Chapter 173-511 WAC
INSTREAM RESOURCES PROTECTION
PROGRAM—NISQUALLY RIVER BASIN, WATER
RESOURCE INVENTORY AREA (WRIA) 11

WAC
173-511-010 General provision.
173-511-020 Purpose.
173-511-030 Establishment of instream flows.
173-511-040 Surface water source limitations to further consumptive
appropriations.
173-511-050 Groundwater.
173-511-060 Lakes.
173-511-070 Exemptions.
173-511-080 Future rights.
173-511-090 Enforcement.
173-511-095 Appeals.
173-511-100 Regulation review.

WAC 173-511-010 General provision. These rules
apply to waters within the Nisqually River basin, WRIA 11,
as defined in WAC 173-500-040. This chapter is promul-
gated pursuant to chapter 90.54 RCW (Water Resources Act
of 1971), chapter 90.22 RCW (minimum water flows and
levels), and in accordance with chapter 173-500 WAC (water
resources management program).

WAC 173-511-020 Purpose. The purpose of this chap-
ter is to retain perennial rivers, streams, and lakes in the Nis-
qually River basin with instream flows and levels necessary
to provide protection for wildlife, fish, scenic, aesthetic, envi-
ronmental values, recreation, navigation, and to preserve
water quality.

WAC 173-511-030 Establishment of instream flows.
(1) Stream management units and associated control stations
are established as follows:

STREAM MANAGEMENT UNIT INFORMATION

<table>
<thead>
<tr>
<th>Control Station No. Stream Management Unit Name</th>
<th>Control Station Location, River Mile and Section, Township and Range</th>
<th>Affected Stream Reach</th>
</tr>
</thead>
<tbody>
<tr>
<td>New gage</td>
<td>4.3</td>
<td>From influence of mean annual high tide at low base flow levels to the outlet of the Centralia City Light Power Plant.</td>
</tr>
<tr>
<td>Nisqually River</td>
<td>9, 18N, 1E</td>
<td></td>
</tr>
<tr>
<td>12-0895-00</td>
<td>21.8</td>
<td>From outlet of the Centralia City Light Power Plant at river mile 12.6 to Centralia City Light Power canal diversion at river mile 26.2, including all tributaries.</td>
</tr>
<tr>
<td>Nisqually River</td>
<td>28, 17N, 2E</td>
<td></td>
</tr>
</tbody>
</table>

(6/9/88) [Ch. 173-511 WAC p. 1]
(3) Instream flow hydrographs, as represented in the document entitled "Nisqually River basin instream resource protection program," shall be used for identification of instream flows on those days not specifically identified in WAC 173-511-030(2). Streams indicate that no water is available for additional appropriation. Based upon these determinations the following streams and lakes are closed to further appropriation for the periods indicated:

### NEW SURFACE WATER CLOSURES

<table>
<thead>
<tr>
<th>Stream or Lake</th>
<th>Tributary to</th>
<th>Period of Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mashel River</td>
<td>Nisqually River</td>
<td>June 1 - Oct. 31</td>
</tr>
<tr>
<td>Red Salmon Creek (Mounts Creek)</td>
<td>Nisqually River</td>
<td>April 1 - Oct. 31</td>
</tr>
<tr>
<td>Clear Creek</td>
<td>Nisqually River</td>
<td>April 1 - Oct. 31</td>
</tr>
<tr>
<td>Tanwax Creek</td>
<td>Nisqually River</td>
<td>April 1 - Oct. 31</td>
</tr>
<tr>
<td>McAllister Creek (except Medicine Creek)</td>
<td>Puget Sound</td>
<td>all year</td>
</tr>
<tr>
<td>Lake Saint Clair</td>
<td>Puget Sound</td>
<td>all year</td>
</tr>
<tr>
<td>Eaton Creek</td>
<td>Lake St. Clair</td>
<td>all year</td>
</tr>
<tr>
<td>Lake St. Clair Closure 12/1/53</td>
<td>Nisqually River</td>
<td>April 1 - Nov. 30</td>
</tr>
<tr>
<td>Toboton Creek (above Hopson Road)</td>
<td>Nisqually River</td>
<td>April 1 - Nov. 30</td>
</tr>
<tr>
<td>Lackamas Creek</td>
<td>Nisqually River</td>
<td>April 1 - Nov. 30</td>
</tr>
<tr>
<td>Murray Creek</td>
<td>Nisqually River</td>
<td>April 1 - Nov. 30</td>
</tr>
<tr>
<td>Bypass Reach, Nisqually River</td>
<td>Puget Sound</td>
<td>June 1 - Oct. 31</td>
</tr>
<tr>
<td>Mid Reach, Nisqually River</td>
<td>Puget Sound</td>
<td>June 1 - Oct. 31</td>
</tr>
</tbody>
</table>
| *New gage to be established.*

### EXISTING SURFACE WATER SOURCE LIMITATIONS

<table>
<thead>
<tr>
<th>Stream</th>
<th>Tributary to</th>
<th>Action</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eaton Creek</td>
<td>Lake St. Clair</td>
<td>Closure</td>
<td>12/1/53</td>
</tr>
</tbody>
</table>

WAC 173-511-040 Surface water source limitations to further consumptive appropriations. (1) The department has determined that (a) certain streams exhibit low summer flows or have a potential for going dry thereby inhibiting anadromous fish passage during critical life stages, and (b) historic flow regimes and current uses of certain other streams indicate that no water is available for additional appropriation. Based upon these determinations the following streams and lakes are closed to further appropriation for the periods indicated:

### EXISTING SURFACE WATER SOURCE LIMITATIONS

<table>
<thead>
<tr>
<th>Stream</th>
<th>Tributary to</th>
<th>Action</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eaton Creek</td>
<td>Lake St. Clair</td>
<td>Closure</td>
<td>12/1/53</td>
</tr>
</tbody>
</table>

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 81-04-028 (Order DE 80-42), § 173-511-030, filed 2/2/81.]
Low Flow (0.5 cfs bypass)

Harts Lake and outlet streams SW1/4SE1/4 Sec. 1, T16N, R2E
Nisqually River
Low Flow (0.5 cfs bypass) 10/7/44

Horn Creek SW1/4NE1/4 Sec. 1, T16N, R2E
Nisqually River
Closure 7/22/74

Muck Creek and all tributaries SW1/4SW1/4 Sec. 36, T18N, R1E
Nisqually River
Closure 5/26/48

Ohop Creek and all tributaries SW1/4NE1/4 Sec. 25, T16N, R3E
Nisqually River
Closure 2/15/52

Ohop Lake NE1/4SE1/4 Sec. 10, T16N, R1E
Ohop Creek
Lake Level (525 ft) 3/25/66

Thompson Creek and all tributaries SE1/4NE1/4 Sec. 11, T17N, R1E
Nisqually River
Low Flow (1.0 cfs bypass) 11/19/51

Unnamed Stream and all tributaries SW1/4NW1/4 Sec. 11, T15N, R4E
Alder Lake (Nisqually River)
Closure 4/28/64

Unnamed Stream and all tributaries SW1/4SE1/4 Sec. 17, T17N, R2E
Centralia Canal (Nisqually River)
Low Flow (0.75 cfs bypass) 11/19/61

Unnamed Stream and all tributaries SE1/4SE1/4 Sec. 27, T17N, R2E
Nisqually River
Low Flow (0.50 cfs bypass) 12/6/50

Yelm Creek and all tributaries SW1/4SW1/4 Sec. 12, T17N, R1E
Nisqually River
Closure 8/7/51

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 81-04-028 (Order DE 80-42), § 173-511-040, filed 2/2/81.]

WAC 173-511-080 Future rights. No rights to divert or store public surface waters of the Nisqually River basin, WRIA 11, shall hereafter be granted, except as provided in WAC 173-511-070, which shall conflict with the purpose of this chapter as stated in WAC 173-511-020.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 81-04-028 (Order DE 80-42), § 173-511-080, filed 2/2/81.]

WAC 173-511-090 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as 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 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-511-090, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 81-04-028 (Order DE 80-42), § 173-511-090, filed 2/2/81.]

WAC 173-511-095 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), § 173-511-095, filed 6/9/88.]

WAC 173-511-100 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 43.21B, 43.27A, 90.22 and 90.54 RCW. WSR 88-13-037 (Order 88-11), § 173-511-100, filed 6/9/88. Statutory Authority: Chapters 90.22 and 90.54 RCW. WSR 81-04-028 (Order DE 80-42), § 173-511-100, filed 2/2/81.]

(6/9/88)