

**WAC 173-549-035 Lakes.** (1) In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. In considering future water right applications, the department shall deny any application for surface or groundwater which will result in a significant decrease in lake level or in the stream flow of any stream draining the lake, except that no decrease in stream flow shall be allowed during the May 1 - October 1 stream closure period.

(2) Notwithstanding the above, nothing in this chapter shall limit the utilization of waters stored for later release, provided such storage does not infringe upon existing rights or instream flow and is duly permitted under RCW 90.03.290 and 90.03.350.

(3) Any future water rights for waters from Osoyoos Lake or from groundwaters determined to be in significant hydraulic continuity with Osoyoos Lake, issued after the effective date of this chapter and upon completion of the new Osoyoos Lake outlet control structure, shall be subject to the maintenance of a water surface level of 910.5 feet USCGS in Osoyoos Lake and said diversions shall be curtailed when the lake elevation drops below elevation 910.5 feet USCGS.

(4) Notwithstanding the provisions of this chapter, the construction and operation of the proposed new outlet control structure for Osoyoos Lake shall be consistent with the terms and conditions of the International Joint Commission Order of Approval signed on December 9, 1982, pursuant to the 1909 Boundary Waters Treaty.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. WSR 84-13-076 (Order DE 84-15), § 173-549-035, filed 6/20/84.]