

# wellcare® information for you about **Sharing a Well**

In many rural areas, it is not uncommon to find one or more homeowners sharing a single well and water supply system. But buying a home with a shared well and managing a shared system requires diligence on the part of all parties involved.

## **Buying a Home with a Shared Well**

When buying a property with a shared well, review the recorded agreements regarding the well, particularly the deeds of the property owners involved. You want to make sure that the deeds contain easements permitting access to, use of and maintenance of the water system. If there is no shared well agreement, get one.

Conduct a rigorous well inspection. Research the well's history, particularly when it was drilled and how it was constructed, when and how it has been maintained, and the results of any water quality tests. Inspect the well location, distance from potential pollution sources, soil type and subsurface conditions. If the well is not on your property, check that the property owner does not engage in land use practices that could harm the well or water quality.

Finally, document the current well capacity and water quality. Ask a well professional to conduct a pump/flow test. Under federal mortgage insurance guidelines, shared wells meet minimum flow standards (see below). Test the water for lead, nitrate, nitrites and bacteria, also required for federal mortgage insurance.

## **Mortgage Lender Requirements for a Shared Well**

U.S. Department of Housing and Urban Development (HUD) sets minimum standards for shared wells that must be met to qualify for a Federal Housing Administration (FHA) insured mortgage.

Under HUD guidelines, the shared well:

- may only serve existing properties "which cannot feasibly be connected to an acceptable public or community water supply system."
- shall serve no more than four living units or properties.
- shall have a valve on each dwelling service line as it leaves the well.
- must be governed by a shared well agreement (see below) that is legally binding upon signatory parties and their successors in title.
- must be capable of providing each dwelling served with at least three gallons per minute. A lower yield is acceptable if pressurized storage of at least 720 gallons is provided to each dwelling. Well yield must be demonstrated by a certified pumping test.
- must offer proof of safe and potable water, such as a letter from the local health department or other certified agency reporting results of a water test.

## **Elements in a Shared Well Agreement**

A legal agreement is essential to protect your access to the water supply of a shared well and to spell out the costs and responsibilities involved in maintaining the system. HUD sets standards for shared well agreements, as do many state health departments as part of the well approval process.

Under HUD's minimum standards, a shared well agreement should:

- specify cost sharing to provide power to the well pump; repair, test, inspect and disinfect the system; replace components such as the well pump; and make improvements to increase the service life of the system, restore well yield or protect the system.

- require each well user to promptly repair any leaks in their part of the service line or plumbing; pay for repairs of damage caused by residents or guests on their property; and maintain and replace, when needed, the service line connecting the water system to their residence.
- permit well water sampling and testing by a responsible local authority at any time at the request of any party to the agreement.
- require corrective measures if testing reveals "a significant water quality deficiency, but only with the consent of a majority of all parties."
- assure ongoing water service to all parties, even if the "supplier" has no further need for the shared well system. In this event, the "supplied" parties assume all costs for the continuing water supply.
- prohibit water well usage by any party for "other than bona fide domestic purposes." Spell this out. Many conflicts have arisen over matters like watering the lawn.
- prohibit connection of any new residences without the consent of all parties, appropriate amendment of the agreement, and compliance with the points above.
- prohibit any user from locating or relocating a septic system within 50 feet of the shared well.
- establish easements for all elements of the system; assure access and necessary working space for system operation, maintenance, replacement, improvement, inspection and testing.
- provide for binding arbitration of major disputes regarding the water system or the terms of the well sharing agreement.

### For more information on shared wells

HUD guidelines for shared wells, Handbook 4150.1 Rev-1, Section 12-17, pp. 12-45 through 12-49:  
[http://www.hudclips.org/sub\\_nonhud/cgi/nphbrs.cgi?d=HSGH&s1=\(4150.1\)\[no\]&op1=AND&l=100&SECT1=TXT\\_HITS&SECT5=HEHB&u=./hudclips.cgi&p=1&r=13&f=G](http://www.hudclips.org/sub_nonhud/cgi/nphbrs.cgi?d=HSGH&s1=(4150.1)[no]&op1=AND&l=100&SECT1=TXT_HITS&SECT5=HEHB&u=./hudclips.cgi&p=1&r=13&f=G)

U.S. Department of Agriculture, Wisconsin Rural Development Program, sample shared well agreement:  
<http://www.rurdev.usda.gov/wi/programs/rhs/library/Shared-Well-Agreement.pdf>

Information on buying a home with a well, well components, maintenance, drinking water testing and potential contaminants, WSC wellcare® information sheets: [www.watersystemscouncil/wellcare/infosheets.cfm](http://www.watersystemscouncil/wellcare/infosheets.cfm)

### For more information on your drinking water

The following sites provide up-to-date information on efforts to protect drinking water supplies and steps you can take as a private well owner:

**Water Quality Association** [www.wqa.org](http://www.wqa.org) • **NSF International** [www.nsf.org](http://www.nsf.org)

### For more information about wells and other wellcare® publications

wellcare® is a program of the **Water Systems Council (WSC)**. WSC is a national nonprofit organization dedicated to promoting the wider use of wells as modern and affordable safe drinking water systems and to protecting ground water resources nationwide. Well owners and others with questions about wells or well water can now call the wellcare® hotline at **888-395-1033** or visit [www.watersystemscouncil.org](http://www.watersystemscouncil.org)



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**Well water naturally better... Contact your local water well professional**