

House Bill 3375

Sponsored by Representative WHISNANT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits Water Resources Department from issuing permit to person to appropriate surface water or ground water in Deschutes River Basin if proposed appropriation is based upon speculative sale and transfer of water right to person not party to proposed appropriation. States that prohibition does not apply to public and municipal corporations, political subdivisions and state and federal government.

A BILL FOR AN ACT

1
2 Relating to Deschutes River Basin.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 537.**

5 **SECTION 2. (1) The Water Resources Department may not issue a permit to a person**
6 **to appropriate surface water pursuant to ORS 537.130 or ground water pursuant to ORS**
7 **537.615 in the Deschutes River Basin if the appropriation is based upon the speculative sale**
8 **and transfer of the water right to a person not a party to the proposed appropriation.**

9 **(2) It is prima facie evidence that an appropriation is based upon the speculative sale and**
10 **transfer of the water right to a person not a party to the proposed appropriation if the per-**
11 **son applying to appropriate surface water or ground water does not have:**

12 **(a) A fee simple, leasehold or proprietary interest, or a reasonable expectation of pro-**
13 **curing such an interest, in the lands or facilities to be served by the appropriation; and**

14 **(b) A specific plan to use, store or divert the water for beneficial use.**

15 **(3) Subsections (1) and (2) of this section do not apply to public and municipal corpo-**
16 **rations, political subdivisions, the state and any agencies thereof, and the federal govern-**
17 **ment and any agencies thereof.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.