Title 508 WAC
DEPARTMENT OF WATER RESOURCES

Chapters

508-12 **Administration of surface and ground water codes.**

508-14 **Columbia basin project--Ground waters.**

508-60 **Administration of flood control zones.**

508-64 **Measuring devices for water diversion and withdrawal facilities.**

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 508-02
DEPARTMENTAL COURSE AND OPERATION--INFORMATION AVAILABLE TO PUBLIC

508-02-010 General description of course and operation of department—How public may obtain information from the department. [Order 67-12, filed 1/2/68.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250—42.17.340.

Chapter 508-04
DELEGATION OF POWERS, DUTIES AND FUNCTIONS

508-04-010 Delegation of powers, duties and functions vested in the department of water resources. [Order 67-11, § 508-04-010, filed 1/2/68.] Repealed by Order 69-10, filed 12/10/69.

Chapter 508-08
PRACTICE AND PROCEDURE

Sections 508-08-010, 508-08-050, 508-08-060, 508-08-070, 508-08-080, 508-08-090, 508-08-100, 508-08-110, 508-08-120, 508-08-130, 508-08-140, 508-08-370, 508-08-380, 508-08-390, 508-08-400, 508-08-410, 508-08-420, 508-08-430, 508-08-440, 508-08-450, 508-08-460, 508-08-470, 508-08-480, 508-08-490, 508-08-500, 508-08-510, 508-08-520, 508-08-530, 508-08-540, 508-08-550, 508-08-560, 508-08-570, 508-08-580, and 508-08-590. [Rule .08.010 thru .08.590, filed 3/23/60 and 8/30/60.] Rules with the dates 3/23/60 and 8/30/60 are rules filed by the then existing department of conservation. Section 19, chapter 242, Laws of 1967 (RCW 43.27A.170) effected the application of these rules to the newly created department of water resources. Repealed by Order DE 71-14, filed 9/3/71 by the department of ecology.

Chapter 508-20
WEATHER MODIFICATION RULES

508-20-010 Copy of contract with client must be filed with application. [Rule 1, filed 3/23/60.] Repealed by Order DE 71-13, filed 9/8/71.

508-20-020 Board will notify Washington State University and the county agent when permit is issued. [Rule 2, filed 3/23/60.] Repealed by Order DE 77-29, filed 12/29/77 by the department of ecology. Later promulgation, see chapter 173-495 WAC.

508-20-030 Permittee's report of operations. [Rule 3, filed 3/23/60.] Repealed by Order DE 77-29, filed 12/29/77 by the department of ecology. Later promulgation, see chapter 173-495 WAC.

508-20-040 Board may modify or terminate permits. [Resolution No. 65-1, Regulation 110, filed 2/19/65.] Repealed by Order DE 77-29, filed 12/29/77 by the department of ecology. Later promulgation, see chapter 173-495 WAC.

508-20-050 Exempt activities. [Resolution No. 65-2, Regulation .090, filed 2/19/65.] Repealed by Order DE 77-29, filed 12/29/77 by the department of ecology. Later promulgation, see chapter 173-495 WAC.

508-20-060 Exempt activities—Olympic Mountains research project. [Resolution No. 65-5, filed 11/23/65.] Repealed by Order DE 77-29, filed 12/29/77 by the department of ecology. Later promulgation, see chapter 173-495 WAC.

508-20-070 Qualifications of licensees—Restricted license, fog dispersal at airports. [Resolution No. 65-3, Regulation No. .100, filed 2/19/65.] Repealed by Order DE 77-29, filed 12/29/77 by the department of ecology. Later promulgation, see chapter 173-495 WAC.

508-20-080 Use of dry ice for fog dispersal over public airports. [Docket 67-7 regulation, filed 11/1/67.] Repealed by Order DE 77-29, filed 12/29/77 by the department of ecology. Later promulgation, see chapter 173-495 WAC.

Chapter 508-52
PROCEDURE TO ESTABLISH A METHOD WHEREBY AN AGGRIEVED PERSON MAY REQUEST A HEARING FROM THE DEPARTMENT OF WATER RESOURCES

508-52-010 Purpose. [Order 68-6, § 508-52-010, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-020 Hearing request. [Order 68-6, § 508-52-020, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-030 Computation of time. [Order 68-6, § 508-52-030, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-040 Staying of orders. [Order 68-6, § 508-52-040, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-050 Appeal of orders. [Order 68-6, § 508-52-050, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-060 Intervention. [Order 68-6, § 508-52-060, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

Chapter 508-56
POLICY RELATING TO THE IMPLEMENTATION OF THE WATER RIGHTS REGISTRATION ACT

508-56-010 Background. [Order 68-8, § 508-56-010, filed 9/9/68, effective 10/10/68.] Repealed by Order 70-5, filed 4/10/70.

508-56-020 Statement of position and policy. [Order 68-8, § 508-56-020, filed 9/9/68, effective 10/10/68.] Repealed by Order 70-5, filed 4/10/70.

Chapter 508-68

IN THE MATTER OF ADOPTING A PERMANENT REGULATION RELATING TO THE DELEGATION OF THE POWERS, DUTIES AND FUNCTIONS BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

Sections 508-68-010, 508-68-020, 508-68-030, 508-68-040, 508-68-050, and 508-68-060. [Order 69-10, § 508-68-010 thru 508-68-060, filed 12/10/69.] Repealed by Order DE 71-13, filed 9/8/71 by the department of ecology.

Chapter 508-78

EXEMPTION OF THE UNITED STATES AIR FORCE FROM THE PROVISIONS OF RCW 43.37.080, 43.37.100, 43.37.110 AND 43.37.150 WHILE UNDERTAKING WEATHER MODIFICATION AND CONTROL ACTIVITIES AT AIR FORCE BASES IN THE STATE OF WASHINGTON DESIGNED TO DISPERSE SUPERCOOLED FOGS

508-78-010 Exemption of certain air force weather modification experiments. [Order DWR 69-19, § 508-78-010, filed 10/1/69.] Repealed by Order DWR 69-19, filed 10/1/69, with an expiration date of 10/1/70.

508-78-020 Report required. [Order DWR 69-19, § 508-78-020, filed 10/1/69.] Repealed by Order DWR 69-19, filed 10/1/69, with an expiration date of 10/1/70.

Chapter 508-86

REGISTRATION OF WATER RIGHT CLAIMS

508-86-010 Purpose. [Order 70-5, § 508-86-010, filed 4/10/70.] Repealed by 79-12-011 (Order DE 79-22), filed 11/13/79. Statutory Authority: RCW 90.14.230.

508-86-020 Water right claim. [Order 70-5, § 508-86-020, filed 4/10/70.] Repealed by 79-12-011 (Order DE 79-22), filed 11/13/79. Statutory Authority: RCW 90.14.230.

508-86-990 Appendix A—Form—Water right claim form. Repealed by 79-12-011 (Order DE 79-22), filed 11/13/79. Statutory Authority: RCW 90.14.230.

Chapter 508-12 WAC

ADMINISTRATION OF SURFACE AND GROUND WATER CODES

WAC

508-12-010 Regulation of water right diversions——Personnel.
508-12-020 Regulation of water right diversions——Regulation of unincorporated partnership ditches.
508-12-030 Regulation of water right diversions——Controlling works——Measuring devices.
508-12-040 Regulation of water right diversions——Controlling works——Headgates.
508-12-050 Regulation of water right diversions——Closure of diversions.
508-12-060 Regulation of water right diversions——Penalty for opening.
508-12-070 Regulation of water right diversions——Objections to regulations or orders——Appeals.
508-12-080 Determination of existing rights to the use of water.
508-12-090 Surface water appropriation procedure——Rights of way.
508-12-100 Surface water appropriation procedure——Applications for permit——Forms.
508-12-110 Surface water appropriation procedure——Number of applications.
508-12-120 Surface water appropriation procedure——Maps or sketches.
508-12-130 Surface water appropriation procedure——Applications filed by nonowners.
508-12-140 Surface water appropriation procedure——Priority of application.
508-12-150 Surface water appropriation procedure——Affidavit of publication of notice.
508-12-160 Surface water appropriation procedure——No action on permits allowable prior to 30 days after last publication.
508-12-170 Surface water appropriation procedure——Protests or objections.
508-12-180 Surface water appropriation procedure——Amendments or transfers.
508-12-190 Surface water appropriation procedure——Amendments as to source, quantity, etc.
508-12-200 Surface water appropriation procedure——Division of land ownership before certificate issued.
508-12-210 Surface water appropriation procedure——Seasonal permits.
508-12-220 Ground water appropriation procedure——Applicability of foregoing rules.
508-12-230 Ground water appropriation procedure——Relative rights——Ground and surface water appropriators.
508-12-240 Ground water appropriation procedure——Where proposed construction is near surface water supply.
508-12-250 Ground water appropriation procedure——Where wells penetrate artesian water zones.
508-12-260 Reservoir permits——Where required.
508-12-270 Reservoir permits——Limits on filling.
508-12-280 Storage dams——Construction permit.
508-12-290 Storage dams——Cost of expert opinion.

Reviser's Note: Surface and ground water rules bearing history notes with filing dates of 3/23/60 or 8/30/60 are rules filed by the then existing department of conservation. Sections 8 and 19, chapter 242, Laws of 1967 (RCW 43.27A.080 and 43.27A.170) affected the application of these rules to the department of water resources.

WAC 508-12-010 Regulation of water right diversions——Personnel. Regulation and control of waters according to rights thereto, shall be made through watermasters and stream patrolmen, or a staff member of the division of water resources. Chapter 90.08 RCW and RCW 43.21.130. [Rule 1, filed 3/23/60. Formerly WAC 134-12-010.]

WAC 508-12-020 Regulation of water right diversions——Regulation of unincorporated partnership ditches. Watermasters shall not attempt to regulate water beyond the points of diversion from the natural stream on unincorporated partnership ditches. Such regulations may be carried on by ditch patrolmen as outlined under RCW 90.28.130. When approved by the supervisor and water users a district watermaster may serve as a stream or ditch patrolman. [Rule 2, filed 3/23/60. Formerly WAC 134-12-020.]

WAC 508-12-030 Regulation of water right diversions——Controlling works——Measuring devices. Where controlling works or measuring devices are not installed or maintained to the satisfaction of the supervisor, he shall give proper notice to the owner to install or repair such controlling works or measuring device. This notice shall allow not less than ten days time to make necessary repairs or installations. In the event the work outlined in the notice is not completed in the specified time, the diversion shall be closed to further flow of water, until such time as the notice has been fully complied with. [Rule 3, filed 3/23/60. Formerly WAC 134-12-030.]

WAC 508-12-040 Regulation of water right diversions——Controlling works——Headgates. Controlling works or headgates shall be so constructed that they can be regulated and locked in place by the watermaster or stream patrolman. [Rule 4, filed 3/23/60. Formerly WAC 134-12-040.]

WAC 508-12-050 Regulation of water right diversions——Closure of diversions. The watermaster or a representative of the division of water resources, shall close such diversions for noncompliance upon order of the supervisor. [Rule 5, filed 3/23/60. Formerly WAC 134-12-050.]

WAC 508-12-060 Regulation of water right diversions——Penalty for opening. Any water user opening a diversion after it has been closed or posted, under the above rules, shall be guilty of a misdemeanor under chapter 90.32 RCW. [Rule 6, filed 3/23/60. Formerly WAC 134-12-060.]

WAC 508-12-070 Regulation of water right diversions——Objections to regulations or orders——Appeals. Objections, if any, to regulations or orders of a stream patrolman must be made to the district watermaster who will rule thereon, with or without the advice of the supervisor. In the absence of a district watermaster the objection shall be made to the supervisor. Appeals from watermasters' or supervisors' decisions may be made under RCW 90.04.050. [Rule 7, filed 3/23/60. Formerly WAC 134-12-070.]

WAC 508-12-080 Determination of existing rights to the use of water. Upon the filing of a petition by one or more persons requesting the rights to the use of the waters of a stream or other source of water, the supervisor shall conduct a reconnaissance survey for the purpose of determining whether or not the interests of the public can best be served by the adjudication of the individual rights thus involved. If, in his discretion, the proceedings should be instigated, he shall determine the description of lands to be included as well as the record ownerships. Each owner and interested party will be made a party to the proceedings and a lis pendens will be filed with the county auditor. (RCW 90.12.010 and 90.12.020) [Rule 8, filed 3/23/60. Formerly WAC 134-12-080.]

WAC 508-12-090 Surface water appropriation procedure——Rights of way. Permits secured through this office do not carry any right of way privileges. Right of way for diversion, storage or transmission facilities must be obtained by the permittee from the owner of the property on which such structure or ditch will be located, or by condemnation proceedings. [Rule 9, filed 3/23/60. Formerly WAC 134-12-090.]

WAC 508-12-100 Surface water appropriation procedure——Applications for permit——Forms. Applications for permit to appropriate surface water shall be made on forms provided by the office of the supervisor of the division of water resources. (Supplements paragraph 5, RCW 43.21.130.) [Rule 10, filed 3/23/60. Formerly WAC 134-12-100.]

WAC 508-12-110 Surface water appropriation procedure——Number of applications. It shall be the general rule that an application must be filed for each separate source of water. In special instances one application may cover more than one source of water such as, a group of springs in close relationship to each other and with no intervening property ownership; and, to divert from two or more streams whose confluence is upon lands of the applicant; and, where a common distribution system may be employed. The amount, point of diversion, and use from each source must be indicated in the application. [Rule 11, filed 3/23/60. Formerly WAC 134-12-110.]

WAC 508-12-120 Surface water appropriation procedure——Maps or sketches. Three copies of maps or sketches must accompany the application showing source of supply, point of diversion, tie to a legal land corner, and general plan of the proposed development. If for irrigation, it must clearly show the lands to be irrigated. For small projects, maps or sketches prepared by the applicant on forms provided by this office will be acceptable if legible and accurate. For larger projects, maps on any reasonable scale prepared by engineers in planning the project may be required. (Supplemental to RCW 90.20.020) [Rule 12, filed 3/23/60. Formerly WAC 134-12-120.]

WAC 508-12-130 Surface water appropriation procedure——Applications filed by nonowners. Where the applicant is other than the legal owner or part owner of the land on which the water is to be used, the application shall bear the signature and address of the legal owner in addition to the signature of the applicant. (Supplements RCW 90.20.020.) [Rule 13, filed 3/23/60. Formerly WAC 134-12-130.]

WAC 508-12-140 Surface water appropriation procedure——Priority of application. The priority of an application is established as of time and date received when accompanied by initial examination fee. In the case of governmental agencies, who are required to make payment by voucher, it shall be accepted as payment of initial fee when transmitted with the application. [Rule 14, filed 3/23/60. Formerly WAC 134-12-140.]

WAC 508-12-150 Surface water appropriation procedure——Affidavit of publication of notice. An affidavit of publication of the notice of water right application executed by the publisher must be filed with the supervisor as proof of due notice to the public. (RCW 90.20-.040.) [Rule 15, filed 3/23/60. Formerly WAC 134-12-150.]

WAC 508-12-160 Surface water appropriation procedure——No action on permits allowable prior to 30 days after last publication. No action shall be taken toward issuance of a permit or granting a petition for

change in point of diversion, purpose or place of use until 30 days after date of last publication of notice as provided in RCW 90.20.040 and 90.28.090. In all instances, subsection 12 of RCW 90.04.040 shall apply. [Rule 16, filed 3/23/60. Formerly WAC 134-12-160.]

WAC 508-12-170 Surface water appropriation procedure——Protests or objections. (1) Protests or objections to granting a permit or petition for change must be submitted within the prescribed 30 day period and must include a statement of the basis for said objections.

(2) All protests or objections will be thoroughly investigated by a representative of this office and the supervisor, at his discretion, may hold a hearing if deemed in the public interest to do so; at which hearing the administrative rules for procedure on hearings as adopted by the department of conservation shall govern. [Rule 17, filed 3/23/60. Formerly WAC 134-12-170.]

WAC 508-12-180 Surface water appropriation procedure——Amendments or transfers. Applications for amendments or transfers shall be made on forms provided by the supervisor of water resources. (Supplements RCW 90.28.090.) [Rule 18, filed 3/23/60. Formerly WAC 134-12-180.]

WAC 508-12-190 Surface water appropriation procedure——Amendments as to source, quantity, etc. (1) In the event an applicant or permittee should desire to amend the terms of his application or permit regarding source, quantity, point of diversion, purpose, or place of use, the procedure shall be as outlined in RCW 90.28-.090 excepting that no certificate of change will issue but the amendments shall be incorporated in the terms of the permit.

(2) Amendment of a permit may be made without affecting priority, only after full consideration of the proposed changes in accordance with the provisions outlined in RCW 90.20.060. [Rule 19, filed 3/23/60. Formerly WAC 134-12-190.]

WAC 508-12-200 Surface water appropriation procedure——Division of land ownership before certificate issued. Where a permit has been issued to a person and the land to which the water right is to become appurtenant has been divided before the issuance of a water right certificate, separate certificates may be issued to each holder of land with the proper share of the water allotted, providing assignments of each share are recorded in this office. (Supplements RCW 90.20.100.) [Rule 20, filed 3/23/60. Formerly WAC 134-12-200.]

WAC 508-12-210 Surface water appropriation procedure——Seasonal permits. Seasonal permits for change of point of diversion, purpose and/or place of use of water, shall be in writing and signed by the supervisor or one of his duly authorized deputies. (RCW 90.28-.100.) [Rule 21, filed 3/23/60. Formerly WAC 134-12-210.]

WAC 508-12-220 Ground water appropriation procedure——Applicability of foregoing rules. The general application of rules numbered WAC 134-12-090 through 134-12-210 inclusive on surface water applications, shall also apply to the ground water appropriation procedure. [Rule 22, filed 3/23/60. Formerly WAC 134-12-220.]

WAC 508-12-230 Ground water appropriation procedure——Relative rights——Ground and surface water appropriators. Where controversy arises over the relative rights as between ground and surface water appropriators, the basic law of "first in time, first in right" shall apply. [Rule 23, filed 3/23/60. Formerly WAC 134-12-230.]

WAC 508-12-240 Ground water appropriation procedure——Where proposed construction is near surface water supply. Where a proposed well is to be constructed near a lake, stream, or spring, which is heavily or fully appropriated, the supervisor may specify a minimum distance between the well location and the surface water supply, or, require that the well casing be installed in such a manner as to insure a break in hydraulic continuity between the well and the shallow ground waters contributing to the surface water supply. [Rule 24, filed 3/23/60. Formerly WAC 134-12-240.]

WAC 508-12-250 Ground water appropriation procedure——Where wells penetrate artesian water zones. Wells penetrating artesian water zones: RCW 90.44.070.

(1) Wells taking water from artesian zones shall contain water-tight casings from the ground surface down through and properly sealed into the confining layer.

(2) Issuance of permits to take water from an artesian zone shall not be stopped when existing wells penetrating said artesian zone no longer flow at ground surface; rather, a reasonable seasonal lowering of the water table will be permissible to more fully utilize the reservoir capacity of the aquifer.

(3) Where the waste of water through improperly constructed wells has been found and wasting of said water is depriving others of water to which they are entitled, or causing an unreasonable drop in the water table, or threatens permanent damage to the aquifer, the supervisor shall direct the owner to make necessary repairs to correct the situation. (RCW 90.44.120.) [Rule 25, filed 3/23/60. Formerly WAC 134-12-250.]

WAC 508-12-260 Reservoir permits——Where required. A reservoir permit will be required whenever it is proposed to construct a barrier across a stream, channel, or water course, and which will actually retain for a beneficial use a portion of the annual runoff of the stream or water course. (For positive determination of the necessity of a reservoir permit, a reservoir shall be defined as any dam or dike storing water to a depth of 10 or more feet at its deepest point, or one that is retaining 10 or more acre-feet of water). This will also apply to a reservoir adjacent to a stream channel when water will be required to fill the reservoir in addition to a constant diversion to keep it full. [Rule 26, filed 3/23/60. Formerly WAC 134-12-260.]

WAC 508-12-270 Reservoir permits——Limits on filling. Unless otherwise specified, a reservoir permit will allow the permittee to fill the reservoir once annually and the permit shall specifically state the period during which the water may be used to fill the reservoir. If water in excess of one filling of the reservoir is required, a further application for the additional water must be filed. [Rule 27, filed 3/23/60. Formerly WAC 134-12-270.]

WAC 508-12-280 Storage dams——Construction permit. RCW 90.28.060 provides that any person intending to construct a dam or controlling works for the storage of 10 acre-feet or more of water shall, before beginning construction, submit plans and specifications thereof to the supervisor and secure his approval as to its safety.

The plans and specifications must be prepared by a properly qualified professional engineer and carry his signature and seal. They must also be submitted in duplicate such that one copy is retained in this office and the other approved and returned to the applicant. No special plans will be required unless those submitted are found to be incomplete. The minimum fee for examination and approval of plans shall be $10.00. [Rule 28, filed 3/23/60. Formerly WAC 134-12-280.]

WAC 508-12-290 Storage dams——Cost of expert opinion. In examining and analyzing plans it may be necessary for this office to employ a specialist in dam designs, in which instance the cost shall be charged to the owner of the proposed works. (Supplements RCW 90.28.060.) [Rule 29, filed 3/23/60. Formerly WAC 134-12-290.]

Chapter 508-14 WAC
COLUMBIA BASIN PROJECT——GROUND WATERS

WAC

508-14-030 Withdrawal of ground waters——Permit required——Certain conditions and areas declared appropriate.

Reviser's note: Withdrawal of ground water rules filed 5/15/67 are rules filed by the then existing department of conservation. Section 8 and 19, chapter 242, laws of 1967 (RCW 43.27A.080 and 43.27A.170) effected the application of these rules to the newly created department of water resources. WAC 508-14-010 and WAC 508-14-020 are hereby repealed by Order DE 74-34, filed 12/30/74. WAC 508-14-030 adopted by Order DE 74-34, and filed in the Code Reviser's Office 12/30/74 was filed by the Department of Ecology.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

508-14-010 Columbia Basin Project——Withdrawal of ground waters. [Docket No. 67-3 regulation, filed by the department of conservation, 5/15/67; Docket No. 67-2 emergency rule, filed by the department of conservation, 3/17/67.] Repealed by Order DE 74-34, filed 12/30/74. See Title 173 WAC and WAC 508-14-030.

508-14-020 Construction of wells and withdrawal of ground waters underlying those lands within the Columbia Basin Project known as the Quincy Basin. [Docket No. 67-4 regulation, filed 8/21/67 by the department of water resources; Rules 67-2 (emergency) and 67-3 of the department of conservation, filed respectively 3/17/67 and 5/15/67.] Repealed by Order DE 74-34, filed 12/30/74. See Title 173 WAC.

WAC 508-14-030 Withdrawal of ground waters——Permit required——Certain conditions and areas declared appropriate. (1)(a) All who are acquainted with the State of Washington know of the Grand Coulee Dam and the Columbia Basin Project. In 1943, the congress of the United States passed the Columbia Basin Project Act, 57 Stat. 14 (1943), 16 U.S.C. 835 (1958) so that waters made available by the dam for irrigation purposes could be beneficially used. The state's historical position, as set forth in both state legislation and executive statements, has been one of full cooperation with the federal government to insure that the project's purpose of settling and developing the agricultural lands within said project is realized.

(b) Under state law, subject to existing rights, all natural ground waters of the state and all "artificially stored" ground waters that have been abandoned or forfeited are public ground waters available for appropriation as provided for in chapters 90.44 and 90.03 RCW.

(c) Beneath the surface of the lands within and adjoining the Columbia Basin Project are large quantities of naturally occurring and artificially stored ground water, the source, extent, volume and flow characteristics being generally known, but the depth being largely unknown.

(d) With the development of the Columbia Basin Project, by the United States Department of the Interior, Bureau of Reclamation, the ground-water characteristics of the land within the project have, without doubt, undergone change, including a substantial commingling of natural and "artificially stored" ground waters.

(e) Within the Columbia Basin Project, but outside the Quincy Ground Water Management Subarea, established by chapter 173-124 WAC, and the Odessa Ground Water Management Subarea established by chapter 173-128 WAC, certain persons and entities presently claim interests in portions of these commingled waters.

(f) To insure that the public interest is protected as well as the interests of those claiming interests in said ground waters and that at the same time public waters are, when appropriate, made available for beneficial use, this office, in carrying out its duties and obligations, deems it necessary to set forth certain interim policies which shall guide the department in granting authority to make withdrawal from these commingled waters until ground water subareas are established under the procedures set forth in RCW 90.44.130.

(2)(a) Applications filed with the department of ecology pursuant to RCW 90.44.060 requesting permission to withdraw public ground waters within the exterior boundaries of the Columbia Basin Project underlying lands within the legal description described in subsection (3) of this rule shall be received, and permits issued if it appears to the department as a tentative conclusion that

public ground waters are available; however, all such permits shall be conditioned that if it is subsequently determined by the department that public waters are not available in the amounts authorized for withdrawal by such permits, the department shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate.

(b) No certificates of water right as provided for in RCW 90.44.080, relating to public ground waters underlying lands described in the following subsection (3), shall be issued by the department until such time as a more definite determination can be reached as to the availability of public waters.

(3) Beginning at the northwest corner of Sec. 14, T. 17 N., R. 23 E.W.M.; thence south about 3 miles to the northwest corner of Sec. 35, said township and range; thence east about 1 mile to the northeast corner of said Sec. 35; thence south about 1 mile to the southeast corner of said Sec. 35; thence west about 1 mile to the southwest corner of said Sec. 35; thence south about 4 miles to the southwest corner of Sec. 23, T. 16 N., R. 23 E.W.M.; thence east about 1 mile to the southeast corner of said Sec. 23; thence south 25° west about 3.13 miles to intersection with the boundary line between Grant and Kittitas Counties, in the Columbia River, located within the SE1/4 of Sec. 3, T. 15 N., R. 23 E.W.M.; thence downstream, southerly and easterly, along said boundary line and the boundary line between Grant and Benton Counties, about 36.5 miles, to intersection of said county boundary line with the south line of Sec. 1, T. 14 N., R. 26 E.W.M.; thence east about 4.1 miles to the northwest corner of Sec. 11, T. 14 N., R. 27 E.W.M.; thence south about 2 miles to the southwest corner of Sec. 14, said township and range; thence east about 2 miles to the northwest corner of Sec. 19, T. 14 N., R. 28 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 19; thence east about 5 miles to the northeast corner of Sec. 26, said township and range; thence south about 2 miles to the southeast corner of Sec. 35, said township and range; thence west about 1.5 miles to intersection with the north–south centerline of Sec. 34, said township and range; thence north along said centerline to intersection with the north line of said Sec. 34; thence west about 7 miles to intersection with the boundary between Franklin and Benton Counties, in the Columbia River, and the north line of Sec. 33, T. 14 N., R. 27 E.W.M.; thence downstream, southerly, about 29.25 miles to intersection with the eastwest centerline of Sec. 11, T. 9 N., R. 28 E.W.M.; thence east along contiguous section eastwest centerlines about 12.75 miles to the center of Sec. 12, T. 9 N., R. 30 E.W.M.; thence south 2° west about 3.17 miles to the north bank of Lake Wallula; thence northeasterly along said bank to a point about 1.38 miles south of the northwest corner of Sec. 19, T. 9 N., R. 31 E.W.M.; thence north about 1.38 miles to said northwest corner of Sec. 19; thence easterly along the north line of said Sec. 19 and of Sec. 20 about 1.85 miles to the northeast corner of said Sec. 20; thence north about 9 miles to the southeast corner of Sec. 32, T. 11 N., R. 31 E.W.M.; thence west about 1 mile to the southwest corner of said Sec. 32; thence north about 6 miles to the southeast corner of Sec. 31, T. 12 N., R. 31 E.W.M.; thence west about 0.73 mile to the southwest corner of said Sec. 31; thence north about 6 miles to the northwest corner of Sec. 6, T. 12 N., R. 31 E.W.M.; thence north 45° east about 8.6 miles to the southeast corner of Sec. 36, T. 14 N., R. 31 E.W.M.; thence north about 6 miles to the northeast corner of Sec. 1, said township and range; thence west about 3 miles to the southwest corner of Sec. 34, T. 15 N., R. 31 E.W.M.; thence north about 7 miles to the northeast corner of Sec. 33, T. 16 N., R. 31 E.W.M.; thence west about 3 miles to the northwest corner of Sec. 31, said township and range; thence about 1 mile south to the southwest corner of said Sec. 31; thence west about 1.5 miles to the intersection of the south line of the SW1/4SE1/4 of Sec. 35, R. 16 N., R. 30 E.W.M. and the centerline of the East Low Canal; thence northerly along said canal centerline about 16.5 miles to intersection with the north line of Sec. 17, T. 17 N., R. 30 E.W.M.; thence west about 3 miles to the northwest corner of Sec. 13, T. 17 N., R. 29 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 13; thence west about 9 miles to the northwest corner of Sec. 21, T. 17 N., R. 28 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 21; thence west about 15 miles to the southwest corner of Sec. 24, T. 17 N., R. 25 E.W.M.; thence north about one mile to the northwest corner of said Sec. 24; thence west about 9 miles to the southeast corner of Sec. 17, T. 17 N., R. 24 E.W.M.; thence north about 1 mile to northeast corner of said Sec. 17; thence west about 4 miles to the northwest corner of Sec. 14, T. 17 N., R. 23 E.W.M., said point being the point of beginning. [Order DE 74-34, § 508-14-030, filed 12/30/74.]

Chapter 508-60 WAC
ADMINISTRATION OF FLOOD CONTROL ZONES

WAC

508-60-005	Regulatory control over all waters.
508-60-010	Definitions.
508-60-020	Purpose.
508-60-030	Determination of floodway and floodway fringe.
508-60-040	Flood channel and floodway usage.
508-60-050	Floodway fringe construction.
508-60-060	Flood proofing of floodway and floodway fringe structures and works.
508-60-070	Flow of flood water.
508-60-080	Decision of the department.

Reviser's note: Flood control rules bearing history notes with filing date of 3/23/60 were rules filed by the then existing Department of Conservation. Sections 8 and 19, chapter 242, Laws of 1967 (RCW 43.27A.080 and 43.27A.170) affected the application of these rules to the newly created Department of Water Resources.

Rules are also adopted by the Department of Ecology, being Order DE 74-10, filed 6/17/74.

WAC 508-60-005 Regulatory control over all waters. Application for permit for the construction, operation and maintenance of any works, structures and improvements, private or public, to be created or built or to be reconstructed or modified upon the banks or in or over the channel or over and across the flood plain or

floodway of any stream or body of water within an established flood control zone shall be made in accordance with the following regulations:

(1) Applications will be made to the state supervisor of flood control, Olympia on form F.1 furnished by the division of flood control and will give name, status and post office address of applicant.

(2) State nature of works proposed, such as bridge, dike, road, revetment, logging works, gravel pits, etc.

(3) When possible designate the works by name, such as "Alder Bridge," "Delta Dike," etc.

(4) Give general location with reference to some town or well known locality, such as "two miles west of Cedar post office," etc.

(5) Name the stream which may be directly affected and, if a tributary, also name the main stream.

(6) State whether the works are of a permanent nature such as might be the case if a highway bridge, road or dike, or of a temporary character such as a log boom, logging works across a stream, bridge on logging spur, etc., in which case give the estimated period the proposed works will be in use. Permits for temporary works and structures will stipulate that they be removed by the owners at the end of the period stated in the permit.

(7) Maps and plans of proposed works, structures and improvements must be furnished in duplicate with each copy of application on sheets 8 1/2 inches wide and, where possible, limited to 11 inches in length. Sheets of greater length should be folded to 8 1/2 x 11 inches with a clear left hand margin of 1 1/4 inches for binding. Each sheet will have a title in the lower right hand corner showing: Name and number of flood control zone, name designated for proposed works, name of applicant and of engineer under whose responsible direction plans have been prepared, the scale of maps and plans expressed numerically and graphically, the date, and spaces for application and permit numbers placed in the lower right hand corner of the title, thus: Application No. _____, Permit No. _____. Maps and plans should be numbered consecutively.

(8) A map shall be furnished showing definite location of works, structures and improvements by ties to government corners and section lines and in relation to all streams and bodies of water liable to be affected thereby. Diagrammatic plans of the works and structures shall clearly indicate to scale and by written dimensions and elevations all contemplated obstructions to passage of flood waters and all openings and provisions for the passage of water under, over, through and around such proposed works and structures, together with known high water elevations and their approximate date of occurrence.

(9) Where works and structures will reduce the cross sectional area of a stream channel at bank–full width of the stream over a reach long enough to include not less than three such cross sections beyond both the upstream and downstream termini of the proposed works. Known high water marks with dates of occurrence should be shown on cross sections and location of the latter should be indicated on the map.

(10) All elevations shown on plans should refer to U.S.G.S. datum. This office assumes no jurisdiction over structural designs but is solely concerned with the probable influence on the regimen of streams and bodies of water and with any adverse effect such proposed works and structures may have upon the security of life, health and property.

(11) If proposed works are to be on navigable waters, applications should be made in duplicate.

(12) State dates when work is to be commenced and when construction is scheduled for completion so that permits may be issued accordingly. Delays in construction beyond stated dates may, under certain conditions, necessitate altered designs to meet new conditions.

(13) Under "Remarks" make any statement which may be pertinent and not otherwise covered.

(14) Application must be signed on behalf of applicant by persons having full authority to do so.

(15) EXEMPTION: In order to avoid costly surveys, flood zone boundaries quite generally follow government section and subdivisional lines. It follows that certain areas within the zones may not be affected by flood waters and works, structures or improvements thereon cannot influence flood conditions. Applications and permits will not be necessary for works in such locations. Likewise, incorporated cities and towns or parts thereof included within a zone will not generally be required to secure permits for street and road improvements which conform to general existing plans of thoroughfares and existing improvements.

(16) Abuses of these regulations governing exemptions may make the owner liable under RCW 86.16.090. [Regulation, filed 3/23/60.]

WAC 508-60-010 Definitions. For purposes of this chapter, the following definitions are applicable:

(1) "Department" shall mean the department of ecology;

(2) "Floodway" shall mean the channel of a water course or drainway and those portions of the flood plain adjoining the channel which are reasonably required to carry out and discharge the flood waters of any water course or drainway;

(3) "Floodway fringe" shall mean the area adjoining the floodway which has been or may hereafter be covered by flood water;

(4) "Flood plain" shall consist of the floodway and the floodway fringe;

(5) "Final determining factor" shall mean the statistical method recognized by the United States department of housing and urban development as acceptable to compute the flood frequencies of any body of water or drainway and determine the geographical limits of flooding for any particular flood frequency;

(6) "Flood" shall mean the water of any water course or drainway which is above the bank or outside the channel of such water course or drainway;

(7) "Structure" shall mean any building, house, apartment, factory or other structure attached to or affixed upon the realty;

(8) "Works" shall mean any dam, wall, wharf, embankment, levee, dike, pile, bridge, improved road, abutments, projection, excavation, channel rectification, conduit, culvert, wire, fence, rock, gravel, refuse, fill or other similar development attached to or affixed upon the realty;

(9) "Drainway" shall mean any depression below the surrounding land serving to give direction to a regular current of water and having a bed and well-defined banks;

(10) "Permit" shall mean a flood control zone permit issued by appropriate order of the department;

(11) "One hundred year flood frequency" shall mean a flood of a frequency expected to recur on the average of once every one hundred years or a flood magnitude which has a one percent chance of occurring in any given year. [Order DE 74-10, § 508-60-010, filed 6/17/74; Order 68-9, § 508-60-010, filed 2/28/69.]

WAC 508-60-020 Purpose. The purpose of this regulation is to implement the provisions of chapter 86-.16 RCW pursuant to RCW 86.16.027 in order to administer regulatory control of the floodway and floodway fringe within any duly established state flood control zone as said control pertains to the issuance of permits under RCW 86.16.080. [Order 68-9, § 508-60-020, filed 2/28/69.]

WAC 508-60-030 Determination of floodway and floodway fringe. The department will use a one hundred year flood frequency measurement using the final determining factor, in determining the geographical limits for any part of the floodway and floodway fringe of any body of water or drainway within any duly established state flood control zone. The designation of the geographical limits for any part of the floodway and floodway fringe shall be designated by the department upon receipt of a complete application for a permit; said designation to be made within the limits of the flood frequency measurements previously described in this section. [Order DE 74-10, § 508-60-030, filed 6/17/74; Order 68-9, § 508-60-030, filed 2/28/69.]

WAC 508-60-040 Flood channel and floodway usage. All complete applications for flood control zone permits that request authorization for the construction, reconstruction, or modification of any works or structures upon the floodway or over or in the channel of any body of water or drainway will be examined by the department to insure compliance with all of the following requirements:

(1) The structures or works are designed so as not to be appreciably damaged by flood waters.

(2) The structures or works shall be firmly anchored or affixed to the realty in order to prevent dislocation by flood water and damage to life, health, and property.

(3) The structures or works will not adversely influence the regimen of any body of water by restricting, altering, hindering, or increasing flow of the flood waters in the floodway or flood channel expected during a flood up to a magnitude of a one hundred year frequency. (In consideration of this provision the department shall determine whether the structures or works either alone, or in combination with existing or future similar works could adversely influence the efficiency or the capacity of the floodway or adversely affect existing drainage courses or facilities. The determination of these effects shall be based on the assumption that the floodway encroachment resulting from any proposed structures or works will extend for a significant reach of the stream together with an encroachment equal in degree on the opposite side of the stream.)

(4) The structures or works are not designed for, or will not be used for either (a) uses associated with high flood damage potential or (b) dwellings for human habitation of a permanent nature; provided that a new single family farmhouse or substantial improvements to an existing single family farmhouse may be permitted under the following conditions:

(i) A new single family farmhouse must be built as the replacement of an existing single family farmhouse on the same farmsite. The house being replaced shall be removed from the floodway in its entirety, including the foundation. The permit shall specify a date for completion of the above work.

(ii) The elevation of the lowest habitable floor of the residence, including basement, shall be one foot higher that the one hundred year flood elevation.

(iii) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(iv) New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

(v) All other utilities and connections to public utilities shall be designed, constructed, and located to minimize or eliminate flood damage.

(vi) There must be no potential site for the farmhouse on the farmsite outside the floodway.

Any application for a permit which complies with all requirements of this section and the provisions of WAC 508-60-060 and 508-60-070 will be granted. [Statutory Authority: RCW 86.16.027. 79-12-049 (Order DE 79-25), § 508-60-040, filed 11/26/79; Order DE 74-10, § 508-60-040, filed 6/17/74; Order 68-9, § 508-60-040, filed 2/28/69.]

WAC 508-60-050 Floodway fringe construction. All complete applications for flood control zone permits that request a permit for the construction, reconstruction, or modification of any works or structures within the floodway fringe of any body of water or drainway will be examined by the department to insure compliance with all of the following requirements:

(1) The structures or works are designed so as not to be appreciably damaged by flood waters;

(2) The structures or works shall be firmly anchored or affixed to prevent dislocation by flood water and subsequent damage to life, health, and property; and

(3) The structures, works, or improvements will not adversely influence the regimen of any body of water by

restricting, altering, hindering or increasing the flow of flood waters in the floodway or flood channel expected during a flood up to a magnitude of a one hundred year frequency so as to unduly reduce the flood storage capacity of the floodway fringe.

Any application for a permit which complies with all requirements of this section and the provisions of WAC 508-60-060 and 508-60-070 will be granted. [Order DE 74-10, § 508-60-050, filed 6/17/74; Order 68-9, § 508-60-050, filed 2/28/69.]

WAC 508-60-060 Flood proofing of floodway and floodway fringe structures and works. The department may as a permit condition require the flood proofing of any structure or works constructed, reconstructed, or modified upon the floodway fringe or floodway in order to minimize damage to life, health or property against damage by flood water up to the volume of flood water that could be expected during a flood up to a magnitude of a one hundred year frequency using the final determining factor. [Order DE 74-10, § 508-60-060, filed 6/17/74; Order 68-9, § 508-60-060, filed 2/28/69.]

WAC 508-60-070 Flow of flood water. The department will require that all structures or works constructed, reconstructed or modified upon the banks or over in the channel of any body of water or drainway allow for the orderly flow and removal of all flood waters expected during a flood up to a magnitude of a one hundred year frequency using the final determining factor. [Order DE 74-10, § 508-60-070, filed 6/17/74; Order 68-9, § 508-60-070, filed 2/28/69.]

WAC 508-60-080 Decision of the department. After the department has rendered an order either granting a flood control zone permit or denying an application for the same, said order may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. [Order DE 74-10, § 508-60-080, filed 6/17/74; Order 68-9, § 508-60-080, filed 2/28/69.]

Chapter 508-64 WAC
MEASURING DEVICES FOR WATER DIVERSION AND WITHDRAWAL FACILITIES

WAC

508-64-010	Background and purpose of regulation.
508-64-020	Meter specifications.
508-64-030	Meter installation requirements.
508-64-040	Meter operation and maintenance.
508-64-050	Meter——When required.
508-64-060	Unauthorized diversion or withdrawals——Enforcement agent.

WAC 508-64-010 Background and purpose of regulation. With the passage of time and issuance of an additional number of water rights in each year, competition for rights to use of our limited water resources increases. Conflicts also develop where uses presently authorized compete for water supplies which may vary on seasonal or annual bases, due to changes in hydrologic conditions. For these reasons it becomes necessary to manage our state's water resources so as to insure that those entitled to make beneficial use of water neither waste water in exercising their rights nor use waters by withdrawal or diversion thereof in amounts in excess to that which they are entitled.

One of the tolls of water management vested in the Department of Water Resources is the power to require that those diverting and/or withdrawing waters of the state, both surface and ground, provide a measuring device so as to provide for accurate measurement of waters so utilized. See RCW 90.03.360 and RCW 90.44.020. It has been increasingly apparent that a satisfactory water management program can be carried out only if surface and ground water withdrawals are closely monitored and accurately measured.

Under RCW 43.27A.090(11), the Department of Water Resources is authorized to adopt such regulations as are necessary to carry out the provisions of the surface and ground water statutes of chapters 90.03 and 90.44 RCW. Acting under the authority of RCW 43.27A.090(11) and RCW 90.03.360, the following regulation is adopted for the purpose of setting forth:

(1) The specifications for meters installed on water withdrawal facilities for pressure systems;

(2) The installation requirements for a meter;

(3) The operation and maintenance requirements for a meter; and

(4) The procedures the Department of Water Resources will follow in determining when installation of a meter shall be required and how notification of this requirement shall be given to the water user. [Order DWR 69-9, § 508-64-010, filed 11/6/69.]

WAC 508-64-020 Meter specifications. All meters required to be installed, as provided under WAC 508-64-010, shall meet the following requirements:

(1) Meters shall be of the velocity-propeller type with enclosed propeller made of non-corrosive materials. Positive displacement and other types of meters may be used with the express approval of the Department of Water Resources. All meters shall be line meters. For pressures in excess of 100 pounds per square inch, high pressure welded saddle or tube type meters shall be required. Meters shall be complete with meter head, register box with locking hasp, and straightening vanes for attachment to existing pipe or contained within a tube. The saddle or tube-type meters shall be of a construction such that any part of the propeller gears, shafts, totalizer, or any other moving part can be removed for repair with relative ease. The saddle-type meter shall be designed and constructed so as to be suitable for welding to the existing or installed steel pipe but with removable meter-head or designed so that it may be secured to the pipe by anchor bars welded to the pipe with U-bolts, or with threaded straps. All meters shall have the size, serial number, and direction of the flow through the meter properly and clearly indicated.

(2) The meter shall have a rated accuracy of plus or minus 2 percent of actual flow for all rates of flow within the range of flow for which the meter is designed.

The meter shall register the full range of discharge from the source of water for which it is to be used.

(3) The meter shall have a visual, mechanical, digital totalizer located on or adjacent to the meter. The register shall be protected.

(4) Units of measurement for irrigation uses shall be in acre–feet. The totalizer shall read directly in acre–feet with six digits to read to the nearest hundredths (0000.00). Both the register and meter unit shall be provided with a method of sealing with a wire or lead seal to prevent unauthorized tampering. For other uses, different units of measurement may be used with the express approval of the Department of Water Resources. All totalizers or registers shall be equipped with a sweep hand with adequate markings or divisions for test purposes.

(5) Register Boxes – The register box shall have a protective hinged cover over the window glass. Register box screws shall be drilled for seal wire holes.

(6) Propeller – The propeller shall be made of polyethylene or equivalent corrosion–resistant material and such that it will operate effectively and without distortion at temperatures between 32 degrees and 100 degrees Fahrenheit. The propeller shall be located in the center of the pipe and normal to the centerline of flow. The measuring propeller, together with its spindle, shall be the same specific gravity as water or less. [Order DWR 69–9, § 508–64–020, filed 11/6/69.]

WAC 508–64–030 Meter installation requirements. Meters required to be installed, as provided under WAC 508–64–010, shall meet the following installation requirements:

(1) The meter shall be installed in accordance with manufacturer specifications and in such a manner that there shall be a full pipe of water at all times when water is being withdrawn.

(2) Straightening vanes shall be installed in the pipe in the manner recommended by the manufacturer of the meter, or vanes may be part of the tube furnished with tube–type meters or separate units for installation in the discharge pipe upstream of the meter.

(3) There shall be no turnouts or diversions between the source of water and the meter installation, except for faucet or other similar small outlets.

(4) The meter shall be placed in the pipe not less than five pipe diameters downstream from any valves, elbows, or other obstructions which might create turbulent flow, or as recommended by the meter manufacturer. There shall also be at least one pipe diameter of unobstructed flow on the downstream side of the meter.

(5) The meter and register shall not be enclosed in a building or structure in such a manner as to prevent access to the register. The register or meter shelter may be equipped with a lock to prevent tampering or breakage, provided that a key is made available to authorized employees of the Department of Water Resources at the place of business during normal working hours or at the residence in case of private parties.

(6) Provisions shall be made for removal and rating of the meter in accordance with the manufacturer's specifications.

(7) In those cases where wells are authorized for the purpose of supplementing surface waters with water from combined sources not to exceed a total quantity, both sources of water shall be metered.

(8) In the case of artesian wells which flow at times, the meter shall be installed in a manner which will measure both pumped and flowing discharge.

(9) The owner shall cause the Department of Water Resources to be notified within ten days from the installation of the meter.

(10) The meter installation shall be inspected and approved by the Department of Water Resources. [Order DWR 69–9, § 508–64–030, filed 11/6/69.]

WAC 508–64–040 Meter operation and maintenance. Meters installed hereunder shall be operated and maintained in accordance with the following:

(1) No withdrawal or diversion of water shall be made unless the meter installation has been inspected and approved by the Department of Water Resources and is in proper operating condition.

(2) Meters shall be repaired and returned to operation as soon as possible upon discovery of a malfunctioning meter. The Department of Water Resources shall be notified immediately of such malfunctioning meter. In all cases the meter reading immediately prior to repair and the reading of the new or repaired meter shall be submitted to the Department of Water Resources on forms provided within ten days following reinstallation of the meter and/or meter head.

(3) Water use data shall be submitted to the Department of Water Resources on forms provided for that purpose at such times as may be required by the Department.

(4) Meters shall be kept clear of debris or any other material or vegetative growth which would impede their operation. All meters shall be lubricated as specified by the manufacturer.

(5) Meters which are not properly operated and maintained shall be repaired or replaced upon order of the Department of Water Resources within the time specified within said order. [Order DWR 69–9, § 508–64–040, filed 11/6/69.]

WAC 508–64–050 Meter——When required. Meters shall be installed on water diversion and/or withdrawal facilities existing prior to or constructed subsequent to the effective date hereof whenever it shall appear to the Assistant Director of the Division of Water Management that one of the following conditions exist:

(1) The need exists to accurately measure the instantaneous rate of diversion (withdrawal) and/or the total water use by a facility operating over a specified period of time, for purposes of determining if the quantities of water utilized are within the limits of the established rights, or

(2) Studies, inventories and investigations of stream and/or aquifer systems are being conducted by the Department of Water Resources for purposes of determining location, extent, depth, volume and flow of said waters for planning, utilization and management purposes; and accurate determination of existing diversion and/or withdrawals is necessary for proper conduct of such studies, inventories and investigations, or

(3) When it has been established by the Department of Water Resources, or there is reasonable reason to believe that a mining of ground waters is taking place within a defined area and that an accurate determination as to the extent of existing use of ground waters is necessary to properly manage such use for the purpose of maintaining a reasonable or feasible pumping lift (or reasonable or feasible reduction of artesian pressure) within the defined area, or

(4) Conflict in use under established rights exist and accurate determination of the rate of diversion (withdrawal) and/or volumetric use over a given period of time is necessary for a proper resolution of the conflict.

The requirement that a meter shall be installed on an existing facility shall be given by written notice served upon the owner or person having control thereof, as appropriate, personally or by registered or certified mail. Said notice shall set forth that a meter shall be installed in compliance with the provisions of this chapter and the date by which the meter shall be installed. All meters required to be installed hereunder shall conform to the provisions of WAC 508-64-020 through WAC 508-64-040. [Order DWR 69-9, § 508-64-050, filed 11/6/69.]

WAC 508-64-060 Unauthorized diversion or withdrawals——Enforcement agent. No waters shall be diverted and/or withdrawn from facilities which do not comply with orders issued pursuant to WAC 508-64-050. Enforcement of orders issued under WAC 508-64-050 shall be carried out through the issuance of regulatory orders as provided in section 7 of chapter 284, Laws of 1969, extraordinary session. [Order DWR 69-9, § 508-64-060, filed 11/6/69.]