

WAC 173-557-060 Future new uses of water. (1) Instream flows established in this rule are water rights and shall be protected from impairment by:

(a) New water right permits approved by ecology after the effective date of this chapter; or

(b) Permit-exempt withdrawals established within the area regulated under this chapter after the effective date of this chapter.

(2) Based on the hydrogeology of the SVRP aquifer as described in *U.S. Geologic Survey Scientific Investigations Report 2007-5041*, ecology determines that surface water in the Spokane River and groundwater within the SVRP aquifer are hydraulically connected. New appropriations from the SVRP aquifer will be managed to protect the instream flows established in this rule.

(3) Within the area regulated under this rule, municipal water suppliers are the primary sources of water for new uses. If water is not available in a timely and reasonable manner from a municipal water supplier, the consumptive use impacts to surface water from new permit-exempt groundwater withdrawals must be interrupted when stream flow is below the instream flows established in this rule, unless those impacts are mitigated. Mitigation must be achieved through an ecology-approved mitigation plan.

(4) The consumptive use impacts to surface water from water right permits approved by ecology after the effective date of this rule must be interrupted when stream flow is below the instream flows established in this rule, unless those impacts are mitigated. Water right permits approved by ecology after the effective date of this rule shall be conditioned to prohibit impairment of instream flows established in this rule.

[Statutory Authority: Chapters 90.54, 90.22, 90.82, 90.03, 90.44, 18.104, and 43.27A RCW. WSR 15-04-033 (Order 13-11), § 173-557-060, filed 1/27/15, effective 2/27/15.]