

SB 427: Safeguarding Streamflows in Water Right Changes

Public Hearing
Senate Natural Resources and Wildfire Committee
February 25, 2025



Who we are

A diverse partnership of statewide conservation groups with a common goal –

to advocate for balanced water policies that ensure cold clean water to sustain healthy communities, livelihoods, and ecosystems.

Image source: ODFW (August 2022)



Protecting our water

“Oregon simply is not Oregon without clean, abundant water.”

2023 Report for OWRD: The Business Case for Investing in Water in Oregon (2021 HB 5006)

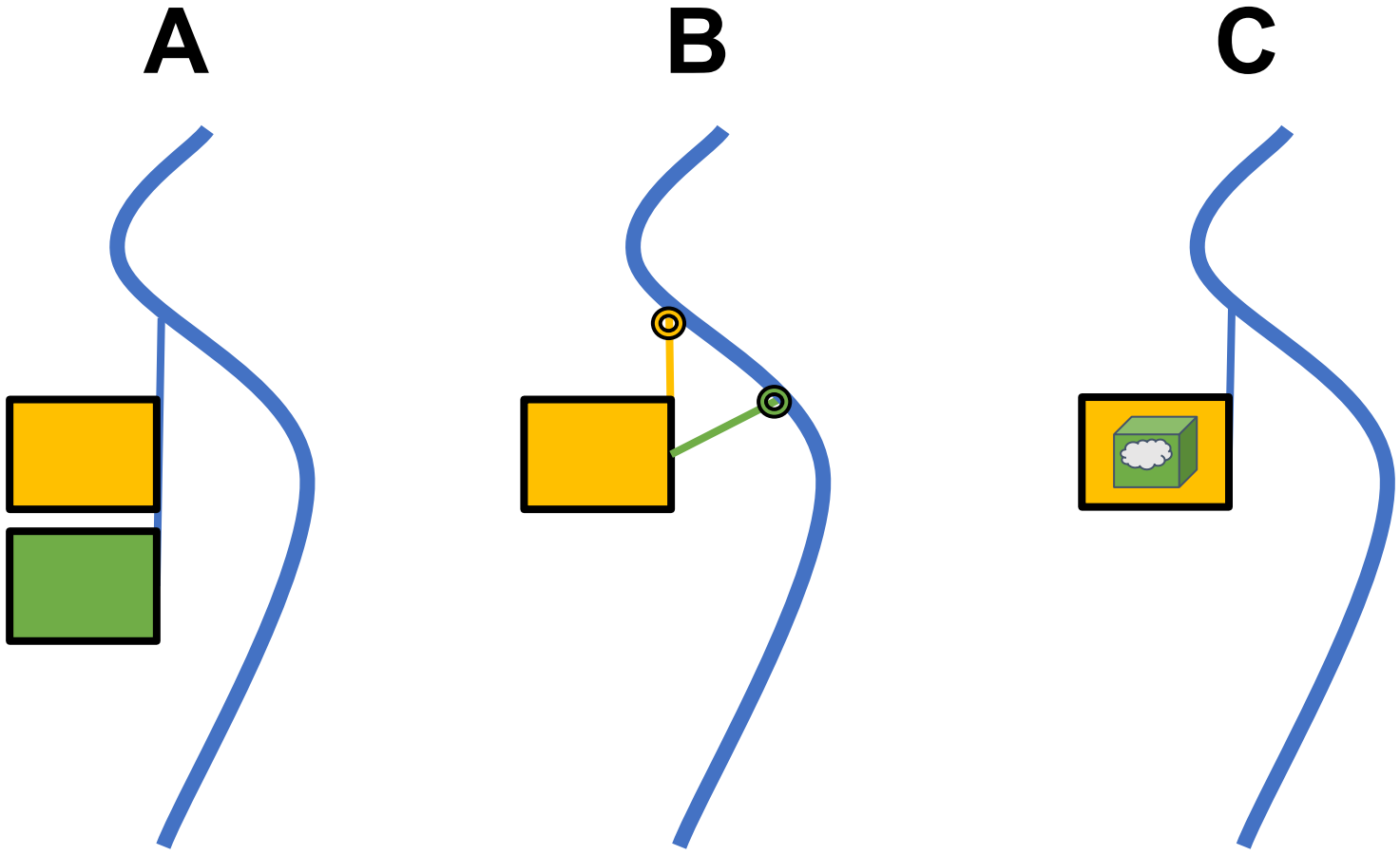
Image source: ODFW (Sept. 2022)



Types of Changes to Water Rights (“Transfers”)

- A. Place of Use
- B. Point of Diversion/
Appropriation
- C. Type of Use

■ existing ■ changed



The Loophole: old water rights bypass modern standards for new uses

Standard for issuing new water right

- water is available
- new use is allowed by basin plan
- new use will not legally injure other water rights
- new use complies with rules of Commission
- new use will not impair public interest

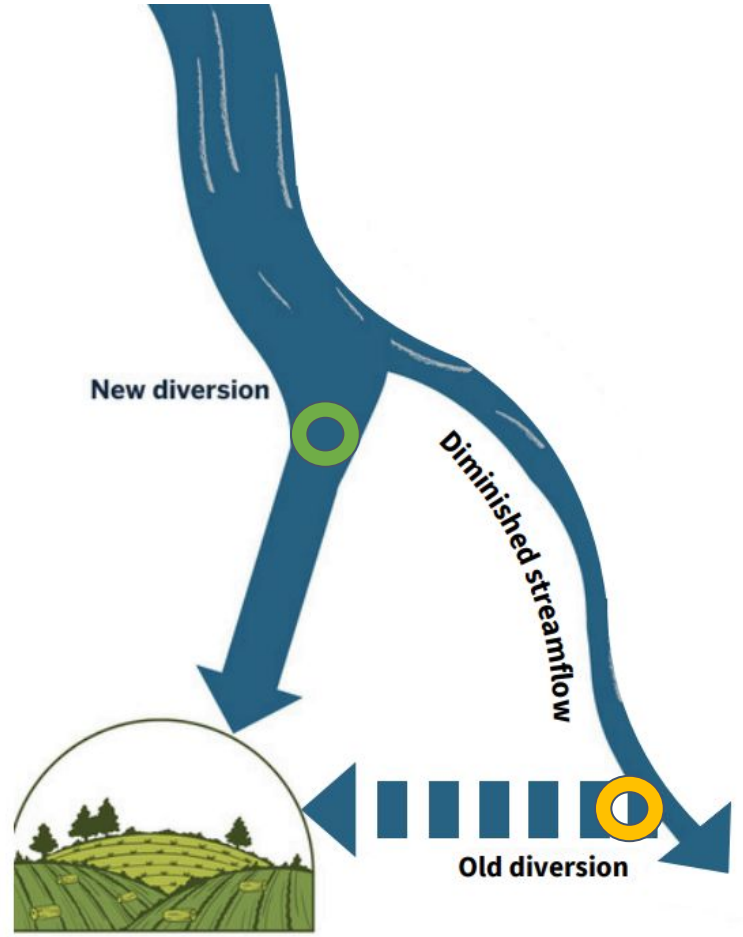
Standard for changing old water right

- new use will not legally injure other water rights
- new use will not enlarge prior water use

**RESULT: state allows new uses of old water rights...
with no consideration of modern environmental values**

Example of Problem

Approval of transfer application that moves diversion point from downstream to upstream — diminished streamflow in between



SB 427: A Narrow Fix

Adds “no diminishment of streamflow” standard to state’s review of transfer applications

Benefits:

- + Uses existing tools, staff, and workflow
- + Centers the review within Water Resources Department
- + Reduces risk to native fish, water quality, and scenic and recreation values

Under SB 427 revised process, OWRD will approve application for water right change if:

- ✓ No legal injury to other water rights
- ✓ No enlargement of water use
- ✓ No diminishment of streamflow

Why worry about diminishment of streamflow?

Fish habitat

Juvenile steelhead / *Oncorhynchus mykiss*
Image source: John McMillan / Trout Unlimited



Why worry about diminishment of streamflow?

Water quality

Scientist collects water samples in Oregon
Image source: Hank Johnson, USGS



Why worry about diminishment of streamflow?

Water Management

Image source: WRD, Aquabook



THANK YOU

**Oregon Water Partnership supports Senate Bill 427
and looks forward to continued conversations on this important topic**

Panelists:

Caylin Barter, Wild Salmon Center, cbarter@wildsalmoncenter.org

James Fraser, Trout Unlimited, james.fraser@tu.org

Karen Lewotsky, Oregon Environmental Council, karenl@oeconline.org

oregonwaterpartnership.org