
SUBSTITUTE SENATE BILL 5810

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators Fraser, T. Sheldon and Swecker)

Read first time 02/26/99.

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~~) is 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 completed into a confined aquifer shall be allowed to
2 flow freely for public uses if:

3 (a) The well is constructed according to state law and agency rules
4 pertaining to well construction;

5 (b) The well has a discharge rate not to exceed twelve gallons per
6 minute;

7 (c) The well is within the limits of a city operating under the
8 optional municipal code with a population of thirty-six thousand or
9 more and located within a county with a population of less than four
10 hundred thousand that is west of the crest of the Cascade mountains;

11 (d) The well is owned, operated, and maintained by a recognized
12 public body;

13 (e) The operator of the well ensures the unused portion of the flow
14 is piped from the well head and discharged directly into a surface
15 water body within the limits of the city; and

16 (f) The discharge does not allow for any degradation of water
17 quality.

18 As used in this subsection, "public body" means the state of
19 Washington or any agency, political subdivision, taxing district, or
20 municipal or public corporation thereof.

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

23 (1) No public ground waters that have been withdrawn shall be
24 wasted without economical beneficial use. Except as provided in
25 subsections (2), (3), and (4) of this section, the department shall
26 require:

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

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

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

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

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

8 (4) Any well completed into a confined aquifer shall be allowed to
9 flow freely for public uses if:

10 (a) The well is constructed according to state law and agency rules
11 pertaining to well construction;

12 (b) The well has a discharge rate not to exceed twelve gallons per
13 minute;

14 (c) The well is within the limits of a city operating under the
15 optional municipal code with a population of thirty-six thousand or
16 more and located within a county with a population of less than four
17 hundred thousand that is west of the crest of the Cascade mountains;

18 (d) The well is owned, operated, and maintained by a recognized
19 public body;

20 (e) The operator of the well ensures the unused portion of the flow
21 is piped from the well head and discharged directly into a surface
22 water body within the limits of the city; and

23 (f) The discharge does not allow for any degradation of water
24 quality.

25 As used in this subsection, "public body" means the state of
26 Washington or any agency, political subdivision, taxing district, or
27 municipal or public corporation thereof.

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

--- END ---