

WAC 173-501-030 Establishment of instream flows. (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Stream Management Reach
Anderson Creek Gage # WDOE-2109-00	1.4 Section 19 T. 39 N., R. 4 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Bells Creek Gage # WDOE-2073-00	0.5 Section 21 T. 39 N., R. 5 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Bertrand Creek Gage # WDOE-2124-00	1.0 Section 26 T. 40 N., R. 2 E.	From U.S./Canada border to confluence with Nooksack River, including all tributaries.
California Creek Gage # WDOE-2134-00	3.0 Section 21 T. 40 N., R. 1 E.	From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.
Canyon Creek Gage # WDOE-2045-00	0.2 Section 35 T. 40 N., R. 6 E.	From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Canyon Creek at Kulshan Gage # 12-2085-00	0.2 Section 27 T. 39 N., R. 5 E.	From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Cornell Creek Gage # WDOE-2057-00	0.6 Section 1 T. 39 N., R. 6 E.	From the confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Dakota Creek near Blaine Gage # 12-2140-00	3.5 Section 9 T. 40 N., R. 1 E.	From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.
Deer Creek Gage # WDOE-2130-50	0.2 Section 28 T. 39 N., R. 2 E.	From the confluence with Tenmile Creek to headwaters, including all tributaries.
Fishtrap Creek at Lynden Gage # 12-2120-00	6.9 Section 16 T. 40 N., R. 3 E.	From U.S./Canada border to confluence with Nooksack River, including all tributaries.
Gallop Creek Gage # WDOE-2056-00	0.3 Section 7 T. 39 N., R. 7 E.	From the confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Hutchinson Creek Gage # WDOE-2101-00	1.8 Section 36 T. 38 N., R. 5 E.	From confluence with South Fork Nooksack River to headwaters, including all tributaries.
Johnson Creek Gage # WDOE-2149-00	0.5 Section 35 T. 41 N., R. 4 E.	From U.S./Canada border to headwaters including all tributaries.
Kendall Creek Gage # 12-2065-00	0.1 Section 3 T. 39 N., R. 5 E.	From the confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Maple Creek Gage # WDOE-2059-00	0.8 Section 30 T. 40 N., R. 6 E.	From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Stream Management Reach
Nooksack River (at Deming) 12-2105-00	36.6 Section 31 T. 39 N., R. 5 E.	From confluence with Smith Creek to confluence of North Fork and Middle Fork Nooksack Rivers.
Nooksack River (at Ferndale) 12-2131-00	5.8 Section 29 T. 39 N., R. 2 E.	From influence of mean annual high tide at low instream flow levels to confluence with, and including, Smith Creek.
Nooksack River (Middle Fork) 12-2080-00	5.0 Section 13 T. 38 N., R. 5 E.	From confluence with North Fork to headwaters.
Nooksack River (North Fork) 12-2072-00	44.1 Section 10 T. 39 N., R. 5 E.	From confluence with Middle Fork to headwaters.
Nooksack River (South Fork) 12-2090-00	5.0 Section 19 T. 38 N., R. 5 E.	From confluence with Nooksack River (mainstem) to headwaters.
Porter Creek Gage # WDOE-2084-00	0.7 Section 11 T. 38 N., R. 5 E.	From the confluence with M. Fk. Nooksack R. to headwaters, including all tributaries.
Racehorse Creek Gage # WDOE-2071-00	1.5 Section 11 T. 39 N., R. 5 E.	From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Saar Creek Gage # 12-2155-00	0.2 Section 31 T. 41 N., R. 5 E.	From U.S./Canada border to headwaters, including all tributaries.
Silver Creek Gage # WDOE-2132-00	2.0 Section 4 T. 38 N., R. 2 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Skookum Creek near Wickersham Gage # 12-2095-00	0.1 Section 27 T. 37 N., R. 5 E.	From confluence with South Fork Nooksack River to headwaters, including all tributaries.
Smith Creek Gage # WDOE-2111-00	0.8 Section 22 T. 39 N., R. 4 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Sumas River near Sumas Gage # 12-2145-00	2.1 Section 2 T. 41 N., R. 4 E.	From U.S./Canada border to headwaters including all tributaries.
Tenmile Creek at Laurel Gage # 12-2129-00	4.4 Section 13 T. 39 N., R. 2 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Terrell Creek Gage # WDOE-2133-00	2.2 Section 31 T. 40 N., R. 1 E.	From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.
Wiser Lake Creek Gage # WDOE-2126-00	0.7 Section 2 T. 39 N., R. 2 E.	From confluence with Nooksack River to headwaters, including all tributaries.

(2) Instream flows are established for the stream management units in WAC 173-501-030(1) as follows:

Instream Flows in the Nooksack WRIA
(Instantaneous cubic feet per second)

Month	Day	WDOE- 2109-00 Anderson Cr.	WDOE- 2073-00 Bells Cr.	WDOE- 2124-00 Bertrand Cr.	WDOE- 2134-00 California Cr.
Jan.	1	50	4*	90*	40*
	15	50	4*	90*	40*
Feb.	1	50	4*	90*	40*
	15	50	3*	90*	40*
Mar.	1	50	2*	90*	40*
	15	50	2*	90*	25*
Apr.	1	40	3*	80*	18*
	15	31	4*	60*	13*
May	1	25*	5*	50*	9*
	15	20*	6*	40*	6*
Jun.	1	16*	6*	33*	4*
	15	13*	6*	25*	3*
Jul.	1	10*	3*	21*	2*
	15	8*	2*	17*	2*
Aug.	1	6*	1*	13*	2*
	15	6*	1*	13*	2*
Sep.	1	6*	1*	13*	2*
	15	6*	1*	13*	2*
Oct.	1	8*	1*	13*	2*
	15	11*	2*	20*	2*
Nov.	1	15*	3*	30*	4*
	15	20	4*	40*	7*
Dec.	1	30	4*	60*	15*
	15	50	4*	90*	40*

* Denotes closure period. No further consumptive rights issued for use during this time.

Month	Day	WDOE- 2045-00 Canyon Creek	WDOE- 2085-00 Canyon (Lk) Cr.	WDOE- 2057-00 Cornell Creek
Jan.	1	150	50	20
	15	150	50	20
Feb.	1	150	50	20
	15	150	50	20
Mar.	1	150	50	20
	15	150	50	20
Apr.	1	150	50	20
	15	150	50	20
May	1	150	50	20
	15	150	50	20
Jun.	1	150	50	15
	15	150	50	9
Jul.	1	150*	50*	25*
	15	80*	30*	3*
Aug.	1	40*	15*	3*
	15	40*	10*	3*
Sep.	1	40*	10*	3*
	15	40*	10*	3*
Oct.	1	55*	20*	5*
	15	80*	23*	10*
Nov.	1	90*	27*	20*
	15	110	32	20
Dec.	1	130	40	20
	15	150	43	20

Month	Day	12-2140-00 Dakota Creek	WDOE- 2130-50 Deer Creek	12-2120-00 Fishtrap Cr.
Jan.	1	60*	10*	55*
	15	60*	10*	55*
Feb.	1	60*	10*	55*
	15	60*	10*	55*
Mar.	1	60*	10*	55*
	15	40*	10*	55*
Apr.	1	30*	8*	45*
	15	20*	6*	35*

Month	Day	12-2140-00 Dakota Creek	WDOE- 2130-50 Deer Creek	12-2120-00 Fishtrap Cr.
May	1	15*	5*	30*
	15	10*	4*	25*
Jun.	1	7*	3*	20*
	15	5*	2*	15*
Jul.	1	4*	2*	12*
	15	3*	1*	10*
Aug.	1	3*	1*	8*
	15	3*	1*	8*
Sep.	1	3*	1*	8*
	15	3*	1*	8*
Oct.	1	3*	2*	18*
	15	4*	2*	20*
Nov.	1	5*	3*	30*
	15	10*	4*	40*
Dec.	1	20*	5*	55*
	15	60*	7*	55*

Month	Day	WDOE- 2056-00 Gallop Creek	WDOE- 2101-00 Hutchinson Creek	WDOE- 2149-00 Johnson Creek	12-2065-00 Kendall Cr.
Jan.	1	12	60	60*	10*
	15	12	60	60*	10*
Feb.	1	12	60	60*	10*
	15	12	60	60*	10*
Mar.	1	12	60	60*	10*
	15	12	60	60*	10*
Apr.	1	12	60	60*	10*
	15	12	60	45*	10*
May	1	12	60	35*	10*
	15	12	60	25*	10*
Jun.	1	12	60	20*	10*
	15	12	60	15*	10*
Jul.	1	12*	60*	12*	10*
	15	8*	40*	9*	6*
Aug.	1	6*	25*	9*	4*
	15	5*	15*	9*	3*
Sep.	1	5*	15*	9*	3*
	15	5*	15*	9*	3*
Oct.	1	5*	25*	9*	5*
	15	5*	30*	9*	6*
Nov.	1	8*	35*	13*	7*
	15	12	40	20*	8*
Dec.	1	12	50	30*	9*
	15	12	60	60*	10*

Month	Day	WDOE-2059-00 Maple Creek	12-2105-00 Nooksack R. (at Deming)	12-2131.00 Nooksack R. (at Ferndale)
Jan.	1	20	2050	2900
	15	20	2050	2900
Feb.	1	20	2150	2900
	15	30	2350	2900
Mar.	1	30	2350	2900
	15	30	2350	2900
Apr.	1	30	2350	2900
	15	30	2350	2900
May	1	30	3325	2900
	15	30	3400	3500
Jun.	1	30	3400	3500
	15	30	3400	3500
Jul.	1	20*	3400	3500
	15	20*	2950	3000
Aug.	1	20*	1700	2400
	15	10*	1700	1900
Sep.	1	10*	1700	1800
	15	10*	1700	1700

Month	Day	WDOE-2059-00 Maple Creek	12-2105-00 Nooksack R. (at Deming)	12-2131.00 Nooksack R. (at Ferndale)
Oct.	1	20*	1700	1700
	15	20*	2050	2050
Nov.	1	20*	2050	2300
	15	20	2050	2500
Dec.	1	20	2050	2900
	15	20	2050	2900

Month	Day	12-2080-00 Nooksack River (Middle Fork)	12-2072-00 Nooksack River (North Fork nr. Deming)	12-2090-00 Nooksack River (South Fork)
Jan.	1	275	1100	650
	15	275	1100	650
Feb.	1	380	1100	650
	15	380	1100	850
Mar.	1	380	1100	850
	15	380	1100	850
Apr.	1	380	1100	850
	15	380	1100	850
May	1	380	1100	850
	15	450	2000	850
Jun.	1	525	2000	850
	15	525	2000	850
Jul.	1	525	2000	850*
	15	400	2000	550*
Aug.	1	275	1100	300*
	15	275	1100	300*
Sep.	1	275	1100*	300*
	15	275	1100*	300*
Oct.	1	275	1100*	300*
	15	275	1100*	650*
Nov.	1	275	1100*	650
	15	275	1100	650
Dec.	1	275	1100	650
	15	275	1100	650

Month	Day	WDOE- 2084-00 Porter Creek	WDOE- 2071-00 Racehorse Cr.	WDOE- 2155-00 Saar Creek
Jan.	1	10	60	35*
	15	10	60	35*
Feb.	1	10	60	35*
	15	10	60	35*
Mar.	1	10	60	35*
	15	10	60	35*
Apr.	1	10	60	35*
	15	10	80	35*
May	1	10	80	35*
	15	10	90	35*
Jun.	1	10	90	35*
	15	10	90	35*
Jul.	1	10*	50*	22*
	15	6*	35*	15*
Aug.	1	3*	20*	9*
	15	3*	20*	6*
Sep.	1	3*	20*	6*
	15	3*	20*	6*
Oct.	1	3*	20*	12*
	15	6*	30*	14*
Nov.	1	10*	35*	17*
	15	10	40	19*
Dec.	1	10	47	23*
	15	10	55	35*

Month	Day	WDOE- 2132-00 Silver Creek	12-2095-00 Skookum Cr.	WDOE- 2111-00 Smith Creek
Jan.	1	12	115	40
	15	12	115	40
Feb.	1	12	115	40
	15	12	115	40
Mar.	1	12	115	40
	15	12	115	40
Apr.	1	12	115	40
	15	12	115	60
May	1	12*	115	60*
	15	9*	115	60*
Jun.	1	7*	115	60*
	15	6*	115	40*
Jul.	1	4*	115*	35*
	15	3*	66*	25*
Aug.	1	3*	66*	15*
	15	3*	66*	10*
Sep.	1	3*	66*	10*
	15	3*	66*	10*
Oct.	1	4*	66*	15*
	15	4*	80*	20*
Nov.	1	6*	115*	23*
	15	10	115	25
Dec.	1	12	115	30
	15	12	115	35

Month	Day	12-2145-00 Sumas River	12-2129-00 Tenmile Cr.	WDOE- 2133-00 Terrell Cr.	WDOE- 2126-00 Wiser Lk. Cr.
Jan.	1	100*	40*	12	11
	15	100*	40*	12	11
Feb.	1	100*	40*	12	11
	15	100*	40*	12	11
Mar.	1	100*	40*	12	11
	15	100*	40*	12	11
Apr.	1	100*	40*	12	9
	15	100*	40*	12	7
May	1	70*	30*	8*	6*
	15	60*	22*	5*	5*
Jun.	1	40*	17*	4*	4*
	15	35*	12*	3*	3*
Jul.	1	25*	10*	2*	2*
	15	20*	7*	2*	2*
Aug.	1	20*	5*	2*	2*
	15	20*	5*	2*	2*
Sep.	1	20*	5*	2*	2*
	15	20*	6*	2*	2*
Oct.	1	20*	7*	2*	2*
	15	20*	10*	2*	2*
Nov.	1	35*	15*	3*	3*
	15	60*	20*	5	6
Dec.	1	80*	30*	7	8
	15	100*	40*	12	11

(3) Instream flow hydrographs, as represented in Appendix A of the document entitled Nooksack Instream Resources Protection Program, shall be used for identification of instream flows on those days not specifically identified in WAC 173-501-030(2).

(4) Future consumptive water right permits issued hereafter for diversion of surface water in the Nooksack WRIA and perennial tributaries shall be expressly subject to instream flows established in WAC 173-501-030 (1) through (3) as measured at the appropriate gage, preferably the nearest one downstream and at all other downstream control stations, except for those uses described in WAC 173-501-070 (1) through (3).

(5) Projects that would reduce the flow in a section of stream's length (e.g., hydroelectric projects that withdraw streamflow from some length of the channel) are considered consumptive with respect to the affected stream reach. Such projects will be subject to instream flow requirements as specified by the department. These flows will be those established in WAC 173-501-030 (1) through (3) and WAC 173-501-040, or may be flows specifically tailored to that particular project and stream reach. When studies are required to determine such reach and project-specific flow requirements, the department will require the project proponent to conduct such studies in consultation with affected state and federal agencies and Indian tribes.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). WSR 85-24-073 (Order 85-19), § 173-501-030, filed 12/4/85.]