

An October 2016 Washington State Supreme Court case impacts permit-exempt well use, which may affect some of the information provided in this publication.

# Private Wells

## *Information for owners*

This publication provides information that every well owner should know about installing, using, and maintaining their well. There are several reasons why this is important:

### Legal Rights to Water

State law says that, subject to existing rights, all waters within the state belong to the public and are managed by the state. No individual or group can own the water, but they can obtain rights to use them. The Department of Ecology (Ecology) issues individuals or groups the right to use water. Private wells may be exempt from the groundwater permit system if they meet the well exemption requirements.

### Well Construction Standards

State laws establish minimum well construction standards. These laws require you to submit a Notice of Intent to Construct a Water Well form and the appropriate fee to Ecology at least 72-hours before construction begins.

### Contaminated Wells

Contaminates could show up in your drinking water, potentially putting your family's health at risk. Because you may not taste, smell, or see many types of contaminants, the state Department of Health (DOH) believes regular water testing is very important.



### Water Right Exemptions for Private Wells

A Water Right Permit Exemption allows certain users of small quantities of groundwater (most commonly, single home well owners) to construct wells without obtaining a water right permit from Ecology. In 2005, the Attorney General's Office issued a formal opinion to clarify the exemption from permitting requirements for four types of groundwater uses:

1. **Watering livestock** (No gallon-per-day limit or acre restriction)
2. **Watering a private lawn or garden less than ½ acre** (No gallon-per-day limit)
3. **Water for single homes or a small group of homes** (Limited to 5,000 gallons per day)
4. **Water for industrial uses, including irrigation** (Limited to 5,000 gallons per day, but no acre limit)

You should know:

- The limits of the exemption apply to all wells for any given project. *For example, you cannot irrigate two acres by installing four wells (each serving ½ acre) and cannot develop land and supply the commercial or domestic development with water from several wells under the exemption or without first obtaining a groundwater permit. The combined withdrawal from all the wells cannot exceed the 5,000-gallon a day limit. If they exceed the limit you must obtain a water right permit from Ecology.*
- Even if water use falls under the permit exemption criteria, you may still apply for a water right permit from Ecology.
- Although exempt groundwater withdrawals do not require a water right, they are subject to state water law. Ecology may place conditions and restrictions on groundwater withdrawals when they interfere with prior, “senior” water rights.

## Well Water Testing

The Department of Health recommends private well owners test their drinking water every year for coliform bacteria and nitrate. These two contaminants can rapidly affect a person’s health — possibly even with just one drink of water.

We also recommend testing for arsenic twice per year – once in the summer and again in winter because seasonal influences can occur affecting your drinking water. Though small amounts of arsenic do not cause rapid health effects, continued consumption over a relatively short time could lead to serious health concerns.

If you own a private well, you are responsible for testing your own water. In most counties when you sell a home supplied with a private well, the county health or planning department or the lending institution involved will require you to provide water sampling results to show the water is safe to drink. As a homebuyer, you may also want to be certain that this testing occurs. Contact your local county health or planning department for information on the requirements and the testing needed.

Many certified labs in Washington perform these tests. For a list of certified labs, visit the Department of Ecology’s Laboratory Accreditation page: [www.ecy.wa.gov/programs/eap/labs/](http://www.ecy.wa.gov/programs/eap/labs/).

## When to Test Your Well Water

### Test your well for coliform when:

- A household member has an unexplained illness
- You hear your neighbor’s well is contaminated or has a failing septic tank system
- You notice a change in the water’s appearance, taste, or smell
- You replace or repair any part of your well system
- When your well has been flooded

### Test for nitrate when:

- A household member is an infant under 12 months old
- A household member is pregnant, nursing, or trying to get pregnant
- You live in an area where fertilizers are, or have been, used near your well

### Test for arsenic if:

- You live in an area known to have naturally occurring arsenic in the groundwater or
- You know of neighbors who have high arsenic in their wells

## For More Information

### Department of Ecology

These and other Ecology publications are available online at:

<https://fortress.wa.gov/ecy/publications/UIPages/Home.aspx>.

- *Frequently Asked Questions: Water Rights in Washington*, #ECY 096-1804-S&WR
- *The Ground Water Permit Exemption*, #F-WR-92-104
- *Well Caps: Problems and Solutions*, #ECY 096-BR-098
- *Surface Seals: Problems and Solutions*, #ECY 096- BR-WR

### Wells - Licensing, Construction, and Reporting

[www.ecy.wa.gov/programs/wr/wells/wellhome.html](http://www.ecy.wa.gov/programs/wr/wells/wellhome.html)

### Well Reports - Location, Ownership, Construction Details

<https://fortress.wa.gov/ecy/waterresources/map/WCLSWebMap/default.aspx>

### Contact

Well Construction and Licensing Office:

[wclo@ecy.wa.gov](mailto:wclo@ecy.wa.gov) or (360) 407-6650

### Ecology's Regional Offices

Northwest Regional Office  
3190 160th Ave SE  
Bellevue, WA 98008-5452  
(425) 649-7000

Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775  
(360) 407-6300

Central Regional Office  
1250 W. Alder Street  
Union Gap, WA 98903-009  
(509) 575-2490

Eastern Regional Office  
4601 Monroe  
Spokane, WA 99205-1295  
(509) 329-3400



## Department of Health Office of Drinking Water

To request the following publications: <https://fortress.wa.gov/doh/eh/dw/publications/publications.cfm> or (800) 521-0323 or (360) 236-3100

- *Coliform Sampling Procedure*, 331-225
- *Coliform Bacteria and Drinking Water*, 331-181
- *Color, taste and odor problems in drinking water*, 31-286
- *Correct Completion of a Coliform Lab Slip*, 331-247
- *General Sampling Procedure*, 331-219
- *Nitrate in Drinking Water*, 331-214
- *Nitrate Sampling Procedure*, 331-222
- *Treatment of Drinking Water for Emergency Use*, 331-115
- *Water Sampling: What we test for and why*, 331-262



## U. S. Environmental Protection Agency

For a list of drinking water contaminants, potential health effects, and sources of drinking water contamination visit: <https://safewater.zendesk.com/hc/en-us/categories/201454937#mcls> or call the safe drinking water hotline at (800) 426-4791.

General information for private well owners:  
[www.epa.gov/privatewells/](http://www.epa.gov/privatewells/).

## NSF International

Information on water quality and the special needs of well water users:  
[www.nsf.org/consumer-resources/health-and-safety-tips/water-quality-treatment-tips](http://www.nsf.org/consumer-resources/health-and-safety-tips/water-quality-treatment-tips)

## Well water.org

Information on private water well systems and groundwater:  
[www.wellowner.org/](http://www.wellowner.org/)

*If you need this document in a format for the visually impaired, call the Water Resources Program at (360) 407-6872. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.*