



# **BROCHURE # 109**

## **BUILDING PERMITS SUPPLIED WITH WELL WATER**

### **OVERVIEW**

Washington state has a new law in response to the “Hirst decision.” Hirst was a 2016 Washington State Supreme Court decision that changed how counties approve or deny building permits that use permit-exempt wells for a water source. The law, Engrossed Substitute Senate Bill 6091, was passed on Jan. 18, 2018, and signed by Gov. Inslee the next day. The law helps protect water resources while providing water for families in rural Washington.

Kitsap County is mandated to manage development supported by water right permit-exempt wells. In partnership with the Kitsap Public Health District, the department reviews and approves new building permits requiring water for domestic use.

### **NEW REQUIREMENTS**

New water supply requirements from water rights permit-exempt wells approved after January 19, 2018 will be implemented for building permits:

Kitsap County building permit applicants are currently required to provide evidence of an adequate potable water supply for the intended use of the proposed development/ building.

- The new law limits water use from new permit-exempt wells to 950 gallons per day (gpd) annual average, and may be curtailed to 350 gpd and restricted to indoor use under declaration of a drought.
- Kitsap County is also required to record a notice with the Kitsap County Auditor to the property’s title identifying water usage and new limitations for the groundwater withdrawal and collect a \$99 recoding fee from the applicant.
- Counties are required to collect a \$500 fee from the applicant for each of these building permits, which will be collected by DCD along with applicable permit fees.



### **FREQUENTLY ASKED QUESTIONS**

#### **What is a permit-exempt well?**

Washington has a groundwater permit exemption which allows for a single or domestic group water use without obtaining a water right permit. For more information on Water Right Permits, visit <https://ecology.wa.gov/>.

#### **How do I know if this new law affects my project?**

If your well was constructed after January 19<sup>th</sup>, you will need to meet the new requirements.

#### **Where does my \$500 fee go?**

\$350 of the fee will go to the Department of Ecology and \$150 is available locally to administer this program.

#### **I am just connecting to my neighbor’s well, does this impact my project?**

If the well was already in existence prior to the new requirements, connecting will not impact your project.

For building permit requirements please contact DCD at (360) 337-5777, for any Permit-Exempt well questions please contact the Kitsap Public Health District at (360) 728-2235.

# NOTICE TO TITLE EXAMPLE

**When recorded, Return  
to: Kitsap County  
Department of  
Community Development  
MS-36**

## **Kitsap County Water Use Limitations and Restrictions Notice FILED FOR THE RECORD BY THE KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

Current Property Owner: Legal Tax Payer Name

Tax Account # Parcel Number

Address: Site address

ABBREVIATED LEGAL DESCRIPTION: Quarter, quarter, section, township, range; or Plat name, lot and/or block number; or Short plat or large lot name or number, lot number and Auditor's file number.

NOTICE IS HEREBY GIVEN that the above identified property is subject to the following water use limitations and restrictions:

1. Domestic water use at this property is subject to a water use limitation of a maximum annual average withdrawal of nine hundred and fifty gallons per day, per connection, subject to the five thousand gallons per day limit in RCW 90.44.050.
2. If a Drought Emergency Order is issued pursuant to RCW 43.83B.405, domestic water use at this property may be curtailed to no more than three hundred and fifty gallons per day per connection, for indoor use only. Notwithstanding the drought restriction to indoor use, a fire control buffer may be maintained.

Information regarding the associated restriction and any restrictions imposed on the development or use of the property can be obtained by the Department of Community Development in the files of the following permits:

Enter Type of Permit	Permit Application #	Permit Application Date
_____	_____	_____

By going through the building permit application process, the property owner(s), or authorized agent on behalf of the owner(s), has agreed to accept the responsibility associated with developing property under the above described condition, and hereby agrees to inform future purchasers, successors, and assignees of the water use limitations and restrictions.

This Notice may not be removed or extinguished without the written approval of the Kitsap County Department of Community Development, said approval explicitly referencing this Notice and associated limitations.

\_\_\_\_\_  
DCD Representative  
Printed Name

\_\_\_\_\_  
DCD Representative  
Signature

