

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2745

By: Peters

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5
6 AS INTRODUCED

7 An Act relating to water; amending 60 O.S. 2011,
8 Section 60, which relates to water ownership;
9 mandating date when public water becomes property of
10 the Regional Water Authorities; listing areas
11 designated as Water Planning Regions; amending 82
12 O.S. 2011, Section 110.3, which relates to the
13 Oklahoma Dam Safety Act; defining term; and providing
14 an effective date.

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

16 SECTION 1. AMENDATORY 60 O.S. 2011, Section 60, is
17 amended to read as follows:

18 Section 60. A. The owner of the land owns water standing
19 thereon, or flowing over or under its surface but not forming a
20 definite stream. The use of groundwater shall be governed by the
21 Oklahoma Groundwater Law. Water running in a definite stream,
22 formed by nature over or under the surface, may be used by the owner
23 of the land riparian to the stream for domestic uses as defined in
24 Section 105.1 of Title 82 of the Oklahoma Statutes, but he may not
prevent the natural flow of the stream, or of the natural spring

1 from which it commences its definite course, nor pursue nor pollute
2 the same, as such water then becomes public water and is subject to
3 appropriation for the benefit and welfare of the people of the
4 state, as provided by law~~r~~. Provided however, that nothing
5 contained herein shall prevent the owner of land from damming up or
6 otherwise using the bed of a stream on his land for the collection
7 or storage of waters in an amount not to exceed that which he owns,
8 by virtue of the first sentence of this section so long as he
9 provides for the continued natural flow of the stream in an amount
10 equal to that which entered his land less the uses allowed for
11 domestic uses and for valid appropriations made pursuant to Title 82
12 of the Oklahoma Statutes; provided further, that nothing contained
13 herein shall be construed to limit the powers of the Oklahoma Water
14 Resources Board to grant permission to build or alter structures on
15 a stream pursuant to Title 82 of the Oklahoma Statutes to provide
16 for the storage of additional water the use of which the landowner
17 has or acquires by virtue of this act. Provided that beginning
18 November 1, 2012, subject to all preexisting rights and permits, all
19 public water standing or flowing within the state shall become the
20 property of the Regional Water Authorities of the respective regions
21 in which the public water is located. This water shall be
22 controlled, permitted and managed by each Regional Water Authority
23 for the use and benefit of the people within the region. The
24 regions are the thirteen geographical areas drained by a particular

1 stream or river system and designated as Water Planning Regions by
2 the Oklahoma Water Resources Board in the Oklahoma Comprehensive
3 Water Plan as follows: Panhandle Region, Upper Arkansas Region,
4 Middle Arkansas Region, Grand Region, Lower Arkansas Region, Eufaula
5 Region, Southeast Region, Lower Washita Region, Blue Boggy Region,
6 Beaver-Cache Region, Southwest Region, West Central Region and the
7 Central Region.

8 B. All rights to the use of water in a definite stream in this
9 state are governed by this section and other laws in Title 82 of the
10 Oklahoma Statutes, which laws are exclusive and supersede the common
11 law.

12 SECTION 2. AMENDATORY 82 O.S. 2011, Section 110.3, is
13 amended to read as follows:

14 Section 110.3 As used in this act:

15 1. "Board" means the Oklahoma Water Resources Board;

16 2. "Dam" means any artificial barrier, together with
17 appurtenant works, which does or may impound or divert water;

18 3. "Gully plug" means any grade stabilization structure that
19 has less than five (5) acre-feet of water storage available below
20 the principal spillway elevation and less than fifty (50) acre-feet
21 of storage volume below the emergency spillway elevation;

22 4. "Owner" means any person who, jointly or severally, owns,
23 controls, maintains, manages, or proposes to construct a dam or
24 reservoir, and includes but is not limited to those persons shown by

1 records of the county registrar of deeds in the county where the dam
2 or reservoir lies to have some interest, by fee, easement, mortgage
3 or otherwise, in the land on which the dam and lake lie, and may
4 also include but is not limited to those persons who may derive a
5 direct pecuniary benefit from the existence of the lake; ~~and~~

6 5. "Person" means any individual, firm, partnership,
7 association, corporation, any trust formed for the benefit of an
8 individual, business or any public entity, federal agency, the State
9 of Oklahoma and any political subdivision thereof, municipalities,
10 and any other legal entity; and

11 6. "Region" means the area drained by a particular stream or
12 river system and designated as Water Planning Regions by the
13 Oklahoma Water Resources Board in the Oklahoma Comprehensive Water
14 Plan as follows: Panhandle Region, Upper Arkansas Region, Middle
15 Arkansas Region, Grand Region, Lower Arkansas Region, Eufaula
16 Region, Southeast Region, Lower Washita Region, Blue Boggy Region,
17 Beaver-Cache Region, Southwest Region, West Central Region and the
18 Central Region.

19 SECTION 3. This act shall become effective November 1, 2012.

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