

**IC 25-39**

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**ARTICLE 39. WATER WELL DRILLING CONTRACTORS**

- Repealed
- Applicability Provisions
- Definitions
- Water Well Drillers Licensing
- Regulation of Water Well Drilling
- Crimes and Infractions
- Continuing Education

**IC 25-39-1**

**Chapter 1. Repealed**

*Repealed by P.L.262-1987, SEC.6.*

<b>IC 25-39-1.5</b>	<b>Chapter 1.5. Applicability Provisions</b>
25-39-1.5-1	Water well driller and water well pump installer as regulated profession
25-39-1.5-2	Department of natural resources as board
25-39-1.5-3	Application of IC 25-39-3 and IC 25-39-4
25-39-1.5-4	Plumbers; registration

**IC 25-39-1.5-1 Water well driller and water well pump installer as regulated profession**

Sec. 1. For the purposes of this article, the occupation of a licensee is a regulated occupation under IC 25-1-7-1.

*As added by P.L.262-1987, SEC.1. Amended by P.L.84-2010, SEC.73.*

**IC 25-39-1.5-2 Department of natural resources as board**

Sec. 2. For the purposes of licensing a water well driller and well water pump installer under IC 25-39-3, the department of natural resources is a "board" under IC 25-1-8-1.

*As added by P.L.262-1987, SEC.1. Amended by P.L.84-2010, SEC.74.*

**IC 25-39-1.5-3 Application of IC 25-39-3 and IC 25-39-4**

Sec. 3. IC 25-39-3 and IC 25-39-4 do not apply to the following:

- (1) A person who installs a well that:
  - (A) is for personal use; and
  - (B) is not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.
- (2) A plumber who:
  - (A) is licensed under IC 25-28.5;
  - (B) is registered with the department under section 4 of this chapter; and
  - (C) installs wells that are not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.
- (3) A person who installs or repairs a water well pump or water well pumping equipment for personal use.
- (4) A person who is working under the direction and personal supervision of a person who holds a license.

*As added by P.L.262-1987, SEC.1. Amended by P.L.20-1991, SEC.10; P.L.120-1993, SEC.17; P.L.84-2010, SEC.75.*

**IC 25-39-1.5-4 Plumbers; registration**

Sec. 4. A plumber licensed under IC 25-28.5 must register with the department before the plumber installs a well or well water pump.

*As added by P.L.20-1991, SEC.11. Amended by P.L.84-2010, SEC.76.*

**IC 25-39-2 Chapter 2. Definitions**

25-39-2-1	Application of definitions
25-39-2-2	Abandoned well
25-39-2-3	Annular space
25-39-2-4	Aquifer
25-39-2-5	Bentonite clay
25-39-2-6	Casing
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25-39-2-10	Ground water
25-39-2-11	Grouting
25-39-2-12	License
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25-39-2-13	Neat cement
25-39-2-14	Plugged
25-39-2-15	Water well driller
25-39-2-15.5	Water well pump installer
25-39-2-16	Well

**IC 25-39-2-1 Application of definitions**

Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-2 Abandoned well**

Sec. 2. "Abandoned well" means a well:

- (1) whose original purpose and use have been discontinued for more than five (5) years;
- or
- (2) that is in such a state of disrepair that using it to obtain ground water is impractical or a health hazard.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-3 Annular space**

Sec. 3. "Annular space" means the space between the exterior of the well casing and the natural formation in a drilled well.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-4 Aquifer**

Sec. 4. "Aquifer" means any underground geologic formation (consolidated or unconsolidated) that has the ability to receive, store, and transmit water in amounts sufficient for the satisfaction of any beneficial use.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-5 Bentonite clay**

Sec. 5. "Bentonite clay" means a commercial clay or clay mineral product that has been approved by the commission by rule adopted under IC 4-22-2.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-6 Casing**

Sec. 6. "Casing" means a pipe installed to prevent unwanted solids, liquids, or gases from entering the interior of a well.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-7 Commission**

Sec. 7. "Commission" refers to the natural resources commission.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-8 Department**

Sec. 8. "Department" refers to the department of natural resources.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-9 Director**

Sec. 9. "Director" refers to the director of the department of natural resources.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-10 Ground water**

Sec. 10. "Ground water" means water occurring beneath the surface of the ground regardless of location or form.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-11 Grouting**

Sec. 11. "Grouting" means the process of sealing the annular space in a well.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-12 License**

Sec. 12. "License" refers to a water well driller's and water well pump installer's license issued by the department under this article.

*As added by P.L.262-1987, SEC.2. Amended by P.L.84-2010, SEC.77.*

**IC 25-39-2-12.5 Licensee**

Sec. 12.5. "Licensee" refers to a person who has been issued a water well driller's and water well pump installer's license issued by the department under this article.

*As added by P.L.84-2010, SEC.78.*

**IC 25-39-2-13 Neat cement**

Sec. 13. "Neat cement" means a mixture of ninety-four (94) pounds of cement and no more than six (6) gallons of clean water. Additives designed to increase fluidity may not exceed five percent (5%) of the total mixture.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-14 Plugged**

Sec. 14. "Plugged" means the insertion of a material in a well that prevents the migration of gas, liquid, or solid material up or down the well.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-15 Water well driller**

Sec. 15. "Water well driller" means a person who operates well drilling or driving equipment or engages in the drilling or driving of wells.

*As added by P.L.262-1987, SEC.2.*

**IC 25-39-2-15.5 Water well pump installer**

Sec. 15.5. "Water well pump installer" means a person who installs or repairs water well pumps.

*As added by P.L.84-2010, SEC.79.*

**IC 25-39-2-16 Well**

Sec. 16. "Well" means a hole drilled or driven to:

- (1) obtain geologic information on aquifers;

- (2) monitor the quality or quantity of ground water;
- (3) obtain ground water; or
- (4) utilize the geothermal properties of earth formations.

*As added by P.L.262-1987, SEC.2.*

<b>IC 25-39-3</b>	<b>Chapter 3. Water Well Drillers Licensing</b>
25-39-3-1	Necessity for license; issuance; carrying license; inspection; expiration date
25-39-3-2	Application; form; continuing education verification; fees
25-39-3-3	Qualifications; competency examination; fee
25-39-3-3.5	Expired
25-39-3-4	Competency examinations; preparation; contents

**IC 25-39-3-1                    Necessity for license; issuance; carrying license; inspection; expiration date**

Sec. 1. (a) An individual may not be a water well driller or water well pump installer without a license.

(b) The department shall issue a license to each individual who applies and qualifies for a license under this chapter.

(c) The license of the licensee operating well drilling equipment or installing a water well pump shall be carried by the licensee and presented for inspection by a representative of the department upon request.

(d) Every license expires on December 31 of the year for which it was issued.

*As added by P.L.262-1987, SEC.3. Amended by P.L.84-2010, SEC.80.*

**IC 25-39-3-2                    Application; form; continuing education verification; fees**

Sec. 2. (a) An application for a license must be made on a form prescribed by the commission in rules adopted under IC 4-22-2. The purpose of the form is to identify the applicant and obtain information to determine if the applicant is qualified to be licensed.

(b) An application for an original license or a license renewal must be accompanied by a minimum license fee of one hundred dollars (\$100).

(c) Unless an applicant has held an original license for less than one (1) year, a license renewal application must be accompanied by:

(1) a copy of the continuing education verification of attendance forms; and

(2) a statement by the applicant attesting that the applicant has complied with the continuing education requirements under IC 25-39-6.

(d) The commission may set a license fee above the minimum fee established under subsection (b).

*As added by P.L.262-1987, SEC.3. Amended by P.L.120-1993, SEC.18; P.L.84-2010, SEC.81; P.L.195-2017, SEC.50.*

**IC 25-39-3-3                    Qualifications; competency examination; fee**

Sec. 3. (a) To qualify for an original license an individual must:

(1) be at least eighteen (18) years of age;

(2) furnish evidence from three (3) references, two (2) of whom are water well drillers, water well pump installers, or licensed plumbing contractors familiar with the applicant's work experience and professional competency; and

(3) have successfully completed a competency examination prepared and administered by the department.

(b) The competency examination shall be administered at least two (2) times every calendar year.

(c) The fee to take the competency examination shall be set by the director under IC 25-1-8. This fee is nonrefundable and must be paid each time an applicant applies to take the examination.

*As added by P.L.262-1987, SEC.3. Amended by P.L.84-2010, SEC.82.*

**IC 25-39-3-3.5                Expired**

*As added by P.L.84-2010, SEC.83. Expired 7-1-2011 by P.L.84-2010, SEC.83.*

**IC 25-39-3-4                      Competency examinations; preparation; contents**

Sec. 4. (a) In consultation with the Indiana Well Drilling Contractors Association and the Indiana Ground Water Association, the department shall prepare one (1) or more competency examinations to determine if an applicant for a license is qualified to be a water well driller and water well pump installer.

(b) The competency examination must include questions to determine if the applicant for a license has adequate knowledge and expertise concerning the following:

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operations of well drilling and water well pump equipment.
- (4) Contamination precautions.
- (5) Installation of well casing and water well pumps.
- (6) Well grouting procedures.
- (7) Well screen design and installation.
- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.
- (10) Well disinfection.
- (11) Sealing abandoned wells.
- (12) Ground water occurrence.
- (13) Aquifer characteristics.
- (14) Drawdown requirements and limitations.
- (15) Depth considerations.
- (16) Methods of measuring well yield.
- (17) The requirements of this chapter and other laws relating to wells.
- (18) Other accepted standards relating to the drilling, operation, and abandonment of wells and water well pumps.

*As added by P.L.262-1987, SEC.3. Amended by P.L.84-2010, SEC.84.*

<b>IC 25-39-4</b>	<b>Chapter 4. Regulation of Water Well Drilling</b>
25-39-4-1	Records; copy of record to department
25-39-4-2	Standards for well siting, construction, and operation
25-39-4-3	Standards for well casing
25-39-4-4	Plugging wells not equipped with casing
25-39-4-5	Annular space grouting
25-39-4-6	Sealing abandoned or unused wells
25-39-4-7	Suspension or revocation of license; refusal to grant or renew license
25-39-4-8	Injunctive proceedings
25-39-4-9	Rules
25-39-4-10	Confidentiality of well records
25-39-4-11	Application of article

**IC 25-39-4-1      Records; copy of record to department**

Sec. 1. (a) Each licensee shall keep accurate records for each well drilled. The record for each well must contain the following information:

- (1) The location of the well.
- (2) The depth and diameter of the well.
- (3) The date the contractor completed the well.
- (4) The character and thickness of materials or formations drilled.
- (5) The static water level and performance data of the well.
- (6) Any other information required by rule.

(b) Each licensee shall, within thirty (30) days after the completion of a well, forward a copy of the record of the well to the department on forms prescribed or approved by the department.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.85.*

**IC 25-39-4-2      Standards for well siting, construction, and operation**

Sec. 2. (a) The commission shall, by rule, establish standards for well siting, construction, and operation. The standards must address the following:

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operation of well drilling and water well pump equipment.
- (4) Contamination precautions.
- (5) Well casing and water well pump specification and installation.
- (6) Well grouting procedures.
- (7) Well screen design and installation.
- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.
- (10) Well disinfection techniques.
- (11) Sealing and plugging abandoned wells.
- (12) Other generally accepted standards relating to the drilling, operation, or abandonment of wells.

(b) A well that is drilled after December 31, 1987, must be drilled in compliance with the rules adopted under this section.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.86.*

**IC 25-39-4-3      Standards for well casing**

Sec. 3. The commission may not establish standards under section 2 of this chapter that prohibit the use of well casing that is at least two (2) inches in diameter.

*As added by P.L.262-1987, SEC.4.*

**IC 25-39-4-4      Plugging wells not equipped with casing**

Sec. 4. A well that is drilled after December 31, 1987, and not equipped with casing must

be plugged by the driller within seventy-two (72) hours after drilling is completed.  
*As added by P.L.262-1987, SEC.4.*

**IC 25-39-4-5                    Annular space grouting**

Sec. 5. A well that is drilled after December 31, 1987, and equipped with casing must have the annular space grouted with neat cement, bentonite clay, or another material that has been approved by the commission by the driller when the well is completed.

*As added by P.L.262-1987, SEC.4.*

**IC 25-39-4-6                    Sealing abandoned or unused wells**

Sec. 6. (a) A well that was abandoned before January 1, 1988, must be sealed by the use of a welded or threaded cap, or in accordance with rules adopted by the commission under IC 4-22-2. If the director determines that a well described in this subsection poses a hazard to human health, the well shall be plugged in accordance with rules adopted by the commission under IC 4-22-2.

(b) The owner of land upon which is situated a well that is abandoned after December 31, 1987, must have the well plugged by a water well driller within one (1) year after it is abandoned.

(c) A well that has not been used for more than three (3) months, but has not been abandoned, must be sealed at or above the land surface with a welded or threaded cap, or in accordance with rules adopted by the commission under IC 4-22-2.

*As added by P.L.262-1987, SEC.4. Amended by P.L.120-1993, SEC.19.*

**IC 25-39-4-7                    Suspension or revocation of license; refusal to grant or renew license**

Sec. 7. (a) Under IC 4-21.5-3-6, the director may suspend or revoke the license of a licensee who has done any of the following:

- (1) Acted as a licensee without a license in violation of this article.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

(b) Under IC 4-21.5-3-5, the director may refuse to grant, renew, or restore a license to a person who has done any of the following:

- (1) Acted as a licensee without a license in violation of this article.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.87.*

**IC 25-39-4-8                    Injunctive proceedings**

Sec. 8. (a) The department may initiate injunctive proceedings in the appropriate court against a person who acts as a licensee without a license or while the person's license is suspended. The department may not be compelled to give bond in such a cause.

(b) After an action has been filed and notice has been given, all matters involved in the action shall be held in abeyance until the action has been tried and determined.

(c) If a defendant continues to violate this article after notice of the action has been given but before trial and determination, the department may, upon a verified showing of those acts of the defendant, obtain a temporary restraining order without notice. The order is effective until the cause has been tried and determined.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.88.*

**IC 25-39-4-9                    Rules**

Sec. 9. (a) The commission shall adopt rules under IC 4-22-2 to implement this article.

- (b) The commission may adopt rules under IC 4-22-2 to do the following:
- (1) Establish standards for the licensing of dewatering well drillers.
  - (2) Regulate the drilling of dewatering wells.
  - (3) Exempt the drilling of a dewatering well from the application of this chapter if the commission determines that application of this chapter is inappropriate.

*As added by P.L.262-1987, SEC.4. Amended by P.L.20-1991, SEC.12.*

**IC 25-39-4-10            Confidentiality of well records**

Sec. 10. Upon written application by the owner of a well or the licensee, the department shall keep the record of a well confidential for a period of one (1) year, and that record is not considered to be a public record.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.89.*

**IC 25-39-4-11            Application of article**

Sec. 11. This article does not apply to wells drilled:

- (1) under or incidental to an activity under IC 14-34 or IC 14-37;
- (2) for the sole purpose of supplying water for the secondary recovery of petroleum resources; or
- (3) for the sole purpose of evaluating the foundation characteristics of earth materials to support bridges, roadways, buildings, or other engineered structures.

*As added by P.L.262-1987, SEC.4. Amended by P.L.3-1990, SEC.92; P.L.1-1995, SEC.70.*

<b>IC 25-39-5</b>	<b>Chapter 5. Crimes and Infractions</b>
25-39-5-1	Acting as a water well driller or water well pump installer; penalty
25-39-5-2	Failure to keep records or file reports
25-39-5-3	Violation of standards
25-39-5-4	Failure to plug well
25-39-5-5	Failure to grout well
25-39-5-6	Failure to seal, plug, or cap well
25-39-5-7	Failure to register

**IC 25-39-5-1            Acting as a water well driller or water well pump installer; penalty**

Sec. 1. A person who recklessly, knowingly, or intentionally acts as a water well driller or a water well pump installer without a license in violation of this article commits a Class B misdemeanor.

*As added by P.L.262-1987, SEC.5. Amended by P.L.289-2013, SEC.20.*

**IC 25-39-5-2            Failure to keep records or file reports**

Sec. 2. A person who fails to keep the records or file the reports required by IC 25-39-4-1 or who knowingly files any report containing false information commits a Class B infraction. The failure to submit records for each water well drilled constitutes a separate infraction.

*As added by P.L.262-1987, SEC.5.*

**IC 25-39-5-3            Violation of standards**

Sec. 3. A person who knowingly violates a standard established under IC 25-39-4-2 commits a Class B infraction.

*As added by P.L.262-1987, SEC.5.*

**IC 25-39-5-4            Failure to plug well**

Sec. 4. A person who knowingly fails to plug a well in violation of IC 25-39-4-4 commits a Class B infraction.

*As added by P.L.262-1987, SEC.5.*

**IC 25-39-5-5            Failure to grout well**

Sec. 5. A person who knowingly fails to grout a well in violation of IC 25-39-4-5 commits a Class B infraction.

*As added by P.L.262-1987, SEC.5.*

**IC 25-39-5-6            Failure to seal, plug, or cap well**

Sec. 6. A person who fails to seal, plug, or cap a well in violation of IC 25-39-4-6 commits a Class C infraction.

*As added by P.L.262-1987, SEC.5.*

**IC 25-39-5-7            Failure to register**

Sec. 7. A plumber who installs a well without first registering with the department under IC 25-39-1.5-4 commits a Class B misdemeanor.

*As added by P.L.120-1993, SEC.20.*

<b>IC 25-39-6</b>	<b>Chapter 6. Continuing Education</b>
25-39-6-1	Continuing education required
25-39-6-2	Continuing education record retention
25-39-6-3	Application for course approval
25-39-6-4	Post continuing education course submissions
25-39-6-5	Listing of continuing education courses
25-39-6-6	Waiver or modification of requirements
25-39-6-7	Contract to administer chapter

**IC 25-39-6-1 Continuing education required**

Sec. 1. Except as provided in section 6 of this chapter, a licensee who has held a license for at least one (1) calendar year shall complete six (6) actual hours of continuing education before December 31 of each even-numbered year.

*As added by P.L.84-2010, SEC.90.*

**IC 25-39-6-2 Continuing education record retention**

Sec. 2. A licensee shall retain the following for each continuing education course the individual attends:

- (1) A record of:
  - (A) the number of hours the individual spent in the continuing education course;
  - (B) the name of the person or organization presenting the continuing education course;
  - (C) the date, location, and title of the continuing education course; and
  - (D) the number of hours of continuing education awarded for the course.
- (2) Verification that the individual attended the course.

The records and verification of attendance must be retained for three (3) years after the individual attends a continuing education course.

*As added by P.L.84-2010, SEC.90.*

**IC 25-39-6-3 Application for course approval**

Sec. 3. (a) An institution, organization, governmental agency, or individual that wishes to offer continuing education courses for the purposes of this chapter must apply in writing to the department for approval of each course. An application for approval of a course must be received by the department not less than thirty (30) days before the course is offered. The department shall approve or deny an application for approval of a continuing education course not more than ten (10) business days after receiving the application.

- (b) An application must include the following information:
  - (1) The title of the course and subjects that will be presented.
  - (2) The name of the person or organization presenting the continuing education course.
  - (3) The date, location, and title of the continuing education course.
  - (4) The number of hours of continuing education to be offered.
  - (5) Course outlines for the subjects to be offered.
  - (6) The fee to be charged for each course.
  - (7) Any other information requested by the department.

(c) The department may approve an application for approval of a continuing education course that addresses one (1) of the following topics:

- (1) Water well construction.
- (2) Pump installation and repair.
- (3) Grouting.
- (4) Water sample collection and sampling.
- (5) Contamination of water supplies.
- (6) Other topics the department determines to be relevant for the continued improvement of the knowledge of a license holder.

*As added by P.L.84-2010, SEC.90.*

**IC 25-39-6-4 Post continuing education course submissions**

Sec. 4. An institution, organization, governmental agency, or individual that has been approved to offer a continuing education course for the purposes of this chapter shall submit to the department not more than forty-five (45) days after the course has been completed a typed listing of the following information:

- (1) The name of each individual who attended the course, including each individual's license number.
- (2) The title of the course.
- (3) The name of the person or organization presenting the continuing education course.
- (4) The date, location, and title of the continuing education course.
- (5) The number of hours of continuing education each individual received.

*As added by P.L.84-2010, SEC.90.*

**IC 25-39-6-5 Listing of continuing education courses**

Sec. 5. The department shall maintain and make available to the public a list of future continuing education courses that will satisfy the continuing education requirements of this article.

*As added by P.L.84-2010, SEC.90.*

**IC 25-39-6-6 Waiver or modification of requirements**

Sec. 6. A licensee may apply in writing to the department for a waiver or modification of the continuing education requirements applying to the licensee under this article if the licensee:

- (1) establishes that an emergency existed during the period for which the continuing education was required;
- (2) has had an incapacitating illness verified by the applicant and a licensed physician;
- or
- (3) was prevented from completing the continuing education requirement because of active military duty during the period for which the continuing education was required.

*As added by P.L.84-2010, SEC.90.*

**IC 25-39-6-7 Contract to administer chapter**

Sec. 7. The department may enter into a contract with the Indiana Ground Water Association to administer this chapter.

*As added by P.L.84-2010, SEC.90.*