



## Shared Water Well Agreements

Proof of permanent, potable, domestic water supply is required for development. Potable water from a public water utility is not always an option in many rural areas. It is not uncommon for one or more property owners to share a single well and water distribution system for their domestic water supply. A **legal agreement establishing water rights** is essential when sharing a water well. A shared water well agreement must be submitted to the Ventura County Environmental Health Division (Division) for review and approval as part of the Certification of Water Quality process. The agreement, easements, and map must be recorded on the property deeds for both the supplier (well owner) and supplied parties. **We strongly recommend that the shared water well agreement be drafted by an attorney familiar with water well rights.**

Please note, **no more than four parcels** may share a water well without forming a State Small Water System and obtaining a permit to purvey domestic water from this Division. Likewise, if the water system regularly serves at least 25 individuals daily at least 60 days out of the year, a permit to purvey water from the State Water Resources Control Board, Division of Drinking Water is required.

A shared water well agreement should contain, at minimum, the following elements:

- ✦ The agreement shall run with the land and shall inure to the benefit of and be binding upon the declarant and his/her successors and assigns and all subsequent owners of all or any of the parcels. Allowance may be made for a parcel owner who installs an on-site domestic water well that meets State water quality standards to be relieved of responsibility and rights of usage of the original well.
- ✦ Each parcel shall have the right to use the existing water well for domestic water needs (yield of 5-gallons per minute of domestic water shall be allocated for each dwelling) and such right shall include all necessary easements for the delivery system from the well to each parcel. Any new users will assume the same rights and responsibilities as existing users.
- ✦ All parcels shall be shown on the map recorded with the agreement. All APN's involved in the shared water well agreement shall be noted. The locations of access, pipelines, well(s), tank(s), and other water production facilities shall be shown on the map recorded with the document. The well shall be identified by State well number or global positioning system coordinates.
- ✦ Responsibility for maintenance, repair and amortization of the well and delivery system amongst the parcel owners shall be delineated. In the event of a physical failure of the well that cannot be repaired, and a new replacement well is drilled, the parcel owners shall have the same rights and obligations they had with the original well.