

Chapter 173-559 WAC
WATER RESOURCES PROGRAM FOR THE COLVILLE RIVER BASIN, WRIA 59

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WAC

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WAC 173-559-010 Purpose. This regulation is adopted in accordance with the water resources management regulation, chapter 173-500 WAC, which was promulgated under the authority of the Water Resources Act of 1971, chapter 90.54 RCW. This chapter, including any amendments, applies to all waters that lie within or contribute to the Colville River drainage basin. This chapter sets forth the department's policies to manage the basin's water resources.

[Order DE 77-6, § 173-559-010, filed 7/22/77.]

WAC 173-559-020 Definitions. For purposes of this chapter, the following definitions shall be used.

(1) "Allocation" means the designating of specific amounts of the water resource for specific beneficial uses.

(2) "Base flow" means a level of stream flow established in accordance with provisions of chapter 90.54 RCW required in perennial streams to preserve wildlife, fish, scenic, aesthetic, and other environmental and navigational values.

(3) "Consumptive use" means use of water, whereby there is diminishment of the water resources.

(4) "Department" means the Washington state department of ecology.

(5) "Director" means the director of the department of ecology.

(6) "Domestic use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn and garden per dwelling, and other incidental household uses.

(7) "Hydrograph" is a graph showing the variation of streamflow (or stream discharge) with respect to time during a year as determined at a specific cross-sectional location on the stream.

(8) "In-house domestic use" means use of water for drinking, cleaning, sanitation, and other uses in a residence, excluding irrigation of lawn and garden.

(9) "Nonconsumptive use" means a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.

(10) "Perennial stream" means a stream with a natural flow which is normally continuous at any given location.

(11) "Reservoir permit" means a water right permit which authorizes construction of an impoundment structure, storage of water and generally the use of water in the amount of one filling annually.

(12) "Secondary permit" means a water right permit which allows diversion of water for beneficial use from a storage reservoir. A secondary permit is necessary only for use in excess of one filling annually, or for diversion and use by a party other than the reservoir owner.

(13) "Stream management unit" means a stream segment, reach, or tributary, containing a control station, that is identified on a stream reach map in an adopted water resource management program document as a unit for defining base flow levels.

(14) "Water right" means a right to make beneficial use of public waters of the state.

[Order DE 77-6, § 173-559-020, filed 7/22/77.]

WAC 173-559-030 Establishment of base flows. RCW 90.54.020 requires that perennial rivers and streams shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic, and other environmental values and navigational values. Under this provision, base flows for stream management units of a basin are established which describe discharge rates at stream measurement stations in each unit. The following subsections, WAC 173-559-030 (1) through (4), establish these requirements for WRIA 59:

(1) In the Colville River basin, monitoring of base flows will take place at the following control points:

**Table 1
Stream Management Units**

| Stream Management Unit and Control Station Number | Control Station Location by River-Mile, and Section Township and Range | Stream Management Reach |
|---|--|---|
| Upper Colville River No. 12.4080.00 | 32.1 Sec. 31, T. 33 N., R. 40 E.W.M. | Colville River from confluence with Stensgar Creek to confluence of Sheep Creek and Deer Creek. |
| Lower Colville River No. 12.4090.00 | 5.0 Sec. 29, T. 36 N., R. 38 E.W.M. | Colville River from confluence with Lake Roosevelt to confluence with Stensgar Creek. |

(2) In the Colville River basin, base flows for the stream management units in WAC 173-559-030(1) are set in Table 2 as follows:

**Table 2
Base Flows in the Colville River basin
(in Cubic Feet Per Second)**

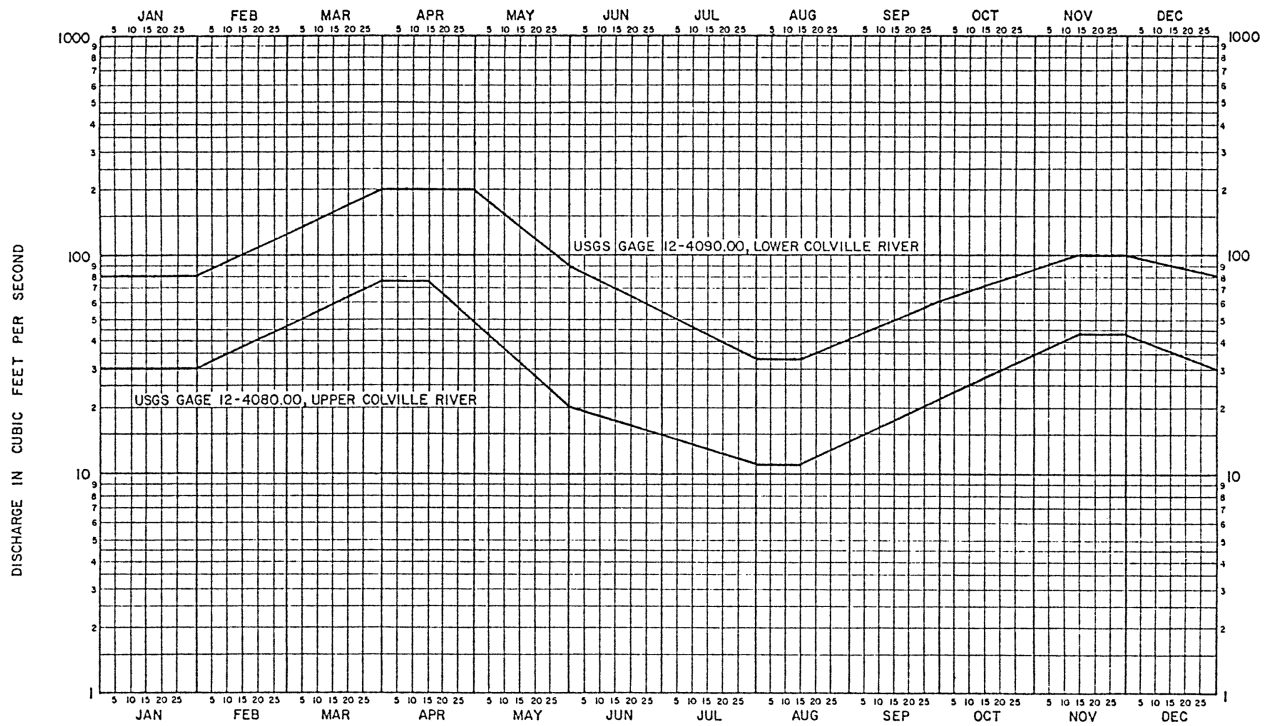
| Month | Day | Upper Colville (12.4080.00) | Lower Colville (12.4090.00) |
|-------|-----|-----------------------------|-----------------------------|
| Jan. | 1 | 30 | 80 |
| | 15 | 30 | 80 |
| Feb. | 1 | 30 | 80 |
| | 15 | 38 | 100 |
| Mar. | 1 | 47 | 124 |
| | 15 | 59 | 157 |
| Apr. | 1 | 76 | 200 |
| | 15 | 76 | 200 |

| Month | Day | Upper Colville (12.4080.00) | Lower Colville (12.4090.00) |
|-------|-----|--------------------------------|--------------------------------|
| May | 1 | 49 | 200 |
| | 15 | 32 | 135 |
| Jun. | 1 | 20 | 90 |
| | 15 | 17 | 70 |
| Jul. | 1 | 15 | 55 |
| | 15 | 13 | 43 |
| Aug. | 1 | 11 | 33 |
| | 15 | 11 | 33 |
| Sep. | 1 | 14 | 40 |
| | 15 | 18 | 49 |
| Oct. | 1 | 22 | 60 |
| | 15 | 27 | 70 |
| Nov. | 1 | 35 | 84 |
| | 15 | 43 | 100 |
| Dec. | 1 | 43 | 100 |
| | 15 | 36 | 90 |

(3) Figure 1, base flow hydrographs for selected stations, shall be used to define base flows on those days not identified in WAC 173-559-030(2).

(4) All surface water rights, established by appropriation in the Upper Colville and Lower Colville stream management units after adoption of this regulation, shall be subject to the base flows set in WAC 173-559-030 (1) through (3). However, these base flows will not apply to in-house domestic use and stock watering use, if an alternate source is not available to satisfy these uses. If the cumulative impact of numerous single in-house domestic use diversions is determined to substantially affect a stream's base flow or existing rights, then new permits for this use may be denied.

Figure 1
BASE FLOW HYDROGRAPH FOR SELECTED STATIONS



[Order DE 77-6, § 173-559-030, filed 7/22/77.]

WAC 173-559-040 Allocation for future surface water appropriations. (1) The department determines that surface water is available for appropriation from the Upper Colville River stream management unit and the Lower Colville River stream management unit except as provided in WAC 173-559-050(2). Tables 3 and 4 show the available amounts in cubic feet per second during specified periods, as follows:

Table 3
Allocation of Public Surface Water from the
Upper Colville River Stream Management Unit
(Units in Cubic Feet Per Second)

| Month | Base Flow | Future Consumptive Uses |
|-------|-----------|-------------------------|
| Jan. | 30 | 47 |
| Feb. | 41 | 68 |
| Mar. | 61 | 129 |
| April | 44 | 256 |
| May | 20 | 192 |
| June | 13 | 93 |
| July | | |
| 1-15 | 12 | 18 |
| 16-31 | 12 | 0 |
| Aug. | 11 | 0 |
| Sept. | 17 | 0 |
| Oct. | 27 | 16 |
| Nov. | 43 | 21 |

Table 3
Allocation of Public Surface Water from the
Upper Colville River Stream Management Unit
(Units in Cubic Feet Per Second)

| Month | Base Flow | Future Consumptive Uses |
|-------|--------------|-------------------------------|
| Dec. | 36 | 37 |

Table 4
Allocation of Public Surface Water from the
Lower Colville River Management Unit
(Units in Cubic Feet Per Second)

| Month | Base Flow | Future Consumptive Uses |
|-------|--------------|-------------------------------|
| Jan. | 80 | 47 |
| Feb. | 100 | 68 |
| Mar. | 157 | 129 |
| April | 200 | 256 |
| May | 135 | 256 |
| June | 70 | 94 |
| July | | |
| 1-15 | 43 | 18 |
| 16-31 | 43 | 0 |
| Aug. | 33 | 0 |
| Sept. | 49 | 0 |
| Oct. | 70 | 17 |
| Nov. | 100 | 21 |
| Dec. | 90 | 37 |

(2) Total appropriations for nonconsumptive uses may exceed the allocation limits specified in Tables 3 and 4.

(3) Monthly allocations in Tables 3 and 4 do not apply to the use of stored water. Specific provision will be included in all reservoir permits regarding period of filling, use and release of water.

[Order DE 77-6, § 173-559-040, filed 7/22/77.]

WAC 173-559-050 Certain streams and lakes are closed to further consumptive appropriations. (1) The department has determined that no water is available for further consumptive appropriation in streams tributary to the Colville River. Therefore, these tributary streams are closed to further consumptive appropriation except for reservoir storage from November 1 through May 31. Applications for single in-house domestic use, or stockwatering may be approved if no alternate source of water supply is available and the proposed use will not impair existing water rights.

(2) The Upper Colville River and Lower Colville River will be closed to further consumptive appropriation from July 16 through September 30, except for in-house domestic use and normal stockwatering if no alternate source of water supply is available.

(3) If the cumulative impact of numerous single in-house domestic use diversions is determined to substantially affect a closed stream's base flow, then new permits for this use may be denied. Base flow levels for closed streams are specified in the department's publication, "water resources management program, Colville River basin."

(4) Appropriation of water from streams tributary to the Colville River for out of stream storage and on-stream storage shall be subject to the base flows recommended in the department's publication, "water resources management program, Colville River basin."

(5) (a) Lakes included in table 5 are closed to further consumptive appropriation for specified periods of the year, except for in-house domestic and stockwatering uses. The department may deny applications for domestic use if the cumulative effect of such diversions would be detrimental to retaining a lake substantially in its natural condition.

Table 5 Lake Closures

| Lake | Tributary to | Location | Period of Closure |
|---------------------------|---------------------------|---|-------------------|
| Deer Lake | Sheep Creek | T. 30 N., R. 41 E. Secs. 1, 11,12,14 | June 1-Oct. 31 |
| Loon Lake | Sheep Creek | T. 30 N., R. 41, E. Secs. 33, 34., T.29 N., R. 41 E. Secs. 2, 3,4,10,11 | June 1-Oct. 31 |
| Waits Lake | Waits Creek | T. 31 N., R. 40 E. Secs. 17-20 | June 1-Oct. 31 |
| Jumpoff Joe Lake | Colville River | T. 31 N., R. 40 E. Sec. 19 | June 1-Oct. 31 |
| White Mud Lake | | T. 35 N., R. 40 E. Sec. 19. | June 1-Oct. 31 |
| Heritage and Thomas Lakes | Little Pend Oreille River | T. 36 N., R. 42 E. Secs. 8,9, 17,18 | June 1-Oct. 31 |

(b) Appropriation of water from lakes not specified in table 5 will be permitted if prior water rights will not be adversely affected and if the appropriation will not conflict with the intent of RCW 90.54.020 (3)(a) which stipulates, in part, that "lakes and ponds shall be retained substantially in their natural condition."

[Order DE 77-6, § 173-559-050, filed 7/22/77.]

WAC 173-559-060 Groundwater. If it is determined that a future development of groundwater affects surface waters subject to the provisions of WAC 173-559-030 through 173-559-050, then rights to said groundwater shall be subject to the same conditions as affects the surface water.

[Order DE 77-6, § 173-559-060, filed 7/22/77.]

WAC 173-559-070 Effects on prior rights. Nothing in this chapter shall be construed to lessen, enlarge, or modify existing rights acquired by appropriation or by other means.

[Order DE 77-6, § 173-559-070, filed 7/22/77.]

WAC 173-559-080 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-559-080, filed 6/9/88.]

WAC 173-559-090 Appeals. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-559-090, filed 6/9/88.]

WAC 173-559-100 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-559-100, filed 6/9/88.]