
SENATE BILL 5810

State of Washington

56th Legislature

1999 Regular Session

By Senators Fraser, T. Sheldon and Swecker

Read first time 02/10/1999. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to allowing for regulation of flowing wells within
2 city limits; 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) Except as provided in subsections (2) and (3) of this section,
7 it shall be the duty of every person, firm, corporation or company
8 having possession or control of any artesian well, as provided in RCW
9 90.36.020, to securely cap the same over on or before the fifteenth day
10 of October in each and every year in such manner as to prevent the flow
11 or escape of water therefrom, and to keep the same securely capped and
12 prevent the flow or escape of water therefrom until the fifteenth day
13 of March next ensuing(~~(; PROVIDED, HOWEVER,~~)).

14 (2) It shall and may be lawful for any such person, firm,
15 corporation or company to insert a three-quarters inch stop and waste
16 cock in the piping of such well, and to take and use water therefrom
17 through such stop and waste cock at any time for household, stock, or
18 domestic purposes, but not otherwise.

1 (3) Any well constructed according to the well construction rules
2 completed into a confined aquifer, that results in a flowing well with
3 a discharge rate not to exceed ten gallons per minute, shall be allowed
4 to flow freely for public uses within the Olympia city limits.
5 However, the flowing well shall be owned, operated, and maintained by
6 a recognized public body. The operator of the well shall ensure the
7 unused portion of the flow shall be piped from the well head and
8 discharged directly into a surface water body within the city limits of
9 Olympia. The discharge should not allow for any degradation of water
10 quality. As used in this subsection, "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15 (1) No public ground waters that have been withdrawn shall be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. Except as provided in
17 subsections (2), (3), and (4) of this section, the department shall
18 require:

19 (a) All wells producing waters which contaminate other waters to be
20 plugged or capped(~~(. The department shall also require))~~); and

21 (b) All flowing wells to be so capped or equipped with valves that
22 the flow of water can be completely stopped when the wells are not in
23 use under the terms of their respective permits or approved
24 declarations of vested rights(~~(. Likewise, the department shall also~~
25 require))); and

26 (c) Both flowing and nonflowing wells to be so constructed and
27 maintained as to prevent the waste of public ground waters through
28 leaky casings, pipes, fittings, valves, or pumps--either above or below
29 the land surface(~~(: PROVIDED, HOWEVER, That))~~).

30 (2) The withdrawal of reasonable quantities of public ground water
31 in connection with the construction, development, testing, or repair of
32 a well shall not be construed as waste(~~(: also, that))~~).

33 (3) The inadvertent loss of ((such)) water owing to breakage of a
34 pump, valve, pipe, or fitting shall not be construed as waste if
35 reasonable diligence is shown by the permittee in effecting the
36 necessary repair.

37 (4) Any well constructed according to the well construction rules
38 completed into a confined aquifer, that results in a flowing well with

1 a discharge rate not to exceed ten gallons per minute, shall be allowed
2 to flow freely for public uses within the Olympia city limits.
3 However, the flowing well shall be owned, operated, and maintained by
4 a recognized public body. The operator of the well shall ensure the
5 unused portion of the flow shall be piped from the well head and
6 discharged directly into a surface water body within the city limits of
7 Olympia. The discharge should not allow for any degradation of water
8 quality. As used in this subsection, "public body" means the state of
9 Washington or any agency, political subdivision, taxing district, or
10 municipal or public corporation thereof.

11 (5) In the issuance of an original permit, or of an amendment to an
12 original permit or certificate of vested right to withdraw and
13 appropriate public ground waters under the provisions of this chapter,
14 the department may, as in ~~((his))~~ its judgment is necessary, specify
15 for the proposed well or wells or other works a manner of construction
16 adequate to accomplish the provisions of this section.

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