



Whitman County Environmental Health Department
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DOMESTIC WATER SOURCE INFORMATION

BEFORE DRILLING A NEW WELL

Before drilling a new well, contact Whitman County Planning to discuss your project and ensure that the development is feasible. Contact Whitman County Environmental Health to ensure you meet all setbacks from sources of contamination, and to discuss water availability for your project. File a Notice of Intent with Department of Ecology (this is not a water right, or permission to withdraw water). Contract with a licensed well driller to establish your well.

WATER RIGHTS & WITHDRAWAL

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 uses are called “permit-exempt withdrawals.” Under RCW 90.44.050, this includes:

- Domestic use of water, up to 5,000 gallons per day (GPD);
- Irrigation of a lawn or non-commercial garden a half-acre or less in size;
- Industrial use of water, up to 5,000 GPD; and
- Stock water.

Anyone who wishes to use water in excess of these quantities must apply for and obtain a water right permit from the Department of Ecology before water use is allowed.

About Permit-exempt Withdrawals

Permit-exempt withdrawals often provide water where a community supply is not available; these wells typically serve individual homes, small residential developments, and small farms in rural areas. Although permit-exempt withdrawals do not require a water right permit, use of a permit-exempt withdrawal establishes a *water right*, which is subject to prior appropriation and water law. All water rights, including those established through a permit-exempt withdrawal:

- Have a priority date;
- May not impair senior water rights (including instream flow rules); and
- May not be impaired by a junior water right.

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

There is no permit exemption for surface water.

Explanation of Allowed Uses



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RCW 90.44.050 establishes the allowed uses of water under the permit exemption and applicable quantity limits.

- *Irrigation of a lawn or non-commercial garden* is intended to support a home's watering of lawn or non-commercial garden, together they cannot exceed a half-acre in size. Water use is limited to a reasonable quantity to support the half acre.
- *Industrial uses of water* may support activities such as irrigation of a small commercial farm, a water for a store or restaurant, or water for a small industrial facility. Use for this purpose is limited to 5,000 GPD.
- *Stock water* is intended to provide water for stock animals, such as drinking water for cows. There is no quantity limit on water use for this purpose.

A water user may "stack" the exemptions, meaning that they can withdrawal water for 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.

Exemptions are Per Project

The limits under the permit exemption apply to an entire project, not just to individual wells, lots, or subdivisions. Often, a "project" may consist of multiple homes (like a subdivision) and may use multiple wells. The State Supreme Court has ruled that the entire project is restricted to the withdrawal limits set forth in RCW 90.44.050 (see *Ecology v. Campbell & Gwinn, LLC, et al.* 2002). Therefore, while a project may consist of multiple homes or use multiple wells, collectively the wells may not withdrawal more than 5,000 GPD for domestic use. Similarly, the wells may only collectively irrigate up to a half acre of lawn or non-commercial garden.

Ecology and local governments consider many factors when determining the extent of a project. Some key considerations to assess whether the building is part of a larger project include:

- Common ownership: 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? For instance, are the parcels currently or previously owned by a related group of individuals? Did one developer subdivide the lots?
- Common effort: Do the properties have common infrastructure (e.g. wells, water systems, road networks, entry gates, homeowner's associations, community buildings, or facilities)? Are services shared among the properties (e.g., engineering, architecture, legal, environmental review, land preparation or clearing, marketing, etc.)? Are there joint agreements among 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?