

**WAC 173-136-040 Criteria for ruling upon application for permits.** (1) The criteria for ruling on an application for a permit are as follows. An application shall be approved if:

(a) Artificially stored waters are available for withdrawal; and

(b) The public interest will not be detrimentally affected; and

(c) Rights to withdraw public water will not be impaired; and

(d) The interests of the holder embodied [embodied] in a declaration accepted by the department pursuant to RCW 90.44.130(6) will not be impaired.

(e) The withdrawal and use proposed in the application can be performed consistent with the provision of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific groundwater area, subarea, or zone to which the application relates.

(2) Prior to issuance of a permit to withdraw artificially stored groundwater, the department shall consult with the holder of a declaration accepted by the department pursuant to RCW 90.44.130.

[Order 74-36, § 173-136-040, filed 1/9/75.]