

1 STATE OF OKLAHOMA

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

3 SENATE BILL 754

By: Ellis

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5  
6 AS INTRODUCED

7 An Act relating to waters and water rights; providing  
8 terms and conditions necessary for sale, transfer or  
9 exportation of water upon certain court order;  
10 stating conditions; authorizing the Oklahoma Water  
11 Resources Board to promulgate rules; providing for  
12 codification; and declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1020.23 of Title 82, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. In the event that any state or federal court issues a final  
18 unappealed order requiring the sale, transfer or exportation of  
19 water from a watershed basin originating in this state, such sale,  
20 transfer or exportation shall only be completed upon the following  
21 conditions:

22 1. The citizens of the watershed area in the basin of origin  
23 shall have first priority for their current domestic and beneficial  
24 use needs for water, and the amount of water necessary for future  
growth, as determined by the Oklahoma Water Resources Board; and

1           2. The citizens of the watershed area in the basin of origin  
2 shall be monetarily compensated for the water and the environmental  
3 degradation which is incurred when the water is transferred from the  
4 basin of origin. The amount of such compensation shall be based on  
5 the fair market value as determined by a court of competent  
6 jurisdiction.

7           B. Upon meeting the conditions required in subsection A of this  
8 section, the actual amount of water available shall be allocated  
9 monthly based on the rainfall amounts occurring during the previous  
10 month, as determined by the Oklahoma Water Resources Board less the  
11 amount of water required for local use pursuant to subsection A of  
12 this section.

13           C. The Oklahoma Water Resources Board is authorized to  
14 promulgate rules necessary to implement the provisions of this act.

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

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