

DRAFT Chapter 173-507, 173-508, 173-513, 173-514 & 173-515 WAC, Instream Resources Protection Program (AKA Instream Flow Rule)

This is a preliminary draft rule amendment we are proposing to add to five chapters of Instream Flow Rules: Chapters 173-507, 173-508, 173-513, 173-514 & 173-515 WAC. It includes draft requirements and restrictions for cities and counties within Snohomish, Cedar-Sammamish, Deschutes, Kennedy-Goldsborough and Kitsap watersheds when a permit-exempt well is installed for domestic use.

During this rulemaking, we are focusing on requirements found in law, chapter 90.94.030(4) that could be lost if not in rule. The scope of the rule remains specific to incorporating statute obligations and does not reopen established instream flows or basin closures for amendment.

If you have questions about this preliminary draft, please contact the Rule Lead at Danielle.Gallatin@ecy.wa.gov

How to use this document

Share your thoughts and tell us what you think about how we're incorporating statute requirements into rule. What did we get right? What should we change?

Step 1: Read.

Read through the preliminary draft rule.

Step 2: Consider our questions.

- Do these requirements make sense?
- How can we improve readability?
- Do you have any thoughts or information about potential impacts related to this rulemaking?

Step 3: Provide feedback.

We encourage you to provide feedback on any element of the preliminary draft rule language.

- Share your feedback during our online discussion on October 8 and 9. Join a webinar by signing up [on our rule webpage](#).
- [Send us your feedback](#) before the comment period closes on October 17, 2025.

Tips for providing feedback

- Tell us what you support and what you disagree with.
- Suggest specific language. This helps our team understand what change you want.
- Use examples to illustrate concerns and explain your feedback.
- Offer solutions. Suggest ways we can address your concerns.

We'll use your feedback to improve our approach and write the formal draft rule. In November, we'll share the formal draft rule and provide a formal public comment period.

New Section added to Chapters:

173-507, 173-508, 173-513, 173-514 & 173-515 WAC

NEW SECTION:

Permit-exempt groundwater for future domestic uses.

- (1) The requirements and limits in this section apply to new permit-exempt domestic wells constructed after the effective date of this rule amendment. For the purpose of this section, "new permit-exempt domestic wells" are wells for groundwater withdrawals exempt from permitting under RCW [90.44.050](#) for domestic use.
- (2) Consistent with the provisions of RCW 90.94.030(4), a city or county issuing a building permit under RCW 19.27.097(1)(c), or approving a subdivision under chapter 58.17 RCW, in this WRIA must:
 - a. Record relevant restrictions or limitations associated with water supply with the property title;
 - b. Collect applicable fees as described in subsection (3) of this section;
 - c. Record the number of building permits issued under chapter 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW subject to the provisions of this section;
 - d. Annually transmit to the department three hundred fifty dollars of each fee collected under this subsection; and
 - e. Annually transmit an accounting of building permits and subdivision approvals subject to the provisions of this section to the department.
- (3) Consistent with the provisions of RCW 90.94.030(4), an applicant for a building permit shall:
 - a. Pay a fee of five hundred dollars to the permitting authority;
 - b. Limit withdrawals to a maximum annual average of nine hundred fifty gallons per day per connection; and
 - c. Manage stormwater runoff on-site to the extent practicable by maximizing infiltration, including using low-impact development techniques, or pursuant to stormwater management requirements adopted by the local permitting authority, if locally adopted requirements are more stringent.
- (4) Upon the issuance of a drought emergency order under RCW 43.83B.405, the department may curtail withdrawal of groundwater exempt from permitting under RCW 90.44.050 and approved under this section to no more than three hundred fifty gallons per day per connection for indoor use only. Notwithstanding the limitation of this section, an applicant may use groundwater exempt from permitting to maintain a fire control buffer during a drought emergency order.