

Offered: 3/21/86  
Referred: Health, Education &  
Social Services

Original sponsor: M.W.Miller by request

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 627 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of water."

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

8 \* Section 1. AS 46.15 is amended by adding a new section to read:

9 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less  
10 than a significant amount of water without a permit unless the commis-  
11 sioner determines that the use of less than a significant amount of  
12 water is not in the public interest. A person using less than a  
13 significant amount of water acquires no water right or priority unless  
14 an application is filed and a permit or certificate is issued under  
15 AS 46.15.030 - 46.15.185.

16 \* Sec. 2. AS 46.15.133(f) is amended to read:

17 (f) The commissioner may, by regulation, designate additional  
18 types of appropriations that [WHICH] are exempt from this section and  
19 provide simplified procedures for ruling on the applications.

20 \* Sec. 3. AS 46.15.133 is amended by adding a new subsection to read:

21 (g) An application to appropriate not more than 1,000 gallons of  
22 water a day is exempt from the notice provisions of this section.  
23 Notwithstanding this subsection, the commissioner may require public  
24 notice under this section

25 (1) on a determination that the total amount of water  
26 available in an area is limited considering the number of potential  
27 users from the source of the water; or

28 (2) on request of the municipality in which the area is  
29 located.

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

2 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the  
3 context otherwise requires,

4 (1) "appropriate" means

5 (A) to divert, impound, or withdraw a quantity of  
6 water from a source of water, for a beneficial use; or

7 (B) to reserve water under [IN ACCORDANCE WITH]  
8 AS 46.15.145;

9 (2) "appropriation" means

10 (A) the diversion, impounding, or withdrawal of a  
11 quantity of water from a source of water for a beneficial use; or

12 (B) the reservation of water under [IN ACCORDANCE  
13 WITH] AS 46.15.145;

14 (3) "beneficial use" means a use of water for the benefit  
15 of the appropriator, other persons or the public, that is reasonable  
16 and consistent with the public interest, including, but not limited  
17 to, domestic, agricultural, irrigation, industrial, manufacturing,  
18 fish and shellfish processing, navigation and transportation, mining,  
19 power, public, sanitary, fish and wildlife, recreational uses, and  
20 maintenance of water quality;

21 (4) "source of water" means a substantial quantity of water  
22 capable of being put to beneficial use;

23 (5) "water" means all water of the state, surface and  
24 subsurface, occurring in a natural state, except mineral and medicinal  
25 water;

26 (6) "commissioner" means the commissioner of natural re-  
27 sources;

28 (7) "director" means the director of land and water  
29 management [THE DIVISION OF LANDS], Department of Natural Resources;

1 (8) "person" includes an individual, partnership, asso-  
2 ciation, public or private corporation, state agency, municipality  
3 [POLITICAL SUBDIVISION] of the state, and the United States; [.]

4 (9) "mineral and medicinal water" means

5 (A) water of a hot spring or spring with curative  
6 properties that [WHICH] has been reserved by the federal govern-  
7 ment under Public Land Order No. 399; and

8 (B) geothermal fluid, as [THE TERM IS] defined in  
9 AS 41.06.060;

10 (10) "significant amount of water" means

11 (A) a use of more than 5,000 gallons of water in a  
12 single day from a single source; or

13 (B) the regular daily or recurring seasonal use of  
14 more than 500 gallons of water a day for 10 days or more a year  
15 from a single source; or

16 (C) a water use that may adversely affect the water  
17 rights of another appropriator or the public interest.