

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 429

By: Ellis

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6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2001, Section 105.9, which relates to
9 applications for water rights; clarifying entities
10 required to apply for water rights; deleting
11 reference to certain regulations; stating penalties
12 for violations; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 82 O.S. 2001, Section 105.9, is
15 amended to read as follows:

16 Section 105.9 Any person, firm, corporation, state or federal
17 governmental agency, or subdivision thereof, including but not
18 limited to any county, municipality or any association of
19 governmental entities or any trusts thereof, intending to acquire
20 the right to the beneficial use of any water shall, before
21 commencing any construction for such purposes or before taking the
22 same from any constructed works, make an application to the Oklahoma
23 Water Resources Board, together with the filing fee authorized by
24 law, for a permit to appropriate in the form required by rules ~~and~~
~~regulations~~ established by the Board. Such rules ~~and regulations~~

1 shall, in addition to providing the form and manner of preparing and
2 presenting the application, require that such application state all
3 the data necessary for the proper description and limitation of the
4 right applied for, as to the amount of water requested, together
5 with such information as may be necessary to show the method and
6 practicability of the construction and the ability of the applicant
7 to complete the same.

8 B. Any person or entity attempting to acquire the right to the
9 beneficial use of any water without a permit issued by the Board, as
10 required by Subsection A of this section, shall be in violation of
11 this act and subject to all penalties authorized by law. With the
12 exception of permits lawfully issued by the Board pursuant to this
13 act, any person or entity attempting to permit access to the
14 beneficial use of any water to any other person or entity shall be
15 in violation of this act and subject to all penalties authorized by
16 law.

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

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