



**REPRESENTATIVE MARK OWENS
HOUSE DISTRICT 60**

April 3, 2025

Co-Chair Helm, Vice-Chair McDonald, and Members of the House Committee On Agriculture, Land Use, Natural Resources, and Water,

I wanted to take a moment to provide some context on the intent behind HB 3372 with the -5 amendment and the reasoning for the proposed changes.

This legislation originated from a request to address confusion around people gardening on domestic wells, particularly those doing small-scale growing for farmers' markets, CSAs or donating to local food banks.

Under the current domestic well statute, gardening is allowed on $\frac{1}{2}$ an acre, and commercial or industrial purposes are allowed for up to 5,000 gallons of water per day. Between these two allowances, many domestic well users have thought that selling their produce under these statutes was allowed – and for the past 70 years, that has been a fairly standard practice.

However, recent enforcement by the department has brought to light that actually, because of the way the statute is worded, commercial gardening is **the one and only purpose that is not allowed on domestic wells**. That means that with our current law, these gardeners would need to obtain a water right to legally sell their produce to a farmers market or CSA. As you already know, obtaining a water right is both costly and time-consuming, and in some parts of the state, there are moratoriums that make it completely impossible.

With that said, the intent behind HB 3372 is to clarify the allowable uses for domestic well water, and to ensure that small-scale gardeners can legally sell the food that they are already legally allowed to grow.

The proposed change would allow exempt well users to apply water from their domestic well for up to $\frac{1}{2}$ acre for a lawn, a personal garden or a commercial garden. It would also add a cap on these activities of no more than 3,000 gallons per day, to ensure responsible water use.

For further clarity, I have also specified that the total combined use for industrial or commercial purposes, when combined with a commercial garden, must not exceed 5,000 gallons per day. I have also included a definition of "commercial garden" that explicitly excludes cannabis plants, though it does not exclude hemp.

My goal with this legislation is to provide a practical solution for small growers while maintaining responsible water use. I appreciate your consideration and welcome any discussion on this matter.

Sincerely,

Representative Mark Owens
Oregon House District 60