

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 10. SPECIAL PURPOSE DISTRICTS**

Introduction:

This document contains permanent amendments to Chapter 10 adopted by the Oklahoma Water Resources Board that are effective as of September 14, 2018. Also, this document was prepared by Oklahoma Water Resources Board staff as a convenience to the reader, and is not a copy of the official Title 785 of the Oklahoma Administrative Code. The rules in the official Oklahoma Administrative Code control if there are any discrepancies between the Code and this document.

Subchapter 1. General Provisions

Subchapter 3. Conservancy and Master Conservancy Districts

Subchapter 5. Regional Water Distribution Districts

Subchapter 7. Rural Water, Sewer, Gas and Solid Waste Management Districts

Subchapter 9. Irrigation Districts

SUBCHAPTER 1. GENERAL PROVISIONS

SECTION

785:10-1-1. Purpose

785:10-1-2. Definitions

785:10-1-1. Purpose

The purpose of the rules in this Chapter are to delineate and clarify the interest of the State of Oklahoma and the Board in special purpose districts.

785:10-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Assessments" mean the charges imposed by any special purpose district for the purposes of the district.

"Board of directors" means the governing body of any special purpose district.

"Directors" mean the directors of any special purpose district.

"Elector" means any person who is of legal voting age or any authorized officer or agent of a corporation, including municipal corporation, providing a copy of resolution of authorization is presented to the Board, and:

- (1) Owns at least (10) acres of irrigable land in fee, or
- (2) Owns a life estate in at least (10) acres of irrigable land, or
- (3) Owns an undivided interest equaling ten (10) acres of irrigable land.

"Special purpose district" means any water district organized under the laws of the State of Oklahoma, i.e., conservancy districts or master conservancy districts; regional water distribution districts; rural water, sewer, gas, solid waste management districts, and irrigation districts.

SUBCHAPTER 3. CONSERVANCY AND MASTER CONSERVANCY DISTRICTS

SECTION

- 785:10-3-1. Use of water
- 785:10-3-2. Right of Board to vote

785:10-3-1. Use of water

Organization of conservancy districts and master conservancy districts shall be governed by the laws of the State (82 O.S. 1981, §§541 through 549, §§561 through 577, §§601 through 616, §§630 through 669, §§671 through 676, and §§681 through 688.1 as amended). The right to the use of water by each such district, the landowners, municipalities, corporations, and other water users shall be governed by the laws pertaining to the use of water and the rules of this Title. In filing for water rights a copy of the petition forming such district shall accompany the application.

785:10-3-2. Right of Board to vote

The Oklahoma Water Resources Board may represent the State of Oklahoma at any election or meeting of the district and shall have the right to vote for Directors or in any matter that shall come up properly before any election or meeting to the extent of the assessment against land owned by the State, which vote may be cast by any person designated by the Board.

SUBCHAPTER 5. REGIONAL WATER DISTRIBUTION DISTRICTS

785:10-5-1. Use of water

Organization of any Regional Water Distribution District shall be governed by the laws of the State (82 O.S. 1981, §§1266). The right to the use of water by any such district shall be governed by the laws pertaining to the use of water and the rules in this Title. In filing for water rights, a certified copy of the petition forming such district shall accompany the application.

SUBCHAPTER 7. RURAL WATER, SEWER, GAS AND SOLID WASTE MANAGEMENT DISTRICTS

SECTION

- 785:10-7-1. Board to determine availability of water
- 785:10-7-2. Filing of water purchase contracts or filing of application for appropriation of water
- 785:10-7-3. Consent of legislature to export water or gas outside the state
- 785:10-7-4. Right to water held by the district
- 785:10-7-5. Annexation of additional territory

785:10-7-1. Board to determine availability of water

Whenever a petition for the incorporation of a Rural Water, Sewer, Natural Gas, and Solid Waste Management District, as provided by 82 O.S. 1981, §1324.1 through 1324.26, as amended, is filed with the county clerk, the county clerk shall thereupon give notice to the county commissioners, and the county commissioners shall immediately determine from the Oklahoma Water Resources Board whether or not sufficient water is available for purchase or

available for appropriation to serve the needs of the district. A copy of the petition of incorporation shall accompany such request to the Board.

785:10-7-2. Filing of water purchase contracts or filing of application for appropriation of water

After the incorporation of a district, when a water purchase contract has been executed, the district shall either file a copy of the water purchase contract or file an application for appropriation of water with the Board.

785:10-7-3. Consent of legislature to export water or gas outside the state

No district shall sell or export water or gas outside the State of Oklahoma without consent of the Legislature. [82:1324.10(A) (11)]

785:10-7-4. Right to water held by the district

The district shall have the right to buy water from or sell water to any municipality, another district, or any other legal entity engaged in the distribution and storage of water; *provided quantities of water sold do not exceed any vested right or appropriation granted by the Board. [82:1324.10(A) (13)]* *Appropriative rights to water held by the district shall not be alienated or encumbered apart from the alienation or encumbrance of the facilities of the district. [82:1324.10(B)]*

785:10-7-5. Annexation of additional territory

In the annexation of additional territory to a district, the board of county commissioners shall determine from the Board *that adequate water is available to the district or has been appropriated to the district by the ... Board. [82:1324.13(4)]*

SUBCHAPTER 9. IRRIGATION DISTRICTS

SECTION

- 785:10-9-1. Filing of petition to form an irrigation district with the Board
- 785:10-9-2. Notice of hearing for formation of irrigation district
- 785:10-9-3. Filing of statements in support or opposition to petition
- 785:10-9-4. Lands included or excluded within the district
- 785:10-9-5. Division of districts; minimum and maximum number of divisions
- 785:10-9-6. Denial or approval of petition and order of the Board
- 785:10-9-7. Notice of meeting of district electors
- 785:10-9-8. Bylaws to be submitted for Board approval
- 785:10-9-9. Use of water
- 785:10-9-10. Power of eminent domain
- 785:10-9-11. Admission of new lands or release of lands in the district
- 785:10-9-12. Consolidation of districts
- 785:10-9-13. Board denial or approval of consolidation
- 785:10-9-14. Dissolution of a district
- 785:10-9-15. Petitions for enlarging purposes
- 785:10-9-16. Participation by a Municipality or corporation

785:10-9-17. United States, State of Oklahoma, or agencies or instrumentalities thereof as electors

785:10-9-18. Annual certified audit

785:10-9-19. District property

785:10-9-20. Taking, use, or disposal of salt water

785:10-9-1. Filing of petition to form an irrigation district with the Board

If a minimum of ten or a majority of the holders of title to irrigable lands ... desire to provide for irrigation ... from a common source or combined sources and by the same system or combined system of works [82:277.2], they may organize an irrigation district by petition which shall be signed by the petitioners and filed with the ... Board [82:277.3]. The petition shall contain but not be limited to the following:

- (1) *A specific description of the lands within the proposed district. [82:277.3(1)]*
- (2) *The names and addresses of all of the electors within the proposed district as reflected by the records of the county clerk of the county wherein the land is located [82:277.3(2)], together with all resolutions of authority and certified copies of appointment.*
- (3) *The proposed plan of operation.*
- (4) *An attached map showing the boundaries of the proposed district. [82:277.3(4)]*
- (5) *If it is proposed to divide the district into divisions, then boundaries of the proposed divisions shall be mapped.*

785:10-9-2. Notice of hearing for formation of irrigation district

(a) Upon receipt of a petition for formation of irrigation district the Board shall set a date for a hearing thereon *before a hearing officer in a place of general convenience at the nearest county seat. The Board shall instruct the petitioners to publish, at their expense, notice of said hearing by legal publication for two (2) consecutive weeks in a newspaper of general circulation published in each county containing lands within the boundaries of the proposed district. The hearing date shall not be earlier than thirty (30) days after the last publication date of said notice. [82:277.4]*

(b) Notice of such hearing shall also be given by registered or certified mail by the petitioners to the electors whose names and addresses are shown on the petition at least thirty (30) days before the date of the hearing.

(c) The notice shall contain a brief statement describing the purpose of the hearing and a description of the land to be included within the proposed district and such other matters as required by law.

85:10-9-3. Filing of statements in support or opposition to petition

Written statements supporting or opposing a petition for formation of an irrigation district may be filed with the Board prior to or on the date set for the hearing.

785:10-9-4. Lands included or excluded within the district

Upon application filed by the owners, the *Board shall include or exclude lands within an irrigation district provided the Board finds that it is in the best interest of the district and the owners of such land, [82:277.4] but may not include those lands not included in the definition of irrigable land under 82 O.S. 1981, §277.1(6).*

785:10-9-5. Division of districts; minimum and maximum number of divisions

- (a) An irrigation district may be subdivided into district divisions in which event there shall be not less than five (5) nor more than nine (9) such divisions.
- (b) Each district division shall be entitled to elect directors equal in number with those elected by other divisions and at least one director shall be elected within each division.
- (c) Electors may vote in all elections and be eligible to serve as director as follows:
 - (1) Where he resides if he owns land within that division.
 - (2) If he resides outside the district then in that division in which the majority of his land is located.

785:10-9-6. Denial or approval of petition and order of the Board

- (a) The Board shall issue an order approving or denying a petition for organization of an irrigation district.
- (b) If the organization of the district is approved, the Board shall describe the boundaries.
- (c) The order approving the petition shall be filed of record in the office of the county clerk in each county or counties wherein district lands are located within thirty (30) days after the date of issuance by the Board.

785:10-9-7. Notice of meeting of district electors

The Board shall establish a time and place for a meeting of district electors for the purpose of adopting bylaws, adopting an official seal, electing directors, and conducting any other necessary business and shall instruct the petitioners to give twenty (20) days notice thereof by mail to all district electors.

785:10-9-8. Bylaws to be submitted for Board approval

- (a) Bylaws adopted by the electors at the first meeting shall include at a minimum the provisions set forth in Title 82, Section 277.5(B) of the Oklahoma Statutes, as amended, and shall be submitted the Board for approval or disapproval as authorized in Title 82, Section 277.5 (D)(1) of the Oklahoma Statutes, as amended.
- (b) Bylaws subsequently amended or modified by the electors shall be submitted to the Board for approval or disapproval as authorized by Title 82, Section 277.5 (D) (2) of the Oklahoma Statutes, as amended.

785:10-9-9. Use of water

Upon election, the Board of Directors of an irrigation district shall make application to the Board for the use of any stream or groundwater to serve the needs of the district, and such water use shall be governed by the laws of the State and the rules and regulations of the Board pertaining thereto. The Board of Directors shall prepare and use a uniform service agreement providing for the equitable distribution and use of water among the members of the district which shall be filed with the Board.

785:10-9-10. Power of eminent domain

The power of eminent domain shall not be exercised to acquire water rights unless the land is acquired in fee. Oil, gas, and minerals shall not be subject to the power of eminent domain,

except to the extent necessary to prevent activities adversely affecting the purposes of the district. [82:277.6(C) (12)]

785:10-9-11. Admission of new lands or release of lands in the district

The board of directors of an irrigation district may [r]eclassify or authorize transfer of existing lands of the district as provided in the Oklahoma Irrigation District Act. [82:277.6(C) (11)]

785:10-9-12. Consolidation of districts

Two or more [irrigation] districts desiring to consolidate into one district may file a petition with the ... Board and shall attach the following along with any other information the Board may require:

- (1) *A certified resolution authorizing the same approved by the Board of Directors of all the districts.*
- (2) *A certified resolution authorizing the same approved by the electors of the districts in a meeting called in each district for that purpose.*
- (3) *Approval by the bondholders of the district. [82:277.16]*
- (4) *All other requirements for the original formation of the districts under these rules and regulations.*

785:10-9-13. Board denial or approval of consolidation

- (a) *The Board shall approve or deny a petition for consolidation of irrigation districts.*
- (b) *If consolidation is approved, the Board shall issue an amended order which shall be filed of record in the office of the county clerk of each county or counties wherein lands included within the consolidated district are located within thirty (30) days after date of issuance. [82:277.16]*

785:10-9-14. Dissolution of a district

- (a) *Whenever an irrigation district shall be dissolved, within thirty (30) days after all the property of the district has been disposed of and all of its obligations paid, the board shall file a certificate of dissolution in the office of the county clerk of each county in which the district is located, and in the office of the ... Board. The certificate shall be signed by the president and attested by the secretary-treasurer, with the seal of the district affixed. The certificate shall state that the district has disposed of its property, has been dissolved and shall describe the lands released from the district. [82:277.18]*
- (b) *If a district is inactive, the district judge of the county in which the greater part of the district is situated may designate a Board of Directors who shall act with the same authority and in the same manner in dissolving the district as if they had been duly elected officers of the district [82:277.19] and a certificate of dissolution shall be filed in the same manner as prescribed in (a) of this Section.*

785:10-9-15. Petitions for enlarging purposes

The owners of more than fifty percent (50%) of the land area within ... [an irrigation] district, who are district electors, [82:277.22] may petition the Board, as set forth in (b) of this Section, to enlarge the purposes of the district in order to:

- (1) *Grant the district the power to acquire land;*
- (2) *Construct dams and drainage systems;*

- (3) *Install pumps and equipment to recharge underground basins and subbasins;*
- (4) *Make surveys;*
- (5) *Develop comprehensive plans for efficient use of fresh groundwater and control and prevention of waste;*
- (6) *Carry out research projects;*
- (7) *Develop information and limitations on well sizes, withdrawal rates, well spacing, and basin and subbasin determinations;*
- (8) *Require filing with the district of copies of ground water permit applications, well log and completion data, water use reports, and well plugging reports;*
- (9) *Appear before the Water Resources Board to protest any application not in conformity with district rules and regulations; and*
- (10) *Adopt district rules and regulations on the foregoing and enforce the same as provided by the Administrative Procedures Act, ... providing the same are in conformity with and have been approved by the ... Board. [82:277.22]*
- (11) *The petitioners shall sign and file a petition with the ... Board, in the same manner as provided in Section 785:10-9-1, asking that the powers of the district be enlarged ... Upon receipt thereof, the ... Board shall proceed to hear the said petition as provided in 785:10-9-1 [82:277.22(10)].*

785:10-9-16. Participation by a Municipality or corporation

A municipality or corporation may become an elector in the district pursuant to the provisions of Title 82, Section 277.23 of the Oklahoma Irrigation District Act.

785:10-9-17. United States, State of Oklahoma, or agencies or instrumentalities thereof as electors

The United States, the State of Oklahoma, or any agency or instrumentality thereof, and the Commissioners of the Land Office, may become electors in organized irrigation districts and are authorized to agree to pay an amount equal to the assessments against lands owned or held in trust by such governmental entity, agency, instrumentality, or department responsible for the supervision of land within a district, shall have one (1) vote in the district, and may exercise such vote through the chief officer of such agency or his designated representative. [82:277.23]

785:10-9-18. Annual certified audit

The Board of Directors of an irrigation district *shall cause an independent auditor to prepare and furnish an annual certified audit of the financial condition of the district for the preceding year to the ... Board, the electors, and creditors. [82:277.6(B)(8)]*

785:10-9-19. District property

An irrigation district shall hold title to its property in its corporate name for the uses and purposes of the district *unless required to hold title in some other name or manner by the United States or this state. The formation of a district shall not transfer water rights to the district under lands included within the district. Any district which contracts with the State of Oklahoma or the United States may convey district property, with or without consideration, if such property is needed by [82:277.20] this state or the United States in connection with the construction, operation, or maintenance of an irrigation project [82:277.20].*

785:10-9-20. Taking, use, or disposal of salt water

The provisions of the rules of this Subchapter shall not apply to the taking, use, or disposal of salt water associated with the exploration, production and recovery of oil and gas. [82:277.24]