

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1368

By: Bingman

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6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2001, Section 105.16, which relates to water
9 right permitting; providing statutory reference; and
10 declaring an emergency.

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

12 SECTION 1. AMENDATORY 82 O.S. 2001, Section 105.16, is
13 amended to read as follows:

14 Section 105.16 A. Unless a schedule of use is provided by the
15 Board as authorized in this section, a regular permit shall require
16 that the whole of the amount of the water authorized by the permit
17 be put to beneficial use within a period of less than seven (7)
18 years.

19 B. If, upon evidence presented to the Board, and considering
20 the present and future needs of the stream system of origin, it
21 appears that the proposed project, improvement or structure will
22 promote the optimal beneficial use of water in the state, and it
23 further appears that the total amount of water to be authorized by
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1 the permit cannot be put to beneficial use within seven (7) years,
2 then the Board shall provide in the permit the time within which the
3 total amount to be authorized shall be put to beneficial use. This
4 time shall be the useful life of the proposed project, improvement
5 or structure as found by the Board. In order to insure orderly
6 progress toward total beneficial utilization within the said time
7 set by the Board, the Board shall provide in the permit a schedule
8 of times within which certain percentages of the total amount to be
9 authorized must be put to beneficial use.

10 C. Nothing in this act, Section 105.1 et seq. of this title,
11 shall be deemed to reestablish any right to the use of any water
12 which has been lost by failure to use same or by forfeiture prior to
13 July 5, 1961.

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

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