

Over-Allocation: Oregon's outdated water laws are hurting people, rivers, fish – it's time to modernize.



What is over-allocation? It means the state has given away more water rights than nature can fulfill. This can lead to water shortages, harm to in-stream and out-of-stream uses, and conflict. Under Oregon law, “all water within the state from all sources of water supply belongs to the public.” All water use requires a water right (also called an “appropriation”), subject to certain limited exceptions. Nearly 100,000 water rights exist in Oregon, many tracing back to the 19th century. Yet by the time Oregon enacted permitting systems (1909 for surface water, 1955 for groundwater, and 1987 for instream water rights), many streams and aquifers across the state were already seriously over-allocated.

How did this happen? Over-allocation is a symptom of policies that prioritized water extraction. During periods of water shortage, Oregon Water Resources Department (OWRD) can shut off newer water rights first so that older rights can receive their full water allocation. However, shortages have worsened in recent decades: water demands have increased and diversified, while water supplies have decreased due to climate change and persistent overuse. New groundwater allocation rules adopted in late 2024 will help prevent future over-allocation, but do not address over-allocation that already exists.

How is over-allocation hurting Oregon? Over-allocation leads to overuse of water supplies, with far-reaching impacts to people and ecosystems.

Streams are drained in the summer to fulfill out-of-stream water rights, resulting in fish kills, toxic algal blooms, and rising water treatment costs for cities and towns. Groundwater level declines are causing wells to run dry and spring-fed ecosystems to disappear. Over-allocation also intensifies uncertainty for existing water users—imagine planting crops and not knowing if you’ll be able to water them—and for emerging water needs, such as expanding affordable housing and cooling data centers.

What is Oregon doing to fix this? Recent state investments are funding upgrades to OWRD’s Surface Water Availability Reporting System, completing groundwater studies, expanding grants for streamflow restoration and water conservation, enhancing real-time streamflow monitoring and water-use measurement, and hiring more field staff.

How can I help?

- Pass laws to modernize water management
- Expand protections for streams and groundwater
- Fund agency efforts to increase collection, analysis, and availability of water data
- Ensure tribal water rights are protected
- Ensure proposals to streamline water right processes don’t worsen over-allocation

Need more info? See contacts below, or <https://oregonwaterpartnership.org/contact/>.



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