


Introduced: 2/4/77  
Referred: Resources

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2  HOUSE BILL NO. 176

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST 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 ring 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 of instream flows and levels of water, as provided in this  
14 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, then to reservations of  
20 instream flows or levels of water as provided in sec. 145 of this  
21 chapter, and then to the use which alone or in combination with other  
22 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 commis-  
26 sioner to reserve sufficient water to maintain a specified instream  
27 flow or level of water at a specified point on a stream or body of  
28 water, or in a specified stretch of stream, throughout the year or for  
29 specified times of the year, for protection of fish and wildlife

1 habitat, migration and propagation, for recreation and park purposes,  
2 and for sanitary and water quality purposes.

3 (b) Upon receiving an application, the commissioner shall proceed  
4 in accordance with sec. 70 of this chapter.

5 (c) The commissioner shall issue a certificate reserving the  
6 water requested if he finds:

7 (1) that the rights of prior appropriators will not be  
8 affected by the reservation;

9 (2) that a need exists for the reservation;

10 (3) that there is unappropriated water in the source  
11 sufficient for the reservation; and

12 (4) that the proposed reservation is in the public interest.

13 (d) After the issuance of a certificate of reservation, the  
14 specified water shall be withdrawn from appropriation and the com-  
15 missioner shall reject an application for a permit to appropriate the  
16 reserved water.

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

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

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

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

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

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

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(3) "beneficial use" means a use of water for the benefit of the appropriator, other persons or the public, that is reasonable and consistent with the public interest, including, but not limited to, domestic, agricultural, irrigation, industrial, manufacturing, mining, power, public, sanitary, fish and wildlife, [AND] recreational uses, and maintenance of water quality;

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