

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) am S
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. (a) When
19 considering the quality of appropriated water and establishing regu-
20 lations for the quality of appropriated water, the commissioner may
21 require a person who appropriates water to meet a standard that is
22 equal but not higher than a standard attainable through the applica-
23 tion of best practicable and economically sustainable technology
24 associated with the particular use.
25 (b) The commissioner may not require a higher discharge quality
26 standard for appropriated water than the quality of water received for
27 use.
28 * Sec. 4. AS 46.15 is amended by adding a new section to read:
29 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less

1 than a significant amount of water without a permit unless the commis-
2 sioner determines under AS 46.15.080(b) that the use of less than a
3 significant amount of water without a permit is not in the public
4 interest. A person using less than a significant amount of water
5 without a permit acquires no water right or priority unless an appli-
6 cation is filed and a permit or certificate is issued under AS 46.15.-
7 030 - 46.15.185.

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

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

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

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

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

22 (2) on request of the municipality in which the area is
23 located.

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

25 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the con-
26 text otherwise requires,

27 (1) "appropriate" means

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

1 (B) to reserve water under [IN ACCORDANCE WITH]
2 AS 46.15.145;

3 (2) "appropriation" means

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

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

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

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

17 (5) "water" means all water of the state, surface and
18 subsurface, occurring in a natural state, except mineral and medicinal
19 water;

20 (6) "commissioner" means the commissioner of natural re-
21 sources;

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

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

27 (9) "mineral and medicinal water" means

28 (A) water of a hot spring or spring with curative
29 properties that [WHICH] has been reserved by the federal

1 government under Public Land Order No. 399; and
2 (B) geothermal fluid, as [THE TERM IS] defined in
3 AS 41.06.060;
4 (10) "significant amount of water" means
5 (A) a use of more than 5,000 gallons of water in a
6 single day from a single source; or
7 (B) the regular daily or recurring seasonal use of
8 more than 500 gallons of water a day for 10 days or more a year
9 from a single source; or
10 (C) a water use that may adversely affect the water
11 rights of another appropriator or the public interest.
12 * Sec. 8. AS 16.05.050(b), AS 38.05.020(c), and AS 46.03.892 are re-
13 pealed on the date the state assumes responsibility for the pollutant dis-
14 charge elimination program authorized by sec. 402 of the Act of June 30,
15 1948, 33 U.S.C. 1342.