

SHARING A WELL

In many rural areas, it is common to find one or more homeowners sharing a single well system. Modern wells allow access to groundwater, supplying water to more than 13 million households nationwide. When installed and maintained properly, wells can provide safe, affordable water for many years.

Buying a Home with a Shared Well

If you are interested in buying a property with a shared well, there are some things you need to ask, consider, and make sure of before settling. We recommend the following:

- 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, you will want to get one.
- Collect any available information on the construction, maintenance history, and condition of the well. Ask your real estate agent to contact the seller/seller's agent or contact the company that drilled the well for the well log (also known as the well record, completion report, or drilling report). The well log will include a reference number for the well, date the well was drilled, location of the well, and various construction details such as drilling method used, depth of the well, depth and type of casing (lining of your well/visible pipe above ground), and depth and size of the pump. Most states require well contractors to file a well log when a new well is drilled, and many states have searchable databases to retrieve this information electronically. Local health departments may also keep a copy of these records.
- Finally, have a licensed well contractor conduct a thorough well inspection, including a flow test, and have the water tested by a certified water testing laboratory. Under federal mortgage insurance guidelines, shared wells must meet minimum flow and water quality standards.

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 that is legally binding upon signatory parties and their successors in title.

- must be capable of providing at least three gallons per minute for existing wells and five gallons per minute for new construction over a continuous four-hour period. The well itself may have a lesser yield if pressurized storage is provided in an amount that will make 720 gallons of water available to each connected existing dwelling during a continuous four-hour period or 1,200 gallons of water available to each proposed dwelling during a continuous four-hour period. The shared well system yield must be demonstrated by a certified pumping test or other means acceptable to all agreeing parties.
- provides safe and potable water. This may be provided by a letter from the health authority having jurisdiction or, in the absence of local health department, results reported by a certified water testing laboratory.

Always check with your local and state agencies for requirements as they may have stricter standards.

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. Many states and real estate transactions require a shared well agreement as part of the approval process.

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 certified water testing laboratory at any time at the request of any party to the agreement.
- Require corrective measures if testing reveals a significant water quality concern.
- 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 or filling a pool.
- 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 or what is required by the state or locality.
- 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.

This information should be used as guidance only. Actual shared well agreements should be prepared with an attorney and shareholders involved and follow all local, state, and federal requirements where applicable.

For more information on Sharing a Well

HUD guidelines for shared wells, Handbook 4150.1 Rev-1, Section 12-17, pp. 12-45 through 12-49, pages 168-171, 443, 511-512: <https://www.hud.gov/sites/documents/40001HSGH.PDF>

Our sample Shared Well Agreement:

[https://www.watersystemscouncil.org/download/wellcare_information_sheets/other_information_sheets/Shared Well Agreement.pdf](https://www.watersystemscouncil.org/download/wellcare_information_sheets/other_information_sheets/Shared_Well_Agreement.pdf)

Contact the **wellcare®** Hotline at 888-395-1033 or by email at info@wellcarehotline.org or visit our websites at www.wellcarehotline.org and www.watersystemscouncil.org.



Information to help maintain and protect your water well system:

wellcare® is a program of the **Water Systems Council (WSC)**. WSC is the only national organization solely focused on protecting the health and water supply of more than 13 million households nationwide who depend on private wells.

This publication is one of more than 100 **wellcare®** information sheets available FREE at www.watersystemscouncil.org.

Well owners and others with questions about wells and well water can contact the **wellcare®** Hotline at 1-888-395-1033 or visit www.wellcarehotline.org to fill out a contact form or chat with us live!

JOIN THE WELLCARE® WELL OWNERS NETWORK!

By joining the FREE **wellcare®** Well Owners Network, you will receive regular information on how to maintain your well and protect your well water.

Contact us at 1-888-395-1033 or visit www.wellcarehotline.org to join!