

Offered: 5/1/86
Referred: Rules

Original sponsor: M.W.Miller by request

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR 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 appropriation of water."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. AS 16.05.050 is amended by adding a new subsection to
9 read:
10 (b) The commissioner may not require a higher discharge quality
11 for appropriated water used in placer mining than the quality of water
12 received for the use.
13 * Sec. 2. AS 38.05.020 is amended by adding a new subsection to read:
14 (c) The commissioner may not require a higher discharge quality
15 for appropriated water used in placer mining than the quality of water
16 received for the use.
17 * Sec. 3. AS 46.03 is amended by adding a new section to read:
18 Sec. 46.03.892. REGULATION OF APPROPRIATED WATER. When enforc-
19 ing the law or regulations for the quality of appropriated water used
20 in placer mining, the commissioner may not require a higher discharge
21 quality for appropriated water than the quality of water received for
22 the use.
23 * Sec. 4. AS 46.15 is amended by adding a new section to read:
24 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less
25 than a significant amount of water without a permit unless the commis-
26 sioner determines under AS 46.15.080(b) that the use of less than a
27 significant amount of water without a permit is not in the public
28 interest. A person using less than a significant amount of water
29 without a permit acquires no water right or priority unless an

1 application is filed and a permit or certificate is issued under
2 AS 46.15.030 - 46.15.185.

3 * Sec. 5. AS 46.15.133(f) is amended to read:

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

7 * Sec. 6. AS 46.15.133 is amended by adding a new subsection to read:

8 (g) An application to appropriate not more than 1,000 gallons of
9 water a day is exempt from the notice provisions of this section
10 except that the commissioner shall notify the Department of Fish and
11 Game of each application to appropriate water from a stream designated
12 under AS 16.05.870. Notwithstanding this subsection, the commissioner
13 may require public notice under this section

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

17 (2) on request of the municipality in which the area is
18 located.

19 * Sec. 7. AS 46.15.260 is amended to read:

20 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the con-
21 text otherwise requires,

22 (1) "appropriate" means

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

25 (B) to reserve water under [IN ACCORDANCE WITH]
26 AS 46.15.145;

27 (2) "appropriation" means

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

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

3 (3) "beneficial use" means a use of water for the benefit
4 of the appropriator, other persons or the public, that is reasonable
5 and consistent with the public interest, including, but not limited
6 to, domestic, agricultural, irrigation, industrial, manufacturing,
7 fish and shellfish processing, navigation and transportation, mining,
8 power, public, sanitary, fish and wildlife, recreational uses, and
9 maintenance of water quality;

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

12 (5) "water" means all water of the state, surface and
13 subsurface, occurring in a natural state, except mineral and medicinal
14 water;

15 (6) "commissioner" means the commissioner of natural re-
16 sources;

17 (7) "director" means the director of land and water manage-
18 ment [THE DIVISION OF LANDS], Department of Natural Resources;

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

22 (9) "mineral and medicinal water" means

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

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

28 (10) "significant amount of water" means

29 (A) a use of more than 5,000 gallons of water in a

1 single day from a single source; or

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

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

7 * Sec. 8. AS 16.05.050(b), AS 38.05.020(c), and AS 46.03.892 are re-
8 pealed on the date the state assumes responsibility for the pollutant dis-
9 charge elimination program authorized by sec. 402 of the Act of June 30,
10 1948, 33 U.S.C. 1342.