plans of Indian
2 nations and tribes which are located wholly or partially within the
3 state with the comprehensive state water plan; and

4 2. Final adjudication or settlement of all water rights claims
5 by Indian nations and tribes located wholly or partially within
6 Oklahoma.

7 F. The Oklahoma Water Commission shall ensure that public
8 participation and public input are integrated throughout the
9 comprehensive state water plan planning process. The Commission
10 shall convene water planners and stakeholders from diverse
11 constituencies to advise it and the Oklahoma Water Resources Board
12 on the comprehensive state water plan, including statewide policies,
13 priorities, goals and objectives for the plan, issues of statewide
14 concern and strategies for implementation of the plan. The
15 Commission shall also ensure that representatives of the stakeholder
16 groups affected by various plan components will participate in the
17 development of those plan components.

18 G. After public review and comment, the comprehensive state
19 water plan developed pursuant to this section shall be subject to
20 adoption by all interstate stream or river commissions in which the
21 state is a member. Following adoption, the plan shall be presented
22 to the standing committees of the Oklahoma House of Representatives
23 and the Oklahoma State Senate that review water and natural
24 resources issues.

1 H. The comprehensive state water plan shall be periodically
2 reviewed, updated and amended in response to changing conditions.
3 At a minimum, a review shall be undertaken every five (5) years.

4 I. Nothing in the comprehensive state water plan shall be
5 construed to permit the granting or the condemnation of water
6 rights.

7 J. Nothing in the comprehensive state water plan shall be
8 construed to determine, abridge or affect the water rights of Indian
9 nations and tribes.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1089.3 of Title 82, unless there
12 is created a duplication in numbering, reads as follows:

13 A. As used in this section, "covered entity" means
14 municipalities, counties and any other person or entity that
15 supplies, distributes or otherwise provides at least five hundred
16 (500) acre-feet of water annually for domestic, commercial,
17 industrial or government customers for other than agricultural
18 purposes, but does not include Indian tribes or nations or any
19 entity of a tribe or nation.

20 B. A covered entity may develop, adopt and submit to the
21 Oklahoma Water Commission by December 31, 2011, a comprehensive
22 water conservation plan, including a drought management plan.

23 C. The manner in which the covered entity develops, adopts and
24 implements a comprehensive water conservation plan shall be

1 determined by the covered entity. The plan shall be accompanied by
2 a program for its implementation.

3 D. In developing a comprehensive water conservation plan
4 pursuant to this section, the covered entity shall:

5 1. Consider ordinances and codes to encourage conservation
6 measures. Covered entities without ordinance or code enforcement
7 ability shall consider incentives to encourage voluntary compliance
8 with a set of conservation guidelines. Covered entities shall
9 identify and implement best practices in their operations to improve
10 conservation of resources; and

11 2. Consider and incorporate into its plan if appropriate, at
12 least the following:

- 13 a. water-efficient fixtures and appliances, including
- 14 toilets, urinals, showerheads and faucets,
- 15 b. low-water-use landscaping and efficient irrigation,
- 16 c. water-efficient commercial and industrial water-use
- 17 processes,
- 18 d. water reuse systems for both potable and nonpotable
- 19 water,
- 20 e. distribution system leak repair,
- 21 f. dissemination of information regarding water-use
- 22 efficiency measures, including public education
- 23 programs and demonstrations of water-saving
- 24 techniques,

1 g. water rate structures designed to encourage water-use
2 efficiency and reuse in a fiscally responsible manner,
3 and

4 h. incentives to implement water-use efficiency
5 techniques, including rebates to customers or others,
6 to encourage the installation of water-use efficiency
7 and reuse measures.

8 E. The comprehensive water conservation plan of a covered
9 entity shall contain a section that references the regional water
10 plans in the area that have been accepted by the Oklahoma Water
11 Commission. The section shall cite conservation guidelines
12 mentioned in the regional plan that has been adopted into the
13 conservation plan of the covered entity.

14 F. A covered entity may at any time adopt changes to its
15 comprehensive water conservation plan and shall submit changes to
16 the Oklahoma Water Commission.

17 G. After December 31, 2011, the Oklahoma Water Resources Board
18 shall not accept an application from a covered entity for financial
19 assistance in the construction of any water diversion, storage,
20 conveyance, water treatment or wastewater treatment facility unless
21 the covered entity includes a copy of its comprehensive water
22 conservation plan.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1089.4 of Title 82, unless there
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma Water Commission shall, in conjunction with the
5 Oklahoma Water Resources Board, annually prepare and submit a budget
6 to the Legislature for the ensuing fiscal year with a complete and
7 detailed plan looking toward the improvement and protection of the
8 water supply of Oklahoma.

9 SECTION 5. This act shall become effective July 1, 2010.

10 SECTION 6. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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