

Submitter:	Aaron Cooke
On Behalf Of:	
Committee:	Senate Committee On Natural Resources and Wildfire
Measure, Appointment or Topic:	HB3372

Chair Golden and members of the committee

I am writing in opposition to HB 3372. This bill creates a water right for commercial use from residential well water. The drafters of this bill had the intent of allowing surplus food from home gardens to be sold, and allow up to 3,000 gallons/day to be used for this purpose. The bill has absolutely no safeguards to protect neighboring groundwater users from being run out of their homes due to loss of water. There is also no recourse for an adjacent dwelling to appeal to if they suffer damages from loss of water. The bill creates an entitlement regardless of the allocation level of the aquifer they are utilizing.

While there may be areas this use would not endanger access to water by the surrounding citizens, many aquifers in Oregon are overallocated or deemed critical water areas. There is no consideration for those areas where this use would be detrimental. As an example a longstanding resident has a well that has been losing static level since they initially improved their land. A neighbor who dug a deeper well more recently begins to draw more water for this commercial use depleting the aquifer to below the level that can be accessed by the initial resident. So by no fault of their own the original residence may be deemed uninhabitable due to lack of water. This currently happens, and would increase if drawing more water was incentivized by commercial profits.

Additionally this bill has no enforcement on either the size of the garden, or the gallons/day drawn. Theoretically, agencies like the water masters, or the Department of Agriculture would have jurisdiction, but with no way to monitor either. Therefore, there is really no way to control the size of gardens, or if more water was used. It would be on the micro-grower to self monitor and it does not require them to have any form of metering system, which are rare on wells, to even know themselves. This bill should not be past without area exclusions and recourse for landholders affected by this currently prohibited use.