

MEMORANDUM

State of Alaska


DEPT. OF NATURAL RESOURCES, DIV. OF LAND & WATER MGMT., SOUTHCENTRAL REGION

TO: LAS 2569

DATE: November 19, 1985

FILE NO:

TELEPHONE NO: 762-2270

FROM: Gary J. Prokosch 
Regional Water Officer

SUBJECT: Finding of Facts

FINDING OF FACT AND CONCLUSION OF LAW
Application for Preferred Use--LAS 2564
AS 46.15.150

With regard to an application for granting of a preferred use water right for public supply submitted by the Municipality of Anchorage, Water and Wastewater Utility (AWWU)--Eklutna Water Project (EWP) the application has been reviewed in accordance with 11 AAC 93.230 through 11 AAC 93.260.

GENERAL INFORMATION

1. An Application for Preferred Use Status for Public Water Supply was filed with the Division of Land and Water Management on January 16, 1985 by AWWU.
2. AWWU proposed to divert a portion of Eklutna Lake water in the amount of 41 million gallons per day for public water supply.
3. Alaska Power Authority (APA) maintains existing water rights to 230,521 acre feet of storage with a maximum diversion rate of 660 cubic feet per second under Certificate of Appropriation, ADL 44944.

REGULATION REQUIREMENTS

11 AAC 93.230:

It has been determined by the Division of Geological and Geophysical Surveys that APA has all available water appropriated under ADL 44944 and the additional appropriation of 41,000,000 gpd would cause depletion and eventual emptying of the reservoir. (DGGG memo dated April 19, 1984).

11 AAC 93.240:

- (1) The use of water from the Eklutna Lake is to be used by the Municipality of Anchorage, Water and Wastewater Utility for a public water supply in accordance with AS 42.05.701(2)(A) and AS 42.05.701(5). These references have been charge to AS 42.05.720(3)(A) and AS 42.05.720(4)(C)
- (2) The available water is inadequate to supply water for power production at current levels and public water supply. See DGGG memo dated April 19, 1984.

- (3) The Alaska Power Authority (APA) is the only prior water rights holder that would be affected by the appropriation of water for public water supply under the preferred use statutes. APA's loss has been or will be compensated by the agreement drawn up between APA and the Municipality of Anchorage dated February 17, 1984. In addition, the federal legislation granting the hydro project dated July 31, 1950 was amended to grant the appropriation of water for the purposes of public water supply in accordance with the same compensation agreement.

11AAC 93.250: N/A

11 AAC 93.260

- (a)(1): Notice of the proposed appropriation was published on October 23, 1985 in accordance with 11 AAC 93.080.
- (a)(2) Compensation agreement between the Municipality of Anchorage and the Alaska Power Authority was signed on February 17, 1984.

11 AAC 93.260(b) N/A

It is the Finding and Conclusion that all requirements have been met to grant preferred use status for a public water supply to the Municipality of Anchorage, Water and Wastewater Utility. This preferred use status will be granted if the Municipality meets all other requirements under AS 46.15.080 and the preferred use status would be granted for only that water appropriated from the Eklutna Reservoir.