

Chapter 173-508 WAC
INSTREAM RESOURCES PROTECTION PROGRAM—CEDAR-SAMMAMISH BASIN, WATER
RESOURCE INVENTORY AREA (WRIA) 8

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WAC

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WAC 173-508-010 Authority. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (minimum water flows and levels), and in accordance with chapter 173-500 WAC (water resource management program).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-010, filed 9/6/79. Formerly chapter 173-30 WAC.]

WAC 173-508-020 Purpose. The purpose of this chapter is to retain perennial rivers, streams, and lakes in Lake Washington drainages with instream flows and levels necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, navigational values, and to preserve water quality.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-020, filed 9/6/79.]

WAC 173-508-030 Closures and instream flows. (1) The department of ecology has determined that additional diversions of water from the Lake Washington drainage system would deplete instream flows and lake levels required to support the uses described in WAC 173-508-020. Therefore, lakes and streams contributing to the Lake Washington drainage above the Hiram M. Chittenden Locks, excluding the Cedar River drainage, shall be closed to further consumptive appropriations. Regulation to protect instream flows in the Cedar River and its tributaries shall be undertaken pursuant to WAC 173-508-060.

(2) WAC 173-508-040—Table 1, includes specific named and unnamed surface water sources in water resource inventory area 8 with restrictions indicated. All tributaries in the Lake Washington drainage not specifically included in Table 1 are closed.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-030, filed 9/6/79.]

WAC 173-508-040 Table 1—Cedar-Sammamish basin—WRIA 8.

| Stream or Lake | Tributary to | Restriction |
|---------------------|-----------------|-------------|
| (Little) Bear Creek | Sammamish River | Closure |

| Stream or Lake | Tributary to | Restriction |
|---|-----------------|---|
| Cedar River (including tributaries) | Lake Washington | Instream Flow Levels |
| Coal Creek | Lake Washington | Closure |
| Cottage Lake Creek and tributaries, Bear Creek Evans Creek | Sammamish River | Closure Closure Closure |
| Haller Lake | Thornton Creek | Closure |
| Issaquah Creek N. Fork Issaquah E. Fork Issaquah Unnamed Stream Fifteen Mile Creek Holder Creek Carey Creek | Sammamish Lake | Closure Closure Closure Closure Closure Closure Closure |
| Lake Washington | Puget Sound | Closure |
| Sammamish River | Lake Washington | Closure |
| Lake Sammamish | Sammamish River | Closure |
| Tibbetts Creek | Sammamish Lake | Closure |
| Pine Lake and Unnamed Stream (Pine Lake Creek) | Sammamish Lake | Closure |
| Laughing Jacobs Creek | Sammamish Lake | Closure |
| Larson Lake (including tributaries) | Lake Washington | Closure |
| Lyon Creek | Lake Washington | Closure |
| Martha Lake | Swamp Creek | Closure |
| May Creek | Lake Washington | Closure |
| McAleeer Creek | | Closure |
| Lake Ballinger (McAleeer Lake) | Lake Washington | Closure |
| Mercer Slough | Lake Washington | Closure |
| Kelsey Creek | | Closure |
| Kinsley Creek | | Closure |
| Mercer Slough Creek | | Closure |
| North Creek | Sammamish River | Closure |
| Silver Lake | | Closure |
| Pipers Creek | Puget Sound | Closure |
| Rock Creek | Cedar River | Closure |
| Swamp Creek | Sammamish River | Closure |
| Unnamed Springs | Sammamish Lake | Closure |
| Unnamed Stream (11-26-3E) | Puget Sound | Closure |
| Unnamed Stream (12-24-5E) | Sammamish Lake | Closure |
| Unnamed Stream (Jones Creek) | Cedar River | Closure |
| Unnamed Stream (Juanita Creek) | Lake Washington | Closure |
| Unnamed Stream (Northrup Creek) | Lake Washington | Closure |
| Unnamed Stream (Wildcat Creek) | Sammamish River | Closure |
| Thornton Creek | Lake Washington | Closure |

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-040, filed 9/6/79.]

WAC 173-508-050 Groundwater. In future permitting actions relating to groundwater withdrawals, the natural interrelationship of surface and groundwaters shall be fully considered in water allocation decisions to assure compliance with the intent of this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-050, filed 9/6/79.]

WAC 173-508-060 Instream flows for the Cedar River. (1) The instream flows established in this section apply to waters of the Cedar

River and affect the entire watershed drained by the Cedar River including all tributaries thereto.

(2) Instream flows established in this section shall be measured at the existing U.S. Geological Survey gaging station No. 12.1190.00 on the Cedar River at Renton, Washington.

(3) Except as provided herein (critical year flows), water flows in the Cedar River and tributaries thereto shall, to the extent depletion under existing rights and natural flow conditions permit, be maintained throughout each year at levels which, during the time periods designated, do not fall below the following measurements:

(a) Normal Year Flow

| | |
|-------------------------------|---|
| January 1 to June 20: | 370 cfs |
| June 20 to July 15: | Linear decrease from 370 cfs on June 20 to 130 cfs on July 15 |
| July 15 to September 10: | 130 cfs |
| September 10 to September 20: | Linear increase from 130 cfs on September 10 to 200 cfs on September 20 |
| September 20 to October 1: | 200 cfs |
| October 1 to October 10: | Linear increase from 200 cfs on October 1 to 370 cfs on October 10 |
| October 10 to January 1: | 370 cfs |

Normal year flows must be maintained at all times unless a critical condition is declared by the director. If natural Cedar River flows fall below the 1 in 10 year Cedar River flow frequency, the director, or his designee, may authorize flows below the normal year flows, but not lower than the critical year flow except where a declaration of overriding considerations of public interest is made by the director. All requests to deplete below the established instream flow level will be considered on a case-by-case basis.

(b) Critical Year Flow

| | |
|--------------------------|--|
| January 1 to June 15: | 250 cfs |
| June 15 to July 1: | Linear decrease from 250 cfs on June 15 to 110 cfs on July 1 |
| July 1 to October 1: | 110 cfs |
| October 1 to November 1: | Linear increase from 110 cfs on October 1 to 250 cfs on November 1 |
| November 1 to January 1: | 250 cfs |

Critical year flows represent flows below which the department believes substantial damage to instream values will occur. Critical year flows are expected to be met unless natural Cedar River flows fall below the one in fifty year Cedar River flow frequency.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-060, filed 9/6/79.]

WAC 173-508-070 Future rights. No water rights to divert or store public surface waters of the Cedar-Sammamish basin WRIA 8 shall hereafter be granted which shall conflict with the instream flows and closures established in this chapter. Future rights for nonconsumptive uses may be granted under the provisions of this chapter.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-508-070, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-070, filed 9/6/79.]

WAC 173-508-080 Exemptions. (1) Nothing in this chapter shall affect any existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter; nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) Domestic inhouse use for a single residence and stock watering, except that related to feedlots, shall be exempt from this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-080, filed 9/6/79.]

WAC 173-508-090 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as 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), § 173-508-090, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-090, filed 9/6/79.]

WAC 173-508-095 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), § 173-508-095, filed 6/9/88.]

WAC 173-508-100 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), § 173-508-100, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 79-10-002 (Order DE 79-9), § 173-508-100, filed 9/6/79.]