

1 **SENATE FLOOR VERSION**

2 March 1, 2011

3 As Amended

4 SENATE BILL NO. 597

5 By: Bingman and Brecheen of the
6 Senate

7 and

8 Thomsen of the House

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

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

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

16 Section 105.16 A. Unless a schedule of use is provided by the
17 Board as authorized in this section, a regular permit shall require
18 that the whole of the amount of the water authorized by the permit
19 be put to beneficial use within a period of less than ~~seven (7)~~
20 **eight (8)** years.

21 B. If, upon evidence presented to the Board, and considering
22 the present and future needs of the stream system of origin, it
23 appears that the proposed project, improvement or structure will
24 promote the optimal beneficial use of water in the state, and it
further appears that the total amount of water to be authorized by

1 the permit cannot be put to beneficial use within ~~seven (7)~~ eight
2 (8) years, then the Board shall provide in the permit the time
3 within which the total amount to be authorized shall be put to
4 beneficial use. This time shall be the useful life of the proposed
5 project, improvement or structure as found by the Board. In order
6 to insure orderly progress toward total beneficial utilization
7 within the ~~said~~ time set by the Board, the Board shall provide in
8 the permit a schedule of times within which certain percentages of
9 the total amount to be 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.

18 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-23-11 - DO PASS, As
19 Amended and Coauthored.

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