

MARIJUANA AND EXEMPT WELLS

**Cannabis Environmental Best Practices Task Force
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Oregon Water Resources Department

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Recap: Use of Water to Grow a Commercial Crop

Use of water requires a legal source:

- Water right for surface or groundwater
 - Considerations: Season of use, place of use, quantity, type of use, etc., & other conditions
 - Existing, New, or Transfer
- Water provider
- Source that does not require a water right

WRD does not regulate based on crop

Recap: OLCC Requirements

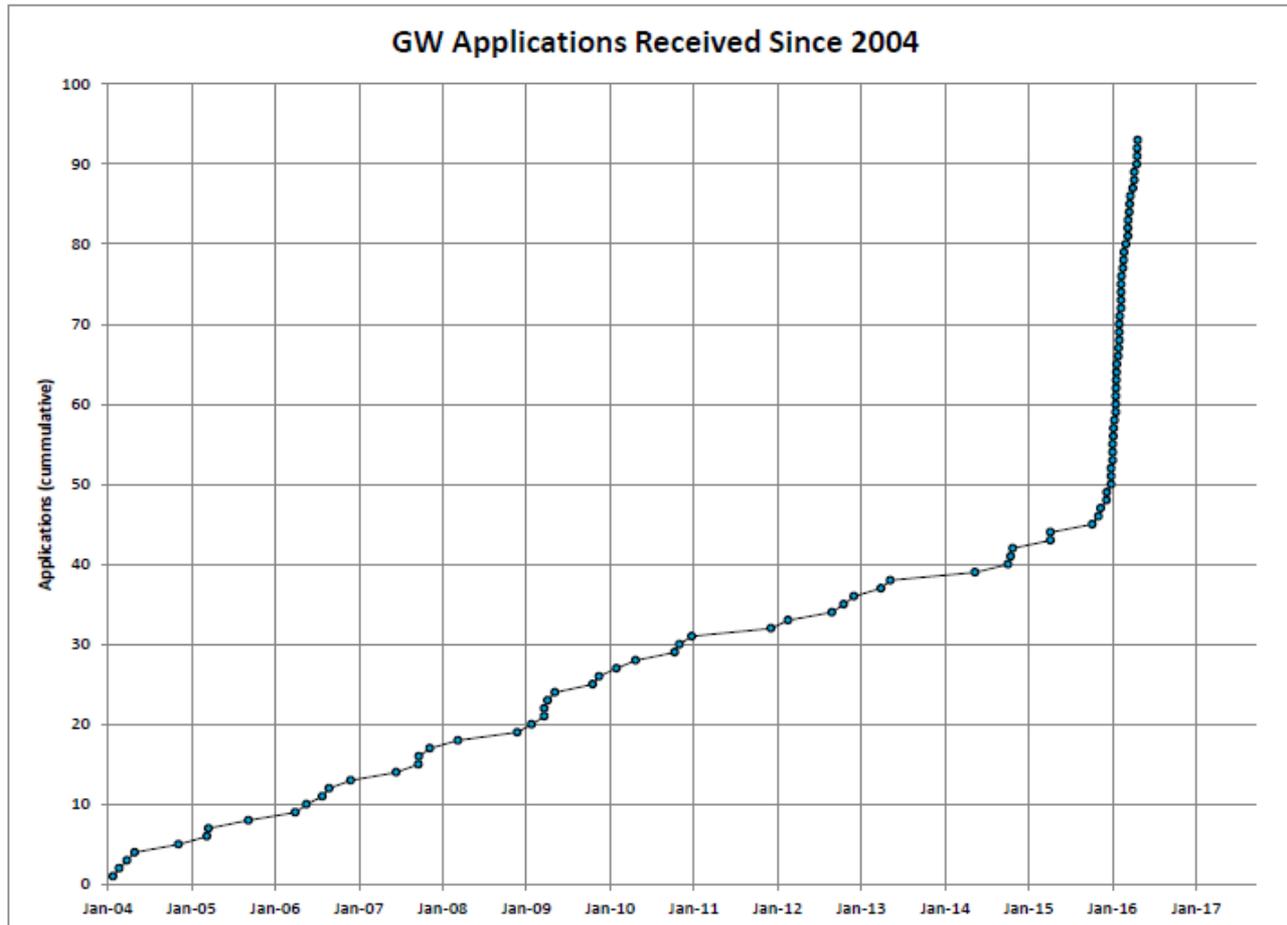
- Evidence of a legal source of water to obtain producer's license
- Annual reporting of water use to OLCC
- WRD believes that OLCC requirements are generally working well

A few observations

Southwest Oregon:

- Increase in new groundwater right applications; may not be able to approve some due to limited water
- Paying for water to be trucked in
- Some rainwater harvesting from impervious surface

Rogue Basin GW Applications



Challenges

- Distinguishing between licensed medical and unlicensed growing operations; this goes beyond water.
- Increased number of complaints and concerns about water use, illegal uses, and impacts on neighboring wells.
- Determining whether a medical operation is *commercial*.
- History...

Refresher: Groundwater Exemptions

- Groundwater Exemptions:
 - Commercial/Industrial Use of 5,000 gallons per day
 - Irrigation of ½ acre lawn or NONCOMMERCIAL GARDEN
 - Others: Not applicable
- Today: No groundwater exemptions to irrigate commercial crop

Groundwater Exemptions

- Irrigation ½ acre noncommercial garden
 - Challenge – Is operation noncommercial?
- Medical Marijuana History
 - 1998 – no reimbursement = noncommercial
 - 2005 – cardholders reimburse for costs, no labor
 - 2013 – dispensaries authorized, reimburse “normal and customary costs of business”
 - 2015 – cardholders reimburse for all costs of production; language limiting dispensary reimbursement removed

Groundwater Exemptions

- Irrigation $\frac{1}{2}$ acre noncommercial garden
- Challenge – Is operation noncommercial?
 - 1998 medical marijuana = noncommercial
 - 2015 medical marijuana = some are commercial
some are not

Groundwater Exemptions

- Issues extend beyond marijuana: flowers, farm stands, wineries, other small-scale agricultural production
- Department has not taken a position on whether legislation is necessary to address this matter.

Groundwater Exemptions

- **Legislation, if proposed:**
 - **Holistically address small commercial irrigation without distinguishing crop; add 5,000 gpd exemption, likely require sideboards to pass**
 - **Allow exemption for small growing options that donate, but are not reimbursed**
 - **Other options not identified**
- **WRD does not have a position on legislation**

Questions



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