

Most of Oregon's streams are over-appropriated in summer, and groundwater aquifers are showing signs of overuse across the state (see maps below). This means that many new water demands are being supplied by modifying existing water rights. Water right holders can apply to the Oregon Water Resources Department to change that water right (a process called a "transfer") so that it can serve a new type of use, extract from a new point, or move to a new place of use.

Rivers are nature's arteries. Flowing streams support fish, wildlife, water quality, recreation, scenic, and cultural values. Oregon's cold, clean water sustains healthy communities, livelihoods, and ecosystems. But while existing laws for issuance of new water rights don't allow approval if it would harm imperiled fish, water right changes get a pass—an outdated loophole in Oregon's water laws lets these changes happen without looking at environmental impact. For the 97% of Oregon stream miles that lack instream water rights, there is currently no mechanism to safeguard instream values from harmful impacts of certain water right changes— even if a fish-bearing stream would be dewatered.

SB 427 will protect Oregon's streams and the public benefits they provide by establishing a new "no diminishment of streamflow" standard in the state's process for reviewing applications for water right changes. This is a narrow fix to a growing statewide problem affecting stream flows that are needed for fish, wildlife, water quality, recreation, scenic, and cultural values.