

Introduced: 1/29/76  
Referred: Resources

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 671

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the reservation of water; and  
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 46.15.030 is amended to read:

10 Sec. 46.15.030. WATERS RESERVED TO THE PEOPLE. Wherever occur-  
11 ing in a natural state, the waters are reserved to the people for  
12 common use and are subject to appropriation and beneficial use and to  
13 reservation for fish and wildlife, or recreation, or to maintain a  
14 minimum flow, level, or quality of water as provided in this chapter.

15 \* Sec. 2. AS 46.15.090 is amended to read:

16 Sec. 46.15.090. PREFERENCE IN GRANTING PERMITS. When there are  
17 competing applications for water from the same source, and the source  
18 is insufficient to supply all applicants, the commissioner shall give  
19 preference first to public water supply and to reservations for fish  
20 and wildlife, or recreation, or to maintain a minimum flow, level, or  
21 quality of water and then to the use which alone or in combination  
22 with other foreseeable uses will constitute the most beneficial use.

23 \* Sec. 3. AS 46.15 is amended by adding a new section to read:

24 Sec. 46.15.145. RESERVATION OF WATER. (a) The state or any  
25 political subdivision or agency of the state may apply to the com-  
26 missioner to reserve water for the needs of fish and wildlife, or  
27 recreation, or to maintain a minimum flow, level, or quality of water  
28 throughout the year or at such periods or for such lengths of time as  
29 the commissioner designates.

1 (b) Upon receiving an application, the commissioner shall proceed  
2 in accordance with sec. 70 of this chapter, after which he shall  
3 decide whether to reserve the water for the applicant.

4 (c) The commissioner shall issue a certificate reserving the  
5 water requested if the applicant establishes to the satisfaction of  
6 the commissioner:

7 (1) the purpose of the reservation;

8 (2) the need for the reservation;

9 (3) the amount of water necessary for the purpose of the  
10 reservation;

11 (4) that there is unappropriated water in the source of  
12 water.

13 (d) After the issuance of a certificate of reservation, the  
14 commissioner may reject an application and refuse a permit for appro-  
15 priation of reserved water.

16 (e) A reservation under this section does not affect any rights  
17 in existence when the certificate reserving water is issued.

18 \* Sec. 4. AS 46.15.260(1) is amended to read:

19 (1) "appropriate" means to divert, impound, or withdraw a  
20 quantity of water from a source of water, or, in the case of a public  
21 agency, to reserve water in accordance with sec. 145 of this chapter,  
22 for a beneficial use;

23 \* Sec. 5. AS 46.15.260(2) is amended to read:

24 (2) "appropriation" means the diversion, impounding or  
25 withdrawal of a quantity of water from a source of water, or, in the  
26 case of a public agency, the reservation of water in accordance with  
27 sec. 145 of this chapter, for a beneficial use;

28 \* Sec. 6. AS 46.15.260(3) is amended to read:

29 (3) "beneficial use" means a use of water for the benefit

1 of the appropriator, other persons or the public, that is reasonable  
2 and consistent with the public interest, including, but not limited  
3 to, domestic, agricultural, irrigation, industrial, manufacturing,  
4 mining, power, public, sanitary, fish and wildlife, [AND] recreational  
5 uses, and maintenance of a minimum flow, level, or quality of water;

6 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.-  
7 10.070(c).

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