



Thurston County Environmental Health

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PROTECTIVE AND RESTRICTIVE COVENANTS FACT SHEET

This guide will help those filling out protective and restrictive covenants. This should be used in conjunction with the attached sample covenants. The “Sections” as noted on the examples, refer to those parts of the covenants that shall be completed. Contact Thurston County Environmental Health Division if you have any questions regarding covenants.

WHAT IS A COVENANT?

A covenant is a recorded agreement or restriction prohibiting certain activities or practices near a particular well or spring to protect the water source from potential sources of prevent contamination. The protective area around the water source is referred to as the sanitary control area. The required sanitary control area is a radius of 100 feet for wells, and 200 feet for springs. When filing covenants for a single-family well, you must file as a Non-Public Water Source. Covenants filed for wells to serve public water systems (2-Party, Group B and Group A water systems) must be filed as a Public Water Source.

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”. See Example 1 for a completed Declaration of Covenant. How to complete Sections A and B are explained below:

Section A: The legal description of the property where the well is located should be filled in here. See Example 1, “Section A”. This should be specific, as shown in the following example:

Lot 2 of short plat number_____, recorded in Volume_____, Page(s)_____, of short plats as recorded in Auditors file number_____ in Thurston County, Washington.

Long or complex legal descriptions can be attached on a separate document which shall be filed with the covenant. However, this attachment must be referenced as shown on the example “Attachment A”.

Section B: This refers to the precise location of the well on the lot described in Section A. See Example 1, “Section B”. It is acceptable to attach a map that shows the location of the well on the property, rather than to prepare a legal description for the exact well location. The example “Attachment A” shows how this can be done.

RESTRICTIVE COVENANT

When someone other than the water supplier owns portions of the sanitary control area, you must obtain a “Restrictive Covenant” from the landowner. See Example 2 for a completed Restrictive Covenant. How to complete Sections C and D are explained below:

Section C: This section refers to the property that is granting the restrictive covenant; specifically the property neighboring or adjacent to the parcel where the well is located. The legal description of this parcel should be written or referenced here. See Example 2, “Section C”.

Section D: This refers to the property on which the well is actually located. Indicate in this part, **both the description of the property and the well’s location on the property**. See Example 2, “Section D”. Once again, a map is often the best way to show the location of the well as shown on the example “Attachment A”. Again be specific, as shown in the following example:

Located 50 feet south and 100 feet east of the northwest corner of lot _____, of short plat number _____, recorded in Volume _____, Page(s) _____, of short plats in Auditors file number _____, in Thurston County, Washington.

NOTE: Even if a legal description is prepared for the well’s location, a map showing the well should be filed with the covenant.

Example 1

SECTION
A

SECTION
B

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:

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:

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: _____

Example 2

RESTRICTIVE COVENANT

**SECTION
C**

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

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".

**SECTION
D**

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:

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: _____

Attachment A (Map Example)

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.

