

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2197 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Dick Lowe

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2197

By: Lowe (Dick)

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to waters and water rights; amending
9 82 O.S. 2021, Section 105.17, which relates to
10 reversion of water to the public; requiring certain
11 report by permit holders; allowing report to contain
12 certain explanation; authorizing the Oklahoma Water
13 Resources Board to promulgate certain rules; allowing
14 for certain cancellation of permit; amending 82 O.S.
15 2021, Section 105.20, as amended by Section 1,
16 Chapter 218, O.S.L. 2022 (82 O.S. Supp. 2023, Section
17 105.20), which relates to violations; authorizing the
18 issuance of certain administrative orders upon
19 findings; requiring orders make certain finding and
20 specifications; and providing an effective date.

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

22 SECTION 1. AMENDATORY 82 O.S. 2021, Section 105.17, is
23 amended to read as follows:

24 Section 105.17 A. To the extent that the water authorized is
not put to beneficial use as provided by the terms of the permit,
that amount not so used shall be forfeited by the holder of the

1 permit and shall become public water and available for
2 appropriation.

3 B. When the party entitled to the use of water commences using
4 water but thereafter fails to beneficially use all or any part of
5 the water claimed by him or her, for which a right of use has been
6 vested for the purpose for which it was appropriated for a period of
7 seven (7) continuous years, such unused water shall revert to the
8 public and shall be regarded as unappropriated public water.

9 C. Permit holders shall report their annual water use to the
10 Oklahoma Water Resources Board in a manner provided by the Board.
11 The water use report shall provide the permit holder an opportunity
12 to explain any nonuse of the water allocated by the permit. In
13 addition to the procedure for individual proceedings provided for in
14 Section 105.18 of this title, the Board is authorized to promulgate
15 rules for reporting stream water used and the approval of excused
16 nonuse of stream water.

17 D. Failure to report annual water usage may result in
18 cancellation of the permit by the Board upon proper notice and
19 hearing as provided in Section 105.18 of this title.

20 SECTION 2. AMENDATORY 82 O.S. 2021, Section 105.20, as
21 amended by Section 1, Chapter 218, O.S.L. 2022 (82 O.S. Supp. 2023,
22 Section 105.20), is amended to read as follows:

23 Section 105.20 A. The unauthorized use of water, the
24 unauthorized transfer of a water right, the continued use of works

1 which are unsafe after receiving notice to repair, the waste of
2 water, the unauthorized severance of a water right from the land to
3 which it is appurtenant, the refusal to change unsafe works when
4 directed to do so, the injury or obstruction of waterworks, or the
5 violation of a permit condition shall be a misdemeanor and each day
6 such violation continues shall be a separate violation. In addition
7 to filing criminal complaints and any other remedies provided
8 herein, the Oklahoma Water Resources Board shall have the right to
9 bring an action in the district court of the county wherein such act
10 or omission occurs to enjoin the same.

11 B. The unauthorized use of water, the unauthorized transfer of
12 a water right, the continued use of works which are unsafe after
13 receiving notice to repair, the waste of water, the unauthorized
14 severance of a water right from the land to which it is appurtenant,
15 the refusal to change unsafe works when directed to do so, the
16 injury or obstruction of waterworks, or the violation of a permit
17 condition are considered violations of Sections 105.1 through 105.32
18 of this title and shall be subject to administrative penalties
19 issued by the Board of up to Five Thousand Dollars (\$5,000.00) per
20 day of violation. Such administrative penalties shall be imposed
21 only after notice and opportunity for hearing on the proposed
22 imposition of such penalties.

23 C. The Board and its authorized agents shall have a reasonable
24 right to go upon private property in the performance of their duties

1 hereunder and shall have the duty to file complaints of violations
2 of the penal provisions of this section.

3 D. Notwithstanding any other provision of law, the Executive
4 Director of the Oklahoma Water Resources Board may issue
5 administrative orders requiring the immediate cessation of water use
6 when Board staff has a reasonable belief the use is unauthorized or
7 continued use will damage rights of prior appropriators. Such
8 administrative orders shall indicate the finding of imminent peril
9 and shall specify the actions that are to be taken immediately. In
10 addition, the orders shall specify a time and place for a hearing to
11 be held after such actions are taken.

12 SECTION 3. This act shall become effective November 1, 2024.

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14 59-2-9784 JBH 01/23/24
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