

IN THE SENATE

SENATE BILL NO. 1001

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO WELLS; AMENDING SECTION 42-1607, IDAHO CODE, TO REMOVE OBSOLETE
2 RULEMAKING PROVISIONS REGARDING A COST-SHARING PROGRAM FOR THE REPAIR
3 OR PLUGGING OF WELLS AND TO MAKE TECHNICAL CORRECTIONS.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 42-1607, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 42-1607. INVENTORY OF ARTESIAN WELLS -- PLUGGING WELLS. (1) The direc-
9 tor of the department of water resources shall initiate a program to inven-
10 tory and locate artesian wells throughout the state.

11 (2) The director of the department of water resources shall plug
12 abandoned artesian wells or artesian wells where the owner cannot be ascer-
13 tained.

14 (3) For artesian wells which are not in compliance with Idaho minimum
15 well construction standards, the owner shall be required to have the well re-
16 paired in compliance with Idaho minimum well construction standards promul-
17 gated pursuant to section 42-238, Idaho Code, so as to preclude the wasting
18 or commingling of water. The repairs shall be paid for by the owner of the
19 well, and, if repairs are not made within a maximum of one (1) year following
20 notification, the director of the department of water resources may order
21 the owner to plug the well. The director, upon good cause shown, may grant
22 an additional time period not in excess of two (2) years for the owner to make
23 repairs of the well. If the well is not plugged within thirty (30) days of the
24 order, or other longer time period as provided in the order, the director may
25 plug or cause the well to be plugged at the owner's expense. For the period
26 of July 1, 1987, to June 30, 1992, the director of the department of water re-
27 sources shall promulgate rules to implement a cost-sharing program to assist
28 owners of wells which have been ordered repaired or plugged pursuant to this
29 subsection. The rules shall provide that up to fifty percent (50%) of the
30 cost of the repairs or plugging shall be paid by the department of water re-
31 sources based on an applicant's ability to pay and moneys available for this
32 purpose.

33 (4) Any person owning or controlling an artesian well which has been
34 ordered repaired or plugged by the director of the department of water re-
35 sources pursuant to subsection (3) of this section shall be liable for the
36 costs of the repair or plugging if it was undertaken by the department of wa-
37 ter resources. All moneys owed under the provisions of this section shall be
38 paid to the director. The director shall charge interest on the amount owed
39 in an amount no greater than twelve percent (12%) per annum. The director
40 shall deposit all moneys collected into the water administration account.
41 Moneys owed pursuant to the provisions of this section shall be collected in

1 a civil action brought in the district court in accordance with subsection
2 (5) of this section.

3 (5) Any person aggrieved by a final order of the director entered pur-
4 suant to the provisions of this section may appeal to the district court
5 within twenty-eight (28) days of the issuance of the order. The appeal shall
6 be heard and determined in accordance with chapter 52, title 67, Idaho Code.
7 The director through the attorney general may petition the district court
8 for injunctive relief or a temporary restraining order to prevent irrepara-
9 ble damage pending the outcome of proceedings before the director pursuant
10 to the provisions of this section. The director through the attorney general
11 may commence a civil action in the district court to enforce the provisions
12 of any final order of the director issued pursuant to the provisions of this
13 section.