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
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

GW Applications Received Since 2004
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...
Groundwater Exemptions:

- Commercial/Industrial Use of 5,000 gallons per day
- Irrigation of \( \frac{1}{2} \) 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 ½ acre noncommercial garden
- Challenge – Is operation noncommercial?
  - 1998 medical marijuana = noncommercial
  - 2015 medical marijuana = some are commercial some are not
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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