

HB 3372 A -A7, -A9, -A11 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources and Wildfire

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Meeting Dates: 4/29, 5/8

WHAT THE MEASURE DOES:

The measure expands types of exempt water uses from a domestic well to allow users to withdraw up to 3,000 gallons of water per day for watering any lawn, noncommercial or commercial garden that does not exceed one-half acre in size. It also specifies that the total combined water usage for both industrial and commercial purposes, when combined with a commercial garden, cannot exceed 5,000 gallons per day. Additionally, the measure defines “commercial garden,” and clarifies that the term “commercial garden” does not include locations where plants in the cannabis family are grown.

Fiscal impact: Has minimal fiscal impact.

Revenue impact: No revenue impact.

HOUSE VOTE: Ayes, 41; Nays, 16; Excused, 3.

ISSUES DISCUSSED:

- History of OWRD's enforcement of commercial activity on gardens
- Timeline of agency interpretation of authority and enforcement
- Gallon determination process

EFFECT OF AMENDMENT:

-A7 amendment modifies the definition of "commercial garden." Clarifies that a commercial garden "does not mean a location at which plants in the plant Cannabis family Cannabaceae are grown, unless the plants are grown by a licensed person."

-A9 amendment adds provision that commercial gardens in the Lower Umatilla Basin Groundwater Management Area do not qualify under the measure's expanded types of exempt water uses. The provision sunsets January 2, 2028.

-A11 amendment combines the -A7 and -A9 amendments.

Detailed Summary:

The amendment modifies the definition of "commercial garden" to exclude locations where cannabis plants plant Cannabis family Cannabaceae are grown, unless grown by a licensed person. It also specifies that commercial gardens in the Lower Umatilla Basin Groundwater Management Area are not eligible for the measure's expanded water use exemptions. This restriction sunsets on January 2, 2028.

BACKGROUND:

In Oregon, all water belongs to the public and may be appropriated for use under a permit issued by the Oregon Water Resources Department (OWRD). Certain water uses do not require a permit or license from OWRD. Water uses exempt from the permitting process include domestic use, stock watering, irrigation of lawn and/or a non-commercial garden of no more than one-half acre, single industrial or commercial processes that do not involve plant growth, watering school grounds, and using water for closed geothermal systems. An exempt use is subject to the same privileges and restrictions as any water right permit or certificate holder. Oregon has approximately 230,000 exempt-use wells, with approximately 3,800 new ones drilled annually.