

## SB 427 STAFF MEASURE SUMMARY

### Senate Committee On Natural Resources and Wildfire

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**Action Date:** 04/08/25

**Action:** Without recommendation as to passage and request referral to Rules.

**Vote:** 5-0-0-0

**Yeas:** 5 - Girod, Golden, Nash, Prozanski, Taylor

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

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**Meeting Dates:** 2/25, 4/8

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#### WHAT THE MEASURE DOES:

The measure requires that proposed water right transfers not diminish streamflow. The measure applies to applications filed and changes proposed on or after January 1, 2026.

#### Detailed Summary:

Requires that the following types of water right applications, transfers, or substitutions not diminish streamflow:

- Section 1: a change in the **point of diversion (POD)**, **point of appropriation**, or application to allow the appropriation of groundwater or use of water on land to which right is not appurtenant (**place of use**).
- Section 2: a water right application or change in place of use of a water right that proposes the use of water **outside of basin of origin**.
- Section 3: transfer of a **supplemental water right or permit**; or a proposed change when a **government action** results in or creates a reasonable expectation of change in surface water level that impairs or threatens access to a POD.
- Section 5: **temporary** transfers of primary and supplemental water rights.
- Section 6: application to **substitute** supplemental right (ground water) for primary right (surface water).
- Section 8: changes to **point of diversion** to allow use of groundwater instead of surface water under existing water right.

#### ISSUES DISCUSSED:

- Point of Diversion (POD) transfers
- Diminished streamflow effects on fish habitat and wildlife
- Upstream and downstream diversion

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

Water rights are appurtenant or attached to the specific property where the water use is authorized and transfer with property sales unless excluded in the deed or the buyer is notified of a separate transfer. To change the place of use, type of use, or point of diversion of a water right, a transfer application must be approved by the Water Resources Department (WRD). The applicant must be the landowner, have their consent, or prove sufficient interest in the water right. WRD will approve the transfer if it doesn't enlarge the water right or injure other rights. The public can comment or protest if they believe the transfer will cause harm.