

Submitter: Mark Rogers
On Behalf Of:
Committee: Senate Committee On Natural Resources and
Wildfire
Measure, Appointment or Topic: SB427

My name is Mark Rogers.

I live in rural Clackamas County near Sandy.

I support Senate Bill 427 to protect instream flow.

I value Oregon's trout, salmon, and steelhead fisheries, and I support SB 427 because it will add an important and reasonable safeguard for stream flows in Oregon's water right transfer statutes.

Many Oregon streams are overused in summer, decreasing stream flows and groundwater aquifers to critically low levels. When water rights are changed so that they can serve new uses, extract from new points, or move to a new place of use they can exacerbate already low levels. 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.

However, there is no review to ensure our rivers and streams are protected, 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 majority 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. 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 stream flows that are needed for fish, wildlife, water quality, recreation, scenic, and cultural values.

Please support and move Senate Bill 427, to "protect in-stream flows" forward through the 2025 Legislature.