

WAC 173-517-020 Authority and applicability. (1) This chapter is adopted under the authority of the Water Resources Act of 1971 (chapter 90.54 RCW), Minimum Water Flows and Levels Act (chapter 90.22 RCW), Watershed Planning Act (chapter 90.82 RCW), Water code (chapter 90.03 RCW), Regulation of public groundwaters (chapter 90.44 RCW) and the water resources management program rule (chapter 173-500 WAC).

(2) Except as provided in subsection (3) of this section, this chapter applies to the use and appropriation of:

(a) All surface waters within WRIA 17, including all streams, and their tributaries, that drain to salt water; and

(b) All groundwater within WRIA 17, including groundwater hydraulically connected to surface water bodies, as well as groundwater that drains to salt water.

(3) The following portion of WRIA 17 located in Clallam County, as shown in Map B in WAC 173-517-070, will be addressed through future rule making and is excluded from coverage under this chapter:

- Johnson Creek;
- West Sequim Bay;
- Dean Creek;
- Jimmycomelately Creek;
- Chicken Coop Creek; and
- The portion of Miller Peninsula in Clallam County.

(4) This chapter shall not affect existing water rights, including perfected riparian rights, or other appropriative rights, unless otherwise provided for in the conditions of the water right in question. An existing permit-exempt withdrawal is not subject to the rule to the extent such withdrawal has been put to beneficial use on the subject property for the purpose of use in question.

(5) This chapter shall not affect federal or Indian reserved rights. The Jamestown S'Klallam, Port Gamble S'Klallam, Lower Elwha Klallam, and Skokomish Tribes reserve the right to claim a treaty-derived off-reservation instream flow right with senior priority. The extent of such rights can only be determined in other forums outside of this chapter.

(6) This chapter does not limit ecology's authority to establish flow requirements or conditions under other laws, including hydropower licensing under RCW 90.48.260.

[Statutory Authority: Chapters 90.54, 90.22, 90.82, 90.03, and 90.44 RCW. WSR 09-24-080 (Order 04-02), § 173-517-020, filed 11/30/09, effective 12/31/09.]