

WAC 173-527-060 Instream flows. (1) The instream flows established in this chapter are based on the recommendations of the planning unit; consultation with the department of fish and wildlife, department of agriculture, and department of community, trade, and economic development; and public input received during the rule-making process. The planning unit recommended these instream flow levels by unanimous vote.

(2) Instream flows established in this chapter are water rights, which protect instream values and functions from future appropriations. The priority date of the instream flows is the effective date of this chapter. In accordance with RCW 90.82.080, this priority date received unanimous approval from the planning unit.

(3) Instream flow rights shall be protected from impairment by any new water rights commenced after the effective date of this chapter and by all future changes and transfers of senior and junior water rights, including both surface and groundwater rights. The following water rights are not subject to the instream flows:

(a) A water right put to beneficial use before the effective date of this chapter, unless otherwise stated in the conditions of the water right or change authorization.

(b) Water rights appropriated from the reservation of water established in WAC 173-527-110.

(c) Future withdrawals for environmental restoration purposes under WAC 173-527-140 unless included as a permit condition.

(4) Instream flows, expressed in cubic feet per second (cfs), are measured at the stream management control points in WAC 173-527-050. Instream flows apply to all stream reaches that contribute to flow at stream management control points, as shown in Table II of this section. For reaches that are downstream of all management points, the flows set for the nearest upstream management control point shall apply to those reaches. However, if a point of withdrawal is downstream of the confluence of two or more branches, each having a designated management point, the combined flows of the management points shall apply to that withdrawal.

**Table II
Instream Flows in the Lewis Basin
(cubic feet per second)**

Month	Stream Management Control Point				
	Kalama River, RM 2.8	Cedar Creek, RM 0.02	Lower Lewis River, RM 19.0	Canyon Creek, RM 2.9	Gee Creek, RM 4.9
January	950	125	2000	66	23
February	950	156	2000	66	42
March	950	156	2000 for Mar. 1, 2200 from Mar. 2 to Mar. 15, 2500 from Mar. 16 to Mar. 30, 2700 for Mar. 31	208	42
April	950	156	2700	208	42
May	950	156	2700	208	42
June	900	104	2700	139	28

Month	Stream Management Control Point				
July	616	104	2300 from July 1 to July 10, 1900 from July 11 to July 20, 1500 from July 21 to July 30, 1200 for July 31	139	28
August	434 from Aug. 1 to Aug. 15, 400 from Aug. 16 to Aug. 31	46	1200	66	9
September	589	188	1200	66	9
October	1050	188	1200 from Oct. 1 to Oct. 15, 2500 from Oct. 16 to Oct. 31	66	23
November	1050	188	4200	66	23
December	1050	125	4200 from Dec. 1 to Dec. 15, 2000 from Dec. 16 to Dec. 31	66	23

Month	Stream Management Control Point									
	Jenny Creek, RM 0.3	McCormick Creek, RM 2.0	Breeze Creek, RM 0.4	Lockwood Creek, RM 1.2	Mason Creek, RM 1.2	East Fork Lewis River, RM 10.1	Rock Creek #2, RM 1.8	Yacolt Creek, RM 0.02	Rock Creek #1, RM 1.8	
January	19	15	31	30	23	500	23	59	75	
February	36	28	39	54	42	500	43	97	121	
March	36	28	39	54	42	460	43	97	121	
April	36	28	39	54	42	460	43	97	121	
May	36	28	39	54	42	460	43	97	121	
June	24	28	39	36	28	420	29	66	80	
July	24	28	39	36	28	233	29	66	80	
August	8	6	8	13	9	122	10	26	34	
September	8	6	8	13	9	175 from Sep. 1 to Sep. 15, 295 from Sep. 16 to Sep. 30	10	26	34	
October	19	15	21	30	23	500	23	59	75	
November	19	15	21	30	23	500	23	59	75	
December	19	15	21	30	23	500	23	59	75	

[Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. WSR 09-01-126 (Order 08-02), § 173-527-060, filed 12/19/08, effective 1/19/09.]