



Covenants for public water supply protection

Washington State drinking water rules require public water suppliers to protect public drinking water sources. According to the rules, the person who owns or operates a public water system must provide a sanitary control area around wells and springs. The rules prohibit any activity that could contaminate the drinking water source in the sanitary control area.

The required sanitary control area is a radius of 100 feet for wells, and 200 feet for springs. The Department of Health (DOH) may change these distances based on an evaluation of hydro-geological conditions and other factors. Water system owners or operators use covenants to ensure no source of contamination will be constructed, stored, discarded or applied within the sanitary control area.

What is a covenant?

A covenant is a written promise, agreement, or restriction. When applied to public water systems, a covenant is a recorded agreement of the activities and practices prohibited near a particular water source. The purpose of the covenant is to prevent contamination of the water source.

Water suppliers cannot rely upon the authority of state or local agencies to exclude potential sources of contamination in the sanitary control area.

The water system owner or operator is responsible for:

- Declaring or obtaining the covenant(s).
- Recording the covenant in the records office in the county where the property is located.

Two types of covenants protect public water sources

1. **Declaration of Covenant:** used when the water supplier owns the property within the sanitary control area.
2. **Restrictive Covenant:** used when someone other than the water supplier owns all or part of the property in the sanitary control area.

In some cases, the water supplier may need both types of covenants to protect the water source.

How to establish a covenant

Be sure to use the instructions and sample covenants on the following pages together. "Sections" refer to various portions of the covenant(s) you must complete. See the examples for notes on these sections.



Declaration of covenant

When the water supplier owns all or part of the area in the sanitary control area, you should complete a “Declaration of Covenant.” You must record the completed form in the county where the property is located.

See Example 1 for a completed Declaration of Covenant. Here’s how to complete Sections A and B:

Section A – Fill in the legal description of the property on which the water source is located. The description should be specific.

You can provide long or complex legal descriptions as an attachment filed with the covenant (see Attachment A). If you do, you should refer to those attachments in Section A.

Section B – This section refers to the precise location of the drinking water source on the property described in Section A. We recommend you prepare a map showing the location of the well or spring on the property. Attachment A is an example of a map showing the location of a well on a property. Be sure to attach your map to the Declaration of Covenant when you record it.

Restrictive covenants

When someone other than the water supplier owns portions of the sanitary control area, you must obtain a “Restrictive Covenant” from that landowner. You must record the Restrictive Covenant in the county where the property is located.

The water supplier should have the owner of the adjacent property fill out the enclosed Restrictive Covenant. See Example 2. Sections C and D are explained below.

Section C – This section refers to the owner that is granting the restrictive covenant. That is, the property next to the parcel where the water source is located. The legal description of the neighboring parcel should be written here.

Section D – This section references the property where the water source is actually located. Both the description of the property and the water source's location on the property should be written here. The description should be specific. We recommend you use a map to show the location of the source on the water supplier’s property relative to the adjacent property. Be sure to attach the map to the Restrictive Covenant when you record it. See Attachment A for an example.

For more information or assistance:

If you have any questions, please call the nearest DOH regional office:

Northwest Region – Kent: (253) 395-6750

Southwest Region – Tumwater: (360) 236-3030

Eastern Region – Spokane: (509) 329-2100

DECLARATION OF COVENANT

I (we) the undersigned, owner(s) in fee simple of the land described herein, hereby declare this covenant and place same on record.

I (we) the grantor(s) herein, am (are) the owner(s) in fee simple of (an interest to) the following described real estate situated in Thurston County, State of Washington; to wit:

SECTION A

Lot 2 of Short Plat #1234 as recorded in Volume 15 of Short Plats, pages 12-14. Auditor's File No. 1234567. Records of Thurston County, Washington as shown on and described on Attachment "A".

on which the grantor(s) owns and operates a well and waterworks supplying water for public use located on said real estate, at:

SECTION B

50 feet south and 100 feet east of the Northwest corner of Lot 2 of Short Plat 1234, as described and shown on Attachment "A".

and grantor(s) is (are) required to keep the water supplied from said well free from impurities which might be injurious to the public health.

It is the purpose of these grants and covenants to prevent certain practices hereinafter enumerated in the use of said grantor(s) water supply.

NOW, THEREFORE, the grantor(s) agree(s) and covenant(s) that said grantor(s), his (her) (their) heirs, successors and assigns will not construct, maintain, or suffer to be constructed or maintained upon the said land of the grantor(s) and within 100 (One Hundred) feet of the well herein described, so long as the same is operated to furnish water for public consumption, any potential source of contamination. such as septic tanks and drainfields, sewerlines, underground storage tanks, roads, railroad tracks, vehicles, structures, barns, feed stations, grazing animals, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste, or garbage of any kind or description.

These covenants shall run with the land and shall be binding to all parties having or acquiring any right, title, or interest in the land described herein or any part thereof, and shall inure to the benefit of each owner thereof.

WITNESS _____ hand _____ this _____ day of _____, 19____.

Grantor(s)

State of Washington)
County of _____)

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this _____ day of _____, 19____, personally appeared before me _____ to me known to be the individual described in and who executed the within instrument, and acknowledge that he (they) signed and sealed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington, residing at _____
My Commission Expires: _____

RESTRICTIVE COVENANT

The grantor(s) herein is (are) the owner(s) of (an interest in) the following described real estate situated in _____ County, State of Washington.

SECTION C

Lot 1 of Short Plat #1234 as recorded in Volume 15 of Short Plats, pages 12-14. Auditor's File No. 1234567. Records of Thurston County, Washington as shown on and described on Attachment "A".

The grantee(s) herein, own(s) and operate(s) a well and waterworks supplying water for public use, located upon the following described real estate situated in _____ County State of Washington:

SECTION D

50 feet south and 100 feet east of the Northwest corner of Lot 2 of Short Plat 1234, as described and shown on Attachment "A".

which well and waterworks are in close proximity to the land of the grantor(s), and said grantee(s) is (are) required to keep the water supplied from said well free from impurities which might be injurious to the public health.

It is the purpose of these grants and covenants to prevent practices hereinafter enumerated in the use of the said grantor(s) land which might contaminate said water supply.

NOW, THEREFORE, the grantor(s) agree(s) and covenant(s) that said grantee(s), its successors and assigns, said covenants to run with the land for the benefit of the land of the grantee(s), that said grantor(s), his (her) (their) heirs, successors and assigns will not construct, maintain, or suffer to be constructed or maintained upon the said land of the grantor(s) and within 100 (One Hundred) feet of the well herein described, so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as septic tanks and drainfields, sewerlines, underground storage tanks, roads, railroad tracks, vehicles, structures, barns, feed stations, grazing animals, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste, or garbage of any kind or description.

These covenants shall run with the land and shall be binding to all parties having or acquiring any right, title, or interest in the land described herein or any part thereof, and shall inure to the benefit of each owner thereof.

WITNESS _____ hand _____ this _____ day of _____, 19_____.

_____(Seal)

_____(Seal)

Grantor(s)

State of Washington)
County of _____)

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this _____ day of _____, 19_____, personally appeared before me _____ to me known to be the individual described in and who executed the within instrument, and acknowledge that he (they) signed and sealed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

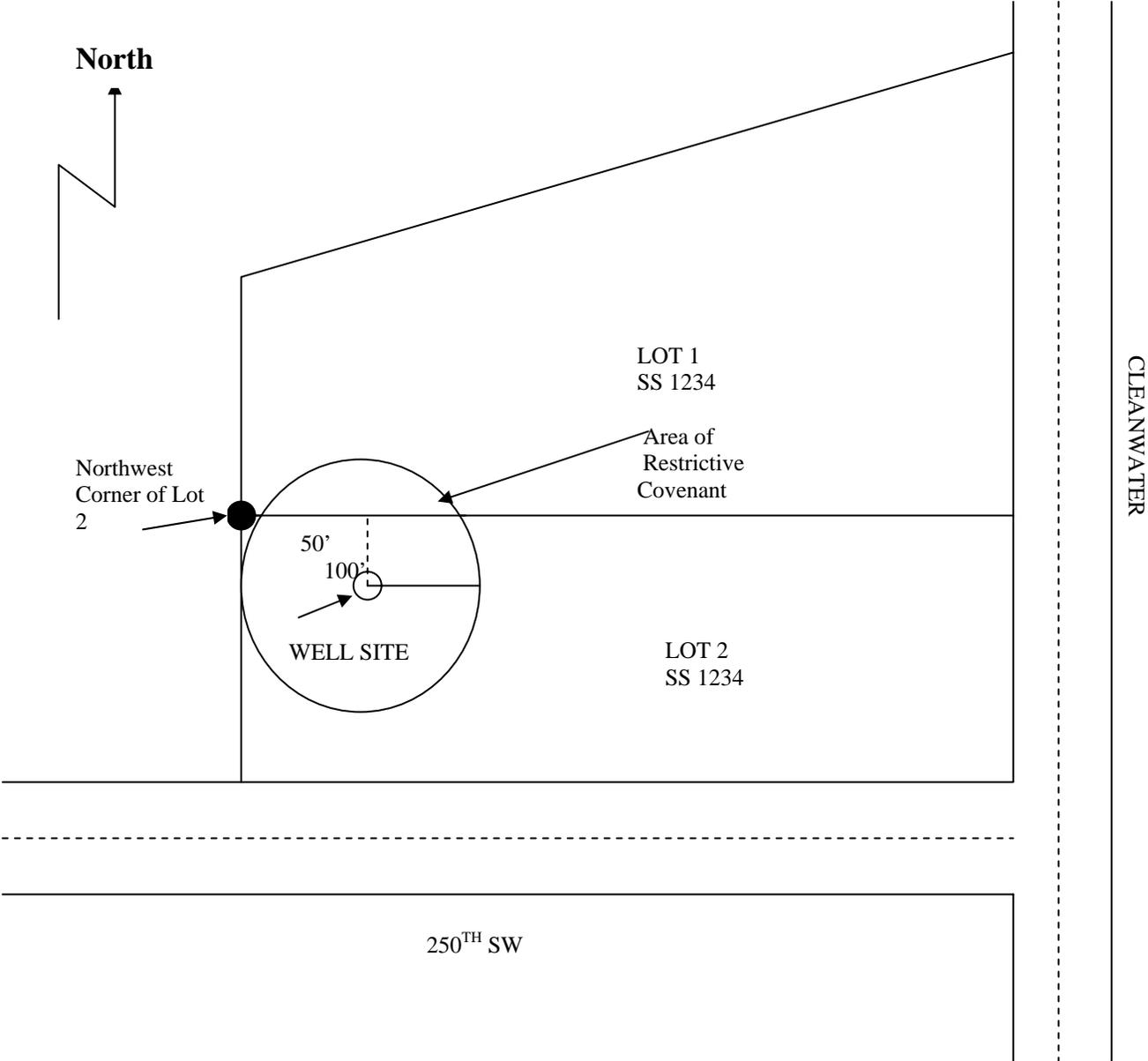
Notary Public in and for the State of Washington, residing at _____

My Commission Expires: _____

JOHN DOE'S WATER SYSTEM
WELL LOCATION MAP

Legal Description

Lots I and 2 of Short Plat number 1234
as recorded in Volume 15 of Short Plat
at pages 12 through 14, Auditors File
No. 1234567, Records of ANY County,
Washington.



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