

May 1, 2025

Senate Committee on Natural Resources and Wildfire  
Oregon Legislative Assembly

RE: Opposition to HB 3372A

Chair Golden, Vice-Chair Nash, and Members of the Committee:

Oregon Farm Bureau (OFB) is the state's most inclusive agriculture organization, proudly representing over 6,500 family farms and ranches that produce more than 220 agricultural commodities. From hops and hazelnuts to cattle, cranberries, and timber with operations spanning from just a few acres to thousands, our members utilize all farming methods including organic, conventional, regenerative, biotech, and even no-tech. Said another way, OFB supports producers of all sizes including those selling products from small-scale operations.

However, consistent with our brief testimony shared with the committee during its meeting on Tuesday, April 29, OFB remains opposed to HB 3372A due to the demonstrably inconsistent message it sends to water users throughout the state in the context of drought, other shortages, and curtailment of water usage and restrictions imposed on holders of water rights.

HB 3372A proposes to authorize the use of up to 5,000 gallons per day from exempt wells for commercial gardening and small-scale commercial or industrial activities. This bill represents a substantive policy shift that undermines long-standing tenets of Oregon water law, compromises groundwater sustainability, and creates inequities among water users.

### **Threats to Groundwater Sustainability**

OFB has consistently supported sound, science-based water management that sustains agricultural production for future generations. This bill undermines that goal. Oregon has imposed limitations on new groundwater rights in many regions due to aquifer depletion. HB 3372A circumvents this restriction by allowing expanded commercial water use through exempt wells—uses that are unmonitored and restrictions that are unenforceable. The cumulative impact of hundreds or thousands of such wells, which are not being used for commercial purposes now, poses a significant threat to already stressed groundwater

basins and sends a contradictory message to those asked to adhere to conservation and efficiency mandates. More concerning is the documented negative impact to domestic rural residential wells which are shallower wells and therefore more sensitive to groundwater withdrawals. This bill is a step toward exacerbating that problem.

### **Undermining Oregon's Water Law and Fairness**

Oregon's exempt well framework exists to allow minimal domestic and livestock uses without the need for a water right. HB 3372A transforms this limited-use exemption into a gateway for unpermitted commercial activity. This approach is in direct contradiction that water rights, as appurtenant property rights, must be protected and administered within the established framework of beneficial use, priority, and adjudication. HB 3372A effectively grants legal status to users who have bypassed these standards, placing law-abiding producers—who have invested in water rights acquisition, infrastructure, and compliance—at a systemic disadvantage.

### **Absence of Oversight or Enforcement Mechanisms**

HB 3372A contains no mechanisms for tracking, monitoring, or enforcing the proposed daily limits. OFB believes that effective water management requires transparency and accountability. Without provisions to monitor or verify usage, this bill creates an open-ended invitation for unchecked extraction and noncompliance, eroding the enforceability and integrity of Oregon's water rights system.

### **Erosion of Certificated Water Rights**

The proposed elevation of unpermitted uses to a status akin to certificated water rights dilutes the value and priority of existing rights. Certificated water rights must remain protected from such diminishment. Allowing new statutory exemptions of this scale sets a dangerous precedent for future water use regulation and undermines certainty for agricultural producers reliant on legally recognized entitlements.

### **Conclusion**

HB 3372A represents a well-intentioned but deeply flawed policy that threatens the equity, sustainability, and integrity of Oregon's water law. The Oregon Farm Bureau urges the committee to reject HB 3372A and instead pursue water policy that upholds science-based management, respect for the rule of law, and the principles of fairness.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan J. Krabill', with a long horizontal flourish extending to the right.

Ryan J. Krabill  
Oregon Farm Bureau