

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2197

By: Lowe (Dick) of the House and Paxton of the Senate

Title: Waters and water rights; creating the Waters and Water Rights Modernization Act; providing for noncodification; and providing an effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

- 1. That the Senate recede from its amendment; and
- 2. By adopting the following conference committee amendment to restore the title to read as follows:

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

Respectfully submitted,

SENATE CONFEREES

Paxton _____
Green _____
Bullard _____
Newhouse _____
Rader _____
Boren _____

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 2197

By: Lowe (Dick) of the House

and

Paxton of the Senate

[waters and water rights - reversion of water to the
public - report by permit holders - explanation -
Oklahoma Water Resources Board - rules -
cancellation of permit - violations -
administrative orders - effective date]

14 AMENDMENT NO. 1. Page 1, strike the enacting clause

Passed the Senate the 15th day of April, 2024.

Presiding Officer of the Senate

19 Passed the House of Representatives the ____ day of _____,
20 2024.

Presiding Officer of the House
of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2197

By: Lowe (Dick) of the House

3 and

4 Paxton of the Senate

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6 [waters and water rights - reversion of water to the
7 public - report by permit holders - explanation -
8 Oklahoma Water Resources Board - rules -
9 cancellation of permit - violations -
10 administrative orders - effective date]

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

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

16 Section 105.17 A. To the extent that the water authorized is
17 not put to beneficial use as provided by the terms of the permit,
18 that amount not so used shall be forfeited by the holder of the
19 permit and shall become public water and available for
20 appropriation.

21 B. When the party entitled to the use of water commences using
22 water but thereafter fails to beneficially use all or any part of
23 the water claimed by him or her, for which a right of use has been
24 vested for the purpose for which it was appropriated for a period of

1 seven (7) continuous years, such unused water shall revert to the
2 public and shall be regarded as unappropriated public water.

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

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

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

17 Section 105.20 A. The unauthorized use of water, the
18 unauthorized transfer of a water right, the continued use of works
19 which are unsafe after receiving notice to repair, the waste of
20 water, the unauthorized severance of a water right from the land to
21 which it is appurtenant, the refusal to change unsafe works when
22 directed to do so, the injury or obstruction of waterworks, or the
23 violation of a permit condition shall be a misdemeanor and each day
24 such violation continues shall be a separate violation. In addition

1 to filing criminal complaints and any other remedies provided
2 herein, the Oklahoma Water Resources Board shall have the right to
3 bring an action in the district court of the county wherein such act
4 or omission occurs to enjoin the same.

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

17 C. The Board and its authorized agents shall have a reasonable
18 right to go upon private property in the performance of their duties
19 hereunder and shall have the duty to file complaints of violations
20 of the penal provisions of this section.

21 D. Notwithstanding any other provision of law, the Executive
22 Director of the Oklahoma Water Resources Board may issue
23 administrative orders requiring the immediate cessation of water use
24 when Board staff has a reasonable belief the use is unauthorized or

1 continued use will damage rights of prior appropriators. Such
2 administrative orders shall indicate the finding of imminent peril
3 and shall specify the actions that are to be taken immediately. In
4 addition, the orders shall specify a time and place for a hearing to
5 be held after such actions are taken.

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

7 Passed the House of Representatives the 4th day of March, 2024.

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Presiding Officer of the House
of Representatives

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12 Passed the Senate the ___ day of _____, 2024.

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Presiding Officer of the Senate

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