

**WAC 173-517-110 Future new water use—Generally.** A new surface or groundwater appropriation (including any permit-exempt groundwater withdrawal) or other new use may occur only if consistent with the surface and groundwater statutes and the applicable requirements of law and if any one of the following seven conditions (subsections (1) through (7) of this section) apply:

(1) The proposed use is nonconsumptive.

(2) The proposed surface water appropriation would not have an adverse effect on any of the surface waters closed in WAC 173-517-100(1).

(3) The proposed groundwater withdrawal is located where it would not adversely affect any of the surface waters closed in WAC 173-517-100(1), by meeting either condition (a) or (b) of this subsection:

(a) The person or entity seeking to commence a proposed groundwater appropriation shows, through scientifically sound studies and technical analysis, that the groundwater use would not have an adverse effect on any of the surface waters closed in WAC 173-517-100(1), and receives approval of a water right.

(b) The proposed groundwater appropriation occurs in a coastal management area designated in Map B of WAC 173-517-070.

(4) The person or entity seeking to commence the new appropriation submits a mitigation plan as defined in WAC 173-517-030(12), and such plan is approved by ecology. If monitoring shows the mitigation is not effective, use of water under the appropriation shall then be subject to the instream flows. In the case of a closed basin, the use shall cease until an effective mitigation plan, approved by ecology, is put in place.

(5) The proposed water appropriation qualifies as an interruptible use and meets the criteria in WAC 173-517-140.

(6) The proposed water appropriation qualifies for the reserves established and conditioned in WAC 173-517-150.

(7) The proposed water appropriation is for an environmental restoration project and meets the criteria in WAC 173-517-200.

[Statutory Authority: Chapters 90.54, 90.22, 90.82, 90.03, and 90.44 RCW. WSR 09-24-080 (Order 04-02), § 173-517-110, filed 11/30/09, effective 12/31/09.]