

**CS FOR HOUSE BILL NO. 355 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE RESOURCES COMMITTEE

**Offered: 3/13/92
Referred: Finance**

Sponsor(s): REPRESENTATIVE DAVIDSON

A BILL

FOR AN ACT ENTITLED

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

13 (b) A volume of water or an instream flow for the use of fish and wildlife and to
14 maintain habitat for fish and wildlife that is reserved under this section is withdrawn from appropriation.

1 (c) The priority date of a reservation of water for fish and wildlife from a lake, river, or
2 stream, identified under AS 16.05.870 or identified in a Department of Fish and Game regional
3 guide as being used by fish for spawning, incubation, rearing, or migration or as wildlife habitat
4 on or before the effective date of this Act, is the effective date of this Act. The priority date of
5 a reservation of water for fish and wildlife from a lake, river, or stream identified under
6 AS 16.05.870 or identified in a Department of Fish and Game regional guide as being used by
7 fish for spawning, incubation, rearing, or migration or as wildlife habitat after the effective date
8 of this Act is the date on which the identification takes effect.

9 (d) A reservation of water under this section does not affect rights and applications on
10 record before the effective date of this Act.

11 (e) This section does not apply to appropriations under AS 46.15.040 for nonconsumptive
12 uses of water or for single family domestic use.

13 (f) AS 46.15.145 does not apply to a reservation of water under this section.

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

19 (h) In this section,

20 (1) "fish" means a species of anadromous or freshwater fish that may be taken
21 under regulations of the Board of Fisheries;

22 (2) "wildlife" means a species of game that may be taken under regulations of the
23 Board of Game.

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