

WAC 173-528-060 Establishment of instream flows. (1) The instream flows established in this chapter are based on the recommendations of the planning unit; consultation with the department of fish and wildlife, department of agriculture, and department of community, trade, and economic development; and public input received during the rule-making process. The planning unit recommended these instream flow levels by unanimous vote.

(2) Instream flows established in this chapter are water rights, which protect instream values and functions from future appropriations. The priority date of the instream flows is the effective date of this chapter. In accordance with RCW 90.82.080, this priority date received unanimous approval from the planning unit.

(3) Instream flow rights shall be protected from impairment by any new water rights commenced after the effective date of this chapter and by all future changes and transfers of senior and junior water rights, including both surface and groundwater rights. The following water rights are not subject to the instream flows:

(a) A water right put to beneficial use before the effective date of this chapter, unless stated in the conditions of the water right or change authorization.

(b) Water rights appropriated from the reservation of water established in WAC 173-528-110.

(c) Water rights for environmental restoration purposes under WAC 173-528-140, unless included as a permit condition.

(4) Instream flows, expressed in cubic feet per second (cfs), are measured at the stream management control points in WAC 173-528-050. Instream flows apply to all stream reaches that contribute to flow at stream management control points, as shown in Table II of this section. For reaches that are downstream of all management points, the flows established for the nearest upstream management control point shall apply to those reaches. However, if a point of withdrawal is downstream of the confluence of two or more branches, each having a designated management point, the combined flows of the management points shall apply to that withdrawal.

**Table II
Instream Flows in the Salmon/Washougal Basin (cubic feet per second)**

Month	Stream Management Control Point						
	Whipple Creek, RM 2.7	Mill Creek, RM 0.02	Weaver Creek, RM 0.04	Morgan Creek, RM 1.8	Rock Creek, RM 0.3	Burnt Bridge Creek, RM 3.0	Lower Lacamas Creek, RM 0.4
January	28	27	12	17	36	20	112
February	51	50	23	33	63	38	112
March	51	50	23	33	63	38	96
April	51	50	23	33	63	38	96
May	51	50	23	33	63	38	96
June	34	33	15	22	42	25	64
July	34	33	15	22	42	25	64
August	12	11	4	7	15	8	27
September	12	11	4	7	15	8	112
October	28	27	12	17	36	20	112
November	28	27	12	17	36	20	112
December	28	27	12	17	36	20	112

Month	Stream Management Control Point						
	Upper Lacamas Creek, RM 5.5	Washougal River, RM 3.6	Little Washougal River, RM 0.02	W.F. Washougal River, RM 0.8	Gibbons Creek, RM 1.6	Lawton Creek, RM 0.45	Duncan Creek, RM 0.3
January	39	425	193	205	27	24	21
February	39	425	193	205	49	44	39
March	39	375	160	169	49	44	39
April	39	375	160	169	49	44	39
May	39	375	160	169	49	44	39
June	39	525	107	112	33	29	26
July	39	240	107	112	33	29	26
August	39	168	48	51	11	10	8
September	39	264/425*	193	205	11	10	8
October	39	425	193	205	27	24	21
November	39	425	193	205	27	24	21
December	39	425	193	205	27	24	21

*The Washougal River, RM 3.6, instream flow right is for 264 cubic feet per second from September 1 to September 15, and 425 cubic feet per second from September 16 to September 30.

Month	Stream Management Control Point			
	Woodward Creek, RM 0.25	Hardy Creek, RM 1.6	Hamilton Creek, RM 1.3	Greenleaf Creek, RM 0.3
January	42	40	72	31
February	72	69	117	55
March	72	69	117	55
April	72	69	117	55
May	72	69	117	55
June	48	46	78	37
July	48	46	78	37
August	18	17	33	13
September	18	17	33	13
October	42	40	72	31
November	42	40	72	31
December	42	40	72	31

[Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. WSR 09-01-127 (Order 08-03), § 173-528-060, filed 12/19/08, effective 1/19/09.]