

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2197

By: Lowe (Dick)

COMMITTEE SUBSTITUTE

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.

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

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

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 permit and shall become public water and available for appropriation.

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

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

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

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

21 Section 105.20 A. The unauthorized use of water, the  
22 unauthorized transfer of a water right, the continued use of works  
23 which are unsafe after receiving notice to repair, the waste of  
24 water, the unauthorized severance of a water right from the land to

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

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

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

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

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

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