

The next step in developing a hatchery program after water quantity and quality studies and before applying for a hatchery permit is securing water rights.

Below is some of the basic information from the Dept of Natural Resources website about water rights.

What are water rights?

A water right is a legal right to use surface or groundwater under the Alaska Water Use Act (AS 46.15). A water right allows a specific amount of water from a specific water source to be diverted, impounded, or withdrawn for a specific use. When a water right is granted, it becomes appurtenant to the land where the water is being used for as long as the water is used. If the land is sold, the water right transfers with the land to the new owner, unless the Department of Natural Resources (DNR) approves its separation from the land. In Alaska, because water wherever it naturally occurs is a common property resource, landowners do not have automatic rights to groundwater or surface water. For example, if a farmer has a creek running through his property, he will need a water right to authorize his use of a significant amount of water. Using water without a permit or certificate does not give the user a legal right to use the water.

How do I obtain a water right?

To obtain water rights in Alaska, you need to submit an application for water rights to the DNR office in the area of the water use. After your application is processed, you may be issued a permit to drill a well or divert the water. Once you have established the full amount of water that you use beneficially and have complied with all of the permit conditions, a certificate of appropriation may be issued. This is the legal document that establishes water rights.

Download a [Water Right Application Form \(PDF\) \(7/13/2018\)](#).

- **Instream Flow:** A certificate is required for maintaining a specific flow in a portion of stream or water level in a lake. An instream flow reservation can be made to protect fish and wildlife habitat, migration, and propagation; recreation and park purposes; navigation and transportation purposes; and sanitary and water quality purposes. An application form and the fee prescribed by 11 AAC 05.010(a)(8) should be filed with the Department of Natural Resources.

Download an [Application for a Reservation of Water Form \(PDF\) \(7/9/2018\)](#).

To apply for a water right the following two authorizations would be necessary either as part of a lease or as separate authorization that would allow YRAA to start the permit process. If a water right isn't used after five years it is generally withdrawn by DNR or could be requested to be withdrawn.

2. Attach a copy of an executed deed, lease agreement, or other possessory interest document for property where water will be used (applicant must own, lease, or obtain written authorization to use water on property).
3. Attach copy of legal access document (i.e. right-of-way, easement, permit) or application for legal access to water withdrawal point and transport route, if applicable, or copy of request or application for legal access to water withdrawal point.