

Chapter 173-500 WAC
WATER RESOURCES MANAGEMENT PROGRAM ESTABLISHED PURSUANT TO THE WATER
RESOURCES ACT OF 1971

Last Update: 8/23/91

WAC

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WAC 173-500-010 Background. (1) The Water Resources Act of 1971 (chapter 90.54 RCW) sets forth fundamentals of water resource policy to insure that the waters of the state will be protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology and other state agencies and officials in carrying out water and related resource programs.

(2) The department was directed, through the adoption of appropriate rules, to develop and implement a comprehensive state water program which would provide a process for making decisions on future water resource allocations and uses.

(3) The act provides that the department of ecology may develop a water program in regional segments so that immediate attention may be given to waters of a give physio-economic region of the state or to specific critical problems of water allocation and use.

(4) The act further directed the department of ecology to modify existing regulations and adopt new regulations to insure that existing regulatory programs are in accord with the water resource policies of the act.

[Statutory Authority: Chapters 43.27A and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-500-010, filed 6/9/88; Order DE 75-23, § 173-500-010, filed 1/6/76.]

WAC 173-500-020 Purpose. The purpose of this chapter is to set forth a program which will provide guidelines to facilitate the further development of the water resources to the extent of their availability for further appropriation and implement the legislative intent as contained in RCW 90.54.040(1). The program shall, where appropriate:

- (1) Identify and foster development of water resource projects;
- (2) Declare preferences or priorities of use by categories;
- (3) Set forth streams closed to future appropriation;
- (4) Establish flows on perennial streams of the state in amounts necessary to provide for preservation of wildlife, fish, scenic, aesthetic, and other environmental values, and navigational values;
- (5) Allocate quantities for beneficial uses;
- (6) Reserve water for future beneficial use;
- (7) Withdraw waters from additional appropriation when sufficient information or data are lacking for the making of sound decisions;
- (8) Establish criteria for limit beyond which further appropriation will not be made;

(9) Designate areas within the state to be used for management purposes; and

(10) Be guided by the declaration of fundamentals contained in RCW 90.54.020.

[Order DE 75-23, § 173-500-020, filed 1/6/76.]

WAC 173-500-030 Authority. This regulation is promulgated by the department of ecology under the authority of chapter 90.54 RCW.

[Statutory Authority: Chapters 43.27A and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-500-030, filed 6/9/88; Order DE 75-23, § 173-500-030, filed 1/6/76.]

WAC 173-500-040 Water resource inventory areas. For the purposes of this chapter, the state is divided into 62 areas known as water resource inventory areas (WRIAs). The names and numbers of these areas are as follows and are shown on the attached map:

WATER RESOURCES INVENTORY AREAS

WRIA Number, Name

01. Nooksack
02. San Juan
03. Lower Skagit-Samish
04. Upper Skagit
05. Stillaguamish
06. Island
07. Snohomish
08. Cedar-Sammamish
09. Duwamish-Green
10. Puyallup-White
11. Nisqually
12. Chambers-Clover
13. Deschutes
14. Kennedy-Goldsborough
15. Kitsap
16. Skokomish-Dosewallips
17. Quilcene-Snow
18. Elwah-Dungeness
19. Lyre-Hoko
20. Soleduck-Hoh
21. Queets-Quinault
22. Lower Chehalis
23. Upper Chehalis
24. Willapa
25. Grays-Elokoman
26. Cowlitz
27. Lewis
28. Salmon-Washougal
29. Wind-White Salmon

WATER RESOURCES INVENTORY AREAS

WRIA Number, Name

30. Klickitat
31. Rock-Glade
32. Walla Walla
33. Lower Snake
34. Palouse
35. Middle Snake
36. Esquatzel Coulee
37. Lower Yakima
38. Naches
39. Upper Yakima
40. Alkali-Squilchuck
41. Lower Crab
42. Grand Coulee
43. Upper Crab-Wilson
44. Moses Coulee
45. Wenatchee
46. Entiat
47. Chelan
48. Methow
49. Okanogan
50. Foster
51. Nespelem
52. Sanpoil
53. Lower Lake Roosevelt
54. Lower Spokane
55. Little Spokane
56. Hangman
57. Middle Spokane
58. Middle Lake Roosevelt
59. Colville
60. Kettle
61. Upper Lake Roosevelt
62. Pend Oreille

[Order DE 75-23, § 173-500-040, filed 1/6/76.]

WAC 173-500-050 Definitions. For purposes of this chapter and subsequent regulations formulated for planning and management within individual water resource inventory areas, the following definitions shall be used:

(1) **"Allocation"** means the designating of specific amounts of the water resource for specific beneficial uses.

(2) **"Appropriation"** means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses.

(3) **"Base flow"** means a level of streamflow established in accordance with provisions of chapter 90.54 RCW required in perennial

streams to preserve wildlife, fish, scenic, aesthetic, and other environmental and navigational values.

(4) **"Beneficial uses"** are uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

(5) **"Consumptive use"** means use of water whereby there is a diminishment of the water source.

(6) **"Department"** means the Washington state department of ecology.

(7) **"Hydrograph"** is a graph showing the variations of streamflow (or stream discharge) with respect to time during a year as determined at a specific cross-sectional location on the stream.

(8) **"Low flow"** means those flow level limitations appearing as provisions on permits and certificates issued by the department, or its predecessors, prior to the effective dates of chapters 173-501 through 173-599 WAC.

(9) **"Nonconsumptive use"** is a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.

(10) **"Perennial stream"** means a stream the natural flow of which is normally continuous at any given location.

(11) **"Stream management unit"** means stream segments, reaches, or tributaries, each containing a control station, that are identified on stream reach maps in adopted water resource management program documents as units for defining base flow levels.

(12) **"Water right"** means a right to make beneficial use of public waters of the state.

[Order DE 75-23, § 173-500-050, filed 1/6/76.]

WAC 173-500-060 General provisions. (1) The provisions of this chapter shall apply to chapters 173-501 through 173-599 WAC unless the language of said chapters is clearly to the contrary.

(2) As sufficient data are obtained for each WRIA and/or grouping thereof in the state to enable the department to formulate a water resource planning and management program for such area, the department shall by regulation establish policies for the beneficial use of public waters pursuant to RCW 90.54.040.

(3) Water rights established prior to the effective date of rules adopted under chapters 173-500 and 173-501 through 173-599 WAC shall not be affected by such rules.

(4) **Low flow limitations to prevail** (1) Notwithstanding the establishment of base flows established hereunder, existing low flow limitations shall remain in effect.

(5) **Base flow provisions for water rights.**

(a) Surface water and/or groundwater appropriation permits, issued subsequent to the effective dates of chapters 173-501 through 173-599 WAC, that will allow either direct diversion from or have a measurable effect on streams where base flow limitations of this chapter, and any such permits or certificates shall be appropriately conditioned to assure maintenance of said base flows.

(b) The base flow provisions for any water right located in a stream management unit shall specifically describe the base flow lev-

els for the control station in that unit and shall refer generally to other downstream base flow requirements that may also become controlling and critical to the use of water under such right.

(6) **Base flow changes.** If it becomes necessary to change a control station location or to add new control stations to improve management capability, the department shall develop streamflow relationships, by accepted engineering procedures, between previously established control station locations and the new location for use in regulating water rights that are subject to base flow limitations.

(7) **Minimum water flows and levels.** The provisions of this chapter shall in no manner be interpreted to preclude utilization of chapter 90.22 RCW.

(8) **Priorities or allocation by use categories - limitations.** Nothing in chapters 173-501 through 173-599 WAC relating to priorities or allocations by use shall be construed to apply to water rights or the historic water use patterns that predate the individual management regulations.

[Order DE 75-23, § 173-500-060, filed 1/6/76.]

WAC 173-500-070 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 43.27A and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-500-070, filed 6/9/88.]

WAC 173-500-080 Critical water resource situation response process. In areas subject to the department of ecology's jurisdiction, where there may be current or anticipated critical water resource or related water quality concerns, the local government(s), the state or the affected federally recognized tribe(s) may request that representatives from all three governmental entities and, as needed, appropriate federal agencies agree to the designation of the area as a critical water resource situation. All represented parties must agree to the designation. Upon designation, an intergovernmental group will be convened.

The purpose of the intergovernmental group is to cooperatively design a consultation strategy to address the problem(s) which triggered this critical situation response process.

The legal rights and remedies available to the three governmental entities shall not be compromised or abridged by participation in the critical situation response process. However, all of the parties agree to undertake a good faith effort to resolve the critical water resource situation without first resorting to legal action.

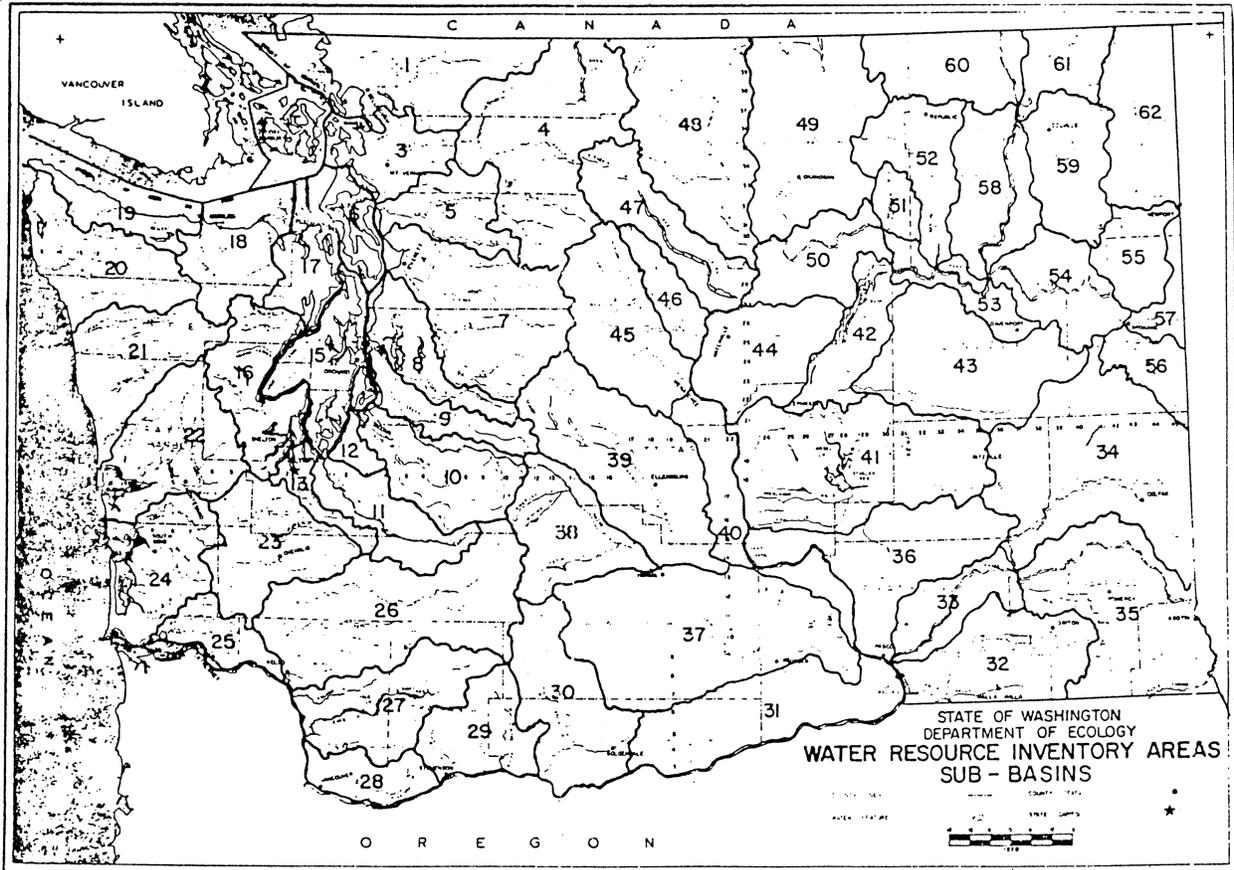
When the intergovernmental group determines that a critical water resource situation exists or requires further evaluation or data collection, the parties will consider applying those tools necessary to protect the resources. These tools must be exercised within 12 months or as otherwise agreed to by the parties, and include, but are not limited to: Targeted conservation, efficiency, reuse; compliance and enforcement; dispute resolution assistance, memoranda of understanding and other agreements; local government restrictions on permit issuance

or moratoria; basin withdrawal by adoption of administrative regulations under RCW 90.54.050 or limited state permit issuance.

[Statutory Authority: Chapters 34.05 and 90.54 RCW. WSR 91-18-011 (Order 91-25), § 173-500-080, filed 8/23/91, effective 9/23/91.]

WAC 173-500-990 Map—Water resources inventory areas sub-basins.

WATER RESOURCES INVENTORY AREAS SUB-BASINS.



[Order DE 75-23, Map (codified as WAC 173-500-990), filed 1/6/76.]