



February 16, 2019

RE: HB 2331- Establishing a Specific Statute of Limitations on Enforcement of Groundwater Well Construction

Water Systems Council submits this statement in support of HB 2331. Passage of the bill would promote preservation of groundwater resources and responsible water well construction. Founded in 1932, Water Systems Council is the only national nonprofit organization with programs focused solely on private water wells and small, shared wells. More than 15 million households in the United States are served by these wells according to the 2015 U.S. Census American Housing Survey. Water Systems Council is committed to ensuring that Americans who depend on water wells have safe, reliable drinking water, and to preserving important groundwater resources.

Members of Water Systems Council include major manufacturers of components for wells and other small water well systems, leading distributors and manufacturer representatives for those components, state associations of well contractors and groundwater professionals, and other drinking water organizations and individuals in the water well industry. Water Systems Council provides a number of services on behalf of its members. These services include serving as an educational resource for water well owners, regulators and policymakers, and spearheading the development of performance standards for wells and well components.

Jesse J. Richardson, Jr. is an attorney with over 30 years of experience representing clients in water law and policy matters. He focuses particularly on groundwater and water well issues. In general, statutes of limitations intend to promote the timely and efficient litigation of claims. Claims should be pursued within a reasonable time while the evidence is fresh. Statutes of limitations also ensure that defendants are given due process and treated fairly.

The defendant should have notice of the claim and the opportunity to collect and preserve evidence. This opportunity is necessary to give the defendant a fair opportunity to defend the claim. Our system of justice seeks to search for the truth. This search may be impaired when claims are delayed by the death of witnesses, fading memories, lost evidence, and lost documents. Finally, statutes of limitations promote judicial efficiency, protecting courts from litigating stale claims.

In this particular situation, the Water Resources Commission immediately receives the well log and has the opportunity and resources to review those logs. Expedious review and resolution of any issues benefits all parties involved, as well as the resource.



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If issues exist, groundwater is endangered. If certain water well contractors fail to fulfill their obligations, those contractors should be identified and required to timely correct any deficiencies. If the Water Resources Commission delays action for years or decades, the contractor may have passed away or moved on.

Finally, expeditious resolution of problems protects the consumer. Landowners should be able to trust that the water well was installed properly and will provide clean, safe water for their families. HB 2331 addresses these issues in a reasonable manner.

With respect to requirements that well contractors update wells to present standards where the well was installed properly according to then existing rules, such a requirement is unique to Oregon. To require replacement at the time of granting a different permit is an extraordinary action with no precedent. Research revealed no other states with similar rules. HB 2331 represents the approach of the vast majority of states and promotes fairness for water well contractors and well owners.

Thank you for the opportunity to submit these comments. If you have any questions, or if we can provide further information or comment, please contact us.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Margaret Martens".

Margaret Martens
Executive Director
Water Systems Council

A handwritten signature in blue ink, appearing to read "Jesse J. Richardson, Jr.".

Jesse J. Richardson, Jr.
Policy and Research Advisor
Water Systems Council

