



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 3372-5

Testimony of WaterWatch of Oregon

by Kimberley Priestley

House Committee on Agriculture, Land Use, Natural Resources and Water

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Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers and aquifers to sustain fish, wildlife, recreation and other public uses of Oregon's waters. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

WaterWatch opposes HB 3372-5: HB 3372-5 would expand the exempt well statutes to allow irrigation of small commercial farms up to ½ acre without a water right permit (3,000 gpd).

Exempt wells statutes provide a loophole to modern day water right permitting requirements. Exempt wells can be used without any assessment to understand if there is water available for use or whether the use will add to groundwater declines, injure other water rights (whether instream or out-of-stream), diminish scenic waterways or degrade water quality. Allowing water use without assessment of its impact on other water users or the environment puts farmers, communities, cultures and fish and wildlife at risk.

Rather than expanding exempt well uses, the legislature should move to narrow them. Long-standing exempt well reform recommendations, dating back to legislative discussions nearly two decades ago, include, but are not limited to: prohibiting exempt wells if they hydraulically connected to streamflow, reducing domestic allocations, removing lawn watering exemptions, reforming stock water provisions, limiting or eliminating commercial uses, considering cumulative effects, and prohibiting exempt wells in groundwater restricted areas.

In 2008 the Western State's Governor's Association urged review of exempt wells, given the extent of serious regulatory and administrative challenges that can potentially affect the sustainability of water supplies, surface flows and water quality¹. We would urge legislative attention to this.

In closing, expanding Oregon's exempt well statutes is the anthesis of where the state should be going. As the state is moving towards modernization of statutes to ensure a more sustainable water future, this bill sets us backwards. We urge the committee to reject this bill.

Thank you for your consideration of our testimony.

¹ Water Needs and Strategies for a Sustainable Future: Next Steps, Western Governors' Association, June 2008

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