Excess and Surplus Water: Definitions, Procedures, Findings

Oklahoma Comprehensive Water Plan
OCWP

Instream Flow Advisory Group Meeting 2
May 16, 2013

State of Oklahoma
OWRB
WATER RESOURCES BOARD
the water agency

Statutory Requirements for the OCWP

- Codified at 82 O.S. 1086.2(I)
- Must include…
  - Definition of "excess and surplus water of this state"
  - Recommended procedure for determining "excess and surplus water of this state… to ensure that the area of origin will never be made water deficient."

Excess & Surplus Water

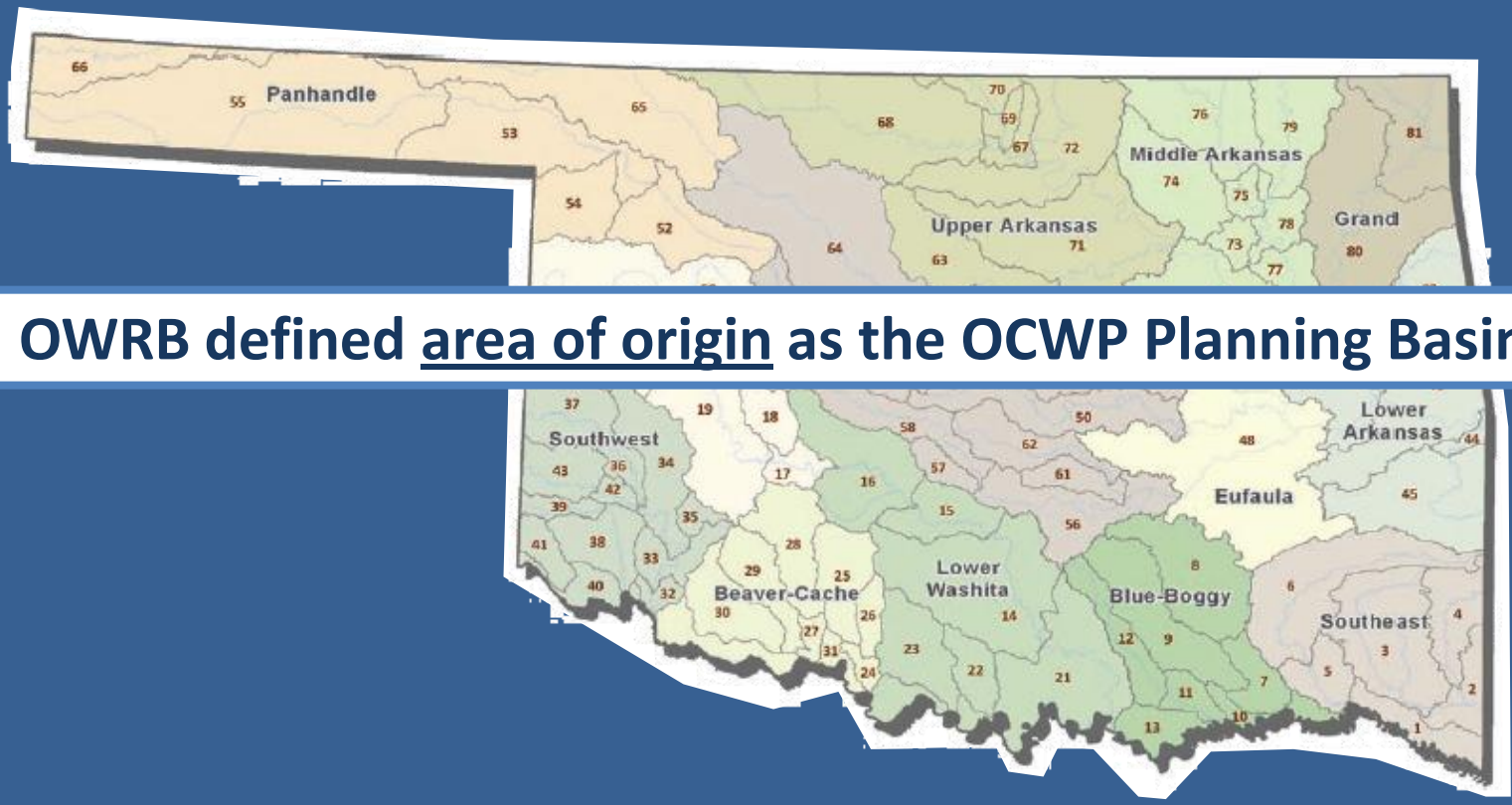
Protecting Local Water Needs While Addressing Statewide Demands

ADOPTED DEFINITION:

"Excess and surplus water" means the projected surface water available for new permits in 2060, less an in-basin reserve amount, for each of the 80 basins as set forth in the 2012 OCWP Watershed Planning Region Reports whose surface water is under OWRB jurisdiction (excepting the Grand Region); provided that nothing in this definition is intended to affect ownership rights to groundwater and that groundwater is not considered excess and surplus water.

ADOPTED PROCEDURE:

1) *Each of the 82 OCWP watershed planning basins shall be considered an individual stream system wherein water originates (i.e., area of origin) for purposes of appropriation and permitting.*



OWRB defined <u>area of origin</u> as the OCWP Planning Basins

ADOPTED PROCEDURE:

2) *The total annual amount of available stream water for new permits in 2060 is equal to the total Surface Water Permit Availability amount as set forth in the OCWP Watershed Planning Region Reports minus the amount of the annual Anticipated Surface Water Permits in 2060 also set forth in those reports. The in-basin reserve amount is equal to 10% of the total Surface Water Permit Availability amount plus 10% of the annual Anticipated Surface Water Permits in 2060.*

DATA FROM OCWP WATERSHED PLANNING REGION REPORTS

Total SW Available for New Permits in 2060 = Total SW Permit Availability for Basin − Anticipated SW Permits in 2060 in Basin*

In-Basin Reserve Amount = 10% of Total SW Permit Availability + 10% of Anticipated SW Permits in 2060

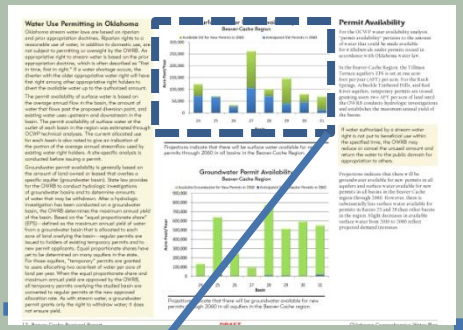
** Includes current and future anticipated permit needs, reservoir yields, existing out-of-basin transfers, downstream future permit needs (one basin downstream), a domestic use set-aside, and compact obligations*

Adopted Procedure:

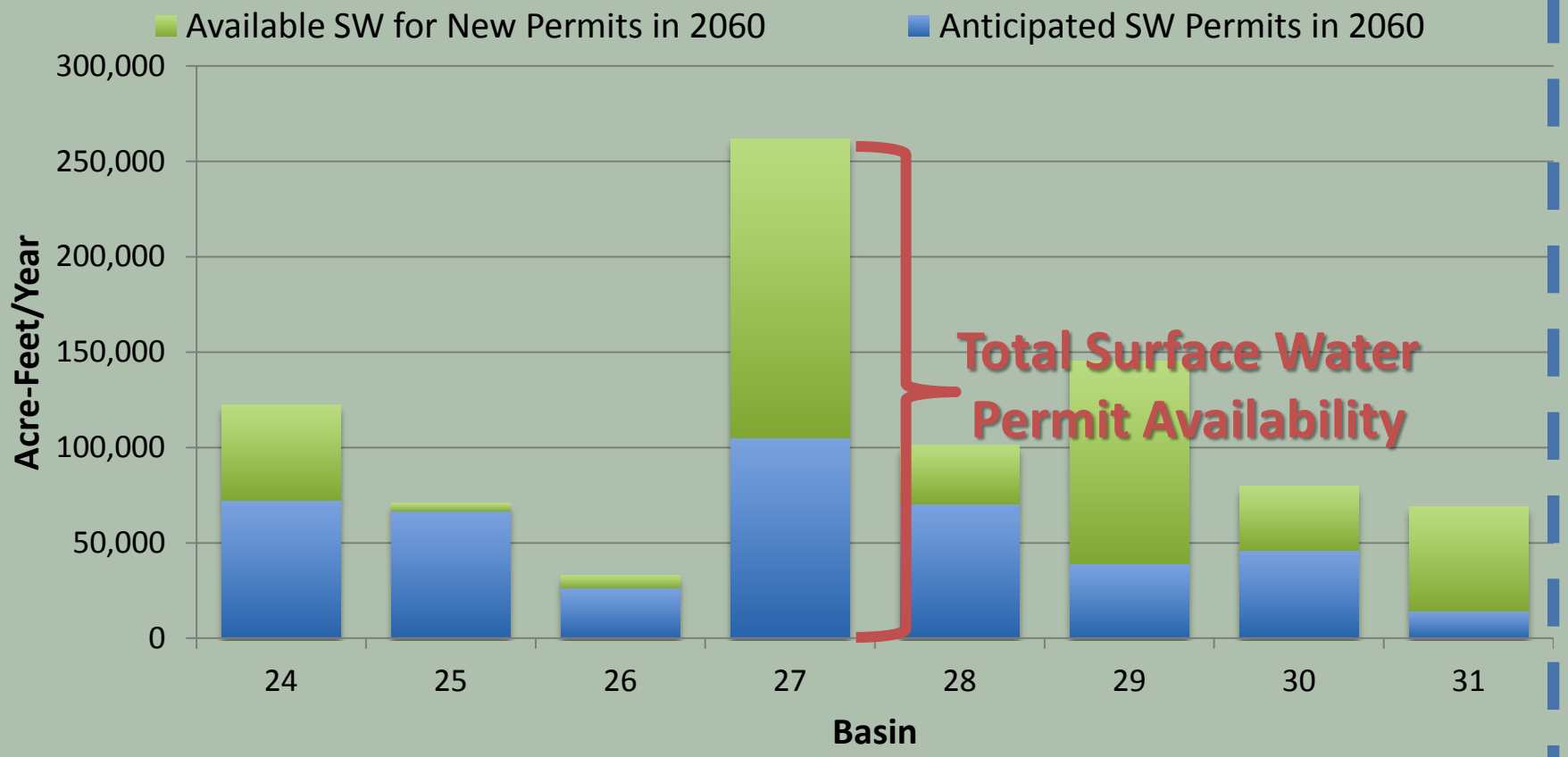
3) *In considering individual applications for permits to transport and use more than 500 acre-feet of stream water per year outside the stream system wherein the water originates, the Board shall determine whether there is "unappropriated water available in the amount applied for" by considering only the remaining amount of excess and surplus water calculated for the stream system where the point of diversion is proposed, and for stream systems located downstream from this proposed point of diversion, provided this procedure shall not be used to reduce the amount authorized under existing permits and water rights.*
4) *The Board will also exclude from consideration for any permit for out-of-basin use:*
    a) *the quantity of water adjudicated or agreed by cooperative agreement or compact to be reserved for Federal or Tribal rights, and*
    b) *the quantity of water reserved for instream or recreational flow needs established pursuant to law.*

- Applies to trans-basin permit applications >500 AFY
- Review of application only considers remaining E&S
- Excludes the quantity of water adjudicated or agreed by cooperative agreement or compact to be reserved for Federal or Tribal rights
- Excludes the quantity of water reserved for instream or recreational flow needs established pursuant to law.

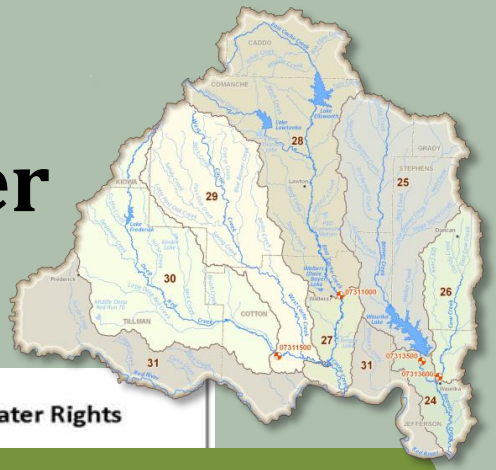
Calculating Surplus Water

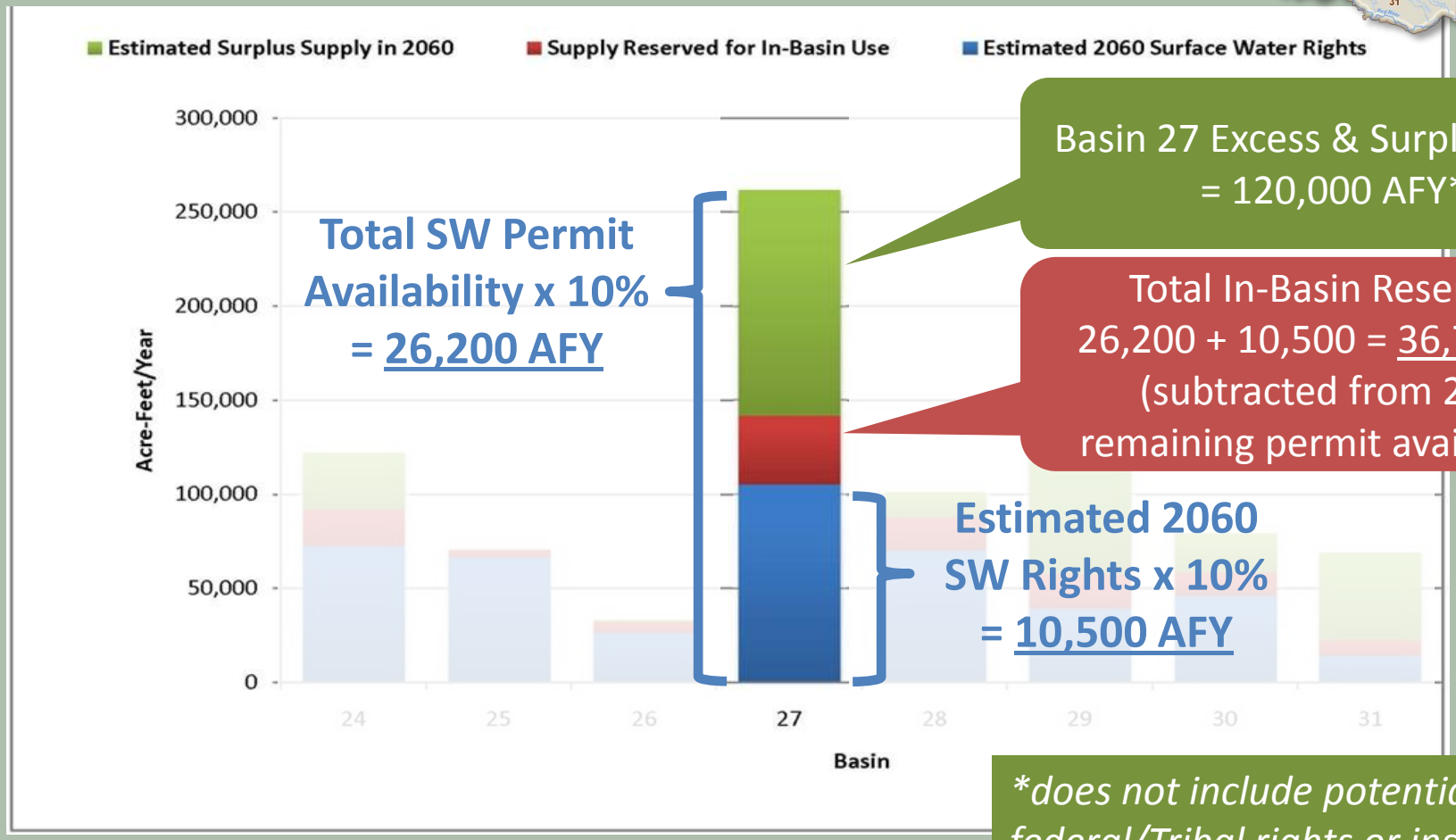


Surface Water Permit Availability



Example
Calculating Surplus Water





Total SW Permit Availability x 10% = 26,200 AFY

Basin 27 Excess & Surplus Water = 120,000 AFY*

Total In-Basin Reserve = 26,200 + 10,500 = 36,700 AFY (subtracted from 2060 remaining permit availability)

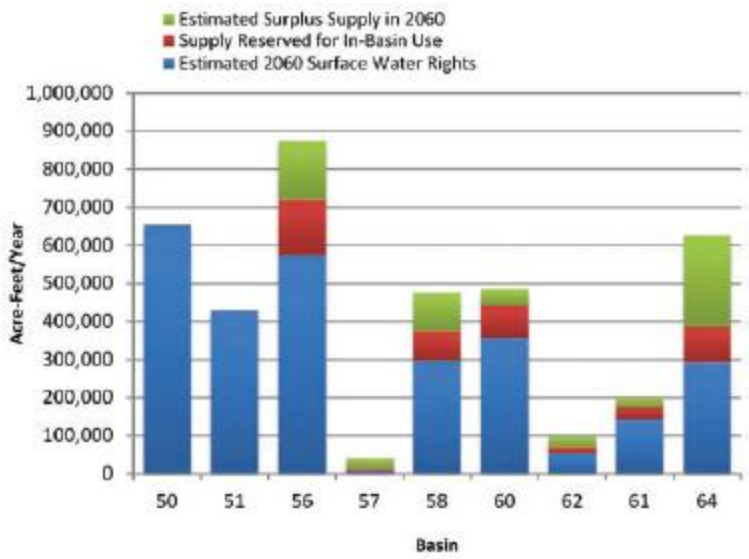
Estimated 2060 SW Rights x 10% = 10,500 AFY

**does not include potential federal/Tribal rights or instream flow requirements pursuant to law*

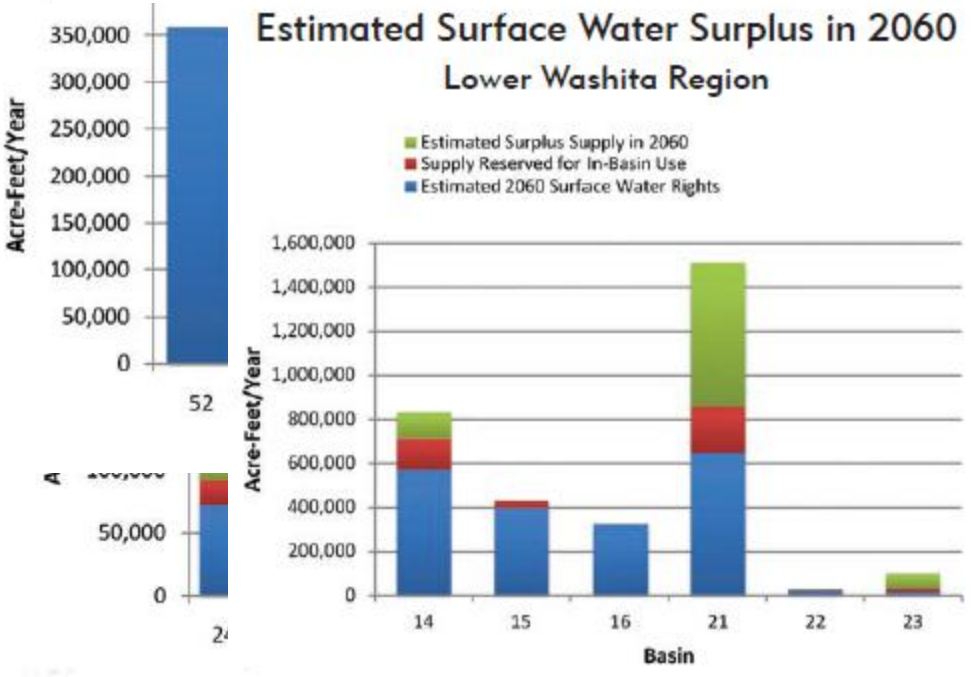
Results

- 52 of 80 basins have surplus water
  - Low: Beaver-Cache Basin 26 – 800 AFY
  - High: Lower Ark. Basin 46 – 7.37M AFY
- 28 of 80 basins have no surplus water
- No excess/surplus water in the Panhandle or West Central Regions
- Not assessed for the two basins in the Grand Region (GRDA authority)

Estimated Surface Water Surplus in 2060
Central Region



Estimated Surface Water Surplus in 2060
Lower Washita Region



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