

State	Any Parcel Size Restriction?	Volume	Flow Rate	Protection against Subdivision use	PubWater Supply Connection Requirement	2 different policies for control areas vs everywhere else	Type of Use	Metering/Reporting	SW/GW Conjunctive Management re: exemption	Interesting other policy
MT		10AF	35gpm	Combined Appropriations rule to prevent use in subdivisions		CGWA's can further restrict exempt well use	Any	No	No, but included in overall legal demand math	
AZ		10AF	35gpm	Not in exempt well law, but indirectly controlled through the "assured water supply" laws.	Wells drilled within 100 feet of a municipal provider's service area that has an assured water supply are subject to additional restrictions.	Yes; "Active management areas"	Domestic, Stock, no irrigation	Yes in management areas	No. they are governed by separate legal frameworks	Must file a NOI before drilling
CO	Yes, 35Ac		15gpm	Can only be used on lots existing prior to 1973 Well on large parcel limited to 3 houses.	"where other water supplies are not available"	Yes; "Designated GW Basins"	>35Ac, 1AC irrigation + Domestic + stock <35Ac, only in house domestic	Yes	Not formally; but depletions are "negligible"	
ID		13,000 gpd 14.56AF		no	New subdivisions must be designed for future connection to the city system.	Yes, "critical GW areas"	Domestic, livestock, irrigation up to 0.5Ac	Yes, only for outdoor use though, in CGWA + \$25 fee	Use SW first for irrigation if available.	Focused on preserving groundwater, not surface water
KS		15AF-stock		Combined Appropriations rule to prevent use in subdivisions		Yes, "High Plains Aquifer" has additional restrictions	Domestic, stock (<1,000 cattle), irrigation up to 2Ac	Yes	No, but included in overall legal demand math	
NE			50gpm	Can't injure neighboring water right. 1 well can serve 3 houses.	Post 1972 subdivisions require a subdivision water supply plan to prevent overuse of exempt wells in new developments.	Yes. Fully/over appropriated areas – state can issue a stay on new well construction; stock wells are not subject to the stay	Domestic (max 3 homes), Lawn/garden	No	No. they are governed by separate legal frameworks	
NV		2AF		The aggregate effect of multiple wells for a single development project is often treated as a larger water use, which would not qualify for the domestic well exemption. Well on large parcel limited to 3 houses if well existed before 1983	Wells drilled after July 1, 1982 must be plugged and connection made to a municipal or water district if such a system becomes available	Can be prohibited where aquifer is already fully appropriated	Domestic, Lawn/garden	Not widely, with some exceptions	A landmark Nevada Supreme Court ruling in January 2024 affirmed the State Engineer's authority to regulate them jointly, recognizing their hydrological connection.	The State Engineer has the discretion to deny the exemption if the well would cause harm (material injury) to existing water rights. SE can deny a permit if a local water district is able to supply adequate water to the residents.

NM		1AF		Within municipal boundaries, property owners may be required to connect to a public water system rather than drill a new private well.	water supply plan must be submitted to state engineer for subdivisions – often this restricts use in subdivisions	“limited use areas” – can deny exempt well	Irrigation up to 1ac, Stock, Domestic	No	State is moving towards this with incremental advances. Ie. Basin specific and “critical area” regulations	
ND		12.5AF					Domestic, stock, irrigation up to 5Ac	No	No	
OK				Combined Appropriations rule to prevent use in subdivisions			Domestic, Stock, lawn, irrigation up to 3Ac	No	No	In Oklahoma a landowner can draw groundwater for domestic use from their own land without a permit
OR		15,000gpd – domestic 5,000gpd - industrial		"group domestic use" rules are meant to curb use in subdivisions	Some local rules may incorporate this	Critical GW areas	Domestic, Stock, lawn up to 0.5Ac, irrigation up to 10Ac for schools in CGWA	Not widely; but Yes in CGWA	No, but exempt wells are still subject to prior appropriation	
SD		25,920gpd	18 gpm				Domestic, stock, irrigation	No	No	Only limit is flow rate
UT							Domestic, irrigation up to ¼Ac, stock up to 10 cattle		“use will not impair existing rights or interfere with the more beneficial use of the water”	the application was filed in good faith and not for purposes of speculation or monopoly.
WA			5,000 gpd	Hirst Ruling (2016): This Washington State Supreme Court decision clarified that counties cannot grant permits for new subdivisions if the water source is an exempt well that would harm minimum, in-stream flows established to protect fish and other aquatic life.			Domestic, irrigation up to ½Ac, stock	Not widely; but Yes in water bank areas like Dungeness	Subject to available GW in reservation. Water Banks are filling the niche	Must file a NOI 72 hours before drilling
WY	Not officially, but 35ac for cumulative impact analysis.		25gpm	Cumulative Impact rule-post 1973 State Engineer will consider the cumulative effect of all wells when determining if a proposed new well would cause "material injury" to existing wells or water rights Legal presumption against injury for exempt wells not irrigating more than 1ac and on a 35+ ac tract		designated critical areas	Domestic, irrigation up to 1Ac per 35ac parcel, stock, other less than 25gpm	Not widely; but Yes in some areas		