

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1187

By: Rozell of the Senate
and
Culver of the House

(water and water rights - surrender of water rights -
permit holders -
emergency)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

"(water and water rights - surrender of water
rights - permit holders -
emergency)

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 105.10, as
amended by Section 1, Chapter 164, O.S.L. 1993 (82 O.S. Supp. 1999,
Section 105.10), is amended to read as follows:

Section 105.10 A. 1. The date of receipt of ~~such an~~
application for use of stream water in the ~~Board~~ office of the
Oklahoma Water Resources Board shall be endorsed ~~thereon~~ and shall
be noted in its the records of the Board.

2. If the application is defective as to form or unsatisfactory
as to feasibility or safety of the plan, or as to the showing of the
ability of the applicant to carry the construction to completion,
the Board shall advise the applicant of the correction, amendments
or changes required, ~~and.~~ The applicant shall have not more than

sixty (60) days from the date the Board so advises ~~shall be allowed for the refiling thereof~~ to refile such application. If refiled, corrected as required, within ~~such~~ the specified time limit, the application shall, upon being accepted by the Board, take priority as of date of its original filing, subject to compliance with the further provisions of the law and the ~~regulations thereunder~~ rules promulgated thereto. Any corrected application filed after the time allowed shall be treated in all respects as an original application received on the date of its refiling.

3. The plans of construction may be amended, with the approval of the Board, at any time; ~~but,~~ provided that no ~~such~~ change shall authorize an extension of time for construction or placing the water to beneficial use beyond that authorized in the permit, except as provided in Section 105.15 of this title. A change in the proposed point of diversion of water from a stream shall be subject to the approval of the Board and shall not be allowed to the detriment of the rights of others having valid claims to the use of water from ~~said~~ the stream.

B. 1. For applications that have been pending for more than three (3) years prior to the effective date of this section, the Board shall provide written notice to the applicant at the applicant's last-known address that the application shall be deemed withdrawn and the priority date based on the original filing date shall be lost unless the applicant provides notice of the application as instructed by the Board. The Board shall provide an opportunity for a hearing if requested in order for the applicant to show cause why:

- a. notice should not be published, and
- b. the application should not be deemed withdrawn and the priority date lost.

2. Cause may be shown by substantial competent evidence that:

- a. the applicant has been diligently pursuing plans for the project for which the water is proposed to be used,
- b. construction of the project is still practical, and
- c. the applicant is still able to complete the project.

3. If the Board receives no response to the notice, the application shall be deemed withdrawn and priority date lost.

C. 1. After the effective date of this section, applications may remain pending for more than three (3) years and retain the priority date based on the original filing date if the applicant files a request to extend pending status of the application before the end of the first three-year period and each successive three-year period thereafter and as required by rules promulgated by the Board.

2. If a request to extend pending status is not filed in time and as required by Board rules, the application will be deemed withdrawn.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 10th day of April, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate