

Senate Bill 477

Sponsored by Senator BOQUIST; Senator FERRIOLI (Pre-session filed.)

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**.

Requires unsuccessful protestant to pay Water Resources Department costs and reasonable attorney fees if protestant has filed or intervened under certain statutes in three or more protests within preceding 12 months.

A BILL FOR AN ACT

1
2 Relating to the payment of Water Resources Department expenses incurred due to protestants in
3 water right matters.

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

5 **SECTION 1. An unsuccessful protestant shall pay any costs and reasonable attorney fees**
6 **of the Water Resources Department incurred under ORS 183.482, 183.484, 537.170, 537.227,**
7 **537.470, 537.622, 540.520, 540.524, 540.578, 540.580, 543.230 or 543A.130 at hearing, on judicial**
8 **review or on appeal due to the protest, if the protestant has previously filed or intervened**
9 **in three or more successful or unsuccessful protests under ORS 537.153, 537.227, 537.470,**
10 **537.621, 540.520, 540.524, 540.578, 540.580, 543.230 or 543A.120 within the 12 months immediately**
11 **preceding the filing of the unsuccessful protest. For purposes of this section, a protest is**
12 **unsuccessful if no issue raised by the protestant achieves modification or withdrawal of the**
13 **proposed order or final order.**

14 **SECTION 2. Section 1 of this 2017 Act applies to protestants that file or intervene in**
15 **protests on or after the effective date of this 2017 Act and have filed or intervened before,**
16 **on or after the effective date of this 2017 Act in three or more protests filed within the im-**
17 **mediately preceding 12 months.**

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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.