

Testimony in Opposition to SB 1154

From: James Best

Multigenerational Family Farmer

Dayton, Oregon

Dear Members of the Senate Committee on Natural Resources and Wildfire,

I write to you as a multigenerational family farmer from Dayton, Oregon, whose family has been stewarding the land and water resources for generations. I strongly oppose SB 1154 and its proposed amendments, as they represent a dangerous expansion of government power that threatens not just our farming operations, but the fundamental rights of Oregon's agricultural community.

Specific Concerns:

1. Unprecedented Government Control Over Water Rights

The bill creates a new framework that would allow state agencies to declare "ground water quality concern areas" with minimal oversight. Section 2 of the bill (ORS 468B.175) gives the Department of Environmental Quality broad authority to recommend declarations based on "suspected" contamination, without requiring definitive proof. This creates a system where farmers could face restrictions based on suspicion rather than scientific evidence.

2. Erosion of Property Rights

The proposed amendments to ORS 537.775 and 537.780 grant the Water Resources Commission sweeping powers to:

- Order the discontinuance of well use
- Impose conditions on well usage
- Order permanent abandonment of wells
- Enter private property for inspection

These provisions effectively strip property owners of their rights to manage their own water resources.

3. Burdensome Monitoring Requirements

Section 537.101 and 540.435 introduce new mandatory water measurement and reporting requirements that would:

- Force farmers to install expensive measuring devices
- Require annual water use reporting
- Create significant financial burdens for family farms
- Give government agencies unprecedented access to private water usage data

4. Centralized Control Through Interagency Teams

The bill establishes a new bureaucratic structure where:

- The Governor appoints "lead agencies" without local input
- Multiple state agencies can enter private property for inspections
- Local knowledge and experience are disregarded in favor of centralized decision-making
- Farmers become subject to overlapping regulations from multiple agencies

5. Constitutional Concerns

The bill's approach raises serious constitutional issues:

- It treats water as government property rather than a private right
- It creates a system where water usage becomes a privilege granted by the state
- It establishes excessive government monitoring of private property
- It undermines the principle of limited government
- It deviates from the fundamental principle that "We the People" are the foundation of our constitutional republic

A Better Approach: Empowering Citizens Through Partnership

If the state is genuinely concerned about well conditions and water quality, there is a more effective and constitutional approach: Instead of creating new layers of bureaucracy and enforcement, the state should:

1. Redirect funds from hiring additional bureaucrats to providing grants that would:

- Help landowners voluntarily upgrade and maintain their wells
- Support farmers in implementing best practices for water management
- Enable property owners to conduct their own water quality testing
- Fund educational programs for sustainable water use

2. Replace the punitive approach with a partnership model that:

- Respects landowners as the primary stewards of their property
- Provides incentives rather than penalties
- Recognizes that farmers have the greatest interest in maintaining water quality
- Builds on existing knowledge and experience in agricultural communities

3. Focus on empowerment rather than regulation by:

- Making technical assistance readily available
- Providing financial support for voluntary improvements
- Creating programs that reward good stewardship
- Building trust between government and landowners

The current approach of "punishment capitalism" has gone too far. Instead of treating citizens as subjects to be monitored and regulated, we should return to our constitutional

roots where government exists to serve and empower its citizens. Any deviation from this principle is indeed an attack on freedom itself.

As a multigenerational farmer, my family has always been responsible stewards of our water resources. We understand that clean water is essential for our crops, our community, and future generations. However, this bill threatens to:

1. Transform water from a fundamental right into a government-controlled resource
2. Create unnecessary financial burdens for family farms
3. Establish a system of constant monitoring and reporting
4. Give government agencies unprecedented control over private property
5. Undermine the traditional rights of property owners

The bill's language suggests a move toward treating citizens as resources to be monitored and regulated rather than as free individuals with inherent rights. This approach is fundamentally at odds with the principles of limited government and individual liberty that our state and nation were founded upon.

I urge you to consider the real-world impact this legislation would have on Oregon's family farms. Instead of creating new layers of regulation and monitoring, we should focus on supporting farmers who are already implementing sustainable water management practices.

Specific Recommendations:

1. Remove the mandatory water measurement and reporting requirements
2. Eliminate the broad powers given to agencies to enter private property
3. Require definitive scientific evidence before declaring water quality concern areas
4. Include local agricultural representation in any decision-making processes
5. Protect existing water rights from arbitrary government interference

6. Replace enforcement with grant programs for voluntary improvements
7. Focus on partnership and empowerment rather than regulation and penalties

I respectfully request that you oppose SB 1154 and its amendments and instead work with Oregon's farming community to develop solutions that respect our rights while protecting our water resources for future generations.

I will not be silent while something so important as access to water is under attack in the name of safety. I urge the sponsors of these bills to work with actual landowners and scientists and de-enlist efficiency agencies and financial consultants.

Sincerely,

James Best

Multigenerational Family Farmer

Dayton, Oregon