

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2208

By: DeWitt

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5
6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2011, Section 277.6, which relates to the
9 board of directors of irrigation districts; modifying
10 requirement for development of a comprehensive plan;
11 amending 82 O.S. 2011, Section 565, which relates to
12 plans of improvement prepared by master conservancy
13 districts; updating statutory language; requiring
14 plans to be submitted to the Oklahoma Water Resources
15 Board for certain purposes; amending 82 O.S. 2011,
16 Section 1085.3, which relates to dividing the state
17 into water districts; prohibiting the creation of new
18 water districts under certain circumstances; amending
19 82 O.S. 2011, Section 1086.1, which relates to the
20 policy of the state as to use of surplus and excess
21 water; updating and deleting obsolete statutory
22 language; requiring the development of a
23 comprehensive state water plan to focus on certain
24 local and regional planning; listing certain
entities; amending 82 O.S. 2011, Section 1086.2,
which relates to certain powers of the Oklahoma Water
Resources Board; updating statutory outline;
requiring Board to focus on certain local and
regional planning in developing a comprehensive state
water plan; amending 82 O.S. 2011, Section 1277,
which relates to annual written reports by regional
water districts; amending 82 O.S. 2011, Section
1324.10, which relates to powers of rural water,
sewer, gas and solid waste management districts;
directing each district to develop a comprehensive
plan; requiring plan to be filed with the Oklahoma
Water Resources Board and utilized for certain
purposes; and providing an effective date.

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

1 SECTION 1. AMENDATORY 82 O.S. 2011, Section 277.6, is
2 amended to read as follows:

3 Section 277.6 A. Each director of the board shall take and
4 subscribe to the official oath of office and execute a surety bond
5 to the district conditioned upon the faithful discharge of his
6 duties.

7 B. The board shall:

8 1. Elect a president or chairman and vice-president or vice-
9 chairman from its members and elect or appoint a secretary-
10 treasurer. The secretary-treasurer of the board shall be bonded;

11 2. Conduct its business in open meeting, pursuant to the
12 Oklahoma Open Meeting Act;

13 3. Maintain its records pursuant to the Oklahoma Open Records
14 Act, except those records which are considered private or
15 confidential under applicable laws of the United States;

16 4. Have standing to appear before any court of this state.
17 Such standing shall extend to all matters germane to the powers and
18 duties of the district including but not limited to questions of the
19 validity of the establishment and operation of the district,
20 contracts and collection of delinquent assessments;

21 5. On a date specified by the board, each year, prepare a
22 budget, estimating the amount of money required for the ensuing year
23 to meet all obligations of the district and determine the
24

1 assessments necessary to pay those obligations. Assessments may be
2 modified or adopted by the ~~Board~~ board when determined necessary;

3 6. Determine collection procedures for all assessments imposed
4 by the district. Assessments may be set by the board for all
5 expenses of the district including the establishment and maintenance
6 of a reserve fund, provided, however, that any assessments for
7 construction or improvements and the principal indebtedness and
8 interest which may be incurred relating thereto shall be approved by
9 vote of the electors. The amount approved by the electors for
10 construction or improvements may include additional amounts
11 necessary for the establishment of a reasonable reserve and the
12 payment of costs of issuance and underwriters' discount. The
13 maximum amount of principal indebtedness and interest shall not be
14 less than one hundred ten percent (110%) of the estimated cost of
15 such construction or improvement, in order to provide for
16 contingencies. All plans of construction and improvements shall be
17 submitted to the Oklahoma Water Resources Board;

18 7. Let contracts for public improvements or public construction
19 projects of the district. Such improvements or construction
20 projects shall be on sealed bids to the lowest and best responsible
21 bidder and shall be conditioned upon the filing of a performance
22 bond equal to one hundred percent (100%) of the contract price for
23 the faithful performance of the contract except as otherwise
24 provided by the Public Competitive Bidding Act of 1974;

1 8. Cause an independent auditor to prepare and furnish an
2 annual certified audit of the financial condition of the district
3 for the preceding year to the board. A copy of such audit shall be
4 submitted to the Oklahoma Water Resources Board, and made available
5 to the electors and creditors of the district; and

6 9. In the best interests of the entire district, establish a
7 written comprehensive and reasonable plan of operation for the
8 release, distribution, and use of water among the owners of lands
9 within the district. Prior to the adoption of any final plan of
10 operation or amendments thereto, the board shall provide for a
11 meeting on the proposed or modified plan of operation. Notice of
12 the intended action shall be mailed to the electors. Copies of the
13 plan or amendments thereto shall be made available, at no charge, to
14 the electors. The board shall fully consider all written and oral
15 submissions respecting the plan or amendments thereto. A final plan
16 of operation or amendments thereto shall be submitted to the
17 electors for approval at the annual meeting or at a special meeting
18 of the electors called for such approval. Upon approval of such
19 plan or amendments thereto, the plan or plan as amended shall
20 constitute the official plan of operation for the district. Copies
21 of the official plan of operation for the district shall be made
22 available to the public.

23 C. The board shall have the power and authority to:

24 1. Manage and conduct the business affairs of the district;

- 1 2. Make and execute all necessary contracts;
- 2 3. Organize as a municipal corporation;
- 3 4. Employ such agents, officers and employees, including but
4 not limited to a manager, as may be required and prescribe their
5 duties and compensation;
- 6 5. Institute, maintain and defend any and all actions, suits
7 and proceedings, in person or by counsel, in the name of the
8 district;
- 9 6. Appear before the Oklahoma Water Resources Board to protest
10 any application not in conformity with the district's plan of
11 operation or not in the best interests of the district;
- 12 7. Perform any lawful act necessary to provide sufficient water
13 to each elector in the district;
- 14 8. Provide for the proper drainage of all lands affected by the
15 operations of the district;
- 16 9. Procure water either inside or outside of this state;
- 17 10. Develop comprehensive plans for efficient use of streams
18 and groundwater and the control and prevention of waste. ~~Such~~
19 Beginning in 2015 and every five (5) years thereafter, the plans
20 shall be filed with the Oklahoma Water Resources Board and shall be
21 utilized by the Board for informational purposes only in developing
22 the comprehensive state water plan;
- 23 11. Reclassify or authorize transfer of existing lands of the
24 district as provided in the Oklahoma Irrigation District Act;

1 12. For the purposes of the district:

- 2 a. acquire by purchase, lease or grant, rights-of-way and
3 improvement locations, and release such acquired
4 interests, provided that the acquisition or release of
5 the property or facilities of public service
6 corporations shall be accomplished as provided for by
7 Section 1722 of Title 69 of the Oklahoma Statutes,
8 b. enter upon lands for the making of surveys, provided
9 consent for such entry is first obtained,
10 c. condemn lands in accordance with the procedure
11 provided for condemnation of land by railroad
12 corporations. The power of eminent domain shall not
13 be exercised to acquire water rights unless the land
14 is acquired in fee. Oil, gas and minerals shall not
15 be subject to the power of eminent domain, except to
16 the extent necessary to prevent activities adversely
17 affecting the purposes of the district,
18 d. purchase and acquire leases of water rights,
19 e. make application for appropriations of water,
20 f. construct, use, maintain, repair and improve canals,
21 wells, reservoirs and water supply and distribution
22 facilities and appurtenances of all kinds, and
23 g. enter into contracts and obligations with this state
24 and the United States under the provisions of the

1 Federal Reclamation Act and all other state and
2 federal acts for the acquisition of water supply and
3 distribution facilities;

4 13. Accept the appointment of the district as fiscal agent of
5 the United States or this state, or accept authorization of the
6 district by the United States or this state to make collection of
7 money for and on behalf of the United States or this state in
8 connection with any federal or state project, and assume the duties
9 and liabilities incident to such action, and do any and all things
10 required by rules and regulations now or hereafter established by
11 any agency or department of the federal or state government in
12 regard thereto;

13 14. Accept gifts of money, property and services;

14 15. Sell and dispose of the property of the district if
15 provision is made for the payment of indebtedness thereon and
16 consent is obtained from all lienholders:

17 a. all property except easements shall be sold by sealed
18 bid to the highest bidder but the board has the right
19 to reject all such bids,

20 b. if real property has been acquired by the district
21 through the exercise of the power of eminent domain or
22 the imminent threat thereof and the district has
23 determined that such property shall be sold, the
24 immediate former owner, or his heirs at law or

1 devisees, as the case may be, shall have the first
2 option to repurchase the property at the price at
3 which the property was purchased from the owner,

4 c. if any property acquired by the district through the
5 exercise of the power of eminent domain or the
6 imminent threat thereof is not needed for immediate
7 use, the former owner, or his heirs at law or
8 devisees, as the case may be, shall have first option
9 to lease the property until such time as the property
10 is actually needed for district purposes;

11 16. Make surveys;

12 17. Carry out research projects;

13 18. Construct dams and drainage systems;

14 19. Install pumps and equipment to recharge underground basins
15 and subbasins;

16 20. Purchase real property;

17 21. Upon vote of the electors, borrow money and issue special
18 assessment bonds or notes, in such principal amounts as do not
19 exceed the maximum amount voted by the electors. All such bonds or
20 notes may bear interest at such fixed or variable rate or rates, in
21 any combination, as may be determined by the directors of the
22 district. Provided, the average coupon rate thereon shall in no
23 event exceed fourteen percent (14%) per annum;

1 22. Appoint committees of electors to undertake studies and
2 report to the board upon any issue germane to the operations and
3 management of the district; and

4 23. Generally perform all such acts as shall be necessary to
5 conduct the affairs of the district.

6 D. The provisions of this section shall not be construed to
7 affect or supercede any laws of this state relating to the authority
8 or the jurisdiction of any agency of this state or political
9 subdivision of this state to implement their respective duties
10 pursuant to law, but shall be held and construed as auxiliary and
11 supplementary thereto.

12 SECTION 2. AMENDATORY 82 O.S. 2011, Section 565, is
13 amended to read as follows:

14 Section 565. A. Upon their qualification, the board shall
15 prepare or cause to be prepared a plan for the improvements for
16 which the district was created. ~~Such~~ The plans shall include ~~such~~
17 maps, profiles, plans and other data and descriptions as may be
18 necessary to set forth properly the location and character of the
19 work, and of the property benefited or taken or damaged, with
20 estimates of cost and specifications for doing the work.

21 B. In case the board of directors finds that any former survey
22 made by any other district or in any other manner is useful for the
23 purposes of the district, the board of directors may take over the
24 data secured by ~~such~~ the survey, or ~~such~~ other proceedings as may be

1 useful to it, and may pay ~~therefor~~ an amount equal to the value of
2 ~~such~~ the data of such district. No construction shall be made under
3 the authority of this act which will cause the flooding of any land,
4 village or city or which will cause the water to back up into or on
5 any land, village or city, unless the board of directors shall have
6 acquired and paid for the right to use the land affected for ~~such~~
7 overflow purpose and shall have paid all damages incident thereto.
8 No railroad shall be required to be constructed with a grade in
9 excess of the ruling grade then existing upon that division of ~~said~~
10 the railroad ~~whereon said~~ on which the change is required, without
11 just compensation. Upon the completion of ~~such~~ the plan, the board
12 shall file a copy of the plan with the court clerk of the court
13 having jurisdiction of such district and cause the court clerk to
14 give notice by publication as provided ~~herein~~ in this section in
15 each county of ~~said~~ the district, of the completion of said plan,
16 and shall permit the inspection ~~thereof~~ of the plan at ~~his~~ the
17 office of the district, by all persons interested. ~~Said~~ The notice
18 shall fix the time and place for the hearing by the court of all
19 objections to ~~said~~ the plan, not less than ten (10) days nor more
20 than thirty (30) days after the last publication of ~~said~~ the notice.
21 Any owner of land which will be benefited or directly affected by
22 the construction, operation and maintenance of works proposed in
23 ~~said~~ the plan, whether inside or outside of ~~said~~ the district, may
24 object to the approval of ~~said~~ the plan. All objections to ~~said~~ the

1 plan shall be in writing and be filed with the ~~said~~ court clerk at
2 least five (5) days before the date of hearing fixed in ~~said~~ the
3 notice, ~~provided, however, that the~~. The court, for good cause
4 shown, shall have authority to extend the time for filing ~~said~~ the
5 objections in its discretion. If at ~~said~~ the date the owners of a
6 majority of the area of land in the ~~said~~ district shall file a
7 protest and objection to the plan as a whole, then the court shall
8 order an assessment of the properties in ~~said~~ the district
9 sufficient to pay the cost of the proceedings up to ~~said~~ the time,
10 ~~said~~ the costs to be fixed by the court, and to be prorated equally
11 upon the property included in ~~said~~ the district, ~~provided, however,~~
12 ~~that no~~. No assessment for said purpose shall be more than twenty
13 cents (\$0.20) per acre on agricultural lands. Upon the collection
14 of ~~said~~ the assessments the court shall order ~~said~~ the district
15 dissolved. If ~~said~~ the district ~~be~~ is not dissolved by the court,
16 the court shall hear ~~said~~ objections and adopt, reject or refer back
17 ~~said~~ the plan to ~~said~~ the board of directors. If ~~said~~ the court
18 shall reject ~~said~~ the plan, then ~~said~~ the board shall proceed as in
19 the first instance under this section to prepare another plan.

20 If the court should refer back ~~said~~ the plan to ~~said~~ the board
21 for amendment, then the court shall continue the hearing to a day
22 certain without publication of notice.

23 If the court refers back ~~said~~ the plan to ~~said~~ the board, then a
24 certified copy of ~~said~~ the journal entry of ~~said~~ the court shall be

1 filed with the secretary of the board of directors, and ~~by him be~~
2 ~~incorporated~~ the secretary shall incorporate it into the records of
3 the district. The official plan may be altered in detail from time
4 to time until the assessment roll is filed, and of all ~~such~~
5 alterations the appraisers shall take notice. But after the
6 assessment roll has been filed in court, no alterations of the
7 official plan shall be made except as provided ~~herein~~ in this
8 section.

9 C. Any plan shall be submitted to the Oklahoma Water Resources
10 Board to be utilized by the Board for informational purposes in
11 completing the comprehensive state water plan.

12 SECTION 3. AMENDATORY 82 O.S. 2011, Section 1085.3, is
13 amended to read as follows:

14 Section 1085.3 ~~The~~ A. Except as otherwise provided for in
15 subsection B of this section, the Oklahoma Water Resources Board
16 shall, from time to time as may be necessary for the economical and
17 satisfactory apportionment of the water, divide the state in
18 conformity with the drainage areas, into water districts to be
19 designated by name and to comprise, as far as possible, one or more
20 distinct stream systems in each district. The districts may be
21 changed from time to time as may in ~~its~~ the opinion of the Board be
22 necessary for the economical and satisfactory apportionment of the
23 water.

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1 B. No new water districts shall be created where existing water
2 planning and implementation districts are in existence, including
3 but not limited to:

- 4 1. Irrigation districts;
- 5 2. Master conservancy districts;
- 6 3. Regional water districts; and
- 7 4. Rural water districts.

8 SECTION 4. AMENDATORY 82 O.S. 2011, Section 1086.1, is
9 amended to read as follows:

10 Section 1086.1 A. All of the people have a primary interest in
11 the orderly and coordinated control, protection, management,
12 conservation, development and utilization of the water resources of
13 the state. The people residing within areas where waters originate
14 benefit from the optimum development and utilization of water within
15 the area of origin. The people in water deficient areas benefit by
16 being able to use excess and surplus waters. The policy of the
17 State of Oklahoma is to encourage the use of surplus and excess
18 water to the extent that the use ~~thereof~~ of the water is not
19 required by people residing within the area where ~~such~~ the water
20 originates. In order to maximize the alternatives available for the
21 use and benefit of the public and water-user entities and for the
22 use and benefit of the public and for the general welfare and future
23 economic growth of the state, it is therefore the purpose of this
24 act to provide means for the expeditious and coordinated preparation

1 of a comprehensive state water plan and decennial updates thereof
2 for submission to the Legislature providing for the management,
3 protection, conservation, structural and nonstructural development
4 and utilization of water resources of this state, in accordance with
5 the following principles:

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

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

19 3. Water use within Oklahoma should be developed to the maximum
20 extent feasible for the benefit of Oklahoma so that out-of-state
21 downstream users will not acquire vested rights therein to the
22 detriment of the citizens of this state;

23 4. Only excess or surplus water should be utilized outside of
24 the areas of origin and citizens within the areas of origin have a

1 prior right to water originating therein to the extent that it may
2 be required for beneficial use therein;

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

9 6. Statutory power of the Oklahoma Water Resources Board in the
10 granting of water rights to those citizens, municipalities and other
11 water-user entities who utilize ~~such~~ the water for beneficial use
12 shall be preserved; and

13 7. The development and conservation planning done by the
14 following and other local and regional entities shall be focused on
15 first and be the basis for statewide planning:

- 16 a. irrigation districts,
17 b. master conservancy districts,
18 c. regional water districts, and
19 d. rural water districts.

20 B. The exercise of the powers granted by this act are in all
21 respects for the benefit of the people of the state, for the
22 increase of their commerce and prosperity and for the improvement of
23 their health and living conditions. The primary purpose governing
24 all exercise of powers hereunder shall be to maximize and not to

1 minimize the alternatives available to all citizens, municipalities
2 and other water-user entities in acquiring water for beneficial use.

3 SECTION 5. AMENDATORY 82 O.S. 2011, Section 1086.2, is
4 amended to read as follows:

5 Section 1086.2 For the purpose of effectuating the provisions
6 of this act and the policy established in Section 1086.1 of this
7 title, the Oklahoma Water Resources Board is hereby authorized,
8 empowered and directed to prepare a comprehensive state water plan
9 and decennial updates of the plan for submission to the Legislature.

10 In connection with the plan, the Board shall:

11 1. ~~To prepare a comprehensive state water plan and decennial~~
12 ~~updates thereof for submission to the Legislature and, in connection~~
13 ~~therewith, to conduct~~ Conduct surveys and cooperate with other state
14 and federal agencies. ~~Such~~ The comprehensive state water plan and
15 the parts and portions ~~thereof~~ of the plan shall be submitted in
16 final and completed form not later than September 1, 1975, and, in
17 addition to the foregoing requirements, shall include a definition
18 of "excess and surplus water of this state" and a recommended
19 procedure for determining "excess and surplus water of this state,"
20 which definition and procedure are to be developed to ~~insure~~ ensure
21 that the area of origin will never be made water deficient-;

22 ~~The Water Resources Board shall permit~~

23

24

1 2. First focus on development and conservation planning done by
2 local and regional entities, including but not limited to the
3 following entities:

- 4 a. irrigation districts,
5 b. master conservancy districts,
6 c. regional water districts, and
7 d. rural water districts;

8 3. Permit representatives of the United States Army Corps of
9 Engineers, the Bureau of Reclamation, the Soil Conservation Service
10 and other appropriate federal agencies, as well as representatives
11 of state agencies involved in tourism, parks, fish and wildlife,
12 recreation, soil conservation, public health, agriculture, public
13 utilities and industrial development to participate to the extent of
14 their authority and capacity in the development of the comprehensive
15 state water plan. ~~The Water Resources Board shall prepare such;~~

16 4. Prepare the plan and updates in printed form. Upon
17 completion thereof, the plan shall be submitted to the Oklahoma
18 Legislature not later than September 1, 1975. The Board is not
19 authorized to implement the plan or any part or update thereof
20 except by express authorization and consent of the Legislature. The
21 first decennial update shall be prepared and submitted to the
22 Legislature no later than September 1, 1995. Thereafter, updates
23 shall be prepared and likewise submitted no later than September 1
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1 of the fifth year following the taking of the Federal Decennial
2 Census.

3 Work on the first update shall begin with the passage and
4 approval of this act. After completion of the first update, work on
5 subsequent updates shall remain continuous and ongoing throughout
6 the ten-year periods between submission of the updates;;

7 ~~2. To adopt such~~ 5. Adopt rules and regulations as may be
8 necessary to effectuate the purposes of this act;;

9 ~~3. To make~~ 6. Make and enter into all contracts and agreements
10 necessary or incidental to the performance of its duties and the
11 execution of its powers under this act;;

12 ~~4. To receive~~ 7. Receive and accept from the State of Oklahoma
13 or the United States of America or any agency or instrumentality
14 thereof grants of funds and to receive and accept aid or
15 contributions from any source of either money, property, labor or
16 other things of value to be held, used and applied only for the
17 purposes for which ~~such~~ the grants and contributions may be made;;

18 ~~5. To expend~~ 8. Expend income and funds of the Board in the
19 exercise of any or all of the powers granted to the Board under the
20 provisions of this act;; and

21 ~~6. To cooperate~~ 9. Cooperate with all state institutions,
22 agencies, departments, boards and officers in all matters relating
23 to its duties; ~~and all.~~ All state institutions, agencies,
24

1 departments, boards and officers are hereby authorized and directed
2 to cooperate with the Board.

3 SECTION 6. AMENDATORY 82 O.S. 2011, Section 1277, is
4 amended to read as follows:

5 Section 1277. A. Within sixty (60) days after the close of
6 each calendar year any water district organized and in operation
7 under this act shall make a written report to the Oklahoma Water
8 Resources Board at its office and shall include the following:

9 1. The total volume of water contracted for from the reservoir
10 or reservoirs located within the district. Measurement may be made
11 either in gallons or acre-feet, whichever is most convenient to the
12 district-;

13 2. A complete report of the finances, assets and liabilities of
14 the district-; and

15 3. Any other information that the Board may require from time
16 to time which will be helpful to it in assisting said district in
17 the development of industry to utilize the water available for
18 beneficial use.

19 B. In addition to the written report required in subsection A
20 of this section, each water district shall develop a comprehensive
21 plan for efficient use of streams and groundwater and the control
22 and prevention of waste. Beginning in 2015 and every five (5) years
23 thereafter, the plan shall be filed with the Oklahoma Water

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1 Resources Board and shall be utilized by the Board in developing the
2 comprehensive state water plan.

3 SECTION 7. AMENDATORY 82 O.S. 2011, Section 1324.10, is
4 amended to read as follows:

5 Section 1324.10 A. Every district incorporated hereunder shall
6 have perpetual existence, subject to dissolution as provided by the
7 Rural Water, Sewer, Gas and Solid Waste Management Districts Act,
8 and shall have power to:

9 1. Sue and be sued, complain and defend, in its corporate name;

10 2. Adopt a seal which may be altered at pleasure, and to use
11 it, or a facsimile thereof, as required by law;

12 3. Acquire by purchase, lease, gift, or in any other manner,
13 and to maintain, use, and operate any and all property of any kind,
14 real, personal, or mixed, or any interest therein; and to acquire
15 and own water rights or rights to natural gas under the laws of this
16 state, and to construct, erect, purchase, lease as lessee and in any
17 manner acquire, own, hold, maintain, operate, sell, dispose of,
18 lease as lessor, exchange and mortgage plants, buildings, works,
19 machinery, supplies, equipment, apparatus, facilities, property
20 rights and transportation and distribution lines, facilities,
21 equipment or systems necessary to transport, distribute, sell,
22 furnish and dispose of water or gas, and either subsequent to, or in
23 connection with, the installation of water distribution, sewage
24 facilities, gas distribution facilities or solid waste management

1 system, to construct, operate and maintain sewage disposal
2 facilities or solid waste management system to serve the users of
3 the district. Provided, all projects of the district shall be
4 self-liquidating, and the costs of construction shall be payable
5 solely from the income, revenues, and properties of the district,
6 and all property, assets and revenues of the district shall
7 constitute a special fund for the accomplishment of the purposes and
8 objectives of the Rural Water, Sewer, Gas and Solid Waste Management
9 Districts Act;

10 4. Borrow money and otherwise contract indebtedness for the
11 purposes set forth in this act, and, without limitation of the
12 generality of the foregoing, to borrow money and accept grants from
13 the United States of America, or from any corporation or agency
14 created or designated by the United States of America, and, in
15 connection with such loan or grant, to enter into such agreements as
16 the United States of America or such corporation or agency may
17 require; and to issue its notes or obligations therefor, and to
18 secure the payment thereof by mortgage, pledge or deed of trust on
19 all or any property, assets, franchises, rights, privileges,
20 licenses, rights-of-way, easements, revenues, or income of the said
21 district;

22 5. Make bylaws for the management and regulation of its
23 affairs;

24

1 6. Appoint officers, agents and employees, to prescribe their
2 duties and to fix their compensation; and to employ such common and
3 skilled labor and professional and other services as may be
4 necessary to the proper performance of such work or improvement as
5 is proposed to be done within any such district, and the maintenance
6 thereof;

7 7. Sell or otherwise dispose of any property of any kind, real,
8 personal, or mixed, or any interest therein, which shall not be
9 necessary to the carrying on of the business of the district;

10 8. In connection with the acquisition, construction,
11 improvement, operation or maintenance of its transportation, and
12 distribution lines, system, equipment, facilities or apparatus, use
13 any street, road, alley or highway which is owned or held by the
14 state, or any political subdivision. The location of sewer, gas or
15 water lines or other facilities connected with the water, sewer, gas
16 or solid waste management district in such streets, roads, alleys or
17 highways, must be concurred in by the governing or appropriate
18 bodies of the cities, counties or state, which have jurisdiction
19 over said property. The district plans for locating lines shall
20 comply with the written specifications for location of lines and
21 facilities as set forth by the governing body of the county for
22 property within their jurisdiction. If the governing body of the
23 county does not have written specifications for location of lines
24 and facilities for property within their jurisdiction, they shall

1 concur with the district plans or provide the district with an
2 alternative plan. The governing body of any such city, county or
3 state agency may require that if a district attaches a gas line to
4 any bridge, underpass or overpass, that such district furnish
5 liability insurance in an amount to be determined by the governing
6 body, covering damage which may be occasioned to such bridge,
7 underpass or overpass, as a result of fire or explosion originating
8 from said gas line. Provided that the relocation or rearrangement
9 of any public utility's or common carrier's facilities of service
10 required to be made to permit or accommodate installation or
11 maintenance of a district's facilities on, across or under any such
12 publicly owned or held real property or interest therein shall be
13 performed at the sole cost of the district;

14 9. Make any and all contracts necessary or convenient for the
15 exercise of the powers of the district;

16 10. Fix, regulate and collect rates, fees, rents or other
17 charges for water, gas and any other facilities, supplies, equipment
18 or services furnished by the district. Said rates shall be just,
19 reasonable and nondiscriminatory;

20 11. Do and perform all acts and things, and to have and
21 exercise any and all powers as may be necessary, convenient or
22 appropriate to effectuate the purposes for which the district is
23 created;

24

1 12. Buy from or sell water or gas to any municipality, or to
2 another district created under this act, or to any other legal
3 entity engaged in the distribution and storage of water or gas,
4 provided quantities of water sold do not exceed any vested right of
5 appropriation granted by the Oklahoma Water Resources Board;

6 13. Enter into contracts with the United States of America, or
7 any agency thereof, or the state, or any political subdivision or
8 agency thereof, for the construction, operation and maintenance of
9 structures needed to provide water storage to meet present and
10 future anticipated needs and demands of the district;

11 14. Enter into contracts jointly with any other district,
12 municipality, city or town, the state, the United States of America,
13 or any governmental agency, for the purpose of purchasing water,
14 constructing, acquiring, operating water facilities or purchasing or
15 leasing reservoir space;

16 15. Enter into contracts for fire protection and to construct,
17 enlarge, extend or otherwise improve community facilities providing
18 essential services to rural residents, including, but not limited
19 to, fire protection, ambulance service, community centers and
20 outdoor recreational facilities; and

21 16. Have and exercise the right of eminent domain in the same
22 manner and according to the procedures provided for in Sections 51
23 through 65 of Title 66 of the Oklahoma Statutes, ~~provided, that the.~~
24 The use of said the eminent domain provisions, shall be restricted

1 to the purpose of developing and providing rural gas distribution,
2 water works and sewage disposal facilities. Provided, however, no
3 personal or real property, easement or right-of-way of any utility
4 may be acquired by eminent domain.

5 B. No district organized hereunder shall sell or export water
6 or gas pursuant to the Rural Water, Sewer, Gas and Solid Waste
7 Management Districts Act outside of the state without consent of the
8 Legislature.

9 C. Appropriative rights to water held by the district shall not
10 be alienated or encumbered apart from the alienation or encumbrance
11 of the facilities of the district.

12 D. The board of directors shall, on or before July 1 of each
13 year, file with the county clerk of each county in which any part of
14 ~~said~~ the district is located, an annual report for the preceding
15 calendar year. ~~Such~~ The report shall list all monies collected and
16 all monies disbursed during ~~said~~ the calendar year. ~~Said~~ The report
17 shall also specify any and all indebtedness outstanding at the end
18 of the calendar year.

19 E. Each district shall develop a comprehensive plan for
20 efficient use of streams and groundwater and the control and
21 prevention of waste. Beginning in 2015 and every five (5) years
22 thereafter, the plan shall be filed with the Oklahoma Water
23 Resources Board and shall be utilized by the Board in developing the
24 comprehensive state water plan.

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SECTION 8. This act shall become effective November 1, 2012.

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