

# Chapter 173-591 WAC

## RESERVATION OF FUTURE PUBLIC WATER SUPPLY FOR THURSTON COUNTY

**WAC**

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**WAC 173-591-010 Purpose.** The purpose of this chapter is to reserve groundwaters within Thurston County for future public water supply.

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-010, filed 7/14/86.]

**WAC 173-591-020 Authority.** This regulation is adopted pursuant to the Water Resources Act of 1971, chapter 90.54 RCW and chapter 173-590 WAC.

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-020, filed 7/14/86.]

**WAC 173-591-030 General.** (1) These rules shall apply to groundwaters in Thurston County, as defined in WAC 173-591-040 and 173-591-070(4), as specified in Figure II-2 of the coordinated water system plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purposes of reserving groundwaters for future public supply, and as shown as the reservation source of supply subareas on the Thurston County reservation source of supply subarea boundary map in WAC 173-591-130, Illus. 2.

(2) The reservation adopted under this chapter will be for the specific geographical area so named the "reservation boundaries" as shown in Figure II-1 of the coordinated water supply plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purposes of reserving groundwaters for future public water supply, and shown on the Thurston County reservation area boundary map in WAC 173-591-130, Illus. 1.

(3) Appropriation of reserved waters under this chapter shall be in accordance with the intent and procedures set forth in chapters 90.03 and 90.44 RCW and chapter 173-513 WAC Instream resources protection program—Deschutes River Basin, Water Resource Inventory Area (WRIA) 13 (adopted 6/24/80) and chapter 173-511 WAC Instream resources protection program—Nisqually River Basin, Water Resource Inventory Area (WRIA) 11 (adopted 2/2/81) and chapter 173-514 WAC Instream resources protection program—

Kennedy-Goldsborough Water Resource Inventory Area (WRIA 14) (adopted 1/23/84).

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-030, filed 7/14/86.]

**WAC 173-591-040 Reservation area defined.** "Thurston County reservation area" and "Thurston County reservation source of supply area" shall mean those lands lying within Thurston County described as follows:

Location	Township	Range	Sections
Reservation Area	16N	3W	1-3, 10-12
	16N	2W	1-12
	16N	1W	4-9
	17N	3W	1, 2, 3 (portion), 10-15, 22-27, 34-36
	17N	2W	1-36
	17N	1W	1-21, 27 (portion), 28-33
	17N	1E	6, 7, portions of 3, 8, 18
	18N	3W	1-4, 9-16, 21 (portion), 22 (portion), 23-25, 36
	18N	1W	1-36
	18N	1E	6, 7, 17-20, 29-32, portions of 5, 8, 16, 28
	19N	3W	12, 13, 23-28, 33-36, (portions in Thurston County)
	19N	2W	portion in Thurston County
	19N	1W	portion in Thurston County
	19N	1E	portion in Thurston County
Reservation Source of Supply Area			
Airport	17N	2W	3, 10-15, 22-24 & portions of 9, 16, 21 east of Interstate 5
	18N	2W	34
Allison Springs	18N	2W	18
Black Lake	17N	2W	4-8, 17-20, 29-31 & portions of 9, 16, 21, 18 & 33 west of Interstate 5
	18N	2W	31-33
Deschutes Valley	17N	2W	12
	18N	2W	25, 26, 35, 36
Hawks Prairie	18N	1W	1-8 & portions of 9-12 north of Interstate 5
	19N	1W	25-36
	18N	1E	portion of 6 west of Nisqually River
	19N	1E	portions of 30 & 31 west of Nisqually River

McAllister Springs	18N	1E	19
Mottman Industrial Park	18N	2W	27-29
Southeast	17N	1W	2-11, 14-23
	18N	1W	19-21, 28-34

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-040, filed 7/14/86.]

**WAC 173-591-050 Definitions.** For the purpose of this chapter the following definitions shall be used:

(1) "Community water use" means use of water associated with needs of a community including street cleaning, parks, public buildings, public swimming pools, firefighting, and attendant commercial, industrial and irrigation uses.

(2) "Director" means the director of the state of Washington department of ecology or the director's authorized representative.

(3) "Department" means the department of ecology unless otherwise specified.

(4) "Domestic water use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn or garden per dwelling, and other incidental household uses.

(5) "Commercial and/or industrial use" means use of water associated with commercial and/or industrial requirements such as service, processing, cooling and conveying.

(6) "Public water supply" means any water supply intended or used for human consumption and community uses for more than one single-family residence.

(7) "Public water supply system" means a set of facilities including source, treatment, storage, transmission and distribution facilities whereby water is furnished to any municipality, community, collection, or number of individuals for human consumption and community uses.

(8) "Coordinated water system plan" means a plan adopted by utilities covering one or more public water supply system(s), which identifies present and future needs of participating water systems and sets forth means for meeting those needs in the most efficient manner possible.

(9) "Reservation" means an allocation of water for a future beneficial use with the priority established as of the date when the reservation becomes effective.

(10) "Appropriation" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses pursuant to RCW 90.03.250 through 90.03.340 and 90.44.060.

(11) "Person" means any individual, municipal, public, or private corporation, or other entity, including a federal or state agency or county which operates a public water supply system or who contemplates such an operation.

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-050, filed 7/14/86.]

**WAC 173-591-060 Petition received—Notice.** A petition requesting the reservation of groundwaters in Thurston County pursuant to chapter 173-590 WAC, and a coordinated water system plan approved by the secretary of the department of social and health services were received and accepted by the department. Notice of the receipt of proper petition

was published in a newspaper of general circulation in Thurston County for two consecutive weeks, and the director sent notice thereof to the directors of the departments of fisheries, wildlife, and social and health services for the purpose of soliciting their comments.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-591-060, filed 6/9/88. Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-060, filed 7/14/86.]

**WAC 173-591-070 Reservation.** (1) The department, having received a final environmental impact statement dated January 16, 1985, and having conducted an investigation of the surrounding impacts of the proposed reservation and having heard comments solicited through the notice of receipt of petition and having found groundwaters to be generally available for the purposes of the reservation and that the proposed use of the groundwaters will result in the maximum net benefit for the people of the state, does hereby reserve portions of those groundwaters for future public water supplies in Thurston County.

(2) The department finds that to provide peaking capacity on a daily basis the appropriate amount of the reservation shall be 40,589 gallons per minute, limited to a maximum annual withdrawal of 22,931 acre-feet/year, provided that the total annual withdrawal and diversion from all sources shall not exceed 48,225 acre-feet/year. This is intended to serve the estimated population of 288,092 in fifty years. The amount of this reservation shall be reviewed by the department whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

(3) A map showing the reservation area boundary is shown in Figure II-1 of the coordinated water system plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purposes of reserving water for future public water supply purposes, and shown as the reservation area boundary map in WAC 173-591-130, Illus. 1.

(4) Due to the nature of the geographic distribution of the groundwaters to be reserved and the development patterns that are anticipated in Thurston County, the reserved groundwaters are intended to be beneficially utilized from the unconsolidated materials overlying bedrock, and are prorated to the subareas designated in Figure V-1 of the coordinated water system plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purpose of reserving water for future public water supply purposes, and shown as the reservation source of supply subareas map in WAC 173-591-130, Illus. 2. The reserved groundwaters are generally prorated to the reservation source of supply subareas as follows, with the totaled reserved quantity to be obtained from within the boundary area.

Source Location	Reservation Quantities	
	Instantaneous (GPM)	Annual (Af/Yr)
Airport	2,500	1,486
Allison Springs	2,000	1,888
Black Lake	2,000	1,888
Deschutes Valley	1,969	1,170
Hawks Prairie	7,000	4,160

Source Location	Reservation Quantities	
	Instantaneous (GPM)	Annual (Af/Yr)
McAllister Springs	2,000	—
Mottman Indust. Park	2,000	1,888
Southeast	14,426	8,573
Total	40,589	22,931

(5) The priority date of any permit issued pursuant to RCW 90.03.290 and 90.44.070 which authorizes withdrawal and use of public water for public water supply pursuant to the reservation provided in subsection (2) of this section shall be the effective date of this regulation.

(6) A record of all groundwater permits issued pursuant to the reservation provided in subsection (2) of this section shall be maintained by the department in a manner that will readily show the quantities that have been allocated from the reserved groundwaters for each subarea identified in subsection (4) of this section and the quantities of unappropriated groundwaters that may remain in the reserved status available for appropriation.

(7) No permit issued as described in subsection (5) of this section shall authorize a withdrawal that causes a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of a senior groundwater right holder.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-591-070, filed 6/9/88. Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-070, filed 7/14/86.]

**WAC 173-591-080 Future nonpublic water supply—Policy uses.** If applications are made for the use of the groundwater reserved in WAC 173-591-070(2) for purposes other than public water supplies, as defined in WAC 173-591-050 (6) and (7), the director may issue a permit allowing such uses but these uses shall be junior in priority to all rights issued pursuant to WAC 173-591-070. Interim uses authorized in this section may be reduced or curtailed in right when necessary to allow to full utilization of higher priority rights established in WAC 173-591-070. The department may limit or otherwise condition junior water rights permits as necessary to ensure availability of the reserved groundwaters for public water supply purposes consistent with this chapter.

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-080, filed 7/14/86.]

**WAC 173-591-090 Monitoring program.** (1) The department, in cooperation with local government agencies, shall implement a comprehensive monitoring program, the purpose of which is to maintain accurate information on the quality and quantity of groundwater reserved in WAC 173-591-070(2).

(2) Under this monitoring program surface and groundwater levels will be periodically recorded as well as the levels of any lakes that are maintained by groundwaters.

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-090, filed 7/14/86.]

**WAC 173-591-100 Water quality.** As a general rule, an element of a groundwater right is the right to use waters of quality appropriate to the beneficial use. In addition to the

protection of the availability of groundwater to the water withdrawal facilities of groundwater right holders, it shall be the policy of the department to protect the quality of the groundwaters of the state and in relation thereto to discourage any withdrawal facilities, construction methods, water use, or disposal practices which would contaminate or otherwise reduce the quality of the groundwaters or impair the beneficial uses of groundwaters of the state. Local governments with land use authority are urged to exercise their authorities in such a manner as to protect the quality of the public groundwaters reserved for future public water supply by this chapter.

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-100, filed 7/14/86.]

**WAC 173-591-110 Exemptions.** Wells for single family domestic, stock watering, or other purposes for which the withdrawal is less than 5,000 gallons per day, with priority dates subsequent to the effective date of this regulation, shall be junior to rights issued pursuant to WAC 173-591-070. The quantities of water withdrawn by such wells will not be subtracted from the waters reserved by this regulation.

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-110, filed 7/14/86.]

**WAC 173-591-115 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.

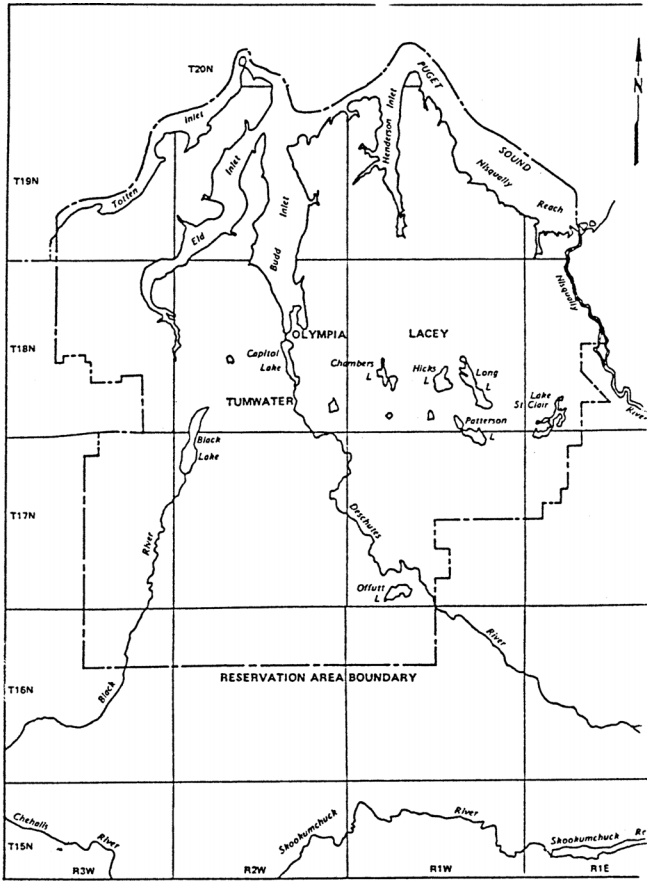
[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-591-115, filed 6/9/88.]

**WAC 173-591-120 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. WSR 88-13-037 (Order 88-11), § 173-591-120, filed 6/9/88. Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-120, filed 7/14/86.]

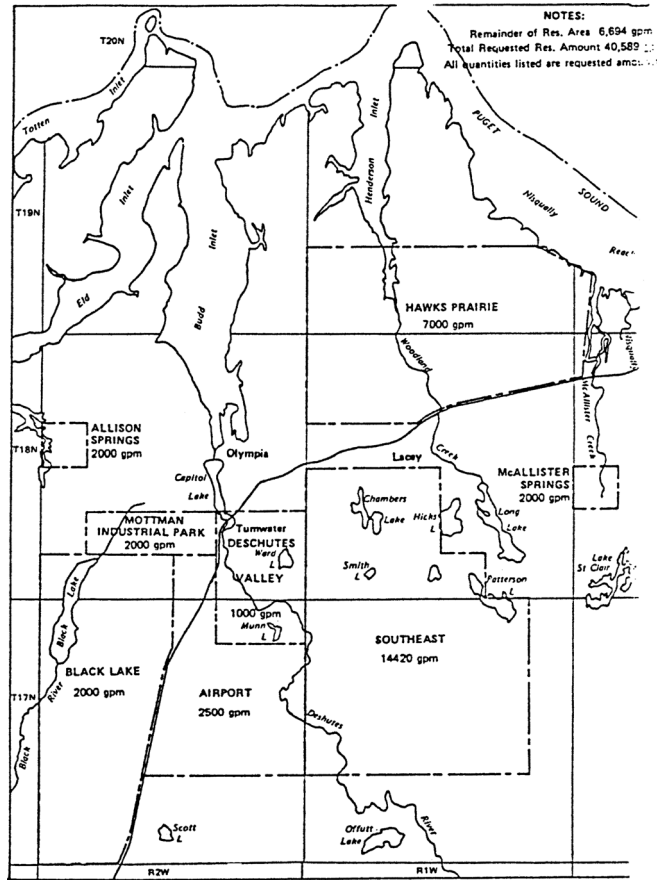
**WAC 173-591-130 Reservation boundary maps.** Thurston County reservation area and reservation source of supply subareas shall include those lands that lie within the heavy outline on the following maps:

THURSTON COUNTY RESERVATION AREA BOUNDARY MAP



THURSTON COUNTY RESERVATION AREA BOUNDARY MAP  
WAC 173-591-130  
ILLUSTRATION 1

THURSTON COUNTY RESERVATION SOURCE OF SUPPLY SUB-AREAS BOUNDARY MAP



THURSTON COUNTY RESERVATION SOURCE OF SUPPLY SUB-AREAS BOUNDARY MAP  
WAC 173-591-130  
ILLUSTRATION 2

[Statutory Authority: RCW 90.54.050(1). WSR 86-15-029 (Order DE-86-16), § 173-591-130, filed 7/14/86.]