

Oregon's Stockwatering Loophole Is a Giveaway to Big Ag

For far too long, massive factory farms have exploited an antiquated loophole in Oregon's water law to guzzle unlimited water resources. A 2023 bill temporarily closed this stockwatering loophole for new or some expanding facilities, limiting factory farm groundwater withdrawals until September 2027.¹ But Oregon's water woes will not evaporate by 2027; climate change is making Oregon increasingly vulnerable to drought, and could increase average temperature by as much as 9.1 degrees Fahrenheit by the end of the century.² As of April 2026, over 70 percent of Oregon was experiencing drought conditions, and record-low snowpack will only worsen the situation.³ This is no time to backslide at the behest of Big Ag. Oregon must permanently close the stockwatering loophole and ensure that water resources are protected for people and ecosystems, not Big Ag.

The Gift of the Stockwatering Loophole

Oregon's water laws follow the principle of prior appropriation, also called "first in time, first in right." Water reductions during shortages are first cut from newer permit holders, while the oldest water users can continue to use their full water obligations, assuming there is enough water to meet said obligations.⁴ The government established this system for new claims on surface water in the 1909 Water Code, with subsequent claims no longer following the prior system, where rights were tied to land and use. Groundwater permitting requirements followed in 1927 for the eastern half of the state and expanded statewide in 1955.⁵ Water withdrawals must be for a broadly defined "beneficial purpose," and water rights must be used at least once every five years to avoid forfeiture.⁶ In reviewing permit applications, the Oregon Water Resources Department considers factors like available water quantity, local land use restrictions, and potential water quality issues.⁷

Yet there is a massive loophole lurking in this antiquated policy. Certain uses such as firefighting, fish management, and noncommercial gardens are exempt from needing any permits. Stockwater — drinking water given to livestock — enjoyed this exemption until the 2023 bill temporarily closed it for new or expanding factory farms. Before then, established factory farms could guzzle as much water as they'd like for stockwatering, a privilege no other agricultural sector enjoys.⁸

This may have worked in 1909, but the rapid rate of consolidation in animal agriculture has created an unrecognizable industry. In 1900, the average Oregon dairy farm had just four dairy cows.⁹ Today, the state's large dairies (those with over 700 cows) confine an average of 3,300 dairy cows and calves. The largest, Tier 2 dairies (those with over 2,500 cows), confine an average of nearly 11,000.¹⁰ Meanwhile, there were less than half as many family-scale dairy farms (those with fewer

than 500 head) in 2022 compared to 2002.¹¹ The staggering scale of water used by these mega-dairies and other factory farms far exceeds the needs of small producers.¹²

Yet, under the stockwatering loophole, all livestock farms can withdraw unlimited amounts of water from Oregon's finite water supplies. The state legislature moved to partially and temporarily end this outdated loophole with Senate Bill 85 in 2023, which capped stockwatering withdrawals at 12,000 gallons of water per day for new or some expanding factory farms.¹³ Even this remains exceedingly generous to factory farms, as industrial and commercial users operating under the same loophole were already capped at 5,000 gallons per day — less than half of the updated stockwatering exemption.¹⁴

Moreover, existing factory farms were not included in the cap; they need to only file water supply plans to renew their permits and are allowed to continue drawing water without limits.¹⁵ Water supply plans require an owner to list all sources of water to be used by the facility and now, thanks to S.B. 85, to include estimated stockwater usage.¹⁶ The restrictions brought by S.B. 85, however, sunset in September 2027,¹⁷ which will completely reopen the loophole and return Oregon's water system to one that prioritizes factory farms over people.

Egregious Water Guzzling

Food & Water Watch (FWW) estimated the amount of water needed for drinking water by all large^a dairy, beef, and poultry factory farms in Oregon. Together, the state's 125 large factory farms currently require an estimated 4.3 billion gallons each year for drinking water — or 11.7 million gallons every day. This is enough water to supply 278,000 people with their daily water needs or to fill up over 17 Olympic-sized pools every day. The largest facilities, Large Tier 2 operations, guzzle 77 percent of this water, or 3.3 billion gallons each year.²⁴

Large dairies are Oregon's largest industrial abuser of water, accounting for about half of the estimated total stockwater needs — nearly 6 million gallons every day. FWW estimates that Threemile Canyon Farms (TMCF) in Boardman — Oregon's largest mega-dairy — requires approximately 900 million gallons of stockwater each year for its dairy operations, plus an additional 56 million gallons for its heifer operations. TMCF alone accounts for over 40% of all stockwater needed by large dairy factory farms in the state.²⁵

Inventions Newer Than the Stockwatering Loophole

Codified in 1909, Oregon's stockwatering exemption is out of touch with the explosive growth in factory farming. This loophole is older than the following:

- Television ¹⁸
- Refrigerated trucks ¹⁹
 - Penicillin ²⁰
 - Bubblegum ²¹
- Automatic toaster ²²
- Polio & flu vaccines ²³

^a "Large Tier 1" is defined by Oregon law as 700-2,499 dairy cows, 1,000-3,499 cattle, or 30,000-124,999 poultry with liquid waste systems. "Large Tier 2" is defined as 2,500+ dairy cows, 3,500+ cattle, or 125,000+ poultry with liquid waste systems. See Oregon Administrative Rules § 603-074-0011 (2024).

Currently, over two-thirds of Oregon's large factory farms require more than 12,000 gallons of drinking water each day based on headcount at last inspection — as do nearly 30 percent of medium-sized ones.²⁶ Yet only new and expanding operations are beholden to the temporary 12,000-gallon cap on stockwater set by the 2023 law,²⁷ underscoring the need to expand the law to cover new use by *all* factory farms. If all dairy and beef factory farms in Oregon were operating as permitted, all but two large farms would exceed the daily stockwater threshold.²⁸

Moreover, evidence suggests that Oregon's Department of Agriculture (ODA) is not vetting the applications and water supply plans of new factory farms as stringently as it should be. Columbia River Ranch, a new Large Tier 2 factory farm beholden to the daily water threshold, incorrectly estimated its water use on its permit application and undercounted by around 50,000 gallons per day. When FWW and allies alerted ODA to this glaring error, the agency rushed to correct the permit. Yet the corrected permit *still* failed to account for where all the needed stockwater exceeding the 12,000 gallon per day limitation will come from.²⁹ In spite of advocates raising these concerns, ODA approved Columbia River Ranch's permit.³⁰ ODA should not overlook such errors. Oregon needs more stringent oversight to ensure that factory farms are following the law — in addition to permanently closing the stockwatering loophole.

Trickle-Down Effects on Water Quality

Guzzling water resources goes hand in hand with factory farming's water pollution. Oregon's large dairies and beef feedlots combined produce over 8 billion pounds of manure every year,³¹ overwhelming the land's capacity to absorb it. Unlike human sewage, livestock waste is not typically treated before being sprayed on farmland.³² Factory farms may overapply manure beyond what land can absorb, resulting in contaminants including nitrates flowing into surface waters.³³ This is a major public health threat: long-term consumption of water contaminated with nitrate is associated with significantly increased risk for ovarian, bladder, thyroid, and kidney cancers, even at levels under the 10 milligram per liter (mg/L) federal drinking water standard.³⁴ These standards don't help rural residents relying on private wells, who must pay for their own testing and remediation.³⁵

This is not a new problem, although it is worsening.³⁶ Mega-dairies in particular have wreaked havoc on communities in eastern Oregon for years. The state's Department of Environmental Quality (DEQ) identified the Lower Umatilla Basin in northeastern Oregon (home to TMCF and several other factory farms) as having dangerously elevated nitrate levels, declaring the area a Groundwater Management Area (GWMA) in 1990.³⁷ Well testing conducted in 2023 found that 40 percent of wells in the GWMA exceeded the federal drinking water limit (10 mg/L), and half exceeded 7 mg/L, Oregon's trigger level for declaring GWMA's. Nitrate concentrations have been increasing for the past 32 years.³⁸ Focused groundwater well testing within TMCF grounds found sky-high nitrate concentrations far above the legal limit, with most samples seeing a trend of increasing concentrations.³⁹

Nearby, the notorious Lost Valley mega-dairy continually contaminated nearby groundwater, racking up over 200 violations and nearly \$200,000 in fines between October 2017 and August 2018 — the largest fine amount ever issued to a concentrated animal feeding operation (CAFO) by the ODA in a given year. After a state lawsuit, a cancelled contract with the Tillamook County Creamery Association, and a bankruptcy filing, Lost Valley shut down operations in 2018, and Easterday Dairy

purchased the facility the following year. Following scandalous legal troubles for the Easterday family, the DEQ slapped the Easterday facility with over 50 environmental violations ranging from fertilizer runoff to nitrate contamination. Easterday Dairy sold the facility in 2023, and the new owners decommissioned the facility just a year later, but the groundwater remained contaminated with nitrate levels over 10 mg/L.⁴⁰

Conclusion

It is abundantly clear that Oregon's stockwatering exemption is antiquated and detrimental to the well-being of our communities and environment. Big Ag cannot be allowed to both guzzle billions of gallons of water each year and contaminate local water resources. Allowing this stockwatering loophole to fully open again is a gift to industrial animal agriculture at the expense of Oregon's water security. Oregon is facing unprecedented water scarcity and drought, and we need our elected leaders to take action to reduce industrial water use, not increase their water usage without limits. **Oregon must pass legislation to permanently end the stockwatering exemption and to cap stockwater at 12,000 gallons per day for all new use by new and expanding factory farms.**

Methodology

Food & Water Watch (FWW) obtained a spreadsheet of concentrated animal feeding operations (CAFOs) registered with the Oregon Department of Agriculture (ODA) via a public records request. The spreadsheet includes facility names, inventories, and total permitted livestock, while also classifying farms by size. "Large Tier 1" refers to facilities with 700 to 2,499 dairy cows, 1,000 to 3,499 cattle, or 30,000 to 124,999 broiler or layer chickens with liquid waste systems. "Large Tier 2" refers to facilities with 2,500+ dairy cows, 3,500+ cattle, or 125,000 chickens with liquid waste systems.⁴¹ FWW refers to both as "large" factory farms. For this report, each entry is counted as one farm but may be combined for water totals across facilities.

FWW used drinking water estimates per head provided by the ODA, which differ by livestock type (e.g., feeder cattle, milking cow, calves, broiler chickens, laying hens, and pullets).⁴² We applied these drinking water estimates to each CAFO listed in the ODA spreadsheet. We used the drinking water estimates for feeder cattle for all beef ranches and feedlots with "Mature" cattle, as the spreadsheet provided no further delineation. We used the milking cow water estimate for the category "Milking/Dry Cow" for the same reason. We estimated calves on their own for each type of cattle facility. We split up poultry facilities appropriately and estimated water use by broilers, layers, and pullets individually, as specified in the CAFO spreadsheet provided.

We used the State of California's target of 42 gallons per person per day as our basis for residential indoor water needs.⁴³

Endnotes

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