

Focus on: The Groundwater Permit Exemption



Permit-exempt wells in Washington

Permit-exempt withdrawals often provide water in places where a public water supply is not available. These wells typically serve individual homes, small residential developments, and small farms in rural areas. Roughly 15% of Washington residents rely on a permit-exempt well for their domestic water source.

Important restrictions apply in specific basins in the state

See the section on Geographic Restrictions and reference the [Water Availability](#) webpage.

While most new water uses in Washington require a permit before water use is allowed, some small uses of groundwater are allowed without a permit. These are commonly referred to as “permit-exempt” withdrawals.

State law (RCW 90.44.050) allows the use of permit-exempt withdrawals for four specific purposes:

- **Domestic water use, up to 5,000 gallons per day (GPD).** This encompasses in-home water use to support activities such as cooking, bathing, washing, care of pets, and ancillary outdoor use like washing parts of the house or a car.
- **Irrigation of a lawn or non-commercial garden a half-acre or less in size.** This can support a home’s lawn, landscaping, and/or non-commercial garden, the total of which cannot be larger than a half-acre in size.
- **Industrial use of water, up to 5,000 GPD** to provide water for a store or restaurant, a small industrial facility, or in some cases, irrigation of a small commercial farm.
- **Stockwater** to provide drinking water for stock animals. This *does not* include associated uses such as dust control for stock animals, cleaning animals or living areas, or irrigation of crops for stock animals to eat from. There is no quantity limit on water use for stockwatering.

Although permit-exempt withdrawals do not require a water right permit, their use establishes a legal water right. As with water uses that do require a permit, permit-exempt uses are subject to state water law, including its priority system.

A water user may “stack” the exemptions, meaning that they can withdraw water for one or a combination of exempt uses. Permit-exempt groundwater use on one property can include domestic use, irrigation of a lawn, industrial use, *and* stockwater. Water can be supplied under the permit exemptions from one or more wells. The quantities allowed for each purpose are additive; for example, a water user could withdraw 5,000 GPD for domestic use and an additional 5,000 GPD for industrial use from the same well(s).

Permit-exempt groundwater users have the option of applying for a water right permit even if their use falls within the permit-exempt purposes and quantities listed above.

Additional Water Usage

If you want to use water in excess of the amounts listed, for any other purposes, or from a surface water source, you must apply for and receive a water right permit from the Department of Ecology. Unauthorized water use may result in fines up to \$5,000 per day.

Geographic Restrictions

Many basins have water use restrictions for permit-exempt withdrawals beyond those established in RCW 90.44.050. These restrictions are established in other laws (the Building Code, RCW 19.27.097 and Streamflow Restoration, chapter 90.94 RCW) and rules governing specific watersheds. For example, these regulations could establish that in a certain area:

- New permit-exempt withdrawals for domestic use and irrigation are restricted to a lower quantity limit (such as 950 GPD as a maximum annual average);
- Use of a new permit-exempt withdrawal for domestic purposes and irrigation requires participation in a mitigation program; or
- No new permit-exempt withdrawals are allowed at all.

Our Water Availability webpage has additional information about restrictions in your area.

Residential Subdivision Projects

Limitations

For residential subdivisions, water use limitations under the permit exemptions apply to an entire project, not just to individual wells, homes, or lots. The State Supreme Court ruled that an entire residential subdivision project is restricted to the withdrawal limits in RCW 90.44.050. For instance, a project may consist of a subdivision that includes multiple homes that use multiple wells, but the entire subdivision may not withdraw more than 5,000 GPD for domestic use. Similarly, the project may irrigate up to a half-acre of lawn or non-commercial garden for the entire subdivision through one or more wells.

Important considerations

Ecology and local governments consider many factors when determining the extent of a residential subdivision project and assessing whether a building is part of a larger project. Key considerations include:

- **Common ownership**

Are there multiple lots or subdivisions that are in proximity to each other? Who owns the lots or subdivisions and nearby parcels? Is there an underlying common ownership or relationship between any controlling interests, owners, corporations, or limited liability companies (LLCs)? For instance, are the parcels currently or previously owned by a related group of individuals or a related group of LLCs? Did one developer subdivide the lots?

- **Common effort**

Do the properties have common infrastructure such as wells, water systems, a driveway or road providing access to more than one lot, entry gates, community buildings, or facilities? Are services such as engineering, architecture, legal, environmental review, land preparation or clearing, marketing shared among the properties? Is there a name for the development and/or a common marketing plan for the properties? Is there a homeowners' association, or other similar type of entity, that includes the properties? Are there joint agreements, rules, or covenants for the homes or subdivisions?

- **Common timing**

What was the timing of land purchase(s) and development efforts for the subject lots and nearby parcels held in common ownership?

More Information

Visit our website to find related information such as water rights in Washington, water availability in specific basins, the permit exemption, or the State Supreme Court Ruling on residential subdivision projects (Ecology v. Campbell and Gwinn, 2002).

ecology.wa.gov/Water-Shorelines/Water-supply

Use the online resources database to find this and other Ecology publications.

ecology.wa.gov/publications

If you have additional questions, contact the Ecology regional office serving your county. Contact information is on the following page.

Contact Information

Map of Ecology regions



Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	15700 Dayton Ave N Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400

For statewide questions, contact:

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ADA Accommodations

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6872 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.