

HOUSE BILL NO. 355
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE DAVIDSON

Introduced: 5/21/91
Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the reservation of instream flows for fish and wildlife; and providing
2 for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

5 Sec. 46.15.146. RESERVATION OF INSTREAM FLOWS FOR FISH AND WILDLIFE.

6 (a) Except as provided in AS 46.15.090, upon receipt by the commissioner of an application to
7 appropriate (1) water from a river or stream that is used by fish for spawning, incubation, rearing,
8 or migration, or that is habitat for wildlife; or (2) ground water that significantly influences the
9 volume of water in a river or stream that is used by fish for spawning, incubation, rearing, or
10 migration, or that is habitat for wildlife, the commissioner shall reserve an instream flow in the
11 river or stream for the instream use of fish and wildlife and to maintain habitat for fish and
12 wildlife.

13 (b) The priority date of a reservation of water for fish and wildlife from a river or stream,
14 identified under AS 16.05.870 or identified in a Department of Fish and Game regional guide or

1 other Department of Fish and Game document that identifies the river or stream as wildlife
2 habitat on or before the effective date of this Act, is the effective date of this Act. The priority
3 date of a reservation of water for fish and wildlife from a river or stream identified under AS 16.-
4 05.870 or identified in a Department of Fish and Game regional guide or other Department of
5 Fish and Game document that identifies the river or stream as wildlife habitat after the effective
6 date of this Act is the date on which the identification takes effect.

7 (c) A reservation of water under this section does not affect rights and applications on
8 record before the effective date of this Act.

9 (d) This section does not apply to appropriations under AS 46.15.040 for nonconsumptive
10 uses of water or for single family domestic use.

11 (e) This section does not apply to appropriations of ground water of 5,000 gallons or less
12 a day unless the commissioner, in consultation with the Department of Fish and Game,
13 determines that the appropriation may adversely affect fish or wildlife habitat in a river or stream.
14 The commissioner shall consider multiple appropriations of water for a single related use as a
15 single appropriation for the purposes of this subsection.

16 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).