

February 24, 2025

Senator Golden:

We are writing to voice our strong opposition to Senate Bill 427. Medford Water provides water to the City of Medford and surrounding partner cities (Eagle Point, Central Point, Jacksonville, Phoenix, Talent, and Ashland (supplemental only)). As we head into a future where new water rights are no longer available, the water right transfer process will provide crucial flexibility for water right holders to manage existing water rights more efficiently. Senate Bill 427 will establish a sweeping new transfer standard that will significantly slow the transfer review process.

Oregon is entering a new era of water management that must include administrative processes that facilitate responsible, flexible water management and use. Chief among such water management processes is the transfer process, which is critical for municipal water users.

In Oregon, a transfer is the only mechanism to change an existing water right (this includes adding or moving a point of diversion). OWRD may not approve a transfer if the transfer would (i) enlarge or expand an existing water right in any way, or (ii) cause injury to *any* other existing water right on the water system. As applied, the injury standard ensures that existing water rights, including instream water rights, are protected.

Senate Bill 427 introduces a third standard that would require OWRD to determine whether a proposed transfer will result in “diminishment of streamflow.” This standard is incredibly broad, and would likely require intensive analysis by OWRD staff if implemented. Moreover, this will introduce a new avenue for instream stakeholders to protest transfer applications and tie them up for years. OWRD’s transfer review process already has significant delays stretching into years, and implementation of Senate Bill 427 would likely make the transfer process nearly impossible to use in the future.

At this juncture, Oregon’s legislature should seek ways to *enhance* water right flexibility to ensure municipal water users can improve operational efficiencies while protecting existing water rights, including instream water rights. The new standard under Senate Bill 427 does the opposite; it is not conducive to the wise and efficient use of Oregon’s water resources, and, if implemented, it will have broad-reaching effects on Oregon’s economy and the livability of communities across Oregon.

We urge you to vote against Senate Bill 427, and we look forward to participating in future conversations about how to improve the efficiency of Oregon’s transfer process for the benefit Oregon’s economy, communities, and environment.

Sincerely,

Brad Taylor
General Manager
Medford Water