

# MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

## CHAIRPERSON

Mike Wood

## VICE CHAIR

Andy Couch

## MSB STAFF

Ted Eischeid



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Howard Delo

Larry Engel

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Peter Probasco

Jesse Sumner

Kendra Zamzow

*Ex officio:* Jim Sykes

# FISH AND WILDLIFE COMMISSION

## **MEETING PACKET – TABLE OF CONTENTS**

### **Special Meeting**

**June 2, 2022**

- 1 = Agenda
- 3 = Water Reservation Questions/Answers from DNR
- 9 = Alaska Interagency Water Rights Course
- 23 = AK Water Resources Board Fact Sheet

Planning and Land Use Department - Planning Division

Cell Phone (907) 795-6281

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## MATANUSKA-SUSITNA BOROUGH MSB Fish and Wildlife Commission Agenda

Edna Devries, Mayor

Mike Wood – Chair  
 Andy Couch – Vice Chair  
 Howard Delo  
 Larry Engel  
 Tim Hale  
 Peter Probasco  
 Jesse Sumner  
 Kendra Zamzow  
 Jim Sykes – Ex officio member

Ted Eischeid - Staff



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT  
 Alex Strawn, Planning & Land Use Director  
 Kim Sollien, Planning Services Manager  
 Jason Ortiz, Development Services Manager  
 Fred Wagner, Platting Officer

*Lower Level Conference Room  
 Dorothy Swanda Jones Building  
 350 E. Dahlia Avenue, Palmer*

**June 2, 2022**

**AGENDA**

**SPECIAL MEETING**

4:00 p.m.

### Ways to participate in MSB Fish and Wildlife Commission meetings:

IN PERSON: Lower Level Conference Room, DSJ Building, 350 Dahlia Ave., Palmer.

REMOTE PARTICIPATION:

### Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)**

**+1 907-290-7880,,490087209#** United States, Anchorage

Phone **Conference ID: 490 087 209#**

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- 
- I. CALL TO ORDER
  - II. ROLL CALL – DETERMINATION OF QUORUM/LAND ACKNOWLEDGEMENT
  - III. APPROVAL OF AGENDA
  - IV. PLEDGE OF ALLEGIANCE
  - V. INTRODUCTIONS
    - A. MSB FWC/Opening Statement ~ 5 minutes
    - B. DNR/Opening Statement ~ 5 minutes
    - C. ADF&G/Opening Statement ~ 5 minutes

- VI. AUDIENCE PARTICIPATION (*~three minutes per person, for items not scheduled for public hearing*) ~ 20 minutes
- VII. STAFF/AGENCY REPORTS & PRESENTATIONS
- VIII. NEW BUSINESS
  - A. Water Reservation Question Review and Dialogue ~ 60 minutes
- IX. MEMBER COMMENTS ~ 15 minutes
  - A. DNR/ADF&G
  - B. FWC
- X. NEXT MEETING DATE: September 15, 4:00 PM, LLCR
- XI. ADJOURNMENT

**Disabled persons needing reasonable accommodation in order to participate at a MSB Fish and Wildlife Commission Meeting should contact the borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.**

**Version 1: Draft MSB Fish & Wildlife Questions to DNR/ADFG for June 2 Special Meeting***Approved as amended at 5/19/22 FWC meeting***WITH ANSWERS PROVIDED BY D.N.R.****A. On water reservation applications**

1. Please provide a list of water reservation applications (both applied for and granted) for Mat-Su Borough lakes and streams and a map of application locations. Please include links to the DNR's website, or electronic copies of the items below for each application:

- applicant name(s)
- name and coordinates of the water body
- date of application filing (priority date)
- Land Administrative System (LAS) number
- reason(s) for water reservation requested
- amounts of water requested by month or season
- current status of all applications received (e.g. original application requests still pending adjudication, applications in the process of adjudication, applications pending 10-year reviews, and applications in the process of 10-year reviews)
- for applications granted: original date granted and amounts of water and any special conditions
- for applications granted: date 10-year reviews were initiated, completed, or other status
- copies of original and amended reservations of water applications
- copies of certificates of reservations
- copies of findings of fact and conclusions of law
- final results documentation for 10-year reviews

*All of this information highlighted and requested above needs to go through a public records request.*

Are there any active plans to put this information online for convenient public use?

DNR's website to look up water allocation information: [Home Page - Alaska Mapper](https://mapper.dnr.alaska.gov/)  
<https://mapper.dnr.alaska.gov/>

2. What is the criteria used to determine the order in which applications are addressed for a decision?

In general, DNR attempts to go from oldest to newest; however, there are other variables that affect when an application is adjudicated. For example, if additional information is needed, controversy of an area where the waterbody is located, importance of the resource at risk, etc.

3. It seems many Alaskans don't understand the rules governing water uses and reservations. Presently there seems to be relatively few competing demands for water, but as time goes on competition will surely increase. Does DNR have plans to better educate the public regarding water laws and uses?

DNR has provided educational conference/training to various groups throughout time; however, due to decreased funding, we are unable to travel to provide regular and reoccurring training sessions. DNR has done virtual presentations but only on an as needed basis.

Version 1 Water Reservation Questions-Approved as amended

**B. On water reservation application approvals**

1. What are the primary reasons that water reservation applications take so long to receive a DNR decision?

The length of time it takes to adjudicate an application depends on several possible factors. The first and foremost is the lack of staff to adjudicate these files. Reservations of water are a voluntary application and not required by law, unlike traditional water rights where most of the applications are required by law and budget goes towards that rather than an application that is not mandatory (ie. Reservations).

Second, each application is unique and may require varying levels of time to adjudicate (such as additional data requests, public education presentations, etc).

2. Why have water reservation requests for streams such as Wasilla Creek and Sheep Creek (near Caswell) been waiting for a decision for over a decade?

For clarity, Wasilla Creek was issued a Certificate of Reservation in 2017, and Sheep Creek has yet to be adjudicated. Wasilla Creek was adjudicated before others because there were competing applications (water rights) from the same source and limited water was available (competing interests generally call for all applications within the same water source to be adjudicated at the same time).

As stated in question #1, the first and foremost reason for lag time is the lack of staff to adjudicate these files. Reservations of water are a voluntary application and not required by law, unlike traditional water rights where most of the applications are required by law and budget goes towards that rather than an application that is not mandatory (ie. Reservations).

3. What can be done to improve the application decision process?

The decision process for adjudicating reservation applications is done according to the laws and regulations. Each casefile is individually unique and may require additional time to obtain information needed for adjudication. The program would benefit and increase its speediness for processing applications if additional personnel were hired.

4. The flow of Cottonwood Creek is much greater than the amount allowed to be reserved for fish in the approved certificate of reservation. How does DNR determine that only a portion of a specific percentage of historic stream flow is needed for fish / wildlife / recreation on a stream with very limited stream flow like Cottonwood Creek?

When adjudicating flows for reservations, keep in mind that each case file is unique based on its hydrology, species of fish/wildlife, fish/wildlife periodicity, other allocations, and any other variable that may play into determining necessary flows. DNR strives to reach a balance between resource protection and public interest criteria.

5. How can we, the MSB FWC, contribute to improving this process and the decision outcomes?

MSB FWC should continue to comment during the public/agency notice time period. Comments received during that time are used in the decision process.

Version 1 Water Reservation Questions-Approved as amended

**C. On reservation certificate reviews**

- Issued water reservation certificates are, under the law, required to be reviewed by DNR at least every 10 years.

1. Why isn't this requirement regularly occurring?

Again, the lack of staff to conduct this part of the process is the main reason they aren't done on a regular basis.

2. Why are streams that have had certificates for less than 10 years being reviewed? [Context: They should not have the certificate reviewed unless there is a particular reason to do so, and that reason should be stated clearly in the public notice of review.]

It is unclear as to which certificates you mean. All certificates that have been reviewed have been over 10 years.

2. What goes into DNR's decision of which ISF certificates to review?

Oldest to newest depending on information/data requests.

4. Why is DNR starting 10-year reviews of certain Mat-Su Valley streams when there are many other Mat-Su streams whose water rights have not yet been adjudicated?

Water right adjudications are done separately from reservations. The 10-Year reviews are mandated by law and are done, generally, in order of oldest to newest.

5. When doing a water allocation review why is it that DNR only resets water allocations at the same level or at a lesser level?

When doing reviews, DNR can not increase flows. The option to maintain or reduce flows are the only option for DNR. If there is a need for additional flow, a second application with a separate priority date will need to be filed.

- Does this equal or lessening pattern have a likelihood of negatively impacting the original reason for a specific water allocation?

The only reason a certificate may have reduce flows is if it doesn't meet the criteria of the review in 11 AAC 93.147 (b):

"Upon review of a reservation of water, the commissioner will determine

- (1) if the purpose for the reservation still applies
- (2) if the need for the reservation still exists
- (3) the effects of the reservation on prior appropriators;
- (4) the effects of the reservation on the public interest;"
- (5) repealed 11/7/90;
- (6) if additional physical, biological, water chemistry, and socio-economic data or reports concerning the reservation are available;
- (7) if the quantity or level of water reserved is adequate for the purposes of the reservation;
- (8) if the daily duration and months of the year of the reservation still apply; and
- (9) if additional research, data collection, and analysis should be conducted, or different methodologies employed for reviewing the reservation.

Version 1 Water Reservation Questions-Approved as amended

- Is the decision to reduce the flow unilateral (by DNR), or is the certificate holder contacted and conferred with before the decision is made?

DNR does discuss the certificate flows with the certificate holder; however, it is DNR who makes the final determination. If the certificate holder disagrees with DNR's decision, they have the opportunity to appeal that decision.

- Based on information collected during the DNR review, could DNR provide a third option of recommending to the certificate holder that they apply for a greater amount of flow?

It is up to the applicant/certificate holder to choose whether they feel the need for additional flows.

#### **D. Public process**

1. If DNR wants to have a robust and meaningful public comment on instream flow reservations, could the comment period be longer?

According to AS 46.15.133, the time period for comments is set at 15 days. Unfortunately, this statute is very difficult to change. However, an extension for time may be requested if made prior to the notice deadline.

- Why is the review period so brief? [Context: For example, the last review on Cottonwood Creek did not provide enough time for this Commission to comment -- even though we meet mostly on a monthly basis during the fall / winter / spring. A comment period of 60 days would allow us to receive notice, discuss the review at a public meeting, and provide DNR with comments.]

Again, the 15 day time period is set in statute. DNR may extend the deadline period if there are extenuating circumstances.

- Does the miniscule amount of public comments about instream flow reservations for both Willow Creek and Cottonwood Creek raise any concerns with DNR that perhaps better public notice and more time to respond should be standard operating procedure? Why or why not?

In most cases, DNR is aware of potential other water uses in the areas; however, the comments received during notice are reviewed to determine whether they will affect the reservation flows, either positive or negative.

2. Would it be possible to provide the link to the original application for a certificate and the original DNR decision in the public notice?

- [Context: To avoid the need for the Fish & Wildlife Commission to have to request the information each time, and to provide better overall information to the public, it would be useful to either have a link in or a document associated with the public notice with this information.]

Unfortunately, this cannot be done. If the application/certificate would be connected with the notice, this would require those additional items to be noticed in the newspapers as well. This is extremely expensive and not an option. The public and agencies will need to continue to request the information from DNR.

Version 1 Water Reservation Questions-Approved as amended



3. How can we and other interested parties, including the public, make sure we are apprised of all reservation of water public comment opportunities (original application adjudications, 10-year reviews, etc.) and other related water rights actions in both the Mat-Su and for other parts of Alaska?

As mentioned above, anyone can sign up to be notified for when public/agency notice goes out for comments. Any time an application or review is adjudicated, notice is sent out.

4. Has DNR evaluated the merits of reestablishing the Alaska Resources Water Board (AS 46.15.190) to help better represent and take into account the perspectives of all public water stakeholder interests, including to facilitate better public participation in development and support of constructive regulation and statutory proposals?

The process of reestablishing the AK Resources Water Board has been discussed previously, but for the full details about this, please contact Tom Barrett, Water Resources Chief (907) 269-8645.

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Questions were primarily addressed by DNR (with some assistance by ADF&G); however, any additional questions regarding ADF&G's side of the adjudication process should be answered by ADF&G.

Thank you for considering our questions. We would like to receive brief written responses to these questions as appropriate by the end of business on Tuesday, May 31. This will give time for the FWC to consider the responses and form the context to a productive discussion on June 2 at 4 PM.

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LINK To Original Document: <https://www.arlis.org/docs/vol1/L/AlaskaWaterRights/index.html>

# Alaska Interagency Water Rights Course No. 1730-26

LINK to this page: <https://www.arlis.org/docs/vol1/L/AlaskaWaterRights/index.html>

**October 24-28, 2016 -- Campbell Creek Science Center --  
Anchorage, Alaska**

All documents are provided in Adobe PDF format or as JPG images. Some documents are available in additional formats as noted.

Link to [the descriptive record in ARLIS's public catalog](#).

*This webpage last updated August 27, 2020.*

LINKS VIA ARLIS DOCUMENT SERVER

## General Information

[Participant Notebook Table of Contents](#) -- Dated Oct. 16, 2016 (as distributed for the course).

Daily Introduction (*PowerPoint presentation*)

- [Slides \(PDF format\)](#)
- [Original PowerPoint file](#)

[Daily Evaluation Survey Links](#)

## Post-Course Additions

[Participant Notebook Table of Contents](#) -- Revised Dec. 15, 2016

[Photographs](#)

## DAY 1 -- OCTOBER 24

**Course Information ; Basic Concepts & Procedures ; Federal Reserved Water Rights ; Introduction to Case Study**

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## Course Information

[Week At a Glance Schedule](#)

[Course Goals, Objectives, and Target Audience](#)

[Detailed Schedule](#)

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## Introduction to Alaska Water Rights

Alaska Water Rights : Basic Terms, Concepts & Processes *(slide presentation by Lin Fehlmann)*

- [Slides \(PDF format\)](#)
  - [Slides with speaker notes \(PDF format\)](#)
  - [Original PowerPoint file](#)
- 

## Introduction to Federal Reserved Water Rights

Federal Reserved Water Rights : an Introduction *(slide presentation by Roy Smith)*

- [Slides \(PDF format\)](#)
- [Original PowerPoint file](#)

## U.S. Fish and Wildlife Service Settlements

- [Red Rock Lakes National Wildlife Refuge](#) -- "Water Rights Compact, State of Montana United States of America, National Park Service"
- [Charles M. Russel National Wildlife Refuge](#) -- "Water Rights Compact Between the State of Montana and the United States of America, Fish and Wildlife Service, Charles M. Russell National Wildlife Refuge"
- [Leadville National Fish Hatchery](#) -- "Concerning the Application For Water Rights of the United States of America In Water Division No. 2, Lake County. Finding of Fact, Conclusions of Law, and Decree"

## National Park Service Settlements

- [Compact for Glacier National Park and other areas](#) -- "Water Rights Compact State of Montana United States of America, National Park Service." -- From Montana Code Annotated 2015
- [Draft briefing statement concerning Glacier National Park](#) -- "Water Rights Compact State Between the State of Montana and the USA, National Park Service"
- [Zion National Park Water Rights Settlement Agreement](#)

## Forest Service Settlements

- [Bighorn National Forest and Shoshone National Forest decree](#) -- "Final Phase II Decree Covering the United States' Non-Indian Claims"
- [Pike National Forest decree](#) -- "Findings and Ruling of the Referee and Decree of the Water Court"
- [Rio Grande National Forest and Gunnison National Forest decree](#) -- "Findings of Fact, Conclusions of Law, and Judgment and Decree Concerning the Application For Water Rights of the United States of America In Alamosa, Archuleta, Conejos, Hinsdale, Mineral, Rio Grande, Saguache, Costilla, and San Juan Counties, Colorado"

## Wild and Scenic Rivers Act Settlements

- [Cache La Poudre Wild and Scenic River](#) -- "Revised Findings of Fact, Conclusions of Law and Decree Concerning the Application of the United States of America For Reserved Water

Rights For the Cache La Poudre Wild and Scenic River In Larimer County (Rocky Mountain National Park and Roosevelt National Forest)"

- [Rio Chama Adjudication, Consent Order](#)
- [Upper Missouri National Wild and Scenic River](#) -- "Water Rights Compact, State of Montana, United States of America, Bureau of Land Management" -- From Montana Code Annotated 2007
- [Salmon Wild and Scenic River](#) -- "Partial Decree For Federal Reserved Water Rights 75-13316 and 77-11941, Salmon Wild and Scenic River"

## Historical Documents

- [State Agency Federal Reserved Water Rights Pre-Meeting, August 28, 1985](#) -- Includes: Senate Bill No. 150 introduced Feb. 12, 1985 ; Transcript of Federal Reserved Water Rights presentations at Alaska Water Resources Board Meeting, Mar. 5, 1985 ; Letter on Instream flow water reservation to Jack Sedwick from Wilson L. Condon, Nov. 19, 1982

For more documents from the Alaska Water Resources Board, see [ARLIS's webpage for the Board](#).

- [Federal Reserved Water Rights, State-Federal Agency Meeting, Anchorage, AK - August 29, 1985](#) -- Includes: Meeting summaries for Aug. 28 and 29 with cover letter from Esther C. Wunnicke ; Governor Sheffield's transmittal letter to Senator Bennett ; Senate Bill No. 150 introduced Feb. 12, 1985 ; Federal reserved water rights inventory ; August 29 agenda and attendees list ; Letters from Esther C. Wunnicke ; Inventory forms for reserved lands
- [Federal Reserved Water Rights Work Group, November 7, 1985, Anchorage, Alaska](#) -- Includes: Meeting summary, agenda, and attendees list with cover letter from Mary Lu Harle ; Senate Bill 150 proposed amendments and rationale ; Federal Reserved Water Rights inventory ; Senate Bill No. 150 introduced Feb. 12, 1985
- [Federal Reserved Water Rights Work Group, November 13, 1986](#) -- Includes: Meeting summary, agenda, and attendees list ; Contract ; Resolution of the Western States Water Council regarding sequestration of USGS Federal/State Cooperative Program Funds

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## Case Study Exercise

[Case Study: Great North National Monument and Preserve](#)

[Map](#)

## Post-Course Additions - Day 1

[Case Study: Great North National Monument and Preserve](#)

Introduction To Water Rights Management (*slide presentation by John Trawicki*)

- [Slides \(PDF format\)](#)
- [Slides with speaker notes \(PDF format\)](#)
- [Original PowerPoint file](#)

**DAY 2 -- OCTOBER 25****Alaska Department of Natural Resources**

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**General**

[A Presentation on Water Rights In Alaska](#) (slide presentation by David W. Schade)

[Federal Water Rights Training : Reservations of Water In Alaska](#) (slide presentation by David W. Schade and Kim Sager)

[Alaska Department of Natural Resources Website : Screenshots on Getting Technical Information](#)

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**Water Rights - Additional Resources**

[State of Alaska Water Rights Certificate of Reservation](#)

[State of Alaska Water Rights Certificate of Appropriation](#) -- For a drilled well

[State of Alaska Water Rights Permit and Certificate of Appropriation](#) -- For a spring

[State of Alaska Water Rights Certificate of Appropriation](#) -- For a reservoir

[2013 Annual Report / State of Alaska Citizens' Advisory Commission on Federal Areas](#)

**Post-Course Additions - Day 2**

[Question and answer session with Department of Natural Resources and Class Participants, October 25, 2016](#)

**DAY 3 -- OCTOBER 26****Developing Strategies ; Break-Out Sessions ; Technical Workshop 1 : Obtaining & Managing State Rights**

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**Agency Wide Strategies**

[Developing Agency-wide Water Rights Strategies : Outline For Panel Discussion](#)

[Alaska Water Rights : Roles of Agency Personnel and Legal Counsel](#)

[The Witness Guidebook : Practical Suggestions For Testifying In Litigation](#)

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**Federal Agency Break-Out Sessions**

[Discussion Outline](#)

## Bureau of Land Management

- [BLM MS-7250 - Water Rights Manual](#)
- [Bureau of Land Management Congressionally Designated Special Management Areas - Alaska](#)
- [Instream Flow Water Rights For BLM In Alaska](#)
- [Federal Reserved Water Rights - Alaska - Bureau of Land Management](#)
- [Water & Scenic Rivers Act](#)

## Forest Service

- [Federal Reserved Water Rights - Alaska - U.S. Forest Service](#)
- [Proclamation 4611 - Admiralty Island National Monument, December 1, 1978](#)
- [Proclamation 4623 - Misty Fiords National Monument, December 1, 1978](#)
- [Public Law 96-487 \(ANILCA\), December 2, 1980, Section 703 "Designation of Wilderness Within National Forest System"](#)
- [Section 202 : Wilderness Designation](#) -- Text of H.R. 987 Tongass Timber Reform Act : Amendment to Section 703 of ANILCA
- [The Wilderness Act of 1964 : Wilderness-language](#) -- Excerpts from Sections 2 and 4
- [Wilderness System Established Statement of Policy Wilderness : Sections 1 and 2 only](#)
- [Forest Service Organic Administration Act of 1897 : a Summary](#)
- [Multiple-Use Sustained Yield Act of 1960 : a Summary](#)
- [Forest Service Manual - FSM 2540 : Watershed and Air Management. Chapter 2540 : Water Uses and Development. Amendment No. 2500-2007-1](#) -- Amendment from National Headquarters (Washington, D.C.), September 4, 2007
- [Forest Service Manual - FSM 2540 Direction : Reserved Rights Claimed Under the Organic Act of 1897](#)
- [Chugach National Forest Proclamations Index](#)
- [Tongass National Forest Proclamations Index](#)
- [U.S. Forest Service Congressionally Designated Special Management Areas - Alaska](#)
- Region 10 Water Supply Systems Database
  - [PDF version](#)
  - [Original Microsoft Excel version](#)

## National Park Service

- [Director's Order #35A : Sale Or Lease of Park Services, Resources, or Water In Support of Activities Outside the Boundaries of National Park Areas](#)
- [Director's Order #35B : Cost Recovery for National Park Service Provided Utilities](#)
- [Water Rights Program](#) -- Program Brief
- [National Park Service Procedural Manual #77-1 : Wetland Protection](#)
- [Management Policies 2006](#)

- [Federal Reserved Water Rights - Alaska - National Park Service](#)
- [Water & Scenic Rivers Act](#)

#### U.S. Fish and Wildlife Service

- [Fish and Wildlife Service Manual, Part 403, FW 1 : Policy, Objectives, and Responsibilities](#)
  - [Fish and Wildlife Service Manual, Part 403, FW 2 : Authorities and Definitions](#)
  - [Public Law 105-57 : National Wildlife Refuge System Improvement Act of 1997](#)
  - [Clean Water Act : Section 404 : National Guidance Water Quality Standards for Wetlands](#)
  - [Status of Federal Reserved Water Rights For Alaska Wildlife Refuges](#)
  - [The Wilderness Act of 1964 : Wilderness-language](#) -- Excerpts from Sections 2 and 4
  - [Wilderness System Established Statement of Policy Wilderness : Sections 1 and 2 only](#)
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#### Field Data

[Standard Water Use Quantities](#) -- Alaska 11 AAC 93.040(d)

[Conversions and Equations](#)

[Water Developments](#) -- BLM Manual Handbook 1741-2

[Common Methods of Measuring Water As Practiced In Western States](#) -- Published by State of Nevada, State Engineer's Office, 1986

[Capacities of Cylindrical Tanks](#) -- Two tables

[How To Calculate Stock Pond Water Volumes And Depth Without Getting Your Feet Wet](#) -- By E. Felix

#### Forms -- Alaska

- [Water Uses Identifier Information -- Alaska](#)

#### Forms -- U.S. Fish and Wildlife Service, Water Resources Branch

- [Discharge Measure Notes; and, Surface Water Quality Notes](#)
- [ADCP Discharge Measurement Notes](#)
- [Discharge Measurement Notes--Ice Cover](#)
- [Surface-Water Quality Field Notes](#)
- [Peg Test of Engineer's Level](#)
- [Wire Weight and Photo Notesheet](#)

#### Forms -- National Park Service, Natural Resource Stewardship and Science

- [Monitoring Freshwater Systems In the Southwest Alaska Network. Protocol Narrative](#) -- By Jeff Shearer, Claudette Moore, and Krista K. Bartz. (Series: Natural Resource Report NPS/SWAN/NRR ; 2015/925)



- [Monitoring Freshwater Systems In the Southwest Alaska Network. Standard Operating Procedures](#) -- By Jeff Shearer, Claudette Moore, Krista K. Bartz, Evan C.J. Booher, and Jeff Nelson. (Series: Natural Resource Report NPS/SWAN/NRR ; 2015/925.1)

## Field Preparation

- [Water Source Inventory](#)
  - [Sources of Information For Locating Water Sources](#)
  - [Pre Field Trip Check List](#)
- 

## Exercise

### [Generating a Water Right Application -- Exercise](#)

[Campbell Creek Science Center Well form](#) -- A completed form of the type "Water Uses Identifier Information -- Alaska"

Maps and Photos For the Exercise: Campbell Creek Science Center Well

- [PDF version](#)
  - [Original PowerPoint file](#)
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## Land Use Authorizations

Water-Related Rights-of-Way and Special Use Permits On Federal Lands (slide presentation by Roy Smith)

- [Slides \(PDF format\)](#)
- [Slides with speaker notes \(PDF format\)](#)
- [Original PowerPoint file](#)

### [Alaska National Interest Lands Conservation Act. Part 36](#)

[H-2801-1 : Right-of-Way plans of Development and Grants](#) -- from the BLM Manual

[FSH 2709.11 - Special Uses Handbook, Chapter 50: Terms and conditions](#) -- From the Forest Service handbook

[U.S. Fish & Wildlife Service Right-of-Way regulations](#) -- From: 50 CFR, Chapter 1, Part 29. Land Use Management (sections 29 to 29.21-5)

[Director's Order #35A : Sale Or Lease of Park Services, Resources, Or Water In Support of Activities Outside the Boundaries of National Park Areas](#) -- National Park Service

[Forest Service Manual - FSM 2500 : Watershed and Air Management. Chapter 2540 : Water Uses and Development. Supplement No. 2500-2001-1](#) -- Supplement from Southwestern Region (Region 3), September 5, 2001

[Technical Guide To Ground Water Resource Management](#) -- (Series: FS-881)

[2005 Skyline Ditch Company Operating Plan](#) -- U.S. Forest Service

[Record of Decision, Kane Springs Valley Groundwater Development Project](#) -- A sample right-of-way (ROW) decision

[Washoe County, Nevada v. U.S. : United States Court of Appeals for the Federal Circuit](#) -- Appeals decision

[IBLA 80-603 : Decision concerning Grant L. Hacking](#) -- Administrative Judge: Joan B. Thompson

[IBLA 90-410 : King's Meadow Ranch Decision](#) -- Administrative Judge: David L. Hughes

[IBLA 79-411 : Eugene V. Vogel Decision](#) -- Administrative Judge: Bruce R. Harris

[IBLA 95-255 : George W. Philp Decision](#) -- Administrative Judge: James W. Terry

[IBLA 2007-216 : Michael & Edith Lederhause Decision](#) -- Administrative Judge: Sara B. Greenberg

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## Land Tenure Actions

Water Rights & Land Tenure *(slide presentation by Lin Fehlmann)*

- [Slides \(PDF format\)](#)
- [Slides with speaker notes \(PDF format\)](#)
- [Original PowerPoint file](#)

[Alaska Statutes : Change of Ownership of Water Rights](#) -- Sections 46.15.160 and 170

[Transfer of ownership form](#) -- Alaska Division of Mining, Land & Water. Water Resources Section

[ANILCA, Land Acquisition Authority](#) -- Public Law 96-487 (94 Stat. 2474), Section 1302

[H-2200-1 Land Exchange Handbook \(Public\)](#) -- U.S. Bureau of Land Management

[Acquisition Process Checklist](#) -- U.S. Bureau of Land Management

[FSH 5409.13 - Chapter 30 : Implementation Schedule : Land-For-Land Exchange](#) -- From the Forest Service handbook.

[FSH 5409.13 - Chapter 32.45 : Water Rights Analysis](#) -- From the Forest Service handbook. Includes 32.43 and 32.44.

[Checklist For Acquiring/Purchasing Water Rights](#) -- United States Forest Service, Region 3

[Fish and Wildlife Service Manual, Part 403, FW 3, Acquisition and Protection](#)

[Water Rights Determination Procedures](#)

[Protocol Water Rights Determination Requests For properties To Be Acquired By the Division of Realty and Natural Resources](#)

[Water Rights Determination Checklist](#)

[Director's Order # 35A: Sale or Lease of Park Services, Resources, or Water in Support of Activities Outside the Boundaries of National Park Areas](#) -- National Park Service

[General Warranty Deed \(Without Liens Or Encumbrances\)](#) -- John T. Neal

[Special Warrenty Deed \(Water Rights\)](#) -- The Conservation Fund (Maryland)

[Quit Claim Deed \(Water Rights\)](#) -- Municipal Subdistrict, Northern Colorado Water Conservacy District

Overview of Conservation Easements And Water *(slide presentation by Lin Fehlmann)*

- [Slides \(PDF format\)](#)
- [Slides with speaker notes \(PDF format\)](#)

- [Original PowerPoint file](#)

[Conservation Easements and Water Rights](#) -- Presented by Peter D. Nichols at the Southwest Land Trust Conference in 2004

[Example: Cosumnes River : Exhibit C \(Paragraph 4\), Permitted Uses of the Property](#)

[Example: Cosumnes River : Exhibit D \(Paragraph 5\), Prohibited Uses of the Property](#)

[Land Trusts And Water : Strategies And Resources For Addressing Water In Western Land Conservation](#) -- By Sarah Bates. Land Trust Alliance, c2014.

### Post-Course Additions - Day 3

[Developing Agency-Wide Water Right Strategies : Agency Responses](#)

[BLM Alaska Reservations of Water Application Status](#)

[Agency Break-Out Sessions - BLM Notes : Discussion Outline](#)

[Agency Break-Out Sessions - FWS Notes : Discussion Outline](#)

[Agency Break-Out Sessions - NPS Notes : Discussion Outline](#)

[Agency Break-Out Sessions - USFS Notes : Discussion Outline](#)

## DAY 4 -- OCTOBER 27

### Technical Workshop 2 : Instream Flow and Lake Protection

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#### Obtaining Instream Flow Reservations : A U.S. Fish & Wildlife Service Case Study - Uganik River Presentation

Protection of Surface Waters Through the State of Alaska On Alaska Refuges : Case Study of Uganik River Reservation of Water Within Kodiak National Wildlife Refuge (*slide presentation by Cathy Flanagan and Kim Sager*) -- The [revised version](#) is listed in the "Post-Course Documents" section.

- [Slides with speaker notes \(PDF format\)](#)
- [Original PowerPoint file](#)

[Uganik River Reservation of Water, LAS 23806 & 29880 : Finding of Facts, Conclusions of Law, and Decision](#) -- Alaska Department of Natural Resources. Division of Mining, Land, and Water

[Attachment C. Instream Water Right Analysis Process](#)

[US FWS Winter Flow Recommendations For Reservation of Water For Instreamflow](#)

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#### Alaska Department of Fish & Game Perspective On Reservations of Water

[Reserving Water For Instream Use](#) -- Fact sheet from Alaska Department of Natural Resources, Water Resources Section

[Surface-Water Data Manual For the Statewide Aquatic Resources Coordination Unit](#) -- by Joe Klein. (Series: Special Publication ; no. 13-05)

[Review And Analysis of Methods For Quantifying Instream Flow Requirements](#) -- By Christopher C. Estes and John F. Orsborn

[An Assessment of Instream Flow Protection In Alaska](#) -- By Mary Lu Harle and Christopher C. Estes. (From: Instream Flow Protection In the West / edited by Lawrence J. MacDonnell and Teresa A. Rice. Revised edition)

[Opportunities To Protect Instream Flows In Alaska](#) -- By Mary Ray White. (Series: FWS/OBS ; 82/33)

[Instream flow bibliography](#) -- A bibliography of 14 titles

[Russian River Application For Reservation of Water](#) -- Form For Alaska Division of Mining, Land and Water. Water Resources Section ; completed by Joe Klein, Alaska Department of Fish and Game

[State of Alaska Water Rights, Certificate of Reservation, LAS 28751, granted to Alaska Department of Fish and Game for Russian River](#)

[Russian River Reservation of Water; LAS 28751 : Finding of Facts, Conclusions of Law, and Decision](#) -- Alaska Department of Natural Resources. Division of Mining, Land, and Water

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## Exercise

[South Fork Campbell Creek Instream Flow Reservation Discussion/Exercise](#)

Attachment for: [South Fork Campbell Creek Instream Flow Reservation Exercise](#)

[South Fork Campbell Creek Application For Reservation of Water](#) -- Applicant: Alaska Department of Fish and Game

[State of Alaska Water Rights, Certificate of Reservation, LAS 13222, granted to Alaska Department of Fish and Game for South Fork Campbell Creek](#)

[Decision for LAS 13222, South Fork of Campbell Creek Instream Flow Reservation LAS 13222, Finding of Fact, Conclusions of Law and Decision](#) -- Alaska Department of Natural Resources. Division of Mining, Land, and Water

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## Alaska Department of Natural Resources Technical Review Process For Reservation Applications

Adjudication of a Reservation of Water Application : the Process (slide presentation by Kimberly Sager) -- The [revised version](#) is listed in the "Post-Course Documents" section.

- [Slides \(PDF format\)](#) -- There were no speaker notes
- [Original PowerPoint file](#)

[State of Alaska Water Rights, Certificate of Reservation, LAS 11975, granted to Alaska Department of Fish and Game for Meadow Creek](#)

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## Evolution of Alaska's Reservation of Water Program and Future Challenges/Opportunities

Alaska's Evolution of Water Opportunities : Why Reserve Water? & Class Highlights (*slide presentation by Christopher Estes*) -- The [revised version](#) is listed in the "Post-Course Documents" section.

- [Slides with speaker notes \(PDF format\)](#)
- [Original PowerPoint file](#)

[Alaska's Instream Flow Program](#) -- By Christopher C. Estes and Mary Lu Harle

[Alaska Legislature Considers Innovative Instream Flow Law](#) -- By Robert T. Anderson

[Interagency Water Data Issues Group : Work Session Report](#) -- By James A. Munter. (*Series: Administrative report ; 92-1*)

[An Assessment of Instream Flow Protection In Alaska](#) -- By Mary Lu Harle and Christopher C. Estes. (*From: Instream Flow Protection In the West / edited by Lawrence J. MacDonnell and Teresa A. Rice. Revised edition*)

[Alaska's Instream Flow Program - Annual Summary of Alaska Department of Fish and Game Instream Flow Reservation Applications](#) -- Reviewed by Liter E. Spence of *Annual Summary of Alaska Department of Fish and Game Instream Flow Reservation Applications* by Christopher C. Estes.

[June 2002 Memorandum of Understanding : Instream Flow Applications and Adjudication, Alaska Department of Natural Resources, Alaska Department of Fish and Game](#)

[Interagency Coordination Agreement On Title 16 and Water Issues](#) -- Memorandums between Alaska Department of Natural Resources and Alaska Department of Fish and Game

[Mapping Alaska's Water : the Alaska hydrography database](#) -- By Kacy Krieger

[Notice of Availability-Request For Public Comments On the Draft EPA-USGS Technical Report: Protecting Aquatic Life From Effects of Hydrologic Alteration](#) -- Letter to Diana Eignor (EPA) from Ronald J. Regan (Association of Fish & Wildlife Agencies)

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## Instream Flow Reservation Panel

[Working Together On Instream Flow Reservations : Outline For Panel Discussion](#)

## Post-Course Additions - Day 4

[Working Together On Instream Flow Reservations : Panel Discussion Notes](#)

Protection of Surface Waters Through the State of Alaska On Alaska Refuges : Case Study of Uganik River Reservation of Water Within Kodiak National Wildlife Refuge (*slide presentation by Cathy Flanagan and Kim Sager. Revised version*)

- [Slides \(PDF format\)](#)
- [Slides with speaker notes \(PDF format\)](#)
- [Original PowerPoint file](#)

Alaska's Reservation of Water Opportunities : Why Reserve Water? & Class Highlights (*slide presentation by Christopher Estes. Revised version*)

- [Slides with speaker notes \(PDF format\)](#)
- [Original PowerPoint file](#)

Adjudication of a Reservation of Water Application : the Process (slide presentation by Kimberly Sager. Revised version)

- [Slides \(PDF format\)](#)
- [Slides with speaker notes \(PDF format\)](#)
- [Original PowerPoint file](#)

## DAY 5 -- OCTOBER 28

### Facilitated Discussion of Participant Issues

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Only post-course material is available for this day.

#### Post-Course Additions - Day 5

[Facilitated Discussion - Participant Topics/Issues Friday, October 28, 2016](#)

## REFERENCES

[Alaska Water Rights References - Master List](#) -- Revised March 2022

Brougher, Cynthia. 2009. [The Wild and Scenic Rivers Act and federal water rights](#). -- [April 1, 2009 version]. -- [Washington, D.C.] : Congressional Research Service, [2009]. (CRS report for Congress ; 7-5700, RL30809).

[Water Rights : Alaska Glossary of Water Terms](#)

[Statutory and Regulatory Definitions For the Alaska Water Use Act and For Dam Safety](#) --

Includes:

- 1) AS Sec. 46.15.260 : Water Act Statutory Definitions
- 2) 11 AAC 93.970 : Water Act Regulatory Definitions
- 3) AS Sec. 46.17.900 : Dam Safety Statutory Definitions
- 4) 11 AAC 93.201 : Dam Safety Regulatory Definitions

[The Use of State Instream Flow Laws For Federal Lands : Respecting State Control While Meeting Federal Purposes](#) -- By Adell Louise Amos

[Water Rights -- Volume 2, no. 3 \(March 1989\)](#) -- Newsletter from American Society of Civil Engineers. The first article is "Alaska Moves To Protect In Stream Flows Feds Cannot"

[PNP Hatchery Regulations](#) -- Memorandum to Lance Trasky from Christopher Estes about Private Nonprofit salmon hatcheries

[Alaska Water Rights Fact Sheet](#)

[Quick Guide For Retrieving Alaska Department of Natural Resources Water Rights and Reservations of Water](#)

Alaska Water Resources Board Historical Materials

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# Fact Sheet



Division of Mining, Land & Water – January 2000

## Alaska Water Resources Board

### ***What is the purpose of the Alaska Water Resources Board?***

The seven-member Water Resources Board advises the Governor on all matters relating to the use and appropriation of water. This includes reviewing bills, statutes, and regulations governing water rights, multi-purpose uses of water, prevention of pollution, protection of fish and game, water resources studies and plans, water resources development, and dams, impoundments and reservoirs. The Alaska Water Resources Board was established by Article 3 of Alaska Statute 46.15, the Water Use Act, which was enacted in 1966.

### ***Membership***

The Board is composed of seven citizen-members appointed by the Governor and confirmed by the Legislature, who have knowledge about the use, conservation, and protection of water in Alaska. Board members serve four-year terms of office and represent a geographic diversity and a variety of occupations and professions associated with water resources. Persons interested in becoming a member of the Water Resources Board can contact the Director of Boards and Commissioner in the Governor's Office for application information.

In addition to the seven citizen-members, the Commissioner of Environmental Conservation is an ex-officio member, and the Commissioner of Natural Resources is the executive secretary and provides staff to the Board.

### ***Public participation***

All Board meetings are open to the public and the public is invited to attend. An evening is set aside for a public comment session specifically to allow members of the public, industry, interest groups, or agencies to discuss water resources matters of concern with the Board.

### ***Board Meetings***

The Board is required by AS 46.15.220 to hold at least two meetings a year, with one of the meetings held in Juneau. The Board holds the Juneau meeting each spring when it reviews pending water resources legislation and meets with legislative committees and the Governor. The Board also holds a fall meeting in another part of the state to discuss regional water issues and to allow residents an opportunity to voice their water resources concerns to the Board. Board meetings generally last two to three days. On occasion, the Board holds interim meetings, which may be by teleconference.

The Board covers a wide range of topics at its meetings. In general, a presentation on a topic is given by an agency, industry, interest group representative, or member of the public, followed by a discussion of the topic by the Board members. At the conclusion of meetings the Board adopts resolutions recommending a course of action to the Governor. The Board may also send a resolution or letter to a state agency, the legislature, or the congressional delegation, or informally discuss problems with agency representatives.

***Due to budget cuts, the Board has been inactive since 1994. For more information, contact one of the following:***

**Division of Mining, Land & Water  
Water Resources Section**  
550 West 7<sup>th</sup> Avenue, Suite 900A  
Anchorage, AK 99501-3577  
907-269-8600  
Fax: 269-8974

**Office of the Governor  
Director of Boards & Commissions**  
PO Box 110001  
Juneau, AK 99811-0101  
907-465-3934  
Fax: 465-3532