

Transfers:

Changing a water right shouldn't hurt our water.



PC: BLM

What is a “transfer”? It's the process of changing a water right so that water can be used for a new purpose, moved to a new place, or diverted at a new location. Any time someone wants to use water differently than what is described in their water right, they must first apply to the Oregon Water Resources Department (OWRD) and receive agency approval. A transferred water right retains its original priority date, which establishes its place in line during times of shortage when newer water rights can be shut off.

How many transfer applications are filed each year? OWRD received about 250 transfer applications annually for the past five years, an average that is rising. Applications are trending more complex as modern water uses become more diverse and specialized; in addition, a single application often proposes multiple changes to multiple water rights.

Why do transfers matter? With new water rights unavailable in many areas due to over-allocation (see reverse), transfers of old water rights to new uses are becoming increasingly common. But because there is no environmental review in the transfer process, these changes can cause further harm to Oregon's over-tapped rivers and aquifers.

Doesn't OWRD consider impacts to our water? No. In fact, if OWRD 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. This means transfers can legally dry up sections of fish-bearing streams so long as no water rights are impacted.

What kinds of transfers pose the greatest risk to our rivers? Transfers of the point of diversion – moving the start of a ditch, canal, or pipe, or even an entire reservoir – from lower on a stream to higher up. This extends the dewatered stretch of river up to the new point of diversion, which can harm fish, wildlife, water quality, recreation, and scenic and cultural values.

How can I help?

- Pass laws to modernize water right transfers by requiring no harm to streamflows
- Expand protections for streams and groundwater
- Fund agency efforts to increase collection, analysis, and availability of water data
- Ensure tribal water rights are protected

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



Caylin Barter, cbarter@wildsalmoncenter.org, (530)205-5107
James Fraser, james.fraser@tu.org, (971)278-8085
Zach Freed, zach.freed@tnc.org, (703)618-4047
Dylan Kruse, dkruse@sustainablenorthwest.org, (303)328-7524

Karen Lewotsky, karenl@oeconline.org, (503)473-9116
Rachel O'Connor, roconnor@edf.org, (631)513-8835
Kimberley Priestley, kjp@waterwatch.org, (503)295-4039 x107