

Chapter 173-555 WAC

WATER RESOURCES PROGRAM IN THE LITTLE SPOKANE RIVER BASIN, WRIA 55

Last Update: 1/27/15

WAC

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WAC 173-555-010 General provision. These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Little Spokane River basin, WRIA-55 (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 173-555 WAC. In the area where this rule and chapter 173-557 WAC overlap, the application of each rule shall be determined as follows:

(1) New water use from the Little Spokane River, its tributaries, and the shallow aquifer associated with the Little Spokane River and its tributaries that is not part of the SVRP aquifer shall be regulated under this rule (chapter 173-555 WAC).

(2) New water use from the Spokane Valley Rathdrum Prairie aquifer shall be regulated under chapter 173-557 WAC, Water resource management program for the Spokane River and Spokane Valley Rathdrum Prairie (SVRP) aquifer.

[Statutory Authority: Chapters 90.54, 90.22, 90.82, 90.03, 90.44, 18.104, and 43.27A RCW. WSR 15-04-033 (Order 13-11), § 173-555-010, filed 1/27/15, effective 2/27/15; Order DE 75-24, § 173-555-010, filed 1/6/76.]

WAC 173-555-020 Definition. "NONCOMMERCIAL AGRICULTURAL IRRIGATION" means beneficial use of water upon not more than three acres for the purpose of crops and livestock for domestic use.

[Order DE 75-24, § 173-555-020, filed 1/6/76.]

WAC 173-555-030 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

| Control Station Number, Stream Management Unit Name | Control Station Location by River Mile and Section, Township Range | Affected Stream Reach |
|--|--|--|
| No. 12-4270.00 Little Spokane River Elk | 34.6 Sec. 8, T.29N., R.43 E.W.M. | From confluence with Dry Creek to the headwaters including tributaries except Dry Creek. |
| No. 12-4295.00 Little Spokane River Chattaroy | 23.05 Sec. 34, T.28N., R.43 E.W.M. | From confluence with Deer Creek to confluence with Dry Creek including tributaries except Deer Creek. |
| No. 12-4310.00 Little Spokane River Dartford | 10.8 Sec. 6, T.26N., R.43 E.W.M. | From confluence with Little Creek to confluence with Deer Creek including tributaries except Little Creek. |
| No. 12-4315.00 Little Spokane River Confluence | 3.9 Sec. 3, T.26N., R.42 E.W.M. | From mouth to confluence with Little Creek including tributaries. |

(2) Base flows established for the stream management units in WAC 173-555-030(1) are as follows:

Base Flows in the Little Spokane River Basin
(in Cubic Feet Per Second)

| Month | Day | 12-4270.00 Elk | 12-4295.00 Chattaroy | 12-4310.00 Dartford | 12-4315.00 Confluence |
|-------|-----|-------------------|-------------------------|------------------------|--------------------------|
| Jan. | 1 | 40 | 86 | 150 | 400 |
| | 15 | 40 | 86 | 150 | 400 |
| Feb. | 1 | 40 | 86 | 150 | 400 |
| | 15 | 43 | 104 | 170 | 420 |
| Mar. | 1 | 46 | 122 | 190 | 435 |
| | 15 | 50 | 143 | 218 | 460 |
| Apr. | 1 | 54 | 165 | 250 | 490 |
| | 15 | 52 | 143 | 218 | 460 |
| May | 1 | 49 | 124 | 192 | 440 |
| | 15 | 47 | 104 | 170 | 420 |
| Jun. | 1 | 45 | 83 | 148 | 395 |
| | 15 | 43 | 69 | 130 | 385 |
| Jul. | 1 | 41.5 | 57 | 115 | 375 |
| | 15 | 39.5 | 57 | 115 | 375 |
| Aug. | 1 | 38 | 57 | 115 | 375 |
| | 15 | 38 | 57 | 115 | 375 |
| Sept. | 1 | 38 | 57 | 115 | 375 |

| Month | Day | 12-4270.00 Elk | 12-4295.00 Chattaroy | 12-4310.00 Dartford | 12-4315.00 Confluence |
|-------|-----|-------------------|-------------------------|------------------------|--------------------------|
| | 15 | 38 | 63 | 123 | 380 |
| Oct. | 1 | 38 | 70 | 130 | 385 |
| | 15 | 39 | 77 | 140 | 390 |
| Nov. | 1 | 40 | 86 | 150 | 400 |
| | 15 | 40 | 86 | 150 | 400 |
| Dec. | 1 | 40 | 86 | 150 | 400 |
| | 15 | 40 | 86 | 150 | 400 |

(3) Base Flow hydrographs, Figure II-1 in the document entitled "water resources management program in the Little Spokane River Basin" dated August, 1975 shall be used for definition of base flows on those days not specifically identified in WAC 173-555-030(2).

(4) All rights hereafter established shall be expressly subject to the base flows established in sections WAC 173-555-030 (1) through (3).

[Order DE 75-24, § 173-555-030, filed 1/6/76.]

WAC 173-555-040 Future allocations—Reservation of surface water for beneficial uses. (1) The department determines that these 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) Surface water available from the east branch of the Little Spokane River, confluence with Dry Creek to headwaters, based on measurement at control station number 12-4270.00 at Elk are:

| Month | May | June | July | Aug. | Sept. | Oct. |
|-------|------|------|------|------|-------|------|
| Date | 1 15 | 1 15 | 1 15 | 1 15 | 1 15 | 1 15 |

| Month | May | June | July | Aug. | Sept. | Oct. |
|--------|-------|-------|------|------|-------|------|
| Amount | 26 22 | 17 14 | 11 9 | 5 5 | 5 5 | 5 5 |

(b) Surface water available from the Little Spokane River from confluence with Little Creek at Dartford to Eloika Lake outlet, and to confluence with Dry Creek based on measurement at control station number 12-4310 at Dartford are:

| Month | May | June | July | Aug. | Sept. | Oct. |
|--------|---------|---------|-------|-------|-------|-------|
| Date | 1 15 | 1 15 | 1 15 | 1 15 | 1 15 | 1 15 |
| Amount | 340 236 | 152 103 | 62 34 | 11 11 | 11 11 | 20 20 |

(c) Available surface waters for those days not specified in (a) and (b) shall be defined from Figures II-3 and II-4 in the document entitled "water resources management program in the Little Spokane River basin" dated August, 1975.

(2) The amounts of waters referred to in WAC 173-555-040(1) above are allocated for beneficial uses in the future as follows:

(a) Three cubic feet per second from the amount available in the east branch of the Little Spokane River referred to in WAC 173-555-040 (1)(a) above and five cubic feet per second from the amount available in the Little Spokane River, besides east branch, referred to in WAC 173-555-040 (1)(b) are allocated to future domestic, stockwatering and noncommercial agricultural irrigation purposes within the stream reaches specified therein throughout the year.

(b) The remainder of the amount referred to in WAC 173-555-040 (1)(a) and (b) besides the amount specified in WAC 173-555-040 (2)(a) are allocated to consumptive and nonconsumptive uses not specified in WAC 173-555-040 (2)(a). These are further described in the figures appended hereto.

[Order DE 75-24, § 173-555-040, filed 1/6/76.]

WAC 173-555-050 Priority of future water rights during times of water shortage. (1) As between rights established in the future pertaining to waters allocated in WAC 173-555-040 (2)(a) and (b), all rights established in (a) shall be superior to those pertaining to (b) 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 173-555-040, the date of priority shall control with an earlier dated right being superior to those rights with later dates.

[Order DE 75-24, § 173-555-050, filed 1/6/76.]

WAC 173-555-060 Streams and lakes closed to further consumptive appropriations. The department, having determined there are no waters available for further appropriation through the establishment of

rights to use water consumptively, closes the following streams to further consumptive appropriation except for domestic and normal stockwatering purposes excluding feedlot operation:

SURFACE WATER CLOSURES

| Stream* Name | Affected Reach | Date of Closure | Period of Closure |
|---|-------------------------------------|--------------------|----------------------|
| Dry Creek | Mouth to headwaters | 5-26-1952 | 1 June-31 Oct. |
| Otter Creek | Mouth to headwaters | 2-23-1971 | " |
| Bear Creek | Mouth to headwaters | 4-13-1953 | " |
| Deer Creek | Mouth to headwaters | 2-29-1968 | " |
| Dragoon Creek | Mouth to headwaters | 7-02-1951 | " |
| Deep Creek | Mouth to headwaters | 6-14-1961 | " |
| Deadman Creek ^{1/} | Mouth to headwaters | 11-28-1961 | " |
| Little Creek | Mouth to headwaters | 4-13-1953 | " |
| W. Branch Little Spokane River | Outlet of Eloika Lake to headwaters | Date of adoption | " |
| All natural lakes in the basin | | " | " |
| * Includes all tributaries in the contributing drainage area unless specifically excluded. | | | |
| ^{1/} An unnamed tributary flowing through Sec. 20, T26N., R.44E. is exempted from closure. | | | |

[Order DE 75-24, § 173-555-060, filed 1/6/76.]

WAC 173-555-070 Effect on prior rights. Nothing in this chapter shall be construed to lessen, enlarge or modify the existing rights acquired by appropriation or otherwise.

[Order DE 75-24, § 173-555-070, filed 1/6/76.]

WAC 173-555-080 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 issu-

ance 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), § 173-555-080, filed 6/9/88.]

WAC 173-555-090 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), § 173-555-090, filed 6/9/88.]

WAC 173-555-100 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), § 173-555-100, filed 6/9/88.]