

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute No. 2 for Senate Bill No. 4, Page 133, Section 393.1900, Line 367, by
2 inserting after all of said section and line the following:

3
4 "442.675. 1. Notwithstanding any provision of law to the contrary, any water rights granted
5 by a utility or a utility's predecessor to a property owner, including rights to build structures on a
6 body of water, shall not be diminished or restricted by the utility without due compensation to the
7 property owner as provided under subsection 2 of this section. As used in this section, the term
8 "water rights" shall include any easements granting water rights to a property owner.

9 2. If a utility takes any action to restrict or diminish water rights described under subsection
10 1 of this section, the utility shall compensate the owner of the water rights for the loss at fair market
11 value, which shall include any lost future economic benefits. The provisions of this section shall
12 apply regardless of the basis for the water right restriction or diminishment, including any and all
13 permitting, regulatory, or judicially imposed requirements upon, or authorizations granted to, the
14 utility. Any owner of water rights who prevails in enforcing the provisions of this subsection shall
15 be entitled to costs, damages, and attorney fees.

16 4. The provisions of this section shall apply to any water rights granted to a property owner
17 by a warranty deed dated June 13, 1932, and to any subsequent holder of such rights, unless
18 modified by all parties to such agreement."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.

Action Taken _____ Date _____