

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 865

By: Silk

4  
5  
6 AS INTRODUCED

7 An Act relating to water; stating certain purpose;  
8 stating certain stream water permits as subject to  
9 certain future instream flow; amending 82 O.S. 2011,  
10 Section 105.1, which relates to definitions; adding  
11 certain definition; stating ground water permit  
12 subject to certain reduction; providing for  
13 codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 104.1 of Title 82, unless there  
17 is created a duplication in numbering, reads as follows:

18 The purpose of this act is to provide for the determination of  
19 the seasonal amounts of water that must remain in certain streams,  
20 while preserving existing property and water rights, to assure  
21 healthy streams, abundant fish and wildlife and water to meet the  
22 needs of Oklahomans now and for future generations.

23 SECTION 2. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 104.2 of Title 82, unless there  
is created a duplication in numbering, reads as follows:

1           Upon the effective date of this act, any stream water permit  
2 issued to take and use water from a definite stream, after which  
3 there will remain:

4           1. Less than sixty percent (60%) of the annual flow of a Scenic  
5 River; or

6           2. Less than thirty percent (30%) of the annual flow of any  
7 other definite stream east of Interstate 35; or

8           3. Less than ten percent (10%) of the annual flow of a definite  
9 stream west of Interstate 35,

10           shall be subject to and junior to any future instream flow  
11 appropriation that may be promulgated for that definite stream, and  
12 may have its volume or pumping periodicity reduced or adjusted as  
13 necessary.

14           SECTION 3.        AMENDATORY        82 O.S. 2011, Section 105.1, is  
15 amended to read as follows:

16           Section 105.1. As used in Sections 105.2 through 105.32 of this  
17 title:

18           1. "Definite stream" means a watercourse in a definite, natural  
19 channel, with defined beds and banks, originating from a definite  
20 source or sources of supply. The stream may flow intermittently or  
21 at irregular intervals if that is characteristic of the sources of  
22 supply in the area;

23           2. "Domestic use" means the use of water by a natural  
24 individual or by a family or household for household purposes, for

1 farm and domestic animals up to the normal grazing capacity of the  
2 land and for the irrigation of land not exceeding a total of three  
3 (3) acres in area for the growing of gardens, orchards and lawns,  
4 and for such other purposes, specified by Board rules, for which de  
5 minimis amounts are used;

6 3. "Regular permit" means a permit granted by the Oklahoma  
7 Water Resources Board authorizing the holder to appropriate water on  
8 a year-round basis in an amount and from a source approved by the  
9 Board;

10 4. "Seasonal permit" means a permit granted by the Board  
11 authorizing the holder of such permit to divert available water for  
12 specified time periods during the calendar year;

13 5. "Temporary permit" means a permit granted by the Board  
14 authorizing the appropriation of water in an amount and from a  
15 source approved by the Board which does not exceed a time period of  
16 three (3) months, which does not vest in the holder any permanent  
17 right and which may be canceled by the Board in accordance with its  
18 terms;

19 6. "Term permit" means a permit granted by the Board  
20 authorizing the appropriation of water in an amount and from a  
21 source approved by the Board for a term of years which does not vest  
22 the holder with any permanent right and which expires upon  
23 expiration of the term of the permit; and  
24

1 7. "Provisional temporary permit" means a nonrenewable permit  
2 which may be summarily granted upon administrative approval by the  
3 Board and which authorizes an appropriation of water in an amount  
4 and from a source approved by the Board. A provisional temporary  
5 permit shall not authorize an appropriation for a period of time  
6 exceeding ninety (90) days, shall not vest in the holder any  
7 permanent water right and shall be subject to cancellation by the  
8 Board at any time within its term in accordance with its provisions;  
9 and

10 8. "Instream flow" means the amount of water in a definite  
11 stream that, during different seasons of the year, protects and  
12 preserves fish and wildlife, tourism, recreation, aesthetics, native  
13 ceremonies and water quality.

14 SECTION 4. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1020.2B of Title 82, unless  
16 there is created a duplication in numbering, reads as follows:

17 Upon the effective date of this act, any ground water permit  
18 issued for ground water that may reasonably be expected to affect  
19 the base flow of a definite stream shall be subject to reduction by  
20 any future instream flow appropriation that may be promulgated for  
21 that definite stream.

22 SECTION 5. This act shall become effective November 1, 2019.

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