

1 IN THE HOUSE

BY MILLER

2

HOUSE BILL NO. 259

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the small scale 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 under AS 46.15.080(b) that the use of less than a
12 significant amount of water without a permit is not in the public
13 interest. A person using less than a significant amount of water
14 without a permit acquires no water right or priority unless an appli-
15 cation is filed and a permit or certificate is issued under AS 46.15.-
16 030 - 46.15.185.

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

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

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

22 (g) An application to appropriate not more than 5,000 gallons of
23 water a day is exempt from the notice provisions of this section
24 except that the commissioner shall notify the Department of Fish and
25 Game of each application to appropriate water from a stream designated
26 under AS 16.05.870. Notwithstanding this subsection, the commissioner
27 may require public notice under this section

28 (1) on a determination that the total amount of water
29 available in an area is limited considering the number of potential

1 users from the source of the water; or

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

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

5 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the con-
6 text otherwise requires,

7 (1) "appropriate" means

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

10 (B) to reserve water under [IN ACCORDANCE WITH]
11 AS 46.15.145;

12 (2) "appropriation" means

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

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

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

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

26 (5) "water" means all water of the state, surface and
27 subsurface, occurring in a natural state, except mineral and medicinal
28 water;

29 (6) "commissioner" means the commissioner of natural

1 resources;

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

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

7 (9) "mineral and medicinal water" means

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

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

13 (10) "significant amount of water" means

14 (A) a use of more than 5,000 gallons of water in a
15 single day from a single source;

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

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