

The Groundwater Permit Exemption

Focus on

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 includes in-home water use for cooking, bathing, washing, care of pets, and outdoor uses like house or car washing.
- **Irrigation of a lawn or non-commercial garden up to half an acre in size.** This can support a home’s lawn, landscaping, and/or non-commercial garden.
- **Industrial water use, up to 5,000 GPD.** This includes commercial water use and may provide water for a store or restaurant, a small industrial facility, or irrigation of a small commercial farm, nursery, or garden.
- **Stock water to provide drinking water for stock animals.** There is no quantity limit on water use for stock watering. This does not include secondary uses such as dust control, cleaning of animals or facilities, or irrigation of crops for animal consumption.

Water may be supplied for a single permit-exempt use from multiple wells. The 5,000 GPD limit for domestic and industrial uses is a maximum daily amount for all use days, not an average.

A water user may “stack” the exempt uses, meaning that they can withdraw water for a

combination of exempt uses. Permit-exempt groundwater use on one property can include domestic use, irrigation of a lawn, industrial use, and stock water. 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 under the same permit-exempt withdrawal.

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. 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

Using more water than the amounts listed above, for any other purpose, or using water from a surface water source, requires a water right permit from 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 (such as the Building Code or Streamflow Restoration Act) and administrative 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); or

- Use of a new permit-exempt withdrawal for domestic purposes and irrigation requires mitigating all impairment to senior water rights.

Our [Water Availability webpage](#) has additional information about restrictions in your area.

Residential Subdivision Projects

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 has ruled that an entire residential subdivision project is restricted to the withdrawal limits in RCW 90.44.050. For example, a subdivision project may supply homes from multiple wells, but the entire subdivision may not exceed 5,000 GPD for domestic use. Similarly, the project may irrigate up to half an acre of lawn or non-commercial garden for the entire subdivision.

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

Consideration is given to property ownership in relation to nearby lots or subdivisions. This can include the proximity of lots to each other and any underlying common ownership or relationship between controlling interests, such as limited liability companies (LLCs).

Common effort

Properties that share common infrastructure, development services, or agreements may indicate project inclusion. For example:

- Common water systems, roads, gates, or community buildings/facilities.
- Common engineering, architecture, legal, construction, or marketing services.
- Common homeowner's association, covenants, or joint agreements/rules.

Common timing

Consideration is given to factors like the timing of land purchase(s) and development efforts for the subject lots and nearby parcels held in common ownership.

Other subdivision considerations

Water systems supplying water for group domestic purposes can supply up to 14 homes under the permit exemption. Water systems serving 15 or more connections are considered a municipal use, which is not covered under the permit exemption and requires a permit from Ecology.

Developers may need to limit the number of homes proposed in a subdivision served by a single permit exemption to ensure each home has legal supply that meets public health and safety standards. For example, if a project proposal indicates a maximum daily demand of 350 GPD per individual home, then that project will be limited to 14 homes to ensure that total domestic water use remains under the 5,000 GPD cap to use a permit-exempt well. Any usage estimates will be determined on a case-by-case basis considering local conditions, regulations, and appropriate building design standards. This ensures that adequate water supply is available to all homes for basic health and sanitation needs.

Related 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

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ADA accessibility

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