

WAC 173-545-090 Reservation of water for certain future uses.

(1) Using the watershed plan as a primary expression of public interest, and consistent with the authority under RCW 90.54.050(1) and 90.82.130(4), the department's director determines that it is an overriding consideration of the public interest to reserve an amount of surface and groundwater, up to 4 cubic feet per second, for future beneficial uses as follows:

(a) The priority date for uses under the reservation is the effective date of this chapter.

(b) The reservation is not subject to the instream flows established in WAC 173-545-050 and 173-545-060.

(c) Beneficial uses of water eligible for the reservation are limited to:

(i) Permitted uses for domestic purposes, irrigation associated with a residence, potable domestic water requirements associated with municipal, commercial, and industrial purposes, and stock water (as defined in WAC 173-545-030(17)).

(ii) Permit-exempt uses for domestic purposes, irrigation associated with a residence, domestic water requirements associated with municipal, commercial, and industrial purposes, and stock water (as defined in WAC 173-545-030(17)).

(d) The reservation of water for future use is limited to the following locations and amounts:

(i) Chiwawa River near Plain (USGS 12-4565.00), up to 0.5 cfs.

(ii) Nason Creek near mouth, up to 0.16 cfs.

(iii) Wenatchee River at Plain (USGS Gage No. 12-4570.00), up to 1.0 cfs inclusive of actual water use associated with the subbasin reservations in (d)(i) and (ii) of this subsection.

(iv) Icicle Creek near Leavenworth: Up to 0.1 cfs. Reservation of an additional 0.4 cfs will be considered after completion of flow restoration efforts targeting habitat between the city of Leavenworth and Icicle Irrigation District's point of diversion and the U.S. Fish and Wildlife Service hatchery return. Rule making will be required to establish this additional reservation.

(v) Peshastin Creek at Green Bridge: Up to 0.1 cfs.

(vi) Chumstick Creek at North Road: Up to 0.043 cfs as an interim reservation to meet projected growth for the three years immediately following the effective date of this rule. At the end of three years, or sooner if the interim reservation is fully appropriated, allocation of any water remaining in the interim reservation and water above the interim reservation, up to a total of 0.13 cfs, is subject to additional conditions described in subsection (10) of this section.

(vii) Mission Creek near Cashmere: Up to 0.03 cfs for an interim reservation to meet projected growth for the two years immediately following the effective date of this rule. The interim reservation is subject to additional conditions described in subsection (11) of this section.

(viii) Wenatchee River at Monitor (USGS Gage No. 12-4625.00): Up to 4 cfs inclusive of actual water use associated with the subbasin reservations in (d)(i) through (vii) of this subsection.

(2) A water right permit allocating water from the reservation must be consistent with the requirements of RCW 90.03.290.

(3) All water uses from the reservation must implement water use efficiency and conservation practices, consistent with the watershed plan.

(4) This reservation of water is intended to meet needs identified for the basin within the Wenatchee watershed plan. The department

shall deny all applications for water from this reservation for use not conforming to subsection (1)(c) of this section.

(5) All water uses relying on the reservation must be measured and reported. The manner and form of such measuring and reporting to support the accounting system for the reservation water uses may be specified by the department, Chelan County, or by a local government, utility, or other public water purveyor in a permit, approval, license, or order. An accounting of all appropriations from the reservation shall be maintained by the department and the Chelan County natural resource department. The accounting shall, at a minimum, include estimated and measured use in gallons per day.

(6) All permitted and permit-exempt uses from the reservation will have the same priority date. The following will guide water supply decisions in times of water shortage:

(a) Among the use categories: Domestic and stock-watering uses will be met first, followed by domestic water requirements associated with municipal, commercial and industrial use, and then residential irrigation.

(b) Within each use category, the date of first beneficial use will be used. The use with the earliest date will be satisfied first.

(7) The reservation will be evaluated by the department and the Wenatchee planning unit prior to 2010, 2015, 2020, and 2025. The allocated and unallocated amounts for each use will be reviewed, as well as the allocated and unallocated amounts for the entire reserve. Modifications to the program may therefore be established through rule making, if needed.

(8) The department shall notify both Chelan County and the planning unit or its successor, in writing, when it determines that fifty percent, seventy-five percent, and one hundred percent, respectively, of the total reservation is appropriated. The department shall also issue a public notice in a newspaper of general circulation for the region at the same three junctures.

(9) The department shall require measuring and reporting for permitted surface and groundwater appropriation from the reservation. If more accurate water use data are needed, the department may, after consulting with the planning unit and Chelan County, require measuring and reporting for groundwater withdrawals otherwise exempted from permit requirements under RCW 90.44.050.

(10) For Chumstick Creek, allocation of the full 0.13 cfs reservation will be considered only after completion of an instream flow assessment and a cumulative impacts assessment. Rule making will be required to establish Chumstick Creek instream flows. A cumulative impacts assessment will be used to determine if outdoor water use associated with permit-exempt groundwater uses initiated after June 6, 1983, interferes with the instream flows in WAC 173-545-050. Rule making will also be required to either terminate the interim closure of the Chumstick Creek subbasin or to make it permanent.

(11) For Mission Creek, the interim reservation will terminate after two years. A cumulative impacts assessment will be used to determine if outdoor water use associated with permit-exempt groundwater uses initiated subsequent to June 6, 1983, interferes with the adopted instream flows in WAC 173-545-050.

[Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. WSR 08-01-045 (Order 07-06), § 173-545-090, filed 12/12/07, effective 1/12/08. Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-545-090, filed

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