



DATE: February 25, 2025

TO: Senate Committee on Natural Resources and Wildfire

Chair Golden
Vice-Chair Nash
Senator Prozanski
Senator Taylor
Senator Girod

FROM: Oregon Water Partnership

RE: SB 427, Testimony in Support

Chair Golden, Co-Chair Nash and Members of the Committee,

Oregon Water Partnership urges your support of SB 427

Oregon Water Partnership (OWP) is 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. Our priorities are to build resilience for Oregon’s water future, bring water data into the 21st century, support smart water management, and protect and restore our waters. We collectively have tens of thousands of members in Oregon communities across the state, and our organizations work collaboratively with cities, counties, Tribes, farmers, ranchers, and forest owners to restore habitat and improve watershed function.

Oregon Water Partnership is in strong support of SB 427, a bill that will safeguard streamflows in water right transfer processes.

THE PROBLEM: AN OUTDATED LOOPHOLE

Most of Oregon’s streams are over-appropriated in summer, and groundwater aquifers are showing signs of overuse across the state. This means that many new water demands are being supplied by modifying existing water rights. Water rights can be changed (a voluntary process initiated by the water right holder called a “transfer”) so that they can serve new uses, extract from new points, or move to a new place of use.

But while existing laws that govern issuance of *new* water rights don’t allow approval if it would harm imperiled fish, *transfers get a pass*—an outdated loophole in Oregon’s water laws allows these changes to happen without looking at environmental impact. Currently, if the Oregon Water Resources Department determines that a proposed transfer won’t cause legal injury to other water rights and won’t enlarge water use by the transferred right, it *must* approve the application.

With no review to ensure our rivers and streams are protected from harm, transfers provide a legal loophole to the modern environmental and sustainability standards that new water rights must meet. Under existing law, transfers can legally dry up sections of fish-bearing streams so long as no water rights are impacted. For the approximately 97% of Oregon stream miles that lack instream water rights, there is currently no mechanism to safeguard instream values from harmful impacts of certain transfers—even if the transfer would dewater a fish-bearing stream.

SOLUTION: A NARROW FIX

SB 427 will protect Oregon's streams and the public benefits they provide by establishing a new "no diminishment of flow" standard in Oregon's transfer review statutes. This is a narrow fix to a growing statewide problem affecting streamflows that are needed for fish, wildlife, water quality, recreation, scenic, and cultural values.

This standard will be similar to the OWRD's existing "injury" review for proposed transfers, and therefore will not require a wholly new or complicated process for the agency. The review will be centered within one agency, which will minimize additional processing time and fiscal impact. If enacted, SB 427 would become part of the Oregon Water Resources Department's standard review process for transfer applications, ensuring our natural water supplies aren't further diminished.

SB 427 is a critical and efficient approach to safeguarding existing flows in the face of new water demands and pressures. We urge the Committee to approve SB 427.

For additional resources on water right transfers and Senate Bill 427, please see the following materials (also available at oregonwaterpartnership.org/resources):

OWP, [SB 427: Safeguarding Streamflows in Water Right Changes \(fact sheet\)](#)

OWP, [Fast Water Facts: Transfers \(fact sheet\)](#)

OWP, [Fast Water Facts: Over-Allocation \(fact sheet\)](#)

Thank you for considering the Oregon Water Partnership's testimony.

Oregon Water Partnership

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