WaterWatch of Oregon
Protecting Natural Flows in Oregon Rivers

Testimony of WaterWatch of Oregon on Senate Bill 85
Senate Committee on Natural Resources

March 5, 2023

Chair Golden, Vice Chair Girod and members of the Committee:

WaterWatch of Oregon is a non-profit river conservation organization founded in 1985. WaterWatch works to ensure that enough water is protected in Oregon's rivers, lakes and streams to sustain fish, wildlife, recreation and other public uses. We also work for balanced water laws and policies, including wise management of Oregon's groundwater resources.

WaterWatch supports Senate Bill 85 with the proposed -1 amendments.

With the amendments, SB 85 would put a moratorium on new and expanded confined animal feeding operations (CAFOs) above the size currently specified in Oregon Department of Agriculture rules as "Large Tier II" CAFOs (e.g., 2,500 dairy cows, 3,500 beef cows, 350,000 broiler chickens).

WaterWatch supports SB 85-1 because, in addition to other consequences, large CAFOs put extreme demands on Oregon's water resources. Large CAFOs use water from Oregon's rivers, streams, and groundwater aquifers for drinking water for the animals, for industrial activities such as running machinery and washing barns, and for drinking water for employees. Most of all, they use water to irrigate crops as part of their "waste management." (The crops absorb nitrates in the animal waste and are also used to feed the animals.)

As an example, the currently proposed Easterday Dairy near Boardman, which would have about 30,000 cows, would use more than 20 million gallons of water a day on average.[1] For perspective, the City of Salem uses about 40 million gallons per day.[2] That means two factory dairies like the one currently proposed, which would not be Oregon's largest, use about as much water as the City of Salem's municipal water system.

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[1] Attachment 1 is a water supply plan submitted by Easterday Dairy to the Oregon Water Resources Department and obtained pursuant to a public records request. The last row (estimated irrigation demand) is in "acre feet" per year. An acre foot is the amount of water necessary to cover one acre with water one foot deep. To convert acre feet per year to million gallons per day, divide by 1,121 (click here for a conversion calculator).

[2] City of Salem Water Management and Conservation Plan, p. 2-8.

To make things worse, large CAFOs can exploit a loophole in the law called the "stockwatering exemption," which allows them to use an unlimited amount of water as drinking water for the animals without the permit that is normally required to take water from one of Oregon's rivers, streams, or groundwater aquifers. ORS 537.130 (surface water); ORS 537.535 (groundwater). The result is that CAFOs can create large new water demands without the review that is normally done to ensure the use won't "impair or be detrimental to the public interest," ORS 537.153 (surface water), or to "ensure the preservation of the public welfare, safety and health," ORS 537.621 (groundwater).

In the case of large dairy CAFOs near Boardman (there are several, in part because the Tillamook Creamery Association has a processing plant in the area), the water generally comes from the nearby Columbia River and from groundwater. Flows in the Columbia River are important to several threatened and endangered fish species. Groundwater in the area is known to be in decline and includes several officially designated "critical groundwater areas."[3]

For the sake of our water resources, among other reasons, Oregon needs a moratorium on new and expanded large CAFOs.

Thank you for considering our comments.

Brian Posewitz
Staff Attorney

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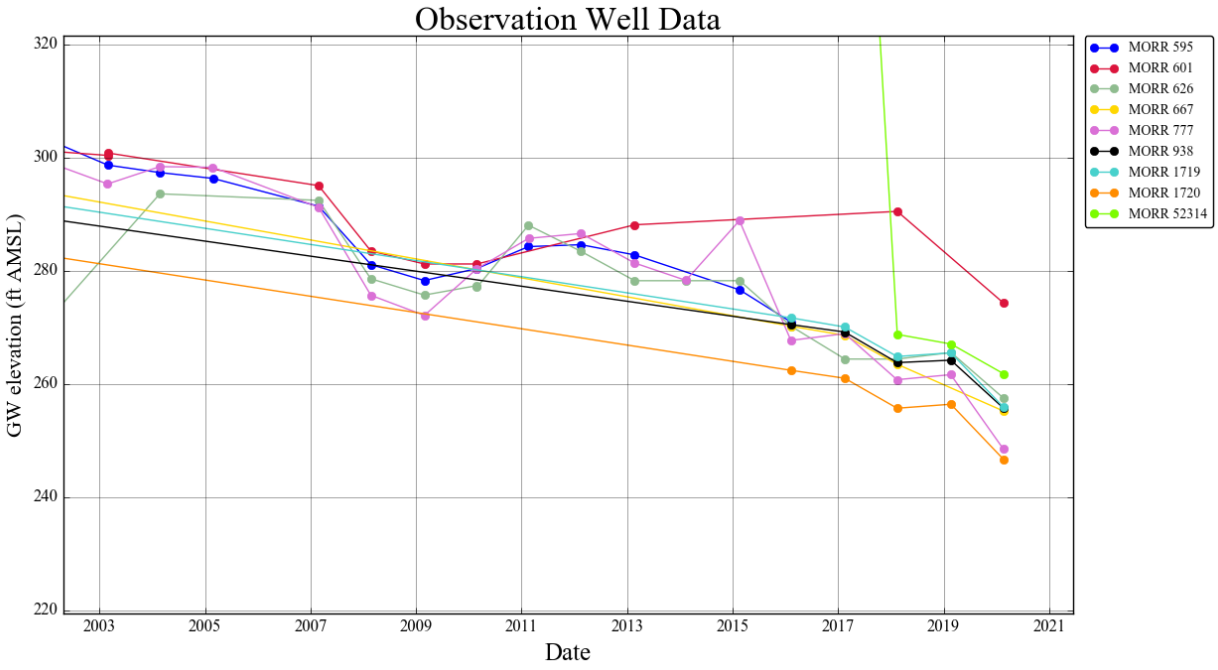
[3] Attachment 2 is a copy of emails produced by the Oregon Water Resources Department regarding groundwater levels near the proposed Easterday Dairy. Attachment 3 is a March 4, 2023, screenshot of a "hydrograph" on the Department's website for an observation well on the Easterday Dairy property.

Water Description Use
Easterday Farms Dairy

Description	Average Daily Gallons	Average Daily CFS	Annual Acre Feet	Source	Approval/Contract Required
Domestic Use for human consumption and sanitation - both employees and owners/operators	4850	0.0075	5.43	1) Port of Morrow 2)Ground Water/Surface Water use transfer	1)Current LOI & future contract POM 2) ODWR Transfer Approval
Watering Livestock	336,400	0.5205	376.64	1) Port of Morrow 2)Ground Water/Surface Water use transfer	1)Current LOI & future contract POM 2) ODWR Transfer Approval
Water for the milding system, cleanup, and maintenance	46,500	0.0719	52.06	1) Port of Morrow 2)Ground Water/Surface Water use transfer	1)Current LOI & future contract POM 2) ODWR Transfer Approval
Water for air misting	35,000	0.0541	39.19	1) Port of Morrow 2)Ground Water/Surface Water use transfer	1)Current LOI & future contract POM 2) ODWR Transfer Approval
Other Water use for milk/dairy production	40,000	0.0618	44.79	1) Port of Morrow 2)Ground Water/Surface Water use transfer	1)Current LOI & future contract POM 2) ODWR Transfer Approval
Water used in flushing system for cleaning livestock holding areas	360,000	0.557	403.07	1) Port of Morrow 2)Ground Water/Surface Water use transfer	1)Current LOI & future contract POM 2) ODWR Transfer Approval
Totals	822,750	1.2728	921.18		
Water for dilution of wastewater for application at agronomic rates	N/A				
Crop Production 5333 Acres		84.96	23998	CID	Certificates 80062, 83517, 86856, 86857, 86992, 86993

From: [redacted] * WRD [redacted] >
Sent: Thursday, September 24, 2020 7:44 AM
To: [redacted] T * WRD <[redacted] >
Subject: RE: Data - Wells near Easterday Dairy

Bosma's two wells, MORR 595 and MORR 591 show no use for water years 2017,2018,2019. Neither of these wells has been measureable for the last 3 years. MORR 595 was measureable in 2016, and we know it tracks with other Ordnance "deep basalt" wells. There is not good news in the water level trend: I noticed this Feb an unusual drop since last feb- on the order of 10 feet since 2019 Feb measurements. I can't point to any known cause to this year's drop, but also haven't looked beyond flowmeter data on wells we visit. Note MORR 52314 is the well on Easterday property that started as an alluvial well, then was deepened into basalt. We now have a transducer in that well. MORR 601 is airline only. MORR 667, 938, 1719, 1720 are on the Depot and are etape measurements I collect quarterly.



Oregon Water Resources Department
OWRD Groundwater Hydrographs

Search Records

Well Log Id: [ ] or GW Logid: MORR0052393 [Chart] [Clear]

Well Location:	3.00N/26.00E-16AD-	**Total Depth (bls):**	902 ft	**Water Level Count:**	6
Log ID:	MORR 52393 Well Log	**Land Surface Elevation:**	609.03 ft	**Wtr Lvl Date Range:**	11/14/2016 - 2/17/2022
Well Tag:	117311	**Vertical Reference Datum:**	NGVD1929	**Wtr Lvl Depth Min-Max:**	339.32 - 355.46 ft
State Observation:		**Primary Use of Well:**		**Recorder Wtr Lvl Count:**	0
USGS Site:		**Primary Aquifer System:**	Late Tertiary Basalt Aq	**Recorder Wtr Lvl Date Range:**	---
More information:	GWIS	Groundwater Mapping Tool		**Recorder Wtr Lvl Depth Min-Max:**	---

Groundwater Levels for MORR 52393