

# Permit Exempt Wells in County Building Permits

Amy Sumner

Water Resources, Spokane County

Water Law in Eastern WA Conference

27 May 2026



**Spokane County**

WASHINGTON

# Getting Drinking Water to Homes

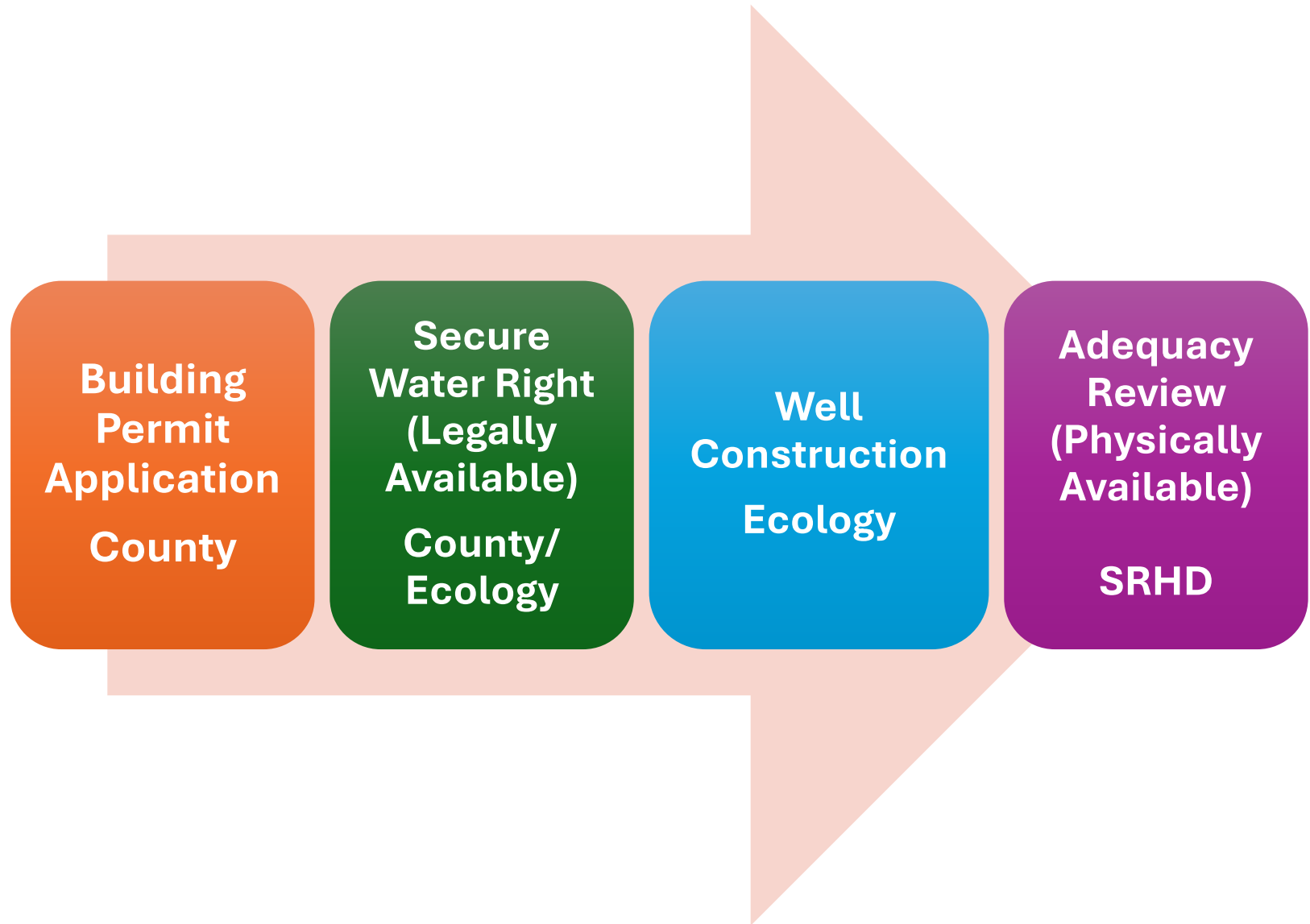
## Public Water Supply



## Private Domestic Well



# Permit Exempt Well Process Overview



# Building Permits

- Application for a building permit initiates entire process
- Process for securing water influenced by:
  - Type of building/planning permit
  - Number of parcels involved
  - Location of the parcel(s)
- Building permit cannot be issued until applicant has completed whole process

The screenshot shows the Spokane County Applications website. At the top left is the Spokane County logo. In the top right corner, there are links for "Sign Up or Log In" and "Contact Us". The main heading is "Applications". Below this, there is a search bar with the text "View applications, apply, pay, or request inspections?" and buttons for "SIGN UP" and "LOG IN". The search bar contains the placeholder text "Enter a permit or license number, address, or name" and a "SEARCH" button. Below the search bar, there is a red box with the text "Start Here" pointing to the "Apply Online" card. The "Apply Online" card is highlighted with a red border and contains a monitor icon, the text "Apply Online", "Apply online with our quick and easy process", and an "APPLY »" button. Other cards include "Pay Online" (green button), "My Inspections" (brown button), and "My Applications" (blue button).

# Building Permits: Single Parcels

## Those involving a single parcel

- New residential dwelling
- Placement of mobile home
- Change of use
- Addition of water/plumbing
- Accessory building

Easy to stay within exemption limits

Parcels within subdivision - **CAUTION**



# Building Permits: Multiple Parcels

## Those involving multiple parcels

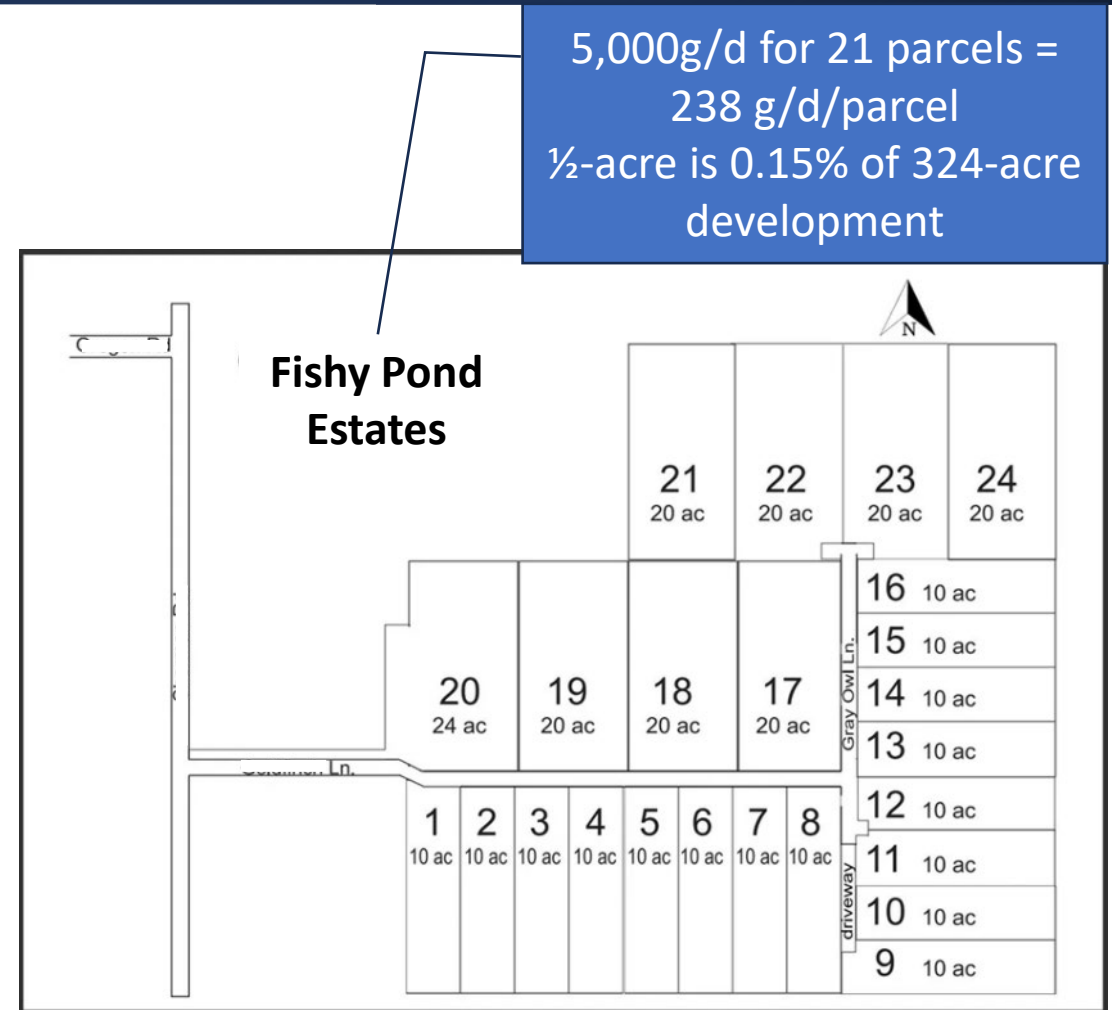
- Short plats
- Subdivisions
- Large lot divisions



# Building Permits: Multiple Parcels

## Those involving multiple parcels

- Consider if single project
- If **NO**: permit exempt well ok for each parcel
- If **YES**: Cannot collectively go above permit exempt use
  - If each parcel has permit exempt well to full capacity = collectively above
  - Can be a challenge to meet for larger subdivisions



# Building Permits: Certificate of Exemption

## Subdivisions that meet certain conditions to be exempt from subdivision laws

- Does **NOT** exempt the properties from water law
- May still be considered a “project” when developed

**CERTIFICATE OF EXEMPTION**

Spokane County Department  
of Building and Planning  
1026 West Broadway Avenue  
Spokane WA 99260  
(509) 477-3675

APPLICATION NO.: \_\_\_\_\_  
RELATED FILES: \_\_\_\_\_

Tax parcel number(s): \_\_\_\_\_

Site address or  Frontage road name: \_\_\_\_\_

Public Road  Private Road  Private Driveway **Auditors Easement Recording #:** \_\_\_\_\_  
(For Private Road) **Auditors Maint. Agree. Recording #** \_\_\_\_\_

New Legal Description: Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total existing acreage \_\_\_\_\_ New property acreage \_\_\_\_\_  
Zoning \_\_\_\_\_ Comprehensive Plan \_\_\_\_\_  
Applicant/Owner \_\_\_\_\_ Phone (home) \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Email \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

I certify that I as owner or authorized agent have examined this document and state that the information contained in it and submitted by me or my agent to compile said document is true and correct and authorize Spokane County to proceed with processing. In addition, I have read and understand the **NOTICE TO PURCHASER** and other provisions, conditions and/or comments contained herein or on the reverse and agree to comply with same. I understand that the issuance of this Exemption is not intended to verify that adequate provisions have been made for drainage ways, potable water supplies, roads and/or sanitary wastes, or legal access. Any subsequent approval(s) based on this Exemption shall not be construed to give authority to violate or cancel the provisions of any state or local law.

This Certificate of Exemption is for and shall run with the land, and shall be applicable to the applicant, owner, successors or assigns.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

THIS CERTIFICATE SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF PERMITS

THE APPLICANT SHALL FILE A SEGREGATION APPLICATION WITH THE COUNTY ASSESSOR for property created via this Exemption prior to the issuance of a building permit.

# Securing Water Rights: Permit Exempt Wells

- Groundwater Permit Exemption
  - 5,000 gallons per day\*
  - ½-acre non-commercial outdoor irrigation
- IF within limits (multiple parcels?), can go to well construction
- Otherwise need New Water Right\*, Change, or Transfer
- **\*Regulated watersheds may have different rules**



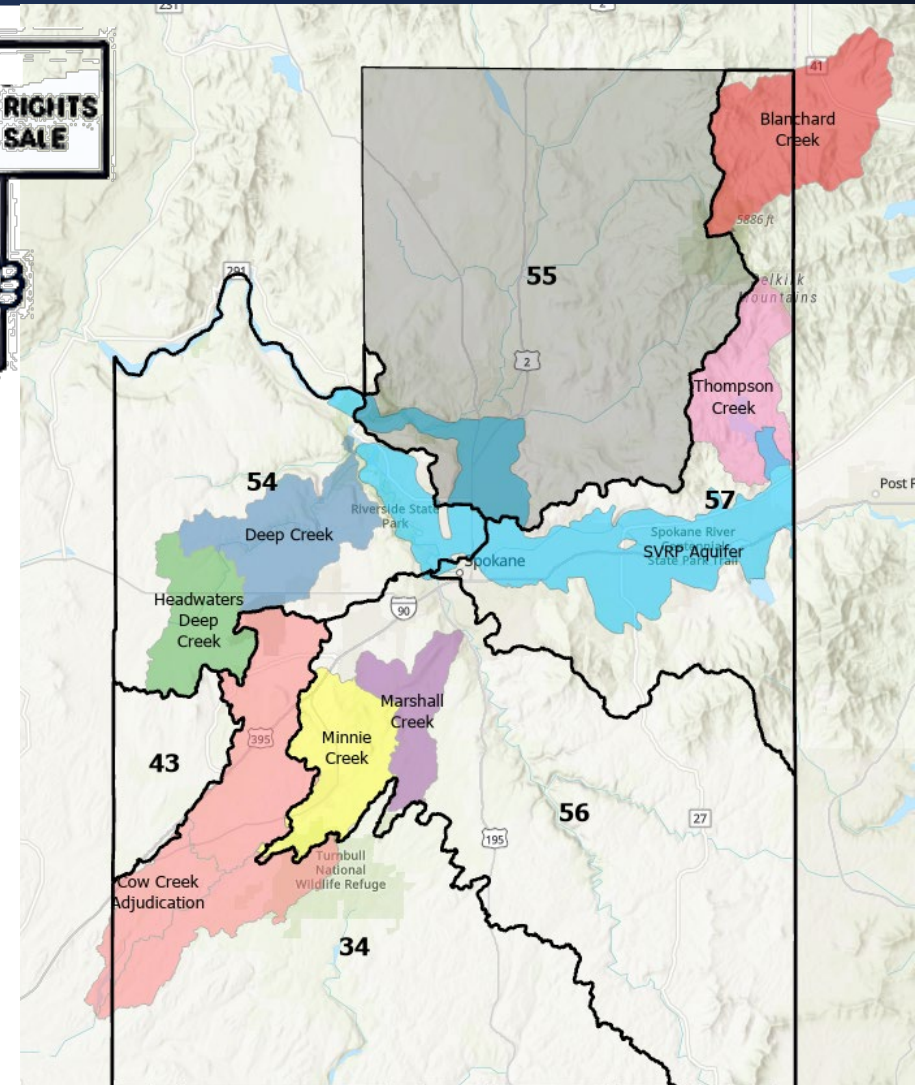
DEPARTMENT OF  
**ECOLOGY**  
State of Washington



# Securing Water Rights: Non-Exempt Uses

## Can't meet the Exemption?

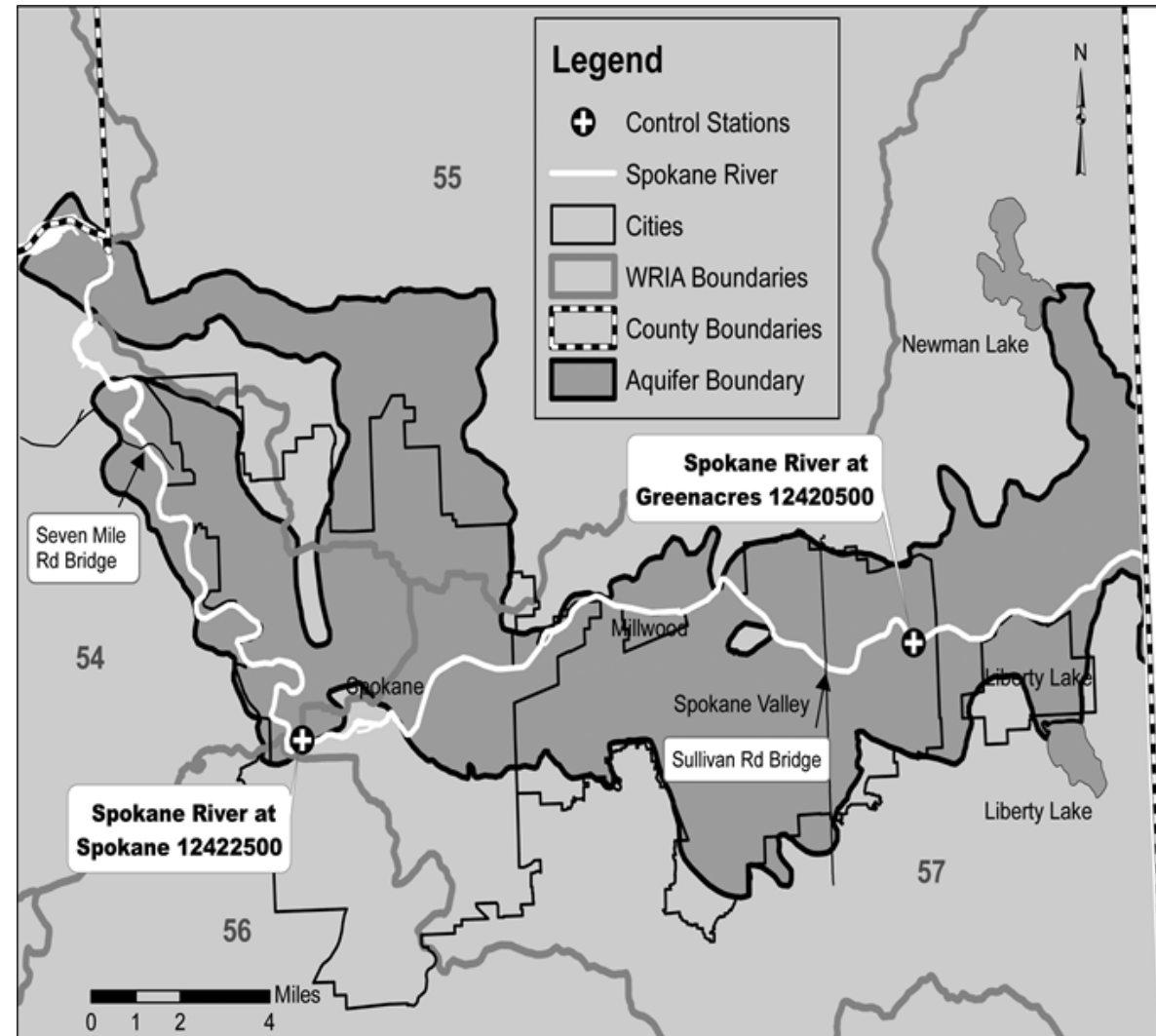
- Apply through Ecology
- Very involved process
- For Transfer/Changes:
  - Need seller of valid water right
- Unlikely to get new Water Right, especially in Regulated Watersheds
  - SVRP Aquifer
  - WRIA 55/Little Spokane
  - Surface Water Source Limitation - Closures
  - Adjudications



# Securing Water Rights: SVRP Aquifer

## SVRP Aquifer Water Bank

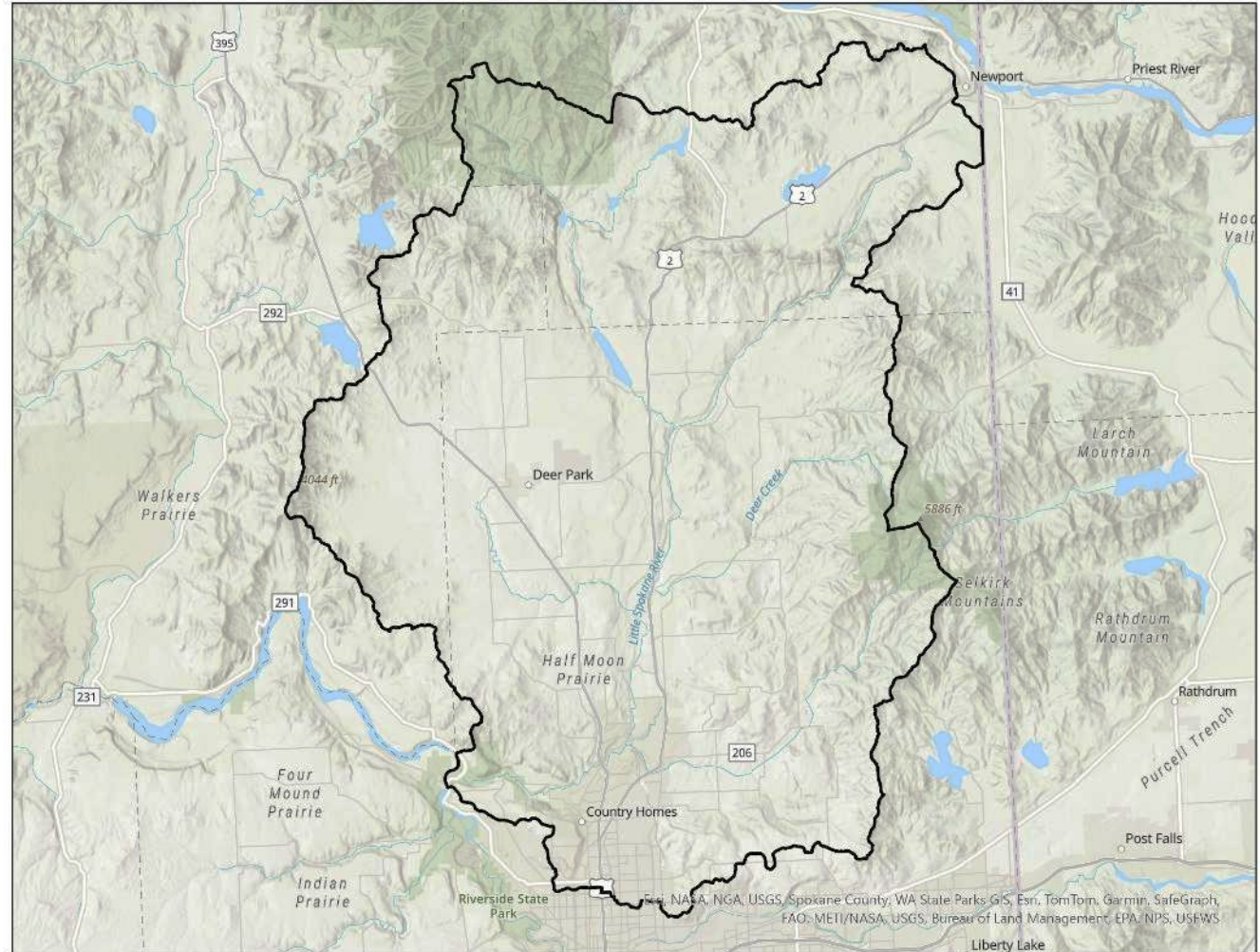
- Managed by Ecology
- Parts of WRIAs 54, 55, & 57 over the SVRP Aquifer
- Well must be:
  - Within boundary of aquifer
  - Hydrologically connected
- Limited amount (122.5 afy)
- Certificate of Mitigation



# Securing Water Rights: Little Spokane (WRIA 55)

## Permit Exempt Well

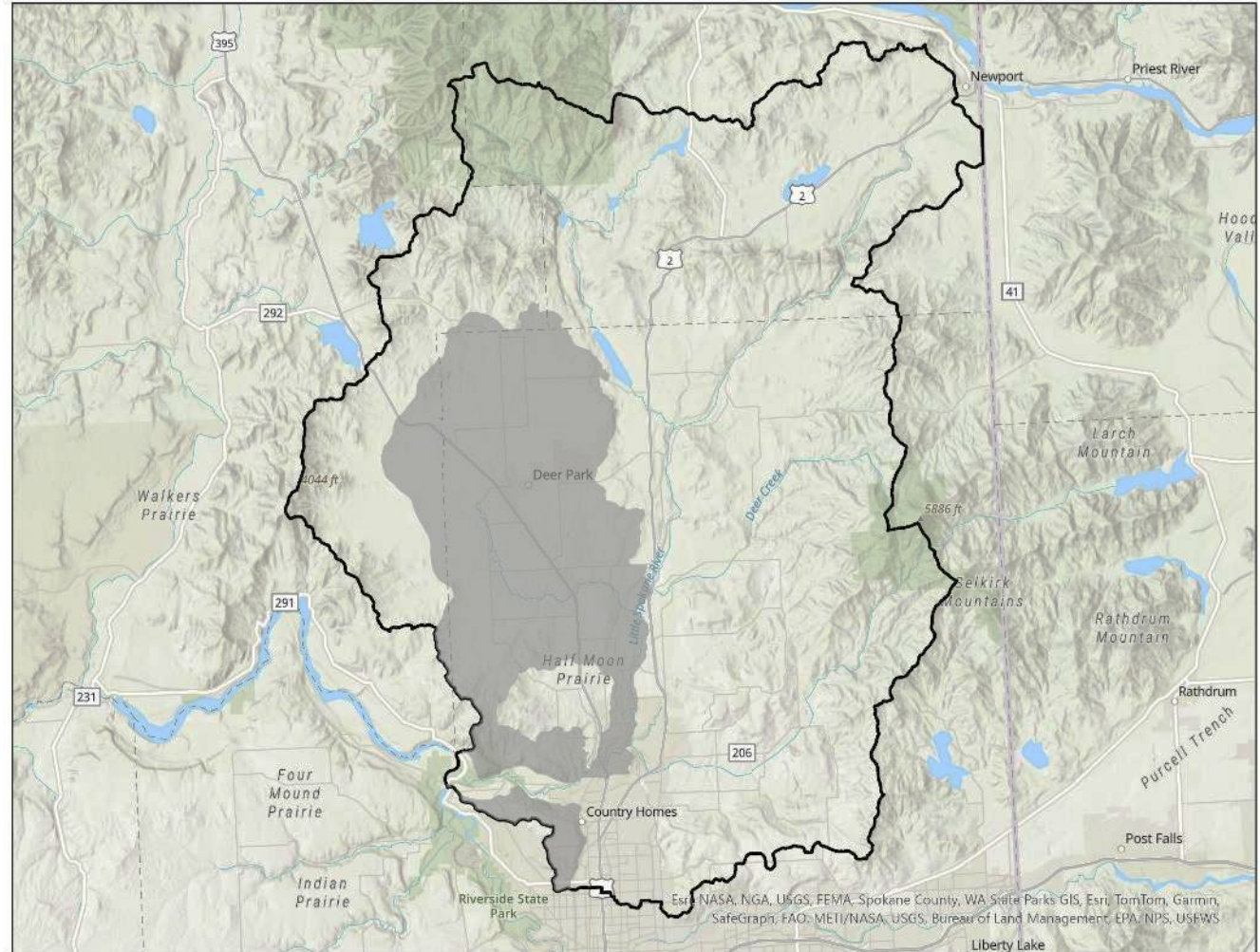
- Anywhere in WRIA 55
- More stringent permit exemption requirements:
  - 3,000 gallons per day (annual average)
  - ½-acre non-commercial, outdoor irrigation
- Considered junior water right
- \$500 fee in Bldg permit
- May be limited by WRIA 55 Watershed Plan Off-sets



# Securing Water Rights: Little Spokane (WRIA 55)

## LSR (WRIA 55) Water Bank

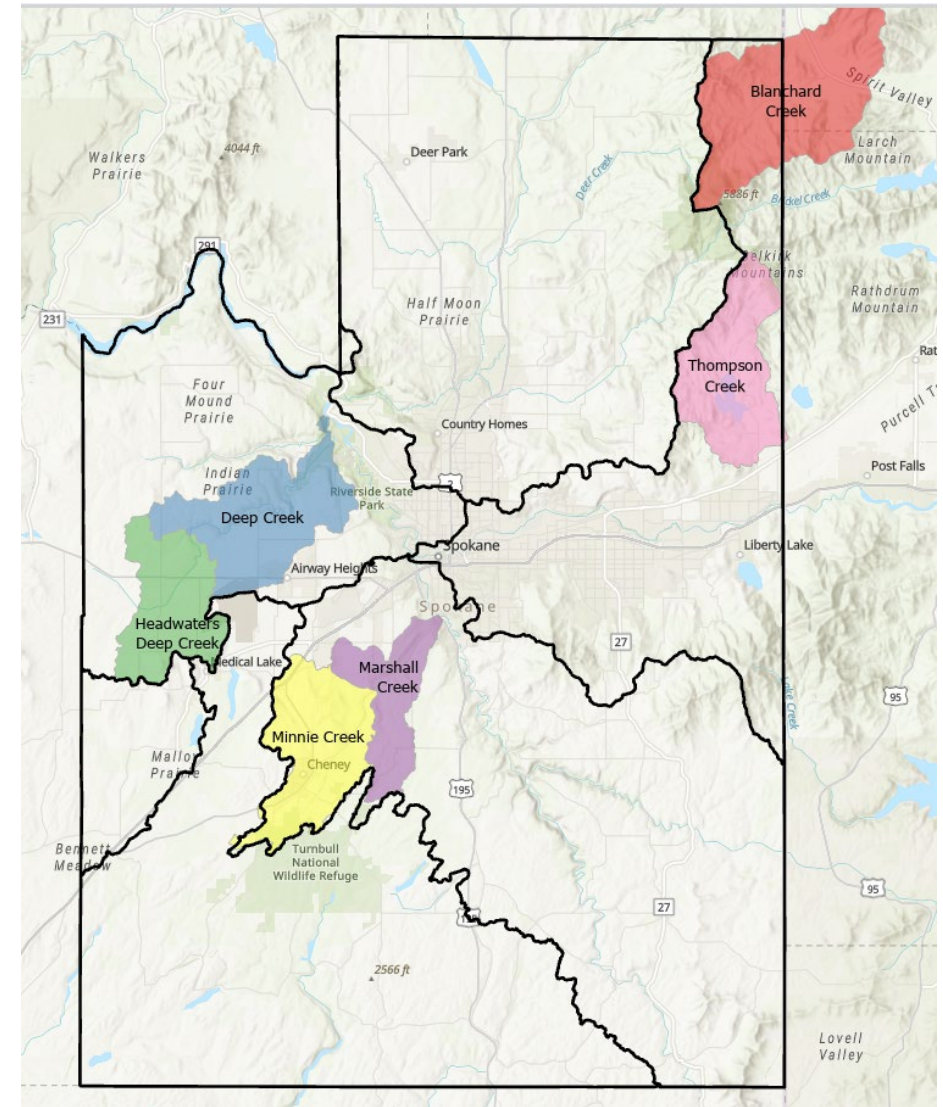
- Managed by County Water Resources
- Approved mitigation area only
- Application process
- Higher cost ~\$1700 - \$6300 per parcel
- Limited amount (151 afy)
- Multiple parcel projects
- Provides a senior water right
- Issue Mitigation Certificate



# Securing Water Rights: SWSLs

## Surface Water Source Limitations

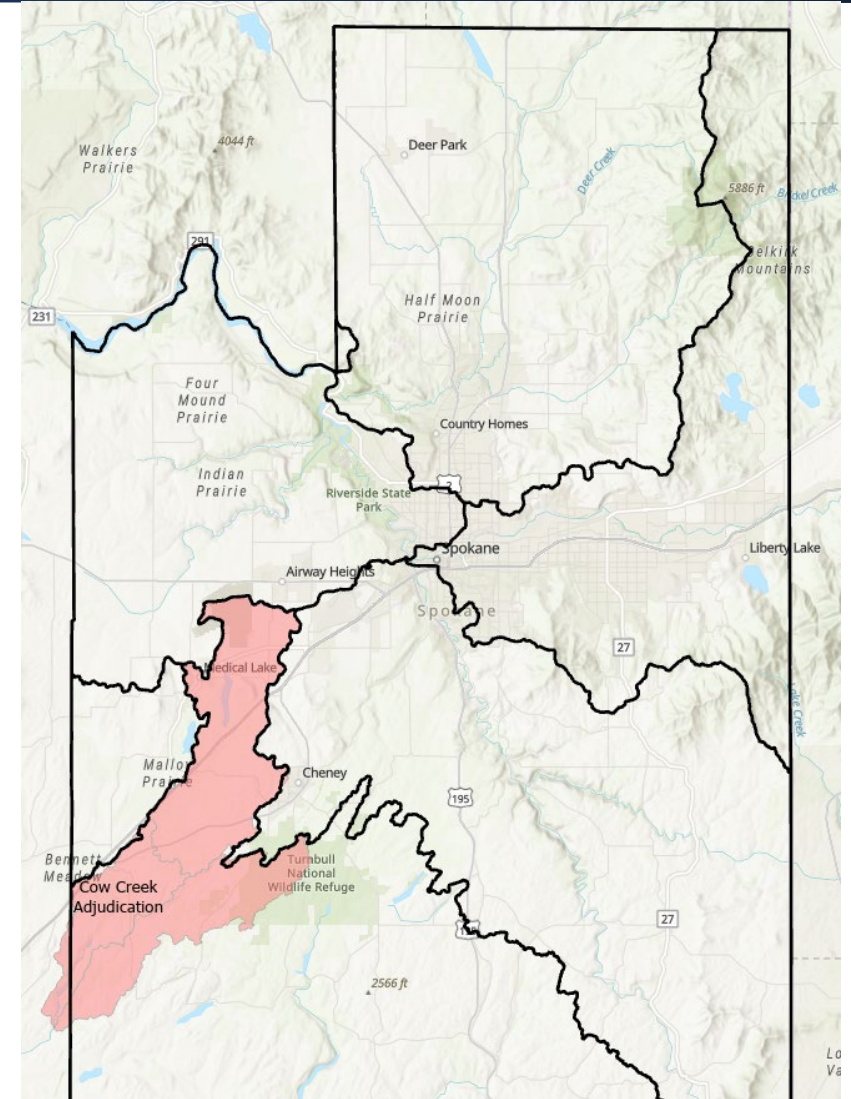
- Administrative (ECY & WDFW)
- Closures or Low-flow Restriction
  - 6 closed basins in Spokane County
  - Low-flow Restriction – All others!!
- Curtailment Orders
  - Affect Junior Water Rights
    - Includes Permit Exempt Wells
  - Can curtail all users in severe drought



# Securing Water Rights: Adjudications

**Adjudication:** Legal process for validating all water rights in area

- Resolve conflict & competition
- Indication all water is allocated
- Adjudications in Spokane County
  - 1928: Bigelow Gulch Creek, WRIA 55
  - 1931: Crystals Springs, WRIA 56
  - 1986: Deadman Creek, WRIA 55
  - 1986: Cow Creek/Sprague Lake, WRIA 34



# Well Construction

Building permit applicant **CANNOT** construct a well until:

- Secure water right
- Obtain a licensed driller
- Submit Notice of Intent (NOI) to Ecology 72 hrs. prior to drilling

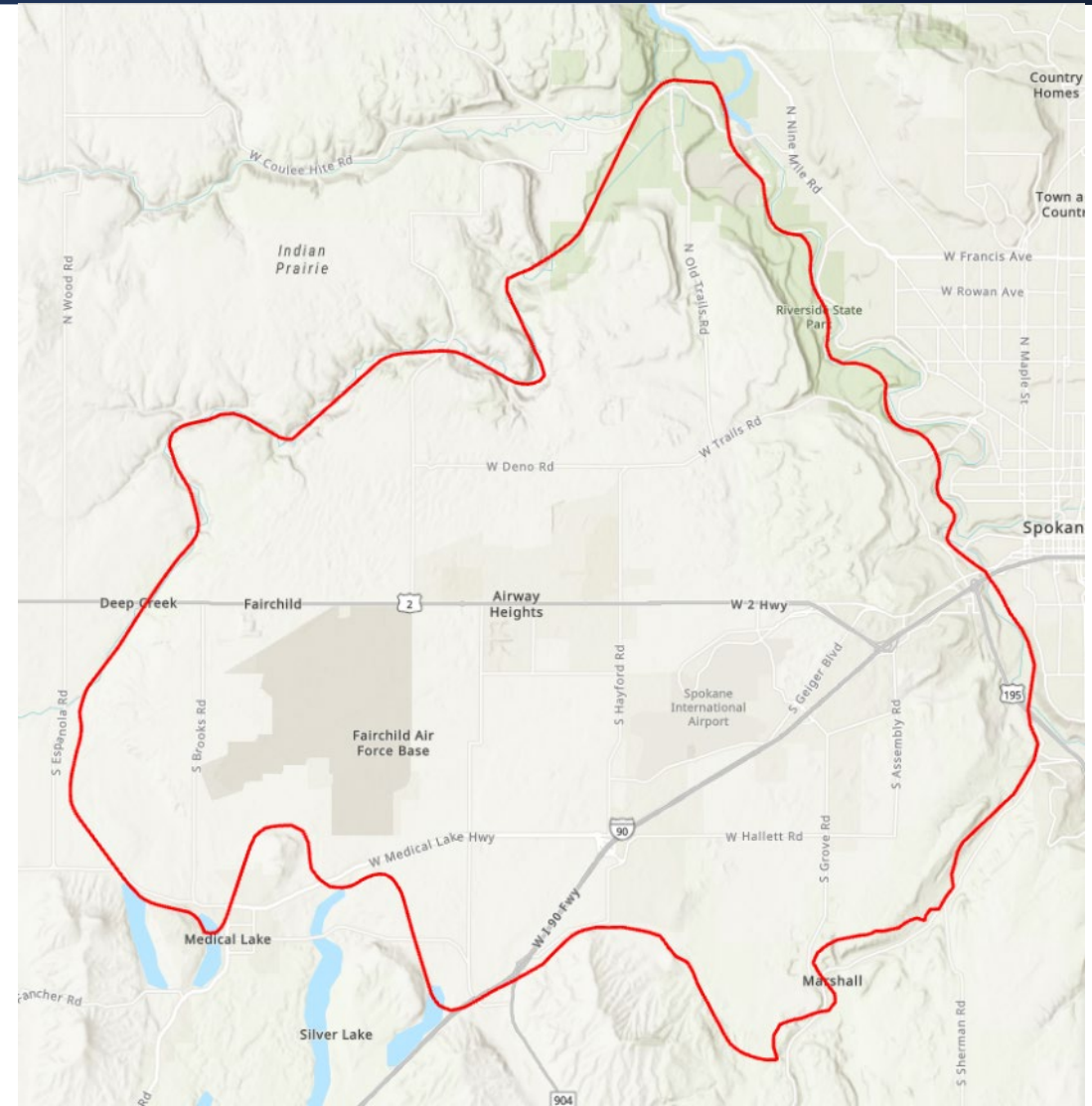
After construction Well Log must be submitted to:

- Ecology
- Spokane Regional Health District (SRHD) – for next step in process



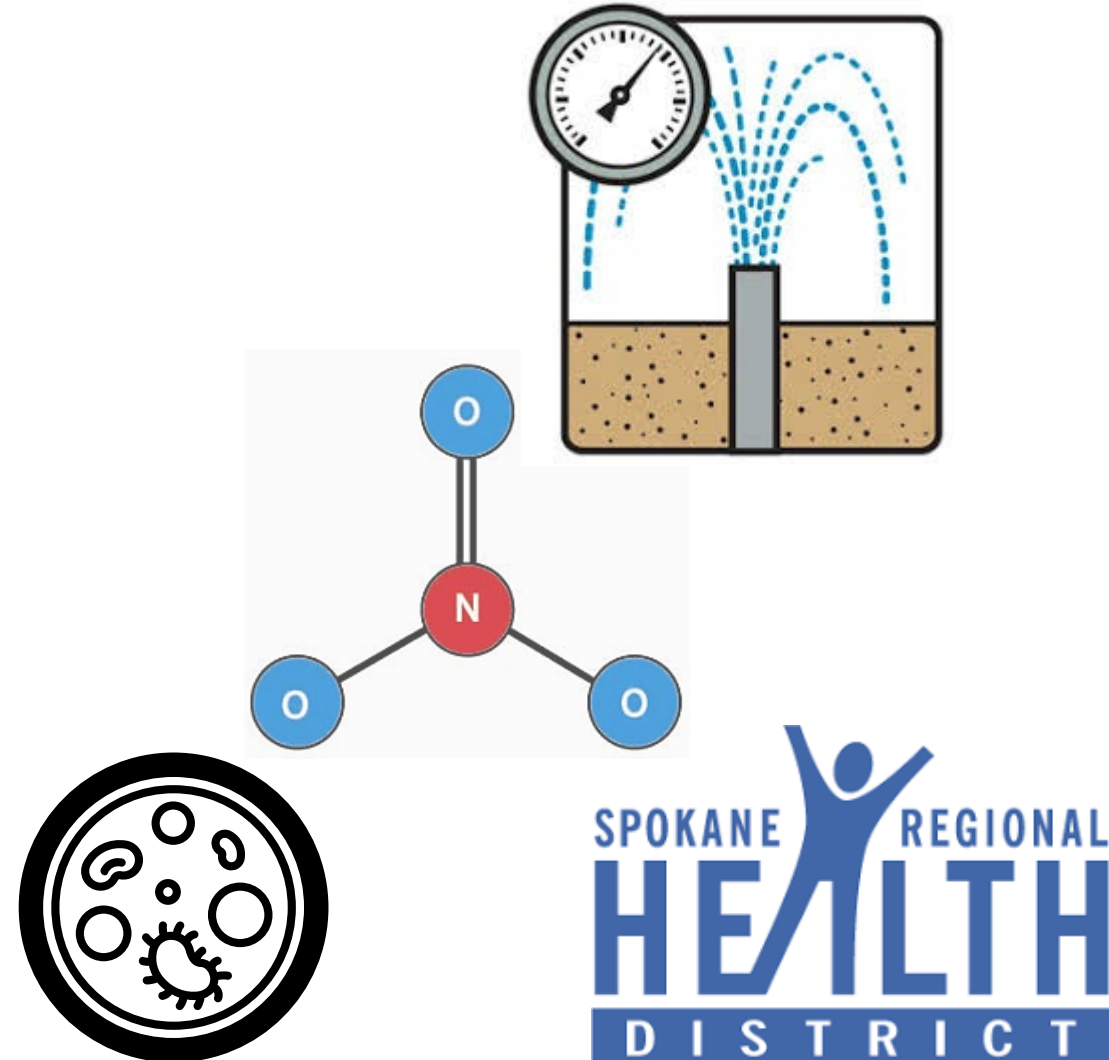
# Well Construction: West Plains PFAS Concerns

- Ecology Water Well Drilling Advisory, April 2025
- Well drilling is currently NOT prohibited
- Real Estate Transactions:
  - If Selling, disclosure on Form 17
    - Test Results
    - Treatment Systems
  - If Buying, ask for testing as condition of sale if not done



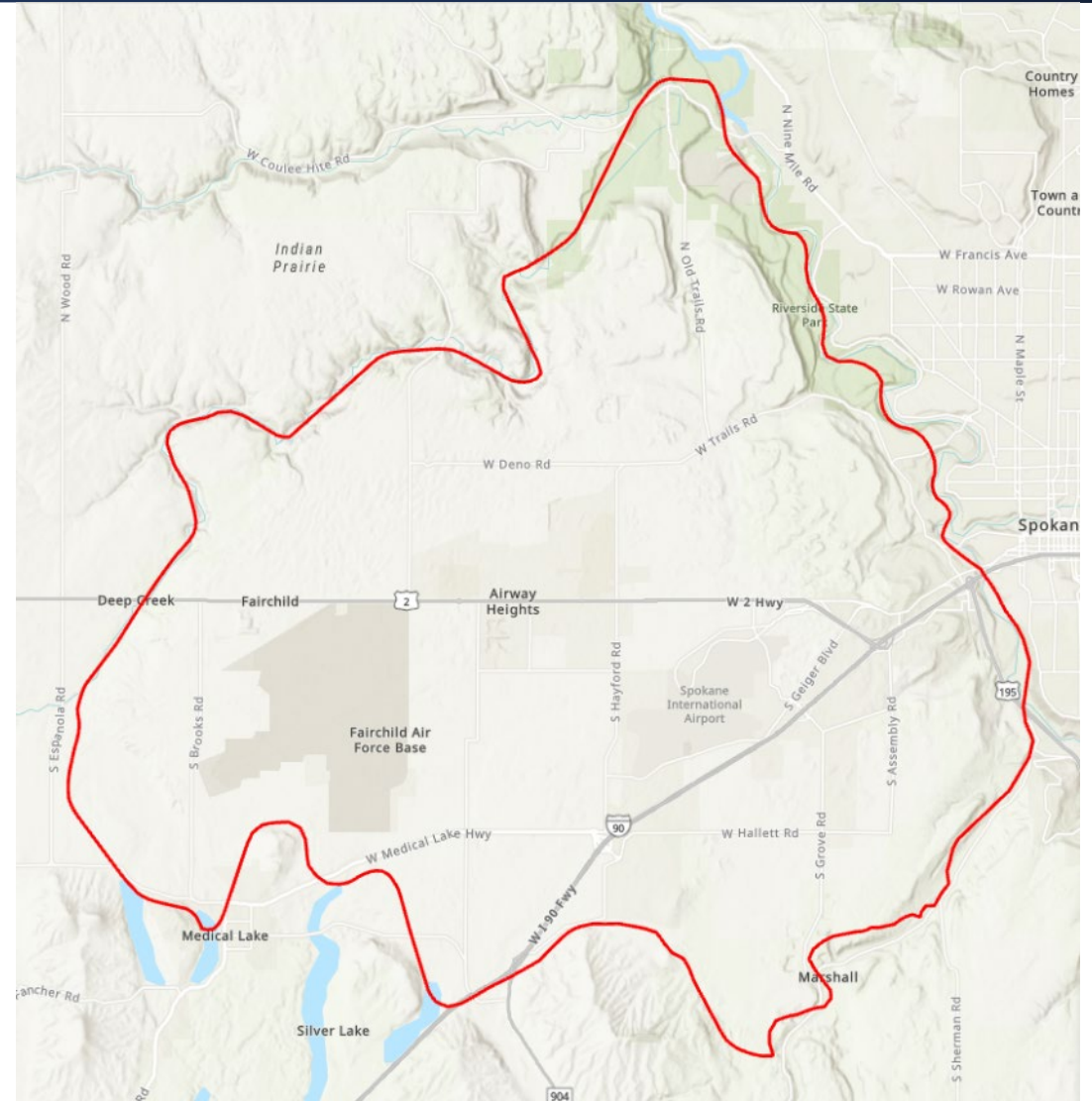
# Adequacy Reviews

- Completed by SRHD
- Prior to issuance of building permit
- Requires submittal of:
  - **Well log**
    - ✓ Licensed driller
    - ✓ 4-hr pump test ~1 gal./min.
  - **Lab results**
    - ✓ Nitrates: 2 sample average within the 10 mg/L Maximum Contaminant Level (MCL)
    - ✓ Coliforms: negative result or required to install chlorine treatment (or equivalent)



# Adequacy Reviews

- Note this DOES NOT require sampling for PFAS
- Residents in West Plains Well Drilling Advisory Area encouraged to test their water
- Other potential water quality concerns in Spokane County:
  - Arsenic
  - Uranium



# Permit Exempt Well Process Summary

Building Permit  
County

Starts process  
If water supply is  
needed  
Type of permit and  
number of parcels  
influences next step

Secure Water Right  
(Legally Available)  
County/Ecology

Permit exemption  
OR Water Right  
Location:

- Little Spokane (WRIA 55)
- SVRP Aquifer
- SWSLs
- All other areas

Well Construction  
Ecology

CANNOT start until  
water right secure

- Licensed driller
- 72-hr NOI to Ecology
- West Plains Drill Advisory

Send Well Log to  
Ecology & SRHD

Adequacy Review  
(Physically Available)  
SRHD

CANNOT issue  
Building Permit  
until complete

Well Log and Water  
Quality Tests for:

- Nitrate
- Coliforms



# Challenges with Permit Exempt Wells

- Spokane County's watersheds are essentially considered appropriated
  - New water rights are prohibited in SVRP Aquifer, WRIA 55, and 6 SWSL Closures
  - All other areas are covered by SWSL Low Flow Restrictions
- WRIA 55/Little Spokane Watershed Plan Implementation
  - Permit exempt wells are difficult to accurately track
  - Difficult to off-set permit exempt wells (132.4 afy of planned 3,978 afy = 3%)
  - Most are being installed in future water service areas
- Awareness of various requirements is low
  - County Building/Planning staff issuing authorizations
  - Real Estate Agents
  - Little Spokane Water Bank Certificate Holders and General Public

# Potential Solutions

- Spokane County, municipalities and purveyors should consider:
  - Stronger water conservation programs and ordinances
  - Integrate water resources concerns into Comprehensive Planning
- Conduct (late) 5-Year WRIA 55 Implementation review to:
  - Establish standard process for permit exempt well accounting
  - Reassess off-set opportunities
- Provide better education resources and opportunities
  - County Building/Planning staff training
  - Real Estate Agents
  - Open House for Little Spokane Water Bank Certificate holders
  - Improve County's website information

# Resources

## Ecology:

[Groundwater permit exemption - Washington State Department of Ecology](#)

[Focus on: The Groundwater Permit Exemption](#)

[Permit Exempt Wells in SVRP](#)

[Water Availability Focus Sheet - WRIA #55](#)

## SRHD:

[Drinking Water \(Private Wells\) | Spokane Regional Health District \(srhd.org\)](#)

## County:

[Building Permits and Water Supply | Spokane County, WA](#)

[Little Spokane River Water Bank \(WRIA 55 Stream Flow Mitigation Certificates\) | Spokane County, WA](#)

# Questions?



Contact:

Amy Sumner

Water Resources Manager

Spokane County

509-477-7578

[asumner@spokanecounty.org](mailto:asumner@spokanecounty.org)