

Water Law in Eastern Washington Conference  
Spokane, WA - May 22, 2025

# ARTIFICIALLY STORED GROUNDWATER: LEGAL CONSIDERATIONS

**Norman M. Semanko**

800 West Main Street, Suite 1300

Boise, ID 83702

Direct: 208.562.4909

Cell: 208.863.7921

Fax: 208.562.4901

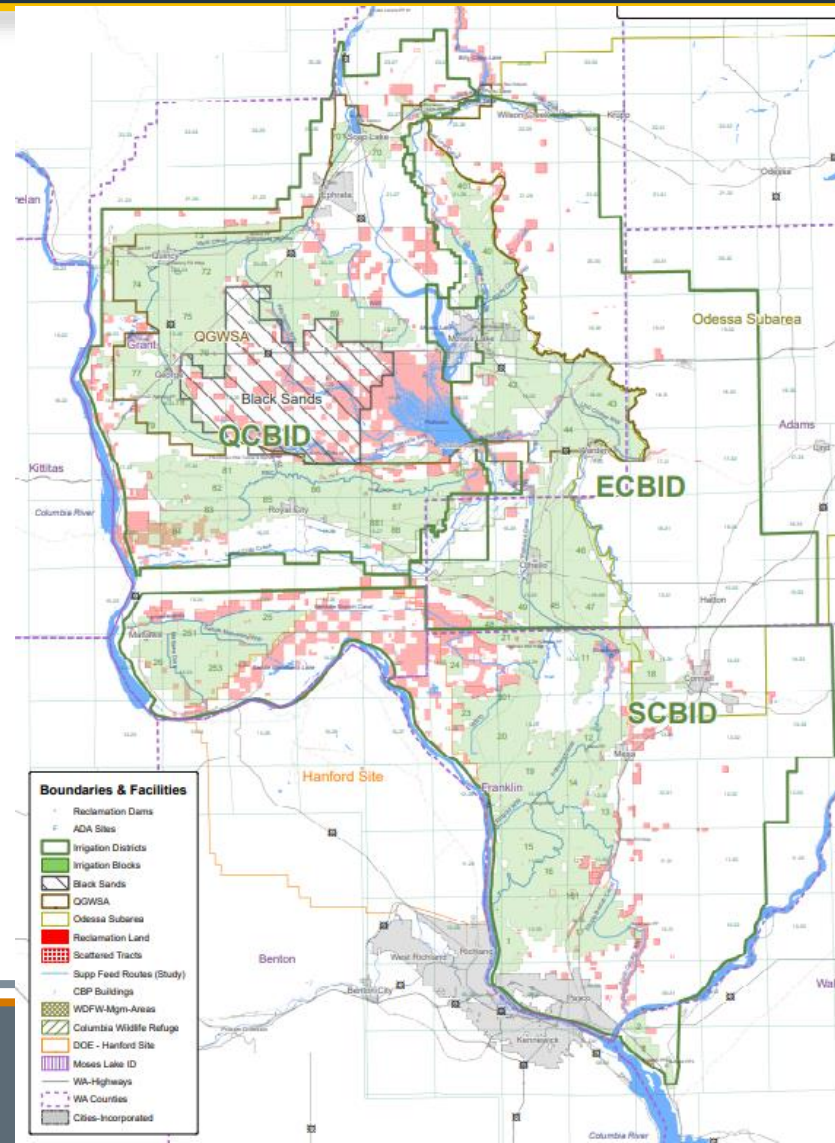
[nsemanko@parsonsbehle.com](mailto:nsemanko@parsonsbehle.com)

**PARSONS  
BEHLE &  
LATIMER**

# Artificially Stored Groundwater

- Not a discussion of general Aquifer Storage & Recovery (ASR) or Managed Aquifer Recharge (MAR)
- Focus is groundwater underlying and adjacent to the Columbia Basin Project
- WAC 508-14-030
  - Recognized commingling of natural and artificially stored groundwater from CBP

# CBP Irrigation Districts



# WAC 508-14-030

## Permits Required for Withdrawal

- Large quantities of naturally occurring and artificially stored groundwater in CBP area.
- Columbia Basin Project changed groundwater characteristics, including substantial commingling of natural and artificially stored groundwaters.
- CBP appropriated water is owned by U.S. Public groundwater is available for appropriation pursuant to state law.

# WAC 508-14-030

## Permits Required for Withdrawal

- Policies necessary to guide Ecology in granting authority to make withdrawal from these commingled waters until groundwater subareas are established pursuant to RCW 90.44.130.
- Conditional permits may be granted for groundwater withdrawals within CBP boundaries under RCW 90.44.060.

# CBP Groundwater Subareas

- Quincy Groundwater Management Subarea designation and policy. WAC 173-124 and 173-134A.
- Odessa Groundwater Management Subarea designation and policy. WAC 173-128 and 173-130A.
- Additional criteria, conditions and limits for ASG in these designated subareas.

# WAC Chapter 173-136

## Withdrawal of ASG

- Permits for withdrawal of ASG in areas designated pursuant to RCW 90.44.130.
- ASG must be available for withdrawal, not detrimentally affect public interest, and not impair existing water rights.
- Added criteria for CBP designated areas.
- Such permits are not water rights.
- Subject to termination or modification.

# Case Study: PCHB No. 22-078

- Round Lake Farms sought to add a groundwater withdrawal to an existing surface water right (Round Lake).
- Upper Crab Creek (WRIA 42) surface water forced underground by dams.
- Proposed well located in the Quincy subarea. Ecology denied based on physical and legal unavailability.



# Case Study: PCHB No. 22-078

- PCHB granted summary judgment to Ecology (May 1, 2024).
- Ecology may grant change request if there is legally available water at the location.
- “Groundwaters” means all waters beneath the land or the bed of any. . .surface water within the Quincy groundwater subarea. WAC 173-134A-040(6). Different source.

# For more information or questions, please contact:

Norman M. Semanko  
PARSONS BEHLE & LATIMER  
800 West Main Street, Suite 1300  
Boise, ID 83702  
Direct: 208.562.4909  
Cell: 208.863.7921  
Fax: 208.562.4901  
[nsemanko@parsonsbehle.com](mailto:nsemanko@parsonsbehle.com)  
[www.parsonsbehle.com](http://www.parsonsbehle.com)