

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 Tim Gilmer and I'm a small-scale organic farmer in the Canby-Oregon City area. I am writing in support of HB 3372. I've owned my property along with my wife since 1980. My wife and I grew veggies and sold them directly to Portland area restaurants from 1983 to 1990, then we began farming organically. Ten acres of our property has been certified Organic by Oregon Tilth from 1996 through 2020. I'm 80 now and have been paralyzed below the waist since the age of 20 due to a plane crash, but I've farmed my small acreage since 1980 by having hand controls put on small tractors and riding all-terrain four-wheelers until very recently.

We delivered veggies directly, 5-6 days per week during the growing season to restaurants and organic markets. For about 20 years we also raised a small herd of cattle and sold calves locally to other farmers. From the beginning we used a combination of overhead sprinklers by pumping from our certified water right on a creek that borders our property, registered since 1957, mainly on pastureland. We also started using water from our domestic well for drip irrigating food crops, which we used a great deal because it made sense in terms of weed management, using water free of contaminated runoff upstream and from nearby farms, and for conserving water.

I did not realize that what we were doing with our well was technically considered illegal. There was plenty of water for both domestic and small-scale farming. We have never had any communication from the ODA or Oregon Water Resources informing us that we did not have the right to grow commercial produce on five-to-ten acres. I have mistakenly thought that "having a water right" for my property included well use.

When I aged out of active farming in 2017, I leased 9-10 acres to a hemp farmer using drip irrigation who grew under the ODA program with inspections and testing of hemp for compliance. He left after the 2020 season. In 2021 I rented to another hemp grower leasing 6 acres and asked him to pump from the creek into a holding tank. They left at the season's end. In 2022 I entered into a new contract with three small-scale hops growers who wanted to grow on 3 acres using drip irrigation with plans to expand to 9-10 acres. In spring of 2024, at the beginning of their 3rd season, they informed me that they would no longer grow here since they learned that the state did not allow domestic well use without a permit. Their three-acre hop field was irrigated entirely with drip irrigation from our well. This was the first actual authoritative report I received of this policy that domestic wells could not be used for commercial purposes.

As a result, they decided to walk away from their contract and lost more than \$100,000 invested in hops infrastructure and crop establishment up until spring of 2023. They were leasing a total of 9 acres with plans to develop 6 more acres after getting established on the original 3 acres. This meant my wife and I were out more than \$30,000 on the remaining contract.

In 2024 my cropland lay fallow. I planted a cover crop in fall of 2024 on 6 acres and sprinkled it once with creek water once before rains came. This year I have a new contract with a small farmer who will grow specialty vegetables organically on 3 leased acres and sublet to community farmers from Portland's African community as part of his nonprofit farming venture. He and his subletters will grow African vegetables for their community in Portland. Their enterprise is not for profit; it is for their tables and their neighbors' tables. He also plans to bring school children to the farm from the inner city to show them what is possible. My wife and I will receive much less than we received from hemp or hops growers, but now we cannot use the most conservation-sensitive irrigation method possible for organic agriculture: clean, non-contaminated well water and drip irrigation. I have purchased a gas pump and layflat hose and paid a worker to install a system to use for my creek water right, which needed upgrading, but I have not been able to find anyone willing to lease my other 6 acres, mainly because I cannot afford to upgrade my creek water right to PGE-powered pumping based on the amount I would receive from my lease.

I bought this property in 1980, a total of 26 acres, zoned EFU-20. The seller told me there were two tax lots and I could reasonably expect to do a lot line adjustment and create two separate parcels. My wife and I, after making our life here and raising a family from 1980 to the present while living in a 1913 farmhouse, had hoped to retire and build a new, wheelchair-accessible home on the newly created parcel, but after new zoning restrictions were passed, that dream has withered. Now we have property that is perfectly suited for organic agriculture that in our heyday produced \$40,000 to \$70,000 gross annually (with high labor costs) but cannot farm it now using the best organic and conservation methods since we can no longer use our well.

We eek by on social security checks, but who knows how long they will last with cuts promised by the CR passed by Congress. We feel trapped after working on this farm all our productive years. I ask the committee and our state legislators to consider not only our plight as elderly farmers, but also that of our four grandsons, ages 5 to 16, who have no future in small-scale farming, and for the land itself. We were pioneers in the farm-to-table movement at a time when local small-scale farmers could feed nearby communities and employ migrant laborers. Now those possibilities for the future look bleak.

This is about farmland, farm families and a dying way of life. Passing HB 3372 and allowing a daily gallonage limit of at least 5,000 gallons per day would help, but only if we have the right to at least try to farm commercially on this small acreage with domestic well water, which does not deplete water use on surrounding properties. In our 45 years farming this property, no one has ever complained about the way we have farmed or used water. Ever.

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