



TUALATIN RIVERKEEPERS®

11675 SW Hazelbrook Road • Tualatin, Oregon 97062

phone 503-218-2580 • fax 503-218-2583

www.tualatinriverkeepers.org

March 1, 2013

Chair Jackie Dingfelder
Senate Environment & Natural Resource Committee
Oregon State Capitol
Salem, Oregon

Dear Senator Dingfelder and committee members,

Tualatin Riverkeepers urges your support for SB 425. This bill closes an unintended regulatory loophole in Oregon's water transfer law that puts river dependent fish at risk.

Current law allows old water rights to serve new uses, move to new diversion points, or change place of use without any environmental review. This loophole effectively nullifies Oregon's ability to protect instream values on hundreds of streams across the state. This is because transfer applicants only need to show that the proposed change will not harm other water rights. On the many Oregon streams that do not have established instream water rights to protect fish, wildlife, and recreation, the Water Resources Department (WRD) cannot consider the effect of these proposed transfers on instream values, even if a transfer would completely dewater a fish-bearing stream.

SB 425 would amend the relevant transfer statutes to correct this unintended loophole and allow Oregon to better protect instream habitat for native fish and wildlife. The proposed solution would also improve fairness under the law by requiring all new proposed uses in Oregon to undergo similar levels of environmental review.

Please support SB 425.

Sincerely,

A handwritten signature in blue ink that reads "Brian Wegener". The signature is fluid and cursive, with the first name "Brian" being larger and more prominent than the last name "Wegener".

Brian Wegener
Advocacy & Communications Manager