



STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

Division of Mining, Land and Water

The Department of Natural Resources, Division of Mining, Land and Water (DMLW), is responsible for managing state land and resources in Alaska. The establishment of personal use water lines on state land requires a permit from DMLW. The division has created an over the counter (OTC) permit in order to streamline the permitting process for personal use water lines that meet specific parameters. All OTC permits for personal use water lines will be issued up to 10 calendar years and require an application fee of \$240.00 and an annual payment of \$240.00 due by April 1st of every calendar year that the permit is authorized.

Please visit our website at: <https://dnr.alaska.gov/mlw/forms> for forms and other information.

OTC Personal Use Waterline Permits:

- Piping must have an inner diameter that is 6 inches or less.
- Total length on state land cannot exceed 1000 linear feet of piping.
- Allow above ground plastic, easily removable storage tanks that are less than 350 gallons and include a protective screen or cover over the tank.
- Are limited to non-metal plastic polypipe or hose only.
- Can be buried if only hand tools are used in accordance with 11 AAC 96.020.
- Can only be gravity fed.
- Prohibit the use of water pumps on state land.
- Cannot hinder access to state land.
- PUWL installation and operation must be conducted in a manner that minimizes disturbances or change of character to land, water, and fish and wildlife resources.
- Prohibit hydroelectric or electric type power in this OTC process.
- Do not require bonding.
- Require an application fee of \$240.00 and an annual fee of \$240.00.
- Must be located on DNR land.

A Complete OTC Personal Use Waterline Permit includes the following:

- Completed and signed OTC Personal Use Waterline application form; available at: <http://dnr.alaska.gov/mlw/forms> or request a hard copy (contact below)
- Non-refundable filing fee of \$240.00 per 11 AAC 05.180(d)(1)(C)
- Annual use fee of \$240.00 per 11 AAC 05.180(d)(2)(E)
- The completed application form, filing fee, and annual permit fee should be returned to the applicable office listed below either by mail, fax or email. Checks or money orders should be made payable to the State of Alaska. Alternatively, you may call and make payment over the phone with the DNR Public Information Center once your application has been received by this office. Please note that an OTC Personal Use Waterline Permit is not valid until signed by an authorized DMLW representative.

FOR ADDITIONAL INFORMATION, CONTACT THE DEPARTMENT OF NATURAL RESOURCES

Northern Regional Land Office
3700 Airport Way
Fairbanks, AK 99709-4699
(907) 451-2740
nro.lands@alaska.gov

Southcentral Regional Land Office
550 West 7th Ave, Suite 900C
Anchorage, AK 99501-3577
(907) 269-8552
dnr.scro.permitting@alaska.gov

Southeast Regional Land Office
P. O. Box 111020
Juneau, AK 99811-1020
(907) 465-3400
sero@alaska.gov

Statewide TTY – 771 for Alaska Relay or 1-800-770-8973

STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES
Division of Mining, Land and Water

PERSONAL USE WATER LINE PERMIT
Under AS 38.05.850

For Department Use Only
Application received date stamp

LAS # _____
(Applicant please provide if known)

This permit is issued for the purpose of authorizing the use of personal use water lines on state-owned land managed by the Division of Mining, Land and Water.

Receipt Type: 7A Application
 7E Annual Fee

Section #1: Permittee Information

Name of Applicant: _____
Business Name: _____ Alaska Business License #: _____
Main Contact (if not listed above): _____
Address: _____
City/State/Zip: _____
Telephone Number: _____ Email: _____
Fax Number: _____ Date of Birth: _____

Section #2: Permitted Activity and Permit Term

Check all that apply regarding your personal use water line:

- Consumptive use of more than 5,000 gallons of water from a single source in a single day.
- Consumptive use of more than 500 gallons per day from a single source for more than 10 days per calendar year.
- Non-consumptive use of more than 30,000 gallons per day (0.05 cubic feet per second) from a single source.

*NOTE: If your personal use water line meets any of the criteria above, you may need to apply for a water right or temporary water use authorization per 11 AAC 93.035 and 11 AAC 93.220. Please contact the Department of Natural Resources Water Section at (907) 269-7495 or dnr.twua@alaska.gov for more information.

WATERLINE INTAKE LOCATION (COORDINATES): _____

WATERLINE TERMINUS AT PRIVATE PROPERTY LOCATION (COORDINATES): _____

PERMIT TERM BEGINNING (YEAR): _____ ENDING: _____

This permit authorizes the installation and use of a personal use water line over State land. This permit conveys no interest in state land and is revocable with or without cause. No preference right for use or conveyance of state land is granted or implied by the issuance of this permit. This permit is not transferable and cannot be assigned, subleased, or rented. This permit is subject to annual land use fees in the amount of \$240.00 due on or before April 1 of each year authorized under this permit. **By signing this form, the permittee agrees to conduct the activity in accordance with the stipulations below.**

Signature of Permittee Title Date

This form must be filled out completely and submitted with the applicable fees. Failure to do so will result in a delay in processing your permit. In submitting this form, the applicant certifies that he or she has not changed the original text of the form or any attached documents provided by the Division.

AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120, unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, or qualifies for confidentiality AS 43.05.230, AS 45.48, or other state or federal laws. Public information is open to inspection by you or any member of the public. A person who is the subject of the personal information may challenge its accuracy or completeness under AS 40.25.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant agrees with the Department to use “electronic” means to conduct “transactions” (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the Department may retain this record as an electronic record and destroy the original.

A non-refundable filing fee may be required to complete application submittal: See current Director’s Fee Order for applicable fees.

For Office Use Only	
Permit Fees and Issuance	
The Department will charge/has received a permit application filing fee of \$_____.	
Plus, the first annual permit fee of \$_____, which is due annually on the anniversary of the start date on permit.	
See current Director’s Fee Order for applicable fees.	
_____ Signature of Authorized State Representative	_____ Date of Issuance

Permit Stipulations:

- 1) **Authorized Officer:** The Authorized Officer (AO) for the State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), is the Regional Manager or designee. The AO reserves the right to modify these stipulations or use additional stipulations as deemed necessary.
- 2) **Change of Contact Information:** The Permittee shall maintain current contact information with the AO. Any change of contact information must be submitted in writing to the AO.
- 3) **Valid Existing Rights:** This authorization is subject to all valid existing rights and reservations in and to the authorized area. The State makes no representations or warranties, whatsoever, either expressed or implied, as to the existence, number, or nature of such valid existing rights.
- 4) **Reservation of Rights:** The division reserves the right to grant additional authorizations to third parties for compatible uses on or adjacent to the land covered under this authorization. Authorized concurrent users of state land; their agents, employees, contractors, subcontractors and licensees shall not interfere with the operation or maintenance activities of each user.
- 5) **Preference Right:** No preference right for subsequent authorizations is granted or implied by this authorization.
- 6) **Revocability:** This permit is revocable at will. Any violation of the terms and conditions of this permit is cause for termination.
- 7) **Permit Term:** The term of this authorization is valid for up to 10 years.
- 8) **Unauthorized Use:** This authorization is revocable immediately upon violation of any of its terms, conditions, and stipulations or upon failure to comply with any applicable laws, statutes and regulations (local, state and federal). This permit is issued for a specific use identified above. Use of the permitted area for purposes other than those specified constitutes a breach of this permit and may result in revocation.
- 9) **Compliance:** Failure to comply or meet the terms and conditions of this permit could impede the ability to obtain subsequent authorizations from the Division of Mining, Land & Water.
- 10) **Compliance with Government Requirements:** The Permittee shall, at its expense, comply with all federal, state, and local laws, regulations, and ordinances directly or indirectly related to this authorization. The Permittee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees. The Permittee shall also observe all federal, state and local laws and regulations applicable to the permitted area, including regulations for the protection of fish and wildlife. The Permittee is responsible for the accurate installation and use of the authorized water line under the terms of this permit.
- 11) **Inspections:** The AO shall have reasonable access to the authorized area for inspection, which may be conducted without prior notice. If the Permittee is found to be in noncompliance the authorized area may be subject to reinspection. The Permittee may be charged for actual expenses of any inspection.
- 12) **Request for Information:** The AO, at any time, may require the Permittee to provide any information directly or indirectly related to this authorization, in a manner prescribed by the AO.
- 13) **Public Access:** The construction, operation, use, and maintenance of the authorized area shall not interfere with public use of roads, trails, waters, landing areas, and public access easements. The ability to use or access state land or public waters may not be restricted in any manner.
- 14) **Public Trust Doctrine:** The Public Trust Doctrine guarantees public access to, and the public right to use, navigable and public waters and the land beneath them for navigation, commerce, fishing, and other purposes. This authorization is subject to the principles of the Public Trust Doctrine regarding navigable or public waters. The AO reserves the right to grant other interests consistent with the Public Trust Doctrine.

- 15) **Alaska Historic Preservation Act:** The Alaska Historic Preservation Act, AS 41.35.200, prohibits the appropriation, excavation, removal, injury, or destruction of any state-owned historic, prehistoric, or archaeological site without written approval from the DNR Commissioner. Should any sites be discovered, the Permittee shall cease any activities that may cause damage and immediately contact the AO and the Office of History and Archaeology in the Division of Parks and Recreation.
- 16) **Site Disturbance:** Site disturbance shall be kept to a minimum amount of ground necessary to protect local habitats. All activities shall be conducted in a manner that will minimize the disturbance of soil and vegetation and changes in the character of natural drainage systems. Particular attention must be paid to prevent pollution and siltation of streams, lakes, ponds, seeps and marshes, and to prevent disturbances to fish and wildlife populations and habitats.
- 17) **Waiver of Forbearance:** Any failure on the part of the AO to enforce the terms of this authorization, or the waiver of any right under this authorization by the Permittee, unless in writing, shall not discharge or invalidate the authorization of such terms. No forbearance or written waiver affects the right of the AO to enforce any terms in the event of any subsequent violations of terms of this authorization.
- 18) **Severability Clause:** If any clause or provision of this authorization is, in a final judicial proceeding, determined illegal, invalid, or unenforceable under present or future laws, then the AO and the Permittee agree that the remainder of this authorization will not be affected, and in lieu of each clause or provision of this authorization that is illegal, invalid, or unenforceable, there will be added as a part of this authorization a clause or provision as similar in terms to the illegal, invalid, or unenforceable clause or provision as may be possible, legal, valid, and enforceable.
- 19) **Notification of Discharge:** The Permittee shall immediately notify the Department of Environmental Conservation (ADEC) and AO by phone of any unauthorized discharge of oil to water, any discharge of hazardous substances (other than oil), and any discharge of oil greater than 55 gallons on land. All fires and explosions must also be reported immediately.

If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the Permittee shall report the discharge within 48 hours. Any discharge of oil greater than one gallon up to 10 gallons, including a cumulative discharge, solely to land, must be reported in writing on a monthly basis.

Notification of discharge during normal business hours must be made to the nearest ADEC Area Response Team: Anchorage (907) 269-3063, fax (907) 269-7648; Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-5245. For discharges in state off shore waters call (907) 269-0667. The ADEC oil spill report number outside normal business hours is (800) 478-9300.

Notification of discharge must be made to the appropriate DNR Office, preferably by email: Anchorage email dnr.scro.spill@alaska.gov, (907) 269-8528; Fairbanks email dnr.nro.spill@alaska.gov, (907) 451-2739; Juneau email sero@alaska.gov, (907) 465-3513. The Permittee shall supply the AO with all incident reports submitted to ADEC.

- 20) **Waste Disposal:** On-site refuse disposal is prohibited, unless specifically authorized. All waste generated during operation, maintenance, and termination activities under this authorization shall be removed and disposed of at an off-site DEC approved disposal facility. Waste, in this paragraph, means all discarded matter, including but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and discarded equipment.
- 21) **Fire Prevention, Protection and Liability:** The Permittee shall take all reasonable precautions to prevent and suppress forest, structure, brush and grass fires, and shall assume full liability for any damage to state land and structures resulting from the negligent use of fire. The State is not liable for damage to the Permittee's personal property and is not responsible for forest fire protection of the Permittee's activity. To report a wildfire, call 911 or 1-800-237-3633.
- 22) **Destruction of Markers:** The Permittee shall protect all survey monuments, witness corners, reference monuments, mining claim posts, bearing trees, and unsurveyed corner posts against damage, destruction, or obliteration. The

Permittee shall notify the AO of any damaged, destroyed, or obliterated markers and shall reestablish the markers at the Permittee's expense in accordance with accepted survey practices of the DMLW.

- 23) **Site Maintenance:** The authorized area shall be maintained in a neat, clean, and safe condition, free of any solid waste, debris, or litter, except as specifically authorized herein.
- 24) **Maintenance of Improvements:** The AO is not responsible for maintenance of authorized improvements or liable for injuries or damages related to those improvements. No action or inaction of the AO is to be construed as assumption of responsibility.
- 25) **Installation restrictions:** At no time may any utility of any kind or catchment system conduit pass through a drainage system culvert nor may a utility impede the cleaning or dressing of ditch lines or other maintenance and operations. In addition, they may not be attached to bridges, overpasses, or other Department of Transportation & Public Facilities authorized installations.
- 26) **Waterline Maintenance:** Check valves or backflow preventers must be installed to reduce risk of contamination of the water source.
- 27) **Drinking Water Contaminants:** If this water will be used for drinking, please visit the following Department of Environmental Conservation websites with information for private water systems that include potential contaminants to be aware of in surface waters and treatment recommendations:
 - a) <https://dec.alaska.gov/eh/dw/dwp/private-wells/>
 - b) <https://dec.alaska.gov/media/8481/private-water-systems-bmp.pdf>
 - c) <https://dec.alaska.gov/media/8492/brochures-whats-in-water-microorganisms-2014-07-07.pdf>
 - d) <https://dec.alaska.gov/media/8486/brochures-personal-emergency-water-supply-9-10-14.pdf>
- 28) **Timber Use:** Only dead and down timber may be moved. Brush clearing is allowed but must be kept to the minimum necessary.
- 29) **Operation of Vehicles:** Vehicles shall be operated without disturbing the vegetative mat and underlying substrate. The permittee must obtain a permit from the Division of Mining, Land and Water for any off-road vehicular travel with the exception of generally authorized vehicles.
- 30) **Amendment or Modification:** The Permittee may request an amendment or modification of this authorization; the Permittee's request must be in writing. Any amendment or modification must be approved by the AO in advance, and may require additional fees and changes to the terms of this authorization.
- 31) **Assignment:** This permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party. It is issued to authorize specific activities requested by the permittee that are not included in the category of "generally permitted (allowed) uses." (11 AAC 96.010-.020.)
- 32) **Other Authorizations:** This permit does not eliminate the need to obtain other necessary authorizations from federal, state and local agencies and affected private entities.
- 33) **Proper Location:** This authorization is for activities on state lands or interests managed by DMLW. It does not authorize any activities on private, federal, native, and municipal lands, or lands which are owned or solely managed by other offices and agencies of the State. The Permittee is responsible for proper location within the authorized area.
- 34) **Indemnification:** Permittee assumes all responsibility, risk and liability for all activities of the permittee, its employees, agents, guests, contractors, subcontractors or licensees directly or indirectly conducted in conjunction with this permit, including environmental and hazardous substance risks and liabilities, whether occurring during or after the term of this permit. Permittee shall defend, indemnify and hold harmless the State of Alaska, its employees and agents from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind of nature including all attorney fees and litigation costs, arising out of, in connection with or incident to any act or omission by permittee, its employees, agents, guests, contractors, subcontractors or licensees unless the sole

proximate cause of the injury or damage is the negligence or willful misconduct of the State or anyone acting on the States behalf. Within 15 days, Permittee shall accept any such cause action or proceeding upon tender by the state. This indemnification shall survive the expiration or termination of this permit.

- 35) **Permit Expiration/Termination:** On or before permit expiration or termination of this authorization, all improvements and other chattels shall be removed from the site in accordance with the standards determined by the authorized officer and the site shall be restored to a clean safe condition. Upon termination, the Permittee must vacate the site and the Permittee's use and occupancy of the previously permitted site must cease.
- 36) **Removal of Personal Property:** All personal property (e.g. storage tanks, piping, etc.), must be removed from state-owned land on or before the end of each authorized term of use, or on or before permit termination.
- 37) **Fees:** See current Director's Fee Order for applicable fees. The non-receipt of a courtesy billing notice does not relieve the permittee from the responsibility of paying fees on or before the due date.
- a) **Permit Fees:** This permit is subject to an annual use fee of **\$240.00** due on or before the annual anniversary of the effective date of this permit without the necessity of any notices by the Department/Division. The annual land use fee is subject to adjustments in the fee schedule as set forth in 11 AAC 05.180.
1. **Penalty Charges:** The permittee shall pay a fee for any late payment or returned check issued by the permittee as follows:
 2. **Late Payment Penalty:** The Permittee shall pay a fee for any late payment. The amount is the greater of either \$50.00 or interest accrued daily at the rate of 10.5% per annum and will be assessed on each past-due payment until paid in full.
 3. **Returned Check Penalty:** A returned check penalty of \$50.00 will be charged for any check on which the bank refuses payment. Late payment penalties shall continue to accrue.
 4. **Failure to Pay:** Failure to pay annual fees when due is a default of the terms and conditions of this permit. Failure to cure such a default within the 60-day period following the receipt of a "Notice of Default" will result in permit termination. **Advisory: To avoid being responsible for additional land use fees, any permittee planning to terminate a permit must do so prior to the date on which the annual land use fee is due.**
- 38) **Incurred Expenses:** The AO shall in no way be held liable for expenses incurred by the Permittee connected with the activities directly or indirectly related to this authorization.
- 39) **Violations:** A violation of this authorization is subject to any action available to the State for enforcement and remedies, including revocation of the permit, civil action for forcible entry and detainer, ejectment, trespass, damages, and associated costs, or arrest and prosecution for criminal trespass in the second degree. The State may seek damages available under a civil action, including restoration damages, compensatory damages, and treble damages under AS 09.45.730 or 09.45.735 for violations involving injuring or removing trees or shrubs, gathering geotechnical data, or taking mineral resources.

Advisory Regarding Violations of the Permit Guidelines: Pursuant to 11 AAC 96.145, a person who violates a provision of a permit issued under this chapter (11 AAC 96) is subject to any action available to the department for enforcement and remedies, including revocation of the permit, civil action for forcible entry and detainer, ejectment, trespass, damages, and associated costs, or arrest and prosecution for criminal trespass in the second degree. The department may seek damages available under a civil action, including restoration damages, compensatory damages, and treble damages under AS 09.45.730 or 09.45.735 for violations involving injuring or removing trees or shrubs, gathering geotechnical data, or taking mineral resources.

If a person responsible for an unremedied violation of 11 AAC 96 or a provision of a permit issued under this chapter (11 AAC 96) applies for a new authorization from the department under AS 38.05.035 or 38.05.850, the department may require the applicant to remedy the violation as a condition of the new authorization, or to begin remediation and provide security under 11 AAC 96.060 to complete the remediation before receiving the new authorization. If a person who applies for a new authorization under AS 38.05.035 or 38.05.850 has previously been responsible for a

violation of this chapter or a provision of a permit issued under this chapter, whether remedied or unremedied, that resulted in substantial damage to the environment or to the public, the department will consider that violation in determining the amount of the security to be furnished under 11 AAC 96.060 and may require the applicant to furnish three times the security that would otherwise be required.

The Regional Manager reserves the right to modify the stipulations attached and made a part of this permit or attach additional stipulations when deemed necessary. The permittee will be advised before any such modifications or additions are finalized. Any correspondence on this permit may be directed to the appropriate regional land office.

The Authorized Officer reserves the right to modify these stipulations or use additional stipulations as deemed necessary. The Permittee will be advised before any such modifications or additions are finalized. DNR has the authority to implement and enforce these conditions under AS 38.05.850. Any correspondence on this permit may be directed to the applicable Regional Lands Office.