

1 STATE OF OKLAHOMA

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

3 SENATE BILL 957

By: Bingman

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5
6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2001, Section 1086.1, which relates to the
9 comprehensive state water plan; modifying statutory
10 language; and declaring an emergency.

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

12 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1086.1, is
13 amended to read as follows:

14 Section 1086.1 A. ~~All of the people~~ The citizens of this state
15 have a primary interest in the orderly and coordinated control,
16 protection, management, conservation, development and utilization of
17 the water resources of the state. The people residing within areas
18 where waters originate benefit from the optimum development and
19 utilization of water within the area of origin. The people in water
20 deficient areas benefit by being able to use excess and surplus
21 waters. The policy of the State of Oklahoma is to encourage the use
22 of surplus and excess water to the extent that the use thereof is
23 not required by people residing within the area where such water
24 originates. In order to maximize the alternatives available for the

1 use and benefit of the public and water-user entities and for the
2 use and benefit of the public and for the general welfare and future
3 economic growth of the state, it is therefore the purpose of this
4 act to provide means for the expeditious and coordinated preparation
5 of a comprehensive state water plan and decennial updates thereof
6 for submission to the Legislature providing for the management,
7 protection, conservation, structural and nonstructural development
8 and utilization of water resources of this state, in accordance with
9 the following principles:

10 1. Multiple-purpose dams and reservoir sites, both existing and
11 planned or under construction as of the effective date of this act
12 or amendment thereof, within the area where excess or surplus water
13 originates and elsewhere, should be utilized to the maximum;

14 2. Water should be stored during periods of surplus supply for
15 use during periods of short supply; such storage should be in the
16 area of usage. In such cases where storage in the area of origin
17 may be permitted, the purchasing entities shall pay to the county of
18 origin, in lieu of ad valorem taxes and as part of the total cost of
19 the purchase of the water, an amount computed by averaging the tax
20 on land similar to the land taken off the tax rolls as a result of
21 the construction of such storage facilities within the county of
22 origin;

23 3. Water use within Oklahoma should be developed to the maximum
24 extent feasible for the benefit of Oklahoma so that out-of-state

1 downstream users will not acquire vested rights therein to the
2 detriment of the citizens of this state;

3 4. Only excess or surplus water should be utilized outside of
4 the areas of origin and citizens within the areas of origin have a
5 prior right to water originating therein to the extent that it may
6 be required for beneficial use therein;

7 5. All citizens, municipalities and other water-user entities
8 in need of water for beneficial use shall be entitled to appropriate
9 water and vest rights therein in accordance with priorities as
10 provided by law, and shall be entitled to cause same to be made
11 available to the water user in the most practicable and feasible
12 manner; and

13 6. Statutory power of the Oklahoma Water Resources Board in the
14 granting of water rights to those citizens, municipalities and other
15 water-user entities who utilize such water for beneficial use shall
16 be preserved.

17 B. The exercise of the powers granted by this act are in all
18 respects for the benefit of the people of the state, for the
19 increase of their commerce and prosperity and for the improvement of
20 their health and living conditions. The primary purpose governing
21 all exercise of powers hereunder shall be to maximize and not to
22 minimize the alternatives available to all citizens, municipalities
23 and other water-user entities in acquiring water for beneficial use.

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

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