

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 (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
Squaw Creek

Stream Name
(Includes Tributaries)

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.]