

HOUSE BILL NO. 392

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HARRIS

Introduced: 2/8/02
Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the use and appropriation of water."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 46.15.020(b), as amended by sec. 4, ch. 100, SLA 2001, is amended to
4 read:

5 (b) The commissioner shall

6 (1) adopt procedural and substantive regulations to carry out the
7 provisions of this chapter, taking into consideration the responsibilities of the
8 Department of Environmental Conservation under AS 46.03 and the Department of
9 Fish and Game under AS 16;

10 (2) keep a public record of all applications for permits and certificates
11 and other documents filed in the commissioner's office; and shall record all permits
12 and certificates and amendments and orders affecting them and shall index them in
13 accordance with the source of the water and the name of the applicant or appropriator;

14 (3) cooperate with, assist, advise, and coordinate plans with the
15 federal, state, and local agencies, including local soil and water conservation districts,

1 in matters relating to the appropriation, use, conservation, quality, disposal, or control
2 of waters and activities related thereto;

3 (4) prescribe fees or service charges for any public service rendered
4 consistent with AS 37.10.050 - 37.10.058, except that the department may charge
5 under regulations adopted by the department [AN ANNUAL \$50
6 ADMINISTRATIVE SERVICE FEE TO MAINTAIN THE WATER
7 MANAGEMENT PROGRAM AND] a water conservation fee under AS 46.15.035;
8 **under this paragraph, the commissioner may not charge an annual fee for**
9 **maintaining an application, permit, or certificate without charge;**

10 (5) before February 1 of each year, prepare a report describing the
11 activities of the commissioner under AS 46.15.035 and 46.15.037; the commissioner
12 shall notify the legislature that the report is available; the report must include

13 (A) information on the number of applications and
14 appropriations for the removal of water from one hydrological unit to another
15 that were requested and that were granted and on the amounts of water
16 involved;

17 (B) information on the number and location of sales of water
18 conducted by the commissioner and on the volume of water sold;

19 (C) recommendations of the commissioner for changes in state
20 water law; and

21 (D) a description of state revenue and expenses related to
22 activities under AS 46.15.035 and 46.15.037.

23 * **Sec. 2.** AS 46.15.090 is amended to read:

24 **Sec. 46.15.090. Preference in granting permits.** When there are competing
25 applications for water from the same source, and the source is insufficient to supply all
26 applicants, the commissioner shall give preference first to public water supply
27 **including domestic water uses, second to agriculture and irrigation,** and **third**
28 [THEN] to the use that alone or in combination with other foreseeable uses will
29 constitute the most beneficial use.

30 * **Sec. 3.** AS 46.15.155(a) is amended to read:

31 (a) Notwithstanding any contrary provision of this chapter, the commissioner

1 may authorize the temporary use of a significant amount of water, as determined by
2 the department by regulation, for a period of time not to exceed five consecutive years
3 [.] if the water applied for has not been appropriated in accordance with this chapter.

4 **An authorization may be renewed once for the term equal to that of the original**
5 **authorization if the commissioner determines that the factors considered in the**
6 **original authorization are still relevant and the water to be used is still available.**

7 * **Sec. 4.** AS 46.15.155 is amended by adding a new subsection to read:

8 (j) If the commissioner does not act to authorize the temporary use of water or
9 deny authority to temporarily use water under this section within 30 days after receipt
10 of an application, the temporary use of water is authorized, and the person may use the
11 water.

12 * **Sec. 5.** AS 46.15.260 is amended by adding a new paragraph to read:

13 (10) "significant amount of water" means the use of one million or
14 more gallons of water a day for 100 consecutive days in a calendar year.