

**HB 3372 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Owens

**House Committee On Agriculture, Land Use, Natural Resources, and Water**

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**Action Date:** 04/09/25

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 6-3-0-0

**Yeas:** 6 - Hartman, Helm, Marsh, McDonald, McLain, Owens

**Nays:** 3 - Boice, Levy B, Scharf

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Anna Glueder, LPRO Analyst

**Meeting Dates:** 4/7, 4/9

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**WHAT THE MEASURE DOES:**

The measure expands the types of exempt uses of water from a domestic well to include irrigation of a half-acre commercial garden and establishes a daily cap of 3,000 gallons for irrigating a half-acre lawn, personal garden, or commercial garden under the exempt use authorization.

Detailed Summary

- Defines 'commercial garden' as a garden that is used to grow plants, excluding cannabis plants, to be sold, traded, or bartered.
- Limits exempt well users to withdrawing up to 3,000 gallons of water per day from their domestic well for the irrigation of up to one-half acre of lawn, personal garden, or commercial garden.
- Specifies that the total combined use of water for industrial or commercial purposes, when combined with a commercial garden, must not exceed 5,000 gallons per day.

**ISSUES DISCUSSED:**

- Non-impact of the measure on existing stock water exemption
- Ability and authority of the Oregon Water Resources Department (OWRD) to enforce current and proposed provisions
- Importance of locally produced fruit and vegetables for farmers markets
- Fairness of exemption in regard to existing requirements for agricultural irrigators to hold a water right
- Small scale farming as a stepping-stone for new farmers
- History of OWRD's enforcement of commercial activity on half-acre gardens
- Current exempt water uses

**EFFECT OF AMENDMENT:**

The amendment replaces the measure.

**BACKGROUND:**

In Oregon, all water belongs to the public and may be appropriated for beneficial 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.