

4/1/2025

Co-chairs Helm and Owens, Vice-Chair Finger McDonald and members of the House Committee on Agriculture, Land Use, Natural Resources and Water:

My name is Chad Herrmann (Edenvale Gardens LLC) and I am a produce and nursery grower from Pleasant Hill, Lane County, Oregon. I am writing today to support HB 3372. Currently in Oregon it is legal to water a ½ acre garden or use 5,000 gal/day for a commercial purpose, but neither of those apply to growing food and farm products for sale. Why is it legal to use the water for personal use, but selling a single pumpkin from my garden means that I am breaking the law?

My wife and I purchased a small farm in Pleasant Hill in 2022 and relocated here to pursue my life's dream of managing and operating a small produce/nursery business. My wife is a veterinarian who works at a specialty vet practice in Springfield, and I am a professional horticulturalist and weed scientist, having worked as a researcher for a fortune-500 agricultural company for about a decade. After getting much of my farm's infrastructure in place in 2023, I opened my doors for business in Fall of 2023- a small pumpkin patch, just to test the local market and meet the local community.

[Just FYI-- I irrigated 0.27 acres with high-efficiency drip irrigation and never applied more than 2,300 gallons in a single day. I had a bumper crop with over 60 varieties of pumpkins, gourds, and squash, and I could have allowed over 25,000 lbs. of vegetable matter to rot in place-- that would have been perfectly within the law.]

I was going to begin full business operations as a retail produce/ornamental nursery business in Spring of 2024. However, in Winter of 2023, I received a certified letter from the District 2 water master (Lanaya Blakely), informing me that I may be in violation of Oregon water use policy. I contacted the water master to seek obtaining water rights and was informed that new ground water rights were not being approved in Oregon. I later discovered that the water master was operating a floral business and had several raised garden beds on her property, yet did not have water rights to use ground water on her property for commercial purposes. I took photos of the property and brought this matter to the attention of her supervisor (Mike McCord) and the lead Water Use administrator in Oregon (Jake Johnstone), but was met with, "we're not going to do anything about this" in response. The next day, the sheriff served me with a restraining order.... *Rules for thee, but not for me.*

In my opinion, all 3 of the unelected water-use bureaucrats that I've contacted should be terminated, which would save Oregon taxpayers about \$300,000 annually.

Here are my primary objections to the current water use policy:

1. The Willamette Valley received about 50" of precipitation annually. This is far over double the amount of water required to irrigate a crop during the growing season, even using the most inefficient methods of irrigation. (A drip irrigation system like the one I implement is up to 80% more efficient than overhead irrigation.)

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2. I am currently allowed to purchase municipal water and haul it back to my farm for irrigation, which is what I am currently doing-- storing municipal water in a 20,000-gallon military-grade water bladder. This municipal water is from the exact same drainage basin as the ground water on my farm, but just sourced a few miles downstream. The insanity is baffling.
3. I have been told by water use authorities that the state of Oregon does not have sufficient data regarding ground water tables, and they list this as a reason to veto any new ground water rights applications. It is my belief that policy should work in reverse; i.e. Water rights should be approved carte blanche until the State collects sufficient ground water data to prove otherwise. (Local farmers in my area have informed me that the ground water tables on their farms have actually *RISEN* in recent years.)
4. If I can use 5,000 gallons per day to operate a car wash on my property if I choose to do so, why can't I use this water to grow a commercial pumpkin crop? If I can use 15,000 gallons per day flushing my household toilets, why can't I use this water to irrigate a nursery crop instead? The logic behind current domestic water use policy is completely lacking.

We need to be realistic about what we prioritize for water use in our state. Allowing people to grow food or farm products for sale with a gallon restriction on ½ acre will not bankrupt the system, and farming is too much work for people to rush into production on such a small scale. Give communities back the ability to feed and provide for themselves, pass HB 3372.

If you would like me to testify in front of congress regarding this matter, I am more than happy to do so.

Thank you,

Chad Herrmann
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