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House Rural Communities, Land Use, and Water Committee  
Representative Brian Clem, Chair

Background Information for House Bill 3217

Submitted by: Racquel Rancier, Senior Policy Coordinator  
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Thank you for the opportunity to provide information about how water rights may be affected by the development of artificial beaver dams. House Bill 3217 does not address laws pertaining to water rights specifically; however, the Department believes that it is important for the Legislature to understand how artificial beaver dams are currently evaluated under Oregon water law.

Artificial beaver dams and other structures that are intended to mimic beaver dams can slow the velocity of the discharge of streams, depositing sediment, reducing scouring of the stream channel, and encouraging recharge to the groundwater system. A change in the hydrology, however, can sometimes result in water right holders downstream not receiving water that they have in years past.

Under Oregon law, a water right is required when there is an intent to control and make beneficial use of water; therefore, in some instances an artificial beaver dam will require a water right, while in other instances a water right will not be required.

When a water right is required, there is an analysis of whether that use of the water will injure other water right holders – that is, there is an evaluation of whether an existing water right would not receive previously available water to which it is legally entitled. In instances where a water right is not required and there is no illegal use of water, the Department does not have authority to prevent an individual from undertaking activities that change the timing or amount of the flow – even if such activity results in an existing water right not receiving previously available water.