

ANALYSIS OF **F**

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House Agriculture & Ecology Committee
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Requires that a well completed into a confined aquifer be allowed to flow freely for public uses under certain circumstances.

BACKGROUND:

The Groundwater Code prohibits groundwater that has been withdrawn from being wasted without economical beneficial use. The Department of Ecology (DOE) must require that flowing wells be capped or equipped with valves so that the flow of water can be completely stopped when the wells are not in use under the terms of the water rights or permits for the wells. Both flowing and nonflowing wells must be constructed and maintained to prevent the waste of groundwater through leaky casings, pipes, fittings, valves, or pumps. (RCW 90.44.110.)

DOE has issued an administrative order requiring the decommissioning or repair and sealing of a well located in downtown Olympia. The order followed an inspection by the department in which it found an unchecked artesian flow from the well, which the order states is in violation of the Groundwater Code. (Order No. DE 98WR-S150.) The date by which the well must be decommissioned or repaired has been extended to January 23, 2000. (Order Amendment dated 1/7/99.)

In sections and communities where the use of water for irrigation purposes is necessary or customary, it is the duty of each person or entity possessing or controlling an artesian well to securely cap the well annually from October 15th to March 15th to prevent the flow or escape of water from the well. (RCW 90.36.020 and 90.36.030.)

SUMMARY:

A well completed into a confined aquifer must be allowed to flow freely for public uses if the well is constructed according to state law and agency rules, has a discharge rate not exceeding 12 gallons/minute, and is owned, operated, and maintained by a recognized public body. The well must be within the limits of a city operating under the optional municipal code with a population of 36,000 or more and located within a county with a population of less than 400,000 and located west of the Cascade Mountains.

The public body—owning, operating, and maintaining the well may be the state or any agency, political subdivision, taxing district, or municipal or public corporation of the state. The operator of the well must ensure the unused portion of the flow is piped from the well head and discharged directly into a surface water body within the limits of the city and the discharge cannot allow for any degradation of water quality.