

Oregon Water Resources Department
Groundwater Allocation Rulemaking Public Hearing
May 16, 2024

Testimony by Christopher Hall, Water League
[Transcript]

Good evening. My name is Christopher Hall. I'm the Executive Director of Water League and our organization engages the public and water stewardship.

First thing I'd like to say is thank you very much for all the hard work you and all the other staff members have done. This is a huge job. It's filled with a lot of concern across the state and I think the way that staff of the water resources department has done, has handled this, has been exemplary. And there are a lot of people who are very good friends of mine and people who I know who are on different sides of the issue in this regard. And the thing that I really appreciate the most is just the decorum and the way that this rules process has moved forward. And I think despite how divisive some of these issues are, we are still able to, at the end of the day, work together to make Oregon as good as as it can be.

And I think that's a real achievement. 75 years ago or more, Frank McColloch was given the job, along with the number of other people, to come up with the 1955 Groundwater Act. And in that act, they, the legislature, voted to ensure that all water in the state of Oregon, not just surface water but groundwater, is also a substance that belongs to the public. So unlike the dirt on your property, unlike the minerals that are there, the people who own property do not own that water. That water is flowing just like a stream, whether it's on the surface or whether it's underground. And the reason why they chose to make all the water in the state public is because water is life.

And when we start turning it into personal property, the way we do furniture and minerals and all sorts of other equipment, we end up making serious mistakes with this substance that is incredibly important to life. It would be as if we were to say that air is personal property. It's just not possible, and Oregon's not a state that does that.

Water League strongly supports this rule making revision. We have our critiques, and we have our comments, and we have our opinions about what needs to be fixed — and I'll get into one or two of them. But, this is, and I may have hinted at this earlier, a bit late coming and better late than never. You know, when was the when was the right time? We should have passed these rules probably 20 years ago and the next best time is today.

So the first thing I would like to say is that the following statistics are supplied by you, the state of Oregon. They're not mine, and we saw some of them tonight . We saw that irrigation uses 82% of all the water that gets pumped out of the ground that comes from aquifers. That's not unusual. That's pretty much like many different places in semi arid or Mediterranean climates where water is needed for irrigation. It also happens to be the case according to the Oregon Department of Agriculture, that 80% of all agricultural products are exported out of Oregon. So that means is that a lot of that irrigation water that's being pumped out of the ground, it's also being shipped out of state in what's called Virtual Water Exports.

All the domestic wells as we saw earlier tonight (there's almost a quarter million of them) use just 4% of the groundwater. So when somebody complains about a farmers market vendor who is using their domestic well to irrigate their 1/2 acre crop — for 70 years it was never enforced. And the reason why is because — frankly — it's a public relations disaster. And the 4% of water use that comes out of the ground with those domestic wells is just infinitesimal.

The public water supplies that service every municipality in Oregon account for only 10% of groundwater use. That is a very small amount given the fact that 85% of all Oregonians pretty much live in municipalities in one form or another. The 4.2 million Oregonians go about their day and directly use a total of 14% of the groundwater. And that's saying something — that you know — the population is large and they just don't use that much water every day. And one of the points I'll make is that since 80% of Oregon's agricultural products are exported, we don't “eat” that irrigation, we don't in fact — actually people outside the state do.

The correlation between population and irrigated acres has never existed. In the early years of Oregon, irrigated acres grew 50% faster than the population did. And then in the past 75 years, the population outpaced irrigation by a factor of 9, which is almost an order of magnitude. So the population in Oregon and irrigation have absolutely no correlation. The fact is that irrigation is an industrial practice that uses water for exports far more than it does for Oregon's 4.2 million residents. We get our food from California and other places across the nation. This is an important point to consider when we want to push back against the falsehood that is actually in this rules package, that says quote: “Because everyone relies on food and clothing, to the extent the rule making impacts agriculture, everyone should be impacted equally.” That's just false.

This is a dangerous misrepresentation because irrigation has drained Oregon's aquifers, not domestic well users, not municipalities where 85% of the population lives, and not by the residents who get hungry three times per day. Therefore, we consider these very important (and dare I say crucial) rules that will limit the allocation of future water rights to account for the fact that groundwater has been over allocated in every basin in Oregon — that we must not punish domestic well users and municipalities by preventing them from access to water for the humans that need to live every day. We will never wring enough water from cities to conserve our way out of water scarcity. And telling cities that they can't get new water rights because irrigation used up the vast amount of groundwater is grossly inequitable.

The governor has called for ending the housing crisis by building new homes and apartment buildings. We cannot expect to address our housing crisis if these rules make water the limiting factor. I submit, and I stand upon the statement, that growing animal forage crops and other non-human foods for export is not now and never will be as important as ensuring that our communities have plentiful and fresh, clean water. These rules must have a carve out for allowing new water rights for all municipalities because the volume of water that they use is so small compared to irrigation, and the value of their water use is so much greater than irrigation, especially the export crops that effectively ship our groundwater out of state.

Thank you very much for the time to be here today and share this information. And despite our strident, if not strong critique on some of these issues, we support this rulemaking unequivocally. Thank you.