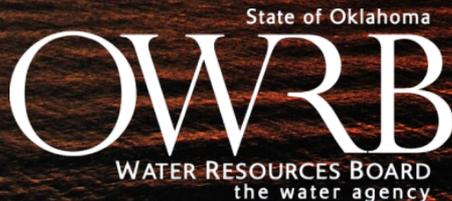


# OWRB Permitting Protocol for Recreation/Fish & Wildlife (RFW)

Instream Flow Advisory Group  
Meeting #3, October 7, 2013

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# Basics of Oklahoma Stream Water Law

- ❖ Stream water is publicly owned and subject to appropriation by the OWRB
- ❖ “First in time, first in right:
  - Application Date establishes priority use to the water
- ❖ “Beneficial use is basis and limit of the appropriation right”
  - Beneficial uses include: “agriculture, irrigation, mining, oil & gas drilling & recovery, milling, manufacturing, power, industrial, public water works for cities & towns, stock raising, public parks, game mgmt. areas, propagation & utilization of fisheries, recreation, housing developments, pleasure resorts, groundwater recharge, or any other beneficial purpose.”



# Basics of Oklahoma Stream Water Law

## Five Points of Stream Water Law:

- ❖ **Unappropriated water has to be available in amount applied for**
- ❖ **There is a present or future need for the water— amount has to be justified**
- ❖ **The use is beneficial**
- ❖ **Use will not interfere with domestic or existing uses**
- ❖ **Use will not interfere with uses within stream system of origin (Out of stream system use must protect reasonably foreseeable future use in stream system (50-year))**

# Recreation/Fish & Wildlife (RFW) Permits

- ❖ 4 kinds of RFW Permits based on Standard Industrial Classification (SIC) codes
- ❖ Under each classification, the following subjects will be covered:
  - Number of permits issued
  - How the water is used
  - How allocation amounts are determined
  - Examples of permits issued

# Recreation/Fish & Wildlife (RFW) Permits

## Classifications/types of RFW Permits:

- 1) Instream non-consumptive use (SIC 7777)
- 2) Land, mineral, wildlife, forest conservation (SIC 9512)
- 3) Fish hatcheries & preserves (SIC 0921)
- 4) Parks, amusement & recreational areas (SIC 7999)

# Recreation/Fish & Wildlife Permits

## Instream non-consumptive use (SIC 7777):

- ❖ 222 Active permits
- ❖ Used primarily for recreation lakes
- ❖ Water use amounts are calculated based on local lake evaporation rates
- ❖ Examples:
  - 1) Oklahoma City, #98-43, 1450 AF, 3 low water dams on the Oklahoma River (North Canadian)

# Recreation/Fish & Wildlife Permits

## Instream non-consumptive use (SIC 7777):

- ❖ Examples:
- 2) US F&W Service, #82-75, 272 AF, 96 ac lake, Quanah Parker Lake, Wichita Mtns NWR
- 3) Dept of Wildlife Cons., #65-272,439 AF, 135 ac lake + duck ponds, Oak Creek (Washita Co)
- 4) Tishomingo NWR, application #05-17, applied for all the water in lower Pennington Cr, 11,953 AF, to keep the Cumberland Pool filled (5000 + acs)

# Recreation/Fish & Wildlife Permits

Land, mineral, wildlife, forest conservation (SIC 9512):

- ❖ 56 Active Permits
- ❖ Mostly used for wetland development, ponds & marshes, waterfowl and migratory bird habitat
- ❖ Water use amounts calculated from acreages, depth of water & number of times inundated annually, usually seasonal

# Recreation/Fish & Wildlife Permits

## Land, mineral, wildlife forest conservation:

### ❖ Examples:

- 1) US F&W Service, #51-123, 907 AF for ponds & wetlands in Great Salt Plains NWR
- 2) Dept of Wildlife Cons., #90-12, 600 AF for marsh development along Fourche Maline Crk
- 3) Sutter Ranch Corp, #10-05, 1307 AF diverted from Wolf Cr to fill 4 recreation lakes, Ellis Co.

# Recreation/Fish & Wildlife Permits

## Fish hatcheries & preserves (SIC 0921):

- ❖ 9 active permits
- ❖ Used exclusively for fish propagation
- ❖ Water use amounts based on amount of water needed annually to be diverted
- ❖ Examples:
  - 1) Dept of Wildlife Cons., #36-76, 6,445 AF, State Fish Hatchery, Blue River, near Durant
  - 2) Tishomingo National Fish Hatchery, #31-18, 1,813 AF, on Pennington Cr, Johnston Co.

# Recreation/Fish & Wildlife Permits

## Parks, amusement & recreation areas (SIC 7999)

- ❖ 82 active permits
- ❖ Most are multi-use reservoirs
- ❖ 35 permits have “0” amounts for RFW, this is based on 785:20-1-5:

“ . . . provided that no amount shall be specified in water rights for non-consumptive uses in reservoirs if a consumptive use is also authorized by the same water right.”

# Recreation/Fish & Wildlife Permits

## Parks, amusement & recreation areas (SIC 7999)

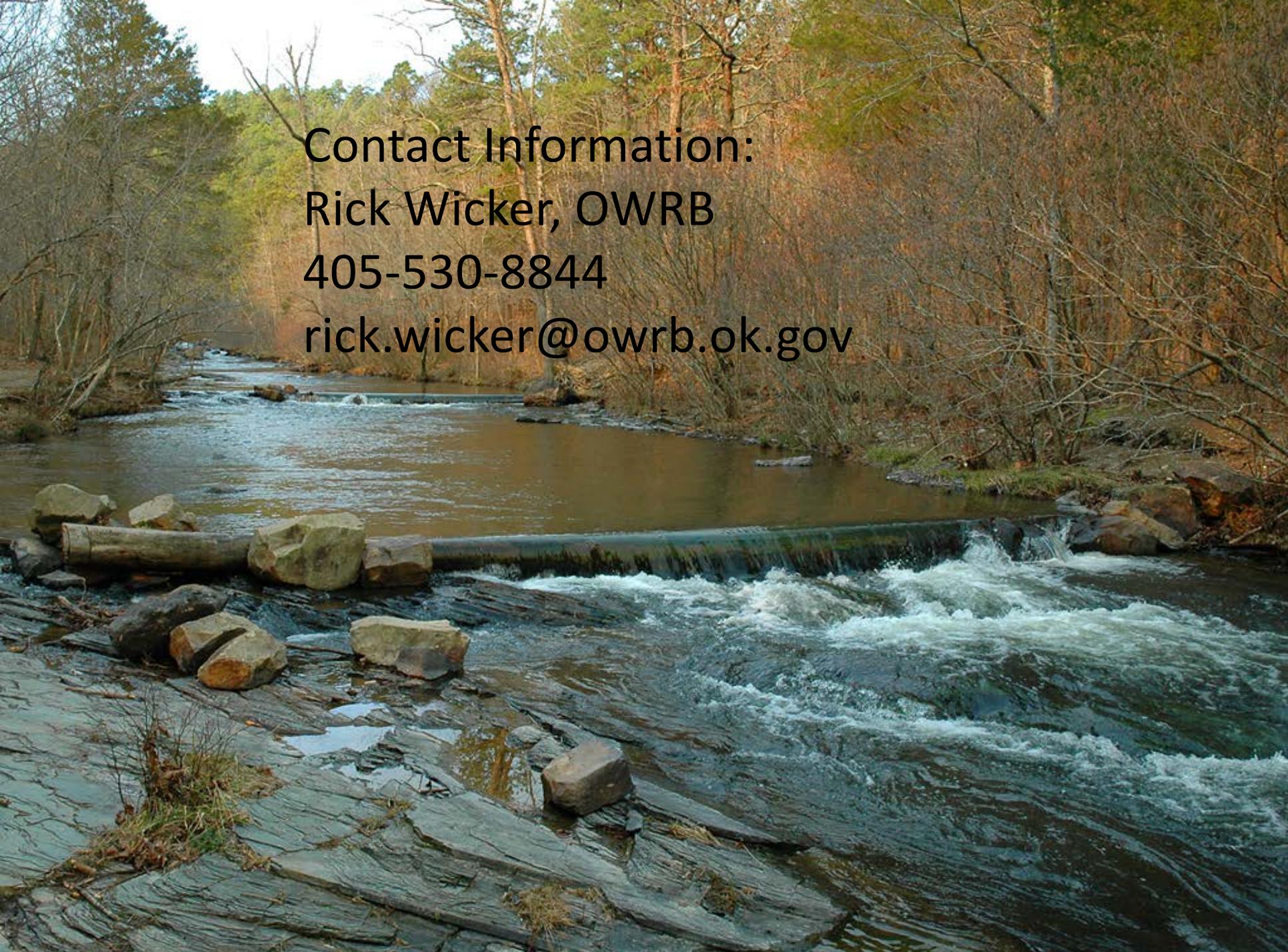
### ❖ Examples:

- 1) City of Davis, #77-152, 5600 AF, for public water supply & RFW, 6 low water dams on Honey Cr in Turner Falls Park
- 2) Tourism & Recreation Dept, #77-165, 12,620 AF for RFW (11,500 for evaporation loss), Lake Murray SP, Carter Co.

# Recreation/Fish & Wildlife Permits

## Summary:

- ❖ There are currently no RFW permits based on instream flow
- ❖ Non-consumptive RFW permits based on local lake evaporation rates, surface areas
- ❖ Where use is consumptive the water use amounts are based on justified needs, i.e., hatchery flow rates, wetland inundation volumes, lake fill volumes, etc.



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