

# Chapter 173-510 WAC

## INSTREAM RESOURCES PROTECTION PROGRAM— PUYALLUP RIVER BASIN, WATER RESOURCE INVENTORY AREA (WRIA) 10

**WAC**

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**WAC 173-510-010 General provision.** These rules apply to waters within the Puyallup River basin, WRIA 10, as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (minimum water flows and levels), and in accordance with chapter 173-500 WAC (water resources management program).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-010, filed 3/21/80.]

**WAC 173-510-020 Purpose.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Puyallup River basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic-aesthetic, environmental values, recreation, navigation, and to preserve high water quality standards.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-020, filed 3/21/80.]

**WAC 173-510-030 Establishment of instream flows.**  
(1) Stream management units and associated control stations are established as follows:

STREAM MANAGEMENT UNIT INFORMATION

| Control Station No.<br>Stream Management Unit Name | Control Station by River<br>Mile and Section,<br>Township, and Range | Affected Stream<br>Reach(es)  |
|--|--|---|
| 12-0965.00<br>Upper Puyallup River                 | 12.2<br>25-20-4E   | Confluence with Puyallup River to the headwaters including all tributaries  |
| 12-0957.00<br>Carbon River                         | 0.1<br>13-19-4E  | From the confluence with the White River to the headwaters including all tributaries, excluding the Carbon River. |

STREAM MANAGEMENT UNIT INFORMATION

| Control Station No.<br>Stream Management Unit Name | Control Station by River<br>Mile and Section,<br>Township, and Range | Affected Stream<br>Reach(es)  |
|--|--|---|
| 12-1015.00 Lower<br>Puyallup River                 | 6.6<br>20-20N-R4E  | From the influence of mean annual high tide at low base flow levels to the confluence with the White River including all tributaries and excluding the White River. |

(2) Instream flows are established for the stream management units in WAC 173-510-030(1) as follows:

INSTREAM FLOWS IN THE PUYALLUP RIVER BASIN

| (cubic feet per second) |     |                                 |                              |                            |
|-------------------------|-----|---------------------------------|------------------------------|----------------------------|
| 12-0965.00              |     |                                 |                              |                            |
| Month                   | Day | Puyallup River<br>(At Alderton) | 12-1015.00<br>Puyallup River | 12-0957.00<br>Carbon River |
| Jan                     | 1   | 700                             | 1400                         | 600                        |
|                         | 15  | 700                             | 1400                         | 550                        |
| Feb                     | 1   | 750                             | 1400                         | 550                        |
|                         | 15  | 800                             | 1500                         | 550                        |
| Mar                     | 1   | 800                             | 1600                         | 550                        |
|                         | 15  | 850                             | 1700                         | 550                        |
| Apr                     | 1   | 900                             | 1800                         | 600                        |
|                         | 15  | 950                             | 1900                         | 700                        |
| May                     | 1   | 950                             | 2000                         | 900                        |
|                         | 15  | 1000                            | 2000                         | 900                        |
| Jun                     | 1   | 1050                            | 2000                         | 600                        |
|                         | 15  | 1050                            | 2000                         | 500                        |
| Jul                     | 1   | 1050                            | 2000                         | 450                        |
|                         | 15  | 1050                            | 1750                         | 400                        |
| Aug                     | 1   | 900                             | 1500                         | 350                        |
|                         | 15  | 800                             | 1300                         | 350                        |
| Sep                     | 1   | 600                             | 1150                         | 350                        |
|                         | 15  | 500                             | 1000                         | 350                        |
| Oct                     | 1   | 500                             | 1000                         | 350                        |
|                         | 15  | 500                             | 1000                         | 550                        |
| Nov                     | 1   | 600                             | 1000                         | 550                        |
|                         | 15  | 700                             | 1100                         | 600                        |
| Dec                     | 1   | 700                             | 1200                         | 700                        |
|                         | 15  | 700                             | 1300                         | 700                        |

(3) Instream flow hydrographs, as represented in the document entitled "Puyallup River basin instream resource protection program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-510-030(2).

(4) All consumptive water rights hereafter established shall be expressly, subject to instream flows established in WAC 173-510-030 (1) through (3).

(5) At such time as the department of fisheries and/or department of wildlife and the department of ecology shall agree that additional stream management units should be

identified other than those specified in WAC 173-510-030(1), the department of ecology shall identify additional control stations and management units on streams and tributaries within the basin and shall further protect instream flows where possible for those stations as provided in chapters 90.22 and 90.54 RCW.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-510-030, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-030, filed 3/21/80.]

**WAC 173-510-040 Surface water source limitations to further consumptive appropriations.** (1) The department of ecology, having determined unlimited consumptive appropriations would harmfully impact instream values, adopts instream flows as follows confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

LOW FLOW LIMITATIONS

| Stream Number<br>Stream Name<br>Section, Township, Range of<br>Stream Mouth or Lake Outlet                     | Limitation  |
|--|---|
| 10.0594<br>Unnamed stream, tributary to<br>Puyallup River<br>NE1/4SE1/4, Sec. 8, T.18N, R.5E                   | No diversion when flow falls<br>to 0.10 cfs.                                |
| 10.0415<br>Unnamed stream, (Taylor Creek)<br>tributary of Carbon River<br>NW1/4SW1/4, Sec. 33, T.19N., R.5E    | No diversion when flow falls<br>to 1.0 cfs.                                 |
| 10.0402<br>Unnamed stream, (Van Ogle Creek)<br>tributary to Puyallup River<br>NW1/4SE1/4, Sec. 30, T.20N, R.5E | No diversion when discharge<br>into the Puyallup River drops<br>to 1.0 cfs. |
| Unnamed stream, (Canyon Creek)<br>tributary to Puyallup River<br>SE1/4NE1/4, Sec. 24, T. 20N, R.3E             | No diversion when flow falls<br>to 1.0 cfs.                                 |

(2) The following stream and lake closures are adopted confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

EXISTING SURFACE WATER CLOSURES

| Stream Number<br>Stream Name<br>Section, Township, Range   | Date of<br>Closure | Period of<br>Closure |
|--|--------------------|----------------------|
| 10.0414<br>Voight Creek, tributary to Carbon River<br>NW1/4SW1/4, Sec. 33, T.19N., R.5E                                      | 2/26/75            | All year             |
| 10.0589<br>Unnamed stream (Lawrence Creek), tribu-<br>tary to Puyallup River<br>NW1/4NE1/4, Sec. 25, T.19N, R.4E             | 2/26/75            | All year             |
| Unnamed springs, tributary to Puyallup<br>River SE1/4,NE1/4, Sec. 35, T.20N, R.4E  | 12/14/64           | All year             |
| 10. 0006 Hylebos Creek<br>Hylebos Creek, drains into Commencement<br>Bay and Puget Sound NW1/4NE1/4,<br>Sec. 27, T.21N, R.3E | 4/26/76            | All year             |
| 10.0406<br>Fennel Creek, tributary to Puyallup River<br>SE1/4SE1/4, Sec. 6, T.19N, R.5E                                      | 2/26/75            | All year             |

EXISTING SURFACE WATER CLOSURES

| Stream Number<br>Stream Name<br>Section, Township, Range | Date of<br>Closure | Period of<br>Closure |
|--|--------------------|----------------------|
| North Lake<br>Sec. 15, T.21N, R.4E                       | 8/19/47            | All year             |

(3) The department, having determined that further consumptive appropriations would harmfully impact instream values, closes the following streams and lakes in WRIA 10 to further consumptive appropriations.

NEW SURFACE WATER CLOSURES

| Stream Number<br>Stream or Lake Name<br>Section, Township, Range of<br>Stream Mouth or Lake Outlet                   | Period of<br>Closure |
|--|----------------------|
| 10.0429<br>South Prairie Creek and all tributaries,<br>tributary to Carbon River<br>SW1/4SE1/4, Sec. 27, T.19N, R.5E | All year             |
| 10.0027<br>Clarks Creek and all tributaries,<br>tributary to Puyallup River<br>NE1/4NE1/4, Sec. 19, T.20N, R.4E      | All year             |
| 10.0600<br>Kapowsin Creek and all tributaries,<br>tributary to Puyallup River<br>SW1/4SW1/4, Sec. 20, T.18N, R.5E    | All year             |
| 10.0031-.0397<br>White River and all tributaries<br>SW1/4SE1/4, Sec 23, T.20N, R.4E                                  | All year             |
| Kapowsin Lake<br>SE1/4NE1/4, Sec. 5, T.17N., R.5E  | All year             |
| 10.0603-.0607<br>Ohop Creek and all tributaries<br>source of Kapowsin Lake<br>SE1/4NW1/4, Sec. 18, T.17N., R.3E      | All year             |
| 10.0022<br>Clear Creek and all tributaries,<br>tributary to Puyallup River<br>NW1/4SW1/4, Sec. 11, T.20N., R.3E      | All year             |
| 10.0410<br>Canyon Falls Creek and all tributaries,<br>tributary to Puyallup River<br>Sec. 7, T.19N., R.5E            | All year             |
| 10.0596<br>Fiske Creek and all tributaries,<br>tributary to Puyallup River<br>SW1/4SW1/4, Sec. 17, T.18N., R.5E      | All year             |
| 10.0006<br>Hylebos Creek and all tributaries,<br>tributary to Commencement Bay<br>NW1/4NE1/4, Sec. 27, T.21N., R.3E  | All year             |
| 10.0620<br>Le Dout Creek and all tributaries,<br>tributary to Puyallup River<br>NW1/4NW1/4, Sec. 28, T.17N., R.6E    | All year             |
| 10.0622<br>Niesson Creek and all tributaries,<br>tributary to Puyallup River<br>NE1/4SE1/4, Sec. 33, T.17N., R.6E    | All year             |
| 10.0017<br>Wapato Creek and all tributaries,<br>tributary to Commencement Bay<br>NW1/4SW1/4, Sec. 27, T.21N., R.3E   | All year             |

NEW SURFACE WATER CLOSURES

| Stream Number<br>Stream or Lake Name<br>Section, Township, Range of<br>Stream Mouth or Lake Outlet   | Period of<br>Closure |
|--|----------------------|
| 10.0035<br>Unnamed Stream (Strawberry Creek), (Salmon<br>Creek) and all tributaries, tributary to White River<br>NE1/4SE1/4, Sec. 13, T.20N., R.4E | All year             |
| 10.0621<br>Kellogg Creek and all tributaries,<br>tributary to Puyallup River<br>SE1/4SW1/4, Sec. 28, T.17N., R.6E                                  | All year             |

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-040, filed 3/21/80.]

**WAC 173-510-050 Groundwater.** In future permitting actions relating to groundwater withdrawals, particularly from shallow aquifers, a determination shall be made as to whether the proposed withdrawal will have a direct, and measurable, impact on stream flows in streams for which closures and instream flows have been adopted (WAC 173-510-040). If the determination affirms such interrelationship, the provisions of WAC 173-510-040 shall apply.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-050, filed 3/21/80.]

**WAC 173-510-060 Lakes.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-060, filed 3/21/80.]

**WAC 173-510-070 Exemptions.** (1) Nothing in this chapter shall affect water rights, riparian, appropriative, or otherwise existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric, or water storage reservoir or related facilities.

(2) Domestic in-house use for a single residence and stock watering shall be exempt except that use related to feedlots.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-070, filed 3/21/80.]

**WAC 173-510-080 Future rights.** No rights to divert or store public surface waters of the Puyallup WRIA 10 shall hereafter be granted which shall conflict with the purpose of this chapter as stated in WAC 173-510-02 [WAC 173-510-020].

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-080, filed 3/21/80.]

**WAC 173-510-090 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-510-090, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-090, filed 3/21/80.]

**WAC 173-510-095 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-510-095, filed 6/9/88.]

**WAC 173-510-100 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-510-100, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-100, filed 3/21/80.]