

Requirements for Adding or Replacing Wells

Focus on

When adding or replacing a well, there are a number of considerations, including:

- the limits to your water right
- avoiding impairing other water rights
- well depth and location
- hiring a licensed well driller and other professionals
- whether a water right change application or other form is needed.

Note: You should first contract with a licensed well driller to begin the process of adding a new well. In Washington, well drillers are licensed by Ecology and should be familiar with state and local well permitting and construction requirements, including submitting a start card to Ecology, proper well construction and decommissioning, and submitting a well log to Ecology after the well is completed. It's a good idea to ask about these requirements when choosing to hire a well driller.

Permit-exempt wells

Many small groundwater uses are exempt from the groundwater permit system (see RCW 90.44.050). There are four types of groundwater uses exempt from the state water-right permitting requirements:

- Providing drinking water for livestock (no gallon per day limit or acre restriction).
- Watering a non-commercial lawn or garden one-half acre in size or less (no gallon per day limit).
- Providing water for a single home or a group of homes (limited to 5,000 gallons per day).

- Providing water for industrial purposes, including irrigation (limited to 5,000 gallons per day but no acre limit).

You can find more information on the permit exemption in Ecology [publication #19-11-090](#).¹ Although other requirements will apply to your new well, you will not need to apply for a water right change for a water use under the permit exemption.

Water right changes

If you have a water right claim, permit, or certificate, you may need to file a water right change application for your new well.

Claims

You must *always* file a water right change application for an additional or replacement well for water use under a water right claim.

Permits and certificates

If your new well is not in the same location described in the original or most recent public notice, you are required to submit a water right change application to Ecology. This change application process requires Ecology to perform an investigation to determine the extent and validity of the water right, the source of water and potential effects on other water rights. You may need to contact your local Ecology regional office to obtain a copy of the original or most recent public notice.

Under state law, new wells located in the same area described as the point of withdrawal in the original or most recent public notice published for the water right may not need to go through the water right change application process when the following criteria are also met:

¹ <https://apps.ecology.wa.gov/publications/SummaryPages/1911090.html>

- Your water use is authorized by an existing groundwater permit or certificate. Rights that are documented by a water right claim cannot use this alternative.
- Your new well must tap the same body of public groundwater as the original well.
- The construction and use of your new well cannot interfere with any existing wells or impair water rights with an earlier priority date – including both surface water and groundwater rights that have more seniority.
- You have submitted a “showing of compliance” with these conditions to Ecology. (More information on “Showing of Compliance” is listed on page 3).

How to apply for a water right change

The groundwater right permit, certificate, or valid water right claim holder may file an [“Application for Change of a Water Right”](#)² to an existing water right.

Seniority and impairment

Water use of any sort is subject to the “first in time, first in right” clause, originally established in historical Western water law and now part of Washington state law. This means that a senior right cannot be impaired by a junior right. Seniority is established by priority date - the date an application was filed for a permitted or certificated water right - or the date that water was first put to beneficial use for permit-exempt groundwater withdrawals. (Only a court can determine the priority date of a claim.)

Impairing senior surface water rights

Water rights with earlier or “senior” priority dates can be either surface water or groundwater rights. To avoid impairing any senior surface water rights, Ecology advises that you not drill your new well closer to any nearby surface water bodies than your original well.

Impairing your neighbor’s well

Generally, the new well should not impair other groundwater wells if it:

- Pumps no more than the historic water withdrawal from the original well.
- Is located near the original well.

- Is about the same depth.

Ecology has a [well-log database](#)³ that can be accessed by the public. You can use this database to determine if there are other wells in the vicinity that may be affected by pumping from the new well.

If the new well is located a distance away from the original well, it is strongly recommended that you hire a licensed hydrogeologist to perform an investigation. If your new well adversely affects a nearby groundwater or surface water right, you can be held responsible for the impairment. Please contact Ecology for technical assistance.

Verifying the same body of public groundwater

If the new well is located near your original well and draws water at about the same depth, it is likely that the new well is withdrawing water from the same body of public groundwater. If you are uncertain, the surest method is to hire a licensed hydrogeologist to make the determination. Please contact your local Ecology regional office for technical assistance and advice regarding groundwater source determinations.

Deepening the original well or replacement well

You may deepen the original well or replacement well, if you remain in the same body of groundwater. You should consult Ecology or a licensed hydrogeologist for advice about how best to deepen your new well. Merely deepening an existing well does not require you to notify Ecology, provided you remain within the same body of groundwater.

Quantity changes

Pumping the new well cannot enlarge the pumping rate or annual quantity of your water right. If you continue to use the original well, the total combined withdrawal from the original and new well cannot exceed the amount of water described in the original water right permit or certificate.

If you want to increase the amount of water that can be pumped, you must either acquire a new water right or acquire existing water rights and transfer them to your property. Both options require that you file an application and receive approval from Ecology.

² <https://apps.ecology.wa.gov/publications/SummaryPages/ECY040197.html>

³ <https://apps.ecology.wa.gov/wellconstruction/map/WCLWebMap/default.aspx>

Closing an existing well

Once the new well construction is complete, please decommission the original well if it is no longer being used. You cannot simply quit using your original well. The well must either be used as a production well, emergency well, monitor well, etc., or it must be properly decommissioned by a licensed well driller. This is done to protect pollutants from getting into area groundwater supplies. If the original well is decommissioned, the decommissioning must meet state requirements. Your well driller should be familiar with these requirements.

“Showing of Compliance”

The form entitled “Showing of Compliance with RCW 90.44.100(3)” can be submitted after the additional or replacement wells are constructed. Please contact your local Ecology regional office to request the form. The staff will also be able to assist you with any questions you might have. In lieu of the form, you can also write Ecology a letter that addresses all the requirements under state law. Be sure to sign the letter.

Please submit the well log – also called the “Water Well Report” – prepared by your well driller as well as any additional information (hydrogeologic reports, decommissioned well log, etc.) you have to support your “Showing of Compliance.”

Ecology will review the form or letter to make sure it has been completed fully and identifies the appropriate well log and compares the information for accuracy. Once the review is finished and the new point of withdrawal is recorded in the department’s water right tracking system, the form and well log are filed with the water right records kept by Ecology. If you request it, the agency will send you a letter

confirming we have received and recorded your “Showing of Compliance” form.

Note: It is your responsibility to make sure that the information supplied to Ecology is correct. Your notarized signature will be on the form or letter submitted to Ecology and you will be responsible to defend the document if its accuracy is ever questioned.

Water right claims

State law only allows the “Showing of Compliance” to be used for groundwater right permits and certificates. Water right claims do not require a public notice or the usual investigation by Ecology. However, any wells that are added or replaced under a documented water right claim require you to file a water right change or transfer application.

More information

If you have additional questions, please contact the Ecology region office nearest you or visit our website.

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Websites

- <https://ecology.wa.gov/water-shorelines/water-supply/wells>
- <https://ecology.wa.gov/water-shorelines/water-supply/water-rights>

ADA Accessibility

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To request an ADA accommodation, contact Ecology by phone at 360-407-6872 or email at WRpubs@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit [Ecology’s website](https://ecology.wa.gov) for more information.