

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2202

By: Cannaday

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5  
6 AS INTRODUCED

7 An Act relating to waters and water rights; amending  
8 82 O.S. 2011, Section 105.6, which relates to  
9 adjudication of stream water rights; updating  
10 statutory language; making a water rights suit  
11 instituted by the Oklahoma Water Resources Board  
12 contingent upon certain conditions; listing  
13 conditions; prohibiting suits to adjudicate stream  
14 water rights if a majority of certain persons object;  
15 permitting only one suit for a stream system at one  
16 time; limiting a stream water adjudication suit to  
17 the stream system only; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 82 O.S. 2011, Section 105.6, is  
20 amended to read as follows:

21 Section 105.6 ~~When~~ A. Subject to the provisions of subsections  
22 B and C of this section, when the Oklahoma Water Resources Board  
23 determines the best interests of the claimants to the use of water  
24 from a stream system will be served by a determination of all rights  
to the use of water of ~~such~~ the stream system, the Board may  
institute a suit on behalf of the state for the determination of all

1 rights to the use of ~~such~~ the water and shall diligently prosecute  
2 the same to a final adjudication. The cost of ~~such~~ the suit,  
3 including the costs on behalf of the state, shall be charged against  
4 each of the parties thereto in proportion to the amount of water  
5 rights allotted. Provided that after the effective date of June 10,  
6 1963, neither the bringing of ~~such~~ a suit nor an adjudication in  
7 ~~such~~ a suit shall be a condition precedent to the granting of  
8 permits and licenses as authorized by this act.

9 B. Prior to the Board instituting a suit for the determination  
10 of rights to the use of water in a stream system as authorized in  
11 subsection A of this section, the Board shall fulfill the following  
12 conditions:

13 1. Provide notice to all persons in every county where the  
14 stream may exist;

15 2. Explain to all persons who receive notice as set forth in  
16 paragraph 1 of this subsection the reasons why the suit is, in its  
17 view, in the interests of the persons claiming rights in the stream  
18 system;

19 3. Consider impacts to the natural resources of the area and  
20 groundwater flows;

21 4. Hold a public hearing and allow a reasonable period of  
22 public comment on any planned adjudication; and

23 5. Fully and adequately respond to all comments received.  
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1        C. If a majority of persons claiming a right to use water in a  
2 stream system for which the Board proposes to adjudicate the rights  
3 objects to the adjudication, the Board shall be prohibited from  
4 initiating the suit. On a statewide basis, the Board shall be  
5 permitted to prosecute only one suit to determine the rights to the  
6 use of water in a particular stream system at one time. Any suit to  
7 determine all rights to the use of water in a stream system shall be  
8 limited to the stream system in question and shall not include  
9 tributaries or receiving bodies of water.

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

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