

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1333

By: Ellis

4
5
6 AS INTRODUCED

7 An Act relating to water rights; authorizing the
8 Oklahoma Water Resources Board to bring suit to
9 adjudicate water rights for claimants in certain
10 stream systems; providing for costs; prohibiting
11 adjudication from use in certain permitting; stating
12 conditions for consideration by Board; providing for
13 objections by affected persons; providing
14 limitations; providing for codification; and
15 declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1E of Title 82, unless there is
19 created a duplication in numbering, reads as follows:

20 A. When the Oklahoma Water Resources Board determines it is in
21 the best interests of those claiming the right to use of water from
22 a stream system to determine all rights to the use of water of a
23 definite stream as defined by Section 105.1 of Title 82 of the
24 Oklahoma Statutes, the Board, subject to the conditions set forth
herein, may institute a suit on behalf of this state for the
determination of all rights to the use of such water and shall

1 diligently pursue the same to a final adjudication. The cost of the
2 suit, including the costs on behalf of the state, shall be charged
3 against the state subject to appropriations which may be necessary.
4 Provided that, upon the effective date of this act, neither the
5 bringing of such suit nor an adjudication in such a suit shall be a
6 condition precedent to the granting of water permits as authorized
7 by statute.

8 B. The following conditions shall be fulfilled before the Board
9 may institute a suit for the determination of all rights to use
10 water in a stream system. The Board shall:

11 1. Provide notice to all affected persons in every county where
12 a stream exists that it may wish to adjudicate the rights;

13 2. Explain to all affected persons the reason or reasons why a
14 suit is, in its view, in the interests of the persons claiming
15 rights in the stream system;

16 3. Consider groundwater flows and impacts to the natural
17 resources of the area;

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

20 5. Fully and adequately respond to all comments received.

21 C. If a majority of the persons claiming a right in the use of
22 a stream system that the Board would propose to adjudicate object to
23 the adjudication, the Board is prohibited from initiating the
24 adjudication.

1 D. The Board shall be limited to pursuing only one suit to
2 determine the rights to use water in any particular stream at one
3 time. Such adjudication shall be limited to the stream in question
4 and shall not include tributaries or receiving bodies of water.

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

9
10 53-2-2666 MJM 2/27/2012 1:45:07 PM

11
12
13
14
15
16
17
18
19
20
21
22
23
24