

# Chapter 173-548 WAC

## WATER RESOURCES PROGRAM IN THE METHOW RIVER BASIN, WRIA 48

**WAC**

|             |  |
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**WAC 173-548-010 General provision.** These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Methow River basin, WRIA 48 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-548 WAC.

[Order DE 76-37, § 173-548-010, filed 12/28/76.]

**WAC 173-548-020 Establishment of base flows.** (1) Base flows are established for stream management units with monitoring to take place at certain control points as follows:

**STREAM MANAGEMENT UNIT INFORMATION**

| Stream Management Unit Name, Control Station Name and Number | Control Station Location by River Mile, Section, Township, Range | Affected Stream Reach (includes tributaries)  |
|--|--|---|
| <u>Lower Methow</u>  |  |   |
| Methow R. nr. Pateros (12.4499.50)                           | 6.7<br>20-30-23E   | Methow River confluence with Wells Pool to confluence with Twisp River.   |
| <u>Middle Methow</u>   |  |   |
| Methow R. nr. Twisp (12.4495.00)                             | 40.0<br>17-33-22E  | Methow River from confluence with Twisp River to confluence with Chewack River.   |
| <u>Upper Methow</u>  |  |   |
| Methow R. nr. Winthrop (12.4473.89)                          | 50.2<br>2-34-21E   | Methow River from confluence with Chewack River to confluence with Little Boulder Creek and including Little Boulder Creek. |
| <u>Methow Headwaters</u>                                     |  |   |
| Methow R. at Little Boulder Cr. (12.4473.83)                 | 65.3<br>25-36-19E  | Methow River from confluence with Little Boulder Creek to headwaters.   |

(11/19/91)

| Stream Management Unit Name, Control Station Name and Number | Control Station Location by River Mile, Section, Township, Range | Affected Stream Reach (includes tributaries)                         |
|--|--|--|
| <u>Early Winters Creek</u>                                   |  |  |
| Early Winters Cr. near Mazama                                | 27-36-19E  | Early Winters Creek from confluence with Methow River to headwaters. |
| <u>Chewack River</u>   |  |  |
| Chewack R. nr. Boulder Creek (12.4475.00)                    | 8.7<br>35-36-21E   | Chewack River confluence with Methow River to headwaters.            |
| <u>Twisp River</u>   |  |  |
| Twisp R. nr. Twisp (12.4489.98)                              | 0.3<br>7-33-22E  | Twisp River from confluence with Methow River to headwaters.         |

(2) Base flows established for the stream management units in WAC 173-548-020(1) are as follows:

**Base Flows in the Methow River**

(All Figures in Cubic Feet Per Second)

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specification for the Washington Administrative Code. The following table was too wide to be accommodated in the width of the WAC column. The table as codified has been divided into two tables with Part 1 covering the Lower Methow, Middle Methow and Upper Methow and with Part 2 covering the Methow Headwaters, Early Winters Creek, Chewack River and Twisp River.]

|       |     | PART 1                    |                            |                           |
|-------|-----|---------------------------|----------------------------|---------------------------|
| Month | Day | Lower Methow (12.4499.50) | Middle Methow (12.4495.00) | Upper Methow (12.4473.89) |
| Jan.  | 1   | 350                       | 260                        | 120                       |
|       | 15  | 350                       | 260                        | 120                       |
| Feb.  | 1   | 350                       | 260                        | 120                       |
|       | 15  | 350                       | 260                        | 120                       |
| Mar.  | 1   | 350                       | 260                        | 120                       |
|       | 15  | 350                       | 260                        | 120                       |
| Apr.  | 1   | 590                       | 430                        | 199                       |
|       | 15  | 860                       | 650                        | 300                       |
| May   | 1   | 1,300                     | 1,000                      | 480                       |
|       | 15  | 1,940                     | 1,500                      | 690                       |
| Jun.  | 1   | 2,220                     | 1,500                      | 790                       |
|       | 15  | 2,220                     | 1,500                      | 790                       |
| Jul.  | 1   | 2,150                     | 1,500                      | 694                       |
|       | 15  | 800                       | 500                        | 240                       |
| Aug.  | 1   | 480                       | 325                        | 153                       |
|       | 15  | 300                       | 220                        | 100                       |

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| Month | Day | Lower Methow<br>(12.4499.50) | Middle Methow<br>(12.4495.00) | Upper Methow<br>(12.4473.89) |
|-------|-----|------------------------------|-------------------------------|------------------------------|
| Sep.  | 1   | 300                          | 220                           | 100                          |
|       | 15  | 300                          | 220                           | 100                          |
| Oct.  | 1   | 360                          | 260                           | 122                          |
|       | 15  | 425                          | 320                           | 150                          |
| Nov.  | 1   | 425                          | 320                           | 150                          |
|       | 15  | 425                          | 320                           | 150                          |
| Dec.  | 1   | 390                          | 290                           | 135                          |
|       | 15  | 350                          | 260                           | 120                          |

PART 2

| Month | Day | Methow Headwaters<br>(12.4473.83) | Early Winters Creek | Chewack River<br>(12.4475.00) | Twisp River<br>(12.4489.98) |
|-------|-----|-----------------------------------|---------------------|-------------------------------|-----------------------------|
| Jan.  | 1   | 42                                | 10                  | 56                            | 34                          |
|       | 15  | 42                                | 10                  | 56                            | 34                          |
| Feb.  | 1   | 42                                | 10                  | 56                            | 34                          |
|       | 15  | 42                                | 10                  | 56                            | 34                          |
| Mar.  | 1   | 42                                | 10                  | 56                            | 34                          |
|       | 15  | 42                                | 10                  | 56                            | 34                          |
| Apr.  | 1   | 64                                | 14                  | 90                            | 60                          |
|       | 15  | 90                                | 23                  | 140                           | 100                         |
| May   | 1   | 130                               | 32                  | 215                           | 170                         |
|       | 15  | 430                               | 108                 | 290                           | 300                         |
| Jun.  | 1   | 1,160                             | 290                 | 320                           | 440                         |
|       | 15  | 1,160                             | 290                 | 320                           | 440                         |
| Jul.  | 1   | 500                               | 125                 | 292                           | 390                         |
|       | 15  | 180                               | 45                  | 110                           | 130                         |
| Aug.  | 1   | 75                                | 20                  | 70                            | 58                          |
|       | 15  | 32                                | 8                   | 47                            | 27                          |
| Sep.  | 1   | 32                                | 8                   | 47                            | 27                          |
|       | 15  | 32                                | 8                   | 47                            | 27                          |
| Oct.  | 1   | 45                                | 11                  | 56                            | 35                          |
|       | 15  | 60                                | 15                  | 68                            | 45                          |
| Nov.  | 1   | 60                                | 15                  | 68                            | 45                          |
|       | 15  | 60                                | 15                  | 68                            | 45                          |
| Dec.  | 1   | 51                                | 12                  | 62                            | 39                          |
|       | 15  | 42                                | 10                  | 56                            | 34                          |

(3) Base flow hydrographs, as represented in Figure 1 in the document entitled "water resources management program, Methow River basin" dated 1976, shall be used for definition of base flows on those days not specifically identified in WAC 173-548-020(2) and 173-548-030.

(4) All rights hereafter established shall be subject to the base flows established in WAC 173-548-020 (1) through (3), except as provided under WAC 173-548-030 herein.

(5) Future appropriations of water which would conflict with base flows shall be authorized, by the director, only in those situations when it is clear that overriding considerations of the public interest will be served.

[Order DE 76-37, § 173-548-020, filed 12/28/76.]

**WAC 173-548-030 Future allocations—Reservation of surface water for beneficial uses.** (1) The department determines that there are surface waters available for appropriation from the stream management units specified in the amount specified in cubic feet per second (cfs) during the time specified as follows:

(a) Maximum surface water available for future allocation from the indicated reach is as follows:

| Month | Lower Methow | Middle Methow | Upper Methow | Methow Headwaters | Early Winters Creek | Chewack River | Twisp River |
|-------|--------------|---------------|--------------|-------------------|---------------------|---------------|-------------|
| Oct.  | 95           | 50            | 44           | 15                | 29                  | 09            | 14          |
| Nov.  | 116          | 101           | 46           | 06                | 21                  | 10            | 15          |
| Dec.  | 112          | 99            | 44           | 17                | 26                  | 10            | 15          |
| Jan.  | 50           | 36            | 26           | 08                | 19                  | 03            | 09          |
| Feb.  | 51           | 37            | 29           | 09                | 19                  | 04            | 10          |
| Mar.  | 147          | 139           | 80           | 38                | 19                  | 24            | 18          |
| Apr.  | 565          | 590           | 273          | 336               | 35                  | 118           | 148         |
| May   | 2,922        | 2,927         | 784          | 412               | 403                 | 809           | 703         |
| Jun.  | 3,116        | 2,853         | 1,017        | 1,249             | 294                 | 1,292         | 890         |
| Jul.  | 965          | 877           | 583          | 608               | 189                 | 308           | 298         |
| Aug.  | 214          | 192           | 203          | 109               | 94                  | 70            | 70          |
| Sep.  | 62           | 55            | 76           | 33                | 47                  | 23            | 26          |

All figures in cubic feet per second.

(b) The control station for each reach is defined in WAC 173-548-020.

(c) The appropriation limit is set forth to be an amount equal to the one in two year natural reach discharge on a monthly basis for all management reaches except Early Winters Creek. The appropriation limit for Early Winters Creek is set forth to be an amount equal to the estimated natural mean monthly streamflow for that stream.

(2) The amounts of water referred to in WAC 173-548-030(1) above are allocated for beneficial uses in the future as follows:

(a) Allocation of surface waters by use category (April through September):

| Use Description                                 | Apr.   | May   | Jun.  | Jul. | Aug. | Sep. |
|---|--|-------|-------|------|------|------|
| <u>Lower Methow</u>                             |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 860  | 1,940 | 2,220 | 800  | 300  | 300  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |       |       |      |      |      |
| <u>Middle Methow</u>                            |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 650  | 1,500 | 1,500 | 500  | 220  | 220  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |       |       |      |      |      |
| <u>Upper Methow</u>                             |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 300  | 690   | 790   | 240  | 100  | 100  |

| Use Description                                 | Apr.   | May | Jun.  | Jul. | Aug. | Sep. |
|---|--|-----|-------|------|------|------|
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |     |       |      |      |      |
| <u>Methow Headwaters</u>                        |  |     |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0 | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 90   | 430 | 1,160 | 180  | 32   | 32   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |     |       |      |      |      |
| <u>Early Winters Creek</u>                      |  |     |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0 | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 23   | 108 | 290   | 45   | 8.0  | 11.0 |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |     |       |      |      |      |
| <u>Chewack River</u>                            |  |     |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0 | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 140  | 290 | 320   | 110  | 47   | 47   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |     |       |      |      |      |
| <u>Twisp River</u>                              |  |     |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0 | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 100  | 300 | 440   | 130  | 27   | 27   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |     |       |      |      |      |

All figures in cubic feet per second

(b) Allocation of surface waters by use category (October through March):

| Use Description                                 | Oct.   | Nov. | Dec. | Jan. | Feb. | Mar. |
|---|--|------|------|------|------|------|
| <u>Lower Methow</u>                             |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 425  | 425  | 350  | 350  | 350  | 350  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Middle Methow</u>                            |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 320  | 320  | 260  | 260  | 260  | 260  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Upper Methow</u>                             |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 150  | 150  | 120  | 120  | 120  | 120  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |

| Use Description                                 | Oct.   | Nov. | Dec. | Jan. | Feb. | Mar. |
|---|--|------|------|------|------|------|
| <u>Methow Headwaters</u>                        |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 60   | 60   | 42   | 42   | 42   | 42   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Early Winters Creek</u>                      |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 15   | 15   | 10   | 10   | 10   | 10   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Chewack River</u>                            |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 68   | 68   | 56   | 56   | 56   | 56   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Twisp River</u>                              |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 45   | 45   | 34   | 34   | 34   | 34   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |

All figures in cubic feet per second.

(c) Allocations presented in this section do not limit the utilization of waters stored for later release, provided such storage does not infringe upon existing rights or base flow and is duly permitted under RCW 90.03.290 and 90.03.350.

(d) As the amount of water allocated for each category of use approaches the amount available for future allocation set forth in WAC 173-548-030(1), the department shall review the program to determine whether there is a need for program revision.

[Order DE 76-37, § 173-548-030, filed 12/28/76.]

**WAC 173-548-040 Priority of future water rights during times of water shortage.** (1) As between rights established in the future pertaining to waters allocated in WAC 173-548-030 (2)(a) and (b), all rights subject to this program shall be regulated in descending order of use category priority regardless of the date of the priority of right.

(2) As between rights established in the future within a single use category allocation of WAC 173-548-030, the date of priority shall control with an earlier dated right being superior to those rights with later dates.

[Order DE 76-37, § 173-548-040, filed 12/28/76.]

**WAC 173-548-050 Streams and lakes closed to further consumptive appropriations.** The department, having determined based on existing information that there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the streams and lakes listed in (a) and (b), and groundwater

hydraulically connected with these surface waters to further consumptive appropriation[.] This includes rights to use water consumptively established through permit procedures and groundwater withdrawals otherwise exempted from permit under RCW 90.44.050. Specific situations in which well construction may be approved are identified.

No wells shall be constructed for any purposes, including those exempt from permitting under RCW 90.44.050, unless one or more of the following conditions have been met and construction of the well has been approved in writing by the department prior to the beginning of well construction:

(1) The proponent has a valid water right permit recognized by the department. For an existing community domestic use, a water right permit must be held by a purveyor of an approved system. (For the purposes of this chapter, an approved water system is one in compliance with the state drinking water regulations, chapter 246-290 WAC and the state surface and groundwater codes, chapters 90.03 and 90.44 RCW); or

(2) The proponent has obtained a valid state surface or groundwater right through a transfer approved by the department under the statutory authority of chapter 90.03 or 90.44 RCW; or

(3) The proponent is replacing or modifying an existing well developed under the exemption from permit clause of RCW 90.44.050 and this has been approved in writing by the department; or,

(4) If the groundwater being sought for withdrawal has been determined by the department not to be hydraulically connected with surface waters listed as closed, the department may approve a withdrawal. When insufficient evidence is available to the department to make a determination that ground and surface waters are not hydraulically connected, the department shall not approve the withdrawal of groundwater unless the person proposing to withdraw the groundwater provides additional information sufficient for the department to determine that hydraulic continuity does not exist and that water is available.

(a) STREAM CLOSURES

The following streams are closed all year, including all groundwaters hydraulically connected to these streams.

| Stream Name<br>(Includes Tributaries) |
|---------------------------------------|
| Wolf Creek                            |
| Bear Creek                            |
| (Davis Lake)                          |
| Thompson Creek                        |
| Beaver Creek                          |
| Alder Creek                           |
| Benson Creek                          |
| Texas Creek                           |
| Libby Creek                           |
| Cow Creek                             |
| Gold Creek                            |
| McFarland Creek                       |

| Stream Name<br>(Includes Tributaries) |
|---------------------------------------|
| Squaw Creek                           |
| Black Canyon Creek                    |
| French Creek                          |

(b) LAKE CLOSURES

The following lakes are closed all year, including all groundwaters hydraulically connected to these lakes:

| Name             | Location               |
|------------------|------------------------|
| Alta Lake        | 3 mi. SW of Pateros    |
| Black Lake       | 25 mi. N of Winthrop   |
| Black Pine Lake  | 9 mi. SW of Twisp      |
| Crater Lake      | 10 mi. W of Carlton    |
| Davis Lake       | Bear Creek Drainage    |
| Eagle Lake       | 11 mi. SW of Carlton   |
| French Creek     | Sec.28, T.31N., R.23E. |
| Libby Lake       | 10 mi. W of Carlton    |
| Louis Lake       | 20 mi. W of Winthrop   |
| Middle Oval Lake | 16 mi. W of Carlton    |
| North Lake       | 20 mi. W of Winthrop   |
| Patterson Lake   | Sec.8, T.34N., R.21E.  |
| Pearygin Lake    | Sec.36, T.35N., R.21E. |
| Slate Lake       | 14 mi. W of Winthrop   |
| Sunrise Lake     | 16 mi. W of Methow     |
| Upper Eagle Lake | 12 mi. W of Carlton    |
| West Oval Lake   | 16 mi. W of Carlton    |

[Statutory Authority: Chapters 34.05, 90.54, 18.104, 90.03 and 90.44 RCW. WSR 91-23-093 (Order 91-27), § 173-548-050, filed 11/19/91, effective 12/20/91; Order DE 76-37, § 173-548-050, filed 12/28/76.]

**WAC 173-548-060 Groundwater.** If it is determined that a future development of groundwater measurably affects surface waters subject to the provisions of chapter 173-548 WAC, then rights to said groundwater shall be subject to the same conditions as affected surface waters.

[Order DE 76-37, § 173-548-060, filed 12/28/76.]

**WAC 173-548-070 Effect on prior rights.** Nothing in this chapter shall be construed to lessen, enlarge, or modify existing rights acquired by appropriation or otherwise, and legally vested prior to the effective date of this chapter.

[Order DE 76-37, § 173-548-070, filed 12/28/76.]

**WAC 173-548-080 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are 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 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-548-080, filed 6/9/88.]

**WAC 173-548-090 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 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-548-090, filed 6/9/88.]

**WAC 173-548-100 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 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-548-100, filed 6/9/88.]