

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

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/5/92
Referred: Rules

Sponsor(s): REPRESENTATIVE DAVIDSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the reservation of water for fish; and providing for an effective date."

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

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

4 Sec. 46.15.146. **RESERVATION OF WATER FOR FISH.** (a) Except as provided in
5 AS 46.15.090, upon receipt by the commissioner of an application to appropriate (1) water from
6 a lake, river, or stream that is used by fish for spawning, incubation, rearing, or migration; or (2)
7 ground water that significantly influences the volume of water in a lake, river, or stream that is
8 used by fish for spawning, incubation, rearing, or migration, the commissioner shall reserve a
9 volume of water in the lake or an instream flow in the river or stream for the use of fish and to
10 maintain habitat for fish. The commissioner may adjust the volume of water reserved under this
11 subsection if the commissioner, after public notice and opportunity to comment and with the
12 concurrence of the commissioner of fish and game, finds that the best interests of the state are
13 served by the adjustment.

14 (b) A volume of water or an instream flow for the use of fish and to maintain habitat for

1 fish that is reserved under this section is withdrawn from appropriation.

2 (c) The priority date of a reservation of water for fish from a lake, river, or stream,
3 identified under AS 16.05.870 or identified in a Department of Fish and Game regional guide as
4 being used by fish for spawning, incubation, rearing, or migration on or before the effective date
5 of this Act, is the effective date of this Act. The priority date of a reservation of water for fish
6 from a lake, river, or stream identified under AS 16.05.870 or identified in a Department of Fish
7 and Game regional guide as being used by fish for spawning, incubation, rearing, or migration
8 after the effective date 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 habitat in a lake, river, or stream.
17 The commissioner shall consider multiple appropriations of water for a single related use as a
18 single appropriation for the purposes of this subsection.

19 (h) In this section, "fish" means a species of anadromous or freshwater fish that may be
20 taken under regulations of the Board of Fisheries.

21 • Sec. 2. This Act takes effect immediately under AS 01.10.070(c).