

Introduced: 2/2/79
Referred: Resources

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 118

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the maintenance of stream flows
7 and levels of water."

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 occurring
11 in a natural state, the waters are reserved to the people for common use
12 and are subject to appropriation and beneficial use and to reservation
13 of instream flows and levels of water, as provided in this chapter.

14 * Sec. 2. AS 46.15 is amended by adding a new section to read:

15 Sec. 46.15.145. RESERVATION OF WATER. (a) The state or any
16 political subdivision or agency of the state may apply to the commis-
17 sioner to reserve sufficient water to maintain a specified instream
18 flow or level of water at a specified point on a stream or body of
19 water, or in a specified stretch of stream, throughout the year or for
20 specified times of the year, for protection of fish and wildlife
21 habitat, migration, and propagation, for recreation and park purposes,
22 for navigation and transportation purposes, and for sanitary and water
23 quality purposes.

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

26 (c) The commissioner shall issue a certificate reserving the
27 water requested if he finds that:

28 (1) the rights of prior appropriators will not be affected
29 by the reservation;

1 (2) a need exists for the reservation;

2 (3) there is unappropriated water in the source sufficient
3 for the reservation; and

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

5 (d) After the issuance of a certificate of reservation, the
6 specified water shall be withdrawn from appropriation and the com-
7 missioner shall reject an application for a permit to appropriate the
8 reserved water.

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

11 * Sec. 3. AS 46.15.260(1) is amended to read:

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

16 * Sec. 4. AS 46.15.260(2) is amended to read:

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

21 * Sec. 5. AS 46.15.260(3) is amended to read:

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