

NINTH GUAM LEGISLATURE
1967 (FIRST) Regular Session

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This certifies that Bill No. 24, "An Act to add a new Chapter 5 to the Title XXII, Government Code of Guam, relative to the Water Resources Conservation Act", was on the 30th day of January, 1967, duly and regularly passed.



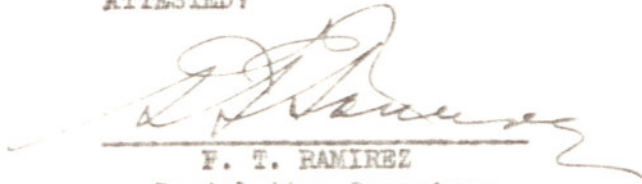
J. C. ARRIOLA
Speaker

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ATTESTED:



F. T. RAMIREZ
Legislative Secretary

This Act was received by the Governor this 30 day
of January, 1967 at 12:15 o'clock P. M.

RUDOLPH G. SABLAN

Secretary of Guam

APPROVED:

/s/ Manuel F. L. Guerrero

MANUEL F. L. GUERRERO
Governor of Guam

DATED: _____

Public Law 9-31

NINTH GUAM LEGISLATURE
1967 (FIRST) Regular Session

Bill No. 24
Substitute Bill by Committee
on Resources and Development

Introduced by _____
Committee on Rules, by
request of the Governor in
accordance with Section 6(b)
of the Organic Act of Guam

AN ACT TO ADD A NEW CHAPTER 5 TO THE TITLE XXII,
GOVERNMENT CODE OF GUAM, RELATIVE TO THE WATER
RESOURCES CONSERVATION ACT.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Chapter 5 is hereby added to Title XXII, Government Code
3 of Guam, to read as follows:

4 "CHAPTER 5

5 WATER RESOURCES CONSERVATION ACT

6 Section 21400. Declaration of policy. It is hereby declared to
7 be the policy of the Government of Guam, in recognition of its duty
8 to conserve and control its water resources for the benefit of the
9 inhabitants of Guam, that comprehensive planning and regulation be
10 undertaken for the protection, conservation and development of the
11 water resources of Guam to the end that they shall not be wasted and
12 shall be used to the fullest extent to meet the present and future
13 needs for domestic, agricultural, commercial, industrial, recreational
14 and other public beneficial purposes. It is further declared that an
15 emergency condition exists with respect to the availability of sur-
16 face and under-ground water on Guam and that restrictions are
17 necessary to prevent overpumping of water from wells, the depletion
18 of surface and underground water, the intrusion of salt water,
19 sewage and other contaminants and the resultant permanent destruction
20 of underground water reservoirs and sources of potable water supply.

1 Section 21401. Definitions. (a) 'Agency' means the Public
2 Utility Agency of Guam.

3 (b) 'Chief Officer' means the Chief Officer of the Public
4 Utility Agency of Guam or his authorized representative.

5 (c) 'Person' means any individual, firm, partnership, asso-
6 ciation or corporation.

7 (d) 'Water' shall be construed to include ponds, springs, wells
8 and streams and all other bodies of surface or underground water,
9 natural or artificial, inland or coastal, fresh or salt, public or
10 private.

11 (e) 'Well' shall be construed to mean any hole drilled, dug, or
12 bored with a depth exceeding twenty feet for the purpose of obtaining
13 water or knowledge of water bearing formations or for the disposal of
14 waste materials.

15 Section 21402. Well driller's license. (a) No person shall
16 engage in the business of well drilling on Guam without first
17 obtaining a license from the Chief Officer as hereinafter provided.
18 Such licenses are required not only of those who make a regular
19 business of well drilling, but all who may put down wells for others
20 as an incident to any line of business activity. Licenses are not
21 required for strictly private operations when a property owner by his
22 own labor puts down a well on his own property to supply his own
23 dwelling or the needs of his animals or crops; provided, however, that
24 the permit prescribed by Section 21403 of this Chapter shall be
25 required for any such wells.

26 (b) An application for a license shall be made on a form pre-
27 scribed and furnished by the Chief Officer providing such information
28 as the Chief Officer deems necessary for the purpose of the issuance
29 of licenses. The number of the license must be displayed on the
30 well-drilling machinery of the licensee. The fee for such license
31 shall be twenty-five dollars (\$25) annually. No person may be
32 issued such a license who does not satisfy the Chief Officer that he
33 is competent and able to drill wells in Guam.

1 Section 21403. Well drilling permits. (a) No well may be
2 drilled unless the owner of the land on which the well is to be drilled
3 shall, before the commencement of drilling, have obtained a permit
4 therefor and filed a preliminary report with the Chief Officer.

5 (b) The fee for such permit shall be five dollars (\$5).

6 (c) The preliminary report shall be submitted on forms furnished
7 and prescribed by the Chief Officer and shall contain the following
8 information and any other information which the Chief Officer may
9 deem necessary:

10 (1) Name and address of applicant.

11 (2) Location of proposed well.

12 (3) Sketch of location of proposed well.

13 (4) Purpose of well.

14 (5) List of existing wells on property.

15 (6) Name of driller.

16 (7) Type of pump.

17 (8) Proposed depth of well.

18 (9) Estimated amount of water for daily use.

19 (d) As a condition of the permit the Chief Officer may require
20 the applicant to furnish water samples upon his request.

21 (e) No well drilling permit may be issued without the written
22 endorsement of the Department of Public Health and Welfare, each
23 application therefor to be referred to said department.

24 Section 21404. Well operating permits. (a) Within sixty (60)
25 days of the initial promulgation of regulations relating to well
26 operating permits pursuant to Section 21411 or, in the case of new
27 wells, within thirty (30) days from the date of filing of the completion
28 report prescribed by Section 21405, the owner of every well shall
29 obtain an operating permit therefor.

30 (b) The fee for such a permit shall be five dollars (\$5), and
31 the permit shall be valid for a period of five years.

1 (c) Each well operating permit shall state the maximum amount
2 of water that may be withdrawn from the well per month, such amount to
3 be determined by the Chief Officer on the basis of the use of which
4 the water is to be put and such other factors as he may deem relevant
5 to the public interest in the beneficial utilization and conservation
6 of natural water resources. The determination of the Chief Officer
7 shall be subject to review as provided in Section 21412 of this
8 Chapter.

9 (d) Each well operating permit before issuance, must bear the
10 written endorsement of the Department of Public Health and Welfare.

11 Section 21405. Completion report of well. Within thirty (30)
12 days after the completion or the termination for any reason of the
13 drilling of any well whether or not any water is found, a report
14 shall be filed by the driller on forms furnished and prescribed by the
15 Chief Officer, indicating the log of the well, materials encountered,
16 with depth below ground surface, water bearing beds, yields and water
17 levels in each, casing, screens, pumping tests, the size and depth of
18 the well, the capacity of the pump or pumps attached or to be attached
19 thereto and such other information pertaining to the withdrawal of
20 water and the operation of such well as the Chief Officer may deem
21 necessary. The drillers shall at the request of Chief Officer also
22 furnish samples of the materials encountered in the drilling of the
23 well which shall be taken at intervals of five feet or at every change
24 of formation.

25 Section 21406. Wasteful use prohibited. No owner of a well,
26 whether a pumping well or a flowing well, shall discharge from the well
27 or permit the discharge from the well of water that is allowed to run
28 to waste and not put to useful service except in connection with
29 pumping tests.

30 Section 21407. Right of Inspection. The Chief Officer or his
31 authorized representative shall have the power at reasonable hours to
32 make such inspections and take such samples as may be necessary for
33 proper and effective supervision of the construction, repair and
34 maintenance of wells and to read the meter attached to each well.

1 Section 21408. Meters to be installed, access to wells. (a)
2 The Chief Officer shall install meters to all wells wherever necessary
3 for the purpose of recording the amount of water drawn from the wells.

4 (b) Each well shall have an opening of not less than 3/4 inch
5 in diameter for the measurement of water levels in the well by means
6 of a wetted steel tape. For sanitary purposes this opening shall be
7 sealed by means of a plug when not in use. The well shall be so
8 constructed that this opening shall be readily accessible.

9 Section 21409. Sealing of Wells. For the purpose of preventing
10 the contamination of fresh water aquifers the owner of a well, upon
11 abandoning a well or encountering highly mineralized water in any
12 existing or new well or test hole, shall immediately notify the
13 Chief Officer and shall effectively seal such well or test hole under
14 the supervision of and to the satisfaction of the Chief Officer.

15 Section 21410. Application of chapter. Except as otherwise
16 provided, the provision of this chapter shall apply to all new wells
17 commenced after the effective date of this Act and to all maintenance,
18 repair, and enlargement work on old wells, which is of such nature
19 or magnitude as to require the use of well-drilling machinery;
20 provided, however, that a permit shall not be necessary to clean a
21 well or to pull and repair a pump.

22 Section 21411. Rules and regulations. The Chief Officer, with
23 the approval of the Governor by Executive Order shall have the
24 power to make, amend and rescind such rules and regulations as may be
25 necessary to carry out the provisions of this chapter, provided, that
26 such rules and regulations, including the proposed forms whereby the
27 information and data sought by the agency is given, may be made,
28 altered, amended or repealed by the Chief Officer only after a
29 public hearing thereon. Public notice of such hearing shall be
30 published at least twice in a newspaper of general circulation in
31 Guam, not more than thirty (30) nor less than ten (10) days prior to
32 the scheduled date for such hearing, and by such other method as the
33 Chief Officer may prescribe.

Section 21412. Penalties. Any person who violates any of the provisions of this chapter or of the rules and regulations promulgated pursuant thereto shall be fined not more than \$500 or imprisoned for not more than six (6) months, or both. In addition, the Chief Officer shall, regardless of the criminal provisions of this section, have the power to withhold, modify, amend, revoke, or suspend any license or permit authorized or issued under this chapter, such power to be exercised only pursuant to the provisions of the Administrative Adjudication Law, which law is herewith specifically made applicable to this chapter.

Section 21413. Injunctions. In case of noncompliance with the provisions of this chapter or with the terms and conditions of any license or permit issued hereunder, the Chief Officer in addition to or in lieu of proceeding under Section 21412 may notify the Attorney General of such noncompliance. The Attorney General, upon receipt of such notification, may institute an appropriate action or proceeding at law or in equity to restrain, correct, or remove such noncompliance.

Section 21414. Study of Water Resources; Powers of Chief Officer,
(a) The Chief Officer shall conduct a comprehensive study of the availability of surface and underground water on Guam, and establish standards and programs for the protection, conservation and development of the water resources of Guam. He shall cooperate with the Federal Government in the planning for, and in the construction, repair, and maintenance of, projects designed to effectuate the purposes of the provisions of this chapter, shall perform all functions and exercise all authority as required by Federal law in the construction, repair, and maintenance of such Federally aided projects, shall expend all funds made available by the Federal Government for such purposes, and shall prepare and submit reports with respect to such activities as required by Federal law.

1 (b) The Chief Officer shall be authorized to hold hearings and
2 to subpoena and compel the attendance of witnesses and the production
3 of books, papers, records and other evidence pertinent to the scope
4 of his duties and to administer oaths and examine witnesses under
5 oath. In the event of the failure of any person to obey any such
6 subpoena or to testify before the Chief Officer, such person may be
7 punished for contempt on application therefor to any court of
8 competent jurisdiction.

9 Section 21415. Fees. All fees and charges collected under this
10 chapter shall be deposited in the Public Utility Agency of Guam Fund."

11 Section 2. This Act is an urgency measure.