

## Updating Water Rights Transfers: Annotated Guide

**SB 1153** modifies existing transfer statutes to ensure that water right transfers with a likelihood of meaningfully impacting public trust resources or of interest to a sovereign tribal nation are appropriately and meaningfully evaluated.

- **Targeted Review:** When a water right holder submits an application to change its water right, it will be evaluated to determine whether the granting of the application **will result in loss of instream habitat for sensitive, threatened or endangered aquatic species or will contribute to water quality impairment in water quality limited streams as compared** to instream habitat and water quality conditions existing at the time of application. Reaches with an instream water right will be exempt from this review. SB 1153 does not affect existing water rights; only requests to change a water right.
  - **SB 1153 adds the Targeted Review above to statutory provisions that outline review standards for water right transfer applications.**
    - **SB 1153, p. 2, Lines 8-11** (concerning groundwater right transfers)
    - **SB 1153, p. 3, Lines 34-37** (concerning transfers to use water outside basin of origin)
    - **SB 1153, p. 4, Line 22-24** (concerning transfers of supplemental water rights)
    - **SB 1153, p. 6, Lines 30-32** (if protest is filed on a transfer application based on the targeted review standard, the department shall hold a hearing consistent with existing process).
    - **SB 1153, p. 7 Lines 23-25, 33-35/p. 8 Lines 8-10** (concerning temporary transfers)
    - **SB 1153, p. 8 Lines 25-27** (transfer order shall be approved if review standards are met including the targeted review)
    - **SB 1153, p. 10 Lines 18-21 and p. 11 Lines 17-20** (concerning transfers from surface water to groundwater)
- **Tribal Engagement:** Federally recognized Tribes will have a time-bound opportunity to review water right transfer applications in specific counties if an opt-in process is used. SB 1153 sets up a process for Tribes and transfer applicants to have direct dialogue on the transfer application and communicate any outcomes of the conversation to the Oregon Water Resources Department (OWRD) prior to an application decision.

- **SB 1153, p. 11, Lines 39-45 and p.12** (Lines 1-25) authorizes Tribes to opt in to transfer reviews in specific counties with a time-limited process for Tribes and the applicant to discuss the proposed transfer and then provide information to OWRD. Tribes would have standing to protest the application if comments are not addressed.
- **Conditioning Authority:** Provides clear authority to OWRD to require conditions on new transfers such as measurement and reporting.
  - **SB 1153, p. 12, Lines 29-36**