



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 3372A
Testimony of WaterWatch of Oregon
by Kimberley Priestley
Senate Committee on Natural Resources and Wildfire
May 8, 2025

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 3372A: HB 3372A 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 meant to protect other water right holders, public health and the environment. Exempt wells can be used without any advance assessment to understand whether the use will:

- Cause further declines in groundwater restricted areas;
- Injure other water rights (whether instream or out-of-stream);
- Diminish scenic waterways (individually or cumulatively);
- Degrade water quality;
- Lead to further overallocation.

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. As an example, we would urge the Committee to read testimony in opposition from small organic farmers who serve CSAs and farmers markets who are opposed to this bill.

Expanding exempt wells to small commercial farms will also likely significantly increase the workload of the already underfunded Oregon field staff. Testimony on the record indicates that farmers irrigating greater than ½ acre believe that they will be able to use this exemption, which they will not.

Rather than expanding exempt well uses, the legislature should move to narrow them. Long-standing exempt well reform recommendations, include, but are not limited to:

- prohibiting exempt wells if they hydraulically connected to streamflow,
- prohibiting exempt wells within ¼ mile of streams,
- prohibiting exempt wells in groundwater restricted areas.
- reducing domestic allocations to a reasonable amount,

- removing lawn watering exemptions,
- reforming stock water provisions,
- limiting or eliminating commercial uses, and
- restricting new exempt wells based on cumulative effects

Concerns about exempt wells have been raised for decades. In 2008 the Western State's Governor's Association urged west wide review of exempt well policies, 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, rather than passing this bill.

Oregonians have long called on the state to better manage our water resources. In the fall of 2024, the Oregon Water Resources Commission adopted new science-based groundwater allocation rules in an attempt to curb the growing problems new groundwater appropriations are causing to people and ecosystems. Those rules moved groundwater management into the 21st century and were meant to set the stage for similar reforms moving forward.

This bill, on the other hand, takes the state backwards by expanding a loophole that was crafted a century ago (1927) when Oregon's population was sparse, and our groundwater supplies were not at risk.

In closing, expanding Oregon's exempt well statutes is the antithesis of where the state should be going as it is working to modernize our water laws to ensure a sustainable water future. What is needed is a wholesale reform of current exempt well allowances to reduce use, not an expansion of an outdated provision of law.

We urge the committee to reject HB 3372A.

Thank you for your consideration of our testimony.

Contacts: Kimberley Priestley, WaterWatch of Oregon, kjp@waterwatch.org; Jack Dempsey, jack@dempseypublicaffairs.com, 503-358-2864

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