

**WAC 173-501-040 Surface water source limitations to further consumptive appropriation.** (1) The following table indicates the status of streams, tributaries and lakes affected by this chapter.

Source Name	Tributary To	Former Administrative Status	Status Under Regulation	Period of Closure	Flow Established
Anderson Creek	Nooksack River	low flow	partial year closure	May 1-Oct. 31	WAC 173-501-030(2)
Bells Creek	North Fork Nooksack	open	closure	year round	WAC 173-501-030(2)
Bertrand Creek	Nooksack River	closure	closure	year round	WAC 173-501-030(2)
Black Slough	Nooksack - South Fork	low flow	low flow		
California Creek	Drayton Harbor	closure	closure	year round	WAC 173-501-030(2)
Canyon Creek	North Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Canyon (Lake) Creek	Middle Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Chuckanut Creek	Chuckanut Bay	low flow	closure	year round	natural flow
Colony Creek (incl. Whitehall)	Samish Bay	open	closure	year round	natural flow
Cornell Creek	North Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Dakota Creek	Drayton Harbor	closure	closure	year round	WAC 173-501-030(2)
Deer Creek	Barrett Lake (Tenmile)	closure	closure	year round	WAC 173-501-030(2)
Fishtrap Creek (incl. Double Ditch)	Nooksack River	closure	closure	year round	WAC 173-501-030(2)
Fourmile Creek	Tenmile Creek	closure	closure	year round	
Gallop Creek	North Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Hutchinson Creek	South Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Johnson Creek	Sumas River	closure	closure	year round	WAC 173-501-030(2)
Kamm Ditch/Stickney Slough	Nooksack River	closure	closure	year round	natural flow
Kendall Creek	North Fork Nooksack	open	closure	year round	WAC 173-501-030(2)
Maple Creek	North Fork Nooksack	open	closure	July 1-Oct. 31	WAC 173-501-030(2)
Nooksack River - mainstem	Bellingham Bay	low flow	minimum flow (new flow)		WAC 173-501-030(2)
Nooksack River - Middle Fk.	Nooksack River	low flow	minimum flow (new flow)		WAC 173-501-030(2)
Nooksack River - North Fk.	Nooksack River	low flow	partial year closure	Sept. 1-Oct. 31	WAC 173-501-030(2)
Nooksack River - South Fk.	Nooksack River	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Oyster Creek	Samish Bay	open	closure	year round	natural flow
Padden Creek	Bellingham Bay	open	closure	year round	natural flow
Porter Creek	Middle Fork Nooksack	open	partial year closure	July 1-Oct. 1	WAC 173-501-030(2)
Racehorse Creek	North Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Saar Creek	Vedder Canal-Canada	open	closure	year round	WAC 173-501-030(2)
Saxon Creek	South Fork Nooksack	open	closure	year round	natural flow
Silver Creek	Nooksack River	low flow	partial year closure	May 1-Oct. 31	WAC 173-501-030(2)
Skookum Creek	South Fork Nooksack	low flow	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Smith Creek	Nooksack River	low flow	partial year closure	May 1-Oct. 31	WAC 173-501-030(2)
Squalicum Creek	Bellingham Bay	closure	closure	year round	
Sumas River	Vedder Canal-Canada	closure	closure	year round	WAC 173-501-030(2)
Tenmile Creek	Nooksack River	closure	closure	year round	WAC 173-501-030(2)
Terrell Creek	Birch Bay	open	partial year closure	May 1-Oct. 31	WAC 173-501-030(2)
Thompson Creek	Glacier Cr./N. Fk.	open	partial year closure	July 1-Oct. 31	natural flow
Unnamed Stream - Elder Ditch/Scott Ditch	Nooksack River	low flow	low flow		
Unnamed stream - White Creek	Colony Creek	closure	closure		
Whatcom Creek*	Bellingham Bay	open	closure	year round	natural flow
Wiser Lake Creek	Nooksack River	low flow	partial year closure	May 1-Oct. 31	WAC 173-501-030(2)

Source Name	Tributary To	Former Administrative Status	Status Under Regulation	Period of Closure	Flow Established
Lummi Indian Reservation Streams		closure	closure		
Barrett Lake	Tenmile Creek	closure	closure		NA
Green Lake	Fourmile Creek	closure	closure		NA
Lake Terrell	Terrell Creek	closure	closure		NA
Lake Whatcom**	Whatcom Creek	court-ordered lake level	closure	year round	
Wiser Lake	Wiser Lake Creek	closure	closure		NA

For streams listed as "natural flow," insufficient data are available to develop instream flows outside the closure period. Water right applications for consumptive use will be considered on a case by case basis in consultation with the departments of fisheries and game; tribes will also be notified.

Streams which are not specifically listed in this regulation are affected by the regulation if they are tributary to streams or lakes listed herein; otherwise such streams are not affected.

\*No exemptions. See WAC 173-501-070(2).

\*\*Lake Whatcom and its tributaries are closed to all further consumptive appropriation; however, any water right applications for consumptive use which were on file with the department of ecology on August 7, 1985 shall be exempt from the closure through the period extending one year from the effective date of this chapter.

(2) When a project (as described in WAC 173-501-030(5)) is proposed on a stream that is closed to further appropriations, the department shall deny the water right application unless the project proponent can adequately demonstrate that the project does not conflict with the intent of the closure.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). WSR 85-24-073 (Order 85-19), § 173-501-040, filed 12/4/85.]