

1 STATE OF OKLAHOMA

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

3 SENATE BILL 550

By: Myers

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6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2001, Section 105.12, which relates to water
9 permit applications; clarifying statutory language;
10 giving priority to certain in-state applications for
11 certain purpose; and declaring an emergency.

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

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

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

18 1. There is unappropriated water available in the amount
19 applied for;

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

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

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

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

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

23 2. In the granting of water rights for transportation of stream
24 water for use outside of the state, pending applications to use the

1 water within the state shall first be considered to assure that
2 applicants within the state shall have all of the water required to
3 adequately supply their beneficial uses.

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

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

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

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18 52-1-212 MJM 3/6/2009 5:15:38 AM

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