

Chapter 173-512 WAC

INSTREAM RESOURCES PROTECTION PROGRAM—CHAMBERS-CLOVER CREEKS BASIN, WATER RESOURCE INVENTORY AREA (WRIA) 12

WAC

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WAC 173-512-010 Authority. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (minimum water flow and levels), and in accordance with chapter 173-500 WAC (water resources management program).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 80-01-012 (Order 79-23), § 173-512-010, filed 12/12/79.]

WAC 173-512-020 Purpose. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Chambers-Clover creeks drainage basin with instream flows and levels necessary to provide for preservation and protection of wildlife, fish, scenic, aesthetic and other environmental values, recreational and navigational values, and to preserve water quality.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 80-01-012 (Order 79-23), § 173-512-020, filed 12/12/79.]

WAC 173-512-030 Surface water closures. The department of ecology, having determined that further consumptive appropriations would harmfully impact instream values closes the following streams and lakes in Water Resource Inventory Area 12 to further consumptive appropriations:

SURFACE WATER CLOSURES

| Stream or Lake | Tributary to |
|---|-----------------|
| Chambers Creek and all tributaries, including among others: | Puget Sound |
| Leach Creek | Chambers Creek |
| Flett Creek | Chambers Creek |
| Steilacoom Lake | Chambers Creek |
| Ponce De Leon Creek | Steilacoom Lake |
| Clover Creek and all tributaries, including among others: | |
| North Fork Clover Creek | Clover Creek |
| Spanaway Creek | Clover Creek |
| Morey Creek | Clover Creek |

(6/9/88)

| Stream or Lake | Tributary to |
|---|--------------------|
| Spanaway Lake | Spanaway Creek |
| Tule Lake | Spanaway Creek |
| Unnamed Stream (Crystal Springs Creek) including tributaries | Puget Sound |
| Sequalitchew Creek and all tributaries, including among others: | Puget Sound |
| Sequalitchew Lake | Sequalitchew Creek |
| American Lake | Sequalitchew Lake |
| Murray Creek (and tributaries) | American Lake |

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 80-01-012 (Order 79-23), § 173-512-030, filed 12/12/79.]

WAC 173-512-040 Groundwater. In future permitting actions relating to groundwater withdrawals, the natural interrelationship of surface and groundwaters shall be fully considered in water allocation decisions to assure compliance with the intent of this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 80-01-012 (Order 79-23), § 173-512-040, filed 12/12/79.]

WAC 173-512-050 Future rights. No water rights for consumptive uses of waters from the streams and lakes listed in WAC 173-512-030 shall hereafter be granted. Future rights for nonconsumptive uses may be granted subject to the provisions of this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 80-01-012 (Order 79-23), § 173-512-050, filed 12/12/79.]

WAC 173-512-060 Exemptions. (1) Nothing in this chapter shall affect any existing 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) Stock watering use, except that related to feed lots, shall be exempt from the surface water closures established in this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 80-01-012 (Order 79-23), § 173-512-060, filed 12/12/79.]

WAC 173-512-070 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, includ-

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ing 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. WSR 88-13-037 (Order 88-11), § 173-512-070, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 80-01-012 (Order 79-23), § 173-512-070, filed 12/12/79.]

WAC 173-512-075 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), § 173-512-075, filed 6/9/88.]

WAC 173-512-080 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), § 173-512-080, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 80-01-012 (Order 79-23), § 173-512-080, filed 12/12/79.]