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HOUSE BILL 1915

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Romero, DeBolt, Wolfe, Haigh and Alexander

Read first time 02/10/1999. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to regulation of free flowing wells within the city  
2 limits of Olympia; and amending RCW 90.36.030 and 90.44.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.36.030 and 1929 c 138 s 2 are each amended to read  
5 as follows:

6 (1) It shall be the duty of every person, firm, corporation or  
7 company having possession or control of any artesian well, as provided  
8 in RCW 90.36.020, to securely cap the same over on or before the  
9 fifteenth day of October in each and every year in such manner as to  
10 prevent the flow or escape of water therefrom, and to keep the same  
11 securely capped and prevent the flow or escape of water therefrom until  
12 the fifteenth day of March next ensuing; PROVIDED, HOWEVER, It shall  
13 and may be lawful for any such person, firm, corporation or company to  
14 insert a three-quarters inch stop and waste cock in the piping of such  
15 well, and to take and use water therefrom through such stop and waste  
16 cock at any time for household, stock, or domestic purposes, but not  
17 otherwise.

18 (2)(a) The regulations set forth in subsection (1) of this section  
19 are subject to exceptions stated in this subsection.

1       (b) Any well constructed according to the well construction  
2 regulations completed into a confined aquifer that results in a flowing  
3 well with a discharge rate not to exceed ten gallons per minute may  
4 flow freely for public use within the city limits of Olympia if that  
5 flowing well is owned, operated, and maintained by a public body.

6       (c) The operator of the well shall ensure that the unused portion  
7 of the flow is piped from the well head and discharged directly into a  
8 surface water body within the city limits of Olympia, and shall ensure  
9 that the discharge does not allow any degradation of water quality.

10       (d) For purposes of this section, "public body" means the state of  
11 Washington or any agency, political subdivision, taxing district, or  
12 municipal or public corporation thereof.

13       **Sec. 2.** RCW 90.44.110 and 1987 c 109 s 114 are each amended to  
14 read as follows:

15       (1) No public ground waters that have been withdrawn shall be  
16 wasted without economical beneficial use. The department shall require  
17 all wells producing waters which contaminate other waters to be plugged  
18 or capped. The department shall also require all flowing wells to be  
19 so capped or equipped with valves that the flow of water can be  
20 completely stopped when the wells are not in use under the terms of  
21 their respective permits or approved declarations of vested rights.  
22 Likewise, the department shall also require both flowing and nonflowing  
23 wells to be so constructed and maintained as to prevent the waste of  
24 public ground waters through leaky casings, pipes, fittings, valves, or  
25 pumps--either above or below the land surface: PROVIDED, HOWEVER, That  
26 the withdrawal of reasonable quantities of public ground water in  
27 connection with the construction, development, testing, or repair of a  
28 well shall not be construed as waste; also, that the inadvertent loss  
29 of such water owing to breakage of a pump, valve, pipe, or fitting  
30 shall not be construed as waste if reasonable diligence is shown by the  
31 permittee in effecting the necessary repair.

32       (2) In the issuance of an original permit, or of an amendment to an  
33 original permit or certificate of vested right to withdraw and  
34 appropriate public ground waters under the provisions of this chapter,  
35 the department may, as in his judgment is necessary, specify for the  
36 proposed well or wells or other works a manner of construction adequate  
37 to accomplish the provisions of this section.

1       (3)(a) The regulations set forth in subsections (1) and (2) of this  
2 section are subject to exceptions stated in this subsection.

3       (b) Any well constructed according to the well construction  
4 regulations completed into a confined aquifer that results in a flowing  
5 well with a discharge rate not to exceed ten gallons per minute may  
6 flow freely for public use within the city limits of Olympia if that  
7 flowing well is owned, operated, and maintained by a public body.

8       (c) The operator of the well shall ensure that the unused portion  
9 of the flow is piped from the well head and discharged directly into a  
10 surface water body within the city limits of Olympia, and shall ensure  
11 that the discharge does not allow any degradation of water quality.

12       (d) For purposes of this section, "public body" means the state of  
13 Washington or any agency, political subdivision, taxing district, or  
14 municipal or public corporation thereof.

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