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On Behalf Of:

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

Measure, Appointment or Topic: HB3372

Testimony in Support of HB 3372 and Its Amendment to Support Small Farm Water Access

Submitted to the House Committee on Agriculture, Land Use, Natural Resources, and Water

April 2025

Chairperson and Members of the Committee,

My name is Sylvia Bass, and I'm writing today in strong support of HB 3372 and the proposed amendment that would allow limited commercial food production using water from domestic wells—specifically, gardens up to ½ acre in size with a reasonable daily use limit.

As you know, current Oregon Water Law strictly prohibits the use of groundwater or surface water for any commercial crop production without a valid water right. This includes even small-scale growers—folks who grow a few rows of tomatoes or zucchini and wish to sell the surplus at their local farmers market. Without a water right, they are considered in violation of state law.

In recent years, obtaining a new water right has become nearly impossible for small producers. The process is expensive, time-consuming, and often leads to denial. Application fees start around \$2,500, and processing times can stretch to 18–24 months or more. In an era where Oregon's water resources are increasingly over-allocated, many small farms stand no chance of success in this process.

As a result, countless small growers who would otherwise contribute to their local food economies are walking away. I've personally witnessed this in my community. Last year, our two primary produce vendors decided to stop selling at my favorite local farmers market due to concerns over water rights. They grow amazing local produce and I'm sad to see them go.

Meanwhile, the data is clear: small growers are not the problem. According to the Oregon Water Resources Department, domestic wells represent 88% of all wells in the state, but account for just 4% of total groundwater use. In contrast, commercial growers with active water rights—only 7% of wells—use 82% of the water. A tiny fraction of domestic wells may be used for growing produce for sale, meaning that enforcing current water law against these small operations is a disproportionate and

misplaced use of regulatory focus.

Opponents of HB 3372 argue that exempting small growers will lead to an explosion in new farming activity. But this argument misses the point. The vast majority of Oregon's groundwater is already committed to large-scale agriculture. Allowing small farms to legally grow food for their neighbors, within reasonable limits, is not a threat—it's a lifeline to local food systems, especially in rural areas.

The forthcoming amendment to HB 3372, supported by Friends of Family Farmers, offers a thoughtful and balanced solution: allow produce to be grown for sale using domestic well water, provided the garden is no larger than ½ acre and meets a daily gallon limit. This would provide clarity and legal assurance to growers without undermining the state's broader water management goals.

We have an opportunity to support resilient, community-based food systems while continuing to steward Oregon's water responsibly. I urge you to pass HB 3372 with the small farm exemption amendment.

Sincerely,
Sylvia Bass