

WAC 173-503-080 Policy statement for future permitting actions.

(1) No rights to divert or store public surface waters of WRIA 3 and 4 which would conflict with the provisions of this chapter shall hereafter be granted, except as provided in RCW 90.54.020 (3)(a).

(2) Consistent with the provisions of chapter 90.54 RCW, it is the policy of the department to preserve an appropriate minimum in-stream flow in all perennial streams and rivers as well as the water levels in all lakes in the Lower and Upper Skagit watershed (WRIA 3 and 4) by encouraging the use of alternative sources of water which include:

- (a) Reuse;
- (b) Artificial recharge and recovery;
- (c) Conservation; and
- (d) Acquisition of existing water rights.

[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of *Swinomish Tribal Comm'y v. Dep't Ecology*, Supreme Court of the State of Washington No. 87672-0 (October 3, 2013); repealed by WSR 06-11-070 (Order 05-15), filed 5/15/06, effective 6/15/06. Statutory Authority: Chapters 43.27A, 90.54, 90.22, and 90.82 RCW. Statutory Authority: Chapters 90.54 and 90.22 RCW, and chapter 173-500 WAC. WSR 01-07-027 (Order 99-05), § 173-503-080, 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.