



LEGISLATURE OF THE STATE OF IDAHO



Sixty-fifth Legislature

First Regular Session - 2019

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO WELLS; AMENDING SECTION 42-1607, IDAHO CODE, TO REMOVE OBSOLETE RULEMAKING PROVISIONS REGARDING A COST-SHARING PROGRAM FOR THE REPAIR OR PLUGGING OF WELLS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

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

42-1607. INVENTORY OF ARTESIAN WELLS -- PLUGGING WELLS. (1) The director of the department of water resources shall initiate a program to inventory and locate artesian wells throughout the state.

(2) The director of the department of water resources shall plug abandoned artesian wells or artesian wells where the owner cannot be ascertained.

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

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