

**WAC 173-503-060 Ground water.** If the department determines that there is hydraulic continuity between surface water and the proposed ground water source, a water right permit or certificate shall not be issued unless the department determines that withdrawal of ground water from the source aquifer would not interfere with stream flows during the period of stream closure or with maintenance of minimum in-stream flows. If such findings are made, then applications to appropriate public ground waters may be approved subject to the flows established in WAC 173-503-040 (2).

[Recodified by WSR 13-21-044, filed 10/9/13, by order of the Supreme Court in the matter of *Swinomish Tribal Comm'y v. Dep't Ecology*, Supreme Court of the State of Washington No. 87672-0 (October 3, 2013); Statutory Authority: Chapters 43.27A, 90.54, 90.22, and 90.82 RCW. WSR 06-11-070 (Order 05-15), § 173-503-060, filed 5/15/06, effective 6/15/06. Statutory Authority: Chapters 90.54 and 90.22 RCW, and chapter 173-500 WAC. WSR 01-07-027 (Order 99-05), § 173-503-060, filed 3/14/01, effective 4/14/01.]

**Reviser's note:** The Supreme Court in the matter of *Swinomish Tribal Comm'y v. Dep't Ecology*, Supreme Court of the State of Washington No. 87672-0 (October 3, 2013), invalidated the 2006 amendments to chapter 173-503 WAC, adopted by the department of ecology Order No. 05-13, WSR 06-11-070 (May 15, 2006, effective June 15, 2006). See WSR 13-21-044, filed 10/9/13.